

date, still open to reparation, that positively bristle with blunders as to facts, dates and circumstances, proved or disproved testimony.

No observant person can be blind to the prospect before us of a progressive increase in the number of political complications in India, and of appeals to the Home authorities from Princes and Chieftains. The enhanced facilities for locomotion throughout the Peninsula, and for communication with Europe, and the more general employment of highly-educated Indians, have let in a flood of light upon the Native States, and have rendered it more and more difficult to stifle inquiry or to silence remonstrances. The whole course of events ever since the great crisis of 1857, down to the visit of the Prince of Wales, with its many gracious and gratifying incidents, has raised the self-respect of the Indian Princes, and has made them feel a sense of greater security. At the same time, they cannot fail to perceive and to understand that their improved position has been due, from the first till now, to the policy and compulsion of the Home authorities, and not to any sudden conversion of the Vice-regal Foreign Department and its functionaries. They know, for example, that the two most noble reversals of annexation, the maintenance of the Mysore State and the restoration of of Dhar, were carried out by Her Majesty's Ministry in spite of the strenuous and persistent opposition of the Governor-General in Council. They feel themselves more safe now than they ever were before, so long as they are convinced that the Imperial Government is watching over them, but they have had little or no reason to acquire greater confidence in the kindness and candid consideration of the Department with which they are in immediate contact. The old supercilious domination, the secret and arbitrary conduct of business, as of old, still prevail; the only change is that the Princes have learned to chafe under them. They have outgrown the present system; it will not work smoothly much longer. The absence of any visible and conclusive process, the consciousness of one's case not having been answered, are strong provocatives to contumacy and passive resistance. Until on open tribunal is established, there will be no safety-valve or self-adjusting appliance to prevent a dead-lock from occurring at any time a dead-lock that could only be broken through by sheer force of arms.

No maintain a moral as well as a martial supremacy, to elevate the standard of executive procedure in accordance with the requirements of the age, the Foreign must be transformed into the Federal Department, and there must be a judicial check over all acts of state that are beyond the control of the ordinary courts. The question is, where this check is to be placed, and how it is to be exercised.

Whenever the subject has hitherto been discussed there has been a very general declaration that if provision can be made for a fair hearing

and for the delivery of a judgment on the merits according to the evidence in such cases as are referred for consideration, the designation and constitution of the Court,—whether it is to be a Committee of the Privy Council, or of the Indian Council, or, as recommended by Mr. McCullagh Torrens and Mr. E. B. Eastwick a Joint Select Committee of both Houses of Parliament,—are matters of secondary importance.

Although distinctly desirous that a strong legal element should prevail, I should place much more reliance on the influence of free advocacy and open judgements than on the presence of transcendent judicial ability in any tribunal that may be established. It is the Bar that makes the Bench, and that keeps it up to the mark. The necessity of confronting public inspection and criticism, especially that of experts, is one of the most salutary incentives to patience, caution, and care in forming and promulgating a judgment.

My own preference is for the old constitutional authority of Her Majesty's Privy Council, not by merely resorting to the Judicial Committee, but by an extension on the old lines, and in conformity with historical precedents, of the functions of that august body. There is a great want, quite recently acknowledged, as we shall see, by those who have some right to speak, of more potent consultative assistance for the Imperial Executive at both ends of the Suez Canal, in London and in Calcutta. Both the Viceroy and the Secretary of State are at present induced, by a certain want of weight in their respective Councils, to rely much more on their own autocratic power than can always be prudent or safe, or good for the public interests. Here what was said a few days ago by one who has been Secretary of State for India. On the 31st of March last the Duke of Argyll begged the House of Lords "to remember what was the power of the Secretary of State for India. No other Minister in the country exercised a tenth part of the power which could be exercised by the Secretary of State for India. That Secretary held in his own hands all the powers which formerly were vested in the Court of Directors and in the Board of control, acting through the Secret Committee. That was, he held in his own hands the entire power of the Imperial Government of India. The only direct check which existed on that power was that he could not give money grants out of the revenues of India without the assent of a majority of the Council. But the Secretary of State might, of his own act, and without the assent of a majority of the Council. But the Secretary of State might, of his own act, and without the assent of any one, order was to be undertaken, and might direct measures which would involve an expenditure of millions, and lead to great financial embarrassment. The only other check was the Imperial Cabinet; but it was impossible for the other members of the Cabinet, engaged as they were with heavy business in their own Departments, to