

judges. It was upon this very ground that Mr. Downes challenged the fairness of the trial, because "it did exceedingly become them to be very well satisfied in matter of fact," by full evidence before them that the allegations of their charge were true. And "he did affirm that not one member of the Court did hear one witness *in* voce, and he did press that if the Court did give judgment against the king without a fair examination, it was such a thing as no judge at any assizes would do against a common person." Even Bradshaw himself, when, vested in scarlet robes, he condemned Charles to death, tacitly admitted the meaningless character of the evidence; for he based, speaking in behalf of the Court, the justice of the sentence solely upon the prisoner's tacit confession of guilt, and upon the notoriety of the crimes charged against him.

And now, when the full effect of that protest against the king's trial made by the people of Scotland is understood, it becomes clear that the managers of the High Court were not in a position to tender, as and when they chose, the earlier death warrant for its execution. They would not have dared to do so during such a momentous pause in so critical an undertaking as the trial of their sovereign, and in the face of a powerful nation to whose influence they were compelled to submit. But still the fact remains that a death warrant was dated and executed during the week when the Scotch protest took place; and so the conclusion is almost equally certain that the warrant must have been presented to the Court for signature during the interval of time between the judgment against the king and the moment when the Court yielded to the interference of the Scottish Commissioners.

The very procedure of the Court upon Tuesday, January 23rd, when examined, shows to what straits the king's judges were driven; their action exactly fits in with the emergency of the moment. They had to protect themselves against several antagonistic and potent influences, acting both from within and from without. In the first instance, they turned towards the influence nearest at hand; that was, of course, the English army. So its desires received the first attention of the king's judges, and the resolution which practically condemned the king to death was placed upon the minutes of the Court. The judges next took thought for themselves. To prevent defection in their own ranks, and to pledge each other to the king's death, the warrant was produced and signed. The Presbyterian interest had then to be appeased; an appearance of concession and of yielding to the Scotch protest must be created; and so the resolution to receive evidence was proposed and accepted, as the mode by which the procedure of the Court could with most seeming propriety be protracted.

And that this is a correct explanation of the course adopted by the managers of the trial is confirmed by the subsequent demeanour of the Court. It betrays to the end that see-saw movement which bespeaks the sway of conflicting interests. Upon the day of public sentence, Saturday, the 27th, when, all difficulty and opposition being surmounted, the Court was able to face the people in Westminster Hall, the judges to this extent took them into their confidence. They made it known, in the most authoritative way, that upon the third day of trial, before the witnesses were heard, they had passed a resolution which was equivalent to that "speedy judgment" against the king which had that day been demanded of them; but nothing was said about the death warrant. This admission and this concealment are equally explicable. On the one hand, the passions of the soldiers must be respected. Their cries for "justice" which resounded through the Hall were directed more against the High Court than against the king. Its four days of seclusion must be explained away; and so the judges availed themselves of that occasion to show that

they were throughout "upon the square" with their army. But, upon the other hand, the representatives of the Scotch Parliament were also present. They must not know that the king's fate had been made secure by hand and seal before the pretended trial had begun; and so the original date borne by the death warrant was scraped out, and the fraudulent description of its engrossment and signature upon Monday, the 29th of January, was devised; and the High Court by its last act put a finishing touch to the tangled web of deceit which had been woven upon the previous Tuesday.

Whatever use I may have made of the strange alterations in the death warrant of Charles I. to which Mr. Thoms has drawn attention, about the value and historical importance of his inquiries no uncertainty can be felt. They are especially applicable to the present time. The modern mode of treating the king's trial is to avoid any expression of decided opinion, and to meet all engaged in that event with expressions of sympathy and respect. That the High Court acted justly is taken for granted, though not asserted; but in return the solemnity of its ceremonial is dwelt upon with emphasis. It is assumed rather than decisively stated that Charles deserved his fate; and to make amends, full recognition is given to his dignified demeanour and to "his comely head." This is but a slip-slop method of dealing with one of the most marked incidents in English history; and its best corrective will be found in those results of acute and skilful investigation which Mr. Thoms has published in his pamphlet on the death warrant of Charles I.

REGINALD F. D. PALGRAVE.

THE NEW INDIAN CENSUS.

Oxford, Feb. 21, 1881.

THE new Indian census is now being taken, and Sanskrit scholars will be interested in learning that, at the recommendation of certain eminent natives, three new headings have been added to the census papers, at least for those parts of India in which Brāhmanas abound. These headings are Gotra, S'ākhā, and Sūtra. It is well known that every Brāhman prides himself on his pedigree, and clings to the names of his ancestors with far more tenacity than the most aristocratic of our aristocracy. He must of necessity belong to a particular Gotra or tribe, of which there were originally seven, descended from the seven great sages, afterwards multiplied by seven into forty-nine, and, according to some reckonings, into many more. As to the number of sub-tribes, they seem to be indefinite. Again, every one of these tribes lays claim to the possession of certain distinguished names among its ancestry. Some claim three, others five, and every Brāhman is bound by his religion to repeat the names of these ancestors with the name of his Gotra at the end of his daily morning prayers (prātaḥ-Sandhyā). He must also repeat the name of the particular S'ākhā or branch of the Veda to which he belongs, and of the particular Sūtra or collection of ceremonial rules which he follows. Long lists of Gotras and S'ākhās as they existed ages ago, perhaps centuries before Christ, are to be found in the Brāhmanas, Sūtras, and more recent works, particularly in the 'Charana-vyūha.' How many of the original Gotras and S'ākhās still exist has been for some time a vexed question, and this question the present census seems likely to set at rest.

MONIER WILLIAMS.

A COMPLAINT.

MESSRS. LIPPINCOTT & Co. write to us from Philadelphia, calling attention "to the extraordinary resemblance that exists between the translation of Von Hillern's 'Arzt der Seele' lately put forth by the Rev. S. Baring Gould under the title of 'Ernestine,' and a version by Mrs. A. L. Wister that we published several

years ago as 'Only a Girl; or, the Physician of the Soul.' The first few pages, indeed, of Mr. Baring Gould's version are unlike Mrs. Wister's—studiously unlike—but with the third or fourth chapter the resemblance that we complain of begins, growing stronger and stronger in every succeeding chapter, until finally the English version lapses into a mere transcript of the American, with here and there a verbal change that is not often an improvement. A little poem of some sixteen lines is given in exactly Mrs. Wister's words. And throughout the work, in all the liberties with the original text which Mrs. Wister has found it advisable to take in the way of alteration and omission, she is followed with scrupulous fidelity by the English translator. Not only has Mr. Baring Gould made no acknowledgment of his indebtedness, but the remark in his preface that 'this story of extraordinary power and pathos..... has deserved translation before this' is susceptible of an interpretation that would only add a graver shade to the charge which we are surprised to have to bring against a gentleman of his standing and reputation."

THREE SONNETS FROM CAMOENS.

As the first two stanzas (canto i.) are perhaps the most difficult in the 'Lusiads,' so the 32d sonnets begin with a sore trial for translators—I mean literal translators. Here is a specimen of No. i.:-

Em quanto quiz Fortuna que tivesse, &c.
While Fortune willed that for me remain
Some grateful esp'rance of some glad content,
The joys of gentle thought a longing lent
To pen life's pleasures and depaunt its pain;
But Cupid, fearing lest such writ contain
Lere for the judgments Love hath never shent,
With darkling tortures 'gan my wits torment
That of his treach'ry I should ne'er complain.
O ye, whom Love's obligation may subject
To divers wills! whenso ye read thereof
Bound in one booklet cases so diverse,
(Which all be truthful; facts without defect.)
Learn that according as ye have the love,
So shall ye have the love, of this my verse.

The next is No. xix.,

Alma minha gentil, que te partiste,
known to every Portuguese. A kind of 'To Catharina in Heaven,' it wants no beauty but originality, the ground having been occupied by Petrarck (xxxvii. to Laura):-

Ah, gentle soul of me, that didst depart
This life of discontent, so sudden tane;
Rest there eternal in the heavenly reign,
Live I here pent to play sad mortal part!
If from th' ethereal seats where homed thou art
Thy merry things of earth may not disdain,
Forget not his dear love, whose ardent strain
Thou saw'st so pure in eyes that showed his heart.
And, if thou see my love claim aught of grace,
I fought avail this everlasting care,
This yearning care no cure shall e'er displace;
Pray Him who shorten'd those few years so fair,
As soon He bear me hence to see thy face
As from mine eyes thy light so soon He bare.

No. c.,

No mundo poucos annos, e cansados, &c.,
has an historical interest. It is a kind of epitaph upon a young soldier who died off the coast of Abyssinia, and yet it has been referred to Ruy Diaz, the officer hanged by Albuquerque, and even to Camoens himself.

Few weary winters pight in worldly pale
I lived, the sport of mis'ry dour and dure:
So soon my youthful day-tide wax obscure
Hardly a five poor lustres told the tale.
I ran o'er lands and o'er long seas made sail,
Seeking life's evils or to kill or cure:
But what, in fine, our fate shall not ensure
Ensure no travails, ban nor bane nor bale.
Portugale mother'd me; the green, the dear
Alenquer homed me, but that air pollute
Which ever breathed in fleshy vase of me,
Made me the fishes' food in thee, thou brute
Sea! beating Habash-coast so greedy-ferc,
And ah! so distant from my fair countree.

RICHARD F. BURTON.

AUTHORS AND PUBLISHERS.

294, City Road, Feb. 23, 1881.

Will you allow me to enter my protest against the insidious attempts so constantly made to separate the interests of authors and