

were removed by later legislation. The English distinction between traders and non-traders, it will be observed, is not recognized in Scotch law. The statute made null and void all voluntary dispositions, assignments, and other deeds at or after or within sixty days before bankruptcy. The principal Bankruptcy Act now in force is the 19 and 20 Vict. c. 79 (amended by 20 and 21 Vict. c. 19 and 23 and 24 Vict. c. 33).

By section 9 of the principal Act, notour bankruptcy is now constituted—

1. By sequestration (or adjudication in England and Ireland); and

2. By insolvency concurring either—(a), with a duly executed charge for payment followed by imprisonment or apprehension, or flight or retreat to sanctuary, by execution or arrestment of debtor's effects, not discharged within fifteen days, by execution of poinding of any of his movables, or by decree of adjudication of any part of his movable estate; or (b), with sale of effects belonging to the debtor under a poinding or under a sequestration for rent, or retiring for twenty-four hours to the sanctuary, or making application for the benefit of *cessio bonorum*.

Notour bankruptcy continues, in case of sequestration, until the debtor has obtained his discharge, and in other cases until insolvency ceases. Sequestration may be awarded of the estate of any person in the following cases:—

1. Living debtor subject to jurisdiction of Scotch courts,—(a), on his own petition with concurrence of qualified creditors; or (b), on petition of qualified creditors, provided he be a notour bankrupt, and have had a dwelling-house or place of business in Scotland within the previous year.

2. In the case of a deceased debtor, subject at his death to the jurisdiction of the court,—(a), on the petition of his mandatory; or (b), on the petition of qualified creditors (§ 13).

Sequestration may be awarded either by the Court of Session or by the sheriff. A sequestration may be recalled by a majority in number and four-fifths in value of the creditors, who may prefer to wind up the estate by private arrangement. If the sequestration proceeds, the creditors hold a meeting, and by a majority *in value* elect a trustee to administer the estate, and three commissioners (being creditors or their mandataries) to assist and control the administration and declare the dividends. The bankrupt (under pain of imprisonment) must give all the information in his power regarding his estate, and he must be publicly examined on oath before the sheriff; and "conjunct and confident persons" may likewise be examined. The bankrupt may be discharged either by composition or without composition. In the latter case (1) by petition with concurrence of all the creditors, or (2) after six months with concurrence of a majority and four-fifths in value of the creditors, or (3) after eighteen months with concurrence of a bare majority in number and value, or (4) after two years without concurrence. In the last case the judge may refuse the application if he thinks the bankrupt has fraudulently concealed his effects, or wilfully failed to comply with the law.

The procedure in *cessio bonorum* is regulated by 6 and 7 Will. IV. c. 56 (which gave jurisdiction to sheriffs) and Act of Sederunt of June 1839. A debtor who is or has been in prison, or has had a warrant of imprisonment served against him, may present a petition setting forth his inability to pay his debts, and his willingness to surrender his estate, and praying for interim protection. The debtor is examined by the sheriff on oath, and the creditors may be heard against the petition. A decree of *cessio bonorum* operates as an assignation of a debtor's movables to a trustee for behoof of creditors. The bankrupt under a *cessio* has no power to insist on his discharge, and there-

fore cannot protect his subsequent acquisitions against his creditors. By the late statute a majority of the creditors (subject to review by the court) may, in certain cases, resolve that the bankrupt shall be entitled to apply for a decree of *cessio* only, and not to a discharge in the sequestration, and the court may grant the *cessio* in the sequestration without requiring a new process.

By the Bankruptcy (Ireland) Amendment Act, 1872 (35 and 36 Vict. c. 58), the law of Ireland has been assimilated to the new system established by the English Bankruptcy Act, 1869. (E. R.)

Bankruptcy in the United States.

In the United States, Congress alone has power to pass a bankrupt law which shall have authority throughout the country. The several States may enact such statutes when there is no law of Congress in operation; but these statutes will fully bind only the citizens of the State which enacts it. There is no power to obtain effectual control of property without its limits so as to prevent local preferences; nor can the State laws discharge contracts due to non-residents. The general Government has made so little use of the power confided to it, that many of the States were obliged to pass bankrupt laws, notwithstanding the imperfection of their operation in some cases, and those, often, the most important in the interests involved. Massachusetts had an excellent system, established in 1838, which is specially mentioned because the Act of Congress is largely drawn from this source. All State laws on the subject are suspended while a general law of bankruptcy is in force.

The first general Bankrupt Act was passed in 1800, and repealed in 1803. In 1841 another law was put in operation, with a special view of meeting the urgent needs of debtors who had been ruined by the commercial revulsion of 1837-38, and who could receive no effectual relief from local laws. This Act was repealed in thirteen months; but in the meantime a very large number of cases had been disposed of, amounting, for example, to 3250 in Massachusetts alone. The law now in operation took effect June 1, 1867. It was framed with much care by a committee of the House of Representatives, of which Mr Jenckes, of Rhode Island, was the chairman and chief working member. Its authors hoped that it would form a permanent addition to the commercial jurisprudence of the country.

The administrative machinery is simple. The district courts, which have always had the original jurisdiction of causes in admiralty, revenue, and other national matters, are made courts of bankruptcy. The judge of each district ascertains how many registers are needed for the convenient despatch of causes in his territory, and they are appointed by the chief justice of the United States and the district judge concurrently. The registers have, by law, functions chiefly administrative and ministerial; but they, in fact, hear and decide many judicial questions by consent of the parties, and subject to the revision of the judge. In proceedings in bankruptcy proper, such as adjudications, discharges, proof of debts, marshalling assets, there is an appeal from the district to the circuit court, and no farther. Actions at law, or suits in equity, to which assignees in bankruptcy are parties, may be brought either in the State or the Federal courts. If in the latter, the whole case if in equity, or the law points in an action at law, may be carried to the Supreme Court at Washington when the amount in dispute exceeds \$5000, or questions of law, which the judges of the circuit court consider doubtful, may be certified by them to the Supreme Court, whatever may be the amount involved; and all decisions of the highest court of a State, involving questions of law under the Bankrupt Act, may be reviewed by the Supreme Court, if adverse to

the right or title set up under that statute. In some of these various modes the principal questions arising under the Act will in time be settled by the highest judicial authority, and thus uniformity of decision will be secured.

The statute covers the whole ground of bankruptcy and insolvency. It is applied to all debtors, whether traders or not, and to debtors petitioning for its benefits, as well as to those proceeded against by creditors. Any one who owes \$300 may petition, and any such debtor who has committed certain specified acts may be adjudged bankrupt *in invitum*. The acts of bankruptcy are substantially alike in all such statutes in England and the United States, and tend to prove either fraudulent conduct or hopeless insolvency, such as concealing property, conveying it fraudulently, departing the district with intent to defraud creditors, lying in prison for twenty-one days. There is nothing analogous to the trader debtor summons, though the Act of 1800, and the Massachusetts law of 1838, admitted a somewhat similar test of bankruptcy. This law, however, has adopted one which to a considerable extent supplies this want, by declaring a merchant, trader, banker, broker, manufacturer, or miner to be bankrupt who has suffered his commercial paper to remain overdue and unpaid for forty days. No other distinction is made between traders and other debtors, excepting that merchants and tradesmen are bound, under pain of being denied their discharge, to keep proper books of account.

The property of the bankrupt is assigned by the judge or register to the persons chosen by the majority in number and value of the creditors—the court having full power to overrule the choice of the creditors, or to add an assignee to those chosen. The assignment is conclusive evidence of the assignees' authority, and cannot be collaterally impeached on any ground, excepting want of jurisdiction in the bankrupt court, nor in any suit whatever. This most valuable rule was adopted by Massachusetts in 1838, and has saved an enormous amount of useless litigation. There is no danger of injustice from it, because the adjudication against a bankrupt is never made without notice to him, nor without a trial by jury, if he demands one; and any person having an interest adverse to the adjudication has a right to be heard as well as the debtor.

The doctrine of the relation of the assignee's title to an act of bankruptcy committed in the country has not obtained in the United States. That title relates, as in other suits, to the beginning of the proceedings,—that is to say, the day and hour that the petition, whether voluntary or involuntary, is filed. The most marked difference between the English and American statutes, or rather between the practical working of them, is in the extension given by the latter to the doctrine of preference. By the law of 1867 and its amendments, the assignee can avoid all advantages given to pre-existing creditors within four months (in involuntary cases, within two months) before the filing of the petition, if the bankrupt was then insolvent, and intended a preference, and the preferred creditor knew the insolvency and the intent, no matter what pressure, by suit, threat, or otherwise, may have been brought to bear upon the debtor. This law, as construed, operates almost like a relation back of the assignee's title, so far as pre-existing creditors are concerned, unless the payments or settlements have been made in the ordinary course of business, and sometimes, though rarely, when they have been so made. This rule is a logical development of the law of preference, as established in Lord Mansfield's time, and still continued in England. When it is considered that a preference is a technical fraud, and may be charged as an act of bankruptcy and as a valid objection to the debtor's discharge, it will be readily seen that the conduct of debtors in failing circumstances must be much restrained and regulated, to the

advantage of the general creditors, by the perils that attend a partial or unfair mode of settlement, or even a struggle to continue business after recuperation has become hopeless. Such was found to be the operation of a similar law in Massachusetts, where it prevailed for more than twenty years before the statute of that State was suspended by the general Bankruptcy Act of 1867.

The discharge of the debtor is granted or refused by the court absolutely. There are no grades or classes of certificates, and no power to suspend action upon the question, and put the debtor on probation. In voluntary bankruptcies 30 per cent. must be paid in dividends, or the consent of one-fourth in number and one-third in value of the creditors must be obtained. Any creditor may oppose the decree of discharge for fraud committed or continued within six months before the petition, for loss by gaming, and in the case of merchants and tradesmen, as we have seen, for failure to keep suitable accounts. The discharge when granted, is, like the assignment, unimpeachable in any court; but it may be reviewed within two years by the court that granted it, upon evidence afterwards discovered.

The title, powers, and duties of the assignee, the mode of settling joint and separate estates, and marshalling debts and assets, are substantially similar under the English and American systems. The title of the assignee, however, does not depend at all, in any case, upon the date of the petitioning creditor's debt. The misdemeanours created by the law were taken, with some modifications, from the felonies of the English Act in force in 1867. The mode of compounding with creditors has recently been adopted from the English statute of 1869, and has been largely used with good results.

Whether or not the bankrupt law will take its place as part of the settled policy of the country cannot be easily predicted. It is not likely to be displaced until the existing commercial depression has been relieved. After that time much will depend upon the degree of care and economy with which it is administered, and the readiness of Congress to adopt modifications that shall be found to be necessary, but most upon the opinion that the debtors of the country may entertain of its operation. The law was considerably modified in 1874 in the interest of debtors, by making adjudications *in invitum* more difficult, and discharges more easy; but the law is still popular with creditors, because of the serious check it imposes upon local preferences. It is likewise approved by those lawyers and judges who have had the most to do with its administration; and it is not improbable that the effect of a few years more of its operation may be to render it indispensable to the commercial world. (J. L.)

BANKS, SIR JOSEPH, for upwards of forty years president of the Royal Society of London, was born in Argyle Street, London, on the 13th of February 1743. He was the only son of William Banks, a gentleman of considerable landed property, whose father had derived his fortune principally from successful practice as a physician in Lincolnshire, had been on one occasion sheriff of that county, and had for some years represented Peterborough in parliament. Very little is known of Joseph's early life and education. He appears to have been sent at the age of nine to Harrow, and after spending four years there, was removed to Eton. Here he seems first to have acquired a taste for botanical pursuits, and was accustomed to spend all his leisure hours in the beautiful lanes and fields round the school. He carried the same fondness for natural history to Oxford, where he was entered as a gentleman commoner of Christ's College; and by his exertions a lecturer on natural science was for the first time brought into the university. After taking an honorary degree he left Oxford; and at the age of twenty-one he found himself possessed of ample means,

his father having died in 1761. Three years later he made his first scientific expedition to Newfoundland and Labrador, and brought back a rich collection of plants and insects. Shortly after his return, Government resolved to send out Captain Cook to observe the transit of Venus in the Pacific Ocean, and Banks, through the influence of his friend Lord Sandwich, obtained leave to join the expedition. He made the most careful preparations, in order to be able to profit by every opportunity, and induced Dr Solander, a distinguished pupil of Linnæus, to accompany him. He even engaged draughtsmen and painters to delineate such objects of interest as did not admit of being transported or preserved. The voyage occupied three years, and many hardships had to be undergone; but the rich harvest of discovery—many natural phenomena being for the first time brought to light—was more than adequate compensation. Banks was equally anxious to join Cook's second expedition, and expended large sums in engaging assistants and furnishing the necessary equipment; but, owing to ill-feeling on the part of some Government officials, he was compelled to relinquish his purpose. He, however, employed the assistants and materials he had collected in a voyage to Iceland, returning by the Hebrides and Staffa, the geological formation of which he was the first to describe. In 1778 Banks was elected president of the Royal Society, of which he had been a fellow from 1766. His predecessor had been compelled to resign owing to some disagreement with the court, but Banks was always a favourite with the king. In 1781 he was made a baronet; in 1795 he received the Order of the Bath; and in 1797 he was admitted to the Privy Council. During the long tenure of his office as president, Sir Joseph did much to raise the state of science in Britain, and was at the same time most assiduous and successful in cultivating friendly relations with scientific men of all nations. His kindness and liberality were beyond praise, and he was most generous in affording to other naturalists the free use of his vast materials. It has, however, been made matter of objection to him, that from his own predilections he was inclined to overlook and depreciate the labours of the mathematical and physical sections of the Royal Society. Sir Joseph died on the 19th March 1820, at the age of 77. He bequeathed his valuable collections of books and botanical specimens to the British Museum. His only writings are two small tracts of little importance; he seems to have given up his intention of writing an elaborate treatise after the death of his friend and fellow-labourer, Dr Solander. His fame rests mainly on his numerous discoveries in botany and natural history. See Cuvier, *Eloge Historique de M. Banks*, 1821.

BÁNKURÁ, a district of British India, within the Bardwán division, under the Lieutenant-Governor of Bengal, situated in 22° and 23° N. lat., and 86° and 87° E. long., bounded on the N. and E. by Bardwán district; on the S. by Midnapur district; and on the W. by Mánbhúm district. Bánturá forms a connecting link between the delta of the Ganges on the E. and the mountainous highlands of Chhotá Nágpur on the W. Along its eastern boundary adjoining Bardwán district the country is flat and alluvial, presenting the appearance of the ordinary paddy lands of Bengal. Going N. and W., however, the surface gradually rises into long undulating tracts; rice lands and swamps give way to a region of low thorny jungle or forest trees; the hamlets become smaller and more scattered, and nearly disappear altogether in the wild forests along the western boundary. The principal hills are—Mánjíá hill, on the south bank of the Dámodar; Koro hill, S. of the foregoing; Susuniá hill, W. of Koro; and Behárináth hill, in the N.W. corner of the district. The rivers are merely mountain torrents—the largest, the Dámodar, being only navigable by country

boats during the rains. The census of 1872 returned the population of the district at 526,772 souls, inhabiting 2028 villages, and 104,687 houses; average density of population, 391 to the square mile. The Hindus numbered 487,786, or 92.6 per cent. of the total population; Mahometans, 13,500; Christians, 70; and persons of unspecified religion, chiefly aboriginal tribes, 25,416.

District area, after recent transfers to and from the districts of Bardwán and Mánbhúm in 1872, 1346 square miles. Before these transfers the area was returned at 1350 square miles, of which 630 were said to be cultivated, 540 cultivable but not cultivated, and 180 uncultivable waste. Agricultural products—rice, barley, cotton, indigo, oil-seeds, and pulses. Minerals—coal, lime, and building stone. In its manufactures, the district is noted for fine descriptions of coloured silk cloths. Exports—rice, oil-seeds, lac, tamarind, silk cloth, silk cocoons, &c. Imports—English piece goods, salt, tobacco, spices, cocoa-nuts, turmeric, and different kinds of pulses. Chief trading towns and seats of commerce—Bánturá, Bishnupur, Rájgrám, and Barjór. Three main lines of road traverse the district. The total revenue increased from £40,934 in 1835-36 to £66,392 in 1870-71, and the civil expenditure from £8006 to £17,487 within the same period. Bánturá is a permanently settled district. In 1870-71 the district contained 910 estates, held by 1351 proprietors, and paying a total Government land revenue of £45,362. Besides the land revenue, the following are returned as the other sources of revenue in 1870-71, viz., assessed taxes, £5455; excise, £3167; stamps, £6787; law and justice, £30,478; law charges, £62; and local and provincial funds, £2512. The police force in 1871 numbered 5681 men, maintained at a cost of £23,656. The district contained 515 schools in 1871-72, attended by 14,676 pupils; maintained at a total cost of £4602, of which Government paid £1291. The climate of Bánturá is generally healthy, the cold season being bracing, the air wholesome and dry, and fogs of rare occurrence. The temperature in the hot season is very oppressive and relaxing. Rainfall in 1868, 61.25 inches; minimum temperature in the same year, 62°; maximum, 98°. The prevailing diseases in the district are intermittent fever, leprosy, and occasionally diarrhoea and dysentery. Cholera visited the district in an epidemic form in the years 1855, 1860, 1864, 1866-67, and 1869, that of the first year being the severest. Bánturá suffered greatly from the famine of 1865-66. Two towns contain a population of upwards of 5000—1. Bánturá, the administrative headquarters; population, 16,794; municipal income in 1872, £551; expenditure, £476. 2. Bishnupur—population, 18,047; municipal income, £273; expenditure, £192. The Bishnupur Raj was one of the largest estates in Bengal in the end of the last century, but it was sold for arrears of revenue shortly after the conclusion of the permanent settlement in 1793.

BÁNKURÁ, the principal town of the district of the same name, in 23° 14' N. lat., and 87° 6' 45" E. long., stands on an elevation on the left bank of the River Dhalkisor. It has a bázár, a spacious building for the accommodation of travellers, and the district courts, school, jail, post-office, &c. In 1872 the population amounted to 16,794.

BANN, a considerable river of Ireland, which rises in the Mourne Mountains, County Down, and falls into Lough Neagh. From this it emerges as the Lower Bann, and, flowing between the counties of Antrim and Londonderry, falls into the Atlantic, four miles S.W. of Portrush. The Upper Bann is navigable for vessels of 50 tons to its junction with the Newry canal, a little above Portadown. The Lower Bann flows in a northerly direction; it is navigable up to Coleraine for vessels of 200 tons, but the bar at its mouth renders it difficult of access in rough weather, and its course is broken by a fall of 13 feet about a mile above Coleraine. The salmon and eel fisheries are of considerable value. Measured in a direct line, the Upper Bann is about 35 miles long, and the Lower 30 miles.

BANNERETS. In the early ages of chivalry there were two kinds of knights, called respectively *Bachelors* and *Bannerets*. The former carried pennons terminating in a point or points; the latter, banners,—that is to say, pennons rendered square by having the points cut off. This process of converting the pennon into the banner was done by the sovereign himself on the field of battle, standing beneath his own royal standard displayed. The distinction, awarded for peculiar gallantry, was a very high one; and those who

enjoyed it ranked above all other knights except those of the Garter. The banner bore the coat armour of the banneret himself, and served as an ensign for the followers and retainers whom he took with him into the camp or court. The king himself and the greatest nobles were members of the order; and we have in the Roll of Caerlaverock the blazon of nearly one hundred bannerets (including the king, eleven earls, and the bishop of Durham) who were present with Edward I. in his campaign against Scotland in 1300. The etymology of the word is clear; and Selden, after expressing his opinion that *baro* is equivalent to *vir*, remarks that "the Germans have also the name of *banner-her* or *panner-her*, as if you would say *dominus vexillifer*, or the like, or as the title of banneret" (*Tiles of Honour*, part ii. 1, 52). Nevertheless the term banneret, either from simple misapprehension or in order to mark the relative rank of the knight, has been translated *baronettus* (quasi *baro minor*) in some old statutes; and the historian Walsingham, in describing the prisoners at the battle of Stirling, speaks of *Barones et Baronetti viginti duo*, &c. Indeed, in a patent granted to Sir Ralph Vane so late as 4 Edward VI., his grade of banneret is Latinized by *Baronettus*. In France, it is said, the dignity was hereditary; but in England it died with the person who gained it. On the institution of baronets by King James I., the order dwindled, and at length became extinct. The last banneret created was Sir John Smith, who received the dignity after the battle of Edgehill, for his gallantry in rescuing the standard of Charles I.

BANNOCKBURN, a village of Scotland, on the Bannock, an affluent of the Forth, three miles S. of Stirling. In 1871 its population amounted to 2564, principally employed in the manufacture of tweeds and carpets. In the neighbourhood, on the 24th of June 1314, was fought the memorable battle which secured the independence of Scotland, and established Bruce upon the throne. A fragment of the "bore stone" in which the royal standard was placed, is still to be seen, protected by an iron framework. At Sauchieburn, in the neighbourhood, James III. was defeated by his subjects in 1488. See SCOTLAND.

BÁNSWÁRÁ (literally, the forest country), a Rájput feudatory state under the Mewár agency in Rájputáná, extends from 23° 10' to 23° 48' N. lat., and from 74° 2' to 74° 41' E. long. It borders on Gujarát, and is bounded on the N. by the native states of Dungarpur and Udaipur or Mewár; on the N.E. and E. by Pratabgarh; on the S. by the dominions of Holkár and the state of Jabuá; and on the W. by the state of Ríwákánta. Bánturá State is about 45 miles in length from N. to S., and 33 miles in breadth from E. to W., and has an area of 1440 square miles, with an estimated population of 144,000 souls. The Mahi is the only river in the state, and great scarcity of water occurs in the dry season. The Maháráwal, as the chief is called, has, however, undertaken the digging of wells, tanks, &c., to meet this want. The Bánturá chief belongs to the family of Udaipur. During the vigour of the Delhi empire Bánturá formed one of its dependencies; on its decline the state passed under the Marhattás. Wearied out by their oppressions, its chief in 1812 petitioned for English protection, on the condition of his state becoming tributary on the expulsion of the Marhattás. The treaty of 1818 gave effect to this arrangement; England guaranteeing the prince against external enemies and refractory chiefs; he, on his part, pledging himself to be guided by her representative in the administration of his state. There are 33 tributary chiefs or Thákurs of this state, and the whole strength of force kept up in 1870-71 was 617 men. Indian corn, wheat, pulses, rice, and other kinds of millet form the chief products of Bánturá. The revenue of the state amounted to £17,595 in 1870-71, exclusive of £3301 set apart for

the personal expenditure of the chief and his family. The total expenditure in the same year amounted to £16,745. An annual tribute of £3997, or 50,000 Salírsháhi rupees, is paid by the chief to the British Government. The custom of *sati*, or widow-burning, has long been abolished in the state, but the people retain all their superstitions regarding witches and sorcery; and as late as 1870, a Bhill woman, about 80 years old, was swung to death at Kusalgah in Bánturá, on an accusation of witchcraft. The perpetrators of the crime were sentenced to five years rigorous imprisonment, but they had the sympathy of the people on their side. The chief town is Bánturá, lat. 23° 30' and long. 74° 24', situated about 8 miles W. of the Mahi river, surrounded by an old disused rampart, and adorned by various Hindu temples, with the battlements of the chief's palace overlooking it.

BANTAM, a decayed town of Java, formerly capital of a district of the same name, at the north-western extremity of the island, situated on the Bay of Bantam, near the mouth of a river which falls into the bay. It was once a large, rich, and flourishing city, but is now mostly in ruins. It is about 61 miles W. of Batavia, and is situated on a low, swampy beach, surrounded by jungle, and intersected by stagnant streams, so that its climate is even more unhealthy than that of Batavia was in the last century. Prior to the Dutch conquest Bantam was a powerful Mahometan state, whose sovereign extended his conquests in the neighbouring islands of Borneo and Sumatra. In 1595 the Dutch, under Houtmann, expelled the Portuguese, and formed their first settlement. An English factory was established in 1603, and continued to exist till the massacre of the agents in 1677. In 1683 the Dutch reduced the sultan to vassalage, built the fort of Spielwyk, and monopolized the port, which had previously been free to all comers; and for more than a century afterwards Bantam was one of the most important seats of commerce in the East Indies. In 1811 after Batavia had surrendered to the British, Bantam soon followed; but it was restored to the Dutch in 1814. Two years later, however, they removed their chief settlement to the more elevated station of Serang, or Ceram, seven miles inland, and in 1817 the ruin of Bantam was hastened by an extensive conflagration. The Bay of Bantam was formerly a commodious retreat for vessels; but it is now so choked up with daily accessions of soil washed down from the mountains, as well as by coral shoals extending a considerable way to the eastward, that it is inaccessible to vessels of any considerable burden. Long. 106° 3' E., lat. 6° 4' S.

BANTRY, a small seaport situated on Bantry Bay, on the S.W. coast of Ireland, in the county of Cork. Lat. 51° 39' N., long. 9° 24' W. The trade of this port, formerly considerable, is now almost confined to the exportation of grain. The pilchard fishery was once very productive, but the fish has now deserted the coast. The population, which in 1831 was 4276, had decreased in 1871 to 2441 (including 409 in the island of Whiddy). The bay of the same name is about 25 miles long by 4 to 6 broad, has from 10 to 30 or 40 fathoms of water, and is surrounded by high mountains. It affords a very fine harbour for shipping, and contains two small islands, Bear and Whiddy. In 1796 a French fleet anchored here with the view of invading Ireland, and landed eight men, who were immediately taken prisoners.

BANU, a district of British India, under the Lieutenant-Governor of the Panjáb, lies between 33° 15' 30" and 32° 10' 30" N. lat., and 72° 1' and 70° 27' E. long. It is bounded on the N. by the Khatábi hills, separating it from the district of Kohát, and by a corner of the Rawál Findí district; on the E. by the districts of Jhílam and Sháhpur; on the S. by the district of Derá Ismáíl Khán; and on the

W. by the Waziri hills. Total area, 3148 square miles. Population, 287,547: consisting of Hindus, 26,222, or 9.12 per cent.; Mahometans, 260,550, or 90.61 per cent.; Sikhs, 493; others, 232; density of population per square mile, 91. The principal tribes inhabiting the district are—(1.) Waziri Pathans, recent immigrants from the hills, for the most part peaceable, and good cultivators; (2.) Banuchis, inhabitants of Banu proper; (3.) Pathans, criminal and depraved, with all the vices and few of the virtues of their race, but fair cultivators; and (4.) Murati Pathans, inhabitants of the Erakhel valley, a fine manly race, truthful and industrious.

The Indus flows through the district from north to south, dividing it into two portions. The other streams are the Kuran (which falls into the Indus) and its tributary the Gambila. The course of the Indus is very capricious, and has a tendency to encroach eastwards. During inundations its vast body of waters stretches for many miles across the country. Principal crops of Banu district: wheat, barley, gram, and pulses for the spring harvest; millet, Indian corn, sugar-cane, cotton, and oil seeds, for the autumn harvest. Average produce of land per acre in lb.—Rice, 369 lb.; cotton, 100; sugar, 1394; tobacco, 512; wheat, 430; other inferior grains, 640; oil-seeds, 240; fibres, 87. Cultivated area of the district in 1871-72, 450,519 acres; uncultivated and pasture grounds, 414,607; cultivable, 53,562; uncultivable, 1,092,493; total, 1,565,682 acres, or 2446 square miles reported on. Revenue from all sources in 1871-72, £50,218, of which £42,741 was derived from the land. The first regular settlement of the land revenue commenced in 1871-72, and is still (1874) in progress. A police force of 464 men of all grades is maintained, of whom 895 belong to the imperial, 57 to the municipal, and 12 to the primitive police. The district contained 33 schools in 1871-72, attended by 1152 pupils. The principal towns are—Trakhel, population, 7446; Kalabagh, 6419; Edwardesabad (Banna), 3185; Bhang-khel, 5339; Nimal, 5010; and Van Bachran, 6178.

BANYAN TREE (*Ficus indica*, Linn., *Urostigma benghalense*, Gaspar.) is a native of several parts of the East Indies and Ceylon. It has a woody stem, branching to a great height and vast extent, with heart-shaped entire leaves terminating in acute points. Every branch from the main body throws out its own roots, at first in small tender fibres, several yards from the ground; but these continually grow thicker until they reach the surface, when they strike in, increase to large trunks, and become parent trees, shooting out new branches from the top, which again in time suspend their roots, and these, swelling into trunks, produce other branches, the growth continuing as long as the earth contributes her sustenance. On the banks of the Nerubudda, according to Forbes's *Oriental Memories*, stands a celebrated tree of this kind, which is supposed to be that described by Nearchus the admiral of Alexander the Great. This tree once covered an area so immense, that it has been known to shelter no fewer than 7000 men. Though now much reduced in size by the destructive power of the floods, the remainder is still nearly 2000 feet in circumference, and the trunks large and small exceed 3000 in number.

BAPHOMET, the imaginary symbol or idol which the Knights Templars were accused of worshipping in their secret rites. The term is supposed to be a corruption of *Mahomet*, who in several mediæval Latin poems seems to be called by this name. Von Hammer wrote a dissertation in the *Mines de l'Orient*, 1818, in which he revived the old charge against the Templars. The word, according to his interpretation, signifies the baptism of *Metis*, or of fire, and is, therefore, connected with the impure rites of the lowest Gnostic sects, the Ophites. Additional evidence of this, according to Von Hammer, is to be found in the architectural decorations of the Templars' churches. An elaborate and, so far as has yet appeared, successful criticism of Von Hammer's arguments was made in the *Journal des Savans*, March and April 1819, by M. Raynouard, well known as the defender of the Templars. See also Hallam, *Middle Ages*, c. i. note 15.

BAPTISM. Christian baptism is the sacrament by

which a person is initiated into the Christian Church. The word is derived from the Greek βαπτίζω, the frequentative form of βάπτω, to dip or wash, which is the term used in the New Testament when the sacrament is described. In discussing what is meant by baptism, three things have to be inquired into—(1) the origin of the rite, (2) its meaning, or the doctrine of baptism, and (3) the form of the rite itself.

1. *The Origin of Baptism*.—Christian theologians do not require to go further back than to the New Testament, for there, in the record of our Lord's life, and in the writings of His apostles, they find all that is required to form a basis for their doctrines. The principal passages in the New Testament in which baptism is described are as follows:—Matt. xxviii. 18-20; Mark xvi. 16; John iii. 26; Acts ii. 38, x. 44, ff., viii. 16, xix. 1, ff., xxii. 16; Rom. vi. 4; 1 Cor. i. 14-16, vi. 11; Eph. v. 26; Col. ii. 12; Heb. x. 22, 23, &c. From these texts we learn that baptism is specially connected with the gift of the Holy Spirit, with the forgiveness of sins, with our being buried with Christ; and we are also taught by whom baptism is to be administered, and who are the proper partakers in the ordinance. It is from a due arrangement and comparison of the conceptions in these texts that a doctrine of baptism has been formed. But while theologians do not require to go beyond the New Testament for the origin and meaning of baptism, historical investigation cannot help trying to trace analogies to the rite in Old Testament and even in Pagan history. In the New Testament itself there are two distinct kinds of baptism spoken of—the baptism of John and Christian baptism. Treatises on Jewish antiquities speak of the baptism of proselytes; and St Paul applies the term baptism to describe certain Old Testament events, and we find in use among certain Pagan tribes rites strongly resembling Christian baptism, so far as external ceremonies go. Hence the question arises, What is the relation of Christian baptism to these?

Writers on the antiquities of the Christian church were accustomed to find the source of Christian baptism in the baptism of John, and to assert that John's baptism was simply a universal and symbolical use of the well known ceremony of the baptism of proselytes, and they connected this Jewish rite with Old Testament and even with Pagan lustrations. But this mode of explanation must now be abandoned. It is very difficult to show any real connection between the baptism of John and Christian baptism further than the general relation which all the actions of the forerunner must have had to those of the Messiah. We know very little about the baptism of John, and all attempts to describe it minutely are founded either upon conjecture or upon its identity with the baptism of proselytes. Was John's baptism an initiation, and if so, initiation into what? Did Christ baptize in His lifetime, or did Christian baptism properly begin after Christ's death, and after the mission of the Holy Ghost? What was the formula of John's baptism, and was there any change or growth in the formula of Christian baptism? (The Tübingen School, for example, think that the formula in Acts ii. is much earlier than the complete and more developed one in Matt. xxviii. 19.) All these questions require to be answered with much more precision than the present state of our information admits of, before we can define the precise relation subsisting between the baptism of John and the baptism of Christ.

The connection between the baptism of John and the Jewish baptism of proselytes, of which a great deal has been made, is also founded on assumptions which cannot be proved. This very plausible theory first assumes that proselytes were baptized from an early time in the Jewish Church, although the Old Testament tells us nothing about

it, and then supposes that John simply made use of this ordinary Jewish rite for the purpose of declaring symbolically that the whole Jewish nation were disfranchised, and had to be re-admitted into the spiritual Israel by means of the same ceremony which gave entrance to members of heathen nations. But the subject of the baptism of proselytes is one of the most hopelessly obscure in the whole round of Jewish antiquities, and can never be safely assumed in any argument; and the general results of investigation seem to prove that the baptism of proselytes was not one of the Jewish ceremonies until long after the coming of Christ, while there is much to suggest that this Jewish rite owes its origin to Christian baptism. Others again, as Steitz, find the historical basis of baptism in the lustrations or sprinklings with water so often mentioned in the Old Testament, in such symbolical acts as Naaman's bathing in the Jordan, and in various prophecies where purification from sin is denoted by sprinkling, e.g., Ezek. xxxvi. 25-30, Zech. xiii. 1, &c.; but such anticipations can scarcely be called the historical origin of the rite. Many modern writers connect baptism with certain Pagan rites, and point to the lustrations in use in religious initiation among the Egyptians, Persians, and especially the Hindus, but very little can be made of such far-fetched analogies. Perhaps the most curious instance of this kind is to be found in the double baptism,—the one Pagan and civil, and the other religious and Christian,—which existed side by side with each other in Norway and Iceland. The Pagan rite was called "ansa vatri," while the name for Christian baptism was "skéro." The Pagan rite was much older than the introduction of Christianity, and was connected with the savage custom of exposing infants who were not to be brought up. The newly-born infant was presented to the father, who was to decide whether the child was to be reared or not; if he decided to rear it, then water was poured over the child and the father gave it a name; if it was to be exposed, then the ceremony was not gone through. The point to be observed is that, if the child was exposed by any one after the ceremony had been gone through, it was a case of murder, whereas it was not thought a crime if the child was made away with before water had been poured over it and it had been named. The analogy lies in the use of water, the bestowal of the name, and the entrance into civil life through the rite.

II. *The Doctrine of Baptism*.—Among the Greek Fathers, for it is there we must look for the beginning of the doctrine, baptism was called by various names, all of which referred to the spiritual effects which were supposed to accompany the rite. For example, a common term for baptism was Παλιγγενεσία, or regeneration—for every Christian was supposed to be born again by the waters of baptism. "We fishes," says Tertullian, "are born in water, conformable to the name of our Lord Jesus Christ,—Ιχθύς." (Ἰησοῦς Χριστός, Θεοῦ Υἱός, Σωτὴρ = ἰχθύς.) It was also called φωτισμός, or illumination; mysterium; signaculum, or seal of the Lord; character Dominicus; μύησις or μυσταγωγία, the initiation; εφοδίον, or viaticum, from its being administered to departing persons; sacerdotium laici, or the lay priesthood, because allowed, in cases of necessity, to be conferred by laymen; the great circumcision, because it was held to succeed in the room of circumcision; δάρον and χάρισμα κυρίου, the gift of the Lord, because it had Christ for its author, and not man; sometimes by way of eminence simply δάρον; τελεῖσις and τελετή, the consecration and consummation, because it gave men the perfection of Christians, and a right to partake of τὸ τελεῖον, the Lord's Supper. In studying the statements made by the early Fathers upon baptism, we find not so much a distinct and definite doctrine as gropings toward a doctrine, and it is not until we come to St Augustine that we can find any

strict and scientific theory of the nature and effects of the sacrament. The earlier theologians sometimes make statements which imply the most extreme view of the magical effects of the sacrament, and at other times explain its results in a purely ethical way. Thus, for example, Hermas says,—“Our life is sanctified by water;” while Tertullian expressly declares,—“Anima non lavatione sed responsione sancitur.” It should never be forgotten that the abundant use of metaphorical language by the Greek Fathers, and the want of anything like a strictly theological terminology, prevent our finding anything like the precise doctrinal statements which became familiar in the Western Church; while the prevalence of curious Greek physical speculations, which taught the creative power of water, mingled with and distorted the ideas about the effects of the water in baptism. It was St Augustine, the great theologian of the Western Church, who first gave expression to exact dogmatic statements about the nature and meaning of baptism. The real difficulty to be explained was the connection between the outward rite and the inward spiritual change; or to put it more precisely, the relation between the water used and the Holy Spirit who can alone regenerate. The Greek theologians had shirked rather than faced the difficulty, and used terms at one time exaggerating the magical value of the element, at another insisting on the purely ethical and spiritual nature of the rite; but they never attempted to show in what precise relation the external rite stood to the inward change of heart. It is true that one or two theologians had almost anticipated Augustine's view, but the anticipation was more apparent than real, for the theology of the Greek Church in this, as in most other doctrines, is greatly hampered by the mystical tendency to represent regeneration and kindred doctrines much more as a species of chemical change of nature than as a change in the relations of the will. Augustine insisted strongly on the distinction between the sacrament itself and what he called the “res sacramenti,” between the inward and spiritual and the outward and material, and by doing so Augustine became the founder of both the modern Roman Catholic and the modern orthodox Protestant views. Apart from certain modifying influences, it would not be difficult for the orthodox Protestant to subscribe to most of Augustine's views upon baptism, for he insists strongly on the uselessness of the external sign without the inward blessing of the Spirit. But in this doctrine, as in most others, Augustine's doctrine of the Church so interfered as to make practically inoperative his more spiritual views of baptism. The Church, Augustine thought, was the body of Christ, and that in a peculiarly external and physical way, and just as the soul of man cannot, so far as we know, exert any influence save upon and through the body, so the Spirit of Christ dispenses His gracious and regenerating influences only through the body of Christ, i.e., the Church. But the Church, Augustine thought, was no invisible spiritual communion. It was the visible kingdom of God, the visible “civitas Dei in peregrinatione per terras,” and so entrance into the Church, and the right and possibility of participating in the spiritual benefits which members of the Church can alone enjoy was only possible by means of a visible entrance into this visible kingdom. Thus while Augustine in theory always laid greatest stress upon the work of the Holy Spirit and upon the spiritual side of baptism, he practically gave the impulse to that view of the sacrament which made the external rite of primary importance. It was the Holy Spirit who alone imparted spiritual gifts to the children of God. But the one way by which the benefits of this Spirit could be shared was in the first place through baptism. Baptism was thought to be necessary to salvation, and all who were unbaptized were unsaved. In this way Augustine, while