

Vol IV

THE BRITISH BACKGROUND OUTLOOK,
INSTITUTIONS, ATTITUDES

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1. ENGLAND: A NATIVE POPULATION WITH FOREIGN SOVEREIGN, HEIRARCHY AND NOBILITY SINCE AD 1066

JOHN LINGARD: *The History of England* (10 Volumes) Vol.I,1854-55. Extracts pp 238-242)

I. England presented the singular spectacle of a native population with a foreign sovereign, a foreign hierarchy, and a foreign nobility. The king was a Norman; the bishops and principal abbots, with the exception of Wulstan and Ingulf, were Normans; and, after the death of Waltheof, every earl, and every powerful vassal of the crown, was a Norman. Each of these, to guard against the disaffection of the natives, naturally surrounded himself with foreigners, who alone were the objects of his favour and patronage; and thus almost all, who aspired to the rank of gentlemen, all who possessed either wealth or authority, were also Normans. Individuals who in their own country had been poor and unknown, saw themselves unexpectedly elevated in the scale of society; they were astonished at their own good fortune; and generally displayed in their conduct all the arrogance of newly acquired power. Contempt and oppression became the portion of the natives, whose farms were pillaged, females violated, and persons imprisoned at the caprice of these petty and local tyrants." "I will not undertake," says an ancient writer, "to describe the misery of this wretched people. It would be a painful task to me; and the account would be disbelieved by posterity."

II. Thus, partly by grant and partly by (p.239) usurpation, almost all the lands in the kingdom were transferred to the possession of Normans.

The tenants in chief imitated the sovereign in exacting from their retainers the same free service which the king exacted from them. Thus every large property, whether it were held by a vassal of the crown, or a sub vassal, became divided into two portions of unequal extent. One the lord reserved for his own use under the name of his demensne, cultivated part of it by his villeins, let out parts to farm, and gave parts to different tenants to be holden by any other than military service." The second portion he divided into parcels called knights' fees and bestowed on military tenants, with the obligation of serving on horseback his requisition during the usual period.

But besides military service these tenures imposed on the vassal a number of obligations and burthens, without the knowledge of which it would be impossible to understand the nature of the transaction to be recorded in the following pages.

1. Fealty was incident to every, even the lowest, species of tenant [who] was obliged to do homage that he might obtain the investiture of his fee. Unarmed and bareheaded, on his knees, and with his hands placed between those of his lord, he repeated these words: "Hear, my lord; I become your liege man of life, and limb, and earthly worship: and faith and truth I will bear to you to live and die. So help me God. "Hitherto in other countries the royal authority could only reach the sub-vassals through their lord, who alone had sworn fealty to the sovereign: nor did they deem themselves deserving of punishment, if they assisted him in his wars, or in his rebellion against the crown. Such the law remained for a long period on the continent; but William, who had experienced its inconvenience, devised a remedy in

England; and compelled all the free tenants of his immediate vassals to swear fealty to himself. The consequence was an alternation in the words of the oath; the king's own tenant swore to be true to him against all manner of men; sub-tenants swore to be true to their lords against all men but the king and his heirs. Hence, if they followed their lord in his rebellion, they were adjudged to have violated their allegiance, and become subject to the same penalties as their leader.

2. THE CRUCIAL ROLE OF HEIRARCHY AND CONCENTRATION OF PROPERTY IN BRITAIN TILL THE NINETEENTH CENTURY - Marriage of seven year old girls statutorily permitted in A.D. 1225 to help property stay undivided

MINGAY, GE: THE GENTRY, The Rise and Fall of a Ruling Class: Longman, 1976. Extract pp 2,11,18-21,124-131,137,190,194

William Harrison, however, writing in 1577, placed less emphasis on personal qualities and more on attainments.

In his view whosoever studieth the laws of the realm, whoso abideth in the university (giving his mind to his book), or professeth physic and the liberal sciences, or beside has service in the room of a captain in the wars, or good counsel given at home, whereby his commonwealth is benefited can live without manual labour, and thereto is able and will bear the port, charge and countenance of a gentleman, he shall for money have a coat and arms bestowed upon him by the heralds, and threunto, being made so good cheap, be called master, which is the title that men give to esquires and gentlemen, and reputed for a gentleman ever after.

Harrison's lengthy statement manages to include virtually all the criteria which men at various times held necessary to establish the gentleman; education, profession, military rank, wealth, freedom from manual labour, and the right to wear arms. It is however, a list of qualifications rather than a definition and of his qualifications possession of enough wealth to support a gentleman's style of life was the most fundamental. For the gentry were basically a class whose superior incomes made possible a certain kind of education, a standard of comfort, and a degree of leisure and common interest in ways of spending it, which marked them off from those whose incomes, perhaps as great or greater in money terms could only be obtained by constant attention to some form of business.

Table 1.1 Average income levels of the gentry (in Pound Sterling)

	Early Tudor	1640	1669	1690	1790	1815
			(according to chamberlayne)	(According to King)		
Baronets	--	1,000- 1,500	1,200	880	2,000	4,000
Knights	200	500-1,000	800	650	1,000	2,000
Esquires	80	100-300		400		
			400		400	600
Gentlemen	17	Under 100		240		

In England the Norman conquest resulted in the establishment of a new military aristocracy, one which displaced the saxon thanes and introduced a more throughgoing form of feudalism, where service in war was strictly bound to the tenure of land. The conquest further entailed the legal principle that all land must have a lord, who granted it upon

terms of suit and service. Thus the peasantry were thrust in to a state of deeper dependence on the more powerful, and the term `villain', originally villager, came to imply servitude- the servitude of a serf tied to the lords' soil. However, as time went by the strong military basis of the feudalism introduced by the Normans tended to wane, as did also the servile status of the bulk of the peasantry.

Younger sons who had no land of their own received a similar military training and made a career as professional soldiers, household knights or knights bachelor, and meanwhile looked for a powerful patron or a wealthy heiress as a step towards establishing themselves among the feudal landowners.

The passing of land to daughters and widows made marriage the simplest and quickest way of acquiring additional wealth, and lords were careful to maintain rights of consent over the marriage of a tenants daughter and the remarriage of his widow. Particularly valuable was his power of controlling the fiefs of those vassals who died leaving an unmarried daughter as heiress or a son who was still a minor. Such rights over `wardships', established from the twelfth century, enabled many lords to augment their incomes by exploiting the estates of their wards and by arranging profitable matches for them in return for a fee. Right of wardship persisted over a male heir until he reached the age of twentyone, and in the case of an heiress until she was sixteen, unless she was already married or betrothed, when it was only fourteen. Heiresses were so much in demand that ambitious men married them off in childhood, though the 1275 statute of Westminster laid down that the eldest daughter could not be married until she was at least seven years old.

The lords punished such offences as minor assaults and petty nuisances in their own manorial courts. They even had power to hang a thief if he were caught with stolen goods on him, and in the West Midlands there were plenty of private gallows at the end of the thirteenth century, as Professor Hilton tells us.

The number of justices appointed in each county rose from three or four in the early fourteenth century to six in 1388, and eight in 1390. By the later fifteenth century the numbers had risen to a score or so in the more heavily populated counties. In Wales the justices were formally introduced by an Act of 1536, but before this local land owners had already assumed some of the justices' functions. The possession of land worth at least 20 pounds a year freehold was the qualification for membership of the Commission of the peace. This was laid down as far back as 1439, and although the wealth represented by this sum declined with the fall in the value of money in the sixteenth century, it came to be understood that a justice must be a gentleman of some substance. The wages also, settled at four shillings a day in 1388 and 1390, declined sharply in value but remained unchanged, so that by later sixteenth century and after, those justices who took their duties seriously were badly out of pocket.

The medieval justice sat in quarter sessions four times a year, and in large counties moved about from place to place spending one day at each venue. To the original functions of keeping the peace and determining various offences a succession of statutes gradually added a host of multifarious administrative duties. Under the Tudors over 170 Acts affected the justices, but their largest areas of activity, other

than keeping the peace, were concerned with the regulation of prices, wages and apprenticeship, the supervision of bridges and highways, licensing of alehouses and the operation of the recusancy laws, game laws and poor laws. In 1627 the justices of certain counties were required to arrange lodgings for the queen when she travelled for her health.

The age was one of great personal insecurity. The prudent waited for the full moon before venturing from their homes at night. Even in London's major thoroughfares highwaymen held up coaches in broad daylight. 'One is forced to travel, even at noon, as if one were going to battle,' wrote Horace Walpole in 1752.

Nevertheless, in a society where the great gulf between the propertied and the propertyless seemed to be getting wider the justices were inevitably associated with the protection of their own interests. Too many justices believed it wise to apply the full rigour of the law in defence of property. It was one of these who boasted of exacting justice 'with such severity as shall enable any gentleman to hang his watch by the highway with the full confidence of finding it there on his return another day'. The magistracy seemed to embody the forces of tradition and conservatism at a time when ideas of equality and fraternity were freshly in the air. There was indeed a tendency to exclude from the Bench any gentleman of radical sympathies, with the growing fear of revolution, and with events across the Channel in mind, the justices assumed a more unsympathetic, repressive and punitive role at the very time when unrest was intensified by dear food, high postwar unemployment, and the dislocation caused by rapid economic change. The appeals of depressed workers in the hand trades was met by refusal to put the clock back and revive the long defunct powers of wage regulation and apprenticeship. Nascent trade unions were prosecuted under the new Combination Acts, and where these proved inadequate, under the more effective law of conspiracy. Justices seized and hanged food rioters, and they kept a wary eye open for any sign of sedition or disaffection.

The late eighteenth century and early decades of the nineteenth saw far more widespread and alarming outbreaks of popular unrest than had been known in the more slowly changing, more subservient kind of society that was passing away. Food riots and machine-breaking were commonplace enough in the eighteenth century, but the incidents were generally local and shortlived. However, with the high bread prices and scarcities of French wars, and the severe unemployment of the postwar depression, unrest assumed much more alarming dimensions, and in various forms persisted for years on end. Attacks on millers and corn merchants, on wagons and barges carrying food, outbreaks of machine-breaking and angry protests at new government measures, became widespread. To these were added some large-scale protest movements: the Luddites, Blanketeers, Swing rioters, anti-poor demonstrators and Chartists, to name the best-known. The threats to life and property, the fear, even, of revolution, called forth countervailing measures of repressive laws, spies, troops, arrests, mass-trials, hangings, transportation and the rest.

Worse still, they sometimes lost their nerve, and having little faith in the loyalty or efficiency of the militia, were only too inclined to call in the military on every alarm. Some magistrates showed a degree of sympathy with the swing rioters of 1830, feeling no doubt that their wages were in truth miserably inadequate. But others were of a different mentality, like James Frampton, who was prominent in curbing the riots in Dorset, and a few years later

took the lead in repressing Tolpuddle labourers' premature attempt to form a trade union. The Frampton kind of magistrate saw not the reality of the grievances and the need to deal with their causes, but only the danger of the symptoms to good order, the authority of the law, and the 'natural subordination' of labouring classes. It was a period in which only the most level-headed, upright and humane of magistrates could escape the general obloquy, and others less popular with the mob might find their homes set on fire and their persons placed in no little danger.

In this same period there was, furthermore, an increase in the power of the individual justice of dealing with criminal offences. For example, an Act of 1820 gave authority to a single justice to convict persons found guilty of malicious damage to buildings, hedges, fences, trees and woods. A growing number of offences could be heard by one or two justices sitting alone, perhaps in their own parlour, and the power of summary jurisdiction varied from a shilling fine for uttering an oath to seven years transportation for poaching.

However, through the greater part of the English countryside, the gentry, with their hold on the established church, continued to maintain a degree of social control over the rural population. Some landowners, such as Sir William Heathcote, would not accept a Dissenter as a tenant.

In the squire-dominated parishes a very regular attendance at church was expected. Sir Rogar De Coverley was the literary personification of those many squires who got up and looked [into] the church every Sunday to see if any tenants or servants were missing.

The relationships which existed between squire and farmer down to the nineteenth century were indeed feudal in one sense, since unrevised farm leases continued to specify the tenant's responsibility for performing carriage and other services for the landlord, gifts of capons at Christmas, eggs at Easter, and so forth. But by the eighteenth century these survivals, more often than not, had been commuted into cash payments. Numbers of manorial courts, too, continued into the nineteenth century, though only as shadows of their former selves. From the seventeenth century onwards they had lost most of their judicial functions to the king's courts, and their administrative powers to the justices or to new statutory bodies. Their one remaining role of significance, as regulator of communal husbandry, disappeared with the abolition of common fields, meadows and commons, so that by the 1820s most courts had fallen into disuse or existed only as curious and unimportant survivals.

Even among the English aristocracy, however, there was a strong sense of natural preeminence, and sometimes a hint of the idea that their position in society might be divinely ordained. Not a few would have agreed with the sentiments of a sermon preached in 1854 by William Sewell, headmaster of Radley:

"A gentleman then, and a Christian, whether boy or man, both knows and is thankful that God, instead of making all men equal, has made them all most unequal. Hereditary rank, nobility of blood, is the very first condition and essence of all our Christian privileges; and woe to the nation, or the man by whom such a principle is disdained, who will honour no one

except for his own merits and his own deeds. . . . Noblemen like Christians are to be the salt of the earth".

The lower orders existed to administer to the needs of gentlemen and perform the menial, laborious and unpleasant tasks of life, a view that was well expressed by a friend of George Lucy of Charlicot, an eighteenth century country gentleman : he sent Lucy some powders for his health and suggested that as you may be fearful, please let any of your servants take a dose first`.

3. ENGLISH LAW ON LABOURERS c.1562

ACTS OF PARLIAMENT : An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices. 5 Eliz. c.4.c.1562.

4. And be it further enacted, That every person being unmarried, and every other person being under the age of 30 years, that after the feast of Easter next shall marry, and having been brought up in any of the aforesaid arts, crafts, or sciences; or that hath used or exercised any of them by the space of three years, or more; and not having lands, tenements, rents, or hereditaments, copyhold or freehold, of an estate or inheritance, or for term of any life or lives, of the clear yearly value of 40s.; nor being worth of his own goods the clear value of ten pound;

Shall, during the time that he or they shall be so unmarried, or under the said age of 30 years, upon request made by any person using the art or mystery wherein the said person so required hath been exercised (as is aforesaid) be retained; and shall not refuse to serve, according to the tenor of this statute, upon the paid and penalty hereafter mentioned.

7. And be it further enacted by the authority aforesaid, That every prson between the age of 12 years and the age of 60 years, not being lawfully retained, shall, after the aforesaid last day of September now next ensuing, by virtue of this estatute, be compelled to be retained to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve within the same shire where he shall be so required.

9. And if any servant, retained according to the form of this estatute, depart from his master, mistress, or dame's service, before the end of his term, unless it be for some reasonable and sufficient cause to be allowed, as is aforesaid; and finding the said servants, or the said party to refusing, faulty in the premises, upon such proofs and good matter as to their discretions shall be though sufficient, to commit him or them to ward, there to remain without bail or mainprise, until the said servant or party so offending shall be bound to the party, to whom the offence shall be made, to serve and continue with him for the wages that then shall be limited and appointed, according to the tenor and form of this estatute, and to be discharged upon his delivery, without paying any fee to the gaoler where he or they shall be so imprisoned.

10. And be it likewise enacted by the authority aforesaid. That none of the said retained persons in husbandry, or in any of the arts or sciences above remembered, after the time if his retainer expired, shall depart forth of one city, town, or parish to another; nor out of the lath, rape, wapentake, or hundred; nor out of the county or shire where he last served, to serve in any other city, town-corporate, lath, wapentake, hundred, shire, or county; unless he have a testimonial under the seal of the said city or town-corporate, or of the constable or constables, or other head officer or officers, and of two other honest householders of the city, town, or parish, where they last served, declaring his lawful departure according to the form hereafter expressed in this act: which certificate or testimonial shall be written and delivered unto the said servant, and also registered by the parson, vicar, or curate of the parish where

such master, mistress, or dame doth, or shall dwell, taking for the doing there of two pence, and not above.

11. And be it further enacted by the authority aforesaid. That no person or persons that shall depart out of a service, shall be retained or accepted into any other service without showing before his retainer, such testimonial as is above remembered, to the chief officer of the town-corporate, and in every other town or place, to the constable, curate, church warden, or other head officer of the same. Where he shall be retained to serve, upon the pain that every such servant so departing without certificate or testimonial, shall be imprisoned until he procure a testimonial or certificate; the which if he cannot do within the space of one-and twenty days next after the first day of his imprisonment, then the said person to be whipped and used as a vagabond, according to the laws in such cases provided; and that every person retaining any such servant, without showing any such testimonial or certificate, as is aforesaid, shall forfeit for every such offence five pounds: and if any such person shall be taken with any counterfeit or forged testimonial, then to be whipped as a vagabond.

12. And be it further enacted by the authority aforesaid, That all artificers' and labourers, being hired for wages by the day or week, shall, betwixt the midst of the months of March and September, be and continue at their work at or before five of the clock in the morning, and continue at work, and not depart until betwixt six and eight of the clock at night, (except it be in the time of breakfast, dinner, or drinking, the which times at the most shall not exceed above two hours and a half in a day, that is to say, at every drinking one half hour, for his dinner one hour, and for his sleep, when he is allowed to sleep, which is from the midst of May to the midst of August, half an hour at the most, and at every breakfast one half hour:) And all the said artificers and labourers, between the midst of September and the midst of March, shall be and continue at their work from the spring of the day in the morning, until the night of the same day, except it be in time before appointed for breakfast and dinner, upon paid to lose and forfeit one penny for every hour's absence, to be deducted and defaulted out of his wages that shall so offend.

19. And that every person that shall be retained and take wages contrary to this estatute, or any branch there of, or of the said proclamation, and shall be thereof convicted before the justices aforesaid, or any two of them, or before the mayor or other head officers aforesaid, shall suffer imprisonment by the space of one-and -twenty days, without bail or mainprise.

24. And be it further enacted by the authority aforesaid, That two Justices of Peace, the mayor, or other head officer of any city, borough, or town-corporate, and two Aldermen, or two other discreet burgesses of the same city, borough, or town-corporate, if there be no aldermen, shall and may, by virtue hereof, appoint any such woman as is of the age of 12 years, and under the age of 40 years, and unmarried, and forth of service, as they shall think meet to serve, to be retained or serve by the year, or by, the week or day, for such wages, and in such reasonable sort and manner as they shall think meet; and if any such woman shall refuse so to serve, then it shall be lawful for the said justices of peace, Mayor, or head officers, to commit, such woman to ward, until she shall be bounden to serve as is aforesaid.

25. And for the better advancement of husbandry and tillage, and to the intent that such as are fit to be made apprentices to husbandry may be bounden thereunto, be it enacted by the authority of this present parliament, That every person, being a householder, and having and using half a plough-land, at the least, in tillage, may have and receive as an apprentice any person above the age of 10 years, and under the age of 18 years, to serve in husbandry until his age of one- and-twenty years at the least, or until the age of 24 years, as the parties can agree; and the said retainer and taking of an apprentice to be made and done by indenture.

26. And be it further enacted, That every person, being a householder, and twenty-four years old at the least, dwelling or inhabiting, or which shall dwell and inhabit in any city or town- corporate, and using and exercising any art, mystery, or manual occupation there, shall and may, after the feast of St. John Baptist next coming, during the time that he shall so dwell or inhabit in any such city or town- corporate, and use and exercise any such art, Mystery, or manual occupation, have and retain the son of any freeman not occupying husbandry, nor being a labourer, and inhabiting in this same, or in any other city or town that now is or hereafter shall be and continue incorporate, to serve and be bound as an apprentice, after the custom and order of the city of London, for seven years at the least, so as the term and years of such apprentice do not expire or determine afore such apprentice shall be of the age of 24 years at the least.

31. And be it further enacted by the authority aforesaid, That after the first day of May next coming, it shall not be lawful to any person or persons, other than such as now do lawfully use or exercise any art, Mystery, or manual occupation, to set up, occupy, use, or exercise any craft, mystery, or occupation, now used or occupied within the realm of England or Wales; except he shall have been brought up therein seven years at the least as an apprentice, in manner and form abovesaid; nor to set any person or work in such mystery, art, or occupation, being not a workman at this day; except he shall have been apprentice as is aforesaid; or else having served as an apprentice as in aforesaid, shall or will become a journeyman, or be hired by the year; upon pain that every person willingly offending or doing the contrary, shall forfeit and lose, for every default, forty shillings for every month. and if the said Justice, or the said Mayor, or head officer, shall think the said person meet and convenient to serve as an apprentice in that art, labour, science, or mystery, wherein he shall be so then required to serve; that then the said Justice, or the said Mayor or head officer, shall have power and authority, by virtue hereof, if the said person refuse to be bound as an apprentice, to commit him unto ward, there to remain until he be contented, and will be bounden to serve as an apprentice should serve, according to the true intent and meaning of this present act.

4. TOOLS AND MANNERS OF PUNISHMENT IN BRITAIN c. 17-19th C.

GEORGE IVES : A History of Penal Methods, Criminals, Witches and Lunatics, 1914

The total of [witches in] Great Britain has been estimated at 30,000, and it has been estimated that during the sixteenth and seventeenth centuries the witch death-roll for Europe reached 200,000 people¹.

The military cat has been described as "a weapon about 18 inches in length, armed with 9 thongs of the same length each thong bearing 5 or 6 knots compressed and hardened into sharp edges till each acquired the consistency of horn". Private Somerville alludes to the cats employed in his regiment as having handles two feet in length and similar tails,; the latter being twice or perhaps three times the thickness of whip-cord. Each tail contained six hard knots, and as there were nine of them, and as each knot made an abrasion, he calculated upon receiving fifty-four stinging cuts at every stroke.

The authorities were allowed great powers of punishing, a police superintendent and justice could summarily order the infliction of fifty lashes on convicts-- freemen had to be tried by a bench and could appeal to the governor---a bench of three justices could give up to three hundred; away in the country a single magistrate could officiate as a Bench.

As we have said, one of the consequences of Howard's revelations had been the erection of quite a number of gaols on the cellular system in different parts of England.

To give effect to the new theories a vast and special Penitentiary was to be built, and Millbank was duly commenced about 1812.

About 1821 there stood upon this spot on the Mill Bank a huge and gloomy many-towered prison, large enough to be clearly seen upon the Metropolitan maps in the form of a thick-spoked wheel, which fancy might have rendered into a human spiders web to catch unwary flies, which in truth it was.

This black, forbidding-looking "reformation engine" is reckoned to have possessed three miles of corridors. "Hidden amongst its hundreds of cells," writes its learned historian, "its length of corridor and passage, beneath its acres of roof, are, without exaggeration, miles of lead piping flagstones without end, shiploads of timber, millions of bricks."

It had cost nearly half a million of money. The favourite mode of punishment was the dark cell, strangely enough, a terrible one for most natures. Of this we have the graphic account in Charles Reade's deathless tale, which however relates to a period about a generation later on; so tenaciously do prison horrors last, so hard are all secreted things to sweep away!

¹ F. de Raemond, *L'Antichrist*, p.102. One writer estimated the number of sorcerers living in Europe at 1,800,000.

But the committee looked for further powers, and then obtained the right to inflict corporal punishment.

Some time later another prisoner was sentenced by a local magistrate to no less than three hundred lashes, of which one hundred were laid on in the presence of this soft-hearted governor and a crowd of the convicts. None of these spoke a word, though many were in tears.

One lad of only eighteen he got sentenced to three hundred lashes with the cat, seventy-five of which were laid on, the boy expiring some years afterwards, whilst still immured in the penitentiary.

5. ILLUSTRATIONS OF SOME PUNISHMENTS IN 18th CENTURY BRITAIN

A History of Crime in England illustrating the changes in the Progress of Civilization, 2 Vols. 1873-76
(Extract.Vol.II, pp 378, 381, 648)

Punishment of traitresses at the stake; illustrations down to 1784.

The most horrible spectacle, however, which was offered to the public under the sanction of the law was that of women burnt at the stake for high or petty treason. Nor was this of such rare occurrence as might be supposed, for a year could rarely pass without a murder of some master by his female servant, or of a husband by his wife. On the western circuit alone there were two such cases between 1782 and 1784. In 1782 sentence to be drawn to the place of execution and there burnt was passed against Rebecca Downing for poisoning her master. In 1784 this judgment was again recorded, perhaps for the last time.

The punishment of hanging, as in ordinary case of murder, was substituted for that of burning by a statute passed soon afterwards--in the thirtieth year of the reign of George III [AD 1790].

Whipping of men and women.

Of the other punishments associated with the old spirit of violence, and inflicted in public, the chief was whipping. It was commonly awarded to men guilty of petty thefts. They were flogged-- sometimes for two hundred yards through the streets, sometimes for only one hundred, sometimes only in the market-place or at the gate of a town, and sometimes even in private. The rule, however, appears to have been that the men were flogged in public and the women in private, and instances in which women were whipped are by no means uncommon at the very end of the eighteenth century.

If women had been burned before the Norman Conquest, they had been drowned also; and swimming a witch was long one of the cherished pastimes of country villages. Witchcraft ceased to be a criminal offence from 1736.

Convict results.

The fact that convicts (no matter what their offence) were pardoned on condition of serving in the army or navy in the latter half of the eighteenth century, will become apparent, without a very laborious search, to anyone who will take the trouble to investigate the series known as 'State Papers, Criminal Papers' in the Public Record Office. If No.9 be taken as a specimen, a proof of the statements made in the text will be found at pp.72, 75, 76, 77, 79, 80, 86, 89, 105, 111, 115, 116, 119, 130, 135, 149, 150. Similar evidence occurs in equal abundance in other volumes. The Act of 1795 for the employment on board ship of able-bodied persons without lawful occupation is 35 Geo.III.,c.34.

6. MAKING BRITISH CRIMINAL LAWS MORE VIABLE c.1820

REPORT : THE Select Committee appointed to consider of so much of the criminal Laws as related to Capital Punishment in Felonies, and to report their Observations and opinions of the same, from time to time, to the House: 8-7-1819. Parliamentary Papers 1819 : vol VIII; Extract pp 7-13

The Second Class consists of those offences, which though in the opinion of Your Committee never fit to be punished with Death, are yet so malignant and dangerous as to require the highest punishments except death, which are known to our laws. *These the Committee would make punishable, either by Transportation, or Imprisonment with hard labour* allowing considerable scope to the discretion of the Judges respecting the term for which either punishment is to endure.

1588	- 1.	- 31	Eliz. c. 9.	Taking away any Maid, Widow, or Wife, & c.
1623	- 2.	- 21	Jac. 1,c.26	Acknowledging or procuring any Fine, Recovery, & c.
1717	- 3.	- 4	Geo.1,cap.II,s.4.	Helping to the recovery of stolen Goods.
1722	- 4.	- 9	Geo.1, c.22	Maliciously killing or wounding cattle
1722	- 5.	- 9	Geo.1 c.22	Cutting down or destroying Trees growing, & c
1731	- 6.	- 5	Geo.II.c.30	Bankrupts not surrendering, & c.
-	- 7.	-		Concealing or embezzling.
1732	- 8.	- 6	Geo.II.c.37	Cutting down the bank of any River.
1734	- 9.	- 8	Geo II.c.20	Destroying any Fence, Lock, Sluice, & c.
1752	- 10.	- 26	Geo.II.c.23	Making a False Entry in a Marriage Register, & c. five Felonies.
1753	- 11.	- 27	Geo.II.c.15.	Sending threatening Letters
1753	- 12	- 28	Geo.II.c.19.	Destroying Bank, & c. Bedford Level.
1762	- 13	- 3	Geo.IIIc.16.	Personating Out Pensioners of Greenwich Hospital
1781	- 14	- 22	Geo.IIIc.40.	Maliciously cutting Serges.
1783	- 15	- 24	Geo.IIIc.47.	Harboring Offenders against that (Revenue) Act, when returned from Transportation.

It does not seem necessary to make any observation in this place on the punishment of Transportation and Imprisonment, which Your Committee have proposed to substitute for that of Death in the second of the two classes above-mentioned. In their present imperfect state they are sufficient for such offences; and in the more improved condition in which the Committee trust that all the Prisons of the Kingdom will soon be placed, Imprisonment may be hoped to be of such a nature as to answer every purpose of terror and reformation.

On the three capital felonious of, Privately stealing in a shop to the amount of five shillings, -of, Privately stealing in a dwelling house to the amounts of of forty shillings- of, Privately stealing from vessels in a navigable river to the amount of forty shillings-the House of Commons have pronounced their opinion, by passing Bills for reducing the punishments to Transportation or Imprisonment.

Mr. Shelton who has been near forty year Clerk of Arraignment at the Old Bailey states, that Juries are anxious to reduce the value of Property below its real amount, in those Larcenies where the capital punishment depends on value; that they are desirous of omitting those circumstances on which the capital punishment depends in constructive burglaries; and that a reluctance to convict is perceptible in forgery.

Mr. Richard Martin, a Member of the House, informed the Committee, that the punishment of death prevented prosecutions in Ireland for horse, cattle, and sheep stealing, for privately stealing in dwellings house and shops, and in general for all larcenies without violence. Though the extensive estate, of which he is proprietor, be almost laid waste by sheep stealing, he has been prevented from prosecuting by the punishment of death. If the punishment were reduced to transportation, he would certainly prosecute the offenders to conviction. He has no doubt that his estate would be better protected if the law were more lenient; and that the reduction of the penalties of the law would promote the security of property throughout the province of Connaught.

Mr. Joseph Harmer, who has practiced for twenty years as a solicitor at the Old Bailey, gave a testimony which the Committee cannot but recommend to the most serious consideration of the House. In the course of his practice he had confidential communication with at least two thousand capital convicts, and may be presumed to have as good means of understanding their temptations, their fears and their hopes, as any individual in the kingdom.

(Harmer) Old professed thieves, aware of the compassionate feelings of juries, are, he says, desirous of being prosecuted on capital indictments rather than otherwise. "The present numerous enactments to take away life appear to me wholly ineffectual; but there are punishments, which I am convinced a thief would dread, namely, a course of discipline totally reversing his former habits: idleness is one of the prominent characteristics of a professed thief, put him to labour; debauchery is another quality, abstinence is its opposite; apply it; company they indulge in, they ought therefore to experience solitude; they are accustomed to uncontrolled liberty of action, I would impose restraint and decorum; were these my suggestions adopted, I have no doubt we should find considerable reduction in the number of offenders." He states, that "he has often seen juries reduce the value of things stolen, contrary to clear proof; there is no reluctance to prosecute or convict, in his opinion, in murder, arson, burglary in its original sense of nocturnal house-breaking, highway robbery, with violence and murderous attacks on the person. The thieves observe the sympathy of the Public; it seems to console them, and they appear less concerned than those who witness their sentence. Certainly the general feeling does not go along with the infliction of death in the case of crimes unaccompanied by violence; there are very few advocates for the generality of the present punishments; these punishments rather tend to excite the public feeling against the Criminal Laws."

7. BASIS OF SELECTING OFFICERS FOR THE ARMY c. 17-19th C.

B.M.: from 2228.e.5. (2 Vols) : Vol.II.Extract pp 62-64

The Army under the Command of men of high position

The constitutional policy pursued by the crown in officering the Army has been invariably shown in the appointment of Gentlemen to command, and that policy has hitherto received confirmation in parliament. The danger of entrusting an Armed Host to the will and pleasure of one man in time of peace has hitherto been recognized in parliament, and this evil can by no better method be averted than that of having the Officers, subordinate to the Commander-in-Chief, drawn from the that social class the members of which are more likely to lose than to gain by Military Aggression.

Two distinct classes in society have composed the Army

Therefore, as a rule, while the rank and file of the Army have been recruited from the lower stratum in society, the Command of these men has been intrusted to the higher class, and never--save at the time of the Commonwealth--to any other, or even to that class without that substantial guarantee for their good behaviour which the purchase-system gives to the civil Community.

The pay of both officers and soldiers was fixed at rates notoriously low for their service, and as in the case of an officer, a commission had to be purchased--it was clear that few men, but those of independent means, could possibly follow the Military profession on the pay or rather the balance of it over the interest of money paid for the King's commission.

This policy has been known and confirmed by Parliament

These facts have been within the knowledge of parliament upon the discussion either of the Army Estimates, or of any proposal to increase the pay of the Army; but though the *Soldier's* pay has been increased, that of the Officer remains nearly the same, or nearly so, as in Wm. III's reign--an intimation, by inference, that Parliament has never desired to attract to the Command of the Army, men dependent upon their pay either to hold their place in Society as gentlemen or the higher social status assumed by Military Officers over the Civil community.

8. FRENCH VIEW OF BRITISH MILITARY ARRANGEMENTS c.1820

CHARLES DUPIN: *View of the Military Force of Great Britain*, 2 Vols; Translated from French; 1822. Extracts, vol-1, pp 140-152, 319, vol-II, 22-30

The law which regulates the militia system is worthy of deep attention; its preamble, such as it is found in the statutes of 1802, discovers to us the idea of the legislator; it runs thus; "whereas, a respectable military force under the command of officers who possess a property in the soil of the country, is essential to the constitution; and, whereas, the militia as by law established, always in readiness to render effectual service with the least delay, has been found of the utmost importance for the interior defence of the kingdom, "the King, with the advice and consent of the Lords and Commons, &c.

Let us analyse this law. Great Britain is divided into counties, in which the defensive force and conservation of the public peace are confided to men of high birth, and great fortune, having their property in the province, where they exercise their authority, under the name of lords-lieutenants; their functions are gratuitous.

The following incomes from landed property constitute eligibility to the different ranks in the militia.²

	Counties of the First Class	Counties of the Second Class	Cities
Colonel	1000	600	
Lieutenant Colonel	600	400	300
Major	400	200	
Captain	200	150	150
Lieutenant	50	30	30
Ensign	20	20	20

Every peer and his presumptive heir can obtain all the ranks of the militia, without being obliged to prove their property; this exception is wise and natural. What landed fortune could engage a plebeian to preserve the constitution, with as much interest as the property of the peerage? The militia is therefore a force essentially preservative of constitutional liberty and property.

By the terms of the law, the militia man must profess the Protestant religion, swear to bear true allegiance to the King, and to serve with fidelity, during his five years of enrolment, to assist in the defence of the kingdom.

² The presumptive heir to a property, the income of which is double those mentioned, is equally eligible to the respective commissions. *Author.*

Every individual may even be rejected from the rank of a simple private soldier, if he has not one hundred pounds sterling of property.

The counties being very unequal in population, some can furnish several regiments, others, with difficulty, a few companies, --In the first place, companies are formed, in each county, of not less than sixty, nor more than one hundred and twenty men, commanded by a captain, lieutenant, and ensign. A regiment cannot have more than twelve, nor less than eight companies.

Every militia man is exempt from statute-labour for the repair of roads. Every married man, who has served in the militia during the time prescribed by law, may exercise all the mechanical trades, even in towns where the corporations have exclusive privileges.

The division of booty is regulated for all ranks of the British army with no less particularity than it was for the Roman military. There is visible, in both, the same care to bestow almost every thing upon the patricians or leaders, and almost nothing upon the plebeian soldiery. This will appear in the modern instance, by the scale of partition prescribed by the official regulations.

	SHARES		SHARES
Field Marshal	2,000	Captain	50
General commanding	1,200	Lieutenant	20
Lieutenant - General	800	Quarter - master of Dragoons	12
Major - general	450	Non - Commissioned staff	8
Brigadier - general	300	Serjeant ...	5
Colonel ...	150	Corporal ...	1.5
Lieutenant - Colonel	100	Private ...	1
Major ...	80		

Staff-officers are assimilated in their number of shares to corresponding substantive ranks.

Military Punishments

The punishments of the English soldier have always held a peculiar character of ferocity. The criminal underwent capital punishment by decapitation, by hanging, and sometimes even by drowning, according to the nature of the offence, and the rank of the condemned.

Commonly, when crimes were committed by a body of troops too numerous to admit of all the delinquents being punished, they were decimated. Upon such occasions, it was usual to assemble the army in order of battle, and to lead forth the first, the eleventh, the twenty-first, and every tenth man in succession, to immediate punishment. This left nothing to chance, but was simply condemning men of certain files to an arbitrary death, to expiate the misbehaviour of the whole body. At other times recourse was had to the award of chance.

Mutilation was a punishment formerly much resorted to; and for this reason, the mutiny

act carefully specifies the courts-martial, whose authority may or may not extend to loss of life or limb, In certain cases the hand, and in others, the ears, of the condemned, were cut off. By the frequency of these barbarous punishments, not only for military, but for political offences. The Stuarts³ much increased the people's hatred of their dynasty. Mutilation is now abolished, death being the only punishment awarded for heinous crimes; and corporal punishment, more or less severe, for minor offences. The soldier who deserts, rebels, & c. is shot to death; the spy is hanged: the remaining punishments consist in the drill, in confinement, in the cat-o'-nine-tails, and in branding.

Care has been taken to retain the punishment of the lash; and, as it is that of all others most opposite to our customs and manners, it chiefly merits our attention. I acknowledge I cannot conceive the necessity of punishing the English soldier by a flagellation equal to the schlag of the Prussian or Austrian, and the knout of the Russian. This barbarous chastisement is unworthy of a free people; but we must not therefore, imagine that military spirit is debased, and bravery extinguished or diminished, by such a punishment, when public opinion does not attach dishonor to it. The Roman soldiers were beaten with vine twigs; and yet no one will ever dispute that they possessed valor in the highest degree.

When it is found necessary to discontinue the punishment, before the prisoner has received the assigned number of lashes, he is taken down and conveyed to the hospital, where he remains until he is sufficiently recovered to undergo the remainder.

A general officer of the British army declared however, that he did not believe good discipline could be upheld among the troops without the use of flagellation. But did not the Spartans formerly say as much of the Helots; the colonists of the negroes, and the nobles of their slaves? At the conclusion of this discussion, parliament without the slightest hesitation confirmed, as it does annually, the use of corporal punishment.⁴

³ The refinement of barbarity was carried so far, as to make the prisoner lose one of his ears in one public place, and the other ear at a second; affording the double advantage of prolonging the punishment, and of parading the unfortunate sufferer through the city, covered with blood, and followed by an immense concourse of populace.--Author

⁴ The necessity of corporal punishment in the British army is a question which has been so repeatedly discussed, and so strongly confirmed by the testimony of the great majority of experienced military men, that any notice of the subject in this place would be superfluous, but that silence might be misconstrued into an acknowledgment of the justice of the author's conclusions. Without the slightest personal knowledge of the peculiar character of our soldiery, and upon the hear say and report of a few months' residence in England, he has at once decided upon the useless, cruelty of our military code; and, in opposing his judgment to the practical opinions of the first.

Officers in our service, seems to have entertained no suspicion that he might be wrong. But it is not by analogy with the military system of others countries that we can reason correctly on this point. Among the British soldiery, unlike those of continental armies, the commission of heinous crime is nearly unknown. Drunkenness is almost their only vice, but it is none to which they are lamentably addicted, and no watchfulness, no severity of discipline has power entirely to eradicate it. It is melancholy truth that nothing but the dread of the lash can at all restrain the soldier from excess in the use of liquor; and those commanding officers, who have with most justice prided themselves upon the practice of an able system of prevention of crime, have found their best efforts baffled by the inveterate attachment of their men to this species of debauchery. It is well known among military

men that nine corporal punishments in ten are occasioned, immediately, or indirectly, by this single blemish in the fair character of our soldiers. If, then, the terror of the lash, aided by every preventive care, can with such difficulty curb this unfortunate passion for intoxication, how would it be proposed to keep it within bounds if the only powerful check were removed? An universal system of solitary confinement would be in most situations utterly unattainable; and the only remaining expedient, of taking life less scrupulously in exchange for the abolition of corporal punishment, would surely be granting nothing to the cause of humanity. In the French service, where drunkenness is rare, and crime of a deeper cast more frequent, such a code, knowing no intermediate degree between death, confinement to a guard-room, may be found well calculated for its object, but it would be wholly inapplicable to the case of the British soldier.

While, however, we are reluctantly compelled to admit the impracticability of any attempt to abolish corporal punishment altogether, without the consequent destruction of discipline, it cannot be doubted, that its frequency may be (as it has been) very materially diminished by proper attention to the means of preventing crime, and by subjecting the proceedings of regimental courts-martial, as well as the whole interior economy of corps, to the periodical inspection and constant surveillance of general officers. In these respects, it is impossible to speak too highly of the judicious measures which have emanated from authority within the last fifteen years'. A commanding officer is now made to feel, that the character of his corps and his own reputation are equally affected by the degree in which he is found to resort to corporal punishment for the maintenance of discipline.-- *Translator.*

9. HISTORICAL BACKGROUND OF RECRUITING AND PUNISHMENTS IN THE BRITISH ARMY

HENRY MARSHAL ; Military Miscellany: Comprehending A History of the Recruiting of the Army, Military Punishments, etc, 1846. Extracts pp 116-150.

A late writer on Military law (Sir Charles Napier), and a much better authority on the usages of the army than Mr. Tytler, gives a somewhat different account of the British military code:- "Dreadful", says he, "is the call of a soldier, and dreadful must the means be, by which that calling is fulfilled during war. A state of war is the natural state of an army; and military institutions must have war for their object, or they are without sense,"

"As a soldier, OBEDIENCE is *'the Law and the Prophets.'* His religion, law, and morals, are in the *'Orderly Spare.'* If that says *'Spare'*, he spares: if that says *'destroy'*, he destroys: The conscience of a good soldier is in the keeping of his General, who has the whole responsibility, before God and man, for what the soldiers do in obedience to his orders. Perfect obedience is then a yoke which every soldier of the British army voluntarily places upon his own neck when he enlists,"

"When the clock-maker has made a clock, it goes without asking why. Soldier, you must be like the clock; march, turn, halt, and, above all, not a word."

Being a man of high spirit and violent temper, he (private Flanagan) could ill bear the reproaches of the Adjutant, who repeatedly censured him for his irregularities. On one occasion he became so irritated with the rebuke he was receiving, that he impatiently pushed the Adjutant from him with the back of his arm. Flanagan was forthwith tried by a courtmartial for offering violence to the Adjutant, and sentenced to suffer death. When the sentence was communicated to him, he simply observed that he thought the award of the court was severe. On the day of the execution he preserved the most remarkable firmness, and conducted himself with the strictest decorum. (June 1828, Trichirapoly)

Chinon, 1st Richard, 1189.

Richard, by the grace of God, King of England, Duke of Normandy, &c., To all his men going by sea to Jerusalem, greeting: Know ye, by the common counsel of all good men, we have made the underwritten ordinances.

I.-- He who kills a man on shipboard shall be bound to the dead man and thrown into the sea.

II.--If the man is killed on shore, the slayer shall be bound to the dead body and buried with it.

III.--Anyone convicted by lawful witness of having drawn his knife to stick another, or who shall have drawn blood of him, to lose his hand.

IV. -If he shall have only struck with the palm of his hand, without drawing blood, he shall be thrice ducked in the sea, from the yard-arm.

V. -Anyone who shall reproach, abuse, or curse his companion, shall for every time he is convicted thereof, give him so many ounces of silver.

VI.--Anyone convicted of theft shall be shorn like a champion, boiling pitch shall be poured on his head, and down of feathers shaken over it, that he may be known, and he shall be set on shore at the first land at which the ship touches.

Grose (Military Antiquities) informs us that in many instances where a corps, or a considerable body of men, were guilty of a crime for which the established punishment was death, to prevent too great weakening of the army, the delinquents were decimated, every tenth man being executed; sometimes corps were decimated by ranks and files. In cases where a few only were condemned to suffer for the sake of example, the whole were ordered to cast dice on the drum-head sometimes under the gallows, and the requisite number of persons who threw the low numbers were doomed to death. It appears by authentic documents that this method of casting dice was practised in Ireland so late as the reign of William III.

Indeed, casting dice seems to have been practised in the case of desertion until the accession of George I., and, perhaps, to a much later date.

The punishments mentioned in the *Lawes and Ordinances Militarie* of Robert Earl of Leicester, Captain-General of Her Majesty's Army and Forces in the Low Countries, &c., 1579, are as follows:-"Death with torments; death; loss either of life or limb; banished the army; fines; loss of place and wages; imprisonment." Vagrant women were to be whipped; but it does not appear that the punishment of the gauntlet or flogging had been then introduced into the army.

The profession of religion was in early times enforced by means of heavy penalties; for example, according to the *Lawes of Armes, &c.*, (published by Sutcliffe in 1593,) "Notorious swearers and blasphemers shall be punished according to the qualitie of their offence, yea with *death*, if their faults be heynous."

By an article in the *Lawes and Ordinances of Warre, &c.*, promulgated by His Excellency the Earl of Northumberland, who commanded the Royal army in 1640, it appears that officers were in the habit of chastising soldiers in a summary way by manual correction. The article in question is as follows:- "No men shall resist, draw, lift, or offer to draw, his weapon against an officer correcting him *orderly* for his offence, upon pain of death." A similar article is comprehended in the *Lawes and Ordinances of Warres*, established by the Earl of Essex in the Parliamentary army. Resistance to a commanding officer, or contumacy in a soldier such as taking hold of an officer's rod, or cane, wherewith he was beaten, was by the Romans deemed a capital offence, By the Ordinances of Louis XIV, a soldier who struck an officer, was to have a hand chopped off, and then to be hanged.

In 1642, the Earl of Essex, who commanded the Parliamentary army, published a code of

Lawes and Ordinances of Warre, & c, which seems to have been the foundation of the present Articles of War. This code enumerates certain crimes which are to be punished with death, while the punishment of all other offences is left to the discretion of a council of war. There are from forty to fifty delinquencies mentioned for which death may be awarded. The secondary punishments, especially enumerated, are, "boring the tongue with a red-hot iron; loss of pay; confinement in prison, with only bread and water; riding the wooden horse; and degradation to serve as pioneers and scavengers."

We are informed, that "a soldier of Okey's regiment was, on the 26th July, 1650, sentenced by a court-martial to be *bored through the tongue with a red-hot iron* and to run the *gantlope* through our companies, for uttering blasphemous words, he being at the time in a ranting humour with drinking too much."

The punishment of the "gantlope" will be better understood by the following sentence, which was passed on two soldiers for deer-stealing; the punishment took place in September 1649:- "That they be stripped naked from the waist upward, and a lane to be made by half of the Lord General's regiment of foot, and half of Colonel Pride's regiment, with every soldier a cudgel in his hand, and they to run through them in this posture, every soldier having a stroke at their naked backs and breasts, arms, or where it shall light; and after they have run the gantlope in this manner, they are to be cashiered the regiment."

Tongue-- boring seems to have been frequently employed as a punishment in the seventeenth century, both in this country and in North America. In 1656, James Naylor, one of the first Quakers, was sentenced to be set on the pillory, at Westminster, during the space of two hours on Thursday, and on Saturday he was to be whipped by the hangman, through the streets, from Westminster to the Old Exchange, London, and there to be set on the pillory for the space of two hours. Here his tongue was to be bored through with a hot iron, and branded in the forehead with the letter B: he was afterwards to be whipped a second time, and to undergo a variety of other modes of punishment. "I went," says Burton, a Member of Parliament, and my authority in regard to this case, "to see Naylor's tongue bored through, and him marked in the forehead. He put out his tongue very willingly, but shrank a little when the iron came upon his forehead. He was pale when he came out of the pillory, but high coloured after tongue-boring."

Military punishments being greatly modified by the judicial punishments in civil life, it will be necessary for me to advert to them occasionally in the course of this sketch; The legal punishments inflicted for social offences, according to the Saxon Laws, were -- *death, by hanging and some-times by stoning; fines; imprisonment; outlawry; banishment; slavery; transportation; whipping; branding; the pillory; amputation of limb; mutilation of the nose; castration; mutilation of the ears and lips; plucking out the eyes; and tearing of the hair.*

II SECONDARY PUNISHMENTS

1. *Banishment--Transportation.*--By a statute passed in the reign of Elizabeth, it was enacted, that "such rogues as were dangerous to the inferior people should be banished the realm." Transportation was not brought into common operation until after the sixth year of the reign of George I. Under the statutes of George I, transportation to America lasted from 1718 till

the commencement of the War of Independence, in 1775. Transportation was resumed by a statute, 24th Geo. III.; and in the Month of May 1787, the first band of convicts left England, which in the succeeding year founded the colony of New South Wales.

2. *Mutilation*. by cutting off the hands or ears, cutting out the tongue, &c -- A person who struck another in the place where the King resided, was liable to have his right hand cut off, by a statute of Henry VIII; and by another of Elizabeth the exportation of a sheep incurred a forfeiture of the left.

3. *Perpetual or temporary Imprisonment*, with or without hard labour.

4. *Slitting the Nostrils -- Branding*. -- In all felonies where the benefit of clergy was allowed, the criminal was to be marked with a hot iron, with the letter T or M, for *Thief or Manslayer*, on the left hand, and rogues were to be burned on the shoulder with the letter R. Prynne, the eminent compiler of records, who published a pamphlet reflecting on the hierarchy, was sentenced to be branded on both cheeks with the letters S and L seditious libeller.

5. Fine.

6. *Whipping*.--The punishment of whipping appears to have been left much to the discretion of jailors, who could inflict the penalty how and when they pleased. Corporal punishment is becoming daily more unpopular in this country, and its practice is fast going into disuse. Whipping is now seldom used, except for juvenile offenders.

The public and private whipping of females was abolished in 1830.

Markham, who published his *Epistles of Warre* about the year 1622, gives us the following account of the duties of a Provost Marshal, from which the nature of the military punishments then inflicted may be inferred.

The provost Marshall hath the charge of all manner of *tortures, as gyves, shackles, bolts, chains, bibowes, manacles, whips*, and the like and may, by his ministers, use them, either in case of judgement or commandment from a marshall court, or otherwise upon unruliness, at his own discretion; he is, by his officers, to see all places of execution prepared and furnished with engines fitting to the judgement, whether it be *gallows, gybbets, scaffolds, pillories, stocks, or strappadoes*, or any other engine which is set up for terror and affright to such as behold it. The Provost hath allowance for many attendants of all sorts, and conditions to despatch any executive, how suddenly soever commanded; and to that end it is not lawful for the Under Provosts to go at any time without *halters, withs, or strangling cords of match* ever about them.

Sir James Turner furnishes us with a pretty full account of the military punishments of the seventeenth century, in the *Pallas Armata*, a work which was published in 1683.

The Secondary military punishments, according to the same authority, are, --"*the strappado*;" hanging up by the thumbs, so that the delinquents toes can only touch the ground.

It seems probable that the modern military punishment of flogging is derived through the

gauntlet from the Roman *Fustuarium*, the *bastinado*, stick-beating, which was much practised in the Roman army, Offences committed by soldiers were by the Romans much more severely punished than in civil life. A Roman freeman, even in the remote provinces, could not legally be scourged, --(Acts xxii, 25) No such tenderness was however, shown to soldiers: for we find in their history frequent allusion to corporal punishment, particularly the infliction of scourging or flogging, which was executed with rods, or vinesaplings.

Flogging has been long the principal secondary punishment in the British army. In the early part of the last century, it was inflicted by means of rods, and by hired executioners; but that mode having fallen into disuse, the present system was adopted by drummers with the cat-o-nine-tails. During the rebellion in Scotland in 1745, the cat was much employed by the army, to extort evidence, as well as to punish soldiers. We learn by the Jacobite memoirs, that a sentry, who had been convicted of allowing a prisoner to escape, received 500 lashes with it.

Until 1836, there was no limitation to the extent of the sentence of a general court-martial; "bounds were not set to shew the maximum of punishments;" everything, in this respect, was left to the discretion of the court.

It was not until after the commencement of the present century that effectual measures were taken to prevent soldiers being beaten by officers; but I believe manual correction, or rather correction with the cane, did not fall into disuse in the East India Company's army for a number of years after it had been practically abolished in the British army.

It may be inferred, from a work which was published in 1761, entitled *Cautions and Advices to Officers of the Army*. by an Old Officer, that soldiers were at that time very liable to receive "manual correction" from officers, without any previous legal investigation.

It does not appear that the officer incurred any penalty by this conduct; and hence, we may presume, that the manual correction of soldiers was completely sanctioned by custom, if not by law; in other words, officers executed their own sentences.

"Some punishments," says the Old Officer, "are inflicted by officers without the sentence of a court-martial, for which custom only can be pleaded, for I know of no other authority they have for it," --such as *tying neck and heels, riding the wooden horse, and picketing*;

Tying Neck and heels, is thus performed: The criminal sits down on the ground, when a firelock is put under his hams, and another over his neck, which are forcibly brought almost together by means of a couple of cartouch-box straps. In this situation, with his chin between his knees, has many a man been kept till the blood gushed out of his nose, mouth, and ears, and ruptures have also too often been the fatal consequences, and a worthy subject lost to the service, or rendered incapable of maintaining himself when the exigencies of the state no longer require his duty. Can any one who has brought a man into such circumstances ever forgive himself? I think not.

This punishment must have had a similar effect to the *scavenger's daughter* a instrument of torture formerly employed in the Tower, which is thus described by Dr. Lingard--(*History of*

England (Vol.VII.p.521). The scavenger's daughter (says he) was a broad hoop of iron, consisting of two parts fastened to each other by a hinge. The prisoner was made to kneel on the pavement, and to contract himself into as small a compass as he could. Then the executioner, kneeling on his shoulders, and having introduced the hoop under his legs, compressed the victim close together, till he was able to fasten the extremities over the small of the back. The time allotted for this kind of torture, was an hour and a half, during which it comonly happened that, from excess of compression, the blood started from the nostrils, and sometimes, it was believed, from the extremities of the hands and feet.

This compressing instrument which is sometimes called *Skevington's gyves*, (fettors or irons) but more commonly *Skevington's daugher* was invented by Sir William Skevington, Leiutenant of the Tower, in the reign of Henry VIII.

Torture was occasionally used in Engalnd so late as the Commonwealth; and in Scotland it was employed, to extort confession, down to the reign of William III, and not definitively abolished until the 7th of Anne. In Ireland, the use of it was renewed by the Military Judges of 1798.

The history of the punishment of flogging is thus given by Grose:-

Whipping is almost the only corporal punishment now in use. This was formerly inflicted with switches, but for these *thirty years*, at least, except running the gantlope, with what is called a cat--o'-nine- tails; being a whip with nine lashes, each lash knotted with nine knots. This punishment is inflicted either by the soldiers or drummers of the regiment, according to the sentence of the court-martial.

Whipping appears to have been used, until a comparatively late period, in hospitals and in lunatic asylums, as a remedial means or a necessary measure for promoting a due degree of discipline among patients.

10. WAGES AND PUNISHMENTS OF ARTIFICERS AND SERVANTS IN BRITAIN c.16 - 18th C.

F.M. EDEN: THE STATE OF THE POOR ... from the Conquest to the present period, 3 Vols. 1797,
Vol.III, pp cvi,cix-cx

May 22 1725. WAGES for Servants, labourers, and Artificers, by the year, Day, or otherwise, limited by the Justices of the Peace, in Quarter Sessions, according to the several Statutes.

1st. As to artificers, workmen, and labourers, that conspire together, concerning their work or wages, every one of them so conspiring shall forfeit for the first offence ten pounds to the King, and if he pay it not within six days after conviction by witness, confession or otherwise, shall suffer twenty days imprisonment, and during that time shall have no sustenance but bread and water; for the second offence he shall forfeit twenty pounds, And that not paid within six days, as aforesaid shall suffer the pillory; and for the third offence shall forfeit forty pounds, and that not paid within the said time, shall again suffer the pillory, lose one of his ears, and be for ever after taken as a man infamous and not to be credited. 2 and 3 Edw. VI. Cap.15.

3d. That master and servant may know that no servant, that hath been in service before ought to be retained without showing testimonial that he or she is legally licenced to depart from his or her last service, and at liberty to serve elsewhere; such testimonial to be registered with the minister of the parish whence the servant departs, and subscribed by the chief officer or constable, and two honest householders in the town. The master or mistress retaining a servant, without showing such a testimonial, forfeits five pounds; the person wanting such a testimonial suffer imprisonment till he procure it; and if he do not produce one within twenty-one days after his imprisonment, or shew a forged one, to be whipped as a vagabond.

5th. The person that gives more wages than is limited and appointed by the justices, shall forfeit five pounds, and be imprisoned ten days; and the servant retained, that takes more wages than by the justices order are limited, to be imprisoned twenty-one days without bail.

6th. The forfeitures are, one moiety to the king, the other to the informer, or him that will sue for the same.

11. EUROPEAN IDEAS ON RENT AND SUBSISTENCE

THOMAS HOPKINS: On Rent of Land and its influence on Subsistence and Population in Various Countries, 1828; Extract pp.104

The population of France, at this time, is stated to have been 26,363,074. Now, supposing there to have been in this population, six millions of labouring families, (which is too large a proportion), each family would have had to furnish annually, either directly or indirectly, an average of upwards of pound 23 of net wealth to the landlords, the church and the government !!

In order to form an idea of the labour value of this immense sum of net wealth, let us see what was the price of labour at the same time. Mr. Young says, that the wages of a common labourer in France were 19 sous, or in our money 9d. a-day, but as the women had often to work, suppose the wife to obtain on an average, a little more than one half of the man's wages, and that the family receipt, was 30 sous a-day or 1s.3d. of our money, the annual wages of a family among the common labourers would then be pound 19.10s. a-year, while the average net wealth furnished we have seen was pound 23. So that an ordinary labouring family, had to furnish wealth to the three parties who had claims for rent, tithes, and taxes, to the same amount as the whole that his own family consumed, and 3 pound 10s. above that amount. Or each family of this description produced annually pound 42.10s.; pound 23. of which were paid away to others, and pound 19.10s. remained to subsist itself !! From these facts, it is easy to see that but a moderate portion of the whole French population were primary producers, and these had to furnish *all the subsistence* of the whole nation.

12. THE RULE OF PROPERTY IN ENGLAND SINCE THE 11th CENTURY

J.L. SANFORD AND M.W. TOWNSEND: *THE GREAT GOVERNING FAMILIES OF ENGLAND*. 1865.

Extracts pp 1-9

ENGLAND is governed in times of excitement by its people; in quiet times by its property. That is, I believe, a true as well as a brief description of that "aristocratic" element in the constitution which alike in its habitual force and in its occasional failures so often perplexes the critics of the Continent. The ultimate sovereignty rests, and, under more or less cumbrous forms, always has rested with the tax-paying body, and, whenever fairly aroused by a great danger, a widespread desire, or a novel conviction, they have exercised their authority with a force before which class resistance has become almost imperceptible.

It is difficult to over-estimate, for example, the direct power of the two or three hundred individuals whose names are recorded upon the map which faces the title-page of this volume.

But they could, without doubt, so completely control provincial opinion, as, with the aid of the classes who habitually follow them, to select a majority of the Legislature. They could, if united, render the existence of any Cabinet of which they did not approve impossible for long periods, and they could and do impose on every political administration, every political party, and most political manifestations, certain strict traditional rules of action, certain limits within which the whole play of the forces created by the constitution must be carried on or be arrested. It is their influence, partly direct and used through their property, partly and chiefly indirect and exerted through social position, which keeps the popular force from spending itself on ideals, as in France, or in vague and purposeless efforts equally marvellous for strength and sterility, as for the hour in America.

It is, then, perhaps, worth while to define what the English "aristocracy" really means, It is, I conceive, only another word for the greater owners of land. It has little to do with office, though that in England has been, and is, rarely held by very poor men. Still less has it to do with pedigree, though ancient birth may increase the influence which primarily belongs to property. The possession of estates by one house through a long series of years indefinitely increase the authority of that house, but it is from the influence of habit, not from any reverence paid to blood.

13. THE VARIED OWNERSHIP OF LAND IN ENGLAND c.1873

JOHN BATEMAN: *The Great Landowners of Great Britain and Ireland, 1883*, p 515

SUMMARY TABLE OF ENGLAND AND WALES, 1873

No. of Owners	Class	Extent in acres
400	Peers and Peeresses	5,728,979
1,288	Great Land owners	8,497,699
2,529	Squires	4,319,271
9,585	Greater Yeomen	4,782,627
24,412	Lesser Yeomen	4,144,272
217,049	Small Proprietors	3,931,806
703,289	Cottagers	151,148
14,459	The Crown Barracks, convict prisons, Lighthouses, & c	165,427
	Public Bodies	947,655
	Religious, Educational Philanthropic, & c	330,466
	Commercial and miscellaneous	1,524,624
	Waste	1,524,624
973,011	Total	34,523,974

14. AN ARISTOCRATIC BRITISH CIVIL SERVICE TO COUNTER AND DIRECT THE LOWER ORDERS c.1850s

ASA BRIGGS: VICTORIAN PEOPLE, Some Reassessments of People, Institutions, Ideas and Events 1857-1867, 1954, Extracts pp 116-117, 171

The second problem which Trollope discussed more fully than Bagehot was that of Civil Service was reform. This problem had been discussed during the Crimean War by bodies like the Administrative Reform Association which Dickens supported, but several years before that the demand for retrenchment by Radical groups had forced the government (p.117) to appoint Commissions of Inquiry into particular departments. Eleven Reports had been drawn up by 1853. They were supplemented in that year by the General Report of Sir Charles Trevelyan and Sir Stafford Northcote, commissioned by Gladstone.

Although the aim of the Report was to secure a more efficient Civil Service, this last distinction which it drew was far from democratic in character. Its sharpness was strongly emphasized by Dr. Jowett, Professor of Greek at Oxford and later Master of Balliol, and many of the public school headmasters, who had recently been experimenting with new examinations in schools and universities; their purpose was to strengthen and multiply the ties between the higher classes and the holders of administrative power. "The tendency of the measure will, I am confident," wrote Trevelyan, "be decidedly aristocratic but it will be so in a good sense by securing for the public service those who are, in a true sense, worthy. At present a mixed multitude is sent up, a large proportion of whom, owing to the operation of political and personal patronage, are of an inferior rank of society...the idle, and useless, the fool of the family, the consumptive, the hypochondriac, those who have a tendency to insanity are the sort of young men commonly 'provided for' in a public office." In short the Civil Service was not to be thrown open to the middle classes, but to the new educational *elite* of the public schools and universities. White Hall was not to be surrendered to Manchester but to Oxford. Jobbery was to go, and education was to become the test; but stratification was to remain. "our people are few compared with the multitudes likely to be arrayed against it": wrote Trevelyan to Delane, "and we must prepare for the trial by cultivating to the utmost the superior morality and intelligence which comprise our real strength. It is proposed to invite the flower of our youth to the aid of the public service."

Open competition was safe because it was geared to the public school and university system. Proficiency in the subjects set in the examination would, as professor Thompson pointed out, "afford a sufficient test of the social rank of the candidate," or at any rate prove that he had been brought into contact with influences conducive to the sentiments of a gentleman. In an age when the shadow of democracy was already looming on the horizon, men like Vaughan, Jowett and Trevelyan realised the need for a plentiful supply of informed gentlemen. "Our people are few compared with the Multitudes likely to be arrayed against us," Trevelyan has written to Delane, "and we must prepare for the trial by cultivating to the utmost the superior morality and intelligence which constitute our real strength." It would be dangerous if, "when the irresistible tendency of the times is to bring into activity the political power of the lower classes of society," the "higher orders" were to

relax into intellectual sloth. "We must be diligent in our own education," wrote Sir J.T.Coleridge, the old Etonian Lord Chief Justice. "It will not do to rest on traditions or on ancient privileges; if we will lead, we must make ourselves fit to be leaders; if even we will float with the current, and not be overwhelmed by it, we must, by discipline and training, learn to throw out our intellectual powers with the strongest and best trained..... While all around us, the underwood of the forest is making vigorous shoots, our own growth must not stand still, lest haply we should be overgrown and stifled."

15. THE FOUNDATIONS AND PILLARS OF BRITISH POLITY

J. Donald Kingsley; Representative bureaucracy; 1944, Extracts pp 9, 22, 25, 30, 35, 42, 152-3

Long ago Leslie Stephen is presumed to have said that the characteristic feature of the British constitution is a Justice of the Peace who is a gentleman, with a clerk who knows the law. In a somewhat limited sense that observation is still valid.

As late as 1829 the Duke of Newcastle punished those of his Newark tenants who had dared to vote against his nominee by wholesale evictions and defended his action with the time honoured dictum that he had a right to do as he pleased with his own. And in 1841 a member of the Grosvenor family protested against Gladstone's action in canvassing Lord Westminster's tenants.

The operation of the doctrine of primogeniture and the rules governing the transmission of landed property made the younger sons of peers a charge first on the church and then on the civil service or the pension roll. But these outlets were insufficient. Increasingly, therefore, they found their way into commerce while successful traders, financiers, or manufacturers reciprocated by buying their way into the aristocracy.

But if the aristocracy employed pensions and places as a means of caring for its indigent members, that is but part of the story. The real key to an understanding of this transition period is to be sought in the pattern of power. Under the old regime no class had an unquestioned claim to power, which was therefore chiefly to be attained by individual purchase. The purchase price might be paid in goods or in services, but the transaction remained commercial.

This was no new phenomena in British politics, where the practice of selling offices had once been general. But in the period 1689 and the early 19th century it was elevated into a principle which affected every department of national life....The System extended also to the administration of justice and Fielding described the judges of his time as "never indifferent in a cause, but when could get nothing on either side".

Indeed Robert Love told a parliamentary committee in 1873 that under the old regime he presumed "that there was never such a thing known as a man being appointed to a clerkship in a public office because he was supposed to be fit for the place." Though this was one of those overstatements in which Love delighted, it was true that the system filled the service with the halt and the lame, whether for charitable or political purposes. Chief Justice Wiles, in requesting the appointment of his son as commissioner of the custom in 1758, advanced as an argument the fact that his son's health had become too bad to "permit him to attend the House of Commons as he ought"..(letter to Newcastle) "Real Politics' Lady Montford told Endymion in one of Disraeli's political romances, "are the possession and distribution of power." The 19th century in England was distinguished by just such real politicks, through which fundamental changes were effected in the constitutional distribution of power and the commercial classes displaced the landed gentry as the dominant force in the state.

Through the public schools has been perpetuated the creed formulated by Galsworthy in *The Country House*; that creed of the "higher orders" without which England, even today, is inconceivable.

"I believe in my father, and his father, and his father's father, the makers and keepers of my estate., and I believe in myself and my son and my son's sons. And I believe that we have made the country what it is. And I believe in the public school, and especially the public schools I was at. And I believe in my social equals and the country house, and things as they are for ever and ever. Amen."

Conformity is deeply rooted in English society, but nowhere more deeply than in the public schools. They are, indeed, the institutional personification of this quality. What we are looking for, said Dr. Arnold of the system he introduced at Rugby, is "first, religious and moral principle; secondly, gentlemanly conduct; thirdly, intellectual ability." Noting the order in which these qualities were listed, Prof Earnest Barker found it characteristic not only of the public schools, but of England as well.

16. BRITISH AND ROMAN VIEW OF SUBJECTION AND OBEDIENCE

A Discovery of the True Causes, Why Ireland was never Entirely Subdued, and brought under Obedience of the Crowne of England, untill the beginning of Majesties happy raigne by Sir John Davies, Knight, His Majesties Attorney Generall of Ireland: 1613; from 1860 edition, pp 598-601

Two maine impediments of the Conquest.

The *Defects* which hindred the *Perfection* of the Conquest of *Ireland*, were of two kinds, and consisted : first, *in the faint prosecution of the warre*, and next, in the *loosenesse of the civill Government*. For, the husbandman must first breake the Land, before it be made capeable of good seede : and when it is throughly broken and manured, if he do not (p.599) forthwith cast good seed into it, it will grow wilde againe, and bear nothing but Weeds. So a barbarous Country must be first broken by a Warre, before it will be capeable of good Government; and when it is fully subdued and conquered, if it be not well planted and governed after the Conquest, it will eft-soonest return to the former Barbarisme.

What is a perfect Conquest

For, That I call a *Perfect Conquest* of a country, which doth reduce all the people thereof to the condition of *Subjects*: and those I call *Subjects*, which are governed by the ordinary Lawes and Magistrates of the *Soveraigne*. For, though the Prince doth beare the title of *Soveraigne Lord* of an entire country (as our Kings did of all *Ireland*) Yet if there be two third parts of that country wherein he cannot punish Treasons, Murders, or Thefts, unlesse he send an Army to do it; if the jurisdiction of his ordinary Courts of Justice doth not extend into those parts to protect the people from wrong and oppression; if he have no certaine Revenew, no Escheats or Forfeitures out of the same, I cannot justly say, that such a Country is wholly conquered. (p.600)

.....For, a Barbarous Country is not so easily conquered as a civill, whereof Caesor had experience in his warres against the *Gaules*, *Germanes*, and Britaines, who were subdued to the Roman Empire, with farre greater difficultie than the rich kingdoms of *Asia*. And againe, a Country possessed with many pettie Lordes and States, is not so soone brought under entirely, as an entire Kingdome Governed by one Prince or Monarch. And therefore the late King of *Spaine* could sooner win the Kingdome of *Portugall* than reduce the States of the *Low Countries*.

The True Markes of Soveraigntie

For, to give Lawes to a people, to institute Magistrates and Officers over them; to punish and pardon Malefactores; to have the sole authority of making Warre and peace, and the like; are the true markes of Soveraigntie; which King *Henry* the Second had not in the Irish Countreyes, but the Irish Lords did still retaine all these prerogatives to themselves.

17. BRINGING IRELAND UNDER ENGLISH CONTROL BY CROMWELL c.1650

P.B. ELLIS; HELL OR CONNAUGHT, The Cromwellian Colonisation of Ireland 1652-1660, 1975,
Extracts pp 9, 11, 21, 25, 28

According to Petty . . . about 504,000 of the Irish perished and were wasted by the sword, plague, famine, hardships and banishment between the 23rd October, 1642, and the same day in 1652.

The English and Scottish colonisation in the early seventeenth century had witnessed the proscription of the ancient bardic schools, the universities, and the academies of Irish literary and poetical activity.

The campaign opened with the siege of Drogheda. On September 10, 1649, he [Oliver Cromwell] called upon the town to surrender and Sir John Aston, the Royalist commander, refused. The Cromwellian artillery opened up a bombardment. The next day the town fell and Cromwell reported: "Our men getting up to them, were ordered by me to put them all to the sword . . . I forbade them to spare any that were in arms in the town". Cromwell let his troops plunder the town and seek out in particular, Catholic priests and execute them. The pillage went on all through the night of the 11th/12th and by next morning only two strong points remained. These pockets of resistance were soon overcome. "When they submitted", wrote Cromwell, "their officers were knocked on the head; and every tenth man of the soldiers killed; and the rest were shipped for Barbades. The soldiers in the other Tower were all spared as to their lives only; and shipped likewise for the Barbadoes". Some 3,500 men, women and children had been killed. Cromwell felt it was "righteous judgement of God upon these barbarous wretches, who have imbrued their hands in so much innocent blood. Ironically, well over half the Drogheda garrison were English Catholics and Royalists and the others were mainly Anglo-Irish Royalists. It was highly improbable that any man in Drogheda had a hand in the 1641 insurrection. But Cromwell believed the lesson of Drogheda "will tend to prevent the effusion of blood for the future, which are the satisfactory grounds to such actions, which otherwise cannot but work remorse and regret".

The most serious loss to Ireland was the decrease of her population. According to Petty's reckoning the population of Ireland in 1641 had been 1,448,000 of which 616,000 had perished by 1652. Of these 504,000 were natives and 112,000 were colonists and English troops. Within another few years Petty was to reckon that a further 40,000 young Irishmen, remnants of the Irish armies, had sought service in other European countries and that another 100,000 Irish men, women and children had been transported to the colonies in the Americas.

To make matters worse, soldiers deliberately destroyed as much of the woods as they could. Gerard Boate, who published a book entitled *Ireland's natural History* in London in 1652, dedicated to Oliver Cromwell and Charles Fleetwood, wrote: the English, having settled themselves in the land, did by degrees greatly diminish the woods in all the places where they were masters, partly to deprive the thieves and rogues, who used to lurk in the woods in great numbers, of their refuge and starting holes and partly to gain the greater

scope of profitable lands. For the trees being cut down, the roots stubbed up, and the land used and tilled according to exigency, the woods in most parts of Ireland may be reduced not only to very good pasture, but also to excellent arable and meadow (lands). Whole shiploads sent into foreign countries yearly: which as it brought great profit to the proprietaries, so the felling of so many thousands of trees every year as were employed that way, did make a great destruction of the woods in tract of time. As for Charcoal, it is incredible what quantity thereof is consumed by one iron works in a year, and whereas there was never an iron works in Ireland before, there hath been a very great number of them effected since the last Peace in sundry parishes of every province, the which to furnish constantly with charcoals, it was necessary from time to time to sell an infinite number of trees all the lopings and windfalls being not sufficient nor in the least manner".

18. MAKING THE IRISH LANDLESS c.1640-1703

JG SIMMS: The Williamite Confiscation in Ireland 1690-1703, Faber & Faber, 1956; p.195

Catholic Holdings in Ireland in 1641, 1688, and 1703.

1641	6,439,000 acres	59% of total
1688	2,356,000 "	22% "
1703	1,605,000 "	14% "

Total Land: 10,868,949 acres

19. COLONIZATION FOR SURPLUS OR TROUBESOME IRISH AND BRITISH MANPOWER

COLQUHOUN, PATRICK, L.L.D.: Consideration on the Means of affording Profitable Employment to the Redundant Population of Great Britain and Ireland through the medium of an Improved and Correct System of Colonization in the British Territories in Southern Africa, London, 1818, pp 40, Extracts pp 8-10

Since the period when the existing pressure became prominent in the view of the public, many schemes have been proposed for the purpose of employing the surplus population, in the cultivation of the waste lands in this country; but they have not considered the difficulties which are opposed to this measure, and how pregnant it is with evil to the people themselves, and also to the nation, instead of good. Since the numerous inclosures have taken place, most of the productive land is already in cultivation, and it is well known that a poor soil will often not yield what will be equal to the seed and labour. It is to be further kept in view, that the tenant in England, although he must furnish both seed and labour, is entitled only to a small proportion of the produce, after paying the *Landlord's Rent, the Tythes, the poor Rates, the Taxes*, and the various other charges attached to the land. The produce of which may be said to be divided into five parts, of which the tenant, in many instances, may not have more than 1/5th. If any extraordinary expense occurs, arising from a *birth*, or a *death* in the family, or the loss of a cow, or any other calamity the little cottager is broken down, and he discovers in the result, that as a day labourer, he could have done more for his family, than by cultivating a small portion of ground, with so many burthens upon it, and without being sufficient to occupy his time. it may be further observed, that by far the greatest proportion of the surplus population out of employment are not agriculturists, and therefore ill suited to that occupation, under so many burthens and disadvantages. To use a quaint expression, *such a scheme would in the result only prove a manufacture of paupers.*

A general opinion prevails in vulgar life that the want of employment is to be attributed to the great-increase and improvements in Machinery. Nothing can be more fallacious and delusive. ...Our Machinery, next to Agriculture, is the stamina and glory of the nation. (equal to between 100-150 million of male and female artizans and labourers of all descriptions.)

20. FAMINE: WHAT FAMINE?

from THE ECONOMIST, LONDON, June 21, 1995

Between 1845 and 1851 about 1.5 million Irish people died of starvation and disease. Another 1m or so emigrated to America, many perishing on board the so called "Coffin ships", or in squalid compounds set up to house migrants on the east coast of the United States soon after they arrived. Seeing that Ireland is among the most fertile and rainy countries in Europe, the Great Famine beggars belief. How on earth could such a catastrophe have been allowed to happen? How could hundreds of thousands of people starve to death in the open air and in *bothans* (huts), while large amounts of grain and cattle continued to be shipped to England?

It seems strange that not many people in Ireland these days are seeking answers to those questions. The basic facts underpinning the saga are not much disputed. The British, by force and cajolery, had, over the previous two centuries, taken the lands of the native Irish and set up a series of military "Plantations", turning owners into tenants. While English landowners extracted rent, the soldiers were often rewarded with small-holdings. Rather than resist English rule, the Irish generally came to accept their lot, which amounted to little more than subsistence tenant farming: barely a finger was raised in rebellion between 1803 and 1848.

When 2 million acres of potatoes began to rot in 1845, people died in droves. Over population and reliance on one crop made things worse. Some of those English people and landlords who offered relief tried to convert the recipients from Roman Catholic to Protestant to "take the soup", as the saying went. Attempts by the state to alleviate the suffering were woefully inadequate. After the famine, much of Ireland's wealth, such as it was, continued to benefit the British, while the island's population fell from 8 million to 5 million.

Despite a flurry of articles in the Irish and British press and a recent powerful British television drama-documentary, watched by more than half the population of Northern Ireland, most people in Ireland do not, as the anniversaries loom, seem keen to talk about the famine. Perhaps many feel that their subservience at the time was inglorious. Shame may mingle confusingly with rage. Most of those who survived kept their religion-but nearly all lost their language. Many of their descendants regained their families status as landowners after land reform in the late 19th century. Many others slaked their thirst for justice by spearheading trade unions in North America or by supporting the Fenian brotherhood-forerunner of today's Sinn Fein and its military wing, the Irish Republican Army after its foundation in 1858.

Perhaps, with a nervous eye to the fragile peace in Northern Ireland between nationalists wanting a united island and unionists wanting to keep the province British, the government in Dublin is putting off any big commemoration of the Great Famine until 1997, the 150th anniversary of "Black Forty-Seven", which was indeed the worst year of the potato blight. After 25 years of troubles in Northern Ireland, most people there too, including the nationalists, seem reluctant to stir up old hatreds by raking over the horrors of history.

But there may be deeper reasons for the muffled reaction. For most of the past century, a romantic version of history has prevailed in Catholic Ireland: that of the "martyr nation"-pure, Gaelic, heroically resistant to alien, above all British, influence. The Great Famine, in this version, is the ultimate metaphor of oppression - the result of British negligence so extreme as to qualify as deliberate genocide.

But such interpretations of Irish history are increasingly disputed. So-called "revisionist" Irish historians, both Catholic and Protestant, have striven to present a less black and-white view. They deride the traditionalists as unduly romantic and parochial-purveyors of "theme park stuff". They debunk the nation of history espoused by Irish nationalists in their battle to erase British rule-and ideology- from the Island. In Irish universities on both sides of the old divide, the revisionists now probably predominate. When it comes to the famine, some of them tend to stress the role of well-meaning and earnest Britons in the provision of relief. This battle over history has echoes in today's political argument over the future of an Island of conflicting loyalties. Hence the more muted reaction to the famine anniversary than might have been expected a generation ago.

Even the visit four weeks ago of Prince Charles, heir to the British throne, raised hardly a squeak of nationalist protest although he stayed at a fishing lodge near a spot where English landlords notoriously turned the starving away from their door, leaving them to die in the ditches. Official Ireland, at this stage, shrinks from loud expression of public memory. That, it seems, is for dewey-eyed Americans downing green beer in Boston and New York and talking nostalgically of the "ould sod". yet many, perhaps most of people will still instinctively recoil from the revisionists softening of the brutal contours of history. One well-known nationalist writer, irritated by the latest treatment of the famine, says-in bitter jest- that the revisionists will soon be explaining it away as a "mass outbreak of anorexia nervosa".

21. ENGLISH OUTLOOK AND APPROACH TO THE NORTH AMERICAN INDIANS c. 16-17th c.

H.C. PORTER: *The Inconstant Savage : England and the North American Indian 1500-1660*, 1979.

Extracts pp 106-7, 353, 428, 463-465

The key to the treatment of the native population had been given by Moses (Deuteronomy 7:2): "when God shall deliver them before thee, thou shalt smite them, and utterly destroy them; thou shalt make no covenant with them, nor show mercy unto them."

And the Israelites "utterly destroyed all that was in the city, both man and woman, young and old, and ox, and sheep, and ass, with the edge of the sword ... And they burnt the city with fire, and all that was therein... So the Lord was with Joshua; and his fame was noised throughout all the country."

In 1560 Las Casas petitioned the Pope to excommunicate anyone asserting that idolatry in itself justified war. War against the Canaanites in particular was not, for Las Casas, an example to be followed against idolators in general.

"If the Indians would not do this, he might justly wage war against them', Enciso said. He had in mind Deuteronomy 20:10-14:

"When you advance on a city to attack it, make an offer of peace. If the city accepts the offer and opens its gates to you, then all the people in it shall be put to forced labour and shall serve you. If it does not make peace with you but offers battle, you shall besiege it, and the Lord your God will deliver it into your hands. You shall put all its males to the sword, but you may take the women, the dependants, and the cattle for yourselves, and plunder everything else in the city. You may enjoy the use of the spoil of your enemies which the Lord your God gives you." (New English Bible)

Such was the Biblical fibre of the Spanish document to be read to the Indians the 'Requirement'.

From the 1580s, the English found inspiration in such precepts.

Peckham, in his *True Reporte* of 1583, devoted three paragraphs to Joshua: 'this valiant captain of his conquest'.

Symonds dealt brusquely with scruples about two points; the dispossession of the Indian, and the use of force in Colonisation. There are those who maintain that rulers must not make offensive wars', even 'if it were to gain the whole world to Christ' (such people as Erasmus, he might have conceded). Nonsense. We whip children to educate them - an observation to be approvingly quoted by William Strachey in 1612. And 'what wrong I pray you did the apostles in going about to alter the law of nations, even against the express commandment of the prince, and set up the throne of Christ?' Some argue that Virginia 'is

possessed by owners that rule and govern it in their own right; then with what conscience and equity can we offer to thrust them, by violence, out of their inheritance?' In his own exposition of true conscience and equity, Symonds developed his commendation of 'the strong title of the sword', a title 'magnified by historians, politicians and civilians'; albeit to the loathed objectors no more than 'a spider's web, or the hatching of a cockatrice his egg'. History shows us many admirable 'conquering and subduing nations'. We look at Assyria, Persia, Greece and Rome. More important, we consult the stories of the Old Testament-true histories. Did not God approve of Cyrus, Jacob, Joseph, David, Solomon and Joshua? (Joshua was regarded as an honorary member of the Virginia Company).

Samoset also said that the Indian name for Plymouth was *patuxet*, and that 'about four years ago all the inhabitants died of an extraordinary plague, and there is neither man, woman nor child remaining'. This is the first reference to the pestilence of (about) 1617 which destroyed the Indians of the Plymouth area. Bradford wrote of the 'wasting plague', the 'late great mortality'. The Indians 'not being able to bury one another, their skulls and bones were found in many places lying still above the ground where their houses and dwellings had been; a very sad spectacle to behold'. John Smith observed in 1622 that where, in 1614, he had seen one hundred or two hundred Indians, it appeared that now 'there is scarce ten to be found'. Thomas Morton, who was to arrive in the region in 1625, described the Indian skulls and bones he saw in the 'forest near the Massachusetts'; 'it seemed to me a now-found Golgoth'. To Smith and to Thomas Morton this was the work of providence. The paucity of Indians, wrote Morton, makes new England 'so much the more fit for the English nation to inhabit in, and erect in it temples to the glory of God.' Smith reported that 'God had laid open this country for us, and slain the most part of the inhabitants by cruel wars and a mortal disease'. Smith was here retailing the sentiments of the men of Plymouth. Nathaniel Morton, who went to Plymouth, a boy of ten, in 1623, was to make much of the theme in 1669, in *New Englands memorial*. His mother's sister married the widowed Bradford at Plymouth Nathaniel's book, as we have noted, was based on his uncle's manuscript History; but Nathaniel was more addicted to the pointing of Biblical morals (and much harsher to the Indian). Nathaniel referred to Exodus 23, verses 28 and 30.

"God hath very evidently made way for the English, by sweeping away the natives by some great mortalities, as first, by the plague here in Plymouth jurisdiction, secondly by the smallpox in the jurisdiction of the Massachusetts, a very considerable people a little before the English came into the country, as also at Connecticut".

[According to waterhouse Virginia will be more abundant; for the Indian used to kill the deer, the turkey and the hen - and we can 'orderly' use their fishing weirs. Moreover -- "the way of conquering them is much more easy than of civilising them by fair means for they are a rude, barbarous and naked people, scattered in small companies, which are helps to victory, but hindrances to civility. Besides that a conquest may be or many, and at once. But Civility is in particular and slow, the effect of long time and great industry. Moreover, victory of them may be gained many ways by force, by surprise; by famine in burning their corn; by destroying and burning their boats, canoes and houses; by breaking their fishing weirs; by assailing them in their huntings, whereby they get the greatest part of their sustenance in winter; by pursuing and chasing them with our horses, and bloodhounds to draw after them, and mastiffs to tear them, which take this naked, tanned, deformed savages for no other than

wild beasts, and are so fierce and fell upon them that they fear them worse than their old Devil they worship, supposing them to be a new and worse kind of Devil than their own. By these and sundry other ways, as by driving them (when they fly) upon their enemies who are round about them, and by animating and abetting their enemies against them, may their ruin or subjection be soon effected."

The Virginia Company has `zealously affected' the saving of indian souls. But now: `we cannot but, with much grief, proceed to the condemnation of their bodies.' The `innocent blood of so many Christians doth in justice cry out for revenge'. Thus-- "We must advise you to root out from being any longer a people, so cursed a nation, ungrateful to all benefits and incapable of all goodness. At least to the removal of them so far from you, as you may not only be out of danger, but out of fear of them, of whose faith and good meaning you can never be secure. Wherefore, as they have merited, let them have a perpetual war without peace or truce. And although they have deserved it without mercy too, yet remembering who we are rather than what they have been, we cannot but advise not only the sparing, but the preservation, of the younger people of both sexes, whose bodies may by labour and service become profitable and their minds, not overgrown with evil customs, be reduced to Civility, and afterwards to Christianity.

"So burn their corn; provoke their enemies; maintain continually certain bands of men of able bodies, and inured to the country, of stout minds and active hands, that may from time to time, in severed bodies, pursue and follow them, suprising them in their habitations, intercepting them in their hunting, burning their towns, demolishing their temples, destroying their canoes, plucking up their weirs, carrying away their corn, and depriving them of whatsoever may yield them succour or relief. By which means, in a very short while both your just revenge and your perpetual security might be certainly effected"

22. WHY THEY CAME TO INDIA

from B.M.:Warren Hastings Papers:Add Ms 29140,ff 422-3,Add Ms 29141 ff 59-60, Add Ms 29143,ff 332-33, Add Ms 29144 ff 174,328-31; John Rylands Library, Manchester; G.CANNON: Letters of Sir William Jones,2 vols, Oxford 1970, Extracts pp 520-3,710; THOMAS PINNEY (ed.):Letters of T.B.Macaulay, vol II (Mar. 1831-Dec.1833), vol III (Jan.1834-Aug.1841; INDIA : pp 1-240); 1974,1976. Extracts vol II pp 353,598-600; BM: Morley Papers: Add Ms 48225, ff 108-11, 112-3; IOR: Monstuart Elphinstone Papers : Elphinstone to Stratchey 23.11.1821,22.12.1822

ADVICE TO WARRWN HASTING, DON`T COME BACK TO ENGLAND POOR

John Macpherson to Warren Hastings

23.5.1778

I entreat it of you not to come home poor, unless you search after disgrace and vexation.

13.6.1778

There is another gentlemen whom I must be very free in recommending strongly to your care of his *fortune*. Whom do you imagine I mean? He is no less a person than my friend Mr. Warren Hastings! Should you come home with that indifference about money, and that neglect of yourself, which I always apprehend-- you have neither wisdom nor good fellowship in you. Without those I know not that virtue can exist. *verbom sol*.

Captain Toone to Warren Hastings, 29.5.1779

I rejoice in the certainty of your being continued another year in your Government. For God's sake my dear Sir do something for yourself in this year. ...You ought to have 1,30,000 pounds sterling and surely you are entitled to that sum. Pleading poverty to the people of this country and particularly to the heads of it, is the greatest injury a man can do to his own interest. If the minister could be persuaded to believe that your fortune was as great as General Clavering represented it to be, he would not dare to remove you.

Francis Sykes to Warren Hastings. 25.11.1779

You, my friend have not property in our hands, that will bring you a clear interest of 3,000 pounds sterling I hope, you are worth, a considerable sum more, otherwise, you will be much straitened, when you come here. You know England, it is therefore unnecessary to say anything more on this subject.

4.2.1780

I hope you have more property than you have under our care, otherwise you will be much stinted when you arrive here; should you cash and cannot remit it home, we can easily draw

upon you for it, through the channel of the Dutch....Newspaper writers have been extremely free with your name and character.....in general the less is said to abusive paragraphs the better.

COMING TO INDIA FOR MODERATE FORTUNES

Letter from J.Dickson, Mongheer, Feb 27,1789

John Ryland's Library, Manchester: Eng Ms 677/564/A-I

[In his nine page letter, mostly on the need to find ways to increase revenue, in conclusion he added:]

I have been twenty one year in (India) during which time I have been in all the actual service I could, and by the time I have been twenty years longer in the country, I may perhaps have such an independence as will make me happy. I am only the son of a private gentlemen, of an old family in Berwickshire, and if I can obtain 5,000 pounds to clear the evening of life in my native country I shall have as much as my family ever had before me, and with which I think, I shall have every reason to be satisfied.

SIR WILLIAM JONES

Jones to Edmund Burke: 17.3.1782

(Jones left England on 12.9.1783, and his salary as judge in Calcutta was due from that date)

The judges ought to be independent of the council, yet united with them collectively for the advantage of the publick.

Jones to Earl Spencer: 21.2.1786

I have sent home 5,000 pounds, and will soon send the same sum : I have saved about 13,000.

29.9.1786

I have often touched upon the expedience of her return to Europe, where she will have 15,000 pounds sterling immediately and will see me if God please, when I have doubled that sum.

T. B. MACAULAY

Macaulay to Lord Landsdowne, 5.12.1833

Every day that I live I become less and less desirous of great wealth, but every day makes me more sensible of the importance of a competence. I may hope that by the time that I am

thirty-nine or forty to return to England with a fortune of thirty thousand pounds. To me that would be affluence. I never wished for more.

The India scheme would make every thing easy in point of fortune...Should that be dropped, I think it would be rashness to marry till I have tried for a term or two to bring myself forward in the court of exchequer, where I have many reasons for wishing to be fixed.

Lord Amherst, Governor General to First Lord Morley: 11.12. & 12.12 1824

[According to Amherst, while before he accepted the office of governor general, he was told he will be able to save half of his income from his salary of 25,000 Pounds per annum.]

Later in December, 1824 he found his "savings will amount to three-fifths". He told his friend Earl Morley, "that I do not set out with asking myself 'what can I save' but 'what do I require for comfort and splendour'. Under these two heads I have deprived myself nothing.....If I stay my full period of five years.....I shall probably bring home 3,000 pounds sterling a year with me".

MONSTUART ELPHINSTONE

Elphinstone to Stratchey: 23.11.1821, 22.12.1822.

[Monstuart Elphinstone's ambition was to save Rs 3,00,000 before he returned to Britain to read "old poets and new publications likewise".]

His friend Stratchey advised him to stay as Governor of Bombay till he had saved 60,000 pounds sterling a prospect which to Elphinstone who had perhaps continuously been in India for the previous twenty five years, seemed like "a sentence of punishment for life". But perhaps Elphinstone did retire with an amount approximating to that suggested by Stratchey.

SIR THOMAS MUNRO

Thomas Munro to Governor General Lord Wellesley 29.6.1799

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Thomas Munro who by then had gained the reputation of great ability and of ruling with an iron-hand was however reluctant to accept the collectorship of the newly conquered area of Canara. The reluctance largely arose, as he wrote to Lord Wellesley, from his view that there was little possibility of "gaining some credit by augmenting the public revenue" in Canara. Augmenting the revenue not only enhanced reputation but it also enhanced one's income as the collectors till about 1820 also received a commission of 1.5 % to 2 % on the revenue they had been able to realise. Therefore the appointment to Canara to him seemed like a punishment and he thought it would lead to "a certain unavoidable loss of reputation".

23. A SUMMARY VIEW OF BRITAIN TILL THE EARLY NINETEENTH CENTURY

(based on a note by the compiler of these narrations, 1970)

Speaking in the British House of Commons initiating the debate on the Christianization of India in 1813, Mr. William Wilberforce proceeded to describe the blessings of Christianity and observed that "much of the large mass of comforts which we in this country enjoy, beyond those, I believe, of any other nation in ancient or in modern times, is owing to our invaluable constitution". What was this "invaluable constitution" of Britain like? A brief idea of it may be given here.

1. Electorate: In 1831, just before the enactment of laws which extended the electorate of Britain to 7.1% of the then adult population, the number of adult males eligible to vote was 438,000 in an adult population of over ten millions, a percentage of 4.4%. It may be presumed that the position in 1813 was no different to 1831.

2. Incomes. Regarding the comforts and prosperity enjoyed by the British people at this time (and in fact till about a century later) the people of England of this period may be divided into four economic categories. A survey of the position was made in 1812 by Mr Patrick Caquhoun a much quoted authority. He computed the gross national income of Britain at 430,521,372 pound sterling in 1812. This he divided amongst the various categories of the population according to a (calculated) income per family under each head. The following is from his data and grouped here under 4 main categories.

The first consisted of the following:

	No. of heads of Families	Average annual Computed share of income per family
Temporal Lords	516	£ 10,000
Spiritual lords (Archbishop & Bishops)	48	5,010
Baronets	861	3,510
Knights & Esquires	11,000	2,000
Gentlemen & Ladies living on incomes	35,000	800
Eminent Bankers & Merchants	3,500	2,600
in all	50,925	

The second:

	No. of heads of Families	Average annual Computed share of income per family
Higher Civil and Military servants	50,880	£ 980- 200
Eminent Clergymen	1,500	720

Lesser Clergymen	17,500		200
Judges, Barristers, Attorneys etc.	19,000		400
Physicians, Surgeons, Apothecaries	18,000		300
Artists, Sculptors, Engravers	5,000		280
Freeholders of land of the better sort	70,000		275
Lesser Merchants	22,800		805
Engineers, Surveyors, Master Builders	8,700		300
Owners of ships, various manufactures	54,150	£ 904-	600
University Teachers	874		600
In all	2,68,404		

The Third:

	No. of heads of Families	Average annual Computed share of income per family
Lesser Freeholders and Farmers.	4,90,000	£ 120- 100
Minor Manufacturers like Tailors, Milliners etc.	43,750	180
Shopkeepers and Retail Tradesmen	1,40,000	200
Clerks and Shopmen	95,000	70
Inn-keepers and Publicans	87,500	100
School-owners and Teachers employing some capital	35,000	204
Dissenting Clergymen	5,000	100
Actors in Theatres etc.	875	200
In all.	8,97,125	

The Fourth

	No. of heads of Families	Average annual Computed income per family (in pound sterling)
Half Pay Officers.	6,500	100
Common Soldiers.	2,80,000	35
Seamen and Marine	1,71,540	42
Army Pensioners in Homes etc.	42,000	15
Labouring People in Agriculture, Mining etc. (including earnings of the Females)	7,42,151	45
Aquatic Labourers in the Merchants' service, fisheries etc	1,80,000	45
Umbrella and Parasol Makers, Lace	70,000	50

workers, Launderers etc.		
Artisans, Mechanics, Labourers in Manufactories, Building work etc.	10,21,974	48
Pedlars Hawkrers etc	1,400	45
Persons in Prison for Debut	3,500	30
Paupers, producing from their own labour in miscellaneous employment	3,87,100	10
In all	28,99,665	

The income of royal personages ranged from 172,000 pound sterling to 18,300 pound sterling. There were several amongst the nobility, eminent merchants, bankers etc. whose annual incomes were higher than the latter figure. Wilberforce himself is said to have had an income of 30,000 pound sterling a year.

3. Land Ownership :

In 1813 England was still largely an agricultural country. The following indicates the position of land ownership about this period:

	No. of Families	Income Range	Proportion owned of cultivated land
1. Great Landlords	400	£ 50,000 to 5,000	20-25%
2. Gentry:			
a) Wealthy	700-800	£ 5,000 to 3,000	50-60%
b) Squires	3,000-4,000	£ 3,000 to 1,000	
c) Gentlemen	10,000-20,000	£ 1,000 to 300	
3. Freeholders:			
a) Better Sort	25,000	£ 700 to 150	15-20%
b) Lesser Sort	75,000	£ 300 to 30	

Over a million other families who were wholly engaged in agriculture were either landless labourers or tenants. The position sixty years later, in 1873, was only marginally different.

	No. of owner	Extent in Acres
Peers and Peeresses	400	5,728,979
Great Landowners	1,288	8,497,699
Squires	2,529	4,319,271
Great Yeomen	9,585	4,782,627
Lesser Yeomen	24,412	4,144,272
Small Proprietors	2,17,049	3,931,806
Cottagers	7,03,289	151,148
Public Bodies	14,459	1,443,548
Waste		1,524,624
	9,73,011	34,523,974

4. Governmental Expenditure

The prevailing socio-economic structure is correspondingly reflected in governmental expenditure. Till the 1850s, during years in which Britain is not engaged in major wars which are paid out of its own state revenues, the 'Interest and Management of the Public Debt' consumes about half or more of the total state revenue. Of the remaining, two-thirds goes on army, navy and ordinance, and about one-third on civil government. Upto 1800 the sums appropriated under civil government mainly comprised of the privy purse of the ruler and allowances of members of the royalty, salaries of ambassadors abroad, secret service money, and expenses of the judiciary, mint etc. Any expenses on account of education, the sciences, the arts etc. begin to have any share of governmental revenue only well after the 1820s. The following gives the main divisions of the budget for a number of years between 1772 and 1868 - 9.

	Debt Charges	Army, Navy, Ordinance	Civil Govt.	TOTAL
1772-3	£ 4,649,064	£ 3,694,699	£ 1,633,115	£ 9,976,880
1801	£ 18,481,281	£ 33,691,812	£ 6,467,916	£ 58,641,010
1830	£ 29,118,859	£ 13,914,677	£ 8,984,081	£ 52,018,617
1868-9	£ 26,611,419	£ 31,891,545	£ 16,987,945	£ 75,490,909

5. State Employment

As may be concluded from the above data on state expenditure the large majority was in the army, navy and ordinance. The recruitment to the higher ranks of the army etc. was priced. In 1808 the commission of a Lt. Colonel cost between £ 5000 - £ 7000, that of Major and Captain around £4000, the rank of a Lieutenant around £ 1500, and that of a cornet about £ 1200. In 1857 the prices, fixed by a regulation of 1821, were appreciably higher. The recruitment as common soldiers etc. was obligatory for certain categories of men, around 1800.

As regards the posts in the civil government the higher ones were ordinarily sinecures. According to a recent study "in 1809, the annual net value of the principal sinecures was £ 356,555 and these were held, almost without exception, by members of the aristocracy They ranged from positions like Keeper of the Privy Seal for Scotland to that of Sweeper of the Mall in the Park, the latter place being, for a time, the proud possession of a baroness." The same writer states that "the pension roll, too, was crowded with the representatives and dependents of the great families", and that even as late as 1830, "a total of £ 339,809 was being drawn annually from the public treasury by a little group of 42 pensioners and placemen including 15 higher peers." According to this writer "the selling of offices" both civil and military, "was elevated into a principle" during the period 1689-1830.

The smaller posts, like those concerned with the collection of customs and similar revenue, were usually farmed, the person taking the job receiving a commission or paying a stipulated sum to the state and keeping any balance. The Duty on tea, a very large sources of revenue, producing three to four million pounds sterling annually, was however collected at a little cost through the East India Company.

6. Education

Most of the elementary schools of Britain are the products of the early 19th century when a new system of schooling was first adopted in Britain. The following from the Directors of the E.I.Co to their Governor General in Bengal is worth quoting regarding this new system:

"20. The mode of instruction that from time immemorial has been practised under these masters" has received the highest tribute of praise by its adoption in this country, under the direction of the Reverend Dr. Bell, formerly chaplain at Madras; and it is now become the mode by which education is conducted in our national establishments, from a conviction of the facility it affords in the acquisition of language by simplifying the process of instruction." (Public Despatch 3.6.1814 HL 1852-3.26)

Before the introduction of this system, the number of children in elementary schools is estimated at around 40,000 in 1792. The number of secondary schools in 1818 was around 500 with some 10,000 students. Oxford and Cambridge were the only two universities in England at this period. The number of students at these two is estimated at 3,200 in 1851.

7. Judicial Punishments

Till the early years of the 18th century the rates of maximum wages for labourers were fixed by statute. Receiving above this maximum was criminal. Besides, till about this period the movement of a labourer from one country to another was only possible with prior permission. Most of such laws and regulations however were either replaced or not enforced after the 1750s. But penal provisions of the criminal law were another matter. According to a parliamentary committee there were some 200 capital offences in 1818. Stealing any thing worth five shillings or more was punishable by death. Around this time a change in the law made this and similar offences no longer liable to the death penalty but to transportation for 14 years. Flogging as a punishment in the army and navy was common practice at least till the middle of the 19th century. It was not uncommon to inflict several hundred strokes on an individual so punished.

24. GROWTH OF THE ELECTORATE OF GREAT BRITAIN⁵

Year	Number of voters	Population (Adults)	Percentage of voters to adult population
1831	438,000	10,207,000	4.04
1832	720,784	10,207,000	7.1
1864	1,130,372	13,051,816	9.0
1883	2,231,030	13,625,658	16.4
1886	4,965,618	17,394,014	28.5
1914	7,483,165	24,969,241	30.0
1921	19,984,037	26,846,785	74.0
1927	21,895,347	29,654,721	74.0
1931	29,175,608	30,096,135	96.9

Qualification of voters:

1400 to 1832 : Having freehold land of clear annual value of 40 shilling.

1831 : 10 pound sterling copy holder, 10 pound sterling lease holder for 60 years, 50 pound sterling lease holder for 20 years, tenant at will paying 50 pound sterling rent in county and 10 pound sterling occupier in borough.

1832 : Ancient franchise, of certain categories, for instance of working class in Liverpool, extinguished.

1867 : Householders in borough enfranchised.

1884 : Householders in counties enfranchised.

1918 : 1) Holders of residence and business premises of 10 pound sterling a year enfranchised.

2) women above 30 enfranchised.

1928 : Women above 21 enfranchised.

Voting procedure :

1872 : Secret balloting

1883 : Effective corrupt and illegle practices act.

⁵ Encyclopaedia Britannica.