RUSKIN in the "Two Paths" says—"In one of the loneliest districts of Scotland, where the peat cottages are darkest, just at the western foot of that great mass of the Grampians which encircles the sources of the Spey and the Dee, the main road which traverses the chain winds round the foot of a broken rock called Crag, or Craig Ellachie. There is nothing remarkable in either its height or form; it is darkened with a few scattered pines, and touched along its summit with a flush of heather; but it constitutes a kind of head-land or leading promontory, in the group of hills to which it belongs—a sort of initial letter of the mountains; and thus stands in the mind of the inhabitants of the district, the Clan Grant, for a type of their country, and of the influence of that country, upon themselves. Their sense of this is beautifully indicated in the war-cry of the clan, 'Stand fast, Craig Ellachie.' You may think long over those few words without exhausting the deep wells of feeling and thought, contained in them—the love of the native land, the assurance of their faithfulness to it; the subdued and gentle assertion of indomitable courage—'I may need to be told to stand, but, if I do, Craig Ellachie does.' You could not but have felt, had
you passed beneath it at the time* when so many of England’s dearest children were being defended by the strength of heart of men born at its foot, how often among the delicate Indian palaces whose marble was pallid with horror, and whose vermilion was darkened with blood, the remembrance of its rough gray rocks and purple heaths must have risen before the sight of the Highland soldier; how often the hailing of the shot and the shriek of battle would pass away from his hearing, and leave only the whisper of the old pine branches, ‘Stand fast, Craig Ellachie!’

In the new statistical account of Scotland, Vol. XIII, there is a short description of the “Bridge of Craig Ellachie,” which was erected in 1819—“The appearance of the bridge, along with the majestic perpendicular rock frowning over its western approach, is very grand and imposing, adding greatly to the effect of the surrounding beautiful and picturesque scenery. It is frequently visited by strangers as an object of scenery.” The Grants who came to Calcutta were connected with the Grants of Rothiemarchus, of which the sole proprietor was Sir J. P. Grant, late Judge of the Supreme Court of Calcutta. The Parochial Register shows entries for baptisms and marriages up to 1774. “The Castle of Loch—an Eclean, is the only antiquity in the parish.”

Colesworthy Grant came to Calcutta at the age of nineteen. His father was Scotch and mother Welsh. The first profession of the father was the making of mathematical instruments, which evidently did not suit him. The transition was from the grave to the gay. Instead of the mathematical instruments, he thought of the stage where he called forth his histrionic powers and succeeded as a comedian and a teacher of elocution. His eldest son George Grant, who had been settled in Calcutta as a clock and watch-maker and a seller of mathematical instruments before Colesworthy’s arrival, possessed great mimic powers which he showed in conversation with friends. He was versed in elocution which he gratuitously taught to the students of the Hindu College. George was of a very unpretending and unobtrusive character. It happened that he was a fellow-passenger on board a ship with Sir Edward Ryan, Chief Justice of the Supreme Court. George used to come on the deck after all other passengers had gone down. Sir Edward was a keen observer of human nature. Wishing much to make George’s acquaintance, he purposely stayed in the cabin till he ascertained that George was on the deck. Having done so, Sir Edward came up to George and made his acquaintance. When George was settled in Calcutta near the Tank Square as a watch and clock-maker, Sir Edward used to see him whenever he required his services, and it is believed that he recommended
his friends to him. Sir John Grant, another Judge of the Supreme Court, called on George shortly after Sir Edward's first visit and said—"Mr. Grant, I find we are kinsmen," to which George respectfully nodded.

Colesworthy after his school-education began life as a clerk, but his fondness of the ideal gradually developed his aesthetic powers. Thinking of his brother George, who in thought, feeling, taste and love of the infinite was harmonious with him, he left his native country, and keeping a diary of his voyage, he arrived in this city in 1832. With his brother George he lived in Creek Row. He used to take hard exercise, a long walk in the morning and gymnastics at home. He had not only dumbbells (mudgurs) but lazam, which he moved to strengthen his hands, muscles and chest. By an accidental fall he injured his spinal bone and he therefore could not walk in an erect position.

Whenever I had leisure, I used to see George Grant. While working with his hand, he talked with me on the Divine goodness, and I felt that there was more eloquence in his soul than in his tongue. Whenever we had conversation on religion, I came away edified, as I was delighted with his catholic and spiritual views. Colesworthy like George looked up to the spiritual life as the be-all and end-all of our being. We will show that Colesworthy devoted his life to being "born again," as Christ says.
Prospering in his business, George married an Eurasian lady while Colesworthy made up his mind to continue a contented bachelor. In 1838, he began to contribute to the *India Review*, conducted by Dr. F. Corby, who was an excellent gentleman and an intimate friend of the Grants; and to the *Calcutta Monthly Journal*, conducted by Samuel Smith & Co., the lithographed sketches of the public characters of Calcutta. He also issued the "Oriental Heads," portraits of different classes of natives, to extend the knowledge of Indian Ethnology. The lithographs of the public characters were so striking and full of life, that Colesworthy's reputation was established, and he was sought for by private individuals to take their water-color likenesses. Among them I remember having seen the likeness of W. H. Smout, which was excellent. We will give a list of the public sketches of the public characters of Calcutta from 1838 to 1850, and these sketches amount to 169. He also published a large number of "Oriental Heads" of all classes, amounting to 78.

The *India Review* (June 1834) noticing Grant's sketches of Oriental Heads says—"We have watched Mr. Grant's progressive but successful use, until we are enabled, without the least exaggeration, to congratulate him as being the first self-taught artist, who is laying the foundation of the fine arts in India."

After the appearance of the second number, the *India Review* says—"We congratulate Mr. Grant
on his extraordinary success and progressive improvement."

While Colesworthy was busy with his pencil, he found that his pen could not be kept inactive. As a sort of relief he began a descriptive life of an Anglo-Indian in Calcutta, in the form of letters to his mother, which was so much liked by friends, that it afterwards was elaborated and assumed the name of the "Ango-Indian Domestic Sketches," containing one hundred and fifty illustrations on stone by Grant himself. I remember having replied to several queries having reference to this country, which were made while the work was being written. The sale of the work was so rapid that it passed through a second edition.

The idea of establishing a Mechanics Institution in Calcutta originated with the late Revd. T. Boaz and Dr. F. Corbyn. A few friends met at the house of Mr. Wale Byrne of the Parental Academy, and a prospectus was drawn up by Mr. George Grant. On the 26th February 1839, a public meeting was held at the Town Hall, at which Sir John Peter Grant, Judge of the Supreme Court, who presided, spoke as follows—"Most of those who were present had no doubt read the prospectus of the Society, which, although brief, was clear and properly explained the nature and objects of the Institution. It was not therefore necessary for him to say much on the subject; he would however make a few observations which occurred to him as appropriate to
the occasion. He then adverted to the advantages that had been derived in other countries, from institutions similar to that which was about to be established here, and he looked for the same results in this country. There was, however, some difference between institutions of this kind in Europe and that which would be established here. Society in Europe was far advanced in civilization, whilst the people in India were just beginning to receive the dawn of knowledge. Institutions like those in Europe, were intended chiefly to direct the attention of the great body of men, employed in mechanical occupations, to the advantages of science. Those people require to have their attention diverted from the pursuit of sensual gratifications to those of a mental character, as a relaxation from their usual employments and an intellectual enjoyment. They require such institutions to win them from improper habits, to give to them a character of sobriety and morality, and to open to all the vast treasures of knowledge. The case in this country was different. Here we had not many who were employed in mechanical works. The young students were generally of opinion that mechanical pursuits are beneath their notice. One of the objects of this Institution would be to remove such an erroneous impression from their minds, by shewing to them, dressed in all the charms of science, the beauties of mechanical occupations. People talk much of the inveterate prejudices of the natives, through which they are
said to be averse to the acquirement of useful knowledge; to prove the falsity of this notion, we need but look at the Medical College, both here and at Bombay, where he had witnessed the relinquishment of prejudices among the natives that at once set at naught any reflection against them on that score. Here, at the Medical College, dissection is now performed by the native students without the slightest aversion. These circumstances were sufficient to set at defiance the notion he had adverted to. Education is rapidly advancing in this country, and every step of advancement gives a blow to prejudice. (Loud cheers.)

"We have met here this evening to form an institution which is to teach useful knowledge to the people of India—to show to them that the arts by which the commonest comforts of life are secured, are connected with the sublimest sciences—that thought and observation were necessary to secure success in the prosecution of these arts and to give to the people habits of reflection and reasoning. Some time ago he had the happiness of being connected with the Hindu College, where he had occasion to deliver several lectures on the institutes of Hindu law, and to point out to them that those institutes were grounded on the great principles of moral justice which formed the basis of every civil institution. He had there seen young men, who listened with great interest and attention to his observations, and who readily understood the most abstruse points
he proposed for their consideration. From the experience of native character he had acquired there, he could boldly affirm, that if these young men had commenced their education at the period when education is commenced in England, that if they had continued to prosecute their studies to the age usually devoted in that country to education, and if they had been free from those disadvantages which necessarily arise out of a constant intercourse with their unenlightened countrymen, he was sure these young men would not have disgraced any institution of learning in Europe.

"But everybody cannot be a lawyer, everybody cannot be a Judge (laughter), everybody cannot be a Munsiff or Sudder Ameen; yet lawyers and Judges and Munsiffs must be permitted to enjoy the comforts of life. There must therefore be people who contribute to these comforts. We must have mechanics, ship-builders, and house-builders; we must have tailors and shoe-makers; there must be men in every society who follow occupations which afford the comforts of life. Now there is nothing in these occupations which ought to deter young men from engaging in them. It is necessary that we have good shoes as well as good ships; and he was certain that if it were properly explained to them, that it was creditable to make the best shoe as well as the best ship, they would all consent to follow the occupations he alluded to, some one, some another. He wished to impress on them, that nothing on
which the mind could be employed in a useful way, was unworthy of the mind; and to tell them that the greatest men in Europe had devoted their attention to those arts by which the comforts of life are secured. At present great openings are making in India for all the useful arts in which the natives of the country would find employment, and by which they would earn an honest livelihood, and he hoped that they would not fail to secure the advantages which the progress of improvement and the change of circumstances brought within their reach. At all events, he was certain they would not be wanting in gratitude to those individuals who have had the merit of originating this Institution which was intended to place them in the way of deriving the advantages he adverted to."

The other speakers were Dr. Corbyn, Mr. Speede, the Revd. T. Boaz, Mr. Stocqueler, Dr. Spry, Mr. Crow, Mr. Sinaes, Mr. Twentyman, Mr. Pote, Lieutenant Kittoe, Mr. G. W. Johnson, Mr. Wale Byrne.

The Calcutta Mechanics Institution was established with Sir John Peter Grant as the President, and George and Colesworthy Grant as Joint Honorary Secretaries. A Committee of European and Native gentlemen was appointed. The rules and regulations of the Calcutta Mechanics Institution and School of Arts were passed. The object was the instruction in the principles of the arts and in the various branches of useful knowledge; and the means by which the
object was to be attained were, (1) a library of reference, a circulating library and reading rooms; (2) a museum of machines, models and natural history; (3) lectures on practical mathematics, mechanics, astronomy, chemistry, and the arts and sciences generally; (4) experimental workshop and laboratory.

If any Metropolitan Institution immediately after its birth produced a sensational effect on the Calcutta public, the Mechanics Institution did. As soon as the introductory lecture by Mr. G. W. Johnson was announced, the rush for tickets was so great that George Grant was unable to keep notes of his own work for some time. Not wishing to send incorrect bills for which no vouchers had been taken, he cheerfully made up his mind to make no charge at all by which he is said to have lost to the tune of Rupees three thousand.

After the introductory lecture the following lectures were given:—

Mr. Middleton on Astronomy, Mr. McLelland on Ichthyology, Captain Crane on Mechanics, Mr. Speede on Agriculture, Mr. Clint on Pneumatics, Mr. Anderson on Mathematics. Mr. Anderson also taught a class, and was succeeded by Mr. Montague.

The Institution had a name, but not a local habitation. The lectures were first delivered at the Town Hall, then at the Sans Souci (now the Auckland Hotel, in Old Court House Street). From the Sans Souci the Institution was removed to Mr. Voss'
premises in Tank Square, where Mr. Siddons delivered a series of instructive lectures on Physical Science and Natural Philosophy. The Institution was removed to another building opposite the Government House, with an Egyptian facade or Sarcophagus. Here Dr. Brett delivered two lectures on the Eye. He was followed by George Grant who gave a lecture on "Perspective and the Importance of the Arts of Design" introductory to the opening of a class in Drawing and Perspective by the lecturer's brother Colesworthy Grant. George Grant's lecture was listened to with profound attention. Mr. Cornelius Webb Smith of the Civil Service, member of the Board of Revenue, sat next to me. He was himself an artist, and remarked to me that "the lecture was most interesting." It afterwards attracted the notice of Lord Auckland, and was published in the India Review.

Dr. F. J. Mouat about this time arrived here and gave a lecture on the "Mind." He was followed by Dr. Nash on "Phrenology." We had then Captain Boileau's lectures "On Suspension Bridges." The audience now began to fall off, and at one of Captain Boileau's lectures there were only six persons present. Montague's class had ceased, and there were clear marks of inanimation and approaching decay. The friends of the Institution began to think how it could be revised. A galvanic effort was necessary, and therefore a Public Meeting was called at the Town Hall, at which George Thompson,
a distinguished orator, delivered an eloquent lecture. This meeting was attended by Dwarkanath Tagore, Prosonko Coomar Tagore, and other native gentlemen. Dwarkanath made a speech supporting George Thompson. This produced a spasmodic effect. Hope displaced despair, and the Committee felt sure of a revival. Mr. Siddons was again engaged to give a series of lectures. He was followed by Mr. Montague on Education, Mr. R. Smith on Paper and Cotton, Dr. Eveleigh on the Chemistry of Agriculture, Mr. Alwyn on Commerce, and Mr. Heatly on Heat. The interest in the Institution was however not kept up, and though the lectures given were of a varied nature, they failed to attract an audience. The discovery of the causes of failure now engaged the attention of the Committee. Mr. Heatly felt positive that there was a great deal in the name and local habitation. He differed with Shakespere who thought that what we call rose would smell as sweet if it were called by another name. Heatly proposed and carried that the name should be "Lyceum," and the place where lectures should be given must not be in the present building "mummy-like, showing Egyptian features," but in the Metcalfe Hall of Greek design. The Institution was transformed from a caterpillar to a butterfly. In the midst of the glitter of its variegated plumage appeared the announcement of the introductory lecture by Mr. Lyall, the Advocate-General, which excited a sensational interest and was largely and respectably attended. He was followed by
others. Although Heatly did his best to keep up the heat, much time did not elapse before the freezing point was reached, and nothing could prevent the depression of the pulse of the Institution. The charm of novelty had fled, and the Institution died, because the classes for whom it was established did not feel its want, or that such classes had not been formed.

We must show what Colesworthy Grant did for the Society. Soon after his brother George's lecture on Perspective, two drawing classes were opened under the gratuitous charge of Mr. Colesworthy Grant. They were taught two evenings in the week, viz., Wednesday, elementary drawing, Saturday, perspective. Mr. Colesworthy Grant on the 8th April 1841 published rules for the class in elementary drawing and perspective. The hours of instruction were from 6 till 7½ P.M.

At the Half-yearly General Meeting of the Institution, held on the 27th August 1841, Dr. Corbyn, in moving the following resolution—"That the thanks of this Meeting be tendered to Mr. Colesworthy Grant for his valuable gratuitous services for giving instruction to the drawing and perspective classes"—spoke as follows—"It was to Mr. Grant particularly that the prosperity of the Institution was largely due. We most emphatically assert that every member connected with the Mechanics Institution was under the deepest obligation to that gentleman. (Loud cheers.) Some of the happiest moments of his life had been passed within those
walls on evenings devoted to instruction in drawing. The science of drawing was perspective, and the explanation afforded by Mr. Grant to his pupils had always been productive of successful results, as evinced in the vast improvement to be already discovered in their performances. The large and regular attendance at this class was of itself sufficiently indicative of the great estimation in which Mr. Grant's labours were held."

Sir John Grant who presided at the above meeting, adverted in laudatory terms to the valuable services of Mr. Colesworthy Grant,—"That gentleman (said Sir John) was well deserving of the warmest acknowledgments of the Meeting. He had set a precedent in this country, which, he hoped, would be followed by other gentlemen of scientific attainments."

Colesworthy Grant's fame as an artist, spread far and wide. He illustrated by lithographed drawings Dr. Mouat's Atlas of Anatomy. From time to time he had executed commissions of the Government. In 1849, he accepted the office of Drawing Master to the Engineering College at Howrah, which ultimately led to his appointment as Professor of Drawing in the Civil Engineering Department of the Presidency College.

In 1846, Colesworthy took a trip to Rangoon. In 1863, he published an account of this trip, with numerous illustrations, affectionately inscribed to his brothers.
In the beginning of 1855, Lord Dalhousie sent an envoy to the King of Ava, whom Colesworthy Grant accompanied as an artist. Colonel Yule says—“The Burmese, however, took much interest in the pictures which Captain Tripe and Mr. Grant and the sketching members of the mission produced.” The King of Ava, in recognition of Grant’s artistic talent, presented him with a gold cup and a ruby ring.

The Indian Mutiny broke out in 1857-58. The *Durham Advertiser* was edited by Mr. J. G. Grant, a brother of Colesworthy Grant, who is well known as a gentleman of high literary attainments, and is the author of the novel entitled “Rufus” and “Madona Pia” and other poems. During the mutiny, Colesworthy Grant wrote for the *Durham Advertiser* as its Calcutta correspondent. These letters are in excellent English, graphic and accurate in details. On the origin of the mutiny Mr. Grant says—“No doubt, however, the origin of this revolt is better comprehended at home by this time. The fact is, the character of the mass of the people of this country has not been understood. It has been erroneously examined through an European medium. The uneducated Asiatic is characterized by two extremes,—that of simplicity and childishness in his ordinary and better moments, ‘tickled by a straw,’ and singing to his parrot for hours; and in his excited and worse mood, by that of cunning, treachery, and cruelty (to a degree, alas! we
did not know till now), the two former being the fruit of that great and primary want in his mental conformation—truth—and the last, of the want of the humanizing influences of education. Their impulses have all the simplicity and absence of reason of the child, and their passions, when aroused, all the uncurbed impetuosity of the corresponding age. No complicated arguments or surmises drove them to rebellion. Any foolish story or lie plausibly raised would excite, particularly when there were large promises of reward to encourage its reception. The real efforts to christianize them, missionary labors, contributions, and the like, they care not a straw for, nor for anything done openly. Their narrow, superstitious and credulous minds dread only some secret hobgoblin. They are like the Pacha in the "Tales"—truth is nothing—but a monstrous fabrication is received and swallowed with avidity. Hence the success of the scheme of those who understand their own countrymen." It is well known that Disraeli in his speech in Parliament pointed out luminously the causes of the mutiny, and among the causes, he named tampering with the religion of the natives and not showing sufficient respect to their religion was one. Grant quotes from the speeches of the members of the British Indian Association, composed, he says, of natives of "the highest standing and respectability," that the above was not one of the true causes.
After the termination of the mutiny, Colesworthy went to Malnath, where he wrote a work called "Rural Life in Bengal," excellently illustrated and affectionately inscribed to his sisters in England. This work contains a mass of information on a variety of subjects—descriptive, agricultural, commercial, judicial, social and educational. He shows a high soul in the expression of the following sentiment:—"The mission of the European to India was not to find a highly principled, educated and enlightened people, but to aid in making them so. It is not that by any immediate act of his, he can confer judgment or honesty or truthfulness, but by his own strict and consistent example of honorable and generous conduct and his superior intelligence, he will acquire and exercise that influence over the minds of the thousands around him, which, though it may not beget principle, at least discourages the abuse of it." Sympathizing with the condition of the lower orders of the people, he dwells on the training of their children, their early marriage and other social evils detrimental to their improvement.

Colesworthy lived always with his brother George. While living in Hare Street, he had a Persian cat, of which he was fond, but which unfortunately was worried to death by his neighbour's dogs. From accidental trifles sometimes "great events oft flow." On other minds the death of a cat might perhaps have made no impression. But Colesworthy lived more in
the world of spirit than in the world of sense. To him this event suggested thoughts which in time assumed a practical turn. In his silent moments he dwelt on this subject over and over. In his morning walks and drives he noticed from “the hideous wounds, galls, dislocations, and mutilations” that the cattle and horses were unmercifully used, and while they suffered, there was no one to plead for the alleviation of their suffering. It is true that the animals did not speak, but the feeling of pain was expressed by the contortions of the body. From 1849, Colesworthy began to ventilate the cruel treatment of the animals in this city. He identified himself with the suffering and comfort of the brute creation so much that his natural feeling of self-sacrifice became predominant, and he wrote in one of his letters—“If no better use, I would offer myself as a door-keeper or farash on the occasion, and would esteem it no reproach.” The history of reforms shows that they take their own time to ferment and attain crystallization. Although Colesworthy was earnest, sanguine, self-abnegating, yet he was long in discovering the atmosphere of congenial minds. He felt that single-handed he could not carry out the object. This was disappointing, but not to a mind “living and moving in God.” The cause was a righteous cause, and his spiritual vision told him that he must succeed. Thirteen years elapsed. There were scintillations of hope. A few sympathizing minds appeared. On the 4th October 1861,
the Society for the Prevention of Cruelty to Animals was formed.

The gentlemen who attended the Meeting, were—
The Venerable Archdeacon Pratt,

_ in the Chair._

The Revd. Dr. A. Duff.

" G. Storrow.
Macleod Wylie, Esq.
John Stevenson, Esq.
Dr. F. J. Mouat.
Major C. Herbert.
John Lawrie, Esq.
C. K. Dove, Esq.
J. B. Barry, Esq.
W. H. Thacker, Esq.
R. S. Moncrieff, Esq.
J. Galloway, Esq.
J. S. Robertson, Esq.
Baboo Peary Chaud Mittra.
S. P. Sagrande, Esq.
Seth Apcar, Esq.
M. Rustomjee, Esq.
Rajah Pertaup Chunder Sing Bahadoor.
Moulvie Abdool Lotiff.
C. Grant, Esq.

The objects and plans of the Society were determined upon and are as follows:—

This Society commends itself to the support and co-operation of the community on the following catholic grounds:—
I. Its special object.—The prevention of cruel and improper treatment of animals, and the amelioration of their condition generally throughout India. The means to this end are:

1. The agency of paid European officers, whose duty it is, in the city, to watch, warn, and threaten, or prosecute, as needful, all persons found guilty of inhumanity to animals.

2. The distribution of printed papers in the Bengalee, Oordoo, and English languages, warning the heartless, instructing the ignorant, and providing all with information and useful hints respecting the treatment of their dumb labourers.

3. The circulation of papers in English amongst the European and educated native community, furnishing information as to the Law throughout India, and the means at their disposal for punishing the wantonly cruel, and holding a check upon brutal inhumanity.

4. Inviting information and suggestions from all who are interested in the cause of civilization throughout India respecting any barbarous practices, whether arising from cruelty or ignorance, over which this Society may be thought able to exercise any influence towards the improvement of the treatment and condition of labouring and domestic animals.

5. The introduction into schools and elsewhere of books, or tracts in English and the Vernacular,
"calculated to impress on youth the duty of humanity towards the inferior animals."

6. Seeking the aid of the Pulpit—the Press, and all public instructors in advocating the principles and objects of this Society, having in view the promotion of humanity towards the animal creation.

II. Its important share and influence as an agent in the education of the people,—the cultivation of those merciful impulses which tend to the growth of humanity, and "prevention of cruelty" to man.

Towards these ends the moral support and cooperation of the community are not less sought than its pecuniary aid to meet the varied expenses incidental to the Society's operations, the extent and utility of which, in a field so wide, can only be limited by the extent of means at command.

Lord Elgin became the Patron of the Society. The Royal Society of London came forward to give it the benefit of its experience. It was found that the number of wounded cattle and horses was larger than the number in healthy condition. Two European agents were at once employed to warn the drivers and owners of bullocks and carriage horses against the violation of the existing law as to the cruel treatment of the animals. Prosecutions commenced about the eighth week after warning. Care was taken to bring before the Magistrates only cases of a serious nature. The number of convictions obtained through the Society's agents during the
year ending May 10, was 506, besides 29 cases instituted by the Police officers. Of the 506, 400 referred to the cattle, whose dislocations, deformities, and injuries, were owing to the use of the barbarous yoke. As regards the horses they were overworked with wounds, and the hack ponies suffered from the wretched harness in which they were worked.

As the owners and not the drivers were the real offenders, the law was made operative on the former. The owners combined and struck work. The mercantile community, however, put up with the inconvenience and gave their moral support to the Society. Those who suffered by the combination did not lose time in buying carts and cattle on their own accounts which brought the garawans to their senses again.

There were two Acts which provided punishment for cruelty to animals, *viz.*, Acts V and XV of 1861.

The Government was pleased to extend the provisions of the former to Cowhatty, several districts in N.-W. Provinces, Central Provinces, and British Burmah. It was found that Act XLVIII of the Legislative Council, like the Act XV of 1861, gave no power to the Magistrates to punish owners who were the real offenders, and escaped with impunity by keeping the cattle in the Suburbs. The Committee brought this difficulty to the notice of the Lieutenant-Governor.

The Committee found that overloading was the prolific cause of suffering to the cattle. A
Sub-Committee was appointed to enquire further into the question of overburdening cattle; to ascertain the best means ofremedying the evil and to report thereon. Next to overburdening there was another source of suffering, viz., the cumbersome yoke by which injuries were inflicted on the necks of the laboring cattle.

Changes suggestive of remedial measures were gradually introduced. The carts of the Municipal Commissioners began to be drawn by single bullock with saddles and leather collars. The Indian Carrying Company introduced four-wheeled conveyances which confined the labor to traction only. The City Conveyance and the Calcutta Company have added comfort to the animals.

Another subject which engaged the attention of the Committee was the manner in which animals intended for food are carried to the market and slaughtered for the table.

The second Report was published in 1863-64.

The number of convictions from 10th May 1863 to 10th May 1864, was 755, viz., 549 for cruel treatment of bullocks, and 208 for cruelty to horses, being an increase of 249 which was purely owing to an addition in the agency, and showing that the field was still wide enough.

The Report states that "from those parts of the town which may for a time have been under special surveillance of the Society's officers, cruelty might be supposed to have nearly died out. It is found
however, that it had but shifted its haunt, and that the suffering victims have been taken to labor in some other quarter, where for a season at least, there is a chance of their escaping detection."

The Sub-Committee recommended that an appeal should be made to the legislature, in limiting the weight of load imposed upon cattle. The Committee also laid stress on the regulation of the burden "which shall remove from beneath the grinding yoke an amount of pressure under which even the hide of the rhinoceros would in all probability receive injury."

A prize of 100 Rs. for the best collar or harness for draft bullocks was offered. Three competitors presented themselves, whose inventions, however, were not approved of.

The Committee offered two prizes of 100 Rs. each for best essays in Bengali and English upon cruelty to animals. The English essay was approved and printed, but none of the Bengali essays met the approval of the adjudicators.

The amount of moral support from Europe began to increase. There were 32 branches of the Royal Society of London spread over England, Ireland and Scotland. More than thirty similar societies exist in Europe and America. The Royalty, Nobility, Divines and Gentry gave their support to the cause.

The Third Report of the Calcutta Society was published in 1864-65, and it showed that the convictions during the past year were 916, of which 650
for cruel treatment of bullocks and the remaining for hack horses.

The convictions were on the increase by 161 over the previous year.

The attention of the Committee was directed to various acts of cruelty committed by poulterers, donkey-keepers, butchers, owners of horses, &c., and these were—

Tying together the legs of poultry, kids and calves in a painful manner, and exposing them for sale in that state for hours in the sun, without food and water;

Tying the forelegs of donkeys painfully tight, and leaving them to graze during the whole day;

Working wounded and diseased ponies at night;

Letting loose glandered or otherwise diseased horses, and leaving them to die, and thus endangering the lives of other horses as well as of people in the neighbourhood.

The next Report was for the years 1865-68.

From 1865 the Government permitted the Society to receive a moiety of the fines, imposed through its agents.

From 10th May 1865, to 31st December 1865, the convictions were 3,120, of which 1,271 were for the abuse of hack horses, and 1,849 referred to cattle, which, the Committee stated, will "continue to exist until a definite remedy can be provided for that most fertile source of suffering overburdening."
In addition to the above aggregate number, there were 616 convictions through the Society’s Honorary Agent, and about forty-five by the Police and private persons.

Mr. Colesworthy Grant, the Honorary Secretary and Founder of the Society, was most pressing to obtain a special legislation for the prevention of overloading and cruelty, and on the 18th April 1866, Baboo Peary Chand Mittra, a member of the Society and then also a member of the Bengal Council, moved in the Council for leave to bring in a Bill for the prevention of cruelty to animals, and in doing so, he said the existing law on the subject of cruelty to animals was contained in Act IV of 1866, passed by this Council, for the regulation of the Police of the town of Calcutta, and the only provision that law made on the subject, was this:—

"Whoever cruelly beats, ill-treats, abuses or tortures, or causes or procures to be cruelly beaten, ill-treated, abused or tortured, any animal, shall, for every such offence, be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees, and in default thereof, to imprisonment, with or without hard labor, for any term not exceeding three months."

And Act II of 1866, for the regulation of the Police of the suburbs of Calcutta, Section 40, Clause 16, rendered liable to a fine not exceeding fifty Rupees, any person who—

"Shall cruelly beat, ill-treat, abuse, or torture, or shall cause or procure to be cruelly beaten, ill-treated, abused, or tortured, any animal."
In the Penal Code also there was a clause which provided that—

"Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both."

But that there was an omission in the existing legislation inasmuch as there was no provision as regarded the overloading of carts. He held in his hand a statement which had been very carefully prepared, showing the convictions for the ill-treatment of bullocks and horses from the year 1862-63 to the year 1867-68. Of bullocks in 1862-63, the convictions amounted to 400, and of horses 106; in 1863-64, of bullocks 547, of horses 208; in 1864-65, of bullocks 650, of horses 266; in 1865-66, of bullocks 432, of horses 390; in 1866-67, of bullocks 594, of horses 455; in 1867-68, up to the 24th March 1868, of bullocks 314, of horses 191: showing a total of 2,937 bullocks, against 1,616 horses. The returns of the Registrar of Carts showed that the number of carts plying in the town and suburbs of Calcutta amounted to about 5,800, with double the number of bullocks, out of which the convictions had been as stated above; the average yearly number of prosecutions in the case of bullocks was, therefore, about one-twentieth of the entire number. This
shows that, in spite of the vigilance of the Society, much cruelty in the shape of overworking and overloading was carried on.

Baboo Peary Chand stated that the subject of the condition of cattle had occasionally engaged the attention of the Government here; that in 1835, Lord William Bentinck drew attention to the subject, which led to some correspondence, but it did not appear to have led to any tangible results; that we had, in 1863, an Agricultural Exhibition, and at that exhibition cattle of different descriptions were exhibited, but its effects were of a sensational nature, because the efforts as to improving the state of the cattle had not been subsequently sustained; but he (Baboo Peary Chand Mittra) did not think that there had been any amelioration in the condition of cattle, and certainly not in the draught cattle of Bengal; that several years ago we had Shows held here by the Agricultural Society, at which cattle were exhibited, but those Shows were discontinued, because the number of competitors was very limited; that in 1864 (after the Agricultural Exhibition), the Government of Bengal made some enquiries as to the degeneracy of draught and other cattle, and the question was referred to the Agricultural Society, which appointed a Special Committee for the consideration of the subject, and that Committee, after patient and due enquiry, made a report, from which, with the permission of the Council, he would read a portion:—
"In respect to the second head, various causes, your Committee are of opinion, may be assigned for this degeneracy, the chief of which are (1) the poorness of food and inadequacy of even the kinds supplied; (2) the want of proper pasturage ground; (3) overwork, and being worked at too early an age; (4) being allowed to breed too young; (5) the scarcity of good bulls; (6) stinting of calves of milk."

He said that overwork, and being worked at too early an age, was there stated to be one of the principal causes of the degeneracy of cattle; and he thought those, who had seen cattle in the Upper Provinces, would have noticed that the cattle there dragged carts with a great deal of ease; whereas here scarcely a cart passed without the driver pulling the bullocks by the tail, and beating them continually. There was no doubt that overloading and overworking were the chief causes of the present wretched condition of cattle here, and of their having frequently galled necks.

That the load which was put on a cart here varied from 12 to 30 maunds; and it was not every pair of bullocks that could draw such a weight. From enquiries he found that at Bombay, where the cattle were of a better and much stronger kind, the load for a cart was from 42 to 50 Bombay maunds, which was equal to from 12½ to 15 Calcutta maunds. The subject of the weight to be drawn by bullocks, although not made the subject of penal enactment here, had however not been lost sight of by the Government in its different departments. In the Stage Coach Act XVI of 1861, which provided for
the registering and licensing of stage carriages, this principle was recognized, as Section 3 provided for the largest number of passengers, and the greatest quantity of luggage to be carried in each carriage, as well as for the number of horses by which it was to be drawn. Then, by the rules of the Board of Revenue for the supply of carriage for troops, there was a provision of a similar nature, which stated that—

"A District Officer, when making over carriage to the Commanding Officer, is to be careful to deliver to him, in writing, a full statement of the rates of hire, back hire, demurrage, and the like, and of the weight to be carried by each cart, boat, or beast."

And in the general regulations for the army sanctioned by the Government of India, the average weight for an elephant or camel was $2\frac{1}{2}$ maunds; for a two-bullock hackery 10 maunds; for three bullocks 20 maunds, four bullocks 30 maunds, and six bullocks 60 maunds.

As the Government had recognized the necessity of a proper weight being put on carts used for the service of Government, the absence of any provision of the kind in the Acts for the regulation of the Police in the town and suburbs of Calcutta could not but appear to be an omission. With the view of supplying that omission, the present Bill was submitted to the Council. It was his original intention to have introduced a provision to the effect that the Registrar of Carts should, after due inspection of
the strength and carrying capacity of the bullocks belonging to each cart, certify, in the license granted by him half-yearly, the weight which should be carried on the cart; but he (Baboo Peary Chand Mittra) had since had the honor of submitting the Bill to the learned Advocate-General, and in consultation with him, was induced to substitute a provision of a general nature, leaving the whole question of weight to the good sense of the judicial officers; and if the Bill should be referred to a Select Committee, it would be for them to consider whether there should be a general provision, or whether power should be given to some officer to regulate the weight to be put on carts.

The other provisions of the Bill referred to the prevention of several barbarous acts practised towards different descriptions of animals, such as—

Tying together the legs of poultry, kids, and calves, in a painful manner, and exposing them for sale in that state for hours in the sun without food and water;

Tying the forelegs of donkeys painfully tight, and leaving them to graze during the whole day;

Working wounded and diseased ponies at night;

Letting loose glandered or otherwise diseased horses, and leaving them to die, and thus endangering also the lives of sound animals in the neighbourhood:

And also for putting a stop to ram-fighting; the fighting of cocks with iron spurs tied to their legs;
and, generally, to provide for the punishment of such acts of cruelty and the prevention of the cruel treatment of animals, on the grounds of humanity and justice.

The Bill was only intended to apply, in the first instance, to Calcutta and the suburbs; but that the Lieutenant-Governor had power to extend its provisions to any part of the provinces under his control.

With these observations, he begged to move for leave to bring in the Bill.

Mr. Hogg, the Commissioner of Police, asked if it was competent for him at this stage to address the Council: it was his intention to oppose the introduction of the Bill.

The President said, the hon'ble member might address the Council if he intended to oppose the Bill.

Mr. Hogg said, in his judgment, it was altogether unnecessary to resort to legislation for the particular purpose for which the Bill appeared to be introduced. If the Council would bear in mind, the description of carts and also the animals drawing them, varied in different parts of the country—one carrying easily 30 or 40 maunds, and another, from the inferiority of the animals used, and the inferior construction of the cart, being barely able to draw 10 maunds—it would be apparent that the attempt to define overloading by legislation would, under existing circumstances, be absolutely impossible. The
hon'ble member had drawn a comparison between the usage in Calcutta and in the Mofussil, and as he had already stated that in the Mofussil cattle were not subject to the same kind of ill-usage as in Calcutta. That he (Mr. Hogg) thought that was an erroneous impression. He believed the practice in the Mofussil was for carters always to be paid according to the number of maunds they carried, and therefore it was the direct interest of the carter to overload his cart, and as far as his experience went, it was the practice in the Mofussil to overload carts. But in Calcutta that was not the practice, as here carters were not paid by the maund, but by the trip; and a carter always objected even to putting a legitimate load on his cart, urging that the necks of his cattle would be galled, and he would be taken up by the Police. The practice here, therefore, was for the hirer to endeavour to overload, and the carter to object. He therefore thought, that legislation was entirely unnecessary, and that it would only open a door to corruption and bribery; that even under the present system, the subordinate agents of the Society for the Prevention of Cruelty to Animals were sometimes found extorting; and the proposed legislation as to overloading would only lead to further extortion, although that objection, he was aware, might be taken to almost every law.

He would ask the attention of the Council to Section 67 of the Police Act, which ran thus—
"Whoever cruelly beats, ill-treats, abuses, or tortures, or causes or procures to be cruelly beaten, ill-treated, abused, or tortured, any animal, shall, for every such offence, be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees, and in default thereof, to imprisonment, with or without hard labor, for any term not exceeding three months."

And observed that if carters twisted the tails of their bullocks, or the owners of donkeys tied their feet too tight, they could be punished under the existing law; and that the other abuses referred to by the hon'ble member (Baboo Peary Chand Mittra) also came within the scope of the Section quoted. He therefore thought that the section in the Police Act was comprehensive enough, and that the Council ought not to attempt to legislate for the loading of carts, and should much regret it if leave were given to introduce the Bill.

The Advocate-General said, as he had been referred to by the hon'ble member who moved for leave to bring in the Bill, he just wished to say a few words on the principle of the Bill. What had fallen from the hon'ble member opposite (Mr. Hogg) seemed more to apply to questions of detail, as to the application or possible application of the proposed Bill, than to any real objection to the general principle involved, and that was what had to be considered now. The only matter to which his (the Advocate-General's) attention had been drawn—for he was not now rightly acquainted with the proposed acts of cruelty to be specified, and he was very
much inclined to agree with Mr. Hogg as to there not being any absolute necessity of such specification in the Bill—was the question as to the propriety of introducing some more specific enactment with regard to overloading; and, subject to further consideration, he confessed that his impression was that it was desirable to provide more specifically by enactment for the case of overloading, notwithstanding the use of the term "abuse" in the exciting Act. That was why he would support the motion for leave to bring in the Bill.

The President said, he must say that, in his opinion, the hon'ble member, who opposed the introduction of the Bill, had not advanced reasons which he (the President) thought would justify the Council to refuse leave to bring in the Bill. The hon'ble member's principal reason amounted to a denial of the evil which the hon'ble mover of the Bill asserted to exist. Surely that was a point into which it was reasonable that the Council should inquire at a later stage, and not refuse leave to bring in the Bill on the mere ipse dixit of another member.

Mr. Hogg explained that his chief objection was that legislation already existed.

Baboo Peary Chand Mittra said, if he had thought that the existing legislation was sufficient, he would not have ventured to submit the Bill to the Council. "Overloading" was not "torturing:" it might perhaps be so in a general sense; but he thought it reasonable that it should be distinctly provided for. And
as to the fear of oppression, there was equal danger in the enforcement of any law in the hands of the Executive Police. He did not deny that they did abuse their power; but did think that that evil was small in comparison to the evil which this Bill was intended to prevent; and if the Police vexatiously interfered, they would be punished, and then they would not continue to abuse their powers. The effect of the measure would be that people would cease to overload cattle, and would provide better cattle, and we would not, as now, constantly see cattle groaning under overloaded burdens. In the desire to see this improvement, he had ventured to submit the Bill to the Council, and he hoped that the Council would fairly consider whether there existed any necessity for the Bill.

The motion was then agreed to.

On the 2nd May 1868, Baboo Peary Chand Mittra moved that the Bill be read in Council with the following remarks:—

That the Bill "for the prevention of cruelty to animals" be read in Council. He said, amongst the papers printed and circulated, there was a statement of convictions. He thought it necessary to observe that those convictions had been effected by the limited instrumentality of the Society here, and the statement was therefore not a full representation of the magnitude of the evil which existed. But during the last 41 years (1824 to 1865), the convictions in London had
been upwards of 10,000, whilst in Calcutta, during 5 years and 3 months, the convictions had amounted to 5,115. So, imperfect as that statement of convictions here might be with reference to the limited agency of the Society, the convictions in Calcutta were much larger than the convictions in London.

As to the course of legislation on this subject which had engaged the attention of Parliament from time to time, it appeared that in 1822 an Act to prevent the cruel and improper treatment of cattle was passed. In 1835 the Royal Society for the Prevention of Cruelty to Animals obtained an amendment of Mr. Martin's Act, whereby more extensive legislative powers were granted, and in 1839 it succeeded in procuring the insertion of a clause in the new Metropolitan Police Act, by means of which the cruel and dangerous practice of using dogs to draw carts and other vehicles was prohibited within 15 miles of London; in 1845 an amendment of the law for regulating knackors' yards was made; in 1850 a new and much improved Act for the more effectual prevention of cruelty to animals was passed; and in 1859 an Act prohibiting the use of dogs as beasts of draught or burden throughout England was enacted.

So there had been progressive legislation by Parliament for the prevention of cruelty to animals. There had been from time to time general legislation; but when Parliament thought that general legislation did not meet particular cases, fresh legis-
lation was resorted to, to meet the evil in its different aspects. Therefore the argument used that whenever there was general legislation, there ought not to be special legislation, did not exactly hold good in the present case; because the English Act, which he held in his hand, *viz.*, 12 and 13 Vic., c. 92, and which was passed in 1850, was both general and special; that is to say, it was special as regards particular cases. Taking that as a model, the Bill had been drawn up which was now submitted to the Council.

The first section defined what an animal was for the purposes of the Act; it was declared to mean any domestic or tame quadruped, or any domestic or tame bird.

The second section was simply a recapitulation of the existing law, which it was proposed to repeal by the 9th section of the Bill. The only addition was the word "overdrive," which was taken from section 30 of Act V of 1866 (B.C.), because whatever held good in the case of horses, ought to hold good in the case of bullocks.

The third section of the Bill provided a penalty for overloading. That had been specially introduced, because the existing law did not reach the root of the evil. There might be cases of overloading which might not assume one or other of the forms of cruelty provided for in the existing law; and Magistrates do and would differ in their opinion as to its construction. He (Baboo Peary Chand Mittra)
declared that if he sat on the Police bench, and a case of simple overloading was brought before him, it would be his duty to dismiss such a case under the existing law. He begged to assure the hon'ble members of the Council that overloading was the real cause of the evil; but it passed with impunity, because it was thought not to fall within the cognizance of the law, and its effects on cattle were of a serious character. It manifested itself in galled necks and other diseases; the prolonged suffering from a cruel load was calculated to perpetuate the degenerate condition of cattle; and during the hot months the hide of a rhinoceros might not stand such continued overloading.

He had ascertained that there were two classes of *gharrywans*: the first consisted of those who drove their own carts; the second of those who employed men for the purpose. The former was a limited class. During the last twenty years, the traffic in Calcutta had so much increased, and the demand for carts was so great, that the paid men were tempted to demand a higher rate of hire for their own benefit, and thus overloading went on, and the carters escaped punishment. There was not a single case of overloading brought up yet, as the Executive Police entertained doubts whether such a case could be brought before the Magistrate.

On the last occasion he had adverted to the Stage Coach Act, which limited the weight to be put on Stage Coaches, and so late as 1866, in the Act for
regulating Hackney Carriages, the same principle was recognized, viz., that the license should state the amount of luggage put on every carriage. But from the general nature of the English and Indian Acts, and also considering that the evil was increasing, and could not be appreciably checked unless some specific provision was made, this Clause had been introduced.

The 4th Section was taken from the English Act, and provided a penalty for neglecting to feed impounded animals, of the necessity for which there could hardly be a doubt.

The 5th Section provided a penalty on persons baiting animals, or inciting them to fight. The principle of this Clause was adopted in several Indian Acts, but they related more to the checking of gambling. The Clause was inserted here with a view to prevent the improper and cruel treatment of animals. It was in accordance with a Section of the latest English Act, and was much needed here.

The 6th Section provided for the punishment of persons improperly carrying animals, and was also taken from the English Act. There were some who thought that it was perfectly immaterial how animals were carried when brought for sale, as they would soon be butchered. This question had engaged the attention of medical men in England. Dr. Grainger said:—

"It may be proper, as there are some members of the Legislature present, that the real facts of the case should be
known. It has been said that these animals do not suffer from being carried for twelve, or eighteen, or four and twenty hours with their legs tied together, and their heads hanging down out of a cart. Some people had disputed whether that does cause suffering or not. I therefore think it due to the Society to say that I had the honor of being consulted, in conjunction with Dr. Burrows, of St. Bartholomew's Hospital, in order that we might settle the question whether the custom I have noticed is really a cause of suffering. In order to determine this point, we had some animals placed in the usual position in which they are carried to market, under the direction of some of the officers of this Society, and we then proceeded to ascertain what was the result. We found that calves in that position give all the indications so familiar to men of science, of intense suffering resulting from a gorged condition of the brain. We all know what the effect upon ourselves would be of hanging with the head downwards. It is a most painful and distressing feeling. But we ascertained, by direct observation, that these animals suffer intensely; that their head and face and throat become gorged and swollen; that there is a great increase of heat measured by the thermometer; and that eventually there is a condition approaching to what is called inflammation; and then, after the animal is killed, if the brain be inspected, it is found, as might be expected, and as we ascertained by ocular demonstration, to be gorged with blood, and in a most unnatural condition. The conclusion at which my colleague and myself arrived, is that the animal sustains the most severe suffering; and this, notwithstanding one of those beautiful provisions of nature expressly guarding animals of this class from the effects of particular positions, and thus preserving the healthy condition of the brain."

The next Section (7) of the Bill was for the prevention of the practice prevalent here of permitting
diseased animals to go at large or die in the public streets. And the 8th Section provided a penalty for employing an animal unfit for work, the principle of which was recognized in Act XVI of 1861, Section 9, where it was applied to horses.

The 9th Section proposed to repeal the existing provisions in the Police Acts; the 10th Section provided the limits within which the Act was to take effect; and the 11th Section gave power to the Lieutenant-Governor to extend the Act to other places as he might think fit.

The Bill no doubt was susceptible of improvement; but he believed that if a Bill of this kind was passed, it would materially reduce the suffering of animals, and produce a healthy, educational and moral effect on the community at large.

With those remarks he hoped that the Bill would meet with the support of the Hon’ble Council.

Mr. Hogg said, when permission was asked to bring in this Bill, he had stated the reasons which induced him to oppose its introduction. He had since then perused the papers on which the hon’ble mover had based his motion, but he had seen no reason whatever to alter the opinion he had expressed at the last meeting. He thought the Bill, if introduced, would not only be unnecessary, but that its effects would be mischievous. It was true that progressive legislation had been going on in England, but the hon’ble member had omitted to state that by that legislation it had never been attempted
to arrive at the object aimed at by this Bill, viz., the enactment of a specific provision against overloading. It would, he (Mr. Hogg) thought, be absolutely impossible to define what was meant by overloading, and he submitted that it would not be wise to leave it to the discretion of each individual Magistrate to determine what constituted overloading. Doubtless, if any case of overloading amounted to positive cruelty or ill-treatment, it would fall within the provisions of Section 67 of the Police Act, which subjected a person to a fine of 100 Rs. for the offence. He therefore thought that when the advancing civilization of England had not attempted to define overloading, this Council should not attempt to do so.

In the annexure to the Bill, the statement of objects and reasons said:

"The law at present in force for preventing cruelty to animals in Calcutta having hitherto failed to hinder the occurrence of numerous cases of very gross cruelty, it seems expedient to amend the law, so as more effectively to check such cases."

From that he (Mr. Hogg) gathered that the hon'ble mover of the Bill intended to imply that Section 67 of the Police Act had not been sufficient to cover all cases of cruelty. He (Mr. Hogg) did not wish flatly to deny the correctness of that statement; but he was not aware of a single case having ever been brought before the Magistrates which it was found could not be dealt with under the existing
law. If he was wrong, he should be happy to be corrected. He thought also, from the statement of convictions which had been referred to, that the working of the law had been eminently satisfactory, and that the prosecutions under the Act had been by no means few in number.

He would not further take up the time of the Council, but would content himself by voting against the motion.

The Advocate-General said, he wished to make a few observations on the Bill, as the hon'ble mover had made reference on the previous occasion to his having communicated with him (the Advocate-General) on the subject.

As regards certain portions of the Bill, he thought it was desirable that the Bill should go into Committee, because, as to what, in his opinion, was the most important portion of the Bill, viz., the provisions against overloading, he confessed he had doubts whether or not, practically, it could be said that the general provisions of the Police Act could be satisfactorily applied to such cases. But it appeared to him—in theory he quite concurred with the hon'ble member opposite (Mr. Hogg)—that to make the Bill, as regards the prevention of the practice of overloading, of any practical use, it would be necessary to consider what limit or definition could be laid down as to what should constitute overloading.
Then he (the Advocate-General) also (although uncertain whether or not it was a Section the application of which would be of frequent occurrence) thought that the provision in the 4th Section for punishing persons neglecting to feed impounded animals, was applicable to cases which would not come under the general provision for ill-treatment; and the same remark, he believed, would apply to the 5th Section regarding baiting animals, or inciting them to fight.

But he thought that, supposing the Bill went into Committee, Sections 6, 7, and 8 would require consideration. It seemed extremely objectionable to provide penalties for particular species of ill-treatment, and to impose special penalties, because no one having common sense would say that carrying animals in a way so as to cause them unnecessary pain or suffering, was not ill-treatment.

The 7th Section, besides, was specially improper, because the practice which it was there attempted to prohibit, of permitting diseased animals to go at large or die in public places, was provided for by the Penal Code. By the 269th Section of the Penal Code an unlawful or negligent act likely to spread infection of any disease dangerous to life was punishable with six months' imprisonment or fine. Or the offence might fall under the 289th Section, by which negligent omission to take order with respect to any animal, so as to guard against danger to human life, was also punishable with six months'
imprisonment. He therefore thought it was not only unnecessary but improper to pass the 7th Section.

With those observations he would briefly say that he would support the motion for the Bill being referred to a Select Committee.

Dr. Dampier said, it seemed to him that the main objection to the Bill was as to the provisions against overloading. Before the legislature was called on to extend the provisions of the existing law, he would be glad to know whether it had been found to be insufficient. The hon’ble mover of the Bill thought that there was considerable doubt whether cases of overloading would fall within the law; but he (Mr. Dampier) wished to know whether any palpable case of overloading had ever been brought before the Magistrates, and whether any want had been felt.

The Advocate-General said, what he meant to say was that he thought it desirable to make express provision with regard to the practice of overloading; he thought it was desirable that there should be some further suitable legislative provision.

Baboo Peary Chand Mittra said, in answer to the question put, he might say that no attempt of the kind had been made, simply because there was no specific provision on the subject in the Act, and because it was believed that such a case could not be entertained by the Magistrates.
The President said, in addition to other reasons which might induce the Council to allow the Bill to go to a Select Committee, it would have the effect of equalizing the law in Calcutta and the suburbs, which at present, so far as he saw, was very unequal. Apparently, under the Suburban law, a man could only be fined to the amount of 50 Rupees, which, in case of nonpayment of the fine, would involve only simple imprisonment for two months; whereas in Calcutta he might be fined to the extent of 100 Rupees, and in default of payment, be imprisoned with hard labor for three months.

Baboo Ramanath Tagore said, he had no objection to the Bill being referred to a Select Committee, because some of the provisions of the Bill were of a laudable character. He admitted, however, that in the details the Bill required much amendment. By the definition section, the word "animal" was to be taken to mean any domestic or tame quadruped, or any domestic or tame bird; and the 2nd Section provided that every person who should cruelly and wantonly beat, ill-treat, torture, or overdrive, or cause to be beaten, ill-treated, tortured, or overdriven any animal, should be liable to a fine which might extend to 100 Rupees. According to those Sections, therefore, no one would be able to catch or purchase a bird, and imprison it for the purpose of domestication, for the
Magistrate might consider the act to be "wanton," and fine the man who should contravene the law.

By the 4th Section it appeared that any person who should impound or confine animals and neglect to provide them with sufficient food and water, might be fined. There was provision already in the Police Act which superseded the necessity of this Section, and if any person under the authority of the Police Act sent animals to be impounded, he should not be called on to feed them, because he was acting under the authority of a law, and it would be the duty of the Commissioner of Police to see that the animals were fed. The proposed Section was a work of supererogation. There were many other objections to the details, with which he would not, however, occupy the time of the Council; he thought that if the Bill went into Committee, it might be much improved, and with that view he would support the motion before the Council.

The Council then divided:—

Ayes 10.

Koomar Sutyanund Ghosal.
Mr. Sutherland.
Baboo Peary Chand Mittra.
Mr. Knowles.
Baboo Ramanath Tagore.
Koomar Harendra Krishna.
Mr. Thompson.
Mr. Trevor.
The Advocate-General.
The President.

Noes 3.
Mr. Alcock.
,, Hogg.
,, Dampier.

The motion was therefore carried, and the Bill read accordingly.

Baboo Peary Chand Mittra moved that the above Bill be referred to a Select Committee, consisting of Mr. Trevor, Baboo Kamanath Tagore, Mr. Knowles, Mr. Sutherland, and the mover.

The motion was agreed to.

On the 9th January 1869, the Report of the Select Committee was taken into consideration.

Baboo Peary Chand Mittra moved that the Report of the Select Committee on the Bill for the prevention of cruelty to animals be taken into consideration, in order to the settlement of the clauses of the Bill, and that the clauses be considered for settlement in the form recommended by the Select Committee. In doing so, he said the Select Committee, in their Report, had proposed to omit the 4th Section of the original Bill, as the object with which that section was introduced was already provided for by Section 5 of Act III of 1857, and it was also proposed to omit Section 6 of the original Bill, because it was embraced in the 2nd Section of the amended Bill. The existing law for the punishment of cruelty to animals in Calcutta and its suburbs was not uniform; it was therefore proposed
to repeal the provisions in that respect contained in the Calcutta and Suburban Police Act, and to enact instead a more comprehensive law on the subject. The Select Committee had also made some verbal amendments in some of the Sections, and gave power to the Lieutenant-Governor to extend the provisions of the Bill to any district where His Honor might deem it necessary. Such a power appeared to be very much needed, as traffic was increasing in several districts, and it might be found necessary to extend the Bill to such places. It might, at first sight, appear an omission in the Bill not making any provision for the levy of fines, or the commutation of fines for imprisonment; but Section 63 to 70 of the Indian Penal Code, and Section 61 of the Code of Criminal Procedure, as well as Section 4 of Act V of 1867 of this Council, bore on the subject, and it had therefore been thought unnecessary to make any mention in the Bill as to the levy of fines or sentences of imprisonment.

The motion was agreed to.

Sections 1 and 2 were agreed to.

Section 3 provided a penalty for overloading.

The Advocate-General moved the omission of the Section. He thought that, if in this Section overloading was intended to mean something which did come under the description of ill-treatment, the term "overloading" should be defined; but with every respect to the hon'ble member, he thought it impossible to lay down such a definition of over-
loading which would not fall under the terms "ill-treat, abuse, or torture," which were used in the preceding Section. If there was any determinate measure by which certain descriptions of animals, drawing certain descriptions of vehicles, or carrying certain loads, were not to be burdened beyond a certain weight, that should be defined; but he thought there would be extreme difficulty in framing such definitions, and, in addition to that, it should be observed that this Section is likely to impose liability on a person overloading, as it might be, from purely accidental causes, and without any cruel or disregardful feeling towards the animal. The Council must, therefore, say pretty specifically what overloading was, or leave it to be dealt with as a particular form of ill-treatment, and the Magistrate, in any case that came before him, would decide on the evidence, and at his discretion, whether the overloading alleged did or did not amount to cruelty.

The Hon’ble Ashley Eden said he might mention that the objection taken by the learned Advocate-General was one which occurred to him in Select Committee, but he was asked to agree to the insertion of this Section on the ground that in the streets of Calcutta cases occurred daily, in which it was impossible to say that the overloading was such as would bring it within the definition of wanton ill-treatment, but which ought, nevertheless, to be put a stop to, and he was not sure that the case was exactly met by the provisions of Section 2, under
which the ill-treatment must be cruel and wanton; still if it could be so included he should be very glad to accept the Advocate-General's amendment.

The Advocate-General said he thought the suggestion of the hon'ble member would be met by the insertion of the word "overload" in the 2nd Section. In that Section, the beating, ill-treating, abusing, torturing, &c., must be cruel and wanton. It was the cruelty which was the gist of the offence and not merely the fact of overloading. He would therefore move the omission of Section 3, and the insertion of the word "overload" in Section 2.

Baboo Peary Chand Mittra said, if the effect of the Advocate-General's motion would be the same as the intention of the present Section, he would have no objection to the amendment. But one great object of having a distinct Section was to draw public attention to the crying evil of overloading.

The Advocate-General's motion was then agreed to.

Sections 4 and 5 were agreed to.

Section 6 provided a penalty on employing an animal unfit for labor, by reason of any disease, infirmity, wounds, or sores.

The Advocate-General would ask the hon'ble member in charge of the Bill what was the reason for making a distinction between abuse or ill-treatment and the employment of an animal in work when it was unfit in consequence of disease and the like. Was it intended under Section 6 that a person employing such an animal, without knowing
that it was diseased, was to be liable to a fine? If the Section was meant to extend to the wilful and knowing employment of animals unfit to work, which was of course a case of abuse or ill-treatment, and which every person agreed was one of the worst kinds of ill-treatment, the person so offending would be liable, under this Section, to a fine of 50 rupees only, and for ill-treatment generally the punishment under Section 2 was a fine of 100 rupees. He did not know whether Section 6 was intended to apply to the case of the employment of an animal without the knowledge of its being unfit for labor.

The Hon'ble Ashley Eden said, he imagined the Section was intended to meet cases which were perpetually occurring and being prosecuted in the Police Courts, namely, driving bullocks with sore necks, without any real intention of cruelty; and in consequence of the great number of such cases, it was thought necessary to have a separate Section with a lighter punishment than was provided for wanton cruelty. Where the offence was not wantonly committed, the punishment should very properly be less severe than in other cases, as there were many instances in which such a use of bullocks arose from mere carelessness and negligence, culpable and deserving punishment no doubt, but still met by a punishment sufficient to act as a warning.

The Advocate-General said, he did not at first understand the object of the Section, but with the
explanation just offered, he would not move any amendment.

The Section was then agreed to.

The Hon'ble Ashley Eden moved the following new Section after Section 6:

"All complaints of offences against the provisions of this Act, alleged to have been committed in the town of Calcutta, shall be heard and determined in a summary way by some Police Magistrate of Calcutta."

The motion was agreed to.

Sections 7 to 9, and the Preamble and Title, were then agreed to.

The Advocate-General said, he thought the suggestion of the hon'ble member would be met by the insertion of the word "overload" in the 2nd Section.

This Bill was afterwards passed as Act I of 1869.

On the 10th July 1869 a second Bill for the prevention of cruelty to animals was brought in by Baboo Peary Chand Mittra, who submitted the following remarks:

That it would be in the recollection of the Council that, some time ago, he had the honor of introducing a Bill for the prevention of cruelty to animals, which subsequently became Act I of 1869. By Section 8 of that Act, Section 67 of Act IV of 1866 and Clause 16 of Section 40 of Act II of 1866 of this Council were repealed, and the effect of that repeal had rendered Section 43 of Act II of 1866, the Suburban Police Act, and
Section 72 of the Calcutta Police Act, inoperative. Those Sections were applicable to the offence of cruelty to animals as well as to other offences, and now, as the Sections indicating the offence of cruelty to animals had been taken out of the Calcutta Police Act, as well as the Suburban Police Law, the Sections in question, which gave summary power to the Police to arrest without warrant, no longer applied to that offence, in consequence of which Act I of 1869 had become, as it were, a dead letter. The omission did not occur to the Council at the time when Act I of 1869 was passed, and now it was very necessary that the omission should be supplied, or, in other words, that the law, as it existed before, should be re-enacted.

With reference to this omission, the Society for the Prevention of Cruelty to Animals had addressed a letter to the Government of Bengal, of which he would read an extract. They said,—

"The great majority of the prosecutions continues to be in connection with cruelty in some shape to the innumerable draught bullocks, the largest class of sufferers, that labor in and about Calcutta. To obtain information from the drivers as to their residence, or the least assistance, or the chance of a witness amongst the bystanders, or to gain sight of the wounded animal again until its wounds were healed or disguised, and the chief evidence thus removed (a probability equally great in cases by summons returnable after seven or ten days), would be hopeless.

"To obtain even sight of a Policeman as evidence, at the needful moment, or to follow the people into their villages
(the majority probably living out of Calcutta), and there to obtain any needful information, or means towards conviction of an offender, is, it is felt from all past experience and knowledge of the element to be dealt with, nearly impracticable."

With a view to supply this omission, he begged to move for leave to bring in the Bill of which he had given notice. It would be found that the same law not only existed here, and would have continued to exist but for the repeal of the Sections of the Calcutta and Suburban Police Acts referred to, but that this law existed as well in England. Under Section 13 of the English Act it was said, in the Report for 1866, of the Royal Society for the Prevention of Cruelty to Animals, that the offender could be given into the custody of a Policeman or Constable, and it was added:—

"This is the best course to adopt within the metropolitan district and in towns where Magistrates sit daily, as the person charged can be conveyed to a Police Court immediately after the commission of the offence and punished forthwith. If a Policeman or Constable is not within reach when the cruelty is witnessed or cannot be obtained soon afterwards, it will be better to proceed by summons."

The same law existed in America, for there, by Section 8 of the Act for the more effectual prevention of cruelty to animals, it was provided:—

"Any Agent of the American Society for the Prevention of Cruelty to Animals, upon being designated thereto by the Sheriff of any county to this state, may within such county make arrests, and bring before any Court or Magistrate thereof having jurisdiction, offenders found violating the
provisions of this Act, and all fines imposed and collected in any such county under the provisions of this Act, shall ensure to the said Society, in aid of the benevolent object for which it was incorporated."

Having shown that the Sections alluded to of the Calcutta and Suburban Police Acts, which gave summary power to arrest, without warrant, persons guilty of cruelty to animals, existed before the passing of Act I of 1869, and that it was necessary that those provisions should be re-enacted, and further that this law not only existed here, but in England and America, he begged to move for leave to bring in a Bill to enable police officers to arrest, without warrant, persons guilty of cruelty to animals.

The motion was agreed to.

This Bill was subsequently passed as Act No. 3 of 1869.

The English essay above referred to was translated into Bengali and distributed, and an appeal was made to those engaged in education to create sympathy in boys and girls with the brute creation by teaching natural history.

The next Report of the Calcutta Society was from 1868 to 1873.

During the above period the convictions amounted to 3,945, and 107 cases by the Honorary Agent, added to this number, give a total of 4,052, averaging above 1,000 annually. Out of the above, 1,975 were for the maltreatment of hack horses, and 2,277 for the ill usage of draught bullocks, arising from overburdening.
The Committee state that this "cruelty does not consist in the mere exhausting strain of bearing and of dragging an inordinate burden, amounting in many cases to more than one ton in weight, (which is cruel enough), but in the consequent galls and wounds under the yoke, the perpetual beating and goading, the wrenching of tails and other abuses of the unfortunate, half-skeleton animals by the drivers, in order to satisfy their own impatience or the demands of their masters to accomplish a given number of trips within an unreasonable time."

The enormity of such cruelty even roused the merchants of Burra Bazar to make an appeal for the suppression of overburdening.

The cruel manner in which paria dogs were killed, the brutal practice of wrenching and dislocating bullocks' tails, and carrying of fowls slung by the legs head downward, had engaged the attention of the Committee.

Dr. Ewart described the carrying of fowls, suspended by the feet, as "barbarous."

An appeal was made to the Chairman of the Justices for the provision of water troughs for the unfortunate animals of the city.

To make the people at large acquainted with the law for the prevention of cruelty to animals, it was translated into Bengali, Oordu, Hindi, Guzrati, Tamil, Teligu and Burmese languages.

Baboo Suruth Chunder Ghose, the Honorary Agent, entitled himself to the best thanks of the
Society by collecting subscriptions and donations from his countrymen. In 1871-72, he also made over to the Society the net proceeds of a dramatic performance in the Bengal Theatre, and up to his death which occurred lately took great interest in the Society.

The next Report of the Calcutta Society for 1874 to 1876, showed that during those three years the number of convictions, obtained by the Society's agents, was 4,903, averaging nearly 1,400 per annum. Of the total number, 1,978 refer to hack horses and 2,917 to draught cattle attributable to overburdening, but there were two cases of an unusually oppressive treatment.

The Lieutenant-Governor, Sir Richard Temple, informed the Society that he would refer the law to the Legislature in view to the protection of the birds and animals brought for sale in the market.

Hen-coops and improved baskets had been introduced into the Municipal Market.

Nawab Abdool Ghunee Meea Khan promised the gift of a sum of money for the erection of a water fountain and troughs in commemoration of the visit of the Prince of Wales.

The Municipality set up two water troughs which were largely used.

Upwards of 100 horses suffering from glanders and farcy had been destroyed to prevent the spread of infectious diseases so fatal to man and beast.
The necessity of a truck or ambulance for disabled animals was considered necessary, and subscriptions in aid of the object were invited. The cost of a truck was estimated at 700 rupees.

Seeing the good-will of the Calcutta Society, the humane gentlemen of Bombay applied for information and established a Society of its kind in that city. A similar Society sprung up in Rangoon. Applications from Dacca and other parts have encouraged the hope that similar Societies will be multiplied in India.

The districts, where Act I (B.C.) of 1869 has been extended, are Hooghly, Purneah and Rajshahye, and Acts I and III (B.C.) of 1869 have been extended to Howrah, Rajshahye, Pubna, Darjeeling, Patna, 24-Pergunnahs and Nuddea.

Colesworthy Grant was in a state of great anxiety as long as the above Bills were not passed into law, and he rendered the writer his most valuable assistance in having this accomplished. His communications were incessant and were received even while the writer was in the Council Chamber.

At the annual meeting held on the 19th December 1876, the Hon’ble Mr. Justice Markby, then President, presided, and among the resolutions passed at that meeting the following was one:

"That the warmest acknowledgments of the meeting are due to Mr. Colesworthy Grant, the Honorary Secretary, for his most valuable and indefatigably zealous services to the Society since its formation."
The ventilation of the question of water troughs touched the feelings of the Bura Bazar merchants and resulted in Annundjee Rugonathjee who aided the Society very greatly, collecting above Rs. 700.

The next Report was from 1876 to 1878.

During this period the convictions were 3,088, of which 985 were for horses, and 2,095 for draught cattle.

Sixty-four animals suffering from glanders and infectious diseases were destroyed.

It was ascertained that in 1875-76, there were not more than 6,076 bullock-carts in the city, and 3,540 hackney carriages. There are now 10,666 of the former, and 4,309 of the latter.

On the 16th June 1877 the Lieutenant-Governor passed the following order in respect of a petition on the subject of overloading.

"Ordered that the petitioner be informed that the Commissioner of Police has directed the Inspectors and Native officers to prosecute all cases in which bullock-carts are found carrying more than 20 maunds, and that the Honorary Secretary to the Society for the Prevention of Cruelty to Animals has been requested to co-operate with the Police in checking the evil complained of."

In pursuance of this order Mr. C. T. Metcalfe, the Officiating Commissioner of Police, issued the following Notification:
Police Notification.

"The public are requested to take notice that in order to put a stop to the common practice of overloading hackeries, the Police have received orders to prosecute, under Section 2, Act I of 1869 B.C., persons overloading bullock-carts or causing them to be overladen.

"Under ordinary circumstances any load over 20 maunds will be considered to be excessive, but less than this will render cart-men liable to the penalties provided by law if their bullocks are weak or sickly.

"C. T. METCALFE,
"Offg. Commissioner of Police."

The Magistrates of Calcutta began to punish the offence of carrying poultry slung by the legs with their legs downwards.

Besides the help received through Annundjee Rugonathjee, Sewbux Goindka collected Rs. 265 for the erection of water troughs.

About Rs. 550 were subscribed for the ambulance.

Two new Societies were formed—one in Madras and one in Bangalore.

The next Report was for 1878.

During that year the number of convictions for horses was 853 and for bullocks 1,649. Cases of cruelty to fowls were twenty.

The "great German Imperial Covenant for protection to animals" was received by the Calcutta Society, and those who were friendly to the cause were invited to sign this pledge.
The subjects which engaged the attention of the Committee were overloading, buffaloe collars, and bearing rein.

The general meeting of the Society was held at the Metcalfe Hall on the 27th June 1879.

The Hon'ble Justice J. Sewell White, then President, presided.

There were several speakers. Baboo Peary Chaud Mittra spoke as follows:—

"At our first meeting, at which the Society was formed, Mrs. Storrow presided, and the Venerable Archdeacon Pratt, who became our first President, the Rev. Dr. Alexander Duff, and several other gentlemen of influence, were present. The object of the Society was, and is, purely moral, while the means used are penal; for when we found that the brute creation in this metropolis and the suburbs was subject to so much ill-treatment and cruelty from thoughtlessness and greed on the part of those who were instrumental in perpetrating such brutality, the employment of mere moral or educational means in the first instance was found inadequate and quite out of the question. We were therefore obliged to have recourse to penal measures. It will appear from our Reports that the effect of these penal measures has been marked, and I verily believe that with the increase of prosecution and conviction, the educational efficiency of such penal means will be further proved. I confess I was not sanguine as to the success of the Society when it
was first established. It was the first Society of the kind in India, and was not generally appreciated. I found we had many difficulties to encounter, but relying on the sacredness of the cause, we were not discouraged. Cousin, a French philosopher, says, that God Almighty sends special agents for special purposes. As time rolled on, I found that the real strength and life of the Society was my esteemed friend Mr. Colesworthy Grant, who, combining an ardent desire to carry out the object of the Society, with a high culture, indefatigable assiduity, and clear judgment, has excellently performed the duties of Honorary Secretary, to which I attribute the present position of the Society. Our income has not been large, but Mr. Grant's great regard to economy, looking upon every pice as a sacred trust, and saving the Society the expence of an office by allowing all the business to be done at his own house, are benefits for which the Committee will be ever grateful to him. All that Mr. Colesworthy Grant has done, shewing thorough self-abnegation, has proceeded from an exemplary piety, drawing inspiration from the Great Spiritual Power which he has brought to bear on this work of love.

"Now that the Society is in a progressive state, I call upon all classes of the community to increase its strength by rendering to it their aid. We are all agreed that the work of the Society is the work of humanity—the work of God. Whether we are
Hindoos, Mussulmans, Buddhists, Jains, Christians or Jews, we are all agreed that we owe a duty to God by eradicating all cruelty to the dumb creation, and that by practising and diffusing humanity, we should humbly carry out the will of God. I trust, therefore, that this appeal will not be in vain, and those who sympathise with us will stretch forth their helping hands."

The President said, that it gave him very great pleasure to move the resolution he had in his hand. Mr. Colesworthy Grant had been Honorary Secretary and Treasurer of the Society from the date of its establishment, seventeen years ago, and had transacted its business with unwearied zeal and devotion until his long continued and lamented illness had compelled him to transfer a portion of his duties to his brother, the present Officiating Honorary Secretary, to whom the Society was much indebted for undertaking the same. During these 17 years, Mr. C. Grant had employed his time, his talents, and professional attainments in the service of the Society with such singleness of purpose and undaunted perseverance as those only could exhibit who strongly and deeply loved the cause which the Society was founded to promote. In fact he had been the life and soul of the Institution; and such success as it had achieved was principally due to his untiring efforts. He (the President) had recently read the memoirs of a man

* Biographical Sketch of David Hare by Peary Chand Mittra.