

[088a-008b]

Place and Time

Place

More than this the idea which it would be proper to annex to these several offences, will vary much in different countries in virtue of the various circumstances to which it will be respectively proper to give the effect of justification exemption, extenuation or aggravation.

The differences of castes in Hindostan furnish a copious stock of extenuations and aggravations to different classes of offences.

The extraordinary extent, if one may so say, of the surface of this moral as well as religious sensibility, exposes them to a proportional variety of injuries: hence so many peculiar grounds of defence and *provocation*.

It is said that were a Hallachore but to touch a man of a superior tribe, {the person thus followed would think himself} and in the transport of his indignation, the offended person were to draw his sabre and cut down the offender on the spot, he would think himself hardly dealt with if this act of summary justice as it would seem to law were imputed to him as an offence. We

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We are told, that 'on the Malabar side of the 'coast, if a Hallachore chances to touch a man 'of superior tribe, he draws his sabre, and cuts 'him down on the spot, without any check from 'his own conscience, or from the laws of the country.^a Such prejudices, should it be possible to avoid giving way to them altogether, would at least require to be attended to.

The power of the husband, the father, the mother, the guardian is constituted as far as regards the person of the subordinate relations by justifying the superior in the exercise of these acts of authority over the inferior which were it not for the justification would come under one or other of the heads of offence above enumerated.

^a Scrafton: Reflections on the government of Indostan. Verelst's view of the English government in Bengal.

A prejudice so strong though altogether unjust and ferocious would require great forbearance on the part of the legislator – It would require [...] to soften and to combat it. – But it would be better to yield to it altogether for a time rather than endlessly to compromise his authority and expose his laws to hatred –