

The Indian army is now composed entirely of natives ; the European troops are all provided from the regular British army. The native army is officered from the British army ; a sufficient number of the officers of which are allowed to enter the Indian staff corps, the members of which are attached to native regiments, or enter civil or political employ.

The British troops are governed by the annual Army Act passed by Parliament ; the Indian troops, by Acts V of 1869 and V of 1875.

A volunteer force is enrolled under Act XX of 1869.

These Acts all contain provisions for the maintenance of discipline, the most important of which are termed the articles of war.

CHAPTER XI.

FINANCE AND REVENUE.*

General.

The financial administration of a country forms the basis of the fabric of the government. Good government, military defence, progressive administration, political and diplomatic management, material improvement, moral advancement, and the spread of civilization would be impossible, if the equilibrium

* Based on India in 1880, Chapters xiii and xxvii, and other authorities.

between income and expenditure were permanently lost, and if national insolvency impended. The rate of a nation's progress must largely depend upon the means at the disposal of its government, as well as upon the enlightened principles by which the latter is influenced.

In comparison to its area and population, India must be regarded as a poor country ; that is, the average wealth of the population is low. This is partly owing to past centuries of misrule ; no stronger proof of this statement is needed than a reference to the advance in material prosperity which has taken place since the introduction of a settled, strong, and civilized government under the auspices of the British nation. Never was conquest followed by such beneficent results as that of India by the British. At one bound the people of India were removed from the influences of anarchy and tyranny, and received the blessings of an administration, such as their conquerors only secured to themselves after many centuries of struggle and gradual progress.

Before the year 1859 budget estimates of the finances of British India were not regularly prepared for publication ; but the introduction of direct government, under the British Crown, was followed by that of a national system of finance. Since 1859 yearly accounts have been published ; and are, in accordance with statute law, annually presented to parliament. Information is thus afforded to all of

the general welfare of the Indian empire ; and parliament is enabled to control its financial arrangements.

The Receipts and the Revenue.

The receipts have risen from £20,000,000 in 1839-40, to £40,000,000 in 1859-60, and £68,000,000 in 1880. The expenditure has all along very nearly kept up with the receipts. A large portion of the receipts here shown are, however, really nominal. The receipts shown are the gross receipts ; but on the debit side are shown the cost of collection and of maintaining many large departments whose expenditure equals their income. To take a couple of examples, the postal and telegraph departments may be mentioned. A large portion of their receipts consist of the value of work done on the government service. Official correspondence carried by the post, and official messages sent by telegraph, are charged for by these departments against the departments concerned. The cost is thus credited to the postal or telegraph department, and debited to the departments employing them. A large portion of the receipts thus represent financial adjustment merely. While the government possesses a large revenue proper, it has also large receipts which must be shown on the same side of the account as the revenue. There would be danger in having two accounts, or in allowing the financial authorities to decide what items should be included or excluded, and whether headings of revenue should be exhibited gross or net.

The rule is that on the receipt side all *bona fide* receipts, from whatever source, shall be fully exhibited, also all items of revenue gross, no abatement being made for expenses; and that all *bona fide* charges, for whatever purpose, whether for defence or administration, for concerns managed by the state, or for the raising of the revenue itself, should be exhibited on the expenditure side.

The revenue, as distinguished from the revenue and receipts, has been estimated as follows:—

Land	...	21	millions sterling.
Tributes	...	$\frac{3}{4}$	do.
Excise	...	$2\frac{1}{2}$	do
Assessed Taxes,		$\frac{1}{2}$	do.
Customs	...	$2\frac{1}{4}$	do.
Salt	.	7	do.
Opium	..	$6\frac{1}{2}$	do.
Stamps	...	3	do.
		<hr/>	
Total	...	$43\frac{1}{2}$	do.
		<hr/>	

This was the revenue in 1880.

Chief Source of Income.

The chief source of income possessed by the British government is the land. Strange, as it may seem, we find in India—a country which has for ages been subjected to the worst form of arbitrary rule—the widest recognition of one of the broadest

communistic principles, namely, that the land belongs, in the first instance, to the nation, and not to the individual; and that the government represents the nation.

The government is, in this sense, regarded as the superior owner of the whole of the land within the confines of the territories under its sway, and the peasantry are regarded primarily as tenants of the government. Under native rule this principle has been, and, in some places, is still so firmly established that no other landed proprietors exist, the peasantry are, in fact, as well as in theory, no more than tenants—hereditary tenants perhaps—but still tenants. The British government has dealt differently with the country. It has defined and limited the national rights in the land, and has recognized a distinct peasant proprietary body. It has limited its demand for rent to the lowest figure, and has resigned all other proprietary rights wherever the land has long been occupied by a definite class of tenants with hereditary rights. The property is held to be hypothecated to government for the discharge of this rent. The amount of this rent has, in Bengal, been fixed in perpetuity; in other parts of India it is revised periodically, about every 20 or 30 years. The holders from government have thus become proprietors, subject only to the government demand; and they have below them tenants of various classes paying rent to them. For purposes of distinction the rent paid to government is termed the *revenue*.

There can be no doubt that the cultivators of the soil are as much, if not more, interested in possessing an enlightened and stable government than the rest of the population, and they may have to pay taxes in order to maintain it. This, however, is an obligation distinct from that which they are under to pay *rent* for the land they hold from the nation. In Bengal, a fatuous policy compounded all government demands for a fixed permanent revenue assessment. In other provinces the demands were combined in the assessment for a fixed term. More recently the different character of the two liabilities has been better recognized, and local and other rates and cesses are being introduced in addition to the revenue. The distinction should be borne in mind. Rent is the amount paid for the use, or the privilege of cultivating the land, whether it is paid to the nation as landlord, or to individual owners. Taxes are the contribution required from all alike, according to their position and advantages, for the support of a settled government. In certain cases the government occupies the position of superior as well as inferior landlord, and the occupants are still mere tenants, either at will or with occupancy rights. Here the government is entitled to—(1), the revenue as superior landlord ; (2), the rent as inferior landlord ; (3), taxes for the maintenance of government.

The wise landlord should be content to take only a little on the principle of leaving a good margin to

the cultivator, to make up for bad seasons or family troubles ; and should encourage him to improve instead of impoverishing the land by giving him some fixity of tenure, or fair compensation for improvements if the land is taken away from him.

It is on this principle that the British government acts in its revenue administration ; and it attempts to induce the landowners under it to follow the same rule with regard to their tenants, who form the bulk of the cultivating classes.

Incidence of Taxation.

Of the total revenue proper as above shewn, only $36\frac{1}{2}$ millions are really paid by the people of British India ; of the remainder, $6\frac{1}{2}$ millions are paid by the Chinese, and $\frac{3}{4}$ million by the native states. The sum of $36\frac{1}{2}$ millions distributed over the 190 millions in British India, would give an average of 3s. 9d. per head per annum, which will doubtless appear very small. But this is by no means the real incidence. *The landowner pays for land revenue, an amount ranging from Rs. 3 to Rs. 7 per cent. on the gross produce of his lands, and a further fraction by way of provincial rates. If he goes to law he may contribute something to stamps ; if he drinks, to excise ; and if he prefers English to native cloth, to customs ; but, when he has paid his land revenue

* India in 1880, p. 245, extract from remarks by Mr. H. S. Cunningham.

his only imperative tax is 7*d.* per annum for salt. The owner of personal property, though a millionaire, may, under like conditions of abstinence from the luxuries of drink, litigation, and English cloth, contribute nothing but the 7*d.* for salt to the expenses of the state. The artizan's position is the same. The trader, when he has paid his 7*d.* on salt, and, if his gains are over £50 per annum, his licence tax, may go free of further taxation. The only imperative tax on the agricultural labourer is the annual 7*d.* per salt.

This of course refers to imperial taxation and not to local and municipal rates, such as octroi ; still it shows how very lightly all are taxed and how many, who should be heavily taxed, go free.

Principles of Taxation.

* The four great laws of taxation may be thus stated :—

First.—That the people of a country should be taxed or give their support to the government in proportion to their ability to do so. The rich should give much ; the poor little.

Secondly.—That the taxes which each person has to pay should be definite and certain in amount, —that is to say, should not be changeable without long notice or at the will of any person.

* The Laws of Wealth, by Horace Bell.

Thirdly.—That taxes should be levied in such a manner as to be most convenient to those who have to pay them both as to time and the manner of payment.

Fourthly.—That the taxes should be of such a nature as to yield as much as possible to the state from what is taken from the tax-payer. To this might be added a fifth law for countries such as India, *viz.*, that taxation should be levied and spent for the benefit of the people only, and not for the pleasure or profit of the rulers.

Let us see what these laws mean. The first law seems an obviously just one. The rich man needs protection for himself and his goods, and can afford to pay well for this. The poor man has little that needs protection, and, consequently, should be made to pay less than the rich man. The second law is also clearly right. No man can manage his business properly if he is uncertain as to what he may have to pay. Besides, if taxes are not fixed, and made known to every one, the tax-payer is at the mercy of the officials who take the taxes, and they are too often men who oppress the poor.

The third law requires some explanation. It should, for instance, be more convenient and reasonable to require the payment of a tax when the payer is likely to have money at hand than when he has not. It would, taking the example of a cultivator,

be more reasonable to require the payment of his taxes at or after harvest time than before. Again, as to the manner of taking a tax, it will be more convenient if, for instance, there is a tax on spirits, to raise this tax from the shop-keeper than to require the payment of the tax from every person direct as he buys his small purchase. A tax levied equally on everybody, or a head tax, would lead to much expense and much trouble to every one, but by putting a small tax on salt, which every one uses, the head tax is raised without dispute and with the greatest convenience.

The fourth law implies that it is both unwise and unjust to levy any tax which costs so much for collecting it, that only a small balance is left after all to the state. This would be the case if, for instance, a tax was levied on the people according to the size of the houses they occupied. It would be necessary for this to keep up an immense number of measurers and clerks to record the sizes of all the houses each year, and the cost of all this would absorb probably all or nearly all of the money that would be obtained from the tax, while the people would thus be put to great inconvenience and get no benefit from it.

The fifth law would require no comment in Europe, and especially in England, where the people are thoroughly aware of their rights, where the first condition of existence of the government is that it exists only at the will and for the benefit of the

people of the country, and where taxes are only levied on this understanding. In India and many other countries in the world the people have as yet to learn much of the duties both of the ruler and the ruled.

The Government of India has set an example to native states by granting in British India considerable powers of taxation and self-government to the people in all local matters. They are permitted to fix the character and amount of the taxes to be paid in their own districts and towns, and have a considerable voice, through their representatives, in determining the purposes for which this money is to be spent.

*Provincial Services.**

An arrangement was commenced in 1872, known by the designation of "Provincial Services," whereby certain sums are allotted by the Government of India to the several local governments in the empire, for certain services, such as education, prisons, police, roads, civil buildings, &c. The primary object of the arrangement is this, that the various local governments should have resources at their disposal for these purposes, of which resources the most and the best must be made, and which may be supplemented by any legitimate means that can be devised locally, on the understanding that no further demand is to be made upon the general treasury on these accounts. Another object is, that a peremptory limit should be

* India in 1880, p. 452.

set to expenditure from the imperial finances on these several departments, which are the very departments in which expenditure may be advocated with a moral pressure most hard to resist. This system has worked well financially and otherwise. By decentralizing some of the financial arrangements, local governments have been encouraged to exercise greater control over expenditure, while the absolute control given to them, within certain limits, has enabled them to spend the money to the greatest advantage. An extension of the system would be beneficial. The contracts are usually made for periods of five years.

The Public Debt.

Large sums of money are required from time to time for extensive public works ; and, occasionally, to meet the cost of famines or of wars undertaken for the protection of the Indian empire, or in its interests. A very large part of the sums in question is spent on productive public works, like canals and railways, which not only repay the interest on the outlay or even more, but which increase the produce or open up the trade, and so assist the material progress of the country. It would be unfair as well as impossible to meet such charges from current revenue. The works are constructed, or the wars are fought, for the lasting benefit of the empire, and it is only fair that the cost should be spread out over a series of years, or, in the case of remunerative works, that the principal sum should remain invested in them. It is, moreover,

convenient to the public to be able to invest their surplus wealth in government securities, the government utilizing the money and paying low interest upon it, while there is no better sign of public confidence in a government, than in the power of the latter to raise money at reasonable rates ; and, again, it adds to the security of the government, inasmuch as all those holding its paper are interested in its stability. The public debt of India is already very high, but is nothing in comparison with the resources of the country, or with the rates of progress in railways, canals, and public works, which has prevailed during the short period of British rule.

The public debt of India amounts in all to about 250 millions sterling, including 98 millions outlay on guaranteed railways. The annual charges on account of it represent 13 millions ; the income from productive works, in which much of it is invested, is about 8 millions ; and the net charge 5 millions.

The national debt proper* (excluding guaranteed railways) was 151½ millions sterling in March 1880 : of this, 37 millions had been spent on remunerative public works, which already partially, and will, eventually, entirely repay the interest on outlay. The real debt is thus 114 millions on account of wars and famines, and this represents less than three years' income.

The rate of interest allowed has been gradually reduced from 5 to 4 per cent.

* India in 1880, p. 461.

A system of currency notes and savings banks gives the government the command of a further large sum on favourable terms.

The average annual balance at credit upon the financial operations is one million.

CHAPTER XII.

ALLIED AND PROTECTED STATES.

Extent of independence.

India is, geographically speaking, a peninsula bounded by the Himalayan range of mountains along the north-eastern and north-western frontiers, and by the sea on the south-east and south-west. The island of Ceylon is under a separate government, as are also the territories belonging to Great Britain, known as the Straits Settlements. The provinces of Assam and Burma, which adjoin on the eastern boundary, are under the government of India. The states of Khelat, Afghanistan, Kashmir, the smaller hill states along the Himalayan range, Nipal, Sikkim, Manipur, Bhutan, Siam and Mandalay, are contiguous to British possessions along the inland boundary. Within the peninsula itself the territories under the sway of native rulers are very extensive. These states do not all stand in the same relation to the British empire, but possess different degrees of independence. It would not be possible to give here an exhaustive account of the relations of these various states with the British government. Speaking

generally, however, they may be grouped under four heads, namely, those which are—

- (1) actually independent ;
- (2) termed independent ;
- (3) tributary to, in subordinate alliance with, or controlled by the British government ;
- (4) tributary or subordinate to larger states, which themselves fall under head (3), but whose integrity is guaranteed by the British government ; sometimes these have been termed mediatized states.

The states which may be regarded as actually independent, are those which stand on an altogether equal footing with the British government, and in this sense the Chinese empire on our northern boundary and Afghanistan exhaust the list.

The most independent of the remaining states are those of Nipal and Siam, and after these come the leading protected states.

The general characteristics of all the protected states are, that their foreign relations are altogether controlled by the British government, while they are left to manage their own home administration ; the individual rulers are liable to removal for gross misgovernment or misconduct, but the integrity of the state is maintained, and a successor is selected from the family ; and the dissolution of the reigning line is prevented by the recognition of the power of adoption. The minor states are not allowed to inflict capital

punishment without the sanction of the British authorities. All disputes and disturbances are referred to the arbitrament of the sovereign power.

The mediatized states are guaranteed in a similar position towards the superior state, to which they are related, by the British government.

Afghanistan.

The kingdom of Afghanistan is recognized as independent, and maintains political relations with the British government under treaties and alliances which have been made from time to time. With every desire not to interfere, however, the British government have been twice, within half a century, forced to assert their practical supremacy in Afghanistan by military occupation; but on each occasion the throne has been given up to a representative of the ruling dynasty upon the British government's own terms. The neighbourhood of Russia, on the other side of Afghanistan, renders it imperative that the British government should have a large share in the management of the Amir's relations with foreign powers. The British government are only interested in maintaining the integrity of the Afghan kingdom, in order that it may form an independent and neutral zone lying between Russian conquest in Central Asia and India. No advantage would be gained to India by any further extension of supremacy beyond the mountain ranges which form the natural boundary of the Indian empire.

Khelat.

The state of Khelat and Baluchistan was, until quite recently, left entirely to its own devices ; and had never been interfered with. At the invitation of the ruling chief or Khan the government of India have placed an agent at Quetta, and have, by mutual arrangement, quartered troops there. The independence of the Khan of Khelat is otherwise maintained.

North-Western Frontier.

The British policy on the north-western frontier extends only to strengthening and protecting the natural frontier line, and is not aggressive ; where it goes so far as to extend the ægis of its protection to Afghanistan and Khelat, it does so at their request and in their interests, and, moreover, at some considerable sacrifice ; for it undertakes pecuniary and political obligations, which are demanded more in the interests of those outlying states themselves than in those of the integrity of the Indian empire.

The results of the recent Afghan wars, and of the two conferences with the rulers of Afghanistan, will satisfy all of the impartiality and moderation of the British policy.

Kashmir.

The state of Kashmir formed part of the territories ceded to the British, after the Sikh war, by the treaty of 1846. By a treaty made in the same year all the hill country between the Indus and the Ravi, including Chamba, and excluding Lahoul, was

made over to Raja Gulab Singh as a reward for his services, on payment of 75 lakhs of rupees. Maharaja Gulab Singh began life as a horseman in a troop commanded by Jemadar Khushal Singh, and became governor of the principality of Jammu under Sikh rule.

He extended his authority into Ladakh. The territories granted to him by the British became the present state of Kashmir. Subsequently, the portion of Chamba territory lying east of the Ravi was taken by the British in exchange for the taluka of Lukhimpura; and in 1847, Budrwar was resigned to the Maharaja, and the rest of the Chamba territory was resigned by him.

The Maharaja is an honoured tributary of the British government, and his authority extends over an area of some 68,000 square miles, and over a population of close upon 2,000,000 souls. His revenue amounts to about Rs. 8,500,000; a British officer is attached to the state, but it is independent so far as internal administration is concerned. Its foreign relations are entirely controlled by the sovereign power.

Hill States.

Following along the Himalayan boundary there exists a chain of protected hill states, varying greatly as to their area and the extent of their autonomy. Previous to the Nipal war in 1841, the Goorkhas had extended their conquests westwards as far as the Sutlej. By a treaty made in 1815 the Nipal govern-

ment resigned their territories west of Kali, and the British were left in possession of the whole tract of hills from the Gogra to the Sutlej. The hill territories between the Ravi and the Bias, and the Bias and the Sutlej, fell into the hands of the British after the Sikh war. The boundary line of the British territories thus extends to that of the Chinese empire.

These territories are covered with clusters of small tributary protected states, forming miniature principalities which are left independent in regard to internal administration, subject to the conditions that—

(1) capital sentences require the confirmation of the British authorities, and

(2) in case of misconduct on the part of the chief or misgovernment, the chief may be deposed and another chosen from the family.

They very generally possess the power of adoption. In the event of minorities the British government assume the administration during the legal incapacity of the chief. In some cases a tribute is fixed.

Chamba, Mandi, and Suket.

West of the Sutlej lie the Chamba, Mandi, and Suket states.

The Chamba principality came into the possession of the British in 1846-47 as already pointed out ; it was at once handed over to Raja Siri Singh, and to his male heirs, subject to the condition that if under any of the rajas misgovernment should exist,

the government may depose the raja, and place on the throne any other of the family.

The raja possesses the power of adoption. The area is 3,216 square miles; the population 140,000 souls, and the revenue over Rs. 200,000 a year. The reigning family is of ancient Hindu Rajput lineage.

The same remarks are applicable to Mandi and Suket, the statistics regarding which are—

Mandi : area 1,200, population 135,000, revenue Rs. 400,000.

Suket : area 420, population 50,000, revenue Rs. 70,000.

States east of the Sutlej.

Many hill states are interspersed along the hill tract as far as the borders of Nipal.

The hill rajas were, for the most part, restored by the British government to the position they occupied before their subjugation by the Goorkhas. The chiefs are allowed to govern their own territories, but capital sentences require the confirmation of the British authorities before being carried out. These states are thus under closer political supervision than some of the larger states to which reference has been made.

Sirmur.

The largest of these hill states is Sirmür or Nahan, whose territories extend over 1,000 square miles, comprising a population of about 1,00,000 souls; the revenue is about Rs. 3,00,000. The smallest of the series is Beja, the area of which is four square miles.

Smaller States.

The following table gives the remainder of those in the Punjab :—

	Area in sq. miles.	Population.	Revenue.
Bilaspur ...	450	60,000	1,00,000
Nalagarh ...	256	70,000	90,000
Bushahr ...	3,320	90,000	50,000
Keonthal ...	116	50,000	60,000
Theog	10	3,000	3,000
Koti	36	2,500	6,000
Ghoond	3	1,000	1,000
Madan ...	13	1,000	1,600
Ratech ...	9	437	200
Bhagal ...	124	22,000	60,000
Baghat ...	124	10,000	8,000
Jubbul ...	288	40,000	30,000
Bhajji ...	96	19,000	23,000
Kumharsen ...	90	10,000	10,000
Kothar ...	20	4,000	5,000
Dhami ...	27	5,500	8,000
Bulsan ...	51	6,000	7,000
Milogh ...	48	9,000	10,000
Beja ...	4	800	1,000
Tiroj ...	67	6,000	6,000
Kunhiar ...	8	2,500	4,000
Şangri ...	16	700	1,000
Mungab ...	13	800	700
Durkote ...	5	700	600

These little princes are mostly of ancient Rajput lineage.

Beyond the Punjab Frontier on the east comes the state of Garhwal, which occupies a position similar to the hill states already mentioned.

Border Tribes.

Along the frontier line from Khelat to Peshawar, there exists a series of border tribes, practically independent alike of British and Afghan rule. This border land extends for a distance of about 800 miles. These unruly neighbours give much trouble, and are constantly raiding into British territory. They are kept in check, or punished from time to time by military expeditions by way of reprisal. Where they conduct themselves with propriety, and render assistance to the British government, they are granted allowances. These congeries of tribes of barbarians need not be described. Some of the leading tribes are the Yusufzais, Judoons, Momands, Afreedis, Orukzais, Wazeeris, Pathans, and Beluches. Each of these is sub-divided into numerous clans practically independent of one another. They live in a difficult and poor country, the permanent occupation of which would be expensive and useless.

Nipal.

Still further east is the independent state of Nipal extending from near Naini-Tal on the one side to Darjeeling on the other. A British resident maintains political relations between the two governments; but the country is closed against all other interference.

Relations with the British commenced in 1767 when, owing to Goorkha invasions under Raja Pirthi Narain, the Nawar Raja of Katmandhu asked for British aid. A commercial treaty was made in 1792. The residency was first established in 1801, but from 1804 to 1816 all political relations were closed. In that year the British government, having proved victorious in war, obtained the treaty of Segowlie. The area is supposed to be 54,000 square miles, the population two or three millions, and the revenue Rs. 10,000,000 a year.

It is a curious feature of the moderation of the British that they have submitted to the territories of Afghanistan, Nipal and, to some extent, Kashmir, being practically closed to British subjects. These states have political relations and alliances with the British government, and yet they rigorously exclude British subjects from their dominions. Such a state of things could not exist in Europe even between really independent nations ; and no other government but our own would tolerate it anywhere.

Sikkim, Bhutan, and Siam.

Beyond Nipal there is the tributary and protected state of Sikkim, and the independent state of Bhutan ; then another cluster of hill tribes on the borders of Assam ; then the independent states of Upper Burma and Siam ; and, lastly, the Malayan peninsula and eastern archipelago.

States within the plains of India.

Within the peninsula of India there exists a very large number of protected states, which are more or less independent. These are all tributary to, in subordinate alliance with, or controlled by, the British government. They are none of them independent in the sense that Afghanistan and Nipal are independent. They are surrounded by British territories and acknowledge the Empress of India as their suzerain. In regard to internal affairs they are not interfered with, except in the event of gross tyranny and misrule; and even then the integrity of the state is maintained, and a successor is selected from the reigning family. To prevent the dissolution of the reigning family, the right of adoption has been largely recognized; the proclamation of 1858 secured their rights in this respect.

Regarding the protected states as a whole they have, in round numbers, a population of fifty million of souls, and an area of half a million square miles. From a political point of view they form an important factor of the Indian empire.

Sir Richard Temple, in his work *India in 1880*,* remarks as follows:—

The Native States supply some of the unavoidable deficiencies of a foreign rule, among a people with whom a versatile fancy, a passion for external display, and a spirit of veneration for visible glories, are often predominant. The citizens

* *India in 1880*, p. 62, *et seq.*

and the country-folk gaze with the glistening eyes, eager looks, and intense admiration, upon the glitter of chivalric pageantry and the pomp of eastern royalty. The middle and upper classes regard the regal or feudal spectacles with an enthusiastic pride which constitutes the nearest approach to patriotism of which they are, as yet, capable. It is noteworthy that these sentiments are felt as much by the Natives, who are British subjects, as by those who are subjects of the Native States. Considerateness and graciousness, on the part of the British Government towards the Native States, are popular in the British dominions. Harshness or undue severity, on the part of the British Government towards the Native States, would be unpopular in the British territories, and would excite unfavourable comment among the educated Natives especially.*

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The British Government wisely seizes every opportunity of educating under its own auspices, young Native princes. Several sovereigns, now reigning, have in their youth been thus educated. In the next generation, almost every prince will have been educated after the European method, either by private tuition in the palace, or at institutions established for youths of princely degree * * * *

The Native sovereigns and their advisers are skilful in raising the utmost amount of revenue with the least possible trouble to the people. The average rate of revenue per head of the population will generally be found higher in the Native States than in the British territories. This will be regarded by the admirers of the Native rule as a proof of its superiority. It is partly due to the greater flexibility of the Native system, which quality is often more profitable to the exchequer than the rigidity of the British method. But it should be accepted as a proof that, at least according to an Oriental standard, the British taxation is mild and moderate.

Many of the Native States, notably the Protected Sikh States, the Rajputana States, some of the Central India States, the Baroda State, and others have been greatly enriched by the British railways which pass through their territories ; no demand having been made upon them by the British Government on that account. Some Native sovereigns, as the Nizam, Scindia, and Holkar, have furnished funds for the construction of railways in their dominions. On the other hand, it is to be remembered that the Rajput States made great concessions to the wishes of the British Government respecting customs arrangements with which the railways were connected. In cases where British canals have passed through Native States, such as the new canal from the Sutlej, a contribution has been given by the States.

In civil expenditure, the Native States are for the most part careful and economical. They shew a politic profusion in all that relates to the functions of the priesthood, the religious observances, and the popular festivals.

In their military expenditure they sometimes persist in an extravagance which is injurious to the common weal. They generally employ a large number of untrained men, where a much smaller number of well-disciplined men would suffice.

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The principal states may be briefly noticed.

Hyderabad under the Nizam is the most important of the Muhammadan states in India. The first Nizam was appointed in 1713 by the Delhi Court, and the name merely represented a governorship of the Deccan. In the intrigues and general anarchy preceding the fall of the Moghal and the rise of the British empire in India, many adventurers arose to independent power, to be in their turn absorbed by

others more powerful than they. The British government, for the most part, recognized and crystallized the state of things existing on its attaining supremacy. Those, therefore, who were fortunate enough to have attained to power at the moment of change have in many instances become confirmed in the territories under their sway.

The *Peshwa*, the Nizam, Scindia, and Holkar, and many others, arose to eminence and position in this way from small beginnings. Those who were foolish enough to resist the British at the time, or to raise disturbances after the British ascended to power, were crushed. The Nizam's government was among those which rightly gauged the change which had come over the land, and the state of Hyderabad has developed and flourished exceedingly. Sir Salar Jung, one of the most enlightened native ministers, controlled its destinies for over twenty-five years, and raised it to its present eminence as one of the best governed of native states. The Hyderabad territory covers an area of 98,000 square miles, and contains a population of nearly eleven millions. The revenue is stated at over 400 lakhs of rupees. A resident is attached to the Nizam's court.

Mysore and Coorg are large and important states in Southern India, which are well governed and flourishing.

The Central India States of Holkar and Scindia also belong to the first order. A British agent of the

governor-general is appointed for the central India group of states, and is located at Indore ; and each important state, with the minor states adjoining, is provided with a political agent, such are the Gwalior, Indore, Bhopal, and Western Malwa Agencies.

The cluster of states, which extend over Rajputana, cover a very large area and are among the most ancient in the country. Several British agencies carry on political relations with groups of these states under the governor-general's agent for the whole of them, such are Meywar, Jeypore, Marwar, Haraoti, the Eastern States Agency, the Ulwar Agency, &c., each dealing with several states.

In the Central India States we find a peculiar arrangement of minor or mediatized states who recognize the sovereign right of a larger state, just as the latter recognizes that of the British government. In other words, we have states within states. The relations of these minor subordinate states with the larger feudatories have been arranged by the British government on lines similar to those existing between the superior states and the sovereign power. Thus in the Gwalior agency the states of Anyhera, Narwar, Bhadoura, Khaltoun, Sirsee, Ragogarh, Sheopore, are tributary to Scindia

Some of the smaller states were, at the introduction of British rule, found to be thus tributary to Scindia, Holkar or the Puars, and sometimes to *all three*

In the Indore agency Pithari, Baglee, Karodiā, Patharea, Dhungong, Singhana, Bai, Mayne, Dhawra, Kanjura, Kaytha, &c., are of this character.

In the Baroda agency we have the chiefs of Koorwar and Mahomedgarh directly dependant upon the British government, and Basowala, Tuppa, Rajgarh, Nursingarh, Kilcheepore, Larawat, Pathara, and other mediatized or guaranteed chiefs.

*Protected Sikh States.**

The group of principalities styled the Protected Sikh States, intervening between Delhi and the Punjab, were snatched by the British from the jaws of Ranjit Singh, when he threatened to devour all his neighbours. They remembered their deliverers, who in turn were menaced with destruction at the outburst of the mutinies in 1857, and were among the very first to appear in arms on the British side against the mutineers. They declared that their swords should be drawn for that power under whose wing they had nestled for fifty years. In the chronicles of feudal chivalry there is not a brighter example of fidelity on the part of feudatories towards their hege, than that exhibited by some of these States—Pattiala, Jhind, and Nabba—towards the British suzerain in the darkest days of 1857. Ties, destined doubtless to be indissoluble, were then formed between them. Subsequently these States have derived prosperity from the public works, railways and canals, of the British Government, and have consolidated their civil administration after the fashion of the Punjab territory, with which their own territories are so greatly intermingled. They maintain military forces adequate but not excessive, composed of those martial elements in which the valley of the

* India in 1880, p. 60, *et seq.*

Sutlej abounds. Their situation, on the national highway of Northern India, is a commanding one. If there be any Native States in which the administration is really comparable with British rule, they are here.

Rajasthan.

A large congeries of States is formed under the name of Rajputana or Rajasthan, of which the principal are Udeypur, Jeypur, and Jodhpur. These Rajput chiefs have, next to the Brahmins, the purest blood in India. In antiquity of descent they rank peerless among the Native sovereigns; the pink and flower of Indian heraldry is acknowledged to be with them. During the war of the mutinies they were steadfast in their allegiance to a supremacy in their eyes so beneficent. They retain to this day, more than any other Native States, the original image of Hindu polity, untouched by the defacing fingers of modern change. Their administration, partly patriarchal partly baronial, has a rough and rude efficiency.

Mahratta States.

The Mahratta sovereigns in Central India, Scindia, and Holkar, bear rule over alien clans and vassals, which difficult task they perform with much considerate circumspection and a fair degree of success. The Mahratta, however, in Central India, has but a slight hold on the local Rajput chiefs and the indigenous tribes.

Baroda, Bhopal, and Pannah.

The Baroda State comprises some of the richest territories in the empire.

The State of Bhopal is well governed by a Native Princess, the head of a Muhammadan family whose loyal allegiance to the British Government has been conclusively proved.

Among the princes of Bundelkhand, the Raja of Pannah is known as an enlightened ruler, and as a man of broad sympathies. His territory is still famous for its diamond mines.

Bahawalpur.

The State of Bahawalpur, on the bank of the Sutlej, was carefully administered by the British Government during the minority of the Nawab, who, after having been duly educated in the western manner, was placed in full charge of his territories.

Travancore.

The kingdom of Travancore, in the south, has an area, very fertile, of coast and mountain, endowed with the choicest gifts of nature and possessing various commercial advantages. It includes many coffee plantations.

Kolhapur.

The State of Kolhapur, in the Bombay presidency, owes to successful and careful native management its present prosperity.

South Mahratta States.

In Western India there are several States of the South Mahratta country which are at present in a quiet and orderly condition.

Kathiawar.

The condition of the cluster of States which form the Kathiawar peninsula, has been greatly ameliorated of late years, and order has been substituted for disorder. In some departments, such as the land revenue, these States adhere to their old ways; but in other branches they adopt all the improved methods of the time, and are thriving apace. The same happy account may be given of the neighbouring State of Cutch.

Lesser States.

There are many Lesser States in Western India, Pahlampur, Radhanpur, the Mahi Kanta, the Rewa Kanta and others, all in a satisfactory condition at present. In some of them, however, trouble has in former times arisen, and might again arise.

Mysore.

The placing of the Mysore State under the administration of the Raja on his coming of age has had a good effect on native opinion throughout the empire, and has been viewed with satisfaction by the native sovereigns and chiefs. The British Government has managed the State for many years with all the advantages of an enlightened system, and has striven to train up a class of native administrators to assist the young Raja in managing his country. It contended in 1877 and 1878, zealously and humanely but without adequate success, against a severe famine, which afflicted this territory, and was protracted beyond all precedent in the records of misfortune. It also advanced large sums of money to this State during that terrible time.

The object in view has been to take a brief survey of the enormous territories which are not under the direct sway of the British empire, but which are under its protection. The larger states possess full powers of internal administration and possess the dignity of a resident or connection with a British agency. The smaller states are more closely supervised, and do not possess the independent powers of life and death over their subjects. All are required to conform to the general principles of enlightened government; and actual misgovernment is punished. European British subjects are not subject to the criminal courts of these states, but to the political agencies of the British Government. Many pay tribute in one shape or another. In none have the chiefs the control over their relations with foreign governments

These states maintain considerable armies

APPENDIX I.

Diagram giving a Conspectus of the Legislatures.

<p>Legislature of 1834, 4 William IV., Cap. 85)</p>	<p>Legislature of 1853, (16 & 17 Vic, Cap 95)</p>	<p>Legislature of 1861 (24 & 25 Vic., Cap. 67)</p>	<p>Changes introduced amendment of Indian Council Act, 1861, b 55 & 26 Vic., Cap 14 (1862)</p>
<p>Governor General and Council of four (all four being on the Executive Council), <i>also</i> The Chief Justice of Bengal, One Judge, <i>and</i> One "Legislative Member" appointed by each Governor and Lieutenant-Governor</p>	<p>(A) Governor General and Council of five "Ordinary" Members— (Three of them officials and two non-officials—usually one "Legal Member" and one "Financial Member"), <i>and as</i> "Extraordinary" Members— (1) Commander in Chief (if appointed), (2) Governor of Madras or Bombay, <i>ex officio</i> when Council sits in his territories, <i>to which is added</i> (B) For legislative purposes only no vote on other matters), "Additional Members"— (Not more than twelve nor less than six, one-half to be non official), <i>and</i> (1) Lieutenant Governor, (2) Chief Commissioner, <i>ex officio</i> (and without reference to maximum of 12) when the Council sits for making laws in their territories.</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Supreme Council. Council of Governor-General assembled for purposes of making laws and regulations</p>	<p>The number of Additional Members shall not be less than ten nor more than sixteen</p>
<p>Local Legislative Councils at Madras, Bombay, or Fort William</p>	<p>Legislative Council, Bengal <i>Act itself's</i> Govern- nor General to appoint (done January 17th, 1862)</p>	<p>Legislative Councils of Bombay and Madras Constituted by the Act itself</p>	<p>Legislative Councils for other Provinces <i>Act allows</i> Govern- nor General to appoint. One has been appointed for the North-Western Provinces and Oudh</p>
<p>Their "Acts" require the assent of the Governor-General.</p>			<p><i>Any person resident</i> India may be nominated an Additional Member of Council, or Member of the Council of a Lieutenant-Governor</p> <p>The Governor-General in Council may by proclamation increase the number of Councillors whom the Lieutenant-Governors of the Bengal Division of the Presidency of Fort William, and the North-West Provinces and Oudh, respectively, may nominate. Provided that not more than twenty shall be nominated for Bengal and fifteen for the North-West Provinces and Oudh.</p>

APPENDIX II.

MAGNA CHARTA.

A SUMMARY OF THE CHARTER.

Magna Charta contains, in addition to the preamble, sixty-three clauses inserted without much regard to orderly arrangement. Its chief provisions may be conveniently grouped and summarised as follows :—

Commencing with the declaration that the Church of England shall be free ('quod Anglicana ecclesia libera sit') with all her rights and liberties inviolate, and expressly confirming the freedom of election which he had already granted by separate charter, John grants to all the freemen of the kingdom ('words,' remarks Sir Edward Coke, 'which extend also to villeins, for they are accounted free against all men, saving against the lords'), the underwritten liberties :

I.—*Feudal Obligations.*

2, 3. The heir (if of age) shall pay only 'the ancient relief'—*viz.*, in the case of an earl or baron, 100*l.*; of a knight, 100*s.*; of one holding less than a knight's fee, less in proportion. A minor, who is in ward, shall have his inheritance, on coming of age, without relief or fine.

4, 5. Guardians shall take only reasonable fruits and profits, without destruction or waste; and shall keep up the estate in proper condition during the wardship.

or petit-serjeanty ; nor the wardship of such fee-farm unless it owe military service.

43. The tenants of baronies escheated to the Crown shall only pay the same relief and perform the same services as if the lands were still held of a mesne lord.

Escheated baronies.

46. Barons who have founded abbeys shall have the custody of them when vacant.

Abbeys of private foundation.

II.—Administration of Law and Justice.

17. Common Pleas shall not follow the King's court, but be held in some certain place.

Common Pleas.

18, 19. The recognitions of *Novel disseisin*, *Mort d'ancestor*, and *Darrein presentment* shall only be held in the court of the county where the lands in question lie. The King, or in his absence the chief justice, shall send two justices into each county four times a year, who, with four knights to be chosen by the county court, shall hold such assizes. If all the matters cannot be determined on the day appointed for each county, a sufficient number of knights and freeholders present at the assizes shall stay to decide them.

Assizes.

20. A freeman shall only be amerced, for a small offence after the manner of the offence, and for a great crime according to the heinousness of it, saving to him his contenment ; and, after the same manner, a merchant saving his merchandise, and a villein saving his wainage ; the ameracements in all cases to be assessed by the oath of honest men of the neighbourhood.

Amercements.

21. ~~Ealls~~ and barons shall not be amerced but by their peers, and according to the degree of the offence.

22. No clerk shall be amerced for his lay tenement except according to the proportions aforesaid, and not according to the value of his ecclesiastical benefice.

24. No sheriff, constable, coroner, or bailiff of the *Pleas of the Crown*. King shall hold pleas of the Crown.

34. The writ called *Praecipere* shall not in future be issued so as to cause a freeman to lose his Court.
Writ of Praecipere in capite.

36. The writ of inquest of life or limb shall be given *Writ De odio et gratis*, and not denied.
atq.

38. No bailiff for the future shall put anyone to his law (*ad legem*) upon his own bare saying, without credible witnesses to prove it.
Wager of law.

42. In future anyone may leave the kingdom and return at will, unless in time of war, when he may be restrained 'for some short space for the common good of the kingdom.' Prisoners, outlaws, and alien enemies are excepted, and foreign merchants shall be dealt with as provided in the 41st clause (*infra*, p. viii).
'Ne exeat regno' restrained.

44. Persons dwelling without [the limits of a] forest shall not in future be compelled to attend the King's forest courts upon common summons, unless they be impleaded or be pledges for others attached for something concerning the forest.
Forest courts.

45. Justices, constables, sheriffs, and tailiffs shall only be appointed of 'such as know the law and mean duly to observe it.'

Judges to be skilled in the law.

54. No one shall be taken or imprisoned on the appeal of a woman except for the death of her husband.

Appeal by a woman for death of her husband.

III.—*Fundamental Principles of the Constitution.*

12. No scutage or aid shall be imposed unless *per commune concilium regni*, except in the three cases of ransoming the King's person, making his eldest son a knight, and once for marrying his eldest daughter; and for these the aids shall be reasonable. In like manner it shall be concerning the aids of the city of London.

No scutage or extraordinary aid to be imposed except by the common council of the nation.

14. In order to take the common counsel of the nation in the imposition of aids (other than the three regular feudal aids) and of scutage, the King shall cause to be summoned the archbishops, bishops, earls, and greater barons, by writ directed to each severally, and all other tenants *in capite* by a general writ addressed to the sheriff of each shire; a certain day and place shall be named for their meeting, of which forty days' notice shall be given; in all letters of summons the cause of summons shall be specified; and the consent of those present on the appointed day shall bind those who, though summoned, shall not have attended.

Method of summons to the national council.

39. NO FREE MAN SHALL BE TAKEN OR IMPRISONED, OR DISSEISED, OR OUTLAWED, OR EXILED, OR ANYWAYS DESTROYED; NOR WILL WE GO UPON HIM, NOR WILL WE SEND UPON HIM, UNLESS BY THE LAWFUL JUDGMENT OF HIS PEERS, OR BY THE LAW OF THE LAND.

Judicium parium.

40. TO NONE WILL WE SELL, TO NONE WILL WE DENY
No sale, denial or OR DELAY, RIGHT OR JUSTICE.
delay of justice.

IV.—*Cities, Boroughs, and Commerce.*

13. The City of London shall have all its ancient liberties and free customs, and so of all
Liberties of London, &c. other cities, boroughs, towns, and ports.

33. All wears ('kydelli') in the Thames and Medway and throughout England shall be put down, except on the sea-coast.

35. There shall be one standard of measures and
Uniformity of weights and measures. one standard of weights throughout the kingdom.

41. All merchants shall have liberty safely to enter, to dwell and travel in, and to depart
Foreign merchants. from, England, for the purposes of commerce, without being subjected to any evil tolls, but only to the ancient and allowed customs, except in time of war. On the breaking out of war, merchants of the hostile State who may be in England shall be attached, without damage to their bodies or goods, until it be known how our merchants are treated in such hostile State; and if ours be safe, the others shall be safe also.

V.—*Purveyance and other Royal Exactions.*

28. No constable or other royal bailiff shall take any
Purveyance. man's corn or other chattels without immediate payment, unless the seller voluntarily give credit.

30, 31. Nor shall the King, his sheriffs or bailiffs, take any horses or carriages of freemen for carriage, or any

man's timber for castles or other uses, unless by consent of the owner.

23. Neither a town nor any man shall be distrained
Bridges. to make bridges or banks, unless
anciently and of right bound to do so.

25. Counties, hundreds, wapentakes, and trethings
Ferm of counties, shall stand at the ancient fermes, with-
&c. out any increase, except the manors
of the royal demesne.

9. Land or rent shall not be seized for any debt due
Debts due to the to the Crown, so long as the chattels
Crown of the debtor will suffice; sureties
shall not be distrained while the principal debtor is capable
of payment, and if they have to pay, they shall be indemnified
out of the lauds and rents of their principal.

10, 11. Debts due to the Jews are to bear no interest
and to the Jews. during the minority of the heir of a
deceased debtor; the widow shall have
her dower, and pay nothing of the debt; and the children
shall be provided with necessaries before payment of the
debt out of the residue.

26. On the death of a tenant *in capite* of a lay fee,
indebted to the Crown, the sheriff or other bailiff may
attach the chattels of the deceased found upon his lay fee,
to the value of the debt, by the view of lawful men; and
nothing shall be removed until the whole debt be paid,
the surplus being left to the executors to fulfil the testa-
ment of the deceased. If nothing be found due to the
King, all the chattels shall go to the use of the deceased,
saving to his wife and children their reasonable shares.

By clause 60, to which reference has already been made, all the foregoing rights and liberties granted to the King's vassals are expressly extended to the whole nation. The Charter concludes: '63. Wherefore we will and firmly enjoin that the Church of England be free, and that all men in our kingdom have and hold the aforesaid liberties, rights, and concessions, well and in peace, freely and quietly, fully and wholly, to them and their heirs, of us and our heirs, in all things and places for ever as aforesaid.' This is followed by the oath to be taken by the King and the barons, mutually to observe all the articles of the Charter, in good faith and without evasion.

Clauses 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59 and 62 have been omitted from this summary, as being mainly of a special and temporary character, but may be found in full in the Latin text. They relate principally to the reform of the forests, the surrender of charters and hostages placed in the King's hands as securities, the dismissal of his foreign servants and mercenary troops, the rights of the Welsh and of the King of Scots, and the grant of a general political amnesty.

There remains only the 61st clause, by which means were provided for enforcing the due observance of the Charter. The question, how should the compact between the King and his people be enforced, was at once difficult and pressing. The King was left in possession of the regal power and dignity; experience had shown the ease with which former sovereigns

had broken their most solemn written engagements; and the insincerity of John was notorious. At this period there were no effective constitutional checks against the King; and so a rude device was hit upon, in its nature really impracticable, by which John granted, in effect, to all his subjects a qualified liberty of rebellion. The whole

The twenty-five conservators. baronage were to elect a council of twenty-five barons charged to take care with all their might that the provisions of the Charter were carried into effect. If the King or any of his officers should violate the Charter in the smallest particular, these barons, or four of their number, were to complain to the King, or in his absence to the Justiciar, and demand instant redress. If no redress be given within forty days, 'the said five-and-twenty barons, together with the commonalty

The national unity recognised. of the whole land (*communa totius terræ*) shall distraint and distress us in all possible ways, by seizing our castles, lands, possessions and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person and the persons of our queen and children; and when it is redressed they shall obey us as before. And any person whatsoever in the land may swear that he will obey the orders of the five-and-twenty barons aforesaid in the execution of the premises, and will distress us, jointly with them, to the utmost of his power; and we publicly and freely give liberty to anyone that shall please to swear this, and never will hinder any person from taking the same oath. As to all those in the land who will not of their own accord swear to join the five-and-twenty barons in distraining and distressing us, we will issue orders to make them take the same oath as aforesaid.'

APPENDIX III.

PROVISIONS OF THE HABEAS CORPUS ACT, 1679.

It enacts:—(1) That on complaint and request in writing by or on behalf of any person committed and charged with any *crime* (unless committed for treason or felony plainly expressed in the warrant; or as accessory or on suspicion of being accessory before the fact to any petit treason or felony; or upon suspicion of such petit treason plainly expressed in the warrant; or unless he is convicted or charged in execution by legal process) the Lord Chancellor or any of the judges in vacation, upon viewing a copy of the warrant, or affidavit that a copy is denied, shall (unless the party has neglected for two whole terms after his imprisonment to apply to any court for his enlargement) award a *habeas corpus* for such prisoner, returnable immediately before himself or any other of the judges. And upon service thereof the officer in whose custody the prisoner is shall bring him before the said Lord Chancellor or other judge, with the return of such writ and the true cause of the commitment; and thereupon, within two days after the party shall be brought before them, the said Lord Chancellor or other judge shall discharge the prisoner, if bailable, upon giving security in any sum according to their discretion, having regard to his quality and the nature of his offence, to appear and answer to the accusation in the proper course of judicature. (2) That such writs shall be endorsed as granted in pursuance of this Act, and signed by the person awarding the same. (3) That the writ shall

Provisions of the Habeas Corpus Act, 1679.

be returned, and the prisoner brought up, within a limited time according to the distance, not exceeding in any case twenty days after service of the writ. (4) That officers and keepers neglecting or refusing to make due returns, or not delivering to the prisoner or his agent within six hours after demand a true copy of the warrant of commitment, or shifting the custody of the prisoner from one to another without sufficient reason or authority (specified in section 8 of the Act), shall for the first offence forfeit £100, and for the second offence £200, to the party grieved and be disabled to hold his office. (5) That no person once delivered by *habeas corpus* shall be re-committed for the same offence, on penalty to the party of £500. (6) That every person committed for treason or felony shall, if he requires it, the first week of the next term, or the first day of the next session, of *oyer and terminer*, be indicted in that term or session, or else admitted to bail, unless it appear, upon oath made, that the King's witnesses cannot be produced at that time; and if acquitted, or not indicted and tried in the second term or session, he shall be discharged from his imprisonment for such imputed offence; but that no person, after the assizes shall be open for the county in which he is detained, shall be removed from the common gaol by *habeas corpus* till after the assizes are ended, but shall be left to the justice of the judges of assize. (7) That any such prisoner may move for and obtain his *habeas corpus* as well out of the Chancery or Exchequer as out of the King's Bench or Common Pleas; and the Lord Chancellor or judges denying the same, on view of the copy of the warrant, or oath that such copy is refused, shall forfeit severally to the party grieved the sum of £500. (8) That this writ of *habeas corpus* shall run into the Counties Palatine, the

Cinque Ports, and other privileged places, and the islands of Jersey and Guernsey. (9) That no inhabitant of England (except persons contracting, or convicts praying, to be transported, or having committed some capital offence in the place to which they are sent) shall be sent prisoner to Scotland, Ireland, Jersey, Guernsey, Tangier,* or any places beyond the seas within or without the King's dominions, on pain that the party committing, his advisers, aiders, and assistants, shall forfeit to the party aggrieved, a sum not less than £500, to be recovered with treble costs; shall be disabled to bear any office of trust or profit; shall incur the penalties of *praemunire*; and shall be incapable of receiving the King's pardon for any of the said forfeiture^s, losses, or disabilities.†

* The fortress of Tangier in Africa (together with the island of Bombay) was acquired by Charles II., in 1662, as a portion with his wife Katherine of Braganza. It was abandoned in 1683.

† 31 Car. II c. 2; and see Stephen, *Comm* (5th ed) iv 25.

APPENDIX IV.

THE BILL OF RIGHTS.

The Bill of Rights was an act declaring the rights and liberties of the subject and settling the succession of the Crown. The Houses of Lords and Commons presented this, in the form of a demand, to William and Mary, who had to accept it as a condition of their reign. The main points in this declaration are the following :—

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.
2. . the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.
3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.
4. That levying money for or to the use of the Crown by pretence and prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.
5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.
6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

7. That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.
8. That election of members of Parliament ought to be free.
9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.
10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishment inflicted.
11. That jurors ought to be duly impanelled and returned; and jurors, which pass upon men in trials for high treason, ought to be freeholders.
12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.
13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliament ought to be held frequently.

The succession to the Crown was secured to the issue of Mary; in default of her issue to the Princess Anne of Denmark and her issue; in default thereof to the heirs of William. It was provided that the King or Queen should belong to the Protestant religion, and should forfeit their right if they joined the Roman Catholic Church.