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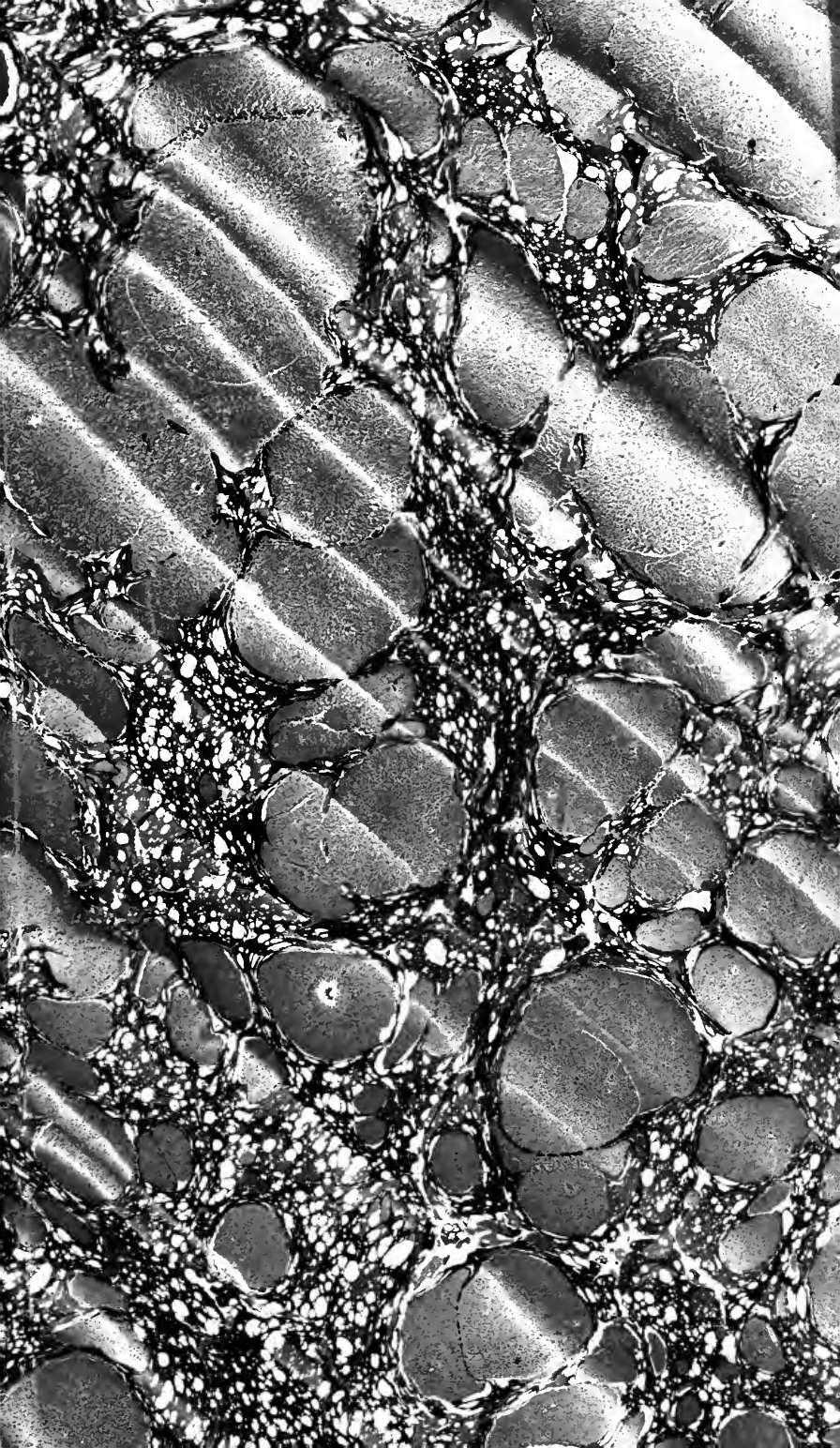


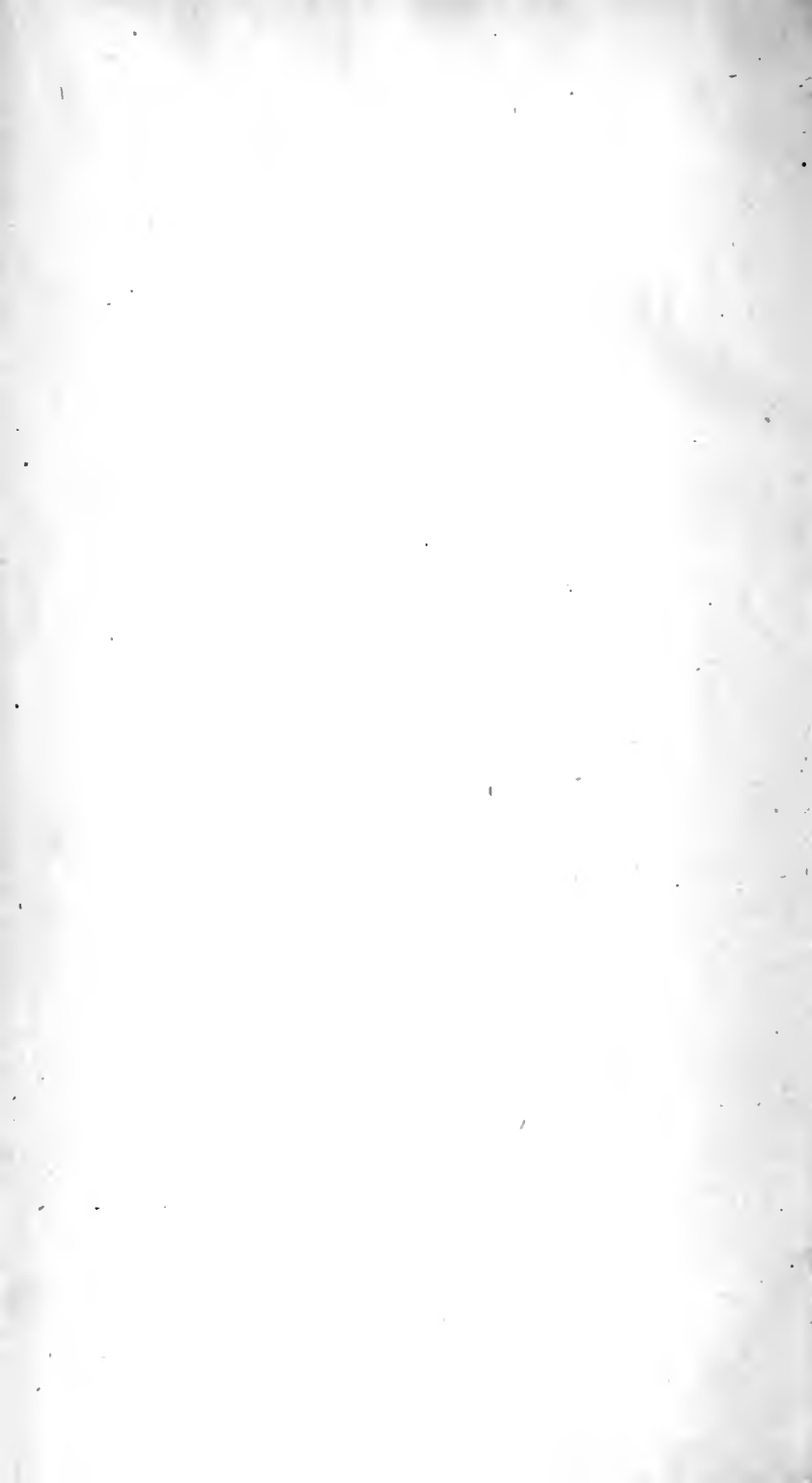
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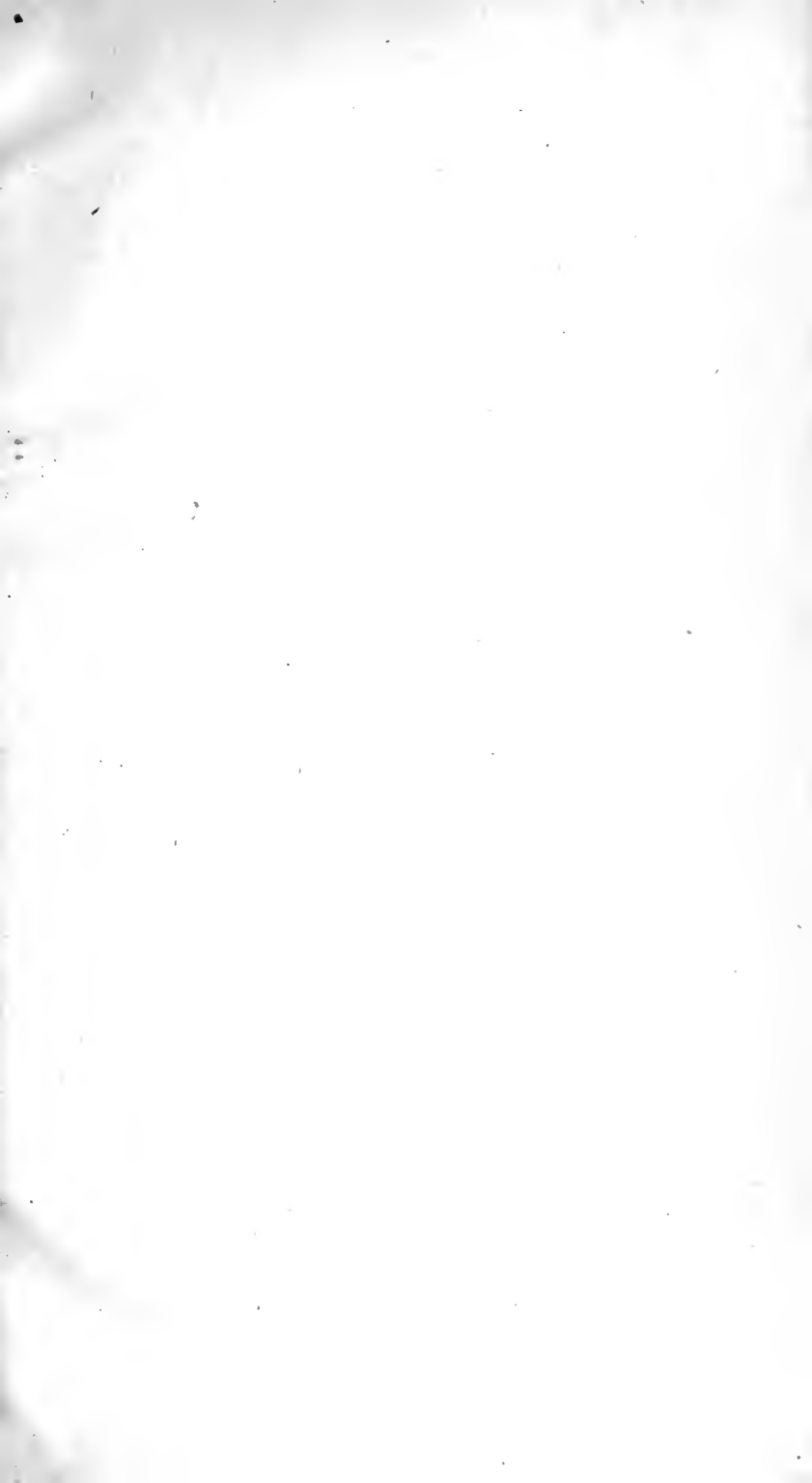




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THE
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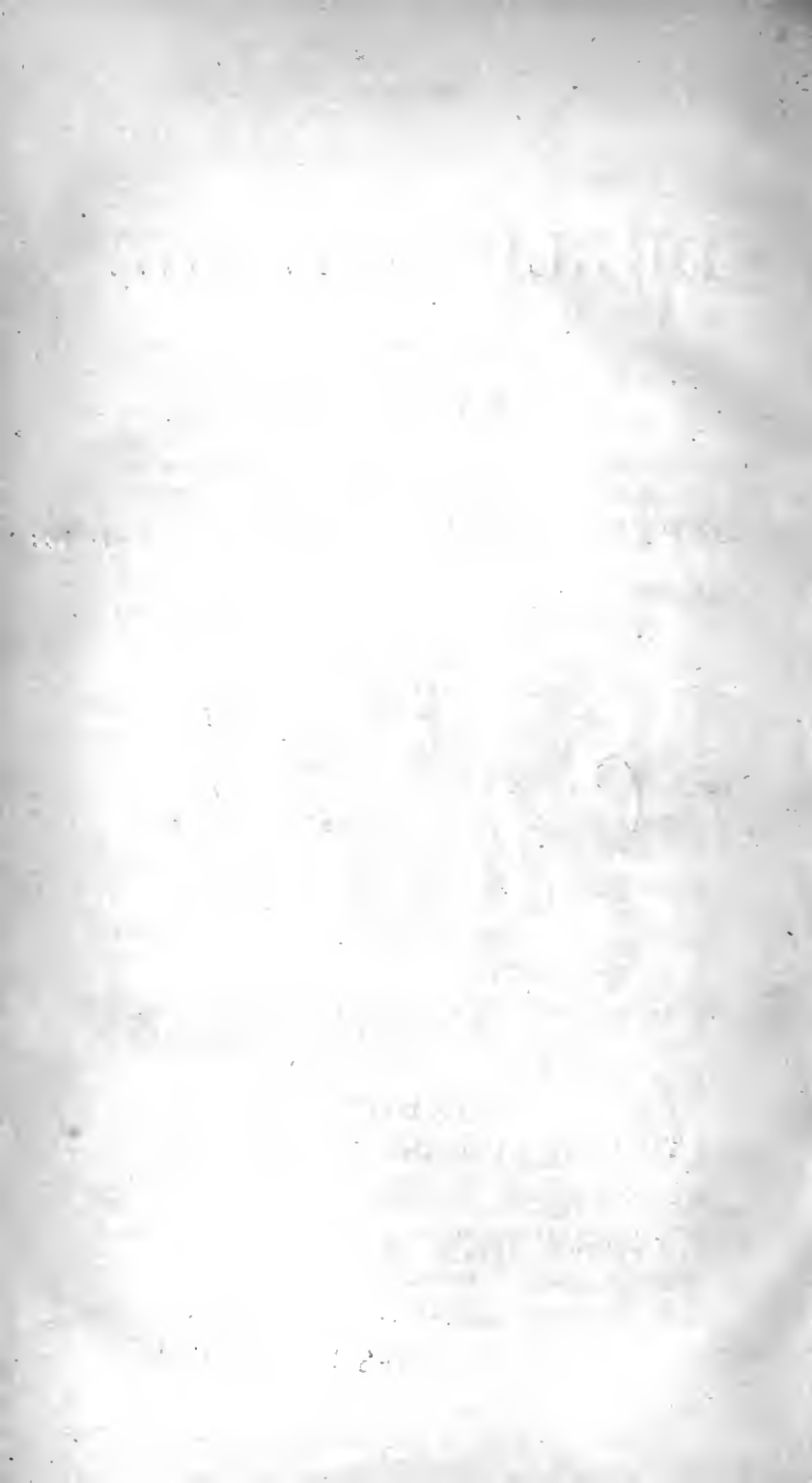
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LORD Chatham, says Professor Creasy, called Magna Charta, the bill of right, and the act of settlement, the Bible of the English constitution. And the saying embodied, no doubt, national tradition, and the popular impression, carefully kept up by every history and by every commentary, down to the last edition of Blackstone. Liberty is ascribed, above all, to the Revolution. But how much of ignorance is associated with this impression! "It is painful," says Professor Creasy, "to observe how few even of well educated Englishmen, have so much as read these great statutes." And this accounts for the delusion.

We might have imagined that the fact that Magna

Charta, whatever its worth, was not only won by Catholics but under the auspices of Catholic prelates,—nay, even with the sanction and the assistance of a Cardinal of the Holy Roman Church—would have dissipated the bigotted prejudice that the Catholic religion, or the Catholic Church can be inimical to freedom. Until, however, Professor Creasy gave the text of the Charter in his lucid and highly useful little manual, we doubt if many in this country were aware what are the names which stand foremost in it, and by whose exertions, and with whose sanction it was chiefly won. Protestant writers, even when they really desire to emancipate themselves from hacknied errors, and take enlarged and enlightened views, rarely succeed in doing so. Thus, learned and lucid as is Professor Creasy's work, it is not equally candid; for, at all events, its view is far too contracted, for it overlooks the great fact that whatever was truly valuable in Magna Charta, was but the reluctant concession of what had long before been cordially established by the celebrated laws of Edward the Confessor, under the auspices of the Catholic Church.

The whole scope of every commentary or history, however, since the Revolution, is to represent that as the era of real liberty, and yet, the truth is, that liberty, as regards the body of the people, was far more a reality in Catholic times. The House of Commons, so early as the reign of Henry IV., had far more of real and independent influence in the state, as representing the people, than it had when it was filled with servile place-holders, or sordid place-seekers. Nor was it until the reign of Henry VI. that the first law was passed to secure the predominance of wealth in that branch of the legislature, by means of a property qualification. In the reign of Richard III. a statute was passed against "benevolences" or compulsory impositions by the crown, under colour of asking voluntary donations. And the statute was boldly and successfully appealed to by the City of London, in the reign of Henry VIII. when the Tudor tyranny began to rise, which did not establish itself until after the fall of Wolsey. The Cardinal yielded at once to the remonstrances of the people, annulled the commissions of "benevolence," and acknowledged he had been mistaken and misled; declared that he had no desire to oppress the people; dismissed the prisoners taken in some popular commotion, and behaved with what Mr. Galt, his liberal and Protestant biographer,

calls great magnanimity. So soon as Wolsey fell, the reign of arbitrary power began; his enemies, who succeeded him in power, the forerunners of the Revolution, began by paudering to the tyranny of the crown, and actually passed a law to absolve the king from the payment of his debts! Mr. Hallam, as well as Mr. Galt, has pointed out the arbitrary tendency of the measures they adopted; and their successors, during the long reign of Elizabeth, were willing instruments of royal tyranny, which James I. at his accession found already established as a system, and of course embraced as a doctrine. Then and not till then, under a Protestant system of government, arbitrary power was maintained as of Divine origin!

It seems to have escaped the observation of all writers on our constitution, so blinded and perverted is their mental vision by habitual and traditional prejudices against Catholicism, that absolutism was never established in this country, until it was separated from the Catholic Church. Not until the Tudors had established the Royal supremacy; not until the pedantic tyrant who succeeded Elizabeth had consecrated the notion of "the right divine of kings to govern wrong;" not until then was it, that Coke laid down in his great text book that "the kingdom of England was an absolute monarchy." Most strangely has this fact been ignored by Protestant writers, who, because the second James was a Catholic, have always appeared to forget that the first James was a Protestant, and that it was the first Stuart, who consolidated the tyranny established by the Tudors, and left it as a legacy to his successors. Lord Bolingbroke truly wrote "that the doctrines of unbounded prerogative had been established by James I., and that Charles I. had sucked in with his mother's milk the absurd principles of government, which his father was so successful in promulgating, and found them espoused as the true principles of religion and policy." No doubt. And he left them a legacy to his children. And if they were tyrants, the tradition of tyranny was a Protestant tradition. We deny indeed that either Charles or his successors were tyrants. We think we have in our former papers proved that they were not so; that Charles I. was the victim of the conspiracy of an oligarchy, desirous of usurping superior power; that the most violent whigs admit that Charles II., to the very close of his reign, had done nothing

to justify revolution, and that James II. did nothing more than his brother had done, and not one-tenth part of what his successors did. Of that momentous period of our history, the thirty years, from 1630 to 1660, Mr. Hallam truly says that it is a period "which no Englishman can regard without interest, and few without prejudice, and the period from which the factions of modern times trace their divergence, and which, after the lapse of two centuries, still calls forth violent emotions of party spirit, and affords the test of political principle." Professor Creasy as truly says that those years were rather years of abnormal struggles, than of constitutional government. True. But what were the struggles for? We say that they were simply struggles of an oligarchy for virtual sovereignty. And this can be shown, not merely from the history of the events of that era, but from its results, and from the eulogies of those who most approve of them.

We will take the testimony of one of the earnest admirers of the Rebellion and the Revolution. Mr. Macaulay thus describes what he calls the "hazardous game, on which were staked the destinies of the English people." "A game, which," he says, "was played on the side of the House of Commons with admirable dexterity, coolness, and perseverance." "Great statesmen," he says, "were at the head of that assembly. They were resolved to place the king in such a situation that he must either conduct the administration in conformity with the wishes of Parliament, or make outrageous attacks on the most sacred principles of the constitution. They accordingly doled out to him supplies very sparingly. He found that he must govern either in harmony with the House of Commons, or in defiance of all law." But was it in accordance with the principles of the constitution that the king should govern only in conformity to the wish of the Commons? Most certainly, no king yet had done so; and that he should be compelled to do so by stoppage of the supplies, if not in defiance of all law, was undoubtedly an attempt to alter the constitution. Waiving that question, however, this, at all events, is obvious, that practically the tendency of this was to place all power in the hands of the "heads" of that assembly, the House of Commons. It was, as we have said, a contest for power, on the part of an oligarchy. Thus Pym, when he

found Wentworth had taken office, swore to "have his head," and kept his word. It was a question of personal ambition, not of political liberty. What mattered it to the mass of the people whether they were ruled arbitrarily by a Stuart and a Wentworth, or by a Cromwell and a Vane? The mention of the name of Vane reminds us that meaner motives even than rivalry of ambition actuated the leaders in that great movement. For example, when Wentworth took the title of "Raby," he made a deadly enemy of Vane, whose ancestral hall bore that name, and who swore to be revenged. How well Vane and Pym kept their fell purpose of revenge, and by what low means they worked, and in what a savage, crafty, spirit, we have shown. It is no answer to say that the Stuart Sovereign and his minister Wentworth desired to rule without recourse to parliament, and intended to resort to a standing army. These things might be arbitrary, but they were necessary, if a king were to govern, and if England was not to renounce a monarchy. So far from its being our argument that they were not arbitrary, we have argued in former papers that the effect of the Reformation, by relieving the crown from the only power which could control it constitutionally, the moral power of the Church, was to make it necessarily arbitrary; necessarily, if it was to rule at all. The question was between the crown and the aristocracy, which should rule. It mattered nothing to the people, by whom they were to be governed arbitrarily; it was simply a contest for power; a struggle, not against arbitrary power, but for it. Tyranny, not liberty, was the prize contended for. Whichever party might win, the nation would have no freedom under such a system.

What did liberty really gain by the Rebellion? What of the boasted "Petition of Rights?" The first clause as to benevolences only re-established the statue of Richard III. and related only to the richer classes. The second likewise affirmed a principle of law, that no person should be committed to prison without lawful cause; but the leaders of the rebellion afterwards maintained that their own arbitrary order was a lawful cause; and practically the clause had no operation as regarded the great body of the people. The other two clauses were directed against billeting of soldiers, and punishment by martial law; practices, which, at the Revolution, and even since, have been perpetuated by act of

parliament. Meanwhile the same puritan oligarchy, who thus were seeking to exalt their own power under pretence of zeal for the national freedom, were remorseless in pressing for the execution of the penal laws. Nor was there ever any tyranny so odious as that which was exercised by the Long Parliament. Mr. Ward, in his remarkable "Essay on the Revolution," likens it to the tyranny of Nero and Domitian, and Mr. Hallam in his "Constitutional History," does not disguise a similar opinion. Indeed the fact is too flagrant to be questioned. So of the parliament in which Shaftesbury was paramount. Nor after the Revolution did the leader of the Whig party want the disposition to proceed to measures of tyranny less extreme. Mr. Macaulay shows how their cruelty was restrained by the policy of William; in the succeeding reigns they were only controlled by corruption. Yet in some instances, as in the cases of "privilege," they really assumed to exercise arbitrary power. The people were made the puppets with which, what Macaulay calls "the game" was played.

So was it under the second Charles and under James, as we showed in our last paper. We then cited the testimony even of old Whigs like Fox, and modern Whigs like Mr. Ward. But even Macaulay might be cited as a testimony. He describes the conspiracies of the Whigs against the crown, towards the close of Charles's reign, when (we agree with Lord John Russell) nothing had been done to warrant such conspiracies. "The leaders of the opposition (he says) revolved plans of rebellion, and to some of their accomplices it seemed, that to waylay and murder the king and his brother, was the shortest and surest way of vindicating the Protestant religion and the liberties of England." "The object of the great Whig plot," he says, "was to raise the nation in array against the government." In other words, virtually to dethrone the sovereign, and engross supreme power themselves.

They failed against Charles, because he was a professed Protestant. They succeeded against James, simply because he was "a Papist." All through the reign of his brother, the country had been disturbed by Whig plots for his exclusion from the throne, and Macaulay, not less than Fox, admits that the execrable "Plot" of Oates was worked by them for these vile ends. The same men, for the most part, pursued the same plot after James's acces-

sion. Heaven help him! he had in his counsel men like Danby, who, fourteen years before had arranged with William to dethrone him; men like Sunderland, ready to betray him; and men like Halifax waiting for the betrayal they foresaw. "The Whigs," says Macaulay, "kept themselves out of sight as much as possible, and steadily supported every proposition tending to disturb the harmony which subsisted between the parliament and the court." That is, they worked in secret, they framed their machinations out of sight. One of their plots was Monmouth's Rebellion, and Mr. Macaulay exaggerates to the utmost the severities inflicted in its suppression; while, at the same time, he avows that it was not only without palliation, but attended with every circumstance of aggravation. The Whigs made then, as they have ever since, the utmost use of the topic, and Mr. Macaulay is rash enough to compare the severities which followed that rebellion, with those which followed the rebellions of 1715 and 1745. James is accused of cruelty in suppressing an atrocious rebellion, but we shall see how rebellions, with infinitely less of guilt, if any at all, and indeed attended with every palliation short of absolute justification, were treated by the Whig ministries under the Georges. The Stuarts are called tyrants; we shall see what was the tyranny of the Whigs; when the "game" was played out, and they attained virtual sovereignty; as the ministers of a revolutionary dynasty, ignorant of the language and institutions of the country.

It is singular that not only Blackstone, but Fox, should represent the reign of Charles II. as the era of liberty. The commentator says that in that reign "the people had by the law as large a portion of real liberty as was consistent with the state of society, and sufficient power in their own hands to assert and preserve that liberty, if invaded by the royal prerogative, for which," he adds, "I need but appeal to the catastrophe of the next reign." We have shown that James made no greater attacks on liberty than his predecessor, and that the "catastrophe" of James' reign was merely the triumph of an oligarchy. Serjeant Stephen, in his edition of the Commentaries, alters the passage we have quoted, thus: "The people had a larger share of real liberty than they had enjoyed in this country since the Norman conquest," observing that "the truth of Blackstone's propositions may be doubted, at all events if it be intended to include religious liberty." True;

for at that era, the era of the Test act, which as Professor Amos remarks, although excluding Dissenters as well as Catholics, was warmly supported by the Dissenters, out of bigotted aversion to the Catholics. Yet at the Revolution the Dissenters were its ardent adherents, on the plea "of civil and religious liberty:" and they then again signalized their sincerity by joining in the cry for fresh penal laws against the Catholics. Mr. Warren, in his edition of Blackstone, leaves the passage above cited unaltered. Mr. Kerr, in his, the later edition, states it thus, that the people had a large share of liberty. Elsewhere he observes on Blackstone's eulogy upon our constitution, that "It must be understood of the constitution since the Revolution." He adds, indeed, that "Mr. Hallam has perhaps succeeded in showing that parliament, even in the days of the Plantagenets, wanted not sufficient ground for public liberty, as it was then understood; but the subserviency of the legislature to Henry VIII. and Queen Elizabeth, is not to be disputed; and the prerogative of Charles I. was much more extensive than that now possessed by the crown," and he adds, that the aristocracy from the time of the Revolution until the reform bill, had an unquestioned ascendancy. This is very much the view we have endeavoured in these papers to enforce. All the editors of Blackstone, however, maintain the great Protestant and Whig tradition, that the Revolution resulted in the full establishment of liberty. This we cannot admit; and it is enough to disprove it, that the Revolution itself was carried by fraud, and upheld by force. This we shall amply show. Who disputes it as to Ireland?

"The Protestant masters of Ireland, while ostentatiously," (says Mr. Macaulay,) "professing the political doctrines of Locke and Sidney, held that a people who spoke the Celtic tongue and heard mass, could have no concern in these doctrines." And was it otherwise as to their ideas of the *body of the people, even in England?* It is one of our objects to show that the mass of the nation derived not the least benefit from the Revolution, any more than the Rebellion. No doubt they were worse off in Ireland, in that they endured positive oppression to a greater degree. But as regarded the utter destruction of political power and rights, they were not worse off than the people of England.

It is shown in this portion of our history that all the

faults of arbitrary rule falsely, as we contend, imputed to the Catholic dynasty were really perpetrated, and not only so, but established into a system, under the Protestant. We have shown this in our last paper; as to the reign of William more particularly,—cruel slaughters, sanguinary prosecutions, a standing army, arbitrary measures of every kind. We shall see it even more so under his successors. What says Macaulay of the results of William's rule in Ireland? It resembled that of Cromwell. "In Ireland there was peace. The native population was tranquil with the ghastly tranquillity of exhaustion and despair. It was the result of mere stupefaction and brokenness of heart. The iron had entered into the soul. The memory of past defeats, the habit of daily enduring insult and oppression, had cowed the spirit of the unhappy nation." Such was Protestant ascendancy! What was there under our Catholic sovereigns that could compare with it?

And what of the people of Scotland; at all events of that part of Scotland which alone could be considered Celtic and Catholic; what of the Highlands? Not to mention the horrors of Glencoe, from which Mr. Macaulay in vain endeavours to exonerate his hero William;—what does he say of the horrors perpetrated on a larger scale under the two first Georges? "England put forth her whole strength. The Highlands were subjugated, rapidly, completely, and for ever. During a short time, the English nation breathed nothing but vengeance. The slaughter on the field of battle and on the scaffold, was not sufficient to slake the thirst for blood."

The men who *carried* the Revolution, it is confessed, were a set of scoundrels. Such is the concurrent testimony of Mr. Ward who wrote thirty years ago, and of Mr. Macaulay who writes to-day; both good Whigs. But were the men who *succeeded* to them any better?

That the whole object of the leaders of the Revolution was to secure themselves the possession of power, is plain from their subsequent conduct. Scarcely had the Revolution been effected, when its promoters became discontented. Danby had meant to dethrone James, but not to destroy his dynasty; and had hoped to govern in the name of William, while William was reigning in right of Mary. When William resolved to reign in his own right, he spread dismay and disappointment among the traitors.

So Marlborough, whose chief hope of power was in arms, was soon engaged in machinations to dethrone William, and intrigued with the Jacobites for the purpose. It is clear that Marlborough hoped, at one time, to play the part of Monk. Mr. Macaulay himself suggests the suspicions which might naturally have entered their minds. "What if this consummate dissembler should cheat both the rival kings? What, if when he found himself commander of the army and protector of the parliament, he should proclaim Queen Anne? Was it not possible that the weary and harassed nation might gladly acquiesce in such a settlement? James was unpopular because he was a papist, influenced by papist priests. William was unpopular because he was a foreigner. Anne was at once a Protestant and an Englishwoman. In her court, Marlborough, the husband of her adored friend, would be the chief director of the government. He would hold the whole power of England. He would hold the balance of Europe." No doubt. A tremendous prize to play for. It was the prize they all played for. This was the "game" which Mr. Macaulay described Vane and Pym as "playing." It was the game which Danby, and Godolphin, and Churchill, had played against James, and now were playing against each other. Marlborough failed for the present. He was detected and disgraced. Then of Admiral Russell, Mr. Macaulay thus speaks:—"This false and wayward politician had never failed to assure the Jacobites that he was bent on effecting a Restoration." He was to betray the fleet, and Marlborough the army. Dartmouth had been discovered in similar machinations and died in disgrace. Godolphin was one of the same base men whom Mr. Macaulay described as getting places, peerages, and favours, from William, and making promises and professions to James. So of Shrewsbury, whose duplicity seemed a second nature, a kind of curse entailed upon him for his apostasy, something he could not shake off. Clarendon was another of those double traitors. These things are to be noted in passing, as regards these treacherous machinations. First, they show that the object of the Revolutionists was simply self-interest. What cared they for the freedom of the nation (which they had made the pretext of the change of dynasty) whose only thought was to aggrandize their own wealth and rank, and power? In the next place, let

us notice an amusing fallacy of Macaulay—one of the many sophistries he palms upon his readers, when he endeavours to make them bow down with him before his idol William. He is never weary of eulogizing the magnanimity of his hero in affecting not to know of these machinations against him. Why, the truth is, he durst not disclose what he knew; for he was surrounded by double traitors. There was not, except Portland and Nottingham, any one of rank about him, who was not engaged in these machinations; and to have avowed his knowledge of them would have compelled him to denounce his entire court; to decimate the peerage, or to have a counter Revolution. It was not magnanimity, but prudence and policy, which led the cold nature of William to appear ignorant of so universal a treason, and thus to assume a virtue which he had not. That he had it not, that he was as cruel as he was cold, is clear from his conduct in Ireland and the Highlands; but it is also plain from another transaction, closely connected with those very machinations, about which his magnanimity is so vaunted by his eulogist, the attainder of Sir J. Fenwick.

It is palpable, even from Mr. Macaulay's account of it, that Sir J. Fenwick's real crime was his being in possession of proofs of those machinations; and the same policy which led William to pretend to be ignorant of them, led him to connive at the cruel policy of the Whigs—in the legislative murder of the man, who held these proofs in his hand. For, be it observed, that it was the Whigs who, even more than the Jacobites, were engaged in these conspiracies against William. This clearly shows that their motive in the Revolution had been the possession of power, and their motive now was disappointment and jealousy. Godolphin was named, with Shrewsbury and Russell, in Fenwick's confession, and, as Mr. Ward observes, it seems incredible that the latter should have been the main mover in the bill of attainder! History records nothing more wicked than that bill; and one of the Whig voices, raised most earnestly in its favour, was that of Cowper, whom even Macaulay stigmatizes as a profligate, who made use of this detestable bill to acquire power with his party, and who afterwards held the great seal under George. A more immediate result of the disclosure, was the opportunity it afforded the crafty and clever Sunderland to cast Godolphin from office. Sunderland was even made

one of the Regency, during the absence of William. Mr. Macaulay well describes the disgust of "plain honest men" at seeing this man who had been the main mover in James's measures, now occupying such high office under the usurper who had displaced him. "William did not understand these feelings. Sunderland was able and he was useful; he was unprincipled indeed; but so were all the English politicians of the generation which had learnt under the sullen tyranny of the saints to disbelieve in virtue; and which had, during the wild jubilee of the Restoration, been utterly dissolved in vice. He was a fair specimen of his class, a little worse perhaps than Leeds or Godolphin, and about as bad as Russell or Marlborough." That is, all the English politicians of that age were unprincipled and profligate. In plain English, a set of scoundrels. Exactly the conclusion to which we desired to conduct our readers; and which we are happy to convey in the nervous language of Mr. Macaulay. It is the conclusion which Mr. Ward stated still more tersely, and in terms more nearly approaching our own, when he said that, the "eminent men" who were concerned in the Revolution were "eminent rogues." This, however, is only a portion of the conclusion to which we have desired in these papers to direct our readers. The rest, and the most important part of it is this, that these unprincipled politicians engaged in the Revolution as a scheme for their own purposes; the attainment of power and wealth. This is shown by the continuance of their machinations with the same purpose, after the Revolution; and by the facility and treachery with which they conspired for or against the exiled dynasty, in order to attain it. That the Revolution was intended for the end, is, of course, pretty strong proof that it was calculated for it; and that the settlement of the constitution it effected, was most fitted to afford a field on which to carry on the intrigues of an oligarchy for power. And this we shall find, in the history of the succeeding reigns; we shall find it a mere history of rivalry for power.

It is a curious circumstance, and speaks volumes for the arbitrary and offensive nature of William's rule (*pace* Mr. Macaulay) that some of the earliest Jacobites, or at least malcontents, were some of those who were most concerned in bringing him over. For instance, Danby, who had been engaged in machination with him fourteen years

before the Revolution, appears to have had no idea of totally displacing the Stuart dynasty; and to have been disgusted when he found William determined to have the crown by his own sole right, and not merely in right of his Consort. His having no children would of course tend very much to lessen the importance of the question, so far as he was concerned. And, as regarded his successor Anne, it was not that a dynasty was displaced, but the line of succession disturbed. Men of both parties, Whigs and Tories, friends of the Revolution and its opponents, might serve her, with different views of course as to the future: and, in fact, her reign was not disturbed by Jacobite rebellion. The hopes of the Jacobites were in the succession of the young Stuart, to which it is notorious that Anne was herself friendly. Indeed her scruples of conscience were so great, that at one time she sought to resign the throne to her brother, but, unhappily, she consulted an Anglican bishop, who told her that if she did so she would be in the Tower in a month, and in the tomb in a year. The poor weakminded woman was frightened, and she lived on a few more wretched years of lingering remorse which at last killed her. There can be no doubt that this feeling of remorse led to the change of ministry during those latter years of her reign, when Bolingbroke and Harley were substituted for Marlborough and Godolphin. Nor can there be any doubt that the Tory Ministry were in hopes of replacing the Stuarts on the throne. Indeed, how little averse Marlborough himself was to this, is manifest from the fact that William, during nearly the whole of his reign, was so satisfied of Marlborough's disgust for himself, and inclination towards the dethroned family, that he would not employ him; and, on the other hand, George I. had a bad opinion of Marlborough on account of his unprincipled conduct in the wars he had been permitted to mismanage at his pleasure under Anne. We mean mismanagement, not of course in a merely military sense, but in the political sense, so far as regarded the object with which the wars were carried on, which was merely his own self-aggrandizement.

So long as he was allowed to enrich himself at the nation's expense, of course Marlborough was contented with the state of things. But when he lost supremacy, there were no reasons why he should not have been inclined to a change of dynasty, at least if he thought he should benefit

by it. But then, on the other hand, he was not a man to venture anything. It was very well to run away to a formidable invader, but it was another thing to attempt to resist one. So Marlborough on the whole, at all events, was not active in the Tory intrigues to restore the old dynasty. Not so with his old colleague Shrewsbury. The wretched Duke, who brought a curse upon his house by a despicable apostasy, could not be expected to display towards man any more than God, the virtue of fidelity. Having concurred in inciting the invader to dethrone his lawful sovereign, who would not imitate his own apostasy, was now as ready to concur in bringing back his son when he thought it might be to his interest. So he joined heartily with Harley and with Bolingbroke to restore the Stuarts. When, however, he thought this hopeless, he betrayed the cause he had espoused, did his utmost to support "the Protestant Succession," and was in office under George I.

So lately as 1713, the last year of Anne's reign, Marlborough wrote to the Elector of Hanover, "I shall always be ready to hazard my fortune and my life for your service." In the same year he solemnly protested to a Jacobite agent "that he had rather have his hands cut off than do anything prejudicial to King James's cause." Nay, this is not all. After the accession of George I., when Marlborough was Commander-in-chief, and a member of the Cabinet, "he sent a sum of money to France, as a loan to the Pretender, *just before the rebellion of 1715, which this money no doubt assisted in raising.*" We quote the words of Lord Mahon, an ardent admirer of Marlborough, (whom, after proving to have been a miscreant, he calls "the illustrious!") and he refers to the "Stuart papers," where the actual proof remains on record of what otherwise did appear an incredible depravity. But we refer to the fact, not merely as heaping on the memory of Marlborough a needless addition of infamy, but as showing how strong must the feeling have been, even among the original *partisans* of the Revolution against the entire exclusion of the old dynasty. And if this was the feeling, even among them, how much stronger must it have been among the mass of the people, who had no direct interest in the maintenance of the new system?

Lord Mahon, who thinks we ought to regard the Revolution with "reverence," admits that the nation was

against it, especially after the Act of Settlement, which excluded the Pretender. "There was a very general wish to see still upon the throne some descendant of Charles I." "Under the influence of these feelings a very considerable number" (he elsewhere, as we shall see, says the greater number,) "of the landed gentry and of the high churchmen, began to cast a wistful look of expectation towards St. Germain's." He quotes a Jacobite agent, by whom, "in 1717 it was said that many who wished James well, would not hazard their estates for him. If he came with 10,000 men, it is thought there would not be a sword drawn against him. There are, besides, a set of men well disposed, (i.e. towards the Stuarts,) who have taken the oaths to the government only by form,—these are very numerous in the two kingdoms. Besides these, (continues his Lordship,) besides the steady old Jacobites, besides the whole body of the Roman Catholics, the Court of St. Germain's also received promises of support from several leading ministerial statesmen." "The extent of this infidelity," he adds, "is truly appalling." At all events it is very striking, and proves beyond a doubt that those shrewd unscrupulous men found the national feeling so strongly in favour of the exiled dynasty, that their safety and interest required that they should keep well with it.

They, however, were not prepared with the means which their enemies had taken care to provide. Lord Mahon says, "The Whigs, on their part, were found *much better prepared*," (i.e., to overrule the resolutions of the nation as evinced at the late election,) "having already, under the guidance of Stanhope, entered among themselves into an *organized association, collected arms and ammunition, and nominated officers*. They had in readiness several thousand figures of a small fusee in brass, and some few in silver and gold, to be distributed among the *most zealous followers, and most active chiefs, as signals in the expected day of trial*. Stanhope was now taking every measure for *acting with vigour, if necessary, on the demise of the Queen, to seize the Tower, and to secure in it the persons of the leading Jacobites*." Some of them, indeed, were actually seized and imprisoned for two years after the accession of George I., a fact Lord Mahon omits to mention. "No precaution was neglected to ensure tranquillity and to *check disturbances* in any quarter where they

might arise." If they arose at all, it would only be through the national feeling being in favour of the excluded dynasty, since it is plain that no measures had been concerted by the Jacobite ministry to cause disturbances. They were "not prepared." The Whigs were. Lord Mahon formally states it as his opinion that the Tories at the end of Anne's reign were *the more numerous*, and composed the bulk of the landed proprietors and parochial clergy. That is, they had in every sense the better portion of the nation. And what had the Whigs, the partisans of the Revolution? "They had nearly the whole of the *monied interest*." That is, the strength of the Revolution party now was *money*. And so we shall find it, all through the history of that age. The history of parliament then was a history of iniquity and corruption. The result of the last general election under Queen Anne was greatly in favour of the Tories and Jacobites. In a year or two she died, and what had the Revolution to rely on? Force and fraud. On the confession of Lord Mahon, the descendant of one of the great Whig heroes of the hour—Stanhope—these were the means they resorted to. He states what, as he himself remarks, shows the bad opinions entertained of the Queen's councils, but what we should say rather showed no dread of a Stuart successor, "that the funds rose considerably on the first tidings of her danger, and fell again on a report of her recovery." Surely this, coupled with the results of the late general election, showed a desire that her Jacobite or Tory ministers should have as soon as possible the power to secure a Stuart successor.

Who were the partisans of the exiled House of Stuart? Who were they who first had the name of Tories, the Jacobites, those who desired to restore the dethroned dynasty? We say those who desired their restoration, not merely those who at times pretended to desire it, and corresponded with the Pretender. For these included many among those who had been chief agents in the Revolution. Even the scoundrel Churchill, Duke of Marlborough, had, when disgusted with William, betrayed him to James. And much later, the great whig, Argyle, was found receiving letters from the Pretender, speaking of "the Duke's" "assurance of support." Walpole himself pretended to correspond with the "Pretender," doubtless the better to defeat him, taking care always

to show the Pretender's letters to the king; it is not said whether he showed his own, anyhow there is a tinge of meanness in the thing perfectly Walpolean. There were many pretended Jacobites in the ranks of whigism. There were many Jacobites, who were ready to enter the ranks of whigism. There were, however, some really hearty and honest Jacobites, who 'truly desired the restoration of the Stuarts. All were called Tories, the distinction was the former eventually took office; the latter never.

Probably in truth the two classes were originally one, and all the Jacobites were once sincerely so, but time and the soft infection of corruption ultimately blended most of them with the supporters of the new dynasty. At this time, the Tories or Jacobites included the bulk of the landed gentry. Some were so well known to be its enemies, that on the accession of the first George, they were actually, as happened to Granville, arrested and imprisoned. Others, like Sir J. Pakington, ancestor of the member for Worcester, were imprisoned on the first rumour of rebellion. Then there were many, like Sir John Hinde Cotton, known to be disaffected to the reigning dynasty. But chief of all was Shippen, "honest Shippen," as he was called,—among the faithless, faithful only he. The only man of whom Walpole said he did not know his price. An incorruptible man by the confession of all, who retained his stubborn Jacobitism to the last. He tried to evade the oath to George I. Walpole was present, and imagining that Shippen did not kiss the book, made him take it again,—“Ah, that was not fair, Robin,” said Shippen. He and Walpole, curiously enough, had some distant kinship, and they seem to have regarded each other kindly.

How does Lord Mahon describe Walpole's conduct when out of office? Almost from the first moment he left the Treasury, (in 1717) until the moment he returned to it, he uniformly and bitterly opposed every measure of the Government. No regard for the public, no feeling for his own consistency ever withheld him. He unscrupulously leagued himself with Shippen, Wyndham, Bromley, and other decided enemies of the reigning dynasty, inasmuch that Shippen on one occasion expressed his satisfaction that his friend Walpole was no more afraid than himself of being called a Jacobite. We find him joining the outcry against a standing army, (there was no standing army under the Stuarts, who are deemed arbitrary,) arguing against

the Mutiny Act, and exclaiming, in the heat of debate, He that is for blood shall have blood! In short, added Lord Mahon, his conduct out of office is indefensible, and undefended by his warmest partisans, even by Archdeacon Coxe, and Lord Mahon, though his apologist, and something more, even his admirer and eulogist, is compelled to characterize him as "reckless, turbulent, and restless," when out of office, and says he "crept back" to it in a most humiliating manner, and was so void of principle, that with all his pretended tone of peace, if the choice lay between a foolish war and a change of administration, he did not hesitate to prefer the former.

But some intrigues were to take place before his attainment of supreme power, and the first effect of the Septennial Act was, to secure the Whig tricksters leisure to prosecute those intrigues for power which formed on their parts the real motives for the Revolution. Sunderland and Stanhope were soon intriguing to eject Townshend and Walpole, and they succeeded; and it transpired subsequently that the immediate result was to dispose Walpole in revenge to join the Jacobites! He who so lately had been urging severities against them! In one of those arbitrary seizures, which were of constant occurrence under the Georges, papers were found in which the name of *Walpole* was mixed up with the plots of the malcontents! "A creature of Lord Oxford" having been arrested, a correspondence was discovered, in which a Jacobite emissary wrote thus: "I do not know whether Mr. Walpole's expressions were the effect of his past rage, on account of his brother-in-law, Lord Townshend, being removed, or whether they came from his heart." It is obvious that in his "past rage" he had talked of "treason" for the sake of revenge; he who had recently so cruelly revenged it upon others, in whom it was the result of loyalty. But his cooler judgment prevailed over the hasty impulse. He deemed it more for his *interest* to be "loyal." He saw it was his *safest* path to power, and *surest*.

The Septennial Act, Lord Mahon distinctly states, was passed in order to avoid an appeal to the nation, which, he says, might "probably have resulted in a Jacobite majority." In other words, in reversing the revolution and in restoring the exiled dynasty. How *unconstitutional* the measure was is plain from the arguments of its

supporters. Preston said it was the era of the emancipation of the Commons from dependence on the Crown and the House of Lords, (or it might be added,) on the *nation*. A ministry once possessed of a majority in the Commons, by means of corruption, might thus defy the Crown, the Peers, and the *nation*. This was clearly seen by Walpole. It formed the pivot, the secret, of his policy. It secured impunity to tyranny, and immunity for corruption. Its first great result was, to gain him twenty year's tenure of power, in which he rivetted the yoke of tyranny on the nation.

The moment the Whigs were in power they proceeded to gag and to crush all their opponents, the adherents to the exiled dynasty. Walpole, who had in 1712 been sent to the Tower for defalcations and peculations in his office of paymaster, and Aislabe, who was soon to prove himself a swindler, joined in perpetrating upon their principal opponents that oft-repeated pretence for imprisonment—impeachment. That it was a pretence, and that all the charges of “high treason” were trumped up, no one now of any authority scarcely denies. But the hypocrisy of the pretence will appear more flagrant, when we recollect that at the very time the Whigs were persecuting Bolingbroke and Oxford for having attempted (as it was alleged) to exclude the Hanoverian George, some of them who had actually sworn allegiance to him, Marlborough for example, were actually machinating to restore the Stuart James! In noticing these machinations of Marlborough, while yet Queen Anne lived, Lord Mahon observes, that they were not hostile to herself, and merely regarded her successor. Surely this is a justification which applies rather to Bolingbroke and Oxford than to Marlborough, who, over and over again, took the oath of allegiance to a sovereign whom he was conspiring to dethrone.

And then, what of the measures taken for and after the suppression of the rebellion in Scotland? Lord Mahon shows that Argyle, who commanded for the government in Scotland, “considering the chance of invasion from France, or insurrection in England, was unwilling to act too rigorously against the Chevalier, and to cut off all hopes of future power if that party should prevail.” He adds, “there never was a more fickle and selfish politician.” We have already seen that Marlborough had by remittances of money actually fomented this very rebellion!

Nevertheless it was at last suppressed. And these Whig members hypocritically descanted upon the "guilt of the rebels," who had been encouraged by Whig money; and Walpole—already branded even by a Whig parliament with pecuniary dishonesty—was urgent for severity! He "had his reward." The dull spirit of the German Sovereign was only moved to gratitude by any indications of blood-thirstiness against the friends of the exiled dynasty. Their readiness for measures of severity rivetted the rule of Townshend and Walpole. Honest Lord Nottingham was dismissed for speaking in favour of lenity to the hapless victims of loyalty.

What does Lord Mahon say of the trials which followed? "It may be doubted whether in these proceedings a tone of calmness and forbearance was in all cases sufficiently preserved by the judges. Chief Baron Montague rebuked a jury for acquitting some persons indicted of treason. Lord Chancellor Cowper refused the rebel lords the benefit of counsel, and in passing sentence on them "could not refrain from inveighing against their religion, and advising them to choose other spiritual guides in their dying moments." In our last paper we noticed the judicial atrocities committed under William, and let those who talk of Jeffreys remember Montague, Holt, and Trevor, and Cowper. Jeffreys was never convicted of any worse violations of law or justice, and he at least enforced the right of a legitimate sovereign. But the Whig judges deliberately and systematically prostituted and perverted the law to gratify the vengeance of a new dynasty against the adherents of the old. It is insufferably hypocritical and unbearably absurd that men should exclaim against the "severities" of Jeffreys or of James as reasons for the revolution, and yet be adroit in finding excuses for the immeasurably greater atrocities, indecencies, and iniquities which polluted the very name of justice after the Revolution. If the former were adequate reasons for excluding a dynasty, were not the latter equally adequate?

When the plot of 1722 broke out, and Bishop Atterbury was arrested, he was treated in the Tower with such severity and indignity, such hardships and cruelty, that even Lord Mahon allows his reproaches were well founded. "He was encouraged, or permitted to write private letters, which were afterwards pried into and made use of

to support the accusation against him. He was restricted in his only consolation, the visits of his beloved daughter; nor was he at first allowed to prepare freely for his defence with his son-in-law." These are Lord Mahon's words, and he adds: "His son-in-law used to stand in an open area, and the Bishop to look out of a two pair of stairs window, and thus only were they allowed to converse." Even when his daughter came to see him an officer was present. If this was the way in which a prelate was dealt with, we may imagine what became of common persons. And if this was the treatment of accused Protestants, we shall be less surprised to find that measures as harsh and oppressive were dealt out to the whole body of Catholics. Walpole borrowed a leaf out of the book of his supposed ancestor, Cecil, and used the plot for the purposes of plunder. He actually imposed a fine of £100,000 on the whole body of the Catholics! Even Whigs like Orslow and Jekyll protested against this unscrupulous piece of villainy. We need scarcely say that Archdeacon Coxé approves of its "policy!"

Meanwhile, what was the state of feeling in the country? Was it friendly to the new dynasty? Quite the reverse. Let Lord Mahon describe it. "Riots and outrages were increasing in every part of the country." "Against such proceedings it was thought requisite to point a sharper law, and recourse was had to the Riot Act, which before then had only been temporary, but was now made perpetual with increased powers. It provided that if any *twelve* persons should be unlawfully assembled," (which practically meant, as the sequel shows, assembled against the interest and will of the ruling power,) "to the disturbance of the peace," (which meant practically, in the professed opinion of any person who could be got to make a deposition that there was "disturbance of the peace,") "and any one justice" (the staunchest Whig in the county) "should think proper to command them by proclamation to disperse; if they refused to do so for the space of an hour, they should be punishable, without benefit of clergy," i.e., punishable with death, liable to be shot by any troops that could be procured, as under martial law!" Could a more arbitrary measure have been devised? Was it not literally ruling by military force, and putting all England under martial law?

Such a law had never been enacted or attempted under

the Stuarts. It was invented by the Tudor tyrants. It was revived by the new dynasty, by whom it was "rendered perpetual, and with increased powers," for the purpose of repressing popular feeling in favour of the ancient line of sovereigns. Under this law, if a dozen persons should assemble to consider of the state of public affairs, a Whig justice could summarily disperse them by military force. While, on the other hand, the Whigs, as we have seen, had just secured the succession of the new dynasty by an extensive organization, with arms and ammunition. The new measure literally *gagged* the nation, and so far as England was concerned, suppressed by force of arms any movement in favour of the Stuarts. But in Scotland, which was farther from the seat of government, and where the "standing army" scarcely extended, a rebellion broke out at once. It was sympathized with in England. Bolingbroke, at Paris, received not only from Scotch noblemen, but English, assurances of support; for instance, the Dukes of Ormond and Powys, Earl Jersey, and Lord Lansdowne:

Now every one remembers the outcry made against Charles I. for what is called his "arbitrary arrest of the six members," whom he knew to be plotting against his sovereignty. But the glorious government of the Revolution did not hesitate to exercise the same arbitrary power, and to seize and arrest those peers, and six members of the House of Commons, Sir J. Pakington, Sir W. Wyndham, &c., on pretended "suspicion" of treason, the only ground of suspicion being that they were known to be friendly to the exiled dynasty. It was found, indeed, that all through the country there were preparations for rebellion. This is what we are contending, that the nation was adverse to the new dynasty, and that it was imposed upon them by force and fraud. The excuse for its increased severity urged by Lord Mahon, is that such measures were necessary for its security. No doubt. But they were arbitrary. It is true they were necessary, that is what we contend. But then the argument, if valid for an illegitimate government, was, to say the least, valid for a legitimate government, and it is good for James or Charles, if good for William or for George. They were measures fully as arbitrary and as necessary as any that had been resorted to by the exiled dynasty.

Lord Mahon admits that the government "became

unpopular through its measures of defence," and he says "under these circumstances a general election would have resulted in a most formidable opposition, and perhaps a Jacobite majority." A clear confession that now, as in the later years of Queen Anne's reign, the feeling of the nation was friendly to the exiled dynasty. This is the more important because it involves a belief on the part of the nation in the falsehood of the Whig calumny, that James had falsely imposed a supposititious heir on the nation, a calumny which was the main means by which the Revolution had been carried. Therefore, the feeling in favour of the exiled sovereign evinced a belief in the nation that it had been betrayed and deluded at the Revolution; that the Revolution and the act of settlement had been carried by lies, and that the whole fabric of the new system rested upon force and fraud. This was the fact, as history plainly showed. That the Revolution was carried by means of the most wicked lies, is the language of old Whigs like the late Mr. Ward; that it was maintained by force, and by the most unscrupulous use of it, the events we notice demonstrate.

So strongly was this difficulty felt, that, as we have seen under William, the Whig lawyers had tried by false evidence to prove a plot against the life of the actual sovereign. In the case of George I. this was out of the question, and it strongly supports the view we are suggesting, that these trials for treason were, at all events, even had they been fair and legal, not constitutional, that the Whig ministers of George, in 1715, although they took the lives of such of the Scotch nobility as were actually seized in arms, did not venture to bring to trial for treason any of the numerous English nobility and gentry they had ventured to arrest, who were undoubtedly implicated in the Rebellion. Not one of these was brought to trial, and it was only on the unhappy Scottish rebels, that the dull German and his servile Whig satellites dared to wreak their mean and sanguinary revenge. But never let it be forgotten that the law of treason (even supposing it fairly applicable) was not fairly administered against them, that it was perverted, and unfairly administered, with every circumstance of cruel indecency.

The spirit of discontent and disaffection seemed, says Smollet, (writing of the reign of George I.) to gain ground every day in England. They who celebrated the anniver-

sary of the king's birthday, with the usual marks of joy and festivity, were insulted by the populace; but at the anniversary of the Restoration, the city was lighted up with illuminations, and echoed with the sound of rejoicing. We remember somewhere in Horace Walpole's Letters, it is mentioned that Lord Mohun, the Whig bully of that age, *compelled* the people to have the bells rung on the anniversary of the accession of King George. What means of terror and compulsion were resorted to in order to suppress the signs of popular aversion for the new dynasty, may be conceived from a single instance. One Bournois, a schoolmaster, who was heard to say, "that King George had no right to the throne," was tried and scourged through the city with such severity that in a few days he expired in the utmost torture. A sentence which could not be legal, and which is passed over in silence by the historians, who are eloquent in execrations about the *legal* severities of Jeffreys.

How does Lord Mahon describe the horrors inflicted on the Highlanders in 1745? "Every kind of havoc and outrage was not only permitted but encouraged. Military license usurped the place of law, and a fierce and exasperated soldiery were at once judge, jury, and executioner. The rebels' country was laid waste, the houses plundered, the cabins burnt, the cattle driven away. The men had fled to the mountains, but such as could be found were frequently shot; nor was mercy always granted even to their helpless families. In many cases the women and children, expelled from their homes, and seeking shelter in the clefts of the rocks, miserably perished of cold and hunger; others were reduced to follow the track of the marauders, humbly imploring for the blood and offal of their own cattle, which had been slaughtered for the soldiers' food. But let me turn from further details of these painful and irritating scenes, or of the ribald frolics and revelry with which they were intermingled; races of naked women on horseback, for the amusement of the camp." All these horrors and indecencies, under the personal sanction and in the actual presence of the king's son, the Duke of Cumberland! Would Lord Mahon have shrunk from "further details" if the story had been of James instead of George, of the insurrection of the west instead of the Rebellion in the north? Every one knows how elaborately Macaulay and Mackintosh, and the whole

host of Whig writers, admirers and eulogists of the Revolution, elaborate what they call the atrocities of the legal severities inflicted after the Monmouth rebellion. Yet Monmouth's rebellion was, as Mr. Macaulay allows, without the shadow of excuse. He was indeed a "Pretender," and an impudent pretender. He was not the true heir of the lawful sovereign, seeking to recover a kingdom undoubtedly his by the ancient constitution of the realm. He was a mere upstart and usurper. Yet there were no severities, legal or illegal, inflicted on that occasion at all comparable with those suffered by the Highlanders in 1745.

What happened after the battle of Culloden? "Quarter was seldom given to the stragglers and fugitives, except to a few *considerately* reserved for public execution. No care or compassion was shown to the wounded; nay, more; on the following day most of these were put to death in cold blood, with a cruelty such as never perhaps before or since disgraced a British army. Some were dragged from the thickets or cabins where they had sought refuge, drawn out in line, and shot; while others were dispatched by the soldiers with the stocks of their muskets. One farm building, into which some twenty disabled Highlanders had crawled, was deliberately set on fire. The prisoners were scarcely better treated." And all this with the personal sanction of the King's son, who vindicated these terrible atrocities by a lie more disgraceful still, inventing a story of an order on the side of the insurgents to give no quarter, a *lie* of which Lord Mahon with evident contempt says: "This *pretended* order was never shown nor seen, and it is utterly at variance with the insurgents' conduct in their previous battles." In fact, nothing is more clear than the extreme humanity and generous forbearance shown by the Pretender.

The Duke of Cumberland (says Macaulay) earned the name of "Butcher," and the epithet "Bloody," by the horrible cruelties he perpetrated in the Highlands, scarce a century ago, spreading over whole districts a desolation which still covers them with gloom, and has been in our own days made the excuse of a cruel policy of expatriation, which has well nigh utterly extirpated the hardy race of Highlanders.

Surely neither Ireland nor Scotland have had very great

reason to rejoice at the Revolution, or at the expulsion of a Catholic dynasty.

And what of England? This is the question to which we desire chiefly to direct attention, with a view particularly to show that as regards the aristocracy the result of the Revolution was simply to make political power a prize for them to struggle for; and the struggle for it a "game" at which they might "play," and at which they were playing under the sovereign whose reign succeeded the Revolution; the bulk of the people having no share whatever in political power, and no real interest in these struggles of party; whose rule was against the will of the nation, and only maintained by the weapons of fraud and force. Well might the Prince ask in a proclamation which Lord Mahon truly calls spirited, "Have you found more humanity and condescension in those who were not born to a crown, than in my royal forefathers?" In a strain of indignant sarcasm the Prince proceeded, "Do not the pulpits and congregations of the clergy, as well as the weekly papers, ring with the dreadful threats of Popery, slavery, tyranny, and arbitrary power? Is not my royal father represented as a bloodthirsty tyrant breathing out nothing but destruction to all those who will not embrace an odious religion? Yet listen to the naked truth, I come into Scotland attended by seven persons; I publish the king my father's declaration, and proclaim his title with pardon on the one hand, and on the other liberty of conscience, and the most solemn promises to grant whatever a free Parliament shall propose for the happiness of the people." There is touching pathos in what followed, "As to the outcries formerly raised against the royal family, whatever miscarriages might have given occasion for them, have been more than atoned for since; and the nation has now an opportunity of being secured against the like for the future. That our family has suffered exile for fifty-seven years everybody knows. Has the nation during that period of time been the more happy and flourishing for it? Have you found reason to love and cherish your rulers as the fathers of the people of Great Britain and Ireland? Has a family upon whom a faction unlawfully bestowed the diadem of a rightful prince, retained a due sense of so great a trust and favour?"

It is evident that, Lord Mahon found great difficulty in parrying the force of those appeals; and he does so only by

resorting to his Protestantism. He can say nothing better than that he thinks the country did well to prefer the Protestant tolerant and enlightened government. And Mr. Macaulay with more fertility of resource and less scrupulous energy, can only enlarge upon that theme; but even he can only make a case by the entire suppression of all that was intolerant in the rule of the new dynasty, and aggravating to the utmost, and with every art of misrepresentation, whatever was obnoxious under the old.

But how, except by confidence in the ignorance of their readers, can historians, such as Lord Mahon and Mr. Macaulay, or constitutional writers from Blackstone down to Creasy, talk of the Government of the new dynasty as *tolerant*? Why the first thing that was done was to enact new penal laws against the Catholics; and the penal laws were again and again taken advantage of by the infliction of arbitrary fines, (as when Walpole raised £100,000 on the estates of Catholics), and remained in force until the middle of the reign of George III., when they were repealed only in consequence of the fear excited by the prolonged struggle with America, and the impending war with France. These laws exposed priests to punishment, who celebrated the mysteries of religion; forfeited the lands of "Popish heirs," and gave the Protestant relatives the power of seizing the property of Catholics! "It could not be said," observes Lord Mahon, "that these laws were never enforced; in some instances they were; and Sir George Saville declared that he was himself aware of cases in which Romanists were living, not only under terror, but even under pecuniary payments to informers in consequence of the powers that the law conferred."

Now let it be observed that these penal laws were not repealed until 1778, under pressure and terror of public peril; and that political disabilities were continued during the whole of the century. What *decency* is there then in claiming credit for the Government of the new dynasty as "tolerant" or "enlightened?" What *decency* is there in the plea of necessity or expediency; or for the long continuance of these oppressive laws, as if tyranny ever wanted a similar excuse! or what *decency* is there in claiming credit for relaxations of the much milder restrictions imposed on the Dissenters, who were *in favour* of the reigning dynasty; as if it could ever be a merit in a Government to be liberal and indulgent to its adherents!

No ; penal laws in political disabilities were imposed by the Revolution Government, and were not repealed except on compulsion.

One mode of upholding the revolutionary settlement was by the suppression of public opinion ; and this was remorselessly resorted to on the part of the crown in all the subsequent reigns. The attainders of Russell, Sidney, and Cornish were reversed by the convention Parliament upon technical rather than substantial grounds. It would have been a substantial ground, that it was perilous to convict a person of treason on the evidence of mere paper ; the possession, or even reading, or writing, or printing of which might be consistent with the absence of any formed and complete purpose ; or of any such overt act, as could justly be deemed "compassing" the dethronement or death of the king. And be it observed that except in the case of Cornish, the convictions for treason under *James* were for the most part upon overt acts of treason ; the actual bearing of arms against the Sovereign. And the case of Cornish, not only was in conformity with the precedents of Sidney and Russell under Charles, and was followed by *a host of cases after the Revolution*, but it was a case of peculiar aggravation, which if any case possibly could, might excuse a resort to the strictest letter of the law, for Cornish had, when sheriff, prostituted his office for the packing of juries to secure the judicial murder of Catholics under the horrible "plot" of Titus Oates, a fact which Echard notices, but which Macaulay (of course) takes care to suppress. There was no such extenuation for the judgment of constructive treason which took place in the subsequent reigns, upon the mere possession of papers. Mr. Hallam says truly that the Jacobites against whom the law now directed its terrors, as loudly complained of Treby and Pollexfen as the whigs had of Scroggs and Jefferies, and weighed the convictions of Ashton and Anderton against those of Russell and Sidney. The difference is that for the most part these complaints have been suppressed by all subsequent writers, and even Hallam omits mention of the atrocious instances of Fenwick and of Friend ; and also omits to notice the broad distinction between the cases of Russell under Charles, Cornish under James, and the cases of Ashton and Anderton under William, that there was, at all events, in the former cases, positive evidence that the prisoners approved

of, and were parties to the treasonable purpose ; whereas in the latter cases the evidence was wholly wanting ; and Hallam, although he mentions that Roger North in his *Examen*, says it was hard to show that the evidence in Ashton's case was stronger than in Sidneys, himself undertakes to apologize for Ashton's conviction. He states truly the whole case against him thus : " Ashton was a gentleman who, in company with Lord Preston was seized in endeavouring to go over to France with an invitation from the Jacobite party." That was the whole case ; and he adds, " It was left to the jury whether they were satisfied of his acquaintance with the contents of the papers taken about his person ;" which Mr. Hallam thinks Holt was quite right in leaving to the jury : without an atom of positive evidence on the point, the only proof given, being that the prisoner tried to throw the papers overboard ; a fact which might be accounted for, by his suspecting, from the very seizure, danger to some persons who had employed him ; and even assuming that he was acquainted with the contents, that would prove rather misprison of treason than treason ; even supposing, what we very much doubt, that a man could be convicted of treason for adhering to his rightful and lawful sovereign, especially as at this very time the parliament refused to confer on William that title of " rightful and lawful" knowing it belonged to James. But waiving that, at all events we find a prisoner convicted before Holt of treason, on the mere possession of a sealed packet of papers purporting to be of treasonable character. And what is Mr. Hallam's apology ? " There does not seem any reason why presumptive inferences are to be rejected in charges of treason ;" perhaps not, supposing the evidence conclusive ; but how is it that whig writers exclaim against the condemnation of Sidney himself and Mrs. Lisle on presumptive evidence ; and how is it that these convictions were reversed by parliament upon pretence of the absence of positive proof ? If presumptive evidence, says Mr. Hallam, is admitted, the evidence against Ashton was such as is ordinarily reckoned conclusive, and he adds that it is stronger than that offered for the prosecution of O'Quigley at Maidstone in 1798, a case of the closest resemblance ; and yet I am not aware that the verdict in that case was thought open to censure." Probably not ; shall we tell Mr. Hallam the reason ? The prisoner was a Popish priest. He is quite right in saying that the case

was "of the closest resemblance," for the poor priest was convicted, and executed, merely because there was found in his coat pocket hanging up in a public room, a letter held treasonable; purporting to relate to some invitation of aid from France. The cases therefore were of "the closest resemblance." And Mr. Hallam, that great constitutional writer, holds both convictions justifiable; that is, convictions for treason, on the mere possession of a paper purporting to relate to a treasonable purpose! And yet these very same writers profess to be scandalized at the conviction of Sidney on similar evidence! Any how, (and this is what we are at present concerned to show,) men were so convicted under the Protestant dynasty, and *how?*

Even Mr. Hallam is shocked at the infamous conduct of Holt at the trial of Ashton. "No judge in modern times would *question*, much less *reply upon* the prisoner, as to material points of his defence, as Holt and Pollexfen did on this trial." Oh but this is only half the truth, as usual with Protestant writers. Holt did not merely question and reply upon the former as to material points of his *defence*, but he *cross-examined* him and *pressed*, and *replied* upon him, as to the material points of the *charge*; and again and again challenged him in the most indecent manner to explain why he had tried to throw the papers overboard, and so on, that being the only fact of the case which afforded the slightest particle of presumptive proof against the poor man at the bar; who left a paper behind him not denying any portion of the truth, but solemnly asserting, what the Jacobites declared to be true, and *was never denied*, and must have been notorious to hundreds, that the real reason for his trial and execution was, that he was found to have in his possession papers proving the falsehood of what Mr. Ward truly calls the lie, under cover of which William got possession of the crown; the lie as to what was called the "pretended" birth of the Prince of Wales. Yet notwithstanding all this, Macaulay with that unscrupulousness which characterizes him, declares that Holt's conduct on the trial of Ashton was "admirable." No doubt William thought so, and the double traitors who stood around his throne trembling lest their double treason should be discovered! some of them at that very time corresponding with James, while cruelly pursuing to the gallows one

of his adherents who held possession of papers which might disclose their falsehood. But bad as was Ashton's case, it was nothing to Auderton's. Even Mr. Hallam says, "It is perhaps less easy to justify the conduct of chief-justice Treby in the trial of Auderton for printing a treasonable pamphlet; the testimony came very short of satisfactory proof, according to the established rule of English law." Waiving this, however, Mr. Hallam goes on to what is far more important. "There seems, however, much danger in the construction which draws printed libels, unconnected with any conspiracy, within the law of treason." No doubt. And the real reason for Auderton's execution was the resolution of the Government to suppress the Jacobite press.

Mr. Hallam truly states that Holt and his brother judges actually laid it down as a law after the Revolution, that to possess the people with an ill opinion of the Government, that is of the ministry, is a seditious libel. This was laid down in the case of Petchus, and under Anne, the court laid down in the case of the Rev. Mr. Stephens in passing sentence for a libel on Marlborough, that to traduce the Queen's ministers was to reflect on the Queen. In 1728 a printer was arraigned by the attorney-general for publishing a paper reflecting on the "late and present king," and "drawing odious comparisons" and insinuating that the Government was tyrannical, and the ministers corrupt; charges which were notoriously true, and which every one now allows to be so, but related entirely to the public conduct of the Government. The prisoner was convicted and sentenced to hard labour. So were a host of others on similar charges. So in 1731 when Philip Yorke, afterwards Lord Hardwicke, was Attorney-General, and Walpole was minister, Franklin, the printer of the *Craftsman*, the Jacobite journal, was indicted for a "seditious libel," in a harmless paragraph, directed entirely against the public conduct and character of ministers, especially with reference to a supposed alliance with France. And the court laid it down, that even the public conduct and character of ministers of State must not be reflected upon; the libel stating that the ministers were (i. e. in their public conduct) guilty of perfidy, and ruining their country. Moreover the court laid it down that the construction of the paper and whether it was a libel, was for *them*, not for the jury; a doctrine acted upon all through

the reigns of George I. and II., and in the state trials during the first thirty years of the reign of George III, but ultimately declared to be erroneous by the celebrated libel act of Mr. Fox. The printer Franklin was convicted and sentenced most severely to a fine of £100 and imprisonment for a year, and to find security for seven years, himself in £1000, and two sureties in £500.: the security being for "good behaviour," which in the construction of law meant that he could not publish any more papers, which the whig judges chose to hold seditious; that is to say, papers reflecting on the public conduct and character of ministers. So that the *Craftsman* must have been crippled if not crushed. The opposition press in general must have been muzzled, and public opinion entirely suppressed all through the century, which elapsed from the Revolution to the period of Mr. Fox's celebrated Libel Act. Now what we are arguing is not so much whether this was right or wrong, (of course every one now says it was wrong, and is for liberty of the press), but that it was deemed necessary, (and no doubt was so), in order to maintain the revolutionary settlement, to uphold the new dynasty, and its system of Government. And we say this shows that the nation was against it, and that it was *forced* on the country.

Nothing can be more glaring, when it is only displayed, than the gross inconsistencies of the hacknied eulogies on our constitution as to personal liberty. The fame of Hampden has been rested on his resistance to ship-money; an undoubted prerogative of the Crown, held to be so by almost all the judges, and hardly then disputed to be so when necessary for the defence of the realm. Yet, after the Revolution, the impressment of seamen was resorted to, and Lord Chatham vindicated it as constitutional—although arbitrary—because it was necessary. There never was any exercise of arbitrary power justified except on the plea of necessity; and we should suppose that it is a far greater stretch of it to seize the *person* than to take the *money* of the subject. Moreover the plea of necessity raised by the government of the new dynasty, shows how unpopular it was, and how little it had of the disinterested loyalty of the nation. But about the very time when Chatham was vindicating the power of impressment, Fox was resisting a suspension of the *habeas corpus* act, proposed by Government to meet the case of persons who were guilty of treason, but, from defect of evidence could not be

tried. Why was the plea of necessity or expediency of less force here than in the case of impressment? The answer is obvious. Persons of rank might be—and were,—guilty of treason, but only poor persons were liable to be impressed. What can more strongly show that the boasted security of personal liberty applied only to the higher classes, and *practically*—whatever may be the *theory*—did not extend to the body of the people? Fox himself, when a leader of the government, wanted to prosecute a poor printer for “reflecting on the principles of the Revolution!” That was touching the whig oligarchy.

Guizot says the Revolution was popular in its principles although it was aristocratic in its mode of execution, and Professor Creasy cites his authority to disprove an idea, which he regards with some indignation, that the Revolution was an *aristocratic* movement. Now Guizot says the result of the Revolution was that the House of Commons became the preponderant power in the State. But who were predominant in the House of Commons? The aristocracy. Professor Creasy shews this clearly; indeed, it is so self-evident that it can scarcely require proof. He says, “The large number of parliamentary boroughs became mere instruments of powerful individuals who owned the few houses in them which gave the right to vote, or who purchased the suffrages of the little cluster of self-elected electors. These ‘close,’ or ‘rotten’ boroughs gave great facilities for the means of the indirect influence of the Crown”—(rather of the *Ministers* of the Crown, for the Sovereign, personally, never had any of them) “but they also favoured the ambition of wealthy subjects.” He notices the act of Anne which required as a qualification of members for counties a landed estate to the value of £600, and for boroughs, £300 a year. He says that this “act, if carried out, would have converted the House of Commons into an odious deputation of landed oligarchs.” Well, but it was *law*, at all events, until the act of William IV., which allowed of *personal* estate (to the same amount) as a qualification; and, with that alternative, the *law* remains the same still; and if it has not been “carried out” it can only have failed to be carried out by reason of systematic perjury. Professor Creasy says it has been evaded, in this way, that as the act does not in terms require the *continuance* of the qualification, a valuable transfer of property is made

to enable the member to swear (as he is required to do) that he is really and truly possessed and entitled to the property whence he derives his qualification. But for a man to swear this, who knows, that in effect and in equity he is *not* possessed or entitled to the property, that he is never intended to be so, that not only a court of equity would prevent him from taking possession of it, but that he never intends to take possession of it,—this is a juggling with solemn oaths which, if it be customary (as it is notorious it is), shews that the Protestant gentry of this country have a school of casuistry which would scandalize the sons of St. Ignatius or the children of St. Alphonsus. However, so it is. These evasions of the law are common and notorious. But it is obvious that they pre-suppose at all events that the pretended transferrer is truly possessed of property; and thus indirectly the law has attained its object of confining the representation of the people as much as possible to persons of wealth. “The law has been systematically evaded, and thus,” says Professor Creasy, “men of no property, but who can find wealthy friends who have confidence in their honour, obtain seats as English members.” It is plain that the “systematic evasion” only applies to those who have wealthy and powerful patrons; and thus the practical result is that rank and wealth are the predominant influence in the House of Commons. It results that the overwhelming majority of members have ties connected with the aristocracy; less so than before the Reform Act, yet largely so; and its parties have ever been ranged under aristocratic leaders.

As to corruption, it commenced at the Revolution; which, as it was carried by fraud and force, so was sustained chiefly by fraud. Force was reserved for repression of actual resistance; fraud and corruption were its normal condition. Even Burnett records that William said the “system of bribing votes was detestable, but it was not possible to avoid it.” Why? Plainly because the people were adverse to the settlement of the Revolution, which pretended to be for their liberties. They found the yoke of the “Deliverer” harder and heavier than the rule of their rightful sovereign, and every species of corrupting influence was resorted to in order to enlist their baser on the side against which their better feelings revolted. Sunderland and Halifax, in the last year of Anne’s reign

pressed for £2,000 to carry the elections of the common councils of London; and Stanhope added, "we are sure that being masters of the common council, London will present to parliament any address we choose." In 1714, Lady Mary Montague writes to her husband when he wished to come into parliament: "Perhaps it will be the best way to deposit a certain sum in some friend's hands and *buy some little Cornish borough.*" And Lord Dorset about the same period states in parliament that it was notorious that a great number of persons had no other employment than by being employed in bribing corporations. And Lord Mahon speaking of the general election at the end of Anne's reign, remarks that the returns showed that the system of "close boroughs" was already fully established.

It is a damning evidence of the depraved character of Whig rule at that era—that although there was a clause in the act of settlement providing that no person who held an office of place or profit under the king, or received a pension from the Crown should be capable of serving as a member of the House of Commons; the clause was but a dead letter and was then repealed; and measures to exclude from the House pensioners, or to prevent the Minister from dismissing those who held military or naval offices (except for professional misconduct and on sentence of court martial) were resisted and rejected. In 1734 a measure for the latter purpose was proposed in both Houses and supported by all the strength of opposition, but the influence of Walpole secured its rejection. And the result of course was that while on the one hand he could give offices to members as bribes, so he could hold over them *in terrorem* the power of removal. Thus all the commissions in the army and navy, besides all the civil offices of government became bribes in the hands of the minister, to corrupt and "manage" the House of Commons. But it brought its retribution. Walpole deprived Pitt of his cornetcy and gave power to an enemy who aided to destroy him.

"On the whole," wrote Newcastle, "our parliament is, I think, *a good one*; but by no means such a one as the queen and Sir Robert imagine. It will require great care, attention, and management, to set out right, and keep people in *good humour.*" Ah! Sir Robert understood that "management," and how to keep members of par-

liament in good humour. Peerages held out before the eyes of "country gentlemen;" places, to be given or taken away, for the more aspiring; grosser bribes for the baser and more vulgar sort, which served to swell the enormous "secret service" money, which formed so heavy an item in the national expenditure under Walpole; so as to render peace almost as expensive as war, and his septennial parliaments as great a burden as the standing army. The general bad opinion entertained of Walpole's administration was evinced by the extraordinary success of Gay's *Beggar's Opera*, which was a severe sarcasm upon it, suggested by Swift, and in which the minister was held up to execration in that vilest of all characters, that of a trafficker, not merely in stolen goods, but in men's lives. A kind of political Jonathan Wild.

Who were the coadjutors of Walpole in his vile work of consolidating by political corruption an unpopular political revolution? Creatures like Craggs, who had been a footman, and played the part of pimp to the deposed monarch. Craggs also had a son, a creature of a kindred nature. Then there was Aislabe, whom Walpole had made Chancellor of the Exchequer, and who was worthy of his patron. Walpole himself had been, early in his political career (1712) sent to the Tower for peculation, he was a defaulter for vast sums. His colleagues, Craggs and Aislabe, were, as doubtless he was himself, concerned in the infamous South Sea swindle; and (to show how intimately personal and political profligacy are allied,) so was Sunderland. To the infamy thus acquired, the country owed its liberation from the disgrace of being governed by such men, though indeed it could scarcely be said to have gained any substantial relief, since their patron Walpole remained to carry on wholesale a political corruption, which they had rendered purely personal. The individual ignominy might be less, but the public mischief was far greater.

For some years the opposition to Walpole, carried on by Sandys, Pulteney, and Wyndham, was in secret conducted by Bolingbroke, who had indeed obtained by his intrigues a reversal of his attainder, but whom the jealousy of Walpole excluded from his seat in parliament. Had he been *there* he would soon have displaced Walpole, and won supreme power. Even as it was, his political writings, "*The Spirit of Patriotism*," or "*the Patriot*"

King,"* inspired the energy of opposition, and afforded the model for the eloquence of Burke. One of his last efforts was the attempt to repeal the Septennial Act, to which he incited the opposition. The keen eye of Bolingbroke saw the crafty policy which had dictated that measure on the part of the Whigs, and how it made the House of Commons the citadel of their power, and enabled them to control the crown and enslave the nation. Hence this attack upon it, which was enforced with all the energies of the opposition, but which failed, and Walpole, stung by the taunts and reproaches thrown out against him, was roused to a vigour of invectives he seldom exhibited, and denounced Bolingbroke very plainly, and in terms of intelligible menace, as the real head of the opposition.

For ten years (1720-1730) Walpole and his brother-in-law, Townshend, went on together; and contrived to secure the same ascendancy under the second George, as they had obtained under the first; Walpole agreeing to carry through the Commons an increase of £130,000 to the Civil List. So entirely was the policy of the Whigs one of corruption, that they corrupted the Crown as well as the Commons and the Peerage, and made all those elements of the constitution subservient to their will. But it is curious to see how inevitable, in human nature, is the tendency to unity of rule and a monopoly of power. It was the part of Walpole, not merely to subdue Crown, Commons, and Peerage, but even the Whig oligarchy, who had enslaved all three. He had got into power through their influence,—he was resolved to reign without a rival. The only obstacle was his brother-in-law, Townshend. He had no one else in the Cabinet at all able to compete with him. For a few years the contest continued between them for *sole power*. Walpole's jealousy of power was equalled by Townshend's violence of will. The one could brook no equal, the other no superior. The crisis came; a quarrel occurred which could not be healed, indeed Walpole's rudeness almost led to a personal encounter; the king had to choose be-

* It is our opinion, which we find is that of Lord Mahon, (who states that it was that of Pitt and Burke,) that these productions are *unrivalled* in our language.

tween them, and did not hesitate ; Townshend resigned and Sir Robert Walpole reigned supreme.

How vital the Septennial Act was, and is to the power of a minister, may be exemplified, not only in the parliament in which it was passed, but in that which refused to repeal it, at the time of the last great struggle between Bolingbroke and Walpole. The effect is that the minister can *retain* a parliament for seven years, if it suits his purpose, but can dissolve it at pleasure if it is not sufficiently subservient. When the General Election occurred, soon after the struggle alluded to, it was bitterly contested on both sides, and Walpole made such a profuse expenditure, that even "out of his own fortune" (though it cannot but be disputed that this was mostly public money,) he spent £60,000 in bribery, and the majority obtained for the minister by no means equalled that of the last General Election. Hence it is clear that Walpole had fallen, and knew he had fallen in public favour, and it is obvious that the longer he could protract the duration of a parliament in which he had a majority, the longer must be his tenure of power. Now mark, this was in 1734, and he took care not to dissolve until 1741, when at once he fell from power.

It is obvious that had he dissolved earlier he would have fallen sooner, and thus the Septennial Act protracted the power of a bad minister. It is no answer to us to say, that had he been earlier ejected from power, the Whig settlement of the Revolution might have been endangered. That is a good answer to a Whig ; but it is none to us ; or rather it confirms our argument, which is, that this settlement was maintained by fraud and force against the will of the nation.

How would it have been endangered by more frequent dissolutions ? Thus, that it would have been impossible to corrupt parliaments so easily if they were changed more frequently ; and the national will would have told more freely and more powerfully upon the House of Commons. As it was, instead of reflecting the nation's mind, it reflected the minister's. As long as he had places and peerages to bribe with, he stood ; when they were exhausted he fell. But by the aid of the Septennial Act, he clung to office six years longer.

The conduct of the Commons after the Septennial Act, showed, as under the Commonwealth, how under the form

of a free assembly a country may have the reality of tyranny. When honest Shippen in the heat of debate said that some of the measures of his Majesty's Government were rather calculated for the meridian of Germany than of Great Britain, and that it was the infelicity of his reign that he was unacquainted with our language and constitution; he was *sent to the tower!* although, as Lord Mahon himself remarks, nothing could be more true than the remark. Yet we are told that the change of dynasty was for the sake of liberty, and that the Stuarts were "arbitrary." Did any monarch of the exiled dynasty ever venture to send a member of Parliament to the Tower merely for a hasty observation in debate? The "meridian" of Turkey could hardly furnish a more flagrant instance of tyranny.

A remarkable illustration of the policy, and the profligacy of Walpole is offered by the history of the celebrated "Peerage Bill" of 1719. The Septennial Act had consolidated the power of the Commons, and its supporters, as we have seen, upheld it because it tended to relieve the House of all dependence on the Peers. This was in itself unconstitutional. It clearly tended to make the minister absolute, the moment he acquired the sway of the Commons. But one essential means of acquiring that sway over the Commons was the power of opening to them admission into the Peerage. Now the effect of the Peerage Bill would have been somewhat to restrict the power of creating new Peers. This was opposed by Walpole because, as he pretended, it was "unconstitutional." Assuming that it would be so, if the Sovereign really governed, it was a mere pretence to term unconstitutional what really was only a restriction on the power of the minister, virtually responsible, not to the Crown, but to the Commons. The real reason for Walpole's opposition was betrayed by himself, when he said that the opposition was certain to be successful, because the country gentlemen would not bear the thought of being excluded from the Peerage. Ah! he lived to rule England for twenty years by those "country gentlemen."

How servile had the Peerage then become! Let us look at an illustration of its character. Among the associates of Walpole in power was Pelham, Duke of Newcastle, brother-in-law of Lord Townshend, and son-in-law of Godolphin. In the length of official life, this nobleman was certainly the longest link between

the age of the Stuarts and the Brunswicks, the times of Bolingbroke and of Burke. The name of Pelham is associated with that of Chatham and of Wyndham. He was in office nearly half a century. He had already been Lord Chamberlain under Sunderland; he was become Secretary of State with Walpole, was in office during the whole of Walpole's twenty years term of power, and continued in office with his brother until 1762, so that he was in office *five-and-forty* years! Yet he was of such ridiculous incapacity that he is invariably exhibited in the most ludicrous light in the "Memoirs" or "Letters" of Walpole, or any other contemporary writer, and could only have held office on account of his great wealth, and high rank, which made him a convenient appendage to the shrewd Minister who monopolized real power. The only thing remarkable about Newcastle is the servility which, combined with imbecility, seems then to have usually characterised the English aristocracy; a servility of which a single instance may serve as an illustration; that the Duke competed eagerly with other peers for the honour of presenting Walpole's mistress at Court!

He possessed vast estates of £30,000 a-year; he attached himself to the Whig party. When that party was rent asunder by the schism of 1717, when Walpole and Townshend were thrust out, Newcastle, though brother-in-law of Townshend, took the side of Stanhope; and was made Lord Chamberlain. But after the deaths of Stanhope and Sunderland he formed the closest connection with Townshend and Walpole. Through their influence he became Secretary of State in the room of Carteret, a man of commanding ability, with neither application nor principle. No man, says Lord Mahon, loved power more, and no man held it longer. For nearly thirty years was he Secretary of State, (from 1720 to 1750), for nearly ten First Lord of the Treasury. His character during that period has been of course observed and described by writers of every rank and every party, and it may astonish us to find how much they agree in their accounts.

"His peculiarities were so glaring and ridiculous that the most careless glance could not mistake, nor the most bitter enmity exaggerate them. There could be no caricature where the original was always more laughable than the likeness. Ever in a hurry, yet seldom punctual, he never walked, but always ran; his conversation a sort of

quick stammer, a strange mixture of slowness and rapidity, and his ideas sometimes were in scarcely less confusion. Extremely timorous and moved to tears, on even the slightest occasion, he abounded in childish caresses and empty protestations. At his levees he accosted, hugged, clasped, and pursued everybody with a seeming cordiality so universal that he failed to please anybody in particular. Fretful and peevish with his dependents, always distrusting his friends, and always ready to betray them; he lived in a continual turmoil of harassing affairs, vexatious oppositions, and burning jealousy."

What a portrait of a minister! And yet this man was in high office forty years, and had a talent which enabled him to cleave to place, if not power, twice as long as Walpole. But then there was the secret, the Duke was content with place without power; Walpole was not. The Duke owed his success as much to his *property* as his subserviency, and to either, we need hardly say, infinitely more than to his ability. He was "a man of the world," however, with abundance of low cunning and small shrewdness. And he had no principle nor scruple. And so he managed to remain in office; (where at all events he had the power of doing immense mischief) for nearly half a century, and surely never was the Swedish minister's sage saying more shamefully illustrated. "See with how little wisdom a nation may be governed!" Would that they had only wanted wisdom! They were as void of honesty. Look at their crafty policy.

The first result of the Revolution was to embroil the country in bootless foreign wars. William at once engaged the nation in a war with France. Partly this arose from the jealousy entertained by the new dynasty for the friendly feeling subsisting between the Houses of Bourbon and Stuart, partly from the sovereign of the new dynasty having continental possessions involving continental interests, and leading them to embroil this country in continental contests. But there were deeper and darker reasons, one of them of older date even than the Revolution, and one which we will call the traditional policy of Protestantism, a policy of constant intrigue and intervention, with the view of creating dissensions between Catholic Powers. This had been the policy of Elizabeth and Cromwell; as much so as the persecution and oppression of the Catholics at home. It was the policy of the Puritan faction, who

quarrelled with Charles I. for not pursuing it with sufficient vigour and rigour; it was the policy, the neglect of which by his successors was made by the same faction a constant source of jealousy and neglect and calumny, and as Professor Creasy truly observes, nothing was more fatal to James II. than the rumour, which was most industriously circulated by his enemies, that his views of policy were in accord with those of Louis XIV., who had just revoked the edict of Nantes.

William, as we have said, at once involved the nation in a war with France; partly for the reasons we have mentioned. The Dutch were republicans and Protestants. The Whigs had brought about the Revolution under the pretence of zeal for Protestantism and freedom; their cry was, "Popery and arbitrary power;" and the war was popular, not merely from these causes, but from the vulgar aversion to the French. Indeed, this probably was the only portion of the revolutionary policy which was popular, as it flattered British pride with ideas of naval and military prowess, revenge on an ancient rival, resistance to arbitrary power, a crusade against superstition, and arbitrement of the destinies of Europe, and protection of the interests of freedom. It was at this time that the phrase and the policy of "balance of power" were invented by English statesmen, and used during the whole of the century, artfully, but with fatal effect, to blind the people to the real nature of wars, the true object of which was at home, not abroad, and which were designed to rivet a new dynasty upon the throne of this country. This was indeed one main reason which led the Revolution Government to pursue this skilful but unscrupulous policy. It was to foster the monied interest, which it is notorious, was the main strength of the Whigs.

That the nation was adverse to the change of religion and of the constitution, and that it was imposed upon them by force, is proved, in a curious way, by the very arguments in excuse of the measures taken by the new dynasty. It is urged that these measures were necessary, in order to maintain it. For instance, a standing army, which, all through the reign of William, was protested against in vain, and was firmly established under the Georges, was always supported on the plea that it was necessary to coerce the nation, and to prevent it from relapsing into popery, or recalling arbitrary power. Thus, so lately, as

1732, when the subject was debated, Smollet says, the ministry and their supporters had to resort to the old phantom of the pretender, and one of them, Sir Archie Crofts, said, "a continuation of the same number of forces was the more necessary, because, to his knowledge, popery was increasing very fast in the country; for, in one parish which he knew, there were seven popish priests. And Sir R. Walpole said a reduction of the army would give hopes to the Jacobite party," (how so if the nation were against them?) to which his brother Horace added with sly satire, that the standing army would be necessary so long as the nation enjoyed the happiness of having the present illustrious family on the throne. What clearer confession could there be, that the nation was still, to a great extent, in favour of "popery" and the old dynasty?

And the great reason for the war policy was the excuse it afforded for the maintenance of a standing army, which was found necessary to coerce the country to submission to the new dynasty. A standing army, for the coercion of the English nation, was absolutely indispensable, and yet the House of Commons, corrupt as it was, would not, durst not, submit to it, without excuses derived from the existence of war. This reason alone would have driven William into hostilities with France, under colour of which he managed to maintain a standing army, in a great degree of *foreigners*, during the whole of his reign, despite the constant remonstrances of parliament. When he had attained his object of settling himself firmly on the throne, he made a treaty, which no more satisfied the English nation, nor carried out the professed object of the war, than the Treaty of Utrecht, concluded by the Tory ministry of Anne, so much to the indignation of Lord Mahon. And so under George I. It was enough that the title of the new dynasty was recognized, and the Pretender discarded; and a standing army established; the government were then content to have peace, and to pursue, under Walpole's auspices, a more quiet and less costly system of corruption at home. But a disposition to intervention among Catholic powers, and to excite dissension among them, if not to engage hostilities with them, has ever since been the traditional policy of Whiggism. Thus Walpole went to war without scruple to preserve power, and thus also the elder Pitt, than whom there never was a greater stickler for the "settlement" of the Revolu-

tion, the "Protestant succession," and the "great families" who had established it, was essentially a "war minister," and repeatedly raised a war fever to obtain power and distract the mind of the people from domestic affairs. And his son faithfully pursued the policy which had been transmitted from the age of Walpole and of Pulteney, of Pelham and of Chatham. Again, the object of the Whigs being to foster the monied interest, (which is proverbially timid and averse to change, and equally ready for corruption,) they did so by means of large loans and lucrative contracts. The contracts opened up endless sources of speculation and corruption, in which, as the early history of Walpole shows, statesmen participated; and it is not to be doubted that Marlborough, by the aid of his son-in-law, Godolphin, who was Treasurer, protracted the war under Anne in order to make money by the military contracts. But the *loans* had another and a still wider sphere of operation. The creation of stock multiplied the creditors of the government, and thus constantly increased the number of its supporters. For every holder of stock had an interest in the security of the existing settlement. Bishop Atterbury, in a letter published by Lord Mahon from the *Stuart Papers*, detected and described this deep-laid scheme of policy. Speaking of the holders of stock, he says, (writing in 1720.) "That body of men who have newly increased their capital to above forty millions sterling, began to look formidable, and if time be given them to fix themselves, and to unite the court and the majority of the members of parliament thoroughly in their interest, the weight of their influence, whatever they undertake, must bear down all opposition."* And Atterbury proved right. Before this Stanhope, under George I., had said, as Lord Mahon mentions, that the *National Debt must increase*, if successive ministers pursued a war policy, if not for the purpose of increasing it, at all events *willing* to increase it, and it gradually enlisted the selfish interests of the greater part of the nation in adhesion to the new dynasty.

The story of Walpole's fall is as characteristic of the age as the history of his rise and of his rule. He was engaged in negotiations with Spain, and he was thwarted

* Even Blackstone betrays the same policy.

by his own colleague, as unprincipled as himself, the ludicrous Newcastle, who had just brains enough to do mischief, and, imbecile as he was, thirsted for power as much as Walpole. "Both of them loved power," (says Lord Mahon) "with their whole hearts, but with this difference, Walpole loved it so well that he could not bear a rival, Newcastle so well that he would bear anything for it." Under Stanhope's government he had professed unbounded admiration and friendship for that minister. Immediately on the death of Stanhope he had transferred the same sentiment and submission to Walpole. But though willing to accept even the smallest morsel of authority, it was only until he could grasp a larger. And an opportunity offered by the growing unpopularity of Walpole, and the clamour for a Spanish war, which he found congenial to the military spirit of the King. Newcastle accordingly, though with great caution, made himself the advocate for war in the cabinet, and with the consent or connivance of the King, sent angry instructions to the British minister in Spain, which greatly obstructed Walpole's efforts to negotiate peace. Nor durst Walpole at this crisis, with the inclinations of King and people against him, pursue his usual course, and cashier his unscrupulous colleague. For once Walpole was right in his view, but, as we shall see, wrong in his course; for finding that he should lose office if he did not consent to the war, he consented to it. The opposition, as unscrupulous as himself, supported it. And Sir Robert embarked in a war he knew to be iniquitous and perilous, to preserve himself in office. It is scarce possible to conceive a greater degree of wickedness. Yet it is Lord Mahon's account of the matter. He is an admirer of Walpole. "Thus urged, Walpole perceived that he was reduced to this plain alternative, to engage in war, or to retire from office. He decided for the former." And there was war. Walpole foresaw that war with Spain must sooner or later entail war with France; he had sagacity to foresee that "Family Compact" of the house of Bourbon, which the keen eye of Chatham detected, while yet secret, twenty years after, and he knew he was plunging the country in a war which must prove protracted and perilous to the empire; yet he plunged into it, to keep himself in office; and, from the remorseless lust of power, inflicted this great evil on his country.

It does not palliate the dishonesty of Walpole's conduct,

that his antagonists were as unscrupulous as himself. No doubt they were. Some years after, Burke has left on record, * he conversed with some of them, and they none of them in the least attempted to defend the error or to justify their own course. It was too flagitious even for themselves to palliate or to vindicate! But not the less, nay rather all the more, was Walpole infamous, for consenting, from selfish motives, to what he knew was so flagrantly scandalous. Lord Mahon most truly says, "He still unworthily clung to his darling office—thus proving that a love of *power*, and not a love of *peace*, as has been pretended, was his ruling principle. It was a sin against light. No man had a clearer view of the impending mischief and misery of the Spanish war. On the day when war was declared, when joyful peals were heard from every steeple of the city, the Minister muttered, "They may ring their bells now—before long they will be ringing their hands!" Yet of this mischief and this misery, he would stoop to be the instrument!

"And how short-sighted is personal ambition! Had Walpole withdrawn upon this question, its subsequent unpopularity would have retrieved his own, and the revulsion of national feeling would speedily have borne him back to office more uncontrolled and mighty than before. By remaining at the helm, on the contrary, Sir Robert secured but a brief respite; and, as we shall find, was ere long overwhelmed." The war was declared in 1739. The very next year, 1740, he found that he had not bettered his condition;—his unpopularity continued; a standing army, the septennial act, and parliamentary corruption, had been for years the cause of it: and this is a clear proof that his rule was as contrary to the national will as it was to constitutional principle and to public morality. The opposition, though it adopted unscrupulous means, and took an unprincipled course, had an overwhelming strength in the general consciousness of the iniquity of his rule. It had lost the aid of Wyndham, whom even the Whig Onslow declared the most made for a *great man* of any man (then known) in the age: but Pulteney was now assisted by the mighty energies of Pitt.

Against the rising talents of Pitt, and the practised skill

* Thoughts on a Regicide Peace.

of Pulteney, even now aided by the sagacious councils of Bolingbroke, what, said Lord Mahon, had Walpole to oppose? His excessive jealousy of power had driven from his counsels any other member of the House of Commons, who could in the remotest degree enter into competition with him. His colleagues and supporters, therefore, were either men of moderate capacity, like Henry Pelham, (brother of the Duke of Newcastle,) or mostly, men without character. Meanwhile Walpole's colleague, the Duke, eager to supplant him, and having capacity enough for treachery and intrigue, did everything to embarrass him, and he was fairly distracted. Horace Walpole, writing in 1741, says, speaking of his father, "He who was always asleep as soon as his head touched the pillow, now never dozes an hour without waking; and he who at dinner always forgot that he was minister, and was more gay and thoughtless than all his company, now sits without speaking, and with his eyes fixed for an hour together." Now, what course did he take at this desperate juncture? The course which unscrupulous Sunderland had taken, sixteen years before. He actually intrigued with the Pretender! He, the very man who, at the earliest stage of his public life, had been eager for severity upon the Tory ministers of Anne for having sought to restore her brother,—he who pressed for measures of cruelty after the suppression of the Rebellion in 1715, he now corresponded with the Pretender, and intrigued with the Jacobites! It matters not whether he was sincere or not, whether he was ready to give his support to the Pretender, or merely sought to induce the Jacobites to support himself. He could only have obtained the latter object by promises and professions as to the former, and the minister who could make such professions and promises to suit his purpose, would not have scrupled to carry them out, had he found it practicable and advantageous for him to do so. Anyhow, in 1739, Carte, the historian, (we use Lord Mahon's words,) was entrusted with a message from Walpole to the Pretender, declaring his secret attachment, and promising his zealous services. In reply James wrote and put into the hands of Carte a very judicious letter. These are Lord Mahon's words, and the letter of James is extant, and is published in the appendix to his work. What a contrast to the character and conduct of the Whig ministers, Churchill or Walpole, Sunderland or Newcastle,—servile,

unscrupulous, unprincipled, and actuated solely by a lust of power, and ready to do anything, support anything, oppose anything, ready to bow to a dynasty or recal it, to submit to a dishonourable peace, or plunge the empire into a disastrous war, in order to retain or to acquire power. Contrast their character and conduct with that of the princes they had banished and betrayed, and who, as their historians allow, lost their crown rather than abandon their principles, or desert their religion. We are proud of the contrast, but we advert to it only in passing, and proceed to what is more material for our argument: the simple fact, which what we have stated proves, that as the original promoters of the Revolution, so its subsequent supporters, were actuated by no other motives than the desire to obtain power. Liberty was the pretext, but they were ready at any time to intrigue with the exiled dynasty, when they thought it might suit their interests and serve their purposes. When in the reign of George I. Sunderland said to Walpole, "Well, who shall we have next?" and Walpole answered that he should support the succession, as it was settled; he meant that he had secured his interest, and that it suited his purpose to do so. He was sure of power, and retained it twenty years. But no sooner was he in danger of losing it than he intrigued with the pretender.

At length came the last year in Walpole's long tenure of power. At the opening of the session (1746), Lord Carteret denounced the "minister who had for twenty years demonstrated to the world that, though he had a little such low cunning as those have that *buy cattle*, or such as a French valet makes use of for managing an indulgent master,—he has neither wisdom nor character." And soon came Sandys' celebrated motion to remove Sir R. Walpole from the Councils of the Crown for ever. Never were such disgraceful charges accumulated against a minister, all notoriously, incontestably true—fraudulent adjustment of the South Sea swindle, tampering with the Sinking Fund, an increased standing army, unnecessary expeditions fitted out, and never employed, (except for patronage and jobbery,) all measures to secure the constitution against corruption rejected, many penal laws passed of an arbitrary tendency, the civil list augmented, the project for the excise, officers dismissed for voting against ministers, &c. The attack failed, and the motion was rejected;

lost entirely through the conduct of the Jacobites, who declined to vote for the motion, whether (as Shippen said) because they deemed it a mere struggle for office between one party and another, and it was indifferent to them who was in or who was out; or whether on account of the hopes Walpole had excited by his correspondence with the Pretender. The refusal of all the Jacobites to support the motion, and of some of the Tories, so far strengthened Walpole, that for the present he escaped. But now came the general election, and the nation were so against him that he lost it, and on the first party division of the session, the roars of the opposition tolled the knell of his twenty years' tenure of power. Still he fought stoutly, and laid bare the baseness of his chief opponents, especially Pulteney; it was, no doubt, on their parts, a mere contest for power, but not the less clear is it that Walpole was a wicked and corrupt minister. He and his opponents were equally unscrupulous. For the most part they were Whigs, as he was. In truth, except a small number of Jacobites, there was no difference now between Whigs and Tories. They were equally supporters of the Revolution settlement, at least while they were in office, and they were equally anxious for office, and equally unscrupulous as to the means of getting it.

And now recommenced, in earnest, the struggle for power between contending parties. Here really began the modern history of party. The result of the Revolution was, in the language of Guizot, that the House of Commons became the preponderant power in the State. But it was more. When Pym and Vane commenced the great struggle for power, continued by Shaftesbury and Sidney, and consummated by Danby, and Shrewsbury, they meant more than that the Commons should rule; they meant also that they should rule the Commons. And so they did. Mr. Ward shows how despotically Shaftesbury and his party governed while they were in power. And not less was it with parties in power after the Revolution. Mr. Hallam truly says, "the Crown lost all that party attachment gained; though while the crown and the party in power act in the same direction, the relative efficiency of the two powers, is not immediately estimated. This was the case during the greater part of the reign of Anne, and of the two first Georges. It was seen however, very manifestly in 1746, when after long bicker-

ing between the Pelhams and Lord Granville, the King's favourite minister, the former in conjunction with a majority of the Cabinet, threw up their offices, and compelled the King, after an abortive effort at a new administration, to sacrifice his favourite, and replace them in power whom he could not exclude from it."

Mr. Hallam might have taken an earlier instance in the history of Pulteney in 1740, and his compulsion exercised upon the King to dismiss his favourite minister Walpole. The same thing took place, Mr. Hallam observes, "at a later period of his reign, when, after many struggles, he submitted to the ascendancy of Mr. Pitt." And in the struggle at the opening of the reign of George III., when Pitt compelled the King to discard his own choice of a minister, Lord Bute, and to permit Pitt to reign supreme, and to govern the country against the will of the sovereign.

It is no answer to say, that, in such cases, the Minister must have a majority of the Commons. So he must. But that majority need not, and certainly did not represent the feelings of the country; what with corruption, and pocket boroughs, and family influence, the majority only represented the relative power of rival parties, neither of whom might possess the confidence of the nation, but simply of an oligarchical faction. In substance, therefore was not the form of constitution changed from a monarchy to an oligarchy? And, as we have shown in our last paper, that the Revolution was the conspiracy of an oligarchy, have we not now shown that its triumph was maintained as it was gained, by means of fraud and force; that it was simply a struggle, not for liberty, but for supremacy; and that its sequel was an unscrupulous, a cruel, and a crafty tyranny?

- ART. II.—1. *Esaias Tegnér's Samlade Skrifter*. Stockholm : C. E. Fritze. 7 vols. 8vo., 1847-51.
2. *Johan Ludvig Runebergs Samlade Skrifter*. Orebro : N. M. Lindh. 3 vols. 8vo., 1851-2.
3. *Samlade Vitterhets-Arbeten af Johan Olof Wallin*. Stockholm P. J. Meyer. 2 vols. 8vo., 1853.

SCANDINAVIA has ever been a land of song. The poetic art has always been highly valued and highly cultivated in the North. Our forefathers even attributed to it a divine origin, and supposed it to come directly from Odin and the gods. And thus the *Æsir* are sometimes called *Liodasmidir*, (*Verse-smiths*), and it is probably the language of poetry that is implied by the term *Asamál*, (*Language of the gods*), which is said to have come into the North together with Odin and *Æsir*. In songs of holy interest and deep significancy, they preserved from generation to generation the primitive traditions of the world's creation, the birth and strife of elements, and the forces of nature, of the manners of original times, and of their long wandering from the abodes of primitive man. In the noble simplicity of ancient verse they stored up the didactic and proverbial wisdom which rich experience and careful observation of man's character suggested to the thoughtful mind. In songs of lofty and warlike spirit they glorified the achievements of contemporary heroes and champions, and celebrated the memory of the departed's honourable exploits. A spirited and stirring march, a rich and bold imagery, a deep and strong feeling, often even sublimity and beauty, characterize the poetry of the ancient North. Its strongly accented alliteration and warlike rhythm bore the stamp of that martial character that marked both the *Skalds* and the age in which they lived.

Such were the vigorous and healthful strains that formed, one may say, the whole of the literary portion of our forefathers' education, and they were well calculated to produce those high-spirited and iron souls, which carried the victorious arms of the Northmen to, and planted their flourishing colonies on the coasts, not only of England and France, but the more distant shores of Spain, Italy, and

the Greek Empire; those noble and intrepid men who, in their frail barks, not only navigated the Bay of Biscay and the Mediterranean, but who crossed the vast Atlantic, and founded Christian colonies along the whole coast of America, from Greenland and Florida, centuries before the age of Columbus and Vespucci.

Nor in this respect has the modern Scandinavian departed from the character of his ancestors. His gallant heart still swells responsive to the poet's numbers, as he details the glories of his ancestors; still melts at the tender strain that tells of unrequited or unfortunate love. Still is poetry the favourite amusement of many a northern mind; and if the bard be not now, as of old, the frequent diplomatic agent of the sovereign, yet still is he received at the court and respected in the country. The works of the modern Skalds, mentioned at the head of this article, have all been many times printed, and that the large and handsome editions referred to should have been called for, is a proof how much the poet's art is valued by the Swedish public. But in England nothing is known of their poetry, and little of their personal history, or even of their names. We have thought therefore that a short account of the three most popular of the modern poets of Sweden might not be unacceptable to our readers; and we shall venture to accompany the few specimens of their poetry which we have selected for extract by a metrical translation, for which, however, we do not presume to claim any merit beyond that of fidelity.

Esaias Tegnér, the first of the poets to whom we allude, was the son of a clergyman of the same name in the province of Wermland, and was born 1782, November 13. His mother, though a woman of brilliant intellect and superior attainments, was an excellent mother and housekeeper. The family consisted of two daughters and four sons, of whom the subject of this notice was the third. The youngest was insane. At the age of nine, the young Tegnér had the misfortune to lose his father, and his mother retired in very scanty circumstances to a little country estate. Here he was at ten years of age taken into the counting-house of a *kronofogde* (steward of a royal domain), named Jakob Branting, and this good and judicious man seems to have been, as far as circumstances permitted, a second father to his young clerk. He at first designed to bring him up to his own business and make

him his successor; but subsequently discovering the boy's talent, he changed his resolution, and determined to cultivate his literary bent. The boy had now reached his fourteenth year, and his eldest brother was private tutor in the house of a Captain Lövenhjelm. To this gentleman Branting wrote, requesting him to receive the young Tegnér into his house and family, that he might enjoy, together with the Captain's sons, the benefit of his brother's teaching, and to this the Captain generously assented. After he had diligently pursued his studies here for some time, his brother became private tutor in the house of bergsråd (Member of the commission of Mines) Myhrman, at Rämens Factory, a man not only of extensive learning, but of great practical experience, whose well-stored library was a welcome sight to our young student. Here, in the space of seven months, he read three times through the Iliad, and twice through the Odyssey, and also made himself acquainted with the works of Virgil, Horace, and Ovid. In 1799, by the aid of his two benefactors, Branting and Myhrman, he entered as a student at Lund University, where he passed the first year of his academic career in lonely diligence, working eighteen hours daily at his studies. In May 1800, to avoid being any further expense to his benefactors, he accepted the situation of private tutor in the family of Baron Leijonhufved, at Yxhullssund, in the province of Smaland, where he continued the same course of diligent and solitary study. On his return to Lund, he was named an Extraordinary Library-Amanuensis, an unusual distinction for one who had not taken his master's degree. In 1801, he passed his examination, and the next year, at the solemn conferring of degrees (called "*promotion*"), received the first place of honour. From this scene of festivity he hastened home to embrace his mother, but in mourning and sorrow, and to join in her lamentations over two of her children, one of whom was his kind and talented brother, Lars Gustaf, whose instructions had been to him of such vast service, and whose early death he bewailed in an elegy of deep and moving pathos, that was honoured with a prize by the Göteborg literary society. In the beginning of 1803, he was appointed a "*Docent*" in *Æsthetics*, at Lund, and shortly after he took the place of private tutor in the family of a Mr. Strübing in Stockholm, where he remained about half a year, but made acquaintance with

none of the literati of the time except Choræus, the poet, and Byström the sculptor. Returning to Lund in the autumn, he was appointed junior professor ("Adjunkt") of Æsthetics, and, immediately after, vice-librarian. Though his means were still very scanty, he nevertheless, in 1806, married Anna Maria Gustafva Myhrman, the daughter of his former benefactor. The match was the result of a mutual affection, which had arisen with their first acquaintance.

Tegnér had passed his youth in the most intense and unbroken study, striving against poverty in the constant endeavour to evince his gratitude to his benefactors in the best manner possible, viz., that of showing them that their kindness has been well placed; and having now realized the object of his long and indefatigable assiduity, he became another man. Before his marriage, he had been silent, reserved, and shy, avoiding society, and only seldom allowing a brilliant flash of wit to escape him. He now gave free rein to his natural genius; was, at his own table, the most pleasant of hosts; and in all company, his constant and sparkling sallies rendered him an object of universal admiration. Perhaps the strongest feeling of his mind was love to his country, and that country was now (1808) in the most distressed state, and threatened with entire dissolution by the aggressions of Russia, countenanced by Napoleon Bonaparte. This produced from his pen, the magnificent piece "Det Svenska Landtvärnet," which rang through the country with a force that shewed that there were thousands of hearts that responded to its lofty tones. In 1810, he received the title of professor; and the next year, his brilliant composition "Svea," received the Royal Academy's first prize. In 1812, he was appointed to the chair of Greek Literature at Lund, and the duties of this professorship he discharged with delight and success, raising the standard of Greek attainments in the university vastly above its former condition.

At this period a controversy was going on which we cannot pass by in silence. Until the time of Gustaf III. all literature in Sweden was formed upon French models; and the aged and respectable patriarch of Swedish poetry at that period, and then president at the Royal Academy, Leopold, belonged to that school. It was of course an absurdity that Swedish literature should be little else than second-hand French, and several young men at Uppsala

undertook to reform the country's taste. The chief of these was the late Professor Atterbom,* and his principal associates were Hammersköld, Professor Palmblad,† and Askelöf. From the name, "Phosphorus," of a periodical, that was the organ of their party, they received the denomination of "Phosphorists." It was however but the "blind leading the blind," as they had fallen into a precisely similar error themselves. They were all deeply imbued with the morology‡ of Schelling, and their object was to replace the ghost of a French literature which now for so long had represented Swedish genius, by the still more ugly ghost of a German literature. For this purpose they affected, and often to a laughable degree, the pompous emptiness, mysterious unintelligibility, and intricate jargon of the German schools, so that one might well apply to them the words of Byron,

"Their thoughts were theorems, their words a problem,
As if they thought that mystery would ennoble 'em."

Two wrongs may sometimes produce a right, and thus it was here; while these two parties continued their strife, outraged common sense stepped between as a third party, under the name of the Gothic Union, and carried the day from both of them. The chiefs of this party were, beyond all comparison, the two greatest literary men of the time in Sweden, Tegnér and Geijer; and the first of these, disgusted by the gross attacks made upon the venerable patriarch of Swedish literature, lashed his enemies into nothingness with his scourging satire, while at the same time, by his own immortal works, he formed a school which will probably endure as long as the language itself. In 1812 appeared his "Prestvigningen" (*Ordination*), in 1820 "Nattvardsbarnen" (*Children of the Sacrament*), in 1822 "Axel," and lastly, in 1825, "Frithiofs Saga,"

* Died 1855.

† Died 1852.

‡ Believing in no philosophy that does not go out from faith in a primitive revelation, we have used this word to express the charlatanism of the German schools, one and all of which, from the first beginning up to the present archi-spermology of Hegel, are, however one may seek to disguise it, nothing else in plain English than *Pantheism*. And this foolery it is a blasphemy to call philosophy.

the greatest of his works, which was received with well-merited universal admiration.

In the mean time the country had not been insensible to his merits. In 1818 he was made Doctor of Divinity; in 1824 he was appointed Bishop of Wexiö, and in 1829 was made a Knight Commander of the Order of the Polar Star. He now relinquished his Professor's chair in Lund for the purpose of devoting himself entirely to his episcopal duties,* which he discharged with diligence and precision. He was bitterly attacked by the radical press, but retorted with withering sarcasm. His life as bishop was both active and happy, till in 1840 he was attacked by the disorder he most feared; his reason became disturbed, and the disorder manifested itself in long fits of nervous tension, followed by listlessness and depression. After a journey to Slesvig in search of health, he found himself sufficiently restored to resume his duties in the summer of 1845; but a new attack upon the nerves soon after entirely shattered his strength, and though his reason was sound during the last year of his life, yet he gradually sank, and expired Nov. 2, 1846.

Considered as a man, he was always honourable in his dealings; and though it cannot be denied that the impure models of ancient Greece, with which he was so familiar, have sometimes dimmed the brilliancy of his wit by improprieties which it would be hard to justify, yet other charges which have been made against his moral character we refrain to reproduce, *believing them to be utterly destitute of foundation*. As a poet, the richness and grandeur of his conceptions, and the classical beauty, more than the luxuriance, of his imagery, the harmony of his numbers, and the elegant lightness of his style, combined with the vigour and colossal grandeur which he can, when requisite, command, have earned him an unfading name among Europe's greatest bards. He is read in almost every language of Europe, and, as (although they are little read) there are no less than three or four translations of his two principal works in English, we shall confine ourselves to one specimen of his style. We select the nineteenth Song of Frithiof's Saga.†

* We of course mean *Protestant* episcopal duties.

† As the originals of Tegnér and the other Swedish poets are

" Spring is come ; the birds are chirping, smiles the sun, and green
the woods,

Freed from winter, gaily singing dance to ocean down the floods,
Glowing like the cheeks of Freya peeps the rose from out its cup,
And in human bosom waken joy and hope and courage up.

" Now the old king will a hunting, hunting with him goes his queen,
And in crowds the court assembles round them in brocaded sheen.
Bows are clanging, quivers rattling, eager courser paws the way,
And with hood their eyes drawn over shriek the falcons after prey.

" See the chase's queen is coming! Luckless Frithiof, shield thy
sight!

Like a star o'er spring-cloud rising, sits she on her palfrey white.
Partly Freya, partly Rota, fairer e'en than both the two,
High above her purple bonnet gaily wave the feathers blue.

" Look not on that eye's blue heaven, look not on those locks of gold,
Shield thee, for that form is graceful, shield thee, full that bosom's
mould!

Look not on the rose and lily o'er her cheeks their hues that fling,
Hearken not that voice so lovely murmuring like the breeze of
spring,

difficult of access in England, and as the chief value of our translation is its fidelity, we have thought it well to print the original along with the translation. The language presents little difficulty to any German Scholar.

" Varen kommer ; faglen gvittrar, skogen löfvas, solen ler,
Och de lösta floder dansa sjungande mot hafvet ner.
Glödande som Frejas kinder tittar rosen ur sin knopp,
Och i menskans hjerta vakna lefnadslust och mod och hopp.

" Da vill gamle kungen joga, drottningen skall med pa jagt,
Och det hela hof församlas hvimlande i brokig prakt.
Bogar klinga, koger skramla, hingstar skrapa mark med hof,
Och med kappor öfver ögat skrika falkarne pa rof.

" Se, der kommer jagtens drottning! Arma Frithiof, se ej dit !
Som en stjerna pa en varsky sitter hon pa gangarn hvit.
Hälften Freja, hälften Rota, skönare än begge tva,
Och fran lätta purpurhatten vaja högt de fjädrar bla.

" Se ej pa de ögons himmel, se ej pa de lockars gull !
Akta dig, det lif är smidigt, akta dig, den barm är full !
Blicka ej pa ros och lilja skiftande pa nennes kind,
Hör ej pa den kära stänman, susande som varens vind.

“Now the hunter troop is ready ;—Forward over hill and plain,
Sounds the horn, and springs the falcon, straight to Odin’s high
domain.

Fly the dwellers of the forest, terror-smitten to their lairs
After them, with lance uplifted, while the dread Valkyria tears.

“Aged monarch cannot follow, as the hunters onward ride,
All alone young Frithiof follows, sad and silent by his side.
Thoughts of dark and painful anguish in his tortured bosom glow,
And whichever way he turns him must he hear their voice of woe.

“ ‘Why did I desert the ocean, to my greatest danger blind?
On the billow thrives not sorrow scattered by the heaven’s wind.
Is the Viking downcast, danger comes and bids him up and dance,
And all thoughts of darkness vanish, dazzled by the weapon’s glance.

“ ‘Here ’tis otherwise :—her pinions round about my fevered brow
Casts unutterable longing,—like a dreaming man I go ;
Ne’er forget the shrine of Balder, ne’er forget the oath she spake,—
And that oath, she brake it never,—’twas the cruel gods that
brake.

“ ‘For they hate the sons of mortals, see their joys with angry fret,
They my budding rose have taken, and in winter’s bosom set.
What should winter do with roses ? He can never know her price,
But his chilly breath incloses bud and leaf and stem in ice.’

“Nu ar jagarskaran färdig. Hejsan ! öfver berg och dal !
Hornet smattrar, falcken stiger lodrätt emot Odens sal.
Skogens äbor fly med ängest, söka sina kulors hem,
Men med spjutet sträckt fram för sig är Valkyrian efter dem.

“Gamle Kungen kan ej följa jagten som hun flyger fram,
Ensam vid hans sida rider Frithiof, tyst och allvarsam.
Mörka vemodsfulla tankar växa i hans gvalda bröst,
Och hvarthelst han än sig vänder, hör han deras klagoröst.

“ ‘O ! hvi öfvergaf jag hafvet för min egen fara blind ?
Sorgen trifs ej rätt på vägen, bläser bort med himlens vind.
Grubblar viking, kommer faran, bjuder honom upp till dans,
Och de mörka tankar vika, bländade af vapnens glans.

“ ‘Men här är det annorlunda, ousäglig längtan slar
Sina vingar kring min panna, som en drömmande jag gar ;
Kan ej glömma Balders hage, kan ej glömma eden än,
Som hon svor,—hon bröt den icke, grymma Gudar bröto den.

“ ‘Ty de hata menskors ätter, skada deras fröjd med harm,
Och min rosenknopp de togo, satte den i vinterns barm.
Hvad skall vintern väl med rosen ? Han förstar ej hennes pris,
Men hans kalla ande kläder knopp och blad och stjelnk med is.’

“ Thus the while he plain'd they found them in a darksome dell and lone,

Close of hills encircled, and of birch and alder overgrown;
Here the King dismounted saying: ‘ See how sweet and cool a glade,

Let us rest, for I am weary, I will slumber in the shade.’

“ ‘ Nay, O! King, thou must not slumber: cold and hard as yet the plain,

Sleep is heavy; up! I lead thee quickly to thy home again.’

‘ Sleep, like other gods,’ he answered, ‘ cometh when we least suppose,

Won't my gentle guest so kindly grant his host an hour's repose? ’

“ Then took Frithiof off his mantle, and upon the ground it spread,
While the aged king securely laid upon his knees his head;

Slept as peaceful as the hero sleepeth after war's alarms,

On his shield, or as the infant sleepeth in its mother's arms ”

The scene of the temptation is an old one, and often painted; but never, we think, better than in the following verses.

“ While he sleepeth, hark! there singeth sable bird upon the tree;
‘ Haste thee, Frithiof, haste and slay him, end the grudge 'twixt him and thee;

Take his queen, she's thine in justice; she has kiss'd thee as thy bride,

Here no human eye can see thee, and the grave can secrets hide.’

“ Sa han klagade. Da kommo de uti en enslig dab,
Dyster, hopträngd mellan bergen, öfverskyggd af björk och al,
Der steg Kungen af och sade: ‘ Sel hur skön, hur sval den lund,
Jog är trött, kom lat oss hvila, jag vil slumra här en stund.’

“ ‘ Teke ma du sofva, konung: kall är marken här och hard,
Tung blir sömnen, upp! jag för dig snart tillbaka till din gard.’
‘ Sömnen, som de andre Gudar, kommer när vi minst det tro,
Sade gubben, unnar gästen ej sin värd en timmas ro?’

“ Da tog Frithiof af sin mantel, bredde den pa marken hän,
Och den gamle kungen lade tryggt sitt hufvud pa hans knän;
Somnade sa lungt som hjelten somnar efter stridens larm
Pa sin sköld, sa lungt som barnet somnar pa sin moders arm.

“ Som han slumrar, hör! da sjunger kolsvart fagel ifran gvist:
‘ Skynda, Frithiof, dräp den gamle, sluta pa en gang er tvist,
Tag hans drottning, dig tillhör hon, dig har hon som brudgam
kysst,

Intet meuskligt öga ser dig, och det djupa graf är tyst.’—

“ Frithiof listens : hark ! there singeth snow-white bird upon the tree ;

‘ If no human eye can see thee, Odin’s eye is watching thee.
Wretch, would’st thou the sleeping murder ? bid the helpless aged die ?

Whatsoe’er thou winnest, honor canst thou never win thereby.’

“ While the two birds thus were singing, Frithiof took his broad sword good,

And with shuddering horror cast it far into the darkling wood.
Sable bird to Nastrand hies him, but upon its nimble wings,
Like a lyre-note flies the other upward toward the sun and sings.

“ Wakes eftsoons the aged monarch. ‘ Well hath slumber me restored,

Sweetly sleeps man in the shadow guarded by the valiant’s sword.
But where is thy sword, O ! stranger, lightning’s brother where is he ?

Who hath parted you who parted from each other ne’er should be ?’

“ ‘ Matters not.—I can,’ said Frithiof, ‘ in the North aye find a sword ;
Sharp is tongue of sword, O ! monarch, seldom uttering peaceful word,

In the steel are darkling spirits, spirits dread from Nifelhem,
Sleep is not secure amid them, locks of silver anger them.’—

“ Frithiof lyssnar : hör ! da sjunger snöhvit fagel ifran gvist
‘ Ser dig intet menskligt öga, Odens öga ser dig visst.
Niding, vill du mörda sönnen ? vill du värnlös gubbe sla ?
Hvad du vinner, hjelterykte vinner du dock ej derpa.’—

“ Sa de begge faglar sjungo ; men sitt slagsvärd Frithiof tog,
Slängde det med fasa fran sig fjerran i den morka skog.
Kolsvart fagel flyr till Nastrand, men pa lätta vingars par
Som en harpeton den andra klingande mot solen far.

“ Straxt är gamla Kungen vaken. ‘ Mycket var den sömn mig värd,
Ljufdigt sofer man i skuggan, skyddad af den tappres svärd.
Dock, hvar är ditt svärd, O fränling ? blixstens broder, hvar är han ?
Hvem har skilt er, I som aldrig skulle skiljas fran hvarann ?’

“ ‘ Lika mycket, Frithiof sade, svärd jag finner nog i Nord ;
Skarp är svärdets tunga, konung, talar icke fridens ord.
Mörka andar bo i stalet, andar ifran Niffelhem,
Sönnen är ej säker för dem, silfverlockar reta dem.’

Tegnér's rendering of the closing scene is exceedingly beautiful.

“ Gentle youth, I did not slumber, only did thy virtue try,
For on man or blade unproven never doth the wise rely.
Thou art Frithiof, thee I knew when first thou in my hall didst tread,
Aged Ring hath long discovered what his prudent guest ne'er said.

“ Wherefore stolest thou to my dwelling, deep disguised, with name
suppress't ?
Wherefore but my bride to ravish from her aged husband's breast ?
Honour, Frithiof, sits not nameless in the hospitable hall,—
Sunlike bright is her escutcheon, open are her features all.

“ Rumour told us of a Frithiof, foe of gods and men the same,
Reckless would he cleave a buckler, or a temple wrap in flame.
Soon with warlike shield he cometh, so thought I, against my land,
And he came, but cloth'd in tatters, with a beggar's staff in hand.

“ Wherefore should thine eye be downcast ? I have had my youth-
ful days,
Life's a struggle from its dawning, youth its Berserkr-rabies,
'T must be press't 'twixt shields until it lose its spirit wild and hot:
I have tried thee and forgiven; I have pitied and forgot.

“ Jag har icke sofvit, yngling, jag har blott dig provvat sa,
Obepröfvad man och klinga liter ej den kloke pa.
Du är Frithiof, jag har känt dig allt se'n i min sal du steg,
Gamle Ring har vetat länge hvad haus kloke gäst förteg.

“ Hvarför smög du till min boning, djupt förklädd och utan namn ?
Hvarför om ej för att stjäla bruden ur den gamles famn ?
Aren, Frithiof, sätter sig ej namulös uti gästfri lag,
Blank är hennes sköld som solen, öppna hennes auletsdrag.

“ Ryktet talta om en Frithiof, människors och Gudars skräck,
Skjöldar klöf och tempel brände den förvagne lika käck.
Snart med härsköld, sa jag trodde, kommer han emot mitt land,
Och han kom, men hölj'd i lumpor, med en tiggargäst i hand.

“ Hvarför slar du ner ditt öga ? jag var också ung en gang,
Lifvet är enstrid fran början, ungdomen des Berserksgång.
Klämmas skall hon mellan sköldar, tills det vilda modär tömdt :
Jag har provvat och förlatit, jag har ömkat och förglömt.

“ See thou, I am old and shortly laid within the mound shall be,
Take thee then, young man, my kingdom, take my queen, for thine
is she.

Be my son, and dwell till then as heretofore within my hall;
Swordless champion shall defend me, and our old dispute shall fall.”

“ ‘Never,’ answered Frithiof darkly, ‘came I as a thief to thee,
And would I thy queen have taken, say, who could have hinder’d
me?’

But I would again once more, once more on my affianced gaze,
And, ah! fool!—again within me waked the half-extinguished blaze.

“ ‘In thy hall too long I’ve linger’d, longer may not linger now,
Unappeased the gods’ dread vengeance heavy rests upon my brow,
Balder with the golden tresses, who so loves the human kind,
I alone of him am hated, I alone to woe consigu’d.

“ ‘Yes, I wrapt in flame his temple, Vargr i Veum * men me call,
Children shriek my name on hearing, gladness flies from festal hall.
Fatherland in wrath rejecteth me her child that have transgress’t,
Outlaw’d in my home and country, outlaw’d in my very breast.

“ ‘I will no more seek for quiet on the earth with green array’d,
’Neath my feet the fields are burning, trees no longer give me shade.
Ingeborg is lost for ever, her did Ring the aged gain,
Life’s sun is for me extinguish’t, solid darkness round doth reign.

“ Ser du, jagär gammal vorden, stiger snart i högen in ;
Tag mitt rike da, o yngling, tag min drottning, hon är din.
Blif min son till dess, och gästa i min kungssal som förut ;
Svärdlös kämpe skall mig skydda, och var gamla tvist har slut.

“ Teke, svarar Frithiof dyster, kom jag som en tjuf till dig,
Ville jag din drottning taga, säg hvem skulle hindrat mig ?
Men min brud jag ville skada, en gang, ock ! blott en gang än.
O ! jag dare, halfsläckt laga tände jag pa nytt igen !

“ I din sal jag dröjt för länge, gästar mer ej der, o kung !
Oförsonta Gudars vrede hvilat pa mitt hufvud tung.
Balder med de ljusa lockar, han som har hvar dodlig kär,
Se, han hatar mig allena, ensamt jag förkastad är.

“ Ja, jag stack i brand hans tempel ; Vargr i Veum * heter jag ;
När jag nämnes, skrika barnen, glädjen flyr ur gästfritt lag.
Fosterjorden har förkastat en förlorad son med harm,
Fridlös är jag i min hembygd, fridlös i min egen barm.

“ Teke pa deu gröna jorden vill jag söka friden mer,
Marken bränner under foten, trädet ingen skugga ger.
Ingeborg har jag förlorat, henne tog den gamle Ring,
Solen i mitt lif är slocknad, bara mörker rundtomkring.

* Temple profaner.

“ Then away unto the billow,—Ho ! my good ship out again !
 Bathe again thy pitchy bosom gaily in the briny main :
 Spread thy wings unto the welkin, hissing through the waters fare,
 Fly as far as star can guide thee, or the conquered billows bear.

“ Let me hear the tempest roaring, how the crashing thunder
 swells !
 When the storm is howling round me peace in Frithiof's bosom
 dwells.
 Clang of arms and arrow-shower ! On the wave doth battle glow,
 Reconcil'd I fall with gladness, and to gods atoned I go.”

Almost at the very same time with Tegnér, Johan Ludvig Runeberg was born at Jakobstad in Finland, 1783. His father was a sea-captain in very humble circumstances ; and as his family was large, a brother possessed of somewhat more ample means took the boy home to bring up. Dwelling with his uncle at Uleaborg, the birthplace and earlier residence of the poet Franzén, the young Runeberg's susceptible mind is said to have been much stimulated and developed by the constant vicinity of the memorials of this elegant poet. The death of his uncle, however, put an end to his residence at Uleaborg, and he was removed to old Carleby school. In 1802 he became a student at Abo University, and having taken his master's degree, was made “ Docent ” at Helsingfors, and subsequently received the title of professor. Though by birth he is a Finn, and has never been in Sweden, yet his works are all written in Swedish, and he is without question the chief poet now living in the language. In 1824 king Oscar bestowed on him the order of the Polar Star, but from the Russian Government he has not received any decoration, though a small salary has been granted him. His chief productions are *Elgskytterne* (*the Elk-shooters*), *Nadeschda Iulqvällen* (*Christmas evening*), *Fänrik Stals*

“ Derfö, hän till mina vagor ! Eja, ut, min drake god !
 Bada ater becksvalt bringa lustigt i den salta flod ;
 Hvifta vingorna i molnen, hväsande de vagor skär !
 Flyg så langt som stjernan leder, som besegrad bölja bär !

“ Lat mig höra stormens dunder, lat mig höra askans röst !
 När det danar rundtomkring mig, da är lugn i Frithiofs bröst.
 Sköldeklång och pilregn, gubbe ! Midt i hafvet slaget star,
 Och jag stupar glad, och renad till försonta Gudar gar.”

Sägner, (*Ensign Stal's Tales*), and Kong Fjaler, (*King Fjaler*), which last we look upon as his finest piece, though Fänrik Stal is the most popular of his compositions, and this naturally on account of the glowing patriotism that has evidently dictated every line. As a poet, he is less penetrated by the beauties of the ancient Greek school, and far less gorgeous, than Tegnér; but there is in his works a natural grace which is extremely charming, and a heroic vigour which carries the reader's interest along with the tale. We give the following specimen of his style. The piece chosen, "Sveaborg," is not generally printed with his works, but would naturally belong to the Cycle of Fänrik Stal, as being a tale from the Finnish War.*

SVEABORG.†

"Vi sutto efter slutad dag
Vid aftonbrasans sken,
Den gamle Fänrik Stal och jog,
Det var var vana re'n;
Var dag flög bort vid glam och
skämt,
Da rakte Sveaborg bli nämndt.

"'Twas when the daylight was gone
by,
At the evening-brazier's sheen,
We sat, old Ensign Stal and I,
For such our wont hath been;
Our day in chat and jest was passed,
When Sveaborg was named at last.

* We regret that our notice of this really fine poet is so scanty, but within the territory of the Russian Government, it is very difficult to obtain trustworthy information regarding living characters or events actually passing; and we abstain from repeating hearsay reports, the truth of which is, to say the least, very dubious.

† This strong fortress (pronounced as three syllables) was early in the present century the chief stronghold for the maintenance of Finland against the aggressions of the Russian despot, and was then strongly garrisoned and supplied with every requisite for a defence of more than a year without relief. Gustavus IV., whose folly and weakness, if they cost Sweden heavy losses, brought at least the benefit of a revolution that gave the country a really free constitution, and a good Dynasty, had appointed Admiral Carl Olof Cronstedt, then in disgrace with the court, to the government of this important fortress, and abolished the law that provided that when a governor would capitulate he might be superseded by any other officer the garrison might elect. On the 17th of March, 1808, the Russians commenced an attack upon the fort, but with so little success, that on the 6th of April the besieged had lost only six men. On the last named day however the governor branded himself with everlasting infamy by signing a disgraceful capitulation, according to which on the third of May he delivered the place, together with 300 gunboats and transports, to the enemy; and, without waiting for the igno-

- “ Jag nämnde flyktigt blott dess namn,
Men det blef allvar da :
‘ Har du sett ön i hafvets famn
Med Ehr’nsvärds* festen pa,
Gibraltars like i var Nord ?’
Sa tog den gamle mörk till ord.
- “ Den blickar öfver haf och fjärd
Med ögon i granit,
Den lyfter högt sitt Gustafssvärd,†
Och menar stolt: kom hit!
Det svärdet höjs ej för att sla,
Det blixtrar blott och krossar da.
- “ Lat bli att trotsigt nalkas ön,
När kniget gör sin rund!
Stör icke drottningen af sjön
I hennes vredes stund :
Hon sänder mot dig dödens bud
I tusende kanoners ljud.
- “ Tillbaka trängd var Finlands tropp,
Vid Polens gräns den stod ;
Dock flammade ännu vart hopp,
Dock glödde än vart mod ;
Att bota allt ej tycktes svart
Sa länge Sveaborg var vart.
- “ Klar blef i hast hvarenda blick
När detta namn blott ljöd,
Allt knot blef slut, all sorg förgick,
Det fans ej köld ej nöd :
Ny fart den Finska björnen tog,
Och lyftade sin ram och slog.
- “ But passingly I named the place,
Yet grave the matter grew :
‘ Hast seen the isle i’ th’ flood’s embrace,
And Ehr’nsvärd’s * bulwarks too,
Our North’s Gibraltar ?’ Thus began
In darksome mood the aged man.
- “ It frowns o’er ocean and fiord
With eyes of granite drear,
It lifts on high its Gustafssword,†
And seems to say ;—come here !
That sword is rais’d, but not to smite,
It doth but flash and crushes quite.
- “ Dare not approach that isle too near
When war doth circuit forth,
To stir the ocean’s queen forbear
In her dread hour of wrath.
She casts the summonses of death
O’er thee in thousand cannons’ breath.
- “ Though backward driv’n were Finland’s troop,
And stood on Polar ground,
Yet still high blaz’d the flame of hope,
Still glow’d our courage sound :
’Twas thought that all might be redress’d
While Sveaborg we still possess’d.
- “ Bright beam’d each Finnish warrior’s eye
When that dear name was told,
All hardship past, all care gone by,
No thought of want or cold :
The Finnish bear him fresh bedight
And lifted high his paw to smite.

minious dismissal from his country’s service, which of course followed his treachery, entered the service of Russia. This infamous transaction has never been fully explained. The treaty of capitulation contains the following singular clause, viz., “that after the re-establishment of peace, Sveaborg should be restored to Sweden, provided that England restored to Denmark the fleet taken from her in 1807.” How far this condition would have been observed, had England restored the Danish fleet, it is easy to guess.

* The Engineer who fortified Sveaborg.

† Name of one of the Islands of which Sveaborg consists. The poet plays on the terminal syllable, which must therefore be translated.

- " Pa drifvans bädd hur mängen
 natt
 Man hörde detta ord,
 Af graa kämpen der han satt
 Langt skiljd fran hemmets jord;
 Det var hans tält, när det var kallt,
 I fjerran bygd, hans hem, hans allt.
- " Da flög en hviskning oss förbi,
 En sagan söder fran;
 Den talte om förräderi,
 Om vara vapens han.
 Fran man till man, fran trakt till
 trakt,
 Den möttes blott af stolt förakt.
- " Ej glöms i tiders tid den dag
 Da denna säg'n blef sann,
 Da likt elt dystert thordöns slag
 Det säkra bud oss hann:
 Att landets sista hopp gatt ner,
 Att Sveaborg var Svenskt ej mer.
- " Har hafvets bottenlösa svalg
 Det i sin afgrund sänkt?
 Har Himlens blix, har askans
 knall
 Dess fasta murar sprängt?
 Finu's ingen mer pa vällen kvar?
 Det fragtes blott, det grafs ej svar.
- " Men djupt ur mängen ärrig barm
 En pressad suck sig bröt,
 Och mängen blick, pa tarar arm
 I strida floder flöt;
 Det hode dött, ens Fosterland,
 Man stod och grät pa grafvens rand.
- " O Lif! Den man, hvars skuld
 det var
 Att denna tarflod rann,
 En gang den skönsta lager skar
 Som nagon hjelte vann:
 Den Svenska flottans största glans,
 Dess seger vid Svensksund,* var
 hans.
- " On bed of snow at night-time late
 Full oft from warrior grey,
 That name was heard, as there he
 sate,
 From home far far away:
 That was his tent at cold night-fall,
 In distant land, his home, his all.
- " A flying whisper pass'd us by,
 From South a rumour came,
 It told of darkest treachery,
 That put our arms to shame.
 From tract to tract, from man to man,
 It met but proud derision's ban.
- " Ne'er be forgot the day when first
 That tale was known for sooth,
 When, like the darkling thunder, burst
 O'er us the fearful truth:
 That Finland's latest hope was o'er,
 And Sveaborg's the Swedes' no more.
- " With sateless maw to depths below
 Hath ocean drawn it down?
 Hath lightning's flash or storm-bolt's
 blow
 The solid walls o'erthrown?
 Remains there on the rock not one?
 'Twas ask'd of all, replied of none.
- " But deep out-burst the struggling
 sigh
 From many a skarry breast,
 And weeping floods from many an eye
 With tears ill-furnished press'd:
 'Twas dead,—our Father-land had
 died,
 We stood and wept the grave beside.
- " O! Life.—That man whose deed
 accurst
 Had caus'd those tears to run,
 Had earn'd the fairest laurel erst
 That ever hero won:
 The Swedish Navy's triumph high,
 Svensksund's * inmortal victory.

* This Victory of the Swedish over the far larger Russian Fleet, took place 1790, July 8.

“ Men om sitt ljus, sin glans en
 värld
 Utaf hans klinga fatt,
 Om solar bleknat för hans svärd
 Skall han föraktas blott;
 Det blir hans lön för hans bedrift
 På klippan der vid Ehr'nswards
 grift!

“ But if a world its glories all
 From off his blade had drawn,
 If suns before his sword should pall,
 He now shall meet but scorn :
 Such be his crime's eternal doom
 Upon the rock by Ehr'nsvärd's tomb.

“ Du älskar, yngling, ton och sang,
 Var forntid älskar du ;
 Kanhända sjunger du en gang
 Hvad jag förtäljer nu :
 Da gif hans svarta bragd sin dag,
 Men hölj i natt hans namn, som
 jag.

“ Young man, thou lovest music's lay,
 Thou lov'st our ancient lore ;
 And may be thou shalt sing some day
 The things I now go o'er :
 Then give to light his deed of shame
 But e'en like me, conceal his name.

“ Förtig hans ätt, namn ej hans
 stam,
 Hvälf ej på dem hans brott!
 Ma ingen rödna för hans skam
 Den drabbe honom blott !
 Den som förradt sitt land, han har
 Ej ätt, ej stam, ej son, ej far.

“ Name not his kin, name not his race,
 His guilt on them to cast!—
 Let no one blush for his disgrace,
 Him only let it blast !
 His land's betrayer,—ne'er hath he
 Son, Father, race, nor pedigree.

“ Nämn honom blott : den falske
 orm
 Man ställt till Finlands stöd,
 Nämn honom blygd, och han, och
 skam,
 Och skuld, och straff, och död !
 Det är blott sa han kallas bör,
 Det är att skona den som hör.

“ Call him alone :—that serpent base
 To Finland's succour sent,—
 Call him alone Shame, Scorn, Dis
 grace,
 Guilt, Death, and Punishment !
 Such names alone he ought to bear,
 The hearer's feelings 'tis to spare.

“ Tag allt hvad mörker finns i graf,
 Och allt hvad qual i lif,
 Och bilda dig ett namn deraf,
 Och det at honom gif :
 Det skall dock väcka a mindre sorg
 Än det han bar på Sveaborg.”

“ Take all the darkness of the tomb,
 Life's woes and sorrows all,
 Form thee thereof a name of gloom,
 Thereby the traitor call :
 It shall awake a pang less sore
 Than that at Sveaborg he bore.”

A few years earlier than the poets already named, John Olof Wallin was born at Tuna, in Dalecarlia, 1779, Oct. 15. His father, who was first a subaltern, and afterwards lieutenant in the Dal-regiment, was sensible of his son's talents, though not at first very apparent; and, in spite of the slenderness of his own circumstances, main-

tained him at the Gymnasium (provincial school) and afterwards at the university. He did not however particularly distinguish himself till he had reached his twenty-sixth year, when he all at once came forward as a poet of a high rank, and on the 20th of December, 1805, received the first prize from the Royal Academy for his poem, "Uppfostraren," (*Bringer up, Educator*), and two others for translations from the Latin. Neither before nor since has any Swedish Skald obtained at once such high distinction. For some years afterwards it was he who regularly gained the Royal Academy's prizes; and in 1808 he gained the greatest prize the Academy ever gave, viz., two hundred Dukats,* for his poem on the inauguration of Gustaf III.'s statue. The next year he was chosen a member of the Royal Academy, and from this period his muse was dedicated exclusively to religious subjects; and if on ordinary worldly topics he has been surpassed by other poets in the language, on the ground of his religious poetry, no Swedish bard has yet appeared who can dispute his possession of the first place. In 1805 he had been admitted to holy orders, and was appointed assistant teacher of theology in the Royal Military and Naval College of Carlberg, at Stockholm, and, three years afterwards, became incumbent of the adjoining parish of Solna, and received the degree of Doctor in Divinity. In 1811 he was appointed one of the committee for reforming and improving the Swedish Church Hymn-Book, but this work was afterwards committed to him alone. He discharged his task admirably, the Hymn-Book he produced being said to be considerably superior to that of any other Protestant Church. Its merits, however, we shall not here discuss. As an orator, especially in the pulpit, Wallin was universally admired, and on grand occasions, such as the consecration of churches and cemeteries, his eloquence was truly remarkable. In 1812, he was appointed to the pastoral duties of Adolf Fredrik's Parish, in Stockholm, and, in 1816, Dean of Westeras Cathedral. This last preferment, how-

* A Dukat is a gold coin weighing about $53\frac{1}{2}$ grains, of which about $1\frac{1}{2}$ grain is alloy. We do not know how much alloy English gold coin contains, but if it be in the same proportion, the value of the Dukat will thus be 8s. 3d. 2.688 qrs., reckoning twenty shillings to the sovereign.

ever, he never entered upon, being at the same time elected by the congregation of the Storkyrka (*Great Church*) at Stockholm, to the pastoral office in their parish. This preferment he held till his death; for, although he was in 1837 unanimously elected Archbishop of Uppsala by the whole priesthood of the country, and the choice was confirmed by the Sovereign, and he was actually made Archbishop, yet he never actually entered upon the revenues, or the residence of the metropolitan see, but continued the duties of his parish in Stockholm. In Sweden, when a bishop or clergyman dies, his widow (if there be such) has what is called a year of grace, during which she continues to occupy the official residence, and receive the income of the see or parish; and the successor thus does not come to his emoluments till this year is ended. Wallin did not live to enter upon the revenues and occupy the residence of the Archbishops of Uppsala. On a journey thither, for the discharge of his duties, he was seized with sickness, which carried him off unexpectedly on the 30th of June, 1839, in the sixtieth year of his age. His burial, which took place in the new cemetery at Stockholm, presented a scene that may give an idea how highly he was valued, for nearly the whole population of Stockholm joined in the funeral procession. Together with the Archiepiscopal dignity he had received the Order of Knight of the Seraphim. To enable our reader accurately to estimate his poetical talent, we select for translation, one of his principal compositions of a religious character, which we look upon as one of the happiest efforts of his genius.

DODENS ENGEL.

“J Adams barn, som af jorden
födens,
Och vänden ater till jorden om!
J ren mina, J ären dödens,
Allt sedan synden i verlden
kom.
Jag star i ster
Och nar till vester,
Och tusen röster,
J tidens gäster.
Jag bär till eder med Herrens ord
Fran luft och lagor och haf och
jord.

THE ANGEL OF DEATH.

“Ye Adam's sons, that of earth are
born,
And unto earth shall return again,
Ye are mine,—of Death the prey for-
lorn,
Sith earth was entered by sin and
bane.
I reach from dawning
To sunseting,
And voices warning
I thousands bring,
Ye guests of time, that God's word
declare,
From earth and ocean and fire and air.

- " J bon och byggen som sparfvar
 bygga
 Sitt bo i sommarens gröna lund.
 De sjungo glada, de sutto trygga
 I trädens löfviga skygd, en
 stund :
 Men fagla-nästen
 Ej profvet höllo,
 När deras fästen
 För stormen föllo,—
 Och tyst blef sungen och sjöngs ej
 om,
 Och glädjen gangen ej aterkom.
- " J gan och sucken, som dafvor
 sucka,
 För morgondagen som J ej sett;
 Da oförtänt, som en fallets lucka,
 Sig jorden öppnar för er med
 ett.—
 Och i forsvinnen
 I plötsligt nedan,—
 Och edra minnen
 Försvinna sedan ;—
 Och mytänd mane ur silfversky
 Ser andra komma,—och andra fly.
- " J sväfvén lätta i dansens ringar,
 J stojen yra i nöjet lag,
 Och nyrten blommor och lyran
 klingar.—
 Men öfver tröskelen stiger jag :
 Da stadner dansen,
 Da sänkas ljuden,
 Da vissnar krausen,
 Da bleknar bruden.
 Och sorg är änden, som skriften
 sagt,
 Uppa all glädje och glans och
 makt.
- " Iag är den starke, som hafver
 makten,
 Till dess en starkare komma
 skall,
 Pa höga fjällen, i djupa schakten,
- " Ye build and dwell, as the sparrows
 making
 Their green-grove nests in the sum-
 mer's smile,
 They sit securely, in song outbreaking,
 To glad in the happy shade awhile.
 But the sparrow's bower
 No test could last,
 O'erthrown by the power
 Of tempest-blast :—
 And ne'er renew'd was the silenc'd
 strain,
 And joy departed ne'er came again.
- " Ye go and sigh like the ringdove
 calling
 For ne'er-experienc'd morning's
 dawn ;
 When all at once, like a trap-door
 falling,
 Earth opes beneath you with sudden
 yawn.—
 And ye pass from sight
 All downward plunged,—
 And soon from light
 Is your name expunged.—
 And the new-lit moon in the silver sky
 Sees others come and sees others fly.
- " Ye flit through the dance's mazes
 bounding,
 Ye madly riot in pleasure high,
 The myrtle blooming, the lyre re-
 sounding ;—
 But who o'er the threshold steps ?
 'Tis I.
 The dance is ended,
 The chaplet dried,
 The song suspended,
 All pale the bride ;
 And joy, and glory and might below,
 As Scripture teacheth us, end in woe.
- " I am the mighty with might to
 keep,
 Until there cometh a mightier still,
 O'er lofty hill, and in shaft so deep,
 It is my spirit that bloweth chill.

Det är min anda, som susar kall. Contagious might,
 De smitten ilar, As it sweeps the earth,
 Som reusa länder ; The shafts of night,
 De mattens pilar As I hurl them forth,
 Som ut jag sänder, They strike their victims, and to them
 De sla sitt offer, och slaget tal yield
 Ej mur af koppar, ej sköld af stal. Both brazen rampart and iron shield.

“Iag sveper vingen om nordan- “My wing envelopes the northern
 stormen, storm,
 Och rullar dynande vag mot I roll the billows against the strand,
 strand, I crush a government's cunning form,
 Af stats-systemer jag krossar And wrest the bolt from the thun-
 fornen ; derer's hand.
 Och vrider viggen ur dunderarns Like night-watch pace,
 hand. I ages chase,
 Som nattens väkter, And human races
 Jag sekler jager ; And works and days.*
 Och menskoslägter They roll like billows my foot before
 Och verk och dager,* Until the last wave's moan is o'er.
 Som böljor hvälfva sig for min fot
 Tills sista boljan der lagt sitt knot.

“Mot mig förlora sig vett och “Nor arms nor knowledge my might
 vapen, can brave,
 Mot mig ej lärdorn och konst Nor art nor science my hand re-
 bestar. strains,
 Jag frihet ger at lifegenskapen, 'Tis I give freedom unto the slave,
 Och herrskarviljan i jern jag "Tis I the oppressor who bind in
 slar. chains.
 Iag striden leder, I lead the fray,
 Och härar falla ; And whole armies fall,
 De ligga neder, Down, down sink they,
 De ligga alla, Even one and all,
 Och vakna ej vid larmtrummans And they wake not up at the watch
 bud, drum's round,
 Men först vid domens basuna-ljud. But first at the doom-trump's awful
 sound.

“Min hand blott vinkar,—och “My hand but waveth,—and earth is
 jorden sopas : bared,
 Allt lefvande till det rummet far, And thither passeth whate'er doth
 Der intet öra hör namnet ropas, live,
 Och ingen tunga sig rör till svar Where ear ne'er heareth the name
 declared

* 'Εργα και ἡμέραι.

Min fot lustvandrar,—
 Och stjelper throner;
 Och Alexandrar,
 Napoleonor,
 De herrar fordue i hög a loft,
 De äro vordne en handful stoft.

And tongue ne'er moveth reply to
 give.
 My foot it wanders,
 O'erturning thrones,
 And Alexanders,
 Napoleons,
 These lords e'erwhile in their pride's
 array,
 A handful of ashes and dust are they.

“I laga jorden pa den de vandra,
 Pa den de strida om rang och
 arf,
 Jag blandar slägterna om hvaran-
 dra,
 Jag lägger tiderna hvarf pa
 hvarf,
 I djupa natten
 Ej följer prakten,
 Och icke skatten,
 Ock icke makten.
 En gang de ägas;—en annan
 gang
 De andras äro, som laga fang.”

“In nether earth whereupon they
 pace,
 For wealth and honours to strive
 and rage,
 I hurl confusedly race o'er race,
 And roll the centuries age o'er age.
 No grandeur's pleasure
 In that deep night,
 Nor follows treasure,
 Nor follows might,
 One day man hath them,—another day
 They are anothers, as lawful prey.”

The angel goes on to describe the instability of human things, and the fleetingness of earthly happiness. There is much grandeur as well as deep feeling in the noble verses which follow.

“Ej ofvan jord är en borg belägen,
 Som eder taygger, I vandrings-
 män!
 En egen egendom J ej ägen,
 Fast öppet fastebref lydt pa den.
 Se, diademen
 Och sorgedoket,
 Och purpurbrämen
 Och arbets-oket,
 Sig nya hufvuden sluta kring,
 Om nya halsa de sla sin ring.

“On earth is never the fortress
 known
 Where, wanderers, safety for you is
 found;
 And no estate can ye call your own,
 Howe'er the titles in law may
 sound.
 Behold! The crown,
 And the veil's dark falls,
 The purple gown,
 And the yoke that galls,
 Find other brows in their wreaths to
 wind,
 And other necks in their chains to
 bind.

" J ären komne, J skolen ganga; " Ye are hither come, and ye hence
 I hafven här icke hem och hus : shall flee ;
 J skolen bo i den staden tranga, Ye have neither house nor home
 Der sol ock mane ej tända ljus ; below ;
 Der sköldemärket In that city strait shall your dwelling
 I porten krossas, be,
 Och ur dagsverket Where sun ne'er shineth nor moon
 Den trötte lossas, doth glow,
 Och fangens länker ock hjertats Where the scutcheon brave
 band, At the gate is brest,*
 Sa spröda brista för samma hand. And the weary slave
 Is dismiss'd to rest,
 Where the heart's soft string and the
 captive's band
 Are sunder torn by the same rough
 hand.

" Hvar är din Moder ? Hvar är " Where is thy Mother ? And where
 din Maka ? thy bride ?
 Da ha de vandrat den vägen Then have they wander'd that path
 bort, of woe,
 Pa den de komma ej mer tillbaka, Where journey back is to all denied,
 Pa den du följer dem innau kort. And thou must after them shortly go?
 Ty Skatten akta, Then guard the store
 Som Gud dig sänder ! That Heav'n confides,
 Den halker sakta For evermore
 Ur dina händer, From thy hands it glides,
 Och ses ej ater af dig, forrän And ne'er again shall be seen of thee,
 Du svara skall hur du vardat den. Till call'd to answer for it thou be.

" Hvar är din Broder ? Hvar är " Where is thy Brother ? Thy Fellow
 din Like ? where ?
 Sa fragar Herren dig da ej mer. No more Jehovah unto thee saith.—
 Da har du bröder, du spotske rike! Yes! proud rich fool, see thy brother
 Uti de matkar, du näring, ger.— there,
 Och nar de mätta, The worm upon thee that bat-
 Som du, aflida, teneth.—
 Skall efter detta Their fill they eat,
 En matk dig bida, And, like thee, they die,
 Som nars och lever, i evig tid, But thero doth await
 Uppa ett samvete utan frid. Thee eternally
 A worm that liveth and gnaweth ever
 Upon a conscience that resteth never.

* In Sweden, when a noble family dies entirely out, the escutcheon is broken over the grave of the last member at his burial.

"Haa bider eder, som liknöjdt "Yes you it waits who, if ye may
 skaden stand,
 En annans fall blott J sjelfve Can look unmoved on another's fall,
 stan! Betray your faith and your father-
 land,
 Som tro och fädernesland förraden, And dare the Holy One mock withal,
 Och med den Helige drifven han! Lead hearts astray,
 Som lagar vriden. And the law distort,
 Och hjertan villen, And the guiltless' way
 Och oskuldsfriden Corrupt in sport.—
 Pa lek förspillen !
 Och *ee* blir slutet pa han och lek, Your sport it endeth in woe and bale,
 Da hämdens valnad sig reser blek. When vengeance' spectre ariseth pale.

"Han bider eder, J lögnens andar ! "Ye lying spirits, it waiteth you,
 Da tungan lader vid eder gom, Where to your palate shall cleave
 At redligheten sitt gift hon your tongue,
 blandar, That poison mix'd for the good and true
 Och äran faller för hennes dom. And condemn'd the guiltless by
 Men mot min glafven judgment wrong.
 I intet kunnen : But 'gainst my glaive
 Jag spärrar grafven Can ye nothing win,
 Och smädemunnen, I close the grave
 Som nästa gang, se'n han malet And the lips of sin,
 mist, That next answer, their aim o'er cast,
 För *Den* skall svara som dömmar To *Him* whose doom is for ever fast."
 sist."

Then comes the lesson founded upon these awful truths. It is brief, but full of power and significance.

"Rans-aken, dödligel edra syften, "Then search you, mortals, your ob-
 Med bäfvan forsken er sjals jects sifting,
 begär ; Your souls with fear and with trem-
 Och rena händer och hjertan lyften bling scan ;
 Till *Den* som vet hvad i menskan And hands unspotted and hearts up-
 är. lifting
 J till den orten To *Him* who knoweth what is in
 Dock skelen lända, man.
 Der öfver porten, Unto that state
 Till tidens ända, Doth your journey tend,
 Det skrefs oryggeligt, det beslut : Where o'er the gate,
 Här hear gar in, och gar ingen ut. Until time shall end,
 Is changeless written the sentence
 stern,
 Here all must enter, but none return.

"Er jorden slukar, med värf och planer,
 Och lycker ater sin mun igen,
 Om likt favoner, om likt orkaner,
 J vederqvickt eller härjat den
 Men ej af jorden
 Ert matt begären ;
 Ty det J vorden
 Och det J aren,
 Det verket eder blef anbefaldt
 Den Ende känner som känner allt."

"You earth doth swallow, with deeds
 and plans,
 And closeth o'er you her mouth in
 haste,
 Whether like Zephyrs or hurricanes,
 Ye have served to quicken or served
 to waste.
 But seek not there
 For your destiny,
 What now ye are
 Or hereafter be,
 The work that doth to your portion fall
 He only knoweth who knoweth all."

Yet the poet does not fail to interpose amidst the terrors and the warnings which are the peculiar characteristic of his awful subject, those christian topics of consolation and hope, which for the trustful heart strip death of all that makes it truly terrible.

"Hvad Herren äskar, till dig Han sade ;
 Han mätte ut, för ditt vandring-slopp,
 Hvad du, o menska! att bära hade
 Och hvad du hade att fylla opp,
 Han kraft beskärde
 Till hvad du borde,
 Och vishet lärde,
 Att rätt du gjorde,
 Om blott du hörde i lydigt bröst
 Den store, helige Andens röst.

"What God demandeth doth God
 declare,
 He hath meted out for thy life's
 career,
 The load, O! man, that thou hast to
 bear,
 The work thou hast to employ thee
 here.
 And strength gave he,
 And gave wisdom's light,
 Enough for thee
 To demean thee right,
 If thou with duteous heart hast heard,
 The great, the Heavenly Spirit's word.

"Hör ande-rösten, den klara,
 djupa,
 Och i hans ärende upprätt gack ;
 Du se'n ej spörje, om du skall
 stupa,
 Ej heller sörje för verdens tack!
 Du fylla kallet,—
 Och frukte icke!
 Ur sjelfva fallet
 Du uppåt blickel
 Sa skall dig fatta en englahand
 Och stilla föra dig till ditt land.

"Hark to the Spirit's clear deep-
 toned call,
 And eager speed thee His path to go,
 And ask not whether thou art to fall,
 Or whether the world will thank or no.
 Fulfil thy calling,—
 Affright thee never!
 And e'en in falling
 Look upward ever!
 And there shall meet thee an angel's
 hand
 To lead thee gently unto thy land.

- "Gäck trygg i styrkan af ädel vilja,
Igenom profvets och mödans tid!
Sa kan dig verlden fran lyckan skilja,
Men ej fran dygdens och sinnets frid:
Sa kan i jorden
Väl kroppen myllas,
Dock guda-orden
Pa anden fyllas:
*Du trofast var intill dödens dag;
Nu, gode tjenare! lönen tag.*
- "Go forth in the might of a noble heart
Through days to trial and woe con-
signed,
The world from fortune it can thee
part,
But ne'er from virtue and peace of
mind:
That flesh of thine
It may putrefy,
But the words divine
To thy soul apply:
*Thou steadfast even to death hast striven,
Now, faithful servant, thy meed be given.*
- "Gör rätt at alla, och lindra nöden,
Och trösta sorgen, hvarhelst du kan!
Försvara sanningen uti dödén,
Och vinu som Christen, och fall som man!
Ej jordisk vinning
Till lön du tager,
Ej kring din tinning
En snarblekt lager,
Men ljus och evig och skön och hel,
De sälla heligas arfvedel."
- "Do right to all men, and comfort pain,
Console the wretched, if that thou can,
And truth unshaken in death main-
tain,
As Christian conquer, and fall as
man.
No earthly gain
And no laurel braid
Shalt thou obtain,
On thy brows to fade,
But light, eternal, complete, divine,
The heritage of the saints is thine."

Among the many topics which the thought of death suggests, the Swedish poet does not overlook the argument of our immortal destiny which is drawn from the unrequited good and evil of man's career on this side of the grave.

- "Hvad vore Tron, om den icke lage .
En klarögd perla pa hjertats grund,
Och opp till himmelen stilla sage,
Da skalet brister i mognans stund?
Den sköna hvilán
Gör slut pa plagan,
Och—blixtrar bilan,
Och flammár lagan,
Martyr! se himmelen oppnar sig,
Och kronan räcker Försonarn dig!
- "O! what were Faith then, unless it lay
In the heart's recesses, a pearl-
bright eye,
That looks all peaceful heavenward
aye,
When bursts the shell in maturity?
That rest supreme
Is an end to woe,
The sword may gleam
And the flame may glow,
But Martyr, see heaven opening, see
The crown thy Saviour offers thee.

- “Hvad vore Dygden, om lifvet vore
Med stoftets flämtande gnista
släckt?
Du förste *Gustaf!* Du andre *Store!*
Du frie, modige *Engelbrekt!*
Och alla visa,
Och alla ömma,
Som menskor prisa,—
Och menskor glömma!
Hvad vore ömhet, förstand, och kraft,
Om endast grafven till mal J haft?
“Hvad vore Aran, som till er ropar
Att värda pligten—att dö for den,—
Om hon berodde af fala hopar
Och deras falare hufvudmän?
Nu stralar friden
Fran hennes anlet,
Om också tiden
En suck föranlät,
Ty tiden stänkar ej upp sitt dam
Till stjernegatan der hon gar fram.”
- “O! what were Virtue, if living state,
With dust's poor flickering spark,
were wreckt?
Thou first *Gustaf!** Thou second
Great!†
Thou free thou valorous *Engelbrekt!*‡
And all the wise
And affectionate,
That men high prize,—
And that men forget!
O! what were wisdom, and love, and might,
If their only end were the charnel's night?
“O! what were Honour that calls aloud
In duty's cause our blood to spill,
If she depend on the faithless crowd,
Or on its leaders more faithless still?
Now peace sublime
On her brow doth glow,
And e'en if time
Cause a sigh below,
The dust of time it can never rise
Her path to dim in the starry skies.”

But above all, he dwells with especial tenderness on the hollowness of earthly happiness, even in its purest and most ennobling forms, and on its insufficiency to satisfy the cravings and aspirations of the intelligent soul. We have seldom had anything more touching than these verses.

- “Hvad vore Lyckan? Hvad vore Glädjen,
I kärleksringen sa ljuf och ren,—
Om, när den bryts, J ej aterkedjen
Dess brutna länkar vid Hoppets sken?
“O! where were happiness? Gladness where,
In love's most tender and holy chain,—
Unless 'twere given us to repair
The links, when broken, in hope again?”

* Gustaf Vasa, still commonly considered as a *good* man by those who know no better.

† Gustaf Adolf the Great.

‡ The noble hero of Sweden's freedom in the early part of the fifteenth century, basely murdered 1436.

- Sa odeblifvet,
 O hjertan satal
 Hvad vore lifvet?
 En olöst gata!
 Ett obarmhertigt Uriebref,
 Som Gud i vrede för menskan
 skref!
- O! what were Life,
 Were it thus unblest'd?
 Hearts kindness-rife,
 A riddle unguess'd!
 Uriah's letter of fierce intent,
 That God for man in his anger sent.
- “En aldrig Jakob sin Josef mister,
 Och Jonatan ifran David gar,
 Och pressadt bröst i en suckan
 brister,
 Som ingen tröst i all verlden
 far!
 Och Rachel grater
 De kära späda,
 Och sig ej later
 Af nagot gläda;
 Ty ute är med hvad dyrast var
 För hennes hjerta och hennes dar.
- “The aged Jacob must Joseph leave,
 And Jonathan from his David go,
 The oppress'd bosom a sigh must
 heave,
 When it finds no comfort on earth
 below!
 And Rachel mourneth
 Her children slain,
 And deaf ears turneth
 To comfort's strain;
 For lost for ever the dearest part
 Of Rachel's life and of Rachel's heart.
- “Men Gud är kärleken.—Lugnen
 eder,
 Betryckta hjertan! och fatten
 hopp.
 Det korn, J laden i jorden neder,
 I gyllne skördar skall spira opp!
 O! hvad J laden
 Med sorg i grafven,—
 Hvad kärt J haden,
 Hvad kärt J hafven,
 Det är ej borta,—men dock ej
 der,—
 Det är hos *Honom* som evigt är!
- “But God is love,—O! then cease to
 moan
 In hope abiding, ye hearts of woe,
 The seed e'erwhile ye on earth have
 strew'n
 In golden harvest shall bloom and
 blow.
 What ye conceal'd
 In the charnel cold,
 What dear ye held,
 And what dear ye hold,
 It is not lost,—though not there it
 be,—
 But with *Him* who *liveth* eternally.
- “I *Honom* lefver allt lif, och röres
 All kraft, och tändar sig klart
 allt ljus.
 Hans kärlek famnar och det som
 fores
 Till andra boningar af Hans hus.
 Se genom dimman,
 Du barnasinne!
 När äfven timman
 För dig är inne,
 Sa kallar Fadren. Emellertid
 Med trohet verka och taligt lid.
- “In Him doth live all life,—all power
 Doth move,—and kindles in Him
 all light.
 His love embraceth e'en what doth
 soar
 To other parts of His mansion
 bright.
 See through the gloom,
 Thou child of grace,
 Thy hour of doom
 Draws on apace,
 So calls the Father. Meanwhile be-
 ware!
 In faith to labour, in patience bear.

“Dröj, lik Maria, med känslor
 rena,
 Vid Jesu fötter, och hör och
 bed!
 Se upp till korset, som Magdalena,
 Der naden blickar till angren
 ned!
 Johannes! slut dig
 Till Vännens hjerta!
 Han tager ut dig
 Ur tvang och smärta
 Till helig frihet och salig fröjd
 Uti sitt himmelska rikes höjd.”

“Wait, like Mary, with feelings clean
 At Jesus' feet, and there pray in-
 tent,
 Look up to the cross, like Magdalene,
 Whence grace looks down on the
 penitent.
 John, draw thee warm
 To thy lov'd One's heart,
 He gives thee balm
 For thy sorrow's smart,
 And holy freedom and blessed love
 And joy in His heavenly realm above.”

The poem appropriately concludes with the crown to which death is but the approach, and the hope of which is the christian's consolation under every trial.

“Väl dem, som redligt del älla
 velat,
 Det rätta sökt och det milda
 tänkt!
 Dem varder mycket ock efter-
 skänkt.
 De här ej blefvo
 Allt hvad de skulle;
 Men englar skrefvo
 Sa kärleksfulle,
 Hvad genom dem uti minsta man,
 Den verlden glädt, som de kommo
 fran.

“Bless'd they who the paths of honour
 keep,
 Who have mercy sought and for
 justice striven,
 They much have lov'd, and though
 sinning deep,
 Yet much unto them shall be for-
 given.
 Though here they ne'er
 Reach'd virtue's full,
 'Twas angels' care
 To inchronicle
 Their every deed of mercy kind,
 To bless the world they have left behind.

“De hafva hallit sig vid det ena,
 Att frukta Herren, och intet
 mer;
 De hafva tvagit sin kläder rena
 Uti det blodet som oskuld ger.
 All strid är lyktad,
 All synd förlaten,
 Och oron flyktad
 Och stillad graten,—
 Den stora Fadren vet deras
 namn:—

“Their one concern it hath ever been
 To fear the Lord and fear nought
 besides,
 And they have washed their garments
 clean
 In the blood that innocency pro-
 vides.
 Their strife is o'er,
 And their sins pass'd by,
 Their toil no more
 And their tears are dry.

Och trötta sjunka de i Hans famn. The Father knoweth them, and to rest
 They sink all weary upon His breast.

- "Sa fridfullt de uti Herran somna, " They sleep in the Lord so peacefully
 Sa fröjdfullt helsa de Herrans The day of the Lord so joyous wait;
 dag :
- De ur bedröfvelse äro komna From tribulation they now are free,
 Och undan ödenas alla slag. And free from every stroke of fate.
 Ej mera fangna No longer fast
 I jordebanden In their bonds below;
 De äro gangna, They now have past
 Sa talar Anden, From the thrall of woe,
 Ur mödans trældom till fridens hem, To peace's home, hath the Spirit said,
 Och deras gerningar folja dem ! And of their works are they followed.
- " De äro gangna ! De gingo tida " They are gone, and they went right
 Till rätta hemmet i Fadrens hus. speedily,
 De skola bo i den staden vida, In the Father's mansion their places
 Der sol och mane ei skifta ljus : have ta'en.
 Ty klara solen In that city broad shall their dwelling
 Ar Han som rader be,
 Fran hoga stolen, Where sun ne'er setteth nor moon
 Och ser i nader doth waue.
 Till allt som rum i den staden fick— For a shining sun
 Och lif och salighet är hans blick ! Is he who reigns,
 From lofty throne
 As in grace he deigns
 On all in that city to look around,—
 And life and joy in his look are found.
- "Och rum for alla som tro och hoppas. "For all who hope and in faith believe
 For alla rum uti himlen är ! Shall room be found in heaven on
 Och som, när fikonorädet knoppas, As when their blossoms the fig trees
 I veten sommaren vara när ; give,
 Alltsa J kannen Ye know that summer approaches
 Da dagen svalkas, nigh;
 Hur Himlavännen Thus when life's even
 Till eder nalkas, Is chill and drear,
 Och för till rummet, som Han Ye know from heaven
 beredt, Your friend draws near,
 Der J med honom förblifven Ett. To lead to the mansions he hath
 array'd,
 Where one with Him ye are ever made.
- "Da dagen svalkas och skuggan "When evening cools, and the shadows
 breder fling
 Kring edra dalar och berg sitt Their veil o'er hill and o'er dale and
 flor, plain,
 Sa kommer Han och förlossar Then cometh He to your rescuing
 eder, Whose might and whose love no
 Hans makt är sasom Hans kärlek stor. bounds contain.

- De ögon trötta,
En stund de somna,—
De verktyg nötta,
En stund de domna.—
En annan stund till ett annat lopp
J edra hufvuden lyften opp!
- The eye-lids lorn
Are awhile sleep-press'd,—
The work-tools worn
Aro awhile at rest.—
And yet awhile, and again ye rear
Your heads aloft for a new career.
- “Och ny är himlen och ny är jor-
den
Och ny är himlens och jordens
son,
Och saknar icke ododlig vorden,
Det tranga hemmet han kom
ifran.
Det är försvunnit,
Det är förvandlat,—
Men Tro som vunnit!
Och Dygd som handlat!
J hafven lotten at er beredd
Af laga sinnen ej hörd och sedd.
- “And new are heaven and earth
array'd,
And new the Son of heaven and
earth,
And misseth not, now immortal made,
The narrow homo whence he wan-
der'd forth,
It is come to nought,
It is changed and done;—
But Virtue that wrought,
And Faith that won,
Ye gain your lot, that preparèd hath
been,
Of senses base neither heard nor seen.
- “Da äro torkade alla tarar,
Da äro helade alla sar.
Ej mer pa trafvar af lik och barar,
Med fackla nedvänd och släckt
jag star
Jag facklan vänder,—
Och i detsamma
Den atertänder
Vid Lifvets flamma,
Och blandar, evig Seraf, min ton
I eder lofsang vid Ljusets thron!”
- “There dried are all affliction's tears,
And heal'd all wounds in that
blessed land;
No more on corpses uppled and biers,
With torch inverted and quench'd I
stand,
The torch I turn,
And that instanttoo
I bid it burn
With life's flame anew,
And blend, O! Seraph, for aye my
tone
In your song of praise at Light's holy
throne.”

The foregoing piece is perhaps rather long to give as a specimen of an author's style, but as this noble writer is, we believe, as yet utterly unknown to the English reader, we have not hesitated to give the piece entire. This author, as well as Tegnér, was quite as great in prose as he was in poetry, but it is only in their capacity as poets that we are considering them here.

We trust we have said enough to show that if in the era of Gustaf III. all Swedish literature was bedizened in vulgar French trappings, that reproach is now

no longer merited, and that Sweden now possesses a fine and really national school of poetical literature. We hope and believe that this school is not likely to die out, for poetry is well and successfully cultivated in the country, and the number and talent of the young poets now rising into fame are sufficient to justify us in predicting with tolerable certainty, that the brilliant school founded by the great men whose works we have been contemplating, will be worthily continued by their successors. With the expression of this confident hope we take leave of the subject.

ART. III.—*Encyclopædia Britannica*, Vol. IX., Article, "Goldsmith."
By T. B. MACAULAY. Black, Edinburgh.

IT is observable that the true era of fiction in England, —that modern fiction, which takes nature for its model, and morality for its guide,—commenced with the downfall of the drama. The very causes indeed which overthrew the dynasty of the play-wright, might have established the sovereignty of the novelist. After the close of the reign of King Charles the Second the theatre had sunk into disrepute with a generation that had listened, not without effect, to the wit of Congreve and the morality of Collier. Independently of such considerations, from the nature of the thing, theatrical amusement was necessarily confined in its sphere. The art was a complicated one, and the artificers were few. The theatre was in reach of none but a metropolitan audience, and theatrical machinery of any pretensions demanded metropolitan management. In addition to this, a reading public was springing into existence, more extensive and not less intelligent than the most polished audience at Lincoln's-Inn Fields or the Haymarket. Romance accordingly took its flight from the stage to the boudoir, from the green room to the bookseller's counting-house.

Romance indeed the new literature was not. It had nothing in affinity with that romance which Walpole carica-

ture in his Castle of Otranto, beyond its common obligation to the imagination. It bears the same contrast to romance that the Lilliput of Swift does to the Crusoe of De Foe. Both are fictions, it is true; but one fiction is purely imaginary, and can exist only in the imagination, the other as purely rational and supported by the sobriety of ordinary experience. One fiction is an anti-thetical, the other a synthetical copy of nature.

The productions of De Foe and of Addison in the *Spectator* claim for their authors undoubtedly the merit of being the first pioneers in this particular department. But it is generally allowed to Richardson to have systematically applied fiction to the purposes of morality. Even the significance of Johnson's pregnant phraseology was not too emphatic when he asserted that the age was indebted to the author of *Pamela* and *Clarissa* for an enlarged knowledge of human nature, and for an illustration of the passions being taught to move at the command of virtue.

Nor were the founders of this fictitious narrative unqualified to shine in it. It required plainly a writer deep in metaphysical observation and skilful in metaphysical delineation—an artist who should be able to sketch, not a tolerable figure, but a portrait faithful in all its minutiae to the original of which it pretended to be a copy. Such an artist could not have been formed in the studio or the academy. Personal experience and constant contact with his fellowmen could alone prompt his chisel and guide his pencil. Such an education had the moralists. The works of De Foe, of Richardson, of Fielding, of Smollet, of Sterne, and of Goldsmith, were not the fruits of a fancy rich and at leisure. There was but little of the sentimentality of the drawing-room in them. Their authors had lived and acted the lives of their heroes. They were no carpet knights. They had been on the world from their youth upwards. Most, if not all, of them, had been born in a sphere beneath that to which society has agreed to attribute respectability, and they had fought their way by their own exertions to independence or a reputation. Of De Foe it is hardly necessary to speak. Such characters as Singleton, Roxana and Moll Flanders might easily have been drawn from the experience of the man whose existence covered the interval between the Restoration and the accession of the House of Brunswick, who in his

youth might have seen the bones of Cromwell still bleaching over the gate of Newgate, Oates revelling in his thirteen hundred pounds a year and rooms at Whitehall, Russell and Sidney on the scaffold, and Monmouth between Turner and Ken on Tower Hill, and whose manhood was as familiar with the meeting-houses of Edinburgh and the cock-lofts of the Hague as it was with the Pillory and the Old Bailey.

Richardson's father had been a joiner in Derbyshire, and young Richardson himself had been a simple apprentice to a printer. We may be quite convinced that the intercourse with life which the pursuit of a popular trade entailed was not thrown away on the author of *Pamela* and *Clarissa*, and that we are as much indebted to the hours spent at the desk of Mr. John Wilde, of Stationers' Hall, as to the stolen moments of midnight study by the flickering taper which the savings of a week had bought. Nor was the early propensity of the school-boy to fiction, the old habit of story-telling and romance reading likely to do otherwise than sharpen the wit and the observation of the man whose childish precocity his playmates had long ago recorded by the names of Gravity and Serious.

The familiarity which Fielding attained with human nature was acquired by a process the very reverse of Richardson. He had fallen from a life of honourable independence to which his birth entitled him, to a life of ruin and debauchery. But the imprudence which had made him as notorious as Steele had been the source of a reputation to which Steele's must give place. His extravagance at Stowe, his house and equipage, the liverymen with their bright yellow liveries, the stud and kennel, the splendours of his table sufficiently attest the improvidence of the master. But had it not been for this improvidence, to whom must the student of English literature look for such delineations of English character as Squire Western and Black George? Even Sir Roger de Coverly would hardly have compensated for the loss. Lady Mary Wortley Montague sneers at his occupation of "Trading Justice of the Peace for Westminster and Middlesex,"—the highest ends of his preferment to rake in the lowest seats of vice and misery. It is true that the office was not a very reputable one, that the functionaries who held it wrung a precarious existence out of thieves and pick-pockets, and that "the dirtiest wages upon earth," as poor Fielding himself

called it, reduced him to the necessity of finding companionship in a poor blind brother and three wild Irishmen, and of being content with a dinner off a leg of cold mutton, a bone of ham, all in one dish, and the dish on a greasy cloth; yet notwithstanding these plebeian disqualifications it is very problematical whether the aristocratic accomplishments of even Lady M. W. Montague could have given us Tom Jones, Jonathan Wild, or Amelia. Who but Smollet, the ex-mate of a ship, could have imagined Oakum and Whiffe, Truncheon and Pipes, Hatchway, and Jack Ratlin.

We do not know much of Sterne's life. But the little knowledge that we do possess is quite enough to convince us that the experience of that life had no small influence on the character of his works; that the inimitable adventures of Yorick, Uncle Toby, and Corporal Trim were but a stereotyped picture of Sterne's own existence in the barracks of Carrickfergus and the Isle of Wight; and that the tour through France in company with le Fleur prompted the exquisite sketches, unsurpassed by the master hands of Cervantes and Le Sage, of the Monk of Calais, and the dead ass of Nampont.

His acquaintance with the garrets of Grub-street, the dens of St. Martin, and the haunts of Lincoln Fields, taught Johnson how to write his London.

Of all the writers of that age, the author of the Traveller underwent perhaps the severest apprenticeship for the profession of the novelist. The adventures of his life are unequalled by the ingenious creations of romance, and are indeed so romantic that biographer after biographer has questioned in part their reality.

Those who inherit toothpicks or tobacco-holders cut from the hawthorn-bush of Lissoy, or who believe with Sir Walter Scott that Lissoy was the prototype of the Deserted Village, will readily identify the features of his birth-place, the habits of his family and their modest circumstances as they have been stereotyped for us in the inimitable portraiture of their poetic historian. Sweet Auburn, loveliest village of the plain, with its never-failing brook, its church that topped the neighbouring hill, its rustic ale-house, with all the accessories of its parlour-splendour, the white-washed wall, and nicely sanded floor, the varnished clock that ticked behind the door, the pictures and ornaments, the twelve good rules and royal

game of goose are familiar to all who know anything of the poet's writings.

His career from his childhood was erratic. He had been entrusted to learn his horn-book to the care of a village pedagogue, whose boast it was to have served as Quarter-Master in her Majesty's service, and whose only pretension as an instructor was a taste for enlivening the tameness of Virgil with stories of Castilian gallantry easily swallowed by imaginations already too familiar with such works as Jack the Smuggler, Fair Rosamond, Freney the Robber, and other popular biographies of Hibernian Knight errantry.

From Dr. Byrne's establishment a philanthropic uncle had posted him to a seminary at Edgeworth's town, where his companions were chiefly strolling players, the relics of a tuneful race, and from whence he was entered as a sizar in Dublin University, where he puzzled over Burgerdicius and Singlesius under a tutor noted through the town as a bully of enormous strength and corresponding brutality, and one day destined to be murdered in his own house by the girl he had himself seduced.

Such a course of education was not likely to fit him for the sobrieties of a profession. Accordingly we find him expressing his readiness to be a priest in Britain or a bonze in China, and only owing his escape from the sacred restraint of ordination to the colour of his breeches, and eventually ridding himself of the patronage of an uncle who would have committed the same mistake in making him a lawyer that Hume's relations were guilty of in proposing him for the merchant's counting-house, by taking a lodging in a close in Edinburgh under the pretence of visiting the hospitals, and finally by wandering up and down Italy and the Continent, like his philosophic vagabond George Primrose, under the pretence of studying medicine under the great Albinus at Leyden.

His disputations in the various schools, and his wanderings by the Po, if they did nothing else, supplied him with matter for his Traveller, and no small portion, and by far the most interesting portion, of his Natural History.

Not that his prospects seemed much brighter at home than abroad. He arrived in London at the close of an anxious period for a man of letters. It was the intermediate era between the age of aristocratic patronage and the age of popular patronage, between prescription and the

press, between Grub-street and Printing-House Square. Private patronage, that feudal patronage which had sheltered Chaucer and Gower in the halls of Princes, had long since dwindled down into the pittance which Dryden had received at the hand of Sir Gilbert Pickering, and Swift—the last of the domesticated retainers—at the hands of Sir William Temple. That miserable system, so rife since the Restoration, which had made the poor hireling author as familiar at the Court of Charles as the White Friars bull-dog had been at the Court of James, which had created such toads as the Settles and Crownes, and given rise to such episodes as the Rose Alley Ambuscade, had received its death blow at the moment that Johnson indignant left the chamber of Chesterfield for the counting-house of Osborne.

The rise of popular factions, the development of parliamentary privileges, had introduced a new kind of hack by introducing a new kind of political writing as distinct from the polemical writings of Dryden's time as the Dissensions at Athens, and the True-born Englishman were distinct from the Hind and Panther, and the Absalom and Achitophel. Such was the pamphleteer. In his person were fused the duties now performed by the rhetoric of debate, and by the newspaper. It was his business to persuade by argument or intimidate by ridicule. By this union of the powers that belong to the satire, and the powers that belong to the treatise in his single province, he wielded a weapon whose influence could never have been suspected by Mapes, Langton, or Skelton, from whose lampoons and pasquins it differed as completely as from the State Poems of the Restoration—or from the libels and squibs of Bub Dodington, Sir Hanbury Williams, and Peter Pinder.

It does not seem that the subsistence of the author had been rendered less precarious by the development of this new office. Literature had only changed patrons, nor had the exchange released it from the arbitrary hands of power. The same vicissitudes attended its profession when Goldsmith made his debut, as when Butler lay starving, and Ottway lay choking. During the reign of Harley and St. John, for instance, it had been sedulously nursed by the bounty of political patronage. But a new dynasty was in power just now. There is a striking passage in the Enquiry which shows that Goldsmith fully appreciated the

revolution. "When the link between patronage and learning was entire, then all who deserved fame were in a capacity for attaining to it; when the great Somers was at the helm, patronage was favourable among our nobility. The middle ranks of mankind who generally imitate the great, then followed their example, and applauded if not from feeling at least from fashion. I have heard an old poet of that glorious age, Young, say, that a dinner with his Lordship has procured him an invitation for a whole week following, and that an airing in his patron's chariot had supplied him with a citizen's coach on every occasion after. But the link now seems entirely broken." Walpole had set the fashion of valuing a jockey, or a player above a wit. He had discovered a shorter way of convincing his enemies and conciliating his friends, than by a slow and uncertain appeal to their imagination. Men's votes in their pockets, not in their heads, was his new doctrine. The day when, to quote Swift's own language, so often quoted before, he saw Oxford pass through a swarm of titled clients with his wand of office in hand to greet Parnell, the day when Swift himself could boast of overthrowing the regularity of a minister's household, and dictating the guests at a minister's table, was gone by. And as yet no substitute had appeared in the place of the ministerial patron. There were indeed still a few understrappers of literature, slaves of the backstairs, wretches who span out a life of splendid bondage to die the death of felons,—hirelings, prostituting their talents for gold, and left to perish heart-broken, of starvation, raving mad, in gaols, in foreign lands, without a friendly hand to close their eyes, without even the last repose of a grave. But with the Guthries, the Hornes, the Oldmixons, the Arnalls, the Amhersts, and the Drakes, Goldsmith would make no alliance. If he was to be a slave, the bookseller, not the minister, should be his patron. The bondage of the Grif-fiths was better than the bondage of the Walpoles. Accordingly, it was not long before his struggles commenced. One of his first efforts for subsistence was to take a tutorship in a school, of which Dotheboy Hall might be a fair model. Even indigence could not abide contempt, and he quitted his situation in penury and disgust to wander about town one of the most pitiful of God's creatures, a poor man of genius, with the keenest appreciation of want, and the keenest sensibility to insult, and without the power

of avoiding either,—the hack of a bookseller, living in a garret which he could not pay for, and writing all night long for a printer, whose books he had pawned and who threatened him with arrest, on subjects about which he knew little and cared less.

Not that we would make Goldsmith the object of indiscriminate commiseration. Towards those writers who were earning their bread while Goldsmith was dangling in his nurse's arms at Lissoy, such a commiseration might be justifiable. There was a great difference in the condition of the first generation of writers of the Johnsonian age and the second. There was indeed a difference in the aspect of the time when Johnson, just fresh from college, frolicked about the streets at midnight with Savage, wringing off knockers, and knocking down watchmen, and the time when in receipt of a pension from Bute, he had long ago set the stamp of infamy on the unwomanly brow of Savage's mother. The real truth is, the men of letters were, for the most part, the unconscious source of their own misfortunes. Their lives were the lives of highwaymen. They were continually demanding the generosity of society, and continually in want. They appeared to think, that literary reputation and moral reputation, were incompatible objects; that the man who wrote for the instruction or amusement of the refined, was bound in honour to contradict his sentiments by his practice, in fine, that success depended on the number of toasts at the tavern, and the number of brawls at Ranelagh. Competency never yet followed in the train of dissoluteness, and that the penalty of literature was not unmitigated poverty or a bad fame, the examples of Pope and Johnson are sufficient to prove. That Goldsmith's early lot in London was a hard one, has been already explained. But the change for the better had set in long, very long, before he died. That he might have been respectable, and even comparatively rich, we have his own words for believing. His expression was that he could have earned any time four pounds a day. In the *Bee* he writes, "men who can be prudently content to catch the public ear are certain of living without dependance. More, Savage, and Amherst felt all the miseries that usually attend the ingenious and imprudent, that attend men of strong passions and no phlegmatic reserve." A man who had the sense to make these remarks and not to act upon them deserved

to share their fate. He reminds us of the prisoner of the Fleet descanting on the danger of French invasion to the liberty of an Englishman, through the bars of his cell to the Turukey. He says, "Young writers generally encounter every hardship attending aspiring indigence. The old enjoy the more vulgar and prudent satisfaction of putting riches in competition with fame." It was Goldsmith's own fault accordingly that he never grew old. This accounts at once for the anomaly of his poverty by the side of Johnson's independence. Without pretending to Lord Clarendon's penetration, who argued that because Lord Falkland and Sidney Godolphin were small men, diminutiveness was a sign of genius in his time, it may be safely said that looseness was as much the mark of a wit in Goldsmith's time, as a beard was of a philosopher in Lucian's. The bookseller's hack was peculiarly open to the charge of reckless extravagance. To be able to accomplish his task in time for the printer's devil was all the jobber's concern. To men who, like Goldsmith, possessed the happy knack of Bayle of reading with his ten fingers, a few days seclusion was all that was required. A strong paroxysm of idleness and extravagance succeeded to the paroxysm of study and application. Nights of champagne and whist compensated for the mouldy crust, the fireless grate of the garret. A short time and the wages of intellectual labour had gone to enrich the coffers of the bagnio, or the pockets of the sharper, and the poor distracted hireling had once more returned to his den to earn another pittance destined to be lavished in another fit of guilt and recklessness.

It was the peculiar conformation of his character that paralysed Goldsmith's progress in the world. Few men had exhibited so strongly the extremes of great speculative wisdom with great practical imprudence. In some respects he partook strongly of some of the morbid symptoms that characterised Boswell. Phrenologically speaking, he was a genius, and psychologically, he was very little above an idiot. He had all the intellectual qualifications for composing a wit, and all the moral disqualifications for making a simpleton. We can scarcely comprehend such a schism between genius and character. Every noodle of a waiter that handed him his punch at the club, thought himself authorised to laugh at his stupid good nature, yet this "inspired idiot" has left his mark

on the forehead of such men as Burke and Johnson. Any child could shake his faith in his knowledge of history, yet he has thrown over history the tender graces of a touch that might have roused the emulation of Blackstone or Littleton. There was no one who had a more slovenly appreciation of the exactitudes of science, yet he wrote a book on a subject demanding scientific research, which is still read by a generation in possession of Buffon and Cuvier. Nor was the anomaly confined to his intellectual structure. His fate as his death exhibited some strange inconsistencies. The scars of disease had during life left his features loathsome, yet handsome women crowded round his coffin to get a lock of his hair. He could not rest on his death-bed for the thoughts of the creditor and bailiff that every artifice of extravagance had brought on him, yet Johnson who would not sit at table with Fielding, pronounced him a great man and wrote his epitaph. Walpole called him an ethologus, a mere Trinculo, yet the tidings of his decease could draw the tear of regret from the eye of Burke, and arrest the pencil of Reynolds.

It is a recognized fact in moral philosophy, that virtue in excess becomes a vice. Nature had given him good nature, and an easy disposition, and Oliver Goldsmith had reduced them to apathy. Half his troubles through life took their rise in his thoughtlessness developing itself in various ways, in his generosity, his extravagance and vanity. In Dublin he was known to have slept all night inside a feather-bed, which he had ripped open as a substitute for the blankets he had bestowed on a poor street-singer and her naked children; and in London, in the midst of his difficulties, he would unhesitatingly give the last penny to any adventurer who was at the pains to stimulate his bounty by the shallowest tale of distress.

Such inconsiderateness is confessedly venial. But the want of calculation, which made him yield to the impulses of a generous temper, ceased to be pardonable when it betrayed itself in the gratification of personal caprice. No one can overlook that thoughtlessness which allowed him to waste his earnings at the whist-table, at a time when he had but a single chair in his room, when he had determined on the necessity of giving up hot suppers, and sugar in his tea, and when he actually contemplated an expedition to the factories of the Coromandel coast. It is difficult to understand such recklessness, to realize to our-

selves a man so simple that he should be compelled by want to stop up his grate with brick-bats, to go without coal, and be in debt to his milkman, and who nevertheless should be required to be warned by a schoolmistress, to whose husband he had been apprenticed, to give some one his "wages to take care of, as the young gentlemen's were."

It was not his extravagance only. A feeling of vanity, curiously irreconcilable with his easy disposition, and arising in the caprices of a sensitive, and the recklessness of an excitable mind, completed his ruin, and led him into some strange inconsistencies. Sometimes he would consent, without the slightest sensibility to that feeling, which Churchill said, was as when a man cut away a piece from his own flesh, to blot out half a tragedy to please a bad critic, or to believe that Alexander was contemporary with Montezuma to please a quizzing friend; at other times he would choke with grief, stamp, and swear eternal silence, because a second-rate play had not brought him a fortune. Sometimes his vanity would take the form of personal, and not literary pique, and he would keep company with none but Beauclerc, Burke, and such like, though twenty-four hours had not elapsed since he had been roistering it at the Globe Tavern, or at the Wednesday Club, where a pig-butcher might call him "Noll, old boy!" and pat him on the back. A man afflicted with elephantiasis who should be nice in the choice of his boots, hardly presents a more ridiculous appearance than Goldsmith in these fits of fastidiousness. It was a spasmodic pride that seized him suddenly, and left him suddenly. Under its influence, and during possession, he would make any sacrifice rather than consent to the superiority of a rival, jump into a pool at Versailles at the risk of his gentility, or into a ditch at Lord Harrington's, at the risk of a bran new silk coat, and an unpaid for pair of magnificent ruffles.

Sometimes his spirit of emulation took the appearance of literary envy. Boswell, who, like most idolators, would have every one bow down and worship the idol he had set up, has recorded with the jealousy of a devotee any ineffectual hostility to the shrine of Johnson. The domineering manner of Johnson was proverbial wherever the moralist circulated. The irritability of his temper, the indulgence of a feeling of personal superiority, or it may be the exhi-

bition of a brusque independence, flattered by the common consent of society, was felt and resented repeatedly. To the capricious mind of Goldsmith, who was rising as Johnson had risen, to an eminence which did not belong to him originally, and of which he might naturally be jealous, the airs of a rival were peculiarly galling. The author of *Rasselas*, it is true, was at least twenty years the senior of the author of the *Vicar of Wakefield*. But the latter, forced at times from one extreme to the other, from the helplessness of an infant to the arrogance of a full-fledged wit, could make no allowance for the consequence which age always assumes, and is always entitled to assume. In spite of his good nature, colloquial emulation, in the form of a fidgetty precipitancy, would get the better of him sometimes. On such occasions he would fly out of the room in a passion, because some one had made an invidious distinction to his face between Johnson and himself, or interrupt Johnson in the midst of a dialogue, because every one listened to Johnson, and no one would listen to him.

It would have supplied his biographers with fewer blunders to record, had he indeed maintained a discreet silence in certain company. His simplicity and frankness—for he was only considered envious, as Johnson magnanimously acknowledged, because he chose to be considered candid,—frequently exposed him to raillery. Every one who has read his biographies, by Mr. Prior, or Mr. Forster, has laughed over and over again at the scene connected with a joke uttered at the dinner-table of Sir Joshua Reynolds, about sending discoloured peas to Hammer-smith, as the way to Turn'em green, and which poor blundering Goldsmith tried in vain to reproduce on a subsequent occasion.

But it was not always so. He had been known to say some sharp things, and to say them in a sharp manner. Even Johnson, who regarded him as he regarded Garrick and others, as his own property, was repaid in his own coin. The best characteristic of one of the moralist's most palpable literary failings, his incapacity "to make the little fishes talk, except like whales," and the best estimate of his good heart and rough manner as "having nothing of the bear about him but his skin," are due to Goldsmith's penetration. Simple as he was, he had condensed not a little of the venom of the *Dunciad*, in his poem of the

Retaliation. It is in his intercourse with Goldsmith that Johnson's amiabilities display themselves to most advantage. His affection for him is that of a father towards his prodigal son. He uses every artifice to cure him of his eccentricities. He rebukes his extravagance by refusing to taste his dinner, and he compliments the poverty of his rooms and his attire by some such graceful remark as *Nil tu quæsieris extra*. He keeps his mishaps profoundly secret, and grieves to see them voluntarily exposed. He revises his poems, sells his manuscripts for cash, sits in the front box to laugh—as only he could laugh—his comedy into success, and when his purse is empty—and Goldsmith could bear any disease [better than the *maladie de poche*—replenishes it from his own.

There is no doubt that the author of the Traveller was deficient in conversation, that the standard of his colloquial excellence was now and then below par. But it was not so much a deficiency in quantity as in quality. The idea from Garrick's famous sarcasm, that he talked like poor poll, is, that he prattled too much, and heedlessly. Mandeville said of Addison, that he was a silent parson in a tie-wig; Dryden said of himself that his conversation was slow, and his humour saturnine and reserved. It would be a mistake to class Goldsmith with these specimens of taciturnity. His garrulity, to judge from the ordinary accounts, was immense. Pope's character of Gay fitted him admirably. "He was a natural man without design, who spoke what he thought, and just as he thought it." The coin, though plentiful, was false. It is not to be wondered at, perhaps, that he failed in contrast with Johnson. Johnson loved to start a paradox with the dogmatism of Warburton, and to defend it with the petulance of Dennis. Johnson indeed did not converse. He dictated. Circumstances and his own fearless spirit had placed him on the pinnacle of the literary world. Accordingly, he acted as though he wished to make the republic of letters a monarchy, and himself the monarch. What Collier said of Henry VIII., in his controversy with Luther, may be applied to him. He leans too much upon his character, argues in his garter robes, and writes as it were with his sceptre. It has been suggested by Disraeli that Goldsmith might without any perversion of intellect have sometimes instituted a favourable contrast between himself and Johnson. This, however, can hardly be predi-

cated of him. He was the last man in the world to be guilty of any serious jealousy in that direction. However momentary pique might have sometimes aroused his emulation, in reality he cared little for his literary reputation. He was—what Congreve and Gay, with fantastic foppery, pretended to be totally indifferent to the title of—a man of letters. He wrote in order that he might live, and at last he regarded literature too much as a trade to be vain of it.

But after all neither the excellencies nor the deficiencies of conversational attainments will ever be the criterion by which a discriminating judge would be disposed to decide on the literary merits of the humblest or the greatest in the walks of literature. No one would deny the claim of Addison, for instance, because he could not open his lips in company, or exaggerate the claims of Johnson because he talked to his sovereign in the gallery of Whitehall, just as he talked in the drawing-room of Streatham Park, or in the back parlour of Fleet-street. The accomplishments of the drawing-room are the accomplishments of any man who has the nerve to converse with briskness, and to listen with complacency. They are the accomplishments of manner, not of intellect, the superfluous ornaments, not the main-stay of the structure. We are fascinated with the address of a Chesterfield, but we do not blame a writer because, to the reputation of a great essayist, or novelist, he does not add the reputation of a great beau, any more than we combine in a necessary union the statesman with the historian, or the orator with the disciplinarian. We would not deny that Walpole should be classed in the ranks of British statesmen, because he did not know who Empson and Dudley were, or Pitt in the ranks of British orators, because he was ignorant or heedless of the rules which preserve the etiquette of the British House of Commons.

To return to Goldsmith. No man's literary talents come more within the scope of the critic than his. His writings partake strongly of his character. Candid simplicity, unaffected plainness, are symptomatic of both. His style and his sentiments appear as free from elaboration as his demeanour. Everything he said or did was literally and truly above-board. He aimed at no fictitious attractiveness, and the attractions which draw us to him as by a natural impulse, we recognize to be without guile

and without design. His artlessness is well displayed in the undisturbed naiveté with which he repudiates a charge of inculcating absolute doctrines in his *History of England*. "God knows I have no thought for or against liberty in my head, my whole aim being to make a book of a decent size, and as Richard says, would do harm to nobody!" This is Goldsmith all over. This is the result of his good-natured thoughtlessness in morbid activity, which had so frequently disturbed the functions of his moral organism. Throughout his life there is visible the same deficiency of amour-propre, the same want of a fixed principle and self-will. A man with so little tone in his opinions may be expected to have the style of his writings stamped with a corresponding imbecility. But this is not the case. We should, it is true, even in his most dogmatic moments, look in vain for the dogmatism of Johnson. There is always a deference in his boldness, a gentleness in his severity, a lisp in his most masculine accents. Beyond this there is no hesitation or want of emphasis in the expression of his moral sentiments. Nor would he, who should form his estimate of the demeanour of the man from the sober gravity of the author, be more right in his conclusions than the lady who drew from Thompson's works the mistaken inference that he was an abstemious man and a good swimmer.

The simplicity of Goldsmith's pen Johnson predicted would make the *Natural History* read like a Persian tale. It is to his credit that he did not imitate Johnson's mannerisms; that he did not follow the footsteps of those who, as Dennis said of the manager who pilfered his thunder, and rejected his play, were successful in taking the sound only. So far from imitating him there are scattered remarks about his writings which look very like pointed rebukes to that inflated style that was then coming into fashion, the loaded epithet, and trifles dressed up with dignity. They are the originals of what he elsewhere translated when he said that Johnson was always hunting after lofty expressions to deliver mean ideas, always gaping when he only meant to deliver a whisper. And his originality is more creditable when it is remembered that it was an age of imitation, in which Sterne and Fielding had their followers, and when swarms of poetasters were copying the slovenly verse of Churchhill, and the compact verse of Pope. Had Johnson had the *Natural*

History to write, there is no doubt he would have made it a work of philosophy. Even Buffon could not refrain from making the Dove an apology for inserting his theory of love, and the article Hare an opportunity for a dissertation on the dispersion of nations. Johnson was in fact an admirable æsthetic critic, a genuine moralist. He viewed everything through an ethical lens. His turn of mind eminently adapted him for an essayist.

Here he is in his element. When he leaves it he is in an atmosphere that does not belong to him. He flounders about in gigantic imbecility. His *Irene* is a good specimen of his awkwardness. But his *Rasselas* is a better. Of plot there is none. But if Dryden was ridiculed for making his Hind and Panther talk like parsons, Johnson is in no degree excusable for making a young eastern novice talk like a philosopher. It was the old Aristophanean proverb, over again, of the ass carrying the mysteries. A romance it does not intend to be. It is not blamed for an absence of dramatic effect, but for an absence of consistency. All the little fishes are whales. There is logic where there should have been rhetoric, and rhetoric where there should have been feeling. Wit usurps the place of imagination, and reflection of sentiment. We look in vain for the expression of a single emotion, the revelation of a single sensation, and would gladly surrender all the elevated felicities of language, all the artistic sensibility for one loose touch of an honest heart. Whether or not, Rochefoucault's maxim is a true one, that it displays great poverty of mind to have only one kind of genius, there is certainly no lesson more instructive than the examples of genius misdirected. Given such a catastrophe and we have a right reverend theologian correcting English plays, and a Greek professor editing English epics, a Warburton editing Shakespeare, and a Bentley editing Milton.

In comparing Goldsmith with his fellow-novelists, his unreserved and unsophisticated simplicity strikes us at once. His *Vicar of Wakefield* ranks among those works which contain on every page the stamp of their author's character, and which owe their existence to the development of certain strong idiosyncracies in the composition of the temperaments of those who composed them. It would be mentioned on this principle along with those creations which bear not indeed the mere impress of locality as

the Koran, the Divine Comedy, and Don Quixote, but the impress of individuality, with the Pilgrim's Progress of Bunyan, the Biography of Boswell, the Tristram Shandy of Sterne, or the Cain of Byron. Goldsmith has been accused by Cumberland of want of grandeur of design. Of all curses in criticism this is the most absurd and provoking. We have only to witness it if it were adopted for an instant into literary legislation to be convinced of its injustice. To all operations of the intellect, to poetry, to painting, to sculpture, to architecture, to all the arts, its effects would extend. If want of grandeur of design is equivalent to modesty of subject, if it is meant that Goldsmith gave us life such as he found it in the cottage, not reclining in the boudoir or the saloon, then the charge is well-founded. There is nothing but the simplest language, conveying the simplest moral, evolved by the simplest agency. If we look for grandiloquence or sublimity, vastness of bulk, or vastness of machinery, we shall find ourselves disappointed. The appeal is made not so much to our imagination as to our moral sense. There is no display of a morbid taste for intellectual or physical phenomena. The portraits of his characters are rather half-drawings, outlines portraying little, but full of significance. There is none of the elaborate minuteness of colouring of Richardson. His strokes are not so microscopically exact. There is an air of unobtrusiveness about the whole subject, both in its treatment and in its details. Olivia is not so dramatic in her guilt as Clarissa is in her innocence. Sophia is a simple rector's maid, without the intrusive amiability of Miss Byron, homely, virtuous, and heroically good. The male characters of the two authors stand the same test. Grandison and Burchill are both estimable gentlemen. Lovelace, Sinclair, and Thornhill are all exquisite villains. But there is no display in Burchill's honour as in Grandison, no bombast in Thornhill's duplicity as in Lovelace or Sinclair. To compare either Goldsmith or Richardson with Smollet or Fielding, would be out of place. Johnson has well distinguished between the two schools of authors, when he said there was as great a difference between them as between a man who knows how a watch is made and a man who can tell the hour by looking at the dial-plate.

It is on his Vicar of Wakefield that Goldsmith's fame as a writer of fiction must rest. Like the Robinson

Crusoe of De Foe, it has survived all those other productions on which he himself was disposed to set most value. His histories are still read indeed not so much for the information they convey, as for the sake of the language in which that information is contained. It is not the least characteristic of their author's mind, that that division of his historical labour which is due to the reason should be worthless in comparison with that division which is due to the operation of the imagination; that the setting should out-value the jewel, that the amber should enclose nothing more significant than a fly. His *Citizen of the World*, decidedly the best caricature of national defects since the sarcasms of Captain Samuel Gulliver, is not so popularly read as it deserves, and his *Enquiry into the State of Learning* only disappoints us when we recollect what treatment such a theme would have received had Johnson been permitted to execute a scheme not very dissimilar in its plan. As far as personal experience goes, he certainly was as much authorized to write it as *Æneas* was to tell the tale of Troy. The best part, indeed, is the part which he ought to have written best, the part that relates to the demeanour of the inferior grade of men of letters in England at his day. His familiarity with the haunts and habits of all that beggarly crew in lace or rags, from Kent Street to the Mall, from the Strand to St. Giles, admirably qualified him to write about what he calls the victims of the Bookseller—the Ned Purdons, the Sales and Mores. His familiarity in one particular has completely warped his judgment. He takes a decidedly too low view of the character of the author. His own associations were so habitually demoralized, his tastes so vitiated that, like the effects of brandy on the dram-drinker, they corrupted his sense of discrimination. He describes the destiny of an author in terms that might have been consistent with the days of Butler and Otway, and wittingly or unwittingly, concludes by giving him qualifications that would have been repudiated with indignation by the poorest hack that ever snuffed his candle between finger and thumb. According to him, he is, in the eyes of society, a creature only adapted to make a pliant bow, to have an immoderate friendship for a good table, and to be laughed at by an Alderman. And this ill-deserved stigma he casts on the discrimination of that society that knew how to appreciate soberness and temperance in Johnson. In his

Citizen of the World he adopts a different tone, says a writer of real merit might easily be rich, and consequently that the ridicule of living in a garret might have been wit in the last age, but is so no longer because it is no longer true. There is one error pervading his whole argument relative to the decline of polite literature, as he despondingly terms it, rather amusing to the contemporaries of the Quarterlies of the nineteenth century. On the principle of *Maximæ leges, corrupta civitas*, he maintains the increase of criticism to be a fatal portent of decay, and exclaims on the existence of two Reviews in London alone. The fact being he mistook the symptoms of the disease for the disease, his assertion that there was scarcely an error which criticism did not either excuse or promote, only testifying that the decay existed not so much in the general taste as in criticism itself. Not long after by way of involuntarily illustrating this decay, we find him returning to the old theory which Dryden had given up after tagging Milton's verse with Rhyme, that blank verse is one of the disagreeable instances of pedantry prevailing. A poor process to adopt, it must be owned, of reforming criticism by such an abortion of it, and rather suggestive of the conduct of the Russian, who courts his mistress by going to sleep in her lap. His review of the State of Literature on the Continent, is by far the least satisfactory part of his performance. For Italy he mentions Metastasio and Maffei, and writes a good deal about the triflings of the Virtuosi and Filosofi, and in Germany he passes over the author of the *Christiad*, and can hear little more than the *Nego, Probo, Distinguo*, of the Cartesians and Aristotelians. It is only at the last, by way of parenthesis, he recollects Goldoni and Muratori, Haller and Klopstock. He does not so much as mention the names of Beccaria, Kant, or Schiller, just then rising to fame, and yet he pragmatically decides on the low state of letters in those countries. It would be, just as if a Frenchman of that date, La Harpe for instance, in taking a view of polite learning in Europe, should declaim at the degradation letters had fallen into in England in the hands of Crowne, Rochester, Tate and Shadwell, without making any reference to the writers of Queen Anne. A good deal of this superficiality of treatment in Goldsmith is doubtless attributable to the haste with which he was compelled to shake off his compositions for

the Press, and to those miserable exigencies of the hack's existence, which extracted from him the feat of writing a History of Greece in five weeks, and from Smollet the still more incredible achievement of throwing off a voluminous history of thirteen centuries in as many months. To the same cause may be assigned another characteristic of Goldsmith, the variety of themes which he handled. In his Miscellanies we find him treating every subject, visiting every climate, familiar with every tongue,—discussing the Seven Years' War, the merits of the Golden Treaty, and the question of trade to Spanish America, tracing the rise of the Dutch Republic, and the decline of French Parliaments, and as much at home in Voltaire's Controversy on Tragedy with Le Motte, the laws of Beau Nash, and the Institutes of Francis Xavier, as with the physiological phenomena of Sleep, and the Medical qualities of its most fatal enemy, Tea..... We have left but a little space for a notice of his essays. The adventures of a Strolling Player, and the papers on the cultivation of a taste for Belles Lettres, and a taste for Poetry, may stand for wit and humour by the best of the Tattlers and Spectators. The allegory of Assem, the Man-hater, is inferior to the vision of Mirza, only in its subject. As a dramatist, the author of the Good-Natured Man does not pretend to even a second-rate position among his brethren. He has nothing in common with the dramatists of the Restoration, neither the wit nor the obscenity of Congreve or Wycherly. If he resembles any of them it is Farquhar, and more strongly Vanbrugh, and that only in the delineation of such characters as depend for their development on an excess of animal spirits;—his Tony Lumpkin for instance.

As a poet, Goldsmith stands not very high among the descriptive poets. There is a sweetness in his verse, an artless grace in his rhythm, which in spite of its cultivated chasteness, commends it to the memory more than that of Thompson, or any of his contemporaries. His praise is rather a negative one, that he is comparatively free from that mythological idolatry, which made the eighteenth century as distinguished as the sixteenth, and Pope as distinguished as Gongora, and to which Addison oddly enough considered the muse of Ambrose Phillipps the antidote. In his most formal efforts, Goldsmith never includes that worship of Chloes and Danaes, Phillises and

Chlorises, with which, as Dorset himself rather inelegantly sang—

“ The poor town had tumbled too long.”

And it redounds to his honour in an age whose pastorals and eclogues had been but faint echoes of Virgil and Theocritus, when the sylvan dramas were invariably laid in Arcadias, and peopled with Fauns and Satyrs, Naiads and Dryads, when the sheep that browsed the grass of Windsor were presided over by Pan, the crab-apples that grew in Windsor Forest watched by Pomona, and the very destinies of Fleet-ditch dispensed by no guardian less ignoble than Cloacina. It is characteristic of his poetry that he finds fault with Guarini for reviving a pastoral taste in Italy, though indeed the associations of locality sometimes apologise for eccentricities as much as the associations of the age, and we should no more blame Guarini for converting his nuns and abbès into shepherds and shepherdesses, than we should find fault with Danté for mixing up Virgil and St. Peter, Purgatory and the River Styx.

There are a few scenes of domesticated humility in his poems, that would almost have anticipated the Village Register or the Borough. Not that Goldsmith's name is to be associated for a moment with Crabbe's. There is quite as much difference between Goldsmith and Crabbe, as between Pope and Goldsmith. The subjects of both Crabbe and Goldsmith are homely to a degree. But in manner, and in the delineation of their themes, they have nothing in common. There is more of fact, less of ideality in the poetry of Crabbe, than in any other English poet. Goldsmith is in some degree historical, it is true, but his Auburn is seen nevertheless with the eye of the imagination, not with the eye of the flesh. The material muse of Crabbe seems to have scorned the fantastic representations of the fancy. He painted not the embellished life of the poet, but real life, such as he met with in the lanes of his parish at Belvoir. The ordinary colours of poetry, the vulgar materials of poets, sentimental swains and milkmaids, hawthorn groves, daisied meadows, and purling streams, he deserted for the haunts and the victims of human guilt and human misery, for the dens of crowded cities, the gin shop, the tavern, the prison, and the lazaret-house. The Damons and Corydons, Chloes and Phillises

of fiction were converted into such delineations as Keene and Blaney, Clelia and Ellen Orford. He was essentially the poet of low life. His poetry stands in the same relation to common poetry, that the Beggar's Opera does to the ordinary representations of the drama.

Were we to search for his counterpart among the prose writers of his era, we should point at once to De Foe. Poverty supplied him with his subjects. His is especially the heroism of the poor, the infirm, and the depraved. Disease, says the naturalist, decks beauty with the pearl. From the worthlessness of human distemper, the genius of Crabbe extracted the priceless ornaments of human morality.

Judging from the physiognomy of Goldsmith's personal and literary character, he would hardly have been qualified for a reformer. Accordingly we find him living and writing on the threshold of a revolution in literary composition, and taking no part in it.

The value of the writings of the era of Queen Anne, after considerable fluctuation, has at last been generally decided on. That exaggerated admiration once bestowed on them has been reduced perhaps to a mere negative approbation. There is this apology for them. The writers of Anne had the misfortune of coming before the world in an anomalous interregnum. The period was the intermediate one between two great epochs of primitive originality and of modern invention, between the age of Bacon and Raleigh and the age of Blackstone, Clarke, and Adam Smith. It was the complaint of one of the foremost amongst them—the author of the *Spectator*—that for those who live in the latter times it is impossible to make observations in criticism, or morality, in any art or any science which have not been touched upon by others. "We have little else left us but to represent the common sense of mankind in more strong, more beautiful, and more uncommon lights." Goldsmith himself, in the first edition of his view of learning in Europe, committed the error of falling into the same despair, when he used almost the same language. "It is a misfortune for writers to be born in a period so enlightened as ours. The harvest of wit is gathered in and little left for us to glean." With despair in their hearts, and the saying of Boileau on their lips, that wit and fine writing do not consist so much in advancing things that are new, as in giving to things that are

known an agreeable turn, it was natural that they should have acquiesced tamely in the awkwardness of their situation. They had come at the eleventh hour. They found every province occupied. The sickles of others had already reaped the full crop of wisdom. Such was their argument. They were anticipated, and they had the consciousness of being imitators without having the power or the enterprise to be inventors. To decorate the massive structures which others had built was their second-rate labour. At the art of adorning they were consummate workmen. The roughest granite lost its homeliness and its sublimity under their chaste and delicate chisel. But it would be a libel on originality to assign it as their characteristic.

The cotemporaries of Bacon, on the other hand, unlike the cotemporaries of Addison, lived in an atmosphere but recently impregnated with the great revival of letters. Before them everything was informal, void, and without order. Unfettered by the canons of traditional knowledge, their works betray a full and keen appreciation of the liberty they enjoyed. They were free to wander at will in the rich province of ancient learning. Independence of thought soon begat independence of style. For rules they had no regard. Systems as yet there were not. The graces of manner, the proprieties of diction, familiar only in an age of polish, could not cramp the novelty of their conceptions, or check their fertility. Their genius soared above all those mechanical qualities which may produce harmless elegance and inoffensive correctness, but which can only be violated to produce energy of feeling and vehemence of expression. They had in their favour, moreover, a selection of subjects denied to the servile race of compulsory imitators. All the grand themes of human knowledge, the awful truths of revealed theology, the truths of morality, the whole range of mental philosophy courted a free and open and luminous discussion. Writing, too, in an age when books were few, and consequently readers were few, they were not nice or fastidious in their manner. Their ponderous folios pregnant with the large and elaborate argumentations of laborious study were addressed, they well knew, to minds who were not loth to see a favourite theory exhausted, or a learned controversy illuminated by prolix proofs or accumulated dogmas. Copiousness, though it were involved, diffusiveness, though

it were cumbrous, won for them what condensation and precision and all the stratagems of disciplined artists, gained for the writers of the early part of the eighteenth century.

With these writers the case was different. After the Revolution all incitement to gigantic independence had become obsolete and unfashionable. The spread of knowledge had entailed on those whose business it was to impart it, distinctness and ease. The result was the reactionary spirit that we have noticed. And, indeed, it must be confessed, that although some sacrifices were made to it, it was not altogether without its advantages. If force of argument was sometimes lost in the triteness or the tameness of the language in which it was propounded, comprehensibility compensated for rhetorical enervation. Irony might have parted with some of its overwhelming weight, but pleasantry became more polite. Narration might have been divested of its ponderous sonorousness, but a tone of condensed though superficial good sense rang through the new manner. Eloquence might have suffered in passionate luxuriance, fancy may have lost in animated vigour, but there was, nevertheless, in the colder modulation, the tamer vivacity, a scrupulous delicacy, and a well-tutored fluency which served as fictitious excitements to pallets that preferred insinuation to dogmatism, felicitous discrimination to philosophic rapture. Such was their praise, and such was the praise of Goldsmith. With the founders of the modern school, with men like Johnson, Beattie, and Burke, in whose hands force and freedom are nicely balanced with correctness and perspicuity, and who assisted the reflux of popular taste, not indeed to the Gothic informality of Raleigh and Browne, but to the more concordant and no less nervous phraseology of Clarendon, Hobbes, and Isaac Walton, he would not, or at least did not, cooperate. There is but one of the writers of the period in question, who, in his style and subjects, offered a signal contrast to his contemporaries, and at whom we can only hint—we mean, of course, De Foe. While Addison was studying the composition of anagrams, cronograms, coquettes, and cherubim, or discussing the philosophy of beards, patches, and hoop petticoats; while Swift was converting the fashionable Catalines and Cetheguses of the hour, by allusions to the statute-books of Greece and Rome, while Pope hovering between the sophistries of his friend

Bolingbroke, and the theology of his monitor Warburton, was giving birth to his code of artistic morality, *De Foe* was instructing his generation how to anticipate the labours of Macadam and Howard, and in an essay as enterprising as the *Novum Organum*, or the *Principia* was proclaiming schemes of financial and commercial economy in language not unworthy of the *Free Trade Catechism* or the *Wealth of Nations*.

Goldsmith laughed at Sterne as a dull fellow, yet if we were disposed to associate him with any of his cotemporaries, it would be with the author of *Yorick*. In temperament a whole list of corresponding phenomena would identify the two. The same disregard of consequences, the same absence of that discretion which Sterne characterized as "an understrapping virtue," the same cheerful magnetic philosophy that carried him through the sentimental journey, the same genial joviality that made Warburton despair of his reform, the same eccentric frankness almost amounting to levity, that made Gray tremble to hear him preach, the same inharmonious want of balance in the writer and the man that puzzled his Cambridge tutors, the same susceptibility to affliction which has linked his name so sweetly with "his *Lydy*," the same insensibility to the experience of yesterday, that compelled him to hire a pane in the window of a stationer's shop to advertise his pen for hire, and finally consigned him to die in a strange lodging in the arms of menials, each idiosyncrasy may find its counterpart in the category of those incidents which make up the sum of Goldsmith's moral and physical existence.

Though Johnson has given us nothing more of him than his epitaph, we are indebted for the partial details of his life to a man with whom he had many faults in common, who was continually maligning him behind his back, who, had it not been for his connection with Johnson, would probably have taken no notice of him, and who was not worthy to unloose the latchet of his shoe. Those who wish to know his failings will find them systematically recorded in the book of the biographer, *Corsica Boswell*.

For ourselves we own to a particular weakness for the author of the *Traveller*. We know his cotemporaries with a more than ordinary intimacy. But in spite of his foibles, perhaps by reason of his foibles, we involuntarily attach ourselves to the memory of Goldsmith. Step by step we trace

him from his first emergence at Ballymahon, through the toils of college, the adventures of travel, and the anxieties of authorship up to the last undisturbed repose of bodily rest and literary fame in the Temple Church Yard. All the little traits of his character, his childish fits of temper, his childish fits of mirth, his quickness to take offence, his quickness to forgive it, his blundering heedlessness, his little jealousies, his vanity in the wrong place, his want of spirit in the right place, his open heart always in advance of his judgment, his guileless tongue always ahead of either, are as familiar to us as the dog-eared Greece and Rome of our schooldays, which bear his superscription. Nor can we easily forget the features, so ugly, that women turned their eyes from them, yet so good that children loved to play with them, the uncouth walk, the Irish brogue and emphasis, the bloom-coloured coat and gold-hilted rapier, the odd love for beggars, the strange taste for sassafras, the room in the Temple so emblematic in its confusion, strewed with manuscripts, half-torn books, violins, loose pieces of money, half-worn finery, and half-emptied bottles, beneath which Blackstone, heedless of the Bacchanalian noises above and the cawing of the rooks without, was hard at work at his commentaries, where the hard earned wages of a month were too often wasted in the jovialities of an hour, and from whence the hapless occupant too often fled to escape the importunities of an intrusive creditor to the social attractions of that tavern-parlour where Johnson had just directed some sarcasm at Boswell, or some philanthropy to Bennet Langton, where the courtly Beauclerc vouchsafed to smile at some comic pleasantry from Garrick, where Gibbon exchanged snuff-boxes with the manly Reynolds, and where Burke, just fresh from the castigation of the Bloomsbury gang, forgot for a moment the intrigues of party in the infliction of some Addisonian stroke of humour on his artless friend and countryman.

ART. IV.—*The Lives of the Chief Justices of England from the Norman Conquest till the Death of Lord Tenterden.* By John Lord Campbell, LL.D., F.R.S.E. Vol. 3. London: Murray, 1857.

THE third volume of "the Chief Justices of England" completes the lengthened series of legal biographies, to which Lord Campbell has devoted the leisure of many years. It is separated from its predecessors by a long interval—nearly eight years,—during which period the author has been himself a Chief-Justice—making for some future biographer the history which he has been writing of those who have gone before him. Almost at the very date of the publication of his first and second volumes, (October 1849) Lord Campbell received an intimation from the Prime Minister, that upon the resignation of Lord Chief Justice Denman, which in consequence of a recent severe attack of paralysis was then daily expected, he should be appointed to succeed him; and when he actually began the opening Memoir of the present volume, that of Lord Kenyon, Lord Mansfield's successor, it was with the somewhat unpleasant consciousness that "he might calculate on being himself in his turn subjected to the criticism" of some yet unborn historian of Chief Justices. As though this very feeling had quickened his wit and given point to his criticism, the memoirs which compose the third volume are in some respects the most lively as well as the most carefully elaborated in the entire series. Perhaps, too, it is to a certain nervous foreshadowing of the criticisms which await his own judicial procedures in the times of religious excitement on which his Chief-Justiceship has fallen, that we are to ascribe the pungent and often rigorous strictures which he has passed upon the occasional deviations from strict judicial impartiality into which the prejudices of party betrayed the otherwise eminent men whose career he describes in these lively memoirs.

The period to which they belong, it is true, involves far less of the romance of history than that of the earlier volumes. It would be easy to find lives more full of curious incidents and striking adventure than those of Lord Kenyon, Lord Ellenborough, and Lord Tenterden; but we doubt whether, as subjects of strictly legal biography, there are three names to be found in the long roll of Justi-

ciaries and of Chief Justices, from Odo of Bayeux to Lord Campbell himself, more full of interest or more pregnant with instruction. There may be more excitement in the career of a Chief-Justice like Popham, who passed his apprenticeship to the bench, in taking purses on the highway, and learnt to hang highwaymen by being a highwayman himself. The imagination may dwell with deeper interest on a dramatic scene like that of Chief-Justice Gascoigne snubbing the heir-apparent to the throne, or on its pendant, Chief-Justice Montague "reduced" by bluff King Hal. It may be more startling to read of the fierce brutalities of Scroggs or of Jefferies, or the scarce less hateful corruption of Saunders or Wright. But the lives of the three Chief-Justices now before us, teach infinitely more to the professional student, and even to the constitutional historian, than all the rest of the Memoirs in Lord Campbell's collection, with the exception of those of Coke, Sir Matthew Hale, and the great Lord Mansfield. It is true that the facts and principles really valuable for these purposes of study are mixed up with a large amount of highly amusing, though often frequently ill-natured gossip, which many will think unworthy the calm and dignified reserve of a judicious biographer, however it may accord with the morbid appetite for personal scandal which is the great demon of the literary taste of our age; but this is a characteristic of the work which rather affects the person of the author than the value of his publication; and we are afraid that to many of its readers it will prove not the least attractive portion of its contents.

Not one of the subjects of Lord Campbell's three biographies owed his elevation to any of the accidents of birth or position. On the contrary, Kenyon drew little but jokes and jibes from his barren Welsh pedigree; Law (Lord Ellenborough) could not claim in the paternal line an ancestor above the rank of "statesmen," as the freehold farmers of his native shire are locally designated; while the third, Abbott (Lord Tenterden) was the son of a Canterbury barber. The two latter, nevertheless, supplied the scantiness of their pedigree by the advantages of a liberal and refined education.

Lloyd Kenyon (so called from the maternal family name) was born at Gredington, in Flintshire, in 1732. He was educated, first at a dame's school in that village, afterwards at the free grammar-school of Ruthin, where he stayed

long enough "to acquire a little Latin in addition to his Welsh and English; but he never knew even the Greek alphabet, and of no other language had he a smattering, except some law phrases in Norman French. He never advanced further in the abstract sciences than the "Rule of Three;" and he is said piously to have believed to his dying day that the sun goes round the earth once every twenty-four hours." (p. 3.)

At the age of fourteen he was apprenticed to a Nantwich attorney named Tomkinson. On the death of his elder brother, however, he was induced to aspire to the more liberal department of the law, and in 1750 was enrolled a student of the Middle Temple. But his change of destination brought no corresponding change of tastes or studies. Beyond the mere text books of law he read absolutely nothing. He had no suspicion that his education had "been defective, nor the slightest desire to take any knowledge except law for his province. Not having a university degree, it was necessary, according to the regulations then in force, that he should be five years a student before he could be called to the bar. During this long period he gave proof of unwearied diligence and rigid self-denial. He pored over his law books day and night. Being once treated to the play, he declared sincerely that he found no pleasure in the performance, and it is said that he never was again within the walls of a theatre till, having reached the dignity of Chief Justice, he was prevailed upon to visit Drury Lane, that he might see the famous melo-drame 'Pizarro,'—when, falling asleep in the middle of the electrifying declamation against 'avarice and ambition,' Sheridan, the mortified author, vengefully exclaimed, 'Alas! poor man, he fancies himself on the bench.'"

His struggles during these years deserve a place in the record of the pursuit of knowledge under difficulties, although his economy then, as in later life, degenerated into penuriousness.

"His finances being very limited, he kept account books for many years containing entries of every single farthing which he expended. These are still preserved, and contain mysterious abbreviated items, which have given rise to much speculation and laughter, but I believe that they may be explained without the slightest slur being cast upon his very exemplary morals. Although the companions in whose society he chiefly delighted were those whom he met at Mr. Seckerson's, he made acquaintance in the

Middle Temple Hall with some men who afterwards gained great distinction. Two of these were John Horne Tooke and Dunning, who were allied to him by perjury as well as genius. 'They used generally in vacation time to dine together at a small eating-house, near Chancery Lane, where their meal was supplied to them at the charge of 7½*d.* a head.' Tooke, in giving an account of these repasts many years after, used to say, 'Dunning and myself were generous, for we gave the girl who waited on us a penny a piece, but Kenyon, who always knew the value of money, rewarded her with a halfpenny and sometimes with a *promise.*' Kenyon, when elevated to the Bench, without owning to the manner in which he was supposed to have treated the maid, would very manfully point out the shop where he had been accustomed to dine so economically; yet it is said that he displayed evident signs of wounded pride when under a subpoena he was obliged in the Court of Common Pleas to prove the execution of a deed which he had attested while clerk to Mr. Tomkinson, at Nantwich."—Vol. iii. pp. 7-8.

Kenyon was called to the bar in 1756. His first rise was through the celebrity of his fellow-student just named, Dunning, who, soon rising to great eminence, and having many more cases than he could himself answer, employed the plodding Welshman as his "fag." Kenyon's exceeding industry and quickness enabled him at once to gather the important facts of a case from the mass of documents in which they were generally concealed; and his rapid but pregnant notes were often the only guide of the great popular lawyer in the causes which brought him not only gold but reputation. Many hundreds of opinions, which Dunning had never read "were copied from Kenyon's MS. by Dunning's clerk, and signed by Dunning's hand. The only return, which Kenyon received was a frank [Dunning was by this time in parliament,] when writing to his relations, and this courtesy had once nearly led to a fatal quarrel between the two friends, for to the direction of a letter addressed to 'Gredington, Flintshire,' Dunning waggishly added, 'North Wales, near Chester.' The insult to the Principality stirred up the indignation of the fiery Welshman, who exclaimed, 'Take back your frank, Sir—I shall never ask you for another:' and he was flying away in a towering passion, but was at last appeased."

The secret, however, gradually "oozed out." Attorneys began to come direct to the industrious and able fag, and Lord Campbell relates to his honour, that although the exceeding brevity and clearness which he affected in the answers, bills, or deeds which he drew, made him for

a time unpopular with attorneys, whose profits depend so much on the length of the papers which pass through their offices, he never could be induced to introduce unnecessary forms, or unnecessarily to lengthen recitals or embarrass his draughts in any way by these useless though profitable technicalities.

Fortunately for him, too, his readiness and ability were discovered and turned to use by a more influential, as well as more generous, great man than Dunning.

"But his fortune was made by the elevation of Thurlow to the woolsack. This man of extraordinary capacity and extraordinary idleness, when called to sit in the Court of Chancery earnestly desired to decide properly, and even coveted the reputation of a great judge, but would by no means submit to the drudgery necessary for gaining his object, and as soon as he threw off his great wig, he mixed in convivial society or read a magazine. To look into the authorities cited before him in argument, and to prepare notes for his judgment, Hargrave, the learned editor of Coke upon Littleton, was employed, but he was so slow and dilatory, that the lion in a rage was sometimes inclined to devour his jackal. Kenyon, sitting in court with a very moderate share of employment, having once or twice, as *amicus curiæ*, very opportunely referred him to a statute or a decision, was called in to assist him in private, and now the delighted Chancellor had in his service the quickest, instead of the most languid, of journeymen. He even took a personal liking for Kenyon, although in grasp of intellect, in literary acquirements, in habits of industry, in morals, and in every respect, a striking contrast to himself. Laughing at his country, calling him by no other name than *Taffy*, holding up to ridicule his peculiarities, but knowing him to be a consummate English lawyer, he resolved to reward him by raising him to the bench.

"A legal dignity falling in, Serjeant Davenport, who had strong claims on the Government, and had met with many prior disappointments, thus applied for it, thinking that by his laconic style he might adapt himself to Thurlow's humour: 'The Chief Justiceship of Chester is vacant—am I to have it?' The reply was in the same taste: 'No, by G—d! Kenyon shall have it.'

"On Kenyon it was spontaneously bestowed, to his infinite gratification, for it left him still his lucrative practice at the bar; and not only had he a handsome salary with his new office, but Flint, his native county, was within his jurisdiction, and in the presence of his schoolfellows he was to act the part of a Chief Justice." —Vol. III., pp. 10-11.

This was the decisive point of his career. His business, thenceforward steadily increased; and although he never

was able to address a jury, he ran rapidly through all the more substantial successes of his profession. In 1782 he was named Attorney-General, and again in 1784, when on the death of Sir Thomas Jewell he was appointed Master of the Rolls, with a Baronetcy. He continued, nevertheless, in Parliament, where his principal notoriety arose from his attack (which he several times renewed) on the public accountants;—an attack mainly levelled against Fox, on whom, as the representative of his father, who had been Paymaster-General, all that father's liabilities had descended with his inheritance;—and from his conduct in reference to the scrutiny in Fox's celebrated Westminster contest against Sir Cecil Wray. In 1788, on the resignation of Lord Mansfield, Kenyon aspired to the office of Chief Justice. His excessive parsimony had long been the subject of ridicule. The gibes of the *Rolliad* had made him for years the butt, not alone of the Inns of Court, but of the entire nation; it was reported he had actually gone to court to kiss hands on his appointment, in a second-hand suit purchased of Lord Stormont's valet. This, as well as his hasty and discourteous manner, and perhaps most of all his notorious deficiency in all liberal learning, made his appointment generally unpopular; and it was especially distasteful to Lord Mansfield who had anxiously desired that his successor should be Mr. Justice Buller. But the friendship of Pitt overruled all these difficulties, and on the last day of Trinity Term, 1788, he was sworn into office. In some respects this elevation was far from desirable. "The misfortune of his defective education now became more conspicuous, for he had not acquired enough general knowledge to make him ashamed or sensible of his ignorance, and without the slightest misgiving he blurted out observations which exposed him to ridicule. He was particularly fond of quoting a few scraps of Latin which he had picked up at school, or in the attorney's office, without being aware of their literal meaning. In addition to the 'modus in rebus,' he would say, that in advancing to a right conclusion, he was determined *stare super antiquas vias*, and when he declared that there was palpable fraud in a case, he would add 'apparently *latet anguis in herbâ*.' At last George III., one day at a levee, said to him, 'My Lord, by all I can hear it would be well if you would stick to your good law and leave off your bad Latin,' but this

advice, notwithstanding his extraordinary loyalty, he could not be induced to follow."

In illustration of the new Chief Justice's infirmity of temper, Lord Campbell, although he professes to discredit it, cannot resist the temptation of printing another saying, attributed to George the Third, "My Lord Chief Justice, I hear you have lost your temper, and from my great regard for you I am only glad to hear it, for I hope you will find a better one."

It is in the case of Lord Kenyon that the personal experience of the biographer of the Chief Justices commences.

"I now come to a trial at which I was myself actually present—the prosecution of Hadfield for shooting at George III.

"On the 28th of June, 1800, being yet a boy, for the first time in my life I entered the Court of King's Bench, and with these eyes I beheld Lord Kenyon. The scene was by no means so august as I had imagined to myself. I expected to see the Judges sitting in the great hall, which, though very differently constructed for magnificence, might be compared to the Roman Forum. The place where the trial was going on was a small room enclosed from the open space at the south-east angle, and here were crowded together the Judges, the jury, the counsel, the attorneys, and the reporters, with little accommodation for bystanders. My great curiosity was to see Erskine, and I was amazingly struck by his noble features and animated aspect. Mitford, the Attorney-General, seemed dull and heavy; but Grant, the Solicitor-General, immediately inspired the notion of extraordinary sagacity. Law looked logical and sarcastic. Garrow verified his designation of 'the tame tiger.' There were five or six rows of counsel, robed and wigged, sitting without the bar—but I had never heard the name of any of them mentioned before. I was surprised to find the four judges all dressed exactly alike. This not being a Saint's day, the Chief Justice did not wear his collar of SS to distinguish him from his brethren. There was an air of superiority about him, as if accustomed to give rule, but his physiognomy was coarse and contracted. Mr. Justice Grose's aspect was very foolish, but he was not by any means a fool, as he showed by being in the right when he differed from the rest. Mr. Justice Lawrence's smile denoted great acuteness and discrimination. Mr. Justice Le Blanc looked prim and precise.

"From the opening of the case by the Attorney-General, I formed a very low estimate of the eloquence of the English bar; but when Erskine began the defence, he threw me into a phrensy of admiration, and indeed I should have been fit for nothing had I been less excited; for this was perhaps his *chef d'œuvre*, and, therefore, the finest speech ever delivered at the English bar.

“ Lord Kenyon did not interpose till several witnesses had distinctly proved the mental hallucination under which the prisoner had laboured when he fired at the King. The solemn proceeding was then thus terminated :

“ *Lord Kenyon.*—‘ Mr. Erskine, have you nearly finished your evidence ?’

“ *Mr. Erskine.*—‘ No, my Lord, I have twenty more witnesses to examine.’

“ *Lord Kenyon.*—‘ Mr. Attorney-General, can you call any witnesses to contradict these facts ? With regard to the law as it has been laid down, there can be no doubt upon earth. To be sure if a man is in a deranged state of mind at the time when he commits the act charged as criminal, he is not answerable. The material question is *whether at the very time when the act was committed this man's mind was sane ?* I confess that the facts proved convince my mind that at the time he committed the supposed offence (and had he then known what he was doing, a most horrid offence it was) he was in a very deranged state. Mr. Attorney-General, you have heard the facts given in evidence. To be sure, such a man is a most dangerous member of society, and it is impossible that he can be suffered, supposing his misfortune to be such, to be let loose upon the public. But I throw it out for your consideration, whether in this criminal prosecution it is necessary to proceed farther. If you can show it to be a case by management to give a false colour to the real transaction, then assuredly the defence vanishes.’

“ *Mr. Attorney-General.*—‘ I must confess I have no reason to suspect that this is a coloured case. On the contrary, I stated that I understood the prisoner had been discharged from the army upon the ground of insanity. But the circumstances which have now appeared were perfectly unknown to me.’

“ *Lord Kenyon.*—‘ Your conduct, Mr. Attorney-General, has been extremely meritorious. In the present posture of the cause, I will put it to you whether you ought to proceed.’”—Vol. III. pp. 57-59.

Kenyon died in 1802, and “ if we can believe his immediate successor, who had a fair character for veracity, Lord Kenyon studied economy even in the hatchment put up over his house in Lincoln's Inn Fields after his death. The motto was certainly found to be ‘ *Mors janua vita* ’—this being at first supposed to be the mistake of the painter. But when it was mentioned to Lord Ellenborough, ‘ Mistake !’ exclaimed his Lordship, ‘ it is no mistake. The considerate testator left particular directions in his will that the estate should not be burdened with the expense of a *diphthong* !’ Accordingly he had the glory of dying very rich. After the loss of his eldest son, he said with great emotion to Mr. Justice Allan Park, who repeated

the words soon after to me—‘ How delighted George would be to take his poor brother from the earth, and restore him to life, although he receives £250,000 by his decease!’ ”

Absurd as is this story, it is but one of a host of similar stories, illustrative of this singular penuriousness. Lord Campbell tells of his own personal knowledge, a curious instance of the economy which the Chief Justice practised “ in the adornment of his head. It was observed for a number of years before he died, that he had two hats and two wigs—of the hats and the wigs one was dreadfully old and shabby, the other comparatively spruce. He always carried into court with him the very old hat and the comparatively spruce wig, or the very old wig and the comparatively spruce hat. On the days of the very old hat and the comparatively spruce wig he shoved his hat under the bench, and displayed his wig; but on the days of the very old wig and the comparatively spruce hat he always continued covered. I have a very lively recollection of having often seen him sitting with his hat over his wig; but I was not then aware of the Rule of Court by which he was governed on this point.” (p. 91.)

One of the miseries of the gossiping biography in which Lord Campbell indulges so mercilessly is, that it is by anecdotes such as these, and not by their really solid and great qualities the heroes of such tales are sure to be remembered. It is only justice, therefore, before we pass from this memoir, to add the testimony to Kenyon's qualities as a judge, which Lord Campbell cannot withhold.

“ Although not free from considerable defects, in spite of them he turned out to be a very eminent common law Judge. His thorough acquaintance with his craft, his intuitive quickness in seeing all the bearings of the most complicated case, and his faculty of at once availing himself of all his legal resources, gave him a decided advantage over competitors who were elegant scholars, and were embellished by scientific acquirements. He had a most earnest desire to do what was right; his ambition was to dispose satisfactorily of the business of his Court, and to this object he devoted his undivided energies.”—Vol. III. p. 44.

Edward Law (Lord Ellenborough) was the younger son of Dr. Edmund Law, who, from an humble origin had risen by his learning to the see of Carlisle. He was educated at Charterhouse-school, and entered Peterhouse,

Cambridge, of which his father was then master. His college career, though a wild one, was not without its intervals of most laborious study; and notwithstanding his father's wish that he should embrace the Church as a profession, having succeeded in obtaining the Cambridge Fellowship, he took chambers in Lincoln's Inn, and entered himself in the office of George Wood, the celebrated special pleader. For several years he devoted himself to this branch, and being called to the bar in 1780, went the Northern Circuit. Lord Campbell's account of his first circuit will interest our young legal friends.

"In the beginning of March, 1780, he joined the circuit at York, causing considerable alarm to those established in business, and curiosity among the disinterested. Without any suspicion of improper arts being used by himself, or of improper influence being exercised in his favour by others, at the opening of the *Nisi Prius* court a large pile of briefs lay before him. His manner was somewhat rough, and he was apt to get into altercations with his opponents and with the judge; but his strong manly sense, and his familiar knowledge of his profession, inspired confidence into those who employed him; and the mingled powers of humour and of sarcasm which he displayed soon gave him a distinguished position in the Circuit Grand Court held *foribus clausis* among the barristers themselves, in which toasts were given, speeches were made, and verses were recited, not altogether fit for the vulgar ear.

"At this period there were never more than two or three King's counsel on any circuit; and a silk gown was a high distinction to the wearer, not only among his brethren, but in general society,—placing him above the gentry of the country. The Northern leaders then were Wallace and Lee, whom no attorney approached without being uncovered. They were men of great eminence from their personal qualifications, and it was expected that they would speedily fill the highest judicial offices. They were before long taken from the circuit, to the joy of their juniors—Wallace being made Attorney-General, and Leo Solicitor-General; but, unluckily for them, they adhered to Mr. Fox and Lord North, and the permanent ascendancy of William Pitt after he had crushed the coalition was fatal to their further advancement. Neither of them having reached the Bench, their traditionary fame, transmitted through several generations of lawyers, is now dying away.

"Till the beginning of the 19th century the Northern Circuit in the spring, was confined to Yorkshire and Lancashire. In early times the distance of the four hyperborean counties from the metropolis, and the badness of the roads, rendered it impossible to hold assizes in any of them during the interval between Hilary and

Easter Terms—so that a man committed for murder in Durham, Northumberland, Cumberland, or Westmoreland, might lie in gaol near a twelvemonth before he was brought to trial. At the accession of George III. there were turnpike trusts in the remotest parts of the kingdom, and post-horses were found wherever they were desired; but the usual superstitious adherence to ancient customs when the reason for them had ceased, long obstructed every attempt to improve the administration of justice in England.

“The business being finished at York, Mr. Law proceeded with his brethren to Lancaster, where the list of civil causes was still scanty, although all that arose within the County Palatine were to be tried here. Liverpool, compared with what it has since become, might have been considered a fishing village; Manchester had not reached a fourth of its present population; and the sites of many towns, which now by their smoke darken the Lancastrian air for miles around, were then green fields, pastured by cattle, or heathery moors, valuable only for breeding grouse. Here our junior did not fare so well as at York; yet he could not have been indicted at the Grand Court for carrying *unam purpuream baggam flaccescentem omnino inanitatatis causa*; for although Wallace, who was nearly connected with him by marriage, had made him a present of a bag—an honour of which no junior before could ever boast on his first circuit—its flaccidity was swelled out by several briefs, which he received from an attorney of Ashton-under-Lyne, who used afterwards boastingly to say, ‘*I made Law Chief Justice.*’”—Vol. iii. pp. 104-6.

This was the prelude of a laborious but steadily successful career, of which the crowning fortune was his brief in the celebrated case of Warren Hastings. The selection of Law for this brilliant post was purely the result of circumstances.

“Hastings himself was naturally desirous that he should be defended by Erskine, who had acquired so much renown as counsel for Lord George Gordon, and who had loudly declared his own personal conviction to be that the ex-Governor-General deserved well of his country. But as the impeachment had become a party question, and was warmly supported by the leaders of the party to which Erskine belonged,—although he was not then a member of the House of Commons, he reluctantly declined an engagement in which his heart would enthusiastically have prompted the discharge of his professional duties, and by which he might have acquired even a still greater name than he has left with posterity. He declared that he would not have been sorry to measure swords with Burke, who in the House of Commons had on several occasions attacked him rather sharply and successfully. ‘In Westminster Hall,’ said he, ‘I could have smote this antagonist hip and thigh.’ But

Erskine could not for a moment endure the idea of coming into personal conflict with Fox and Sheridan, whom he loved as friends, whom he dreaded as rivals, and with whom, on a change of government, he hoped to be associated in high office.

“The bar at this time afforded little other choice. Dunning had become a Peer and sunk into insignificance; his contemporaries were either connected with Mr. Pitt's Government, or were declining from years and infirmity—and among the rising generation of lawyers, although there was some promise, no one yet had gained a position which seemed to fit him for this ‘great argument.’

“The perplexity in which Hastings and his friends found themselves being mentioned in the presence of Sir Thomas Rumbold, who had been in office under him in India, he delicately suggested the name of his brother-in law, pointing out this kinsman's qualifications in respect of legal acquirements, of eloquence, and, above all, of intrepidity—on which, considering the character of the managers for the Commons, the acquittal of the defendaut might chiefly depend. This recommendation was at first supposed to proceed only from the partiality of relationship; but upon inquiry it appeared to be judicious. The resolution was, therefore, taken to employ Law as the leading counsel, associating with him Mr. Plomer, afterwards Vice-Chancellor and Master of the Rolls, and Mr. Dallas, afterwards Solicitor-General and Chief Justice of the Common Pleas,—in whom Law entirely confided and with whom he ever cordially cooperated. He still wore a stuff gown when this retainer was given, but he was clothed in silk before the trial began.

“He prepared himself for the task he had undertaken with exemplary diligence and assiduity. Carrying along with him masses of despatches, examinations, and reports, which might have loaded many camels, he retreated to a cottage near the lake of Windermere, and there spent a long vacation more laborious than the busiest term he had ever known in London. Although possessing copiousness of extempore declamation, he was fond of previously putting down in writing what he proposed to say in public on any important occasion, and there are now lying before me scraps of paper on which he had written during this autumn apostrophes to the Lords respecting the Rohilla war, the cruelties of Debi Sing, and the alleged spoliation of the Begums.”—Vol. III. pp. 111-12.

The steps of this now historical case, as recorded by Lord Campbell, are extremely interesting, and we should gladly extract a few of the most piquant details. His Lordship relates very amusingly how cleverly Law turned to account the frivolity and vanity of Michael Angelo Taylor, a briefless barrister, who, although the butt of the Northern Circuit, had contrived to get himself appointed

a Manager. An important point coming on for argument, Law observed—"It is really a pity to waste time in discussing such a point which must be clear to all lawyers: this is no point of political expediency, it is a mere point of law, and my honourable and learned friend there (pointing to Michael Angelo), from his accurate knowledge of the law, which he has practised with so much success, can confirm fully what I say." Michael puffed, and swelled, and nodded his head—when Burke ran up to him quite furious, and shaking him, said, 'You little rogue, what do you mean by assenting to this?'" (p. 122.) But for these, and still more for the law points and judgments referred to in this and the other biographies, we must leave the reader to satisfy his curiosity by consulting the original. We can only find room for a single scene—one, however, which groups together very characteristically three great legal celebrities, Kenyon, Law, and Law's great rival, Erskine.

"Law's fees, considerably exceeding 3000*l.*, were a poor pecuniary compensation to him for his exertions and his sacrifices in this great cause; but he was amply rewarded by his improved position in his profession. When the trial began he had little more than provincial practice, and when it ended he was next to Erskine—with a small distance between them. Independently of the real talent which he displayed, the very notoriety which he gained as leading counsel for Mr. Hastings, was enough to make his fortune. Attorneys and attorneys' clerks were delighted to find themselves conversing at his chambers in the evening with the man upon whom all eyes had been turned in the morning in Westminster Hall—a pleasure which they could secure to themselves by a brief and a consultation. From the oratorical school in which he was exercised while representing Warren Hastings, Law actually improved considerably in his style of doing business; and by the authority he acquired he was better able to cope with Lord Kenyon, who bore a strong dislike to him, and was ever pleased with an opportunity to put him down. This narrow-minded and ill-educated, though learned and conscientious, Chief Justice had no respect for Law's classical acquirements, and had been deeply offended by the quick-eared Carthusian laughing at his inapt quotations and false quantities. Erskine, who had much more tact and desire to conciliate, was the Chief Justice's special favourite, and was supposed to have his 'ear' or 'the length of his foot.' Law, having several times, with no effect, hinted at this partiality,—after he had gained much applause by his speech on the Begum charge, openly denounced the injustice by which he suffered. In the course

of a trial at Guildhall he had been several times interrupted by the Chief Justice while opening the plaintiff's case, whereas Erskine's address for the defendant was accompanied by smiles and nods from his Lordship, which encouraged the advocate, contrary to his usual habit, to conclude with some expressions of menace and bravado. Law having replied to these with great spirit and effect, thus concluded :

“ ‘ Perhaps, gentlemen, I may without arrogance assume that I have successfully disposed of the observations of my learned friend, and that the strong case I made for my client remains unimpeached. Still my experience in this Court renders me fearful of the result. I dread a power with which I am not at liberty to combat. When I have finished, the summing up is to follow.’ ”

“ Looking at Erskine he exclaimed,

—“ ‘ Non me tua fervida terrent
Dicta ferox—’ ”

He then made a bow to the Chief Justice, and as he sat down he added in a low, solemn tone,

—“ ‘ Di me terrent et JUPITER HOSTIS.’ ”

Lord Kenyon, thinking that the quotation must be apologetical and complimentary, bowed again and summed up impartially. When it was explained to him, his resentment was very bitter, and to his dying day he hated Law. But henceforth he stood in awe of him, and treated him more courteously.”—Vol. III. pp. 132-4.

Law began life as a whig, but he found it convenient gradually to change his politics, and ended by becoming a thorough-going tory. In 1801 Mr. Addington appointed him Attorney-General, and in the following year, on Lord Kenyon's death, he succeeded to the Chief-Justiceship, with a peerage, selecting as his title the name of a small estate, which is said to have been in his mother's family from the reign of Henry II.

The narrowness of our limits precludes the possibility of our referring even in summary to the many important legal questions in which the judgments of Lord Ellenborough have made law in England. Still less can we enter into the particulars of his political career. But there is one point in reference to which Lord Campbell expresses himself so remarkably that we cannot pass it by.

“ ‘ The only other considerable speech which he made before Mr. Pitt's death was against Lord Grenville's motion for a committee on the Catholic Petition, when he so violently opposed any further

concession to the Roman Catholics, that the public were much surprised to find him sitting, soon after, in the same Cabinet with Lord Grenville and Charles Fox. We cannot be surprised that this Cabinet was so short-lived, although it contained 'all the talents' of the country. *Lord Ellenborough very sensibly and forcibly pointed out on this occasion the inconvenience arising from giving power to religionists owning the supremacy of a foreign pontiff*; but he caused a smile when, in describing the danger of the Pope again subjecting Great Britain to his sway, he quoted the lines—

“Jam tenet Italiam, tamen ultra pergere tendit
Actum inquit nihil est, nisi Pœno milite portas
Frangimus et media vexillum pono suburra.”—pp, 176-7.

And in a note his Lordship adds:—

“This appears *much less absurd now*, after Pio Nono's creation of the archbishopric of Westminster, and his partition of all England into Roman Catholic sees.—*September, 1855.*” p. 177.

The sentiments which Lord Campbell here avows, supply a very significant illustration of certain proceedings in the Court of Queen's Bench, since the year 1849, on which we do not venture to offer any commentary. But should Lord Campbell hereafter meet, as Chief Justice, a biographer of a pen equally unsparing with his own, he must be prepared, we fear, for criticisms less flattering than those with which he has visited the judicial conduct of Kenyon or Law.

We must make room for a few of Lord Ellenborough's facetiæ, most of which are worth preserving. The following is not new.

“A young counsel who had the reputation of being a very impudent fellow, but whose memory failed him when beginning to recite a long speech which he had prepared, having uttered these words, —‘The *unfortunate client* who appears by me—the *unfortunate client* who appears by me—My Lord, my *unfortunate client*’—the Chief Justice interposed, and almost whispered in a soft and encouraging tone—‘You may go on Sir—so far the Court is quite with you.’”

Few could act better than Lord Ellenborough the wag-gery here described.

“Mr. Preston, the famous conveyancer, who boasted that he had answered 50,000 cases, and drawn deeds which would go round the globe, if not sufficient to cover the whole of its surface, having come special from the Court of Chancery to the King's Bench to argue a case on the construction of a will, assumed that the Judges whom he addressed were ignorant of the first principles of real property,

and thus began his erudite harangue—'An estate in *fee simple*, my Lords, is the highest estate known to the law of England.' 'Stay, stay,' said the Chief Justice, with consummate gravity, 'let me take that down.' He wrote and read slowly and emphatically, 'An estate—in *fee simple*—is—the highest estate—known to—the law of England:' adding, 'Sir, the Court is much indebted to you for the information.' There was only one person present who did not perceive the irony. That person having not yet exhausted the Year Books, when the shades of evening were closing upon him, applied to know when it would be *their Lordships' pleasure* to hear the remainder of his argument? *Lord Ellenborough*.—'Mr. Preston, we are bound to hear you out, and I hope we shall do so on Friday—but, alas! pleasure has been long out of the question.'—Vol. iii. pp 237-8.

Of the same class are the following.

"James Allan Park, who had the character of being very sanctimonious, having in a trumpery cause affected great solemnity, and said several times in addressing the Jury, 'I call Heaven to witness—as God is my Judge,' &c.—at last Lord Ellenborough burst out—'Sir, I cannot allow the law to be thus violated in open Court. I must proceed to fine you for profane swearing—five shillings an oath.' The learned counsel, whose risibility was always excited by the jokes of a Chief Justice, is said to have joined in the laugh created by this pleasantry."....."A declamatory speaker (Randle Jackson, counsel for the E. I. Company), who despised all technicalities, and tried to storm the Court by the force of eloquence, was once, when uttering these words, 'In the book of nature, my Lords, it is written'—stopped by this question from the Chief Justice, 'Will you have the goodness to mention the *page*, Sir, if you please?'

"A question arose, whether, upon the true construction of certain tax acts, *mourning coaches* attending a funeral were subject to the post-horse duty? Mr. Gaselee, the counsel for the defendant, generally considered a dry special pleader, aiming for once at eloquence and pathos, observed, 'My Lords, it never could have been the intention of a Christian legislature to aggravate the grief felt by us in following to the grave the remains of our dearest relatives, by likewise imposing upon us the payment of the post-horse duty.' *Lord Ellenborough, C. J.*—'Mr. Gaselee, may there not be some danger in sailing up into these high sentimental latitudes?' "A Quaker coming into the witness box at Guildhall without a broad brim or dittoes, and rather smartly dressed, the crier put the book into his hand and was about to administer the oath, when he required to be examined on his *affirmation*. Lord Ellenborough asking if he was really a Quaker, and being answered in the affirmative, exclaimed, 'Do you really mean to impose upon the Court by appearing here in the disguise of a reasonable being?'

“A witness dressed in a fantastical manner having given very rambling and discreditable evidence, was asked in cross-examination, ‘What he was?’ *Witness*.—‘I employ myself as a surgeon.’ *Lord Ellenborough, C. J.*—‘But does any one else employ you as a surgeon?’.....“Henry Hunt, the famous demagogue, having been brought up to receive sentence upon a conviction for holding a seditious meeting, began his address in mitigation of punishment, by complaining of certain persons who had accused him of ‘stirring up the people by *dangerous eloquence*.’ *Lord Ellenborough, C. J.* (in a very mild tone).—‘My impartiality as a Judge calls upon me to say, Sir, that in accusing you of that they do you great injustice.’.....“A very tedious Bishop having yawned during his own speech, Lord Ellenborough exclaimed, ‘Come, come, the fellow shows some symptoms of taste, but this is encroaching on our province.’”—Vol. iii. pp. 239-41.

Lord Ellenborough died in 1818, leaving behind him a magnificent fortune. “From fees and offices the profits of which he was entitled to turn to his own use, he left above £240,000 to his family, besides the office of Chief Clerk of the King’s Bench, commuted to his son for £7000. a year during life.

“Five sons and five daughters survived him. He bequeathed £2000. a-year to his widow, and £15,000 to each of his younger children.”

Lord Campbell thus dramatically introduces the birth-place and origin of his successor:

“At the corner of a narrow street, opposite to the stately western portal of the Cathedral of Canterbury, stood a small house, presenting in front of it a long pole painted of several colours, with blocks in the window, some covered with wigs and some naked,—a sign over the door, bearing the words ‘*ABBOT, HAIRDRESSER*,’—and on the sides of the door ‘*Shave for a penny—hair cut for twopence, and fashionably dressed on reasonable terms.*’ This shop was kept by a very decent, well-behaved man, much respected in his neighbourhood,—who had the honour to trim the whole Chapter and to caulk-flower their wigs as they were successively in residence,—and who boasted that he had thrice prepared his Grace the Archbishop for his triennial charge to the clergy of the diocese. But he was not the pert, garrulous, bustling character which novelists who introduce heroes of the razor and scissors love to portray. He was depicted by one who had known him well for many years as ‘a tall, erect, primitive-looking man, with a large pig-tail, which latterly assumed the aspect of a heavy brass knocker of a door.’ From his clerical connection he had a profound veneration for the Church, which we shall see was inherited by his offspring. His wife, in her

humble sphere, was equally to be praised, and without neglecting her household affairs, she was seldom absent from the early service of the Cathedral.

“Struggling with poverty, their virtues was rewarded with a son, who thus modestly recorded their merits on his tomb,

“*Patre vero prudente, matre pia ortus.*”

This was Charles, their youngest child, the future Chief Justice of England, who was born on the 7th of October, 1762.”—Vol. iii. pp. 249-50.

Young Abbot was sent to Canterbury school, where, according to the report of his friend and contemporary, Sir Egerton Brydges, he was distinguished by accuracy, steadiness, and equality of labour. He had a narrow escape, nevertheless, of being consigned for life to a very humble destiny.

“In his fourteenth year our hero ran a great peril, and met with a deep disappointment,—which may be considered the true cause of his subsequent elevation. The place of a singing-boy in the Cathedral becoming vacant, old Abbott started his son Charles as a candidate to fill it. The appointment would have secured to him a present subsistence, with the prospect of rising to £70 a-year, which he and his family considered a wealthy independence for him. His father’s popularity among the members of the Chapter was so great that his success was deemed certain, but from the huskiness of his voice objections were made to him, and another boy was preferred, who grew old enjoying the stipend which young Abbott had early counted upon. Mr. Justice Richardson, the distinguished Judge, used to relate that going the Home Circuit with Lord Tenterden, they visited the Cathedral at Canterbury together, when the Chief Justice, pointing to a singing man in the choir, said, ‘Behold, brother Richardson, that is the only human being I ever envied: when at school in this town we were candidates together for a chorister’s place; he obtained it; and if I had gained my wish, he might have been accompanying you as Chief Justice, and pointing me out as his old schoolfellow, the singing man.’”—Vol. iii. p. 252.

Through the kindness of the clergy of Canterbury, who felt much interest in him on his father’s account and his own, he was sent to Oxford, where he won a scholarship in Corpus in 1781. After a course of much distinction, but of great pecuniary difficulties, he was admitted a student of the Middle Temple in 1787: and having practised as a pleader for seven years, at the end of which he was realizing a large income, he was called to the bar in 1796. He

was very successful on his Circuit, and a book on "Merchant Ships and Seamen," which he published in 1802, established him in the London Courts. But his supremacy was not of an ambitious kind.

"I believe that he never addressed a jury in London in the whole course of his life. On the circuit he was now and then forced into the lead in spite of himself, from all the silk gowns being retained on the other side,—and on these occasions he did show the most marvellous inaptitude for the functions of an advocate, and almost always lost the verdict. This partly arose from his power of discrimination and soundness of understanding, which, enabling him to see the real merits of the cause on both sides, afterwards fitted him so well for being a Judge. I remember a Serjeant-at-law having brilliant success at the bar from always sincerely believing that his client was entitled to succeed, although, when a Chief Justice, he proved without any exception, and beyond all comparison, the most indifferent Judge who had appeared in Westminster Hall in my time. Poor Abbott could not struggle with facts which were decisive against him, and if a well-founded legal objection was taken, recollecting the authorities on which it rested, he betrayed to the presiding Judge a consciousness that it was fatal. His physical defects were considerable, for he had a husky voice, a leaden eye, and an unmeaning countenance. Nor did he ever make us think only of his intellectual powers by any flight of imagination or ebullition of humour, or stroke of sarcasm. But that to which I chiefly ascribe his failure was a want of boldness, arising from the recollection of his origin and his early occupations. 'He showed his blood.' Erskine undoubtedly derived great advantage from recollecting that he was known to be the son of an Earl, descended from a royal stock. Johnson accounts for Lord Chatham's overpowering vehemence of manner from his having carried a pair of colours as a cornet of horse. Whether Abbott continued to think of the razor-case and pewter basin I know not; but certain it is there was a most unbecoming humility and self-abasement in his manner, which inclined people to value him as he seemed inclined to value himself. Called upon to move in his turn when sitting in court in term time, he always prefaced his motion with 'I humbly thank your Lordship.' I remember once when he began by making an abject apology for the liberty he was taking in contending that Lord Ellenborough had laid down some bad law at nisi prius, he was thus contemptuously reprimanded:—'Proceed, Mr. Abbott, proceed; it is your right and your duty to argue that I misdirected the jury, if you think so.'"—Vol. iii. pp. 276-77.

Accordingly, Abbot never entered parliament, and even his promotion to the Chief Justice's Bench was almost a

accident. In 1818 he was appointed to a puisne Judgeship of Common Pleas, from which he was quickly translated to that of King's Bench; and it is highly probable that he would have remained a puisne for life, had it not been that at the moment of Lord Ellenborough's death in 1818, the lawyer entitled to the office, Sir Samuel Shepherd, the Attorney-General, was incapacitated by great deafness from undertaking any office which required him to listen to parol evidence, or to *viva voce* discussion. The lot, therefore, fell on Abbott, but without the usual accompaniment of a peerage, which he did not receive till the accession of Canning to office in 1827.

Lord Tenterden's opposition, in his place in the House of Lords, to the Catholic Relief Bill, affords his biographer another opportunity of displaying his ill-natured and silly bigotry. "He declares that he heard Lord Tenterden *without any diminution of respect*, oppose the Catholic Relief Bill, which, though a necessary, *was a perilous measure*, the *ominous prophecies* about which have certainly *received some verification by subsequent Papal aggression.*" (p. 323.) It is plain that if it rested with his Lordship, we might reckon on a repeal of that perilous though necessary enactment.

Lord Tenterden's last appearance on the Bench was highly characteristic.

"However, his mental faculties remained wholly unimpaired; and he was determined 'to die, like a camel in the wilderness, with his burden on his back.' An important Government prosecution, in which I was counsel—*The King, v. Mayor of Bristol*—was appointed to be tried at bar immediately before Michaelmas Term. This excited prodigious interest, as it arose out of the Reform-Bill riots at Bristol, in which a considerable part of the city was laid in ashes. The Chief Justice appeared on the Bench with the other Judges, and continued to preside during the first two days of the trial. I recollect one characteristic sally from him, indicating his mortal dislike of long examinations. Mr. Shepherd, the junior counsel for the Crown, having asked how many horses were drawing a messenger's postchaise sent in quest of the mayor, and being answered 'four,' Lord Tenterden sarcastically exclaimed in a hollow voice, 'and now, Sir, I suppose you will next get out from your witness *what was the colour of the post-boys' jackets.*' But his bodily health was evidently sinking. When he went home in the evening of the second day of the trial he had no appetite for the dinner prepared for him, and he fancied that fresh oysters would do him good. He ate some; but they disagreed with him, and an access of fever

upervening, he was put to bed, from which he never rose. Although attended by Sir Henry Halford, Dr. Holland, and Sir Benjamin Brodie, his disease baffled all their skill. He became delirious and talked very incoherently. Afterwards he seemed to recover his composure, and, raising his head from his pillow, he was heard to say in a slow and solemn tone, as when he used to conclude his summing-up in cases of great importance, 'And now, gentlemen of the jury, you will consider of your verdict.' These were his last words: when he had uttered them, his head sank down, and in a few moments he expired without a groan."—Vol. iii. pp. 334-5.

We must here take leave of Lord Campbell's "Chief Justices." Perhaps we may return to a general consideration of his Lordship's merits as a legal biographer.

ART. V.—1. *A Complete Report of the Trial of Miss Madeleine Smith, for the alleged poisoning of Pierre Emile L'Angelier*; revised and corrected by John Morison, Esq., Advocate. Edinburgh: W. Munro, 1857.

2. *The Saturday Review*. London, July, 11, 1857.
3. *The Press*. London, July 11, 1857.
4. *The Jurist*. London, July 18, 1857.
5. *The Lancet*. London, July 18, 1857.
6. *The Weekly Register*. London, July 18, 1857.
7. *The Law Times*. London, July 11, 1857.
8. *The Leader*. London, July 11, 1857.

THERE can be no doubt as to the source and cause of the intense interest excited by the case of Madeleine Smith. It was startling to hear of such crime charged on one so young, while yet in the bosom of a religious and respectable family. It must have been like an electric shock to the good people of Glasgow, when they heard that the daughter of one of their most respected townsmen, a girl young and gentle, fresh from school, and not only accomplished, but, according to the prevalent system, reli-

giously educated, was apprehended on a charge of murdering her lover! Here all the circumstances of youth, sex, station, and education, *seemed* to show the crime impossible. Whether she was guilty of that crime we have no right now to discuss. Our contemporary, the *Law Times*, had a very excellent article on that point. And another observed, "The wisest among us cannot conscientiously assure himself that he knows the truth." The *Press* truly said, "The mystery is unsolved, but enough is known of the unhappy case to invest it with a degree of painful interest for all time to come."

The language of our contemporaries clearly shows that the source of all this interest is not merely the obscurity of the case as regards the facts, but the moral mystery it involves. Thus—

"In an age remarkable for *causes celebres*," (wrote an able contemporary,) "the trial of Madeleine Smith stands out unrivalled in the depth and variety of its interest. For eight days the attention of the whole people has been fixed on a tale of passion and mystery by which the imagination of the writers of romance is eclipsed. Guilty love, incredible hardihood, mental suffering, not the less touching to the sympathy because not undeserved, and something more than a suspicion of appalling crime, form the atmosphere suddenly surrounding a young girl, snatched, as it were, at random from the companionship of thousands of her age and fortune among whom she moved unnoticed a few weeks ago. Undoubtedly, this is a story which no thoughtful man can lightly examine or easily forget. It is not our business to point out its moral in the common acceptation of the phrase. The terrible lesson which it bears for all who are tempted by human weaknesses is too clear to require to be indicated, and even statesmen and philosophers need not scorn to learn something from the discovery that such unsuspected dramas as this may underlie the calm and decorous aspect of society."

Aye! but there is something of still deeper interest. We shall see what led to the drama. Another contemporary, the *Guardian*, observed:—

"If the accused were guilty, how horrible the combination of ungoverned passion with perfect self-control, and how frightful the outburst of this deep, deadly wickedness, after a life which up to this time may be taken to be just such a life, neither better nor worse, as many another woman among the 'respectable classes' may be supposed to be leading!"

And our able contemporary, the *Spectator*, truly observed:—

“Most certainly the discovery that such a character existed in a quiet Glasgow house is likely to have occasioned as much amazement under the roof of that home, as it has in the High Court of Justiciary, or on the south of the Tweed.”

The *Spectator* added:—

“It seems scarcely possible that a class of characters should come into existence, and be multiplied, except by favour of *ignorance*; and ignorance probably kept up by some of those social customs which in the most ‘regular’ of families, maintain distance between parent and child, convert the parental relation into one of practically very slight acquaintance, and teach the inexperienced to find companions amid the servants down stairs or the casual acquaintance of the street. The disclosure of such cases may be an incitement to supersede more painful trials by a better reciprocal knowledge in the home.”

These are moral reflections upon the case, which, when even *Protestants* suggest them, a *Catholic* mind will be able to *pursue*, and which will lead to a painful sense of the state of society around us.

It is manifest that when such reflections suggest themselves even to the minds of *Protestants*, the moral interest of the case is permanent. So deep is its moral interest, that the most thoughtful of our contemporaries have been struck by it. Thus the *Saturday Review* wrote:—

“Envy leads many a man to murder his rival; jealousy leads many a woman to murder her lover, even in the very frenzy of passion—cold-blooded ambition and interest prompt to murder, in order to get rid of an inconvenient obstacle to respectability and a fair standing with the world—but, on the hypothesis of Madeleine Smith’s guilt, we have each and all, and yet none of them, as adequate motives.”

Our contemporary went on to advert to the common theory as to the *motive* of the crime, the desire to avoid exposure, and observed how murder would necessitate exposure. And then he proceeded:—

“But if our view is to be supported, is it *not* fear of detection which would operate either way. It is simple, naked vengeance—the solitary purpose to destroy an object of hatred—which would overrule a woman in such a case. It is not that she either thinks or cares for herself, so that she can but punish one against whom a whole hell of hatred is stirred up.”

So here, in order if possible to solve the moral mystery, a most reflective journal suggests a new theory of motive. But then the *Saturday Review* said, and said truly,—

“There are thousands who have fallen into the sin of this miserable pair. In all sorts of society, and among the most refined of our social respectabilities, as well as in the experience of our village poor, that particular frailty is—can we venture to deny it?—far from uncommon. How stands the warning? It may have reduced Madeleine Smith—the burning, passionate Juliet of decent society, fresh from the school-room, and in the very heart of all the domestic sanctities—to the murderess of L’Angelier. It must have reduced her to that profligate abasement of character which anyhow is a world’s wonder. It must have produced that degradation which, without a blush, could write the letters to L’Angelier, and which would have entered Minnoch’s house and home as a bride. It may have brought L’Angelier to his doom from the hands of his paramour—it must have brought him to a dog’s death, either at his own hands or at those of somebody whom he had somehow foully wronged. And the simple fact that we have our desperate choice in this alternative of horrors, only shows *what may be going on in the inmost core of all that is apparently pure and respectable.*”

No doubt. And there, in our view, is the deep, the important, the *permanent* interest of the case. It illustrates the conventional morality of Scotland. It also illustrates Scottish Jurisprudence

The question is suggested by the *Review*, “How could such a crime, with such antecedents, be going on in the inmost core of all that is apparently pure and respectable?” But what was going on there? Let us see. A “strictly moral and religious man,” according to the Calvinistic standard, as testified by one herself holding that character, and who was her *confidante*, stole like a thief into an honest man’s house, by the aid of his servants, seduced his daughter, and the result was her trial for his murder. We simply state the sworn evidence and the known result.

Look at the very outset of the sad story. It all arose from a clandestine correspondence. Who were privy to it? There were two parties at first implicated, Madeleine and L’Angelier, and soon after a third, Miss Perry, all three, according to the custom of the country, *religious*. They were all Presbyterians, that is, the form of their religion was the prevailing religion of Scotland, the form most antagonistic to Catholicism, viz., Calvinism, which affects peculiar rigidity of morality. Now mark what takes place.

Miss Perry had known L'Angelier some time before he was acquainted with Miss Smith. She says, "I became acquainted with her about 1853, we both attended the same chapel." (We presume that she meant that this was the cause of their acquaintance.) "About the spring of 1855 I came to know him intimately; the intimacy went on gradually." "I thought him a strictly moral and religious man. He was a regular attendant at church." (This is evidently what she meant by "strictly moral and religious.") "He was in the habit of writing to me for two years; latterly we addressed each other by our Christian names. In the early part of the summer of 1855 he told me he was engaged to Miss Smith, and I was from that time forward aware of his attachment and correspondence. In August 1855 I was introduced to Miss Smith; he brought her to call on me. I was aware that the correspondence was clandestine. I knew that the intimacy was disapproved of by the family, and that the engagement was broken off at one time. I never knew that her father or mother had abated their dislike of the intimacy. I knew that they met clandestinely."

It will be observed Miss Perry said she was aware in August that the correspondence had been broken off. It was broken off by Madeleine herself in April, who seems at that time to have had a better notion of morality than the "strictly moral and religious" man, who was seeking to seduce her, or his respectable friend and *confidante*; for she wrote, on 18th April, to L'Angelier, thus:—

"I think you will agree with me in what I intend proposing, viz., that for the present the correspondence *had better stop*."

Now there was another letter put in, next in order, and which, though without date, must clearly have been written about the same time. It was from Miss Smith to Miss Perry.

"Dearest Miss Perry,

"Many thanks for all your kindnesses to me. Emile will tell you I have bid him adieu. Papa would not give his consent, so I am in duty bound to obey him. You have been a friend to him—continue so. Think not my conduct unkind. I have a kind father to please."

Poor girl! would to heaven she had preserved those sentiments! From what an abyss of shame and sin would

she not have been saved by the simple course of *filial obedience*. But now mark. Passing by the circumstance that it would seem from Madeleine's note of April that she must have been known to Miss Perry *then*, for she speaks of "kindnesses" received; it appears plain that if those "kindnesses" were not of personal acquaintance, they were *facilities* for the interviews or correspondence of the lovers. But at all events one thing is patent, that about the time Miss Perry says that Miss Smith was brought to her residence, the clandestine correspondence between the lovers, which was so soon to ripen into a guilty intercourse, recommenced. For Miss Perry said that Madeleine came to her lodgings in August, and the first letter put in evidence which was written after Madeleine had broken off the correspondence, was dated September 4th. It is impossible not to connect the personal acquaintance with Miss Perry and the recommencement of that unhappy correspondence, and Miss Perry feeling that, averred that she deemed L'Angelier to be a "strictly moral and religious man," although she was aware "of the progress of his attachment." It is clear she was aware of his secret assignations with the girl at her father's house at night, for she herself came into the witness-box to swear so. In December 1855 Madeleine had commenced these clandestine interviews, for she says, "I pitied you standing in the cold last night." And in the same letter she says, "How kind of Mary (Miss Perry) to take any trouble with us." It is plain she was receiving "kindnesses" from Miss Perry, who knew the secrecy of the correspondence, but thought no harm of it, "for L'Angelier was a strictly moral and religious man." Well, if *she* thought no harm of it, perhaps Madeleine may have been led to a similar view of it. It is obvious that *something* had served to ease her scruples. In April she saw the sin of filial disobedience in the secret correspondence. Now she went on, under the auspices of religious Miss Perry, in clandestine intimacy with her "strictly moral and religious friend." Miss Perry thought there was no harm in secret visits to a young girl at the dead of the night. Alas! they *led* to harm! In May next year Madeleine was ruined, a thing of sin and shame, given over to the tempter, with darkened conscience and a mind depraved! Just a year after she had broken off her correspondence with her lover, from a sense of its impropriety: Scarce half-a-year after she had

been misled into renewing it. Alas! great harm came of her secret correspondence with the "strictly moral and religious man," who went to the same chapel with Miss Perry, and "went to church regularly." Would this harm have come of it had Miss Perry warned the poor foolish girl that it was wrong, and that she had better not depart from her first virtuous resolution to discontinue it? Did she tell the girl so? She did not venture to say so. It is true that she said, "I wrote on one occasion to Miss Smith advising her to mention it to her parents." That occasion may have been, and in all probability was, the one alluded to by Madeleine in her letter to L'Angelier of Nov. 30, 1856, in which she said—

"I was sorry I said anything about Mary. I was vexed she said she would not write to me. She had written me all along, *knowing that M. (Mamma) did not know*, so I *thought it peculiar* that she should drop writing *without some other excuse*."

Evidently coolness had arisen between them at the end of November, 1856. But it was *too late*. The mischief had been done in September, 1855, when the poor girl recommenced her clandestine intercourse with the "strictly moral and religious" friend of Miss Perry. The wretched girl had been ruined in April or May, 1856. The mischief was all done. The ruin certain to occur from secret nightly interviews with a man had occurred. What use was it *now* to quarrel with the wretched girl? Had she been *warned a-year ago*, all this ruin would have been avoided. In April, 1855, she had herself broken off the correspondence. It is plain that had any one in August warned her not to renew it, in all human probability she might not have done so. But Miss Perry says, speaking of the period subsequent, "I knew that they met clandestinely; I corresponded *with both* at the time." This confirms what Madeleine says in her letter of November, 1856. "She had written me all along, knowing that Mamma did not know." Now Madeleine was a girl under twenty, Miss Perry, we hear, is over thirty. She went to chapel regularly, as did L'Angelier, but she did not act under any religious principle sufficiently *vital* to lead her to warn the wretched girl from that abyss of ruin on the edge of which she saw her.

It is plain that Miss Perry was aware of their secret

interviews, for she came to swear that in February L'Angelier told her he was to see Miss Smith on a certain day, and that afterwards he said he had seen her, and that she had given him something to drink. It is manifest that (as the *Jurist* remarks) this was the most terrible piece of evidence against Madeleine; indeed, the only evidence which seemed to drive the dreadful charge home to her was the evidence of Miss Perry. It is charitable to think that this respectable lady must have given that evidence under an agonizing sense that she might, by warning the wretched girl against the revival of the correspondence, and threatening to reveal it if continued, have saved her from the shame and sin into which she had been plunged, and the crime of which she was accused! But then she would have offended her "strictly moral and religious" friend. That there was nothing in her conduct inconsistent with the conventional morality of Calvinistic Scotland may fairly be presumed, for this reason, that the Lord Justice Clerk, had only this remark to make upon it—that it was "sentimental."

There is something to observe upon the evidence of Miss Perry, something to which the *Herald* and the *Jurist* have both called attention, and which elicited from the court the gravest reprehension. It is this: that her evidence was "dressed up," and (to use the expression of the writer in the *Register*,) "doctored," on the most vital (or rather the most fatal) point, that of *date*. She came to state that on the 17th February, 1857, L'Angelier told her he was to see Madeleine on the 19th, and that afterwards he told her that on the 19th he had been very ill. This was a most *damning piece* of evidence, and the gist was the *date*. Now observe. In her examination for the prosecution she said, "He did not say what day it was he had been ill, but from circumstances I knew it was the 19th." It was plain what those "circumstances" must have been, for she said, "He was to have seen her on the 19th." She also said, "He did not tell me he had seen her on the 19th."

It is tolerably plain that she was led to fancy it must have been on the 19th he said he was ill, because he was to have seen her on that day. Now it appeared L'Angelier on the 9th March told her he had been ill, and on her cross examination that she had first been examined for the prosecution on the 6th and 7th April, about a month

after the date of her conversation with L'Angelier. And on her cross-examination she said,

"I have said that circumstances enabled me to fix L'Angelier's illness for the 19th February. I did not recollect this when I was first examined: but *it was suggested to me by the Fiscal's amanuensis*. He said the 19th was the date of his (L'Angelier's) first illness, as stated in his pocket book."

Now the "suggestion," it turned out, was on the 4th June, two months after the first examination, when she did not recollect the date, and three months after the conversation with L'Angelier, in which he mentioned the illness. Nor is this all. She had been, it appeared, examined on the 23rd April, yet then she had not recollected that fatal date, the 19th. It was only on the 4th June, when the official *suggested it to her*, that she had fixed on it. It is not strange that the Court should have been struck with this. She stated, in answer to the Lord Justice Clerk, that the Sheriff was not present when the clerk of the procurator fiscal suggested it to her, upon which the Lord Justice Clerk said, "It turns out, then, that you were examined by the Procurator privately, with no sheriff present to restrain improper interference, and your recollection is corrected by the Procurator's clerk,—*a pretty security for testimony brought out in this kind of way!*"

But this is not all. The *Herald* and the *Jurist* draw attention to another view of the matter, bearing on a most important question, the *examination of the accused*.

Our readers are aware that by the English and Irish systems of criminal judicature, the accused is not examinable either before or after trial. In the Scotch system he is examinable before trial; in the French system he is examinable before and at the trial. Mr. Amos, in his able work on the "Constitution of England in the reign of Charles II.," shows that the practice was usual at that era of our history, in this country. We may add that it was usual, even for some time after the Revolution, and was made, as when Holt tried Ashton and Preston, the means of the grossest oppression. But at the present time even the *confession* of a prisoner is not receivable unless quite voluntary, and any attempt to *extort* it excludes it from the evidence. In Scotland, however, the accused is

examinable before committal, and the examination is evidence at the trial.

There are persons who, like Mr. Amos, are rather in favour of the practice, because they think it in favour equally of justice and innocence. In support of this view, they say that while guilt can hardly evade discovery, innocence is certain by its frankness and consistency to make itself manifest. But this overlooks the notorious fact that, under feeling of alarm, and apprehensive of the effect of any incautious admission, the accused person will very often, even if innocent, deny or misstate some circumstances, apparently suspicious, and will thus, if the falsehood is detected, strengthen the suspicion of guilt. There is, however, another view: that from any admissions made by the accused, at all pointing a suspicion, the agents for the prosecution may very easily, and innocently, be led to construct a theory of guilt, and then may inevitably be led to try to *shape* the evidence so as to make it *square* with their theory.

It is plain that this was the case with regard to the pocket-book of L'Angelier, and the evidence of Miss Perry. The official found a date in the pocket-book, and to give the evidence any force, it must square with that date. So he suggested it to the witness, and she made it square with it. No doubt the intentions of both were innocent with regard to the examination of the accused, but that not only shows the system to be vicious, and that our English principle is the safer. For see what took place.

The death was on the 23rd,—on the 31st Madeleine was examined, and on the 6th April, with this examination in their hands, the officials began to examine Miss Perry, the most important witness for the prosecution. Added to which, they had previously perused all the letters; in one of them, dated in November, 1856, Madeleine speaks of taking cocoa for her health, which showed that, at all events her own taking of cocoa was not originally resorted to as a blind for the administration of it to her lover. In a letter *undated*, but which it was *suggested*, was written in February, before the 19th, she wrote:

“You did look bad on Sunday and Monday. I think you got sick with walking home so late, and the long want of food, so the next time we meet I shall make you eat a loaf of bread before you

go out. I am looking so bad that I cannot sit up as I used, but I am *taking some stuff* to bring back the colour."

Now there was no *date* and no *postmark* to this letter. The case for the prosecution was, that it was written in February; why might it not have been written in November, seeing that there is a letter with the *November postmark*: in it she says, "I don't think I have taken breakfast for ten months; I don't think I can take meal (oatmeal). I shall *rather take cocoa*." May not this have been "the stuff she was taking?" But the prosecution desired to make out that the letter in which she spoke of "taking stuff," and "giving her lover a loaf," was in February. Well, on the 31st March, the accused was examined, and stated that she had not seen the deceased for three weeks. L'Angelier was unwell, and had gone to the Bridge of Allan. "I remember (this she said before being shown the letter referred to,) giving him cocoa from my window, one night some time ago, but cannot specify the time. He took the cup in his hand, and barely tasted it; I gave him no bread." Being shown the letter before referred to as undated, you did look bad on Sunday, &c., she said, "As I had attributed his sickness to want of food, I proposed as stated in the note, to give him a loaf of bread; but I said that merely 'in joke, and in point of fact I never gave him any bread.'" We need not remind our readers that she confessed the purchase of arsenic on three occasions. Now the officials had read, when they made their examination, the letters of the accused, while she could not of course exactly recollect every expression they contained, so they had enormous advantages. Moreover, they had her examination in their hands when they examined Miss Perry, and there arises the important observation made by the *Herald* and the *Jurist*, that it is very likely they who suggested to Miss Perry an important date, may have disclosed the fact that the accused had confessed the purchase of arsenic, and the administration of *cocoa* to the accused, in which case, when we remember, as the *Herald* observes, how quickly the mind and memory are visited by facts which are suggestive of suspicions, and work on the imagination, the value of her evidence is very materially affected. Yet, in the charge of the Lord Justice Clerk we find no trace of any attention to this most momentous consideration. The credi-

bility of Miss Perry was of the more importance, because most of her evidence partook of the worst character of hearsay, for it was her account of the conversations of a deceased person, offered in evidence of the truth of the facts he was represented by her to have stated, a species of evidence over which there is no check, there being no means of cross examination, *except* on the character and credibility of the witness, the very point on which the Scotch system, so different from the English or the Irish, excludes cross-examination. It would be in the power of a person in Miss Perry's position, to *make* any amount of evidence to suit the purpose of the case, and coin any declarations of the deceased in order to square with the theory of the prosecution, that theory itself being, perhaps as in this very case, based on admissions extracted from the prisoner in examination, and then possibly suggested to the witness. We by no means hint that Miss Perry was a person who would wilfully warp her evidence, but she might even unintentionally under such circumstances, and whether she would, or not be likely to do so, must depend upon her character, of which we know, and under the Scotch system, can know nothing, except that she was the *confidante* of the deceased in his clandestine correspondence, and yet considered him a "*strictly moral and religious person!*"

Anyhow it is obvious that the case rested, as the *Jurist* observes, mainly on the evidence of Perry and Haggart, and any consideration tending to affect their character and credibility were of the most fearful moment, the more so as the counsel of the accused are not allowed in Scotland that latitude of cross-examination, or observation on character of witnesses, which, in Ireland and England are deemed so essential, and certainly have, on innumerable occasions, saved human life, destroyed an accusation and rescued a character. This Scotch system deprived the accused of this protection, and this made it the more important that the Court should, as far as possible, afford it, or at all events be fair. Now the Lord Justice Clerk made some strong observations upon the character of the accused. He especially, for example, noticed her first writing to him. He forgot to remark upon Miss Perry's encouragement of the correspondence, and he omitted to mention that Madeleine broke off the correspondence, and resumed it not until she became acquainted with Miss

Perry. But there are graver grounds for animadversion on the ideas of morality, which appear to pervade even a Scotch court of justice. The Lord Justice Clerk forgot to utter any censure on the conduct of Christina Haggart, who, not only in disobedience to her mistress had received letters for Madeleine from her seducer, but actually introduced him into the house at the dead of night, and allowed him to be with her an hour at a time. And this *after attending family prayers*. The Lord Chief Justice Clerk found no words of rebuke for this conduct, which was one of the main causes of the dreadful misery which had ensued,—on the contrary, he rather *jested* at it; and when the Dean asked, “You were desired by her mother not to receive letters from him; why did you do so?” and the woman hung her head for shame, and said nothing; the Lord Justice Clerk—grave and reverend judge—came to her rescue, and kindly suggested, “I suppose, as M’Kenzie was coming to visit you, you could not well refuse them for Miss Smith!” (a laugh.) Yes, “a laugh.” A laugh at the judicial jest (instead of the stern rebuke,) at the witness’ confession of connivance in the dishonour of her mistress’ daughter!

That the Lord Justice Clerk should have made no observations on the conduct of Miss Perry and Christina Haggart, in conniving at the entire correspondence, is the more remarkable, because, on their credibility and accuracy depended the entire case. The evidence of Miss Perry has been already adverted to. If it was not the most vital or fatal evidence in the case, the only evidence which was more so was that of Christina Haggart. For hers was the only evidence that L’Angelier had ever been in the house at *Blythwood Square*. Most persons have imagined that all the evidence as to access and nightly entrances related to that house. On the contrary, it all referred to the house in India Street, or, especially, to the house at Row. The first acquaintance with L’Angelier was at India Street, and there the seduction commenced. It was carried on at the country house at Row, whither the family went, in April or May, 1856, and where they remained until the middle of November. The first letter of the prisoner from Blythwood Square, was on the 18th November. The poisonings were supposed to have taken place *there*, and for that purpose it was essential to show that L’Angelier had access to that house as well as to the

others. It would not necessarily follow that he had, for many reasons: the collocation of the rooms was different; the parents were always at home that winter; the house was *next door to that of Mr. Minnoch*, who was then courting Madeleine, and it was in a conspicuous position. But the case for the prosecution required that it should be shown that L'Angelier had access and entrance into that house, and that intercourse took place in it.

Now, this being so, it was on the one hand essential to the case that the deceased should be shown to have had access and entrance into the Blythswood-square house, and the letters failed to show it, (except in the one instance we shall notice,) and rather tended to the opposite inference, and all the moral probabilities tended to support the opposite inference, and the case for the prosecution somewhat confirmed it; for the girl had already satiated a guilty passion, and was receiving the addresses of Minnoch, and it was the case for the prosecution that she wanted to break off connection with L'Angelier; the only evidence that he ever had access to the house in Blythswood-square, was the evidence of Haggart; who said she had introduced him into it, at Madeleine's request, one night, between one and two months, before she was apprehended, i.e. before the 31st March. That would be about the middle of February, the time when she had written to L'Angelier those agonizing appeals for the return of her letters, making an appointment in these terms:

“I will take you in within the door. The area gate will be open. I shall see you from my window at 12 o'clock.”

That was very near, just before the 14th February; for on the 11th she wrote the last of those terrible letters, and on the 14th she wrote quietly, in a tone which showed that there had been at least one interview, though that might have been at a window, and some reconciliation. Now observe, she said, “The gate will be open.” And Haggart said, “She asked me to open the gate,” and the witness, on that occasion, let L'Angelier in. Now, assuming that this was the interview for which Madeleine made the appointment in her letter just before the 14th Feb., it comes to nothing, for many reasons: first, because the girl was in an agony of alarm, which would have driven her to anything, and her having L'Angelier into the house under

that pressure went no way at all towards proving that he had access to the house at other times ; next, because for the purpose of that interview, two things had been deemed requisite,—previous appointment and agreement, and the agency of Haggart. And above all, because the accused had no poison until sometime *after*, nearer to the end of February, the 21st being the date of the first purchase. But if they were *different* interviews—the one of which Haggart spoke, and the one for which an appointment was made—then how much must depend on the evidence of Haggart! Now, in this country we are confident that any judge would have pointed out how much depended on the credibility of Haggart and Miss Perry, and would have expressed his opinion as to the extent to which what they confessed to have been their conduct, tended to affect their credibility. More especially as to Haggart, we are certain that any English or Irish Judge, would have made some strong observations as to the conduct which she acknowledged, more especially when it transpired that (like Miss Perry,) Haggart had quarrelled with the accused. Instead of this, all that the Lord Justice Clerk remarked on her evidence, when she had given it, was to *jest* upon it, and when he came to sum up, he simply said : “ If you believe Haggart at all, he did enter the house at Blythwood Square, and was with her a whole hour on one occasion.”

But in any view, as the evidence of Haggart was most material, and as the Lord Justice Clerk deemed it right to tell the jury that they might think it probable that Madeleine would commit murder, because she had been proved to have been licentious, (a moral mistake, which the *Jurist* points out,) surely it would have been but fair to remark, that the evidence of Haggart was equally open to the observation, that it was the evidence of a person who had lent herself to facilitate this licentiousness, and helped to introduce into her master's house, at the dead of night, the miscreant who came to debauch and ruin her master's daughter! But neither on Haggart's conduct nor Miss Perry's, had the Lord Justice Clerk anything to say ; indeed, as to Haggart's, he seems rather to have liked it, for he passed a good humoured jest upon it, “ You *could* not help it,” said the Lord Justice Clerk. And doubtless it was said with a leer, for the people *laughed!* Oh, it was no *laughing* matter, to that heart-stricken

mother and father, who were waiting for the doom of their wretched, ruined daughter! The Lord Justice Clerk covered her with obloquy and opprobrium for her licentiousness, but said not a word as to those who facilitated it, not a word as to Miss Perry, who was the *confidante* of her "strictly moral and religious friend," the seducer; except that it "showed some sentimentality:"—(*sentimentality* forsooth!) not a word, except of jesting approval, as to Haggart, who got up from her knees at family prayers to let in the unscrupulous adventurer who was ruining her young mistress. Well may the *Jurist* express indignation at the conduct of the Lord Justice Clerk, and stigmatize it as unfair.

The whole catastrophe, upon the theory of guilt, arises out of this clandestine correspondence. All our contemporaries could perceive this. Thus one of them (*The Lancet*) observed:

"The revelations made during the ten days' trial were truly startling. This girl,—handsome, accomplished, and moving in good society,—after leaving her fashionable boarding-school, came home to Glasgow, and there, under the eyes of her parents,—religious and respectable folks,—entered into *clandestine correspondence* with a miserable little fop, and to whom she had been surreptitiously introduced; continued to receive his advances in opposition to her parents' commands, and allowed him to seduce her."

Our shrewd and sensible contemporary saw clearly that the clandestine correspondence was the cause of all the mischief. So another remarked,

"The case of Miss Smith, as disclosed at her trial, and other cases of similar character, convey a lesson which the young of both sexes ought to lay thoughtfully to heart. When women, confident of their own virtue and their lover's honour and excellence, habitually, from any cause, *grant clandestine interviews* at unseasonable hours, and in questionable places, they enter upon *fearful* perils. If one fall occurs, it leads to another and another. Through errors which at first, perhaps, could not be called by harsher terms than levity and indiscretion, Miss Smith entered upon a career which has destroyed the happiness of her family, deprived her of reputation, and subjected her to the charge of having perpetrated a foul murder. Others of her sex have proceeded from similar beginnings to worse ends. It is duty to avoid even the appearance of evil. Opportunity of evil is far more easily avoided than controlled:—

“Accursed opportunity!

That works our thoughts into desires; desires
To resolutions: those being ripe and quickened
Thou giv’st them birth, and bring’st them forth to action.”

All this is very plain, but it is strange that it occurred to none of our contemporaries, any more than to the court, to censure those who connived at the clandestine correspondence, to which they ascribe the whole evil. Calvinistic preaching did not teach Miss Perry to stop the clandestine correspondence, nor prevent her from thinking L’Angelier a strictly moral and religious man, though she knew he was carrying it on. And so as to others of the friends of L’Angelier, who were present at the trial. The point is not merely that he did what was wrong, professing to be religious, but that they *thought him none the less, on that account*, a strictly moral and religious man, and that the Court, composed of Calvinistic Judges, seemed to see nothing for animadversion in all this, and so far as we can see, recognized in it nothing inconsistent with the rigid religious professions of Presbyterianism.

The root of the whole evil, then, was the clandestine correspondence—that correspondence which the girl herself broke off for some months, and was induced to resume it mainly by the connivance of these two women. Surely the moral lesson to be learnt from this is not merely the evil of such clandestine correspondence, but the mischief of any connivance at all on the part of those who are “respectable.” It is the sanction which respectable and religious people appear to give to what is wrong, which leads to much of the evil in the world. This was the great moral lesson of the case. And yet all our contemporaries have missed it. No marvel, for the *court* failed to remark it. And eager to heap obloquy on the wretched girl, whose life was trembling in the balance, the court forgot to hold up to reprobation the want of correct moral principle on the part of others, which had been the original cause of her being what she was.

The clandestine correspondence and the secret interviews led to seduction, of which the letters were the only evidence. The Lord Advocate attributed her murder of L’Angelier to her desire to prevent his exposure of her. His only means of exposing her lay in her letters. His bare word would never have been believed. The natural

inference from this would have been, surely, that to get hold of the letters would be to get rid of him; and therefore, that her object would be to get hold of the letters. And that was part of the theory of the prosecution. But then the other part of the theory was, that she thought the best way to get hold of the letters was to kill him. There no doubt is some difficulty in this theory, for there is an inconsistency in it which many of our contemporaries have perceived and pointed out; for instance, the *Globe*, the *Herald*, the *Saturday Review*, the *Press*, and the *Jurist*; with some of the Scotch papers. For to kill L'Angelier, would not be to get hold of the letters, and, therefore, it would not get rid of him.

The *Press*, wrote thus—

“According to the theory of the prosecution, it was the obstinacy upon the part of L'Angelier to give up the letters, which led to his murder. It was necessary for Madeleine Smith to get rid of him in order that she might marry his rival. But to this theory there occurs a very grave objection. The great object of Miss Smith in the latter months of their correspondence, was to get back her letters, for she well knew that their publication would be fatal to her reputation. Could she hope to attain this object simply by making away with her lover? Clearly not. Nay, on the contrary, she must have known that in the event of his sudden death the fatal letters were morally certain to come to light. The motive suggested by the prosecution is thus weakened in a material point, which, we doubt not, had its weight with the jury in inducing them to pronounce a verdict of acquittal.”

The *Saturday Review* seeing this, (and even the *court* could not help allowing its force,) adopted an entirely different and indeed inconsistent theory: for interest and revenge are two feelings utterly opposite. It adopted the theory of hatred and revenge, and discarded the idea of interest.

“The Dean or Faculty observed strongly and skilfully on the improbability of this burning, passionate, guilty girl being suddenly transformed into a savage, cold, deliberate murderess. This was the main moral argument for the defence. If anything, however, could account for this, we think it is to be found in L'Angelier's character; and how far this leads to a presumption of guilt or innocence, is a question of moral evidence. As such only we treat it; and we say that what he was proved to be would go far to solve the moral difficulty urged in the prisoner's defence. His was just the sort of mind to work this horrible change in Madeleine Smith.

A meaner and more contemptible scoundrel it would be difficult to conceive; and probably his low selfish character prompted that sort of unhappy popular sympathy with Madeleine Smith which seems to prevail, at any rate in Edinburgh. A profligate, vain, adventurer, boasting, as it seems, of his *bonnes fortunes*, and trafficking with this *liaison*, as perhaps with others, as a means of advancement—this is what L'Angelier was. If he really meant seriously to marry, what obstacle was there, except on his own side, to the talked-of elopement? We do believe that, as a further knowledge of L'Angelier's miserable character broke upon Madeleine Smith, the insight into the man who could hold this girl's shame over her, and who could resist the terrific pathos of her shuddering, shivering appeals for mercy—appeals unequalled in the whole range of tragic vehemence—may account for this moral change. The deep fountains of her passion were, on discovering her paramour's character, frozen up. She found that she had ventured everything upon an unworthy object, and the very depth of her love was changed, on the complete and perfect sense of utter loss, into the corresponding depth of hatred."

All this however, was inconsistent with the evidence, for which reason doubtless, it was discarded by the prosecution; every fact in the case showing that what the girl wanted was to get rid of her *letters* not of her lover; unless the getting rid of her lover would have got rid of the letters.

Although, however, the most thoughtful of our contemporaries rejects the whole theory of the prosecution on account of its inconsistency and difficulty, yet even assuming that it was not so self-destructive as it appears to many—indeed most of our contemporaries—did it *require the production of all the correspondence that was put in?* Was it necessary to heap upon the prisoner such a load of obloquy;—and, if not necessary, was it just?—Was it necessary to pollute a court of justice with such disclosures, and expose the public mind to such pollution, and if not necessary, was it not infamous to do so? These are weighty questions, which the Lord Advocate has been asked in Scotland by one or two respectable journals—but in England not by one. It is probable that most of our contemporaries have not observed the irrelevancy of the letters characterized by indecency.*

* At the same time we may observe (and it is well, for the honor of the sex to do so), that the indecency of the letters was exaggerated. Prurient imaginations have supposed that whenever *asterisks*

They were written from Row, in the summer of 1856. In the winter of 1856, Mr. Minnoch was paying his addresses to Madeleine, and at that time the intimacy with L'Angelier had begun to wane. They continued to correspond, but do not appear from the letters to have met. Almost every one of her letters mentioned her having been with Mr. Minnoch to concert or to ball; and contained some excuse for not seeing L'Angelier. Thus, on the 8th December,—“Emile, I don't see when we are to have a chance.” December 17th,—“I don't see how we can; M. is not going from home, and when P. is away Janet does not sleep with her.” January 9th,—“I think I heard your tap last night; pray do not make any sounds at my window.” January 11th,—“Disappointed at having no letter.” January 21st,—“I cannot see you on Thursday as I hoped.” January 23rd,—“Sorry that I could not see you to-night.” On the 28th of January, she was engaged to Mr. Minnoch. Then at the beginning of February, probably the 5th, she has a letter of hers returned to her—writes in a rage and requires the return of her letters. On the 9th, she receives some letter of his refusing to return them, and threatening to disclose their intimacy to her father. On the 10th, she wrote the first

were inserted, the passage was unfit for publication: but it was agreed between counsel, that when possible, passages containing allusions to other persons should be omitted. The tone of exaggeration adopted upon this point was very absurd; as if criminal intercourse could take place (especially under the circumstances) without a great degradation of the moral tone, and an obliteration of feelings of modesty or shame. Yet the Scottish censors in and out of court—and the English ones too—seem to think that it *could*; another false notion, illustrating the utter unsoundness of the conventional morality of the age. There were just those allusions in Madeleine's letters which were natural to occur between parties living in sin; neither less nor more. Could any one have expected less? And was it not a piece of cruelty and hypocrisy to represent this as a peculiar aggravation of sin in her case, instead of its natural result? The notion that the crown *withheld* any indecencies we believe quite unfounded, and to have been most ungenerously circulated. On the contrary, one charge against the crown officials is that they wantonly and uselessly published the indecencies which they did disclose: and it is not likely that men who so acted would withhold anything.

of those two terrible letters which no one who has read will ever forget.

The Lord Advocate himself must have felt this, for in his powerful speech he says, speaking of these two letters:

“The appointment stood for the 12th,—on Monday the 9th she wrote the letter imploring him not to put her to open shame. We have thus traced the matter to the point at which she could not extricate herself, and yet at which, if not extricated, she is lost for ever. Another letter followed in the same imploring strain, and confessing that she had ‘put upon paper what she ought not.’ It was time, poor creature. I cannot see in this sad history the gradual downward progress of an ill-regulated mind without the most deep compassion; nor will I deny that L’Angelier had abused his opportunities in an unmanly and dishonourable way. I have never had to bring before any audience the outpourings of such a despairing spirit as those of this miserable girl; but the jury, though unable to restrain their compassion, must not let their judgments be influenced.”

Now here the Lord Advocate places the whole force of his argument, as to motive, on those two letters. And well he might. They contain such expressions as these, “Oh do not send Papa the letters! Do not bring me to open shame! It will kill my mother. It will ruin me to death. I will leave the house. I will die! God knows what I have suffered! My punishment is more than I can bear! My father’s wrath will kill me! I put on paper what I should not. If he saw those fond letters to you, what would he think of me? Oh do not make me an open shame! Will you denounce me? Will you make me an open shame? I shall be undone; I shall be ruined!” Now surely the Lord Advocate might safely have rested his case as to motive on these two terrible letters. And their publication would have done no harm, but good. They would have served as awful memorials of the shame which is sure to fall upon sin; and a beacon to warn the young from the indulgence of guilty passion. What need then, to pour forth a flood of licentious correspondence long prior to those letters, and wholly immaterial so far as regarded the only purpose for which letters from Row could be material at all?

For, mark, the letters were entirely immaterial on the collateral point of opportunity.

It is at the root of the whole case to observe and bear in mind that the criminal intercourse was in the house at

Row, which was only a country house of the family, from which the family were continually absent, as is plain from the letters: there were, as may be imagined, from the position of the house, great facilities for clandestine intercourse. Thus, on the 15th of May, she writes—

“P. has been in Bed two days. If he should not feel well and come down on Tuesday it shall make no difference, just you come, only darling I think if he is in the Boat you should get out at Helensburgh. Well beloved you shall come to the gate (you know it) and wait till I come, my husband dear. I dont think there is any risk. Well Tuesday 6th May. The Gate half-past 10.”

The house at Row, doubtless like most country houses, stood in grounds, or at least in a garden, and had several modes of entrance and of exit; so that even if the family were there, a clandestine visit could take place easily; and being a country house, the father certainly could not be always there.

In November 1856, the family came to Blythswood-square, to a house next door to Mr. Minnoch's, and in which Miss Smith's room was on the same side as his front door. What difficulties this would cause as to future meetings of Madeleine and L'Angelier she foresaw, and can be appreciated from the letters of that period. Thus she wrote from Row in October:—

“Emile you are not reasonable. I do not wonder at your not loving me as you once did. Emile, I am not worthy of you. You deserve a better wife than I. I see misery before me this winter. I would to God we were not to be so near the M. (the Minnochs). You shall hear all stories and believe them. You will say I am indifferent because I shall not be able to see you much. I forgot to tell you last night that I shall not be able of an evening to let you in. My room is next to B., and on the same floor as the front door. I shall never be able to spend the happy hours we did last winter. Our letters I don't see how I am able to do, M. will watch every post. I intended to have spoke to you of all this last night, but we were so engaged otherwise.” . . .

In November she wrote, being then in Glasgow—

“You should get these brown envelopes, they would not be so much seen as white ones put down into my window. You should just stoop down to tie your shoe and then slip it in.” . . .

Several letters followed, which were chiefly taken up with directions as to how they shall communicate with

each other by the back door or the bedroom window, the family being now in Blythwood-square.

On November 18, she wrote—"Put the letters down at the window next to Minnoch's close door. Don't be seen near the house on Sunday. If M. and P. were from home I would take you in at the front door, as I did in India Street."

The letters, then, of the summer of 1856 were wholly immaterial, and their production was a wanton violation of public decency; and what is worse—a cruel injustice to the accused, covering her with odium for a licentiousness which had nothing to do with the criminal charge; as to which, the simple fact of her letters putting her in L'Angelier's power, was sufficient; and the agonizing letters of February showed that with a fearful and appalling power, which nothing in the world has ever equalled. The Lord Justice Clerk, indeed, pressed the licentious letters most severely against the prisoner; not merely as showing that L'Angelier had her in his power, but as showing that she was capable of committing murder. His Lordship said, "Here it is that the correspondence is of the utmost importance as showing what feeling she cherished about that time." Surely that could only refer to the letters written in February, especially the two terrible letters alluded to above, letters, showing not indecency but agony: the letters marked, by indecency, being written *nearly a year before!* The confusion of *time* in the mind of the Lord Justice Clerk, was not however so great as the moral confusion which seemed to pervade his mind. The letters, he says, are important, "as showing what state of mind and disposition she was in," (i. e. about that time, the time of the last appointment to meet L'Angelier,) "and whether there was any trace of moral sense or propriety to be found in her letters; or whether they did not exhibit such a degree of ill-regulated, disordered, and licentious feeling, as to show that the writer was quite capable of compassing any end by which she could avoid exposure; and of cherishing any feeling of revenge which such treatment might excite in her mind, driven nearly to madness by the thought of what might fall on the revelation of this correspondence." Now that the Lord Justice was referring to the indecent letters is clear, because the Report adds that *he then read one of them*, remarking on the licentiousness

of expression. Now, mark, those letters were written in the Spring or Summer of 1856, about a year before the time of the supposed murder, so that they could not show her "state of mind" about "that time;" and the letters which did show that, the letters of February, 1857, so far from showing licentious feeling, are written in anguish and in agony; and far from showing no trace of moral sense or propriety, are the letters which show most sense of it, for they are the genuine effusions of heart-stricken remorse, and breathe an anxiety on the part of the wretched girl for her parents, and a deep sense of her sin and shame, clearly showing that the moral sense was not lost within her.

The *Jurist* observes on the extreme confusion of ideas in the mind of the Lord Justice Clerk, in supposing that a capability of licentiousness argued a capability of murder. All experience of human nature disproves this; but, at all events, if there were no moral fallacy in the argument, it would only apply to licentiousness, existing "about the time" of the alleged murder, and as it happens that the letters written "about that time," and for nearly a year before, show an absence of licentiousness and a desire to escape from the seducer—surely the foundation for the argument, fallacious as it is, fails in fact. And it was the theory of the prosecution, which was that the girl was "about the time" of the supposed murder endeavouring to escape from her seducer: and it was said the object of her crime was to get rid of him. The Lord Advocate, who has a far clearer and keener eye than the Lord Justice Clerk, perceived that to brand the prisoner with licentiousness, letters nearly a year old must be produced. But surely the court should have seen that they were, for the reasons stated, irrelevant. And it, at all events, was for the credit of the female sex, and the interest of morality and justice, that those letters should not have been admitted, or if admitted, that it should have been pointed out, that they only applied to a very short period of the correspondence in the first flush of illicit passion. Instead of which, they were not only unnecessarily admitted, but they were put prominently forward, and made the very pith and marrow of the case, although wholly immaterial to the criminal charge; and every purpose of criminal justice would have been answered by putting in the letters of January, February, and March, which revealed the position of the wretched girl, showed her, in the power of

her seducer, and disclosed all the interest she is suggested to have had in the death of L'Angelier. And, we think, that in taking that course, the Lord Advocate and the Lord Justice Clerk, unnecessarily and therefore improperly compromised the interests of justice and morality.

But we have another word to say on the letters, and what they revealed. The Lord Advocate and the Lord Justice Clerk, seemed to treat it as an inevitable moral inference that, because they showed the prisoner had a desire to get rid of L'Angelier, therefore she was likely to kill him. The whole force of the inference lies in this, that she had no means of escape. Now this illustrates a fearful void and blank in all Protestant systems; its want of provision by way of refuge and reformation for wretched creatures involved in some mesh of sin and shame. In no form of Protestantism is this more marked than in that of Calvinism. Few of our readers are aware probably that, after Madeleine Smith had once become guilty, she never could, however sincerely penitent and reformed, have been readmitted to communion in the Scottish Calvinistic Church. She would be allowed "no place for repentance" even though she "sought it carefully" with tears and agony. Under this cold, harsh, cruel, unmerciful system, the wretched girl must have felt that her first sin was her irrevocable ruin; that it was of no use to repent; and that there was no chance of restoration. Of course it could have been of no use to seek the spiritual counsel of a Presbyterian "minister." Had she done so, what would he have said to her? Nothing but this, "Even if you repent, you can never be readmitted to our Church. Depart, guilty, wretched, creature; draw not near to righteous men and women; we can no longer have fellowship with you." Stern and cold, these disciples of Calvin would have repelled her even had she approached them. She knew it, and did not approach them. Would it have been so had they been Priests and she a Catholic? Ah, no! She would have gone to them certainly at two epochs in her sad story. In April 1855, when she threw up the clandestine correspondence, and when she would easily have been preserved from ruin: and in February 1857, when her remorse had paved the way for repentance, and when it was not too late to be reclaimed. The writer of a contribution in the *Register*, brought out this idea very prettily in an allegory, entitled "a vision," which some of

our readers may recollect. No one who looks at the poor girl's letters in April 1855, can doubt that had she been a Catholic, she would have made her Easter confession in good dispositions; and no Catholic can doubt that this would have saved her. The good priest would have done what her pious Presbyterian acquaintance, although a woman, did not do; he would have warned her against any clandestine correspondence with a man unknown to her parents, or with any of his acquaintances. He would have pointed out that L'Angelier could only have introduced her to Miss Perry with a view to promote his purposes, and that the acquaintance would probably result as it did, in a renewal of the clandestine correspondence. He would have required a solemn pledge that she would hold no communication with L'Angelier or Miss Perry, his confidante and friend. He would have warned her that clandestine correspondence led to secret interviews, and then to sin; and he would have told her that to put oneself in proximate danger of sin *is* sin; and should be confessed as such. Now Madeleine's ruin was not sudden. A whole year elapsed between the time at which she broke off the correspondence and the time when she was ruined; and, during that period, it is a moral probability almost amounting to certainty, that the influences of the confessional would have saved her from seduction.

But even supposing that it had not; at all events it would have saved her from desperation; for it would have been the means of holding out a last refuge, a remorse, a chance of restoration, an escape from irretrievable ruin. When she wrote the frantic letters of February, she would, had she been a Catholic, have sought a priest in her agony; and as the writer in the *Register* very happily conveyed, the priest would have calmed her frenzy, secured her a temporary refuge in a convent while the lamentable story was disclosed to her father; and possibly (had L'Angelier been a Catholic, almost certainly) the priest's remonstrances with the seducer might have induced him to give up the letters or destroy them, at least those which threw the blackest stain upon her character, and the recollection of which it was which drove her to frenzy—made her speak of suicide; and, as the prosecutor suggested, made her afterwards think of murder. Anyhow, the joint influence of the father and his friends would have prevailed on the seducer to let go his prey, convinced

that he could not retain her, and that it would be of no advantage to himself merely to ruin her, while it would expose him to the father's wrath; and, on the other hand, if his motive was sordid, he could have been bought off with money, as we know, in one case, a miscreant under similar circumstances, was bought off by the parents of the wretched girl he had entrapped. Anyhow, there would have been for the girl a better alternative than suicide or murder. She would have had a certain refuge and a chance at least of rescue. But the misery of her case was that she saw no chance of rescue or of refuge. The charitable theory of the *Jurist* and the *Herald* that she intended suicide, assumes that there was no other means of escape. The argument of the prosecutor assumed it; the court assumed it, and pressed it with formidable force. It was a fact. There was no refuge for her. This was the very secret of her seducer's power over her. He knew that she had no refuge or means of rescue. Hence he rivetted his cruel hold upon her. Had he known that she could have secured the certainty of refuge and the chance of rescue, the very knowledge would have weakened his power over her. But, alas! there was no rescue. And (if murder there was) murder was the result. Murder most foul, unnatural, and horrible.

Thus, then, at every stage of this sad story we see the fearful fruits of a false religion; whether in that absence of correct moral principle which led pious persons to connive at a clandestine correspondence and covert interviews, which led inevitably to sin and shame, or in the absence of all means of reclamation or restoration; and that cold, stern spirit which leads the professors and ministers of heresy to repel those whom they have failed to warn, and whom a warning might have saved from ruin; and thus drive a wretched, shame-stricken girl to desperation, by teaching her that there was no hope, and holding out no prospect of rescue, no possibility of escape. It would be an error to imagine the case of Madeleine Smith an isolated one. In its circumstances of obscurity and mystery it was peculiar, and in those circumstances which made the tragedy so terrible. But what caused the tragedy? Impurity. And impurity is the sin of Scotland. There is no feature in the natural character of the Scotch people more marked than this, unless it be inebriety. With a pharisaical appearance of propriety, there is a fearfully wide-spread taint of iniquity,

which presents a marked contrast to the national character of Ireland.

The Lord Justice Clerk, alluding to the licentiousness shown in the prisoner's letters, declared that probably it was unparalleled. The Lord Justice Clerk either knew nothing of his country, or was guilty of a piece of solemn judicial hypocrisy. Why, we have never spoken to any one, Catholic or Protestant, acquainted with Scotland, who has not deplored the impurity of the people! The Lord Justice Clerk dwelt on the prisoner's licentiousness, as allied to murderousness. If so, his Lordship's countrymen, and countrywomen must be a sadly murderous race; but we are more charitable, and doubt his theory. One thing, however, is clear, that if the crime was committed, the remote cause was licentiousness. And all will see that of the licentiousness the direct cause was the secret and stolen interviews. And that what led to those interviews was the clandestine correspondence. Thus, then, in the chain of causes, we get at that as the original cause of this terrible tragedy of shame and crime. And that correspondence was with a man, deemed, by a pious Calvinist, who was privy to it, "strictly moral and religious," she herself being a Calvinist of the strictest sect, and both of them being regular attendants at church. And to crown all, the Calvinistic judges saw no impropriety in conniving at the clandestine correspondence to which they themselves ascribed the whole of the sin and misery which had ensued; and saw nothing but what was natural in the servant rising from family prayers to let in the seducer of her master's daughter. And thus to crown all, (in the words of a Scotch contemporary), "the upshot of all, after prayer and psalm-singing, we have a trial for murder, with such a revelation of personal and domestic secrets as must appal the worst of us."

But now we venture to offer some observation on the conduct of the prosecution, which has been much canvassed by our contemporaries. It will have been seen how much depended on the letters. Now, it appeared that there were two or three hundred letters, nearly three hundred, in various handwritings, found in the repositories of the deceased; of these, about half were in Miss Perry's writing. The deceased had corresponded with other females—there were letters from other females in his repositories. The first persons present immediately after the

decease, were Stevenson, a fellow servant of L'Angelier's, and Miss Perry. The latter knew of the clandestine correspondence, and probably the former had heard of some such correspondence. They found the prisoner's note, making an appointment for the day before the fatal night. One of them exclaimed, "This explains all!" The observation explains what followed. It is clear that these persons at once conceived a vehement suspicion of Miss Smith, and formed a theory on the subject. Stevenson lost no time in seeing the officials; and on the 30th March all the letters were given up to them; but, mark, no inventory of them was taken. "I gave them," he said, "to the officer, but no inventory was made. I made no inventory; I never saw any list of them: I am not aware of any list being made of the letters found at the lodgings before the 30th March." The Lord Justice Clerk said, "During your examinations were you asked to go over the letters and put any marks on them?" The witness said, "Not when they were delivered up. Afterwards I was requested to put my initials on some of them." The Lord Justice Clerk, thereupon said, "The course which this case seems to have taken is unprecedented." Nor was this all. The letters had been given up to the Procurator Fiscal, and through him to the agent for the prosecution. The Lord Justice Clerk said, "The Sheriff's Clerk was the party under whose warrant they were taken, and who ought to have had an inventory of them directly. The Procurator Fiscal ought not to have had them." Upon this, the prisoner's counsel urged that up to this moment no inventory has been made of the whole of these documents, and we have no certainty that the whole of them have found their way back. The Lord Justice Clerk said that he concurred strongly in the observations of the prisoner's counsel, and that the letters ought to have been inventoried. But the court would not exclude the letters put in. Those letters, however, were only the letters of the prisoner to the deceased, and one or two of Miss Perry's. These the prisoner's counsel had copies of (in June); but not one letter from any other female.

Now, the Dean of the Faculty dwelt upon this in his speech; and he had all the more right to do so, because in answer to his first objections, the Lord Advocate, though he over and over again declared that the prisoner's

counsel had access to all the letters of the prisoner to the deceased, never said anything as to letters from *other persons*. Now, it might be that other letters would show a strong probability that the death of L'Angelier was caused by other means than the administration of arsenic by the prisoner. Or, again, the missing letters might have shown some other reason for L'Angelier's coming to Glasgow on the fatal night. For example, he called on a person named Mc.Alester on that very night. It is possible that there might have been something in the letters to show that there were matters between him and that person which were as likely to call for his presence in Glasgow, as the note of Miss Smith: more especially since the Crown did not call Mc.Alester. Or, again, those letters might have shown that L'Angelier was in the habit of visiting some other female, as hostile, through jealousy, (perhaps through jealousy of Miss Smith), as Miss Smith herself. There was evidence that he had relations with other women. These suggestions are so far from being improbable, that they are, as above intimated, in some degree founded on the evidence in the case. And to that extent merely it would have been proper for the Lord Justice Clerk to refer to the subject. But he was silent. Now, since the trial, a Scotch paper has adverted to rumours that letters were suppressed by the officials, which would have been most material for the defence.

“But to give this rumour body, was there or was there not a letter in a female's handwriting (not Miss Smith's), addressed to ‘My dear L'Angelier,’ containing these words, or words of similar import, ‘Helen sends you some powders; they are insoluble in water, but if taken in a tumbler of porter they will make you as fat as Paddy M'Roberts?’ If there was such a letter, did the agents for the defence see it, or was it found useless for the defence? If the defence did not see it, did the Crown officials see it? Did they select it as one of those necessary for the prosecution? If such a letter was seen, was it ever put in type? and if put in type, whether was it printed among the other letters used on the trial or withdrawn? These are questions easily answered, either by the Crown officials or by the agents who conducted the defence, and neither party may consider such a rumour so utterly insignificant as to be wholly unworthy of notice, even although its effect upon the trial and verdict must now be valueless.”

We have seen no answer to these enquiries in the Scotch papers, and in the absence of any answer, we can only say

that the statement we have cited, shows at least that our suggestions are not irrational. And our readers will the better appreciate the importance of the point when we recal the *Lancet's* remarks on the habit of the arsenic eating, and also recal a little fragment of the medical evidence; that in the stomach was found along with the arsenic, a "white powder;" who knows what might have been proved had the prisoner's counsel been allowed to see that letter before it was too late to make any enquiry about it?

We must animadvert on the evidence of the prosecution. The *Jurist* denounces the Lord Advocate's speech as unscrupulous.

The Press said, "It could not close its remarks on the case without adverting to the tone of the Lord-Advocate's speech in summing up the case for the prosecution. It was unfair to the prisoner throughout. He assumed her guilt from first to last. He put forward his own inferences as established facts; nor did he, as he was from his position bound to do, state a single circumstance in favour of the prisoner. He would not admit the possibility of her innocence. He spoke throughout not as a responsible officer of the Crown, but as a zealous partizau."

A Scotch paper significantly observed that the whig officials seemed more alive to official defeat in the case than to conclusions resting on the evidence. Let no one suppose, that to a public prosecutor conviction in such a case is a matter of indifference. The case has enlisted all his energy; the greater the mystery and the difficulty, the more will success redound to his credit, and under the range of facts the more scope will there be for animadversion on defects in the evidence adduced. Certainly, in this case, the Lord Advocate did his utmost to supply the want of evidence by ingenious inference, and there was force in the remark of the Dean of the Faculty, that this was the first case in which the case for a prosecution was rested on inference; and it was not without some shadow of reason that the *Jurist* described his powerful speech as unscrupulous. It pressed most severely on the prisoner, not merely by its power. It distorted the facts, and misrepresented the evidence on the most vital points. And this was the more important, since the public, confused by the immense mass of evidence, naturally took their idea of the case from the Lord Advocate's

speech, which was infinitely more attractive than that of the Dean of Faculty, and being on the attacking side, was bold, positive, and decisive; whereas, the Dean's speech on the defence, was reserved, guarded, cautious, and negative; and it did not come within his province to give the whole history of the case as the Lord Advocate did. Hence, he first had the ear of the court and the public, and the impression he made was never erased, at least, until some time after the trial. But how did he make it? By substituting his own inferences for proved facts. He represented letters undated, as written at the particular time which would suit his theory, although there was no evidence one way or the other. This was especially the case with respect to the letter alluding to stuff as taken by the prisoner, which had no date or legible post-mark, and which might have been written in November when she was taking cocoa, notwithstanding which, the Lord Advocate told the jury that it was written in February, and that the "stuff" meant arsenic! although she never pretended to have eaten arsenic! And this monstrous misrepresentation, the court neither corrected nor noticed!

Again: the Lord Advocate represented that the accused could easily have boiled the cocoa on the fatal night, for that she had a fire in her room, and access to the fire in the kitchen, and was in the habit of having cocoa. Now there was not any evidence that she had taken cocoa since November. The Lord Advocate had in the box three servants and the sister of the prisoner, and from none of them did he venture to enquire whether they had ever known her to have cocoa during a month before the death of L'Angelier, still less did he venture to ask whether they had known it taken or prepared within a week, or on the fatal night, yet, as the *Jurist* remarked, the traces must have been observable. And as to the preparation of it in the prisoner's room there was no evidence that there was any utensil for its preparation, or any fire there on the fatal night; neither as to the kitchen fire was there any evidence, as to whether it was likely to be still alight two hours after the family retired to rest, which was about eleven. The natural inference surely is that it would not be in at twelve, until which the family were not likely to be asleep. The representations of the Lord Advocate then on this—the very pith of the case—were mere suggestions, pure imagination, not even inferences founded on

any facts, yet the court allowed it all to stand, unchecked and uncorrected. Nothing could be more likely to mislead the jury at the end of nine days enquiry, recollecting that something had been said about her taking cocoa, and about a fire in her room, and access to the kitchen, and so forth. Just enough had been asked on these points in vague and general terms to mislead their minds and make them fancy that the evidence was material, whereas it hardly came to this, that possibly on the fatal night she might have had cocoa, for it was not even proved that it was possible.

Again: the Lord Advocate represented it to the jury that there could be no other motive for the last assignations the prisoner gave L'Angelier except to allure him to his destruction. And the court so put it to the jury. Why it was part of the evidence for the defence; it was *patent* on the face of the prisoner's letters, that she desired an interview, to afford him the explanation he demanded, and which she was evidently (having had painful experience as to letters) resolved to offer orally, probably for this reason—a very good one—that her explanation would be more plausible and her persuasion more influential, if exercised by word of mouth, and face to face, than through the medium of a letter. On the 5th of March he required explanation, and in every note of hers afterwards she promises an explanation *when they met*. Now, surely, when the prosecutor made the very pivot of his case a certain assumption, when something else quite different was *more* consistent with the facts, it was the duty of the court to correct him, or to comment upon the facts in their charge, and point out the more probable solution of the question. But the court did nothing of the kind, and left the prisoner to the mercy of the prosecutor.

We cannot help saying a word, in passing, as to the medical evidence. The public prosecutor never finds any difficulty in getting scientific evidence to square with his theory, and the rashness with which such evidence is given was illustrated in all three of the late cases of poisoning. In Palmer's the evidence turned on this, that strychnine could not be detected, unless in excess; whereas it has since been demonstrated, by actual experiments, that the slightest possible atom or drop of that most marvellous poison is detected in all the tissues, vessels, or evacuations of the body. So that if Palmer's conviction

had turned solely on the scientific evidence, (which happily it did not,) it would be plain that he was convicted upon a mistake, and it is more than doubtful whether he was not in one sense wrongly, if not wrongfully, convicted, for he was charged with poisoning by means of strychnine, and no trace of it was found, although it is now proved that *if* it had been there, it ought to have been found, and that (most fortunately) the most deadly poison is the most easily detected.

In Bacon's case the same eminent chemist who was examined in Palmer's, having traced a grain of arsenic, assumed the reception of a much greater quantity, because the viscera were found in a very well preserved state; although he admitted that certain other substances would equally produce a similar result. These cases show the need for great judicial care in dealing with what is called scientific evidence. Never was there more need for such care than in Madeleine Smith's. The medical witnesses for the prosecution swore that arsenic could not be used with safety as a cosmetic; a fact they could not know, for they had not tried; and the only fact they did know, viz., that it was insoluble in cold water, being against their theory. Two other medical men had actually *tried*: and found (what is, it appears, notorious) that there was no danger in it. Suppose Madeleine Smith's friends could not have afforded the heavy expenses of scientific evidence, she might have suffered, and whether innocent or not would most surely have been convicted on mistaken evidence. It is dreadful to think how innocence may be imperrilled by such rashness. On the other hand, matters of great moment within the range of actual experiment were neglected, as the search for the carbonaceous particles of the colouring matter! Here we must notice a gross misrepresentation of the Lord Advocate, which, with Dr. Christison's omissions and self-contradictions, passed utterly unnoticed by the court. The Lord Advocate, feeling the importance of the omission we have mentioned, told the jury it was proved that the colouring matter of Currie's arsenic (waste indigo) *could not be detected!* A more flagrant and monstrous misrepresentation in a case of life and death never was made; for his own witness, Dr. Christison, was compelled to say that the chief ingredient of the waste indigo was charcoal—the same as of soot; which he admitted could be detected! Here then was a manifest misrepre-

sentation of the evidence, by the public prosecutor ; and it was allowed to pass, uncorrected by the Court.

There was another respect in which the Court failed to do justice to the prisoner's case as to the use of arsenic, especially with reference to the evidence as regarded the habits of the Styrian peasants to eat it in small quantities. They treated this as the Lord Advocate treated it, as if its only bearing was upon the prisoner's use of it, as to which they adopted his observation that her use of it, by her account, was external. But they entirely overlooked its bearing on the possible use of arsenic by L'Angelier, and when dealing with that point they utterly ignored the evidence as to Styrian use of arsenic : although it was in evidence that L'Angelier had used it. And while on this point we will notice another most important piece of evidence, the bearing of which on the theory of the prisoner's cosmetic use of arsenic is most important. It was in evidence that *L'Angelier* had said that French ladies used arsenic to improve their complexion. There was independent evidence that, at school the prisoner used arsenic (it did not appear clearly whether internally or externally) to improve her complexion. And there is a passage in one of the prisoner's letters in which she alludes to something L'Angelier had told her of a supposed practice prevailing among school girls. This was before the purchase of arsenic. Putting all the things together it really appears rather too strong an assumption to take it for certain that the whole cosmetic theory was false. But the Court failed to point out that it rested partly on L'Angelier's own statements and practice ; and that as he had used it himself internally, so he knew ladies use it externally ; had told one female so, and probably told the prisoner so : we may add that the dates of the purchasing arsenic correspond with the periods at which the prisoner was going to pay visits or see company. Thus on the 6th March she was going to Row for ten days, and on the 18th March she was going to a party.

The case for the defence no doubt must, to be conclusive, account both for the prisoner's possession of arsenic, and for her lover's reception of it. But the case for the prosecution is disproved and destroyed, if either the one or the other of these facts is innocently explained. Now what says the *Lancet* ?

“L’Angelier was a man of inferior station to Madeleine Smith. He seems to have been a vain and impulsive little coxcomb. Boasting much of his personal appearance, he evidently attributed to that the conquest he had made. He had means of obtaining arsenic. In 1852, and on several subsequent occasions, he confessed, without hesitation, to using it. The symptoms of the two attacks above-mentioned were such as an overdose of the drug, or too long perseverance in its use, would produce. Just such an excess is what such a being would commit in his anxiety to regain her affection by the good looks which had once won her, and which he probably attributed, in part, to the use of arsenic for his complexion. Moreover, he had similarly suffered, on several previous occasions, before at all knowing the accused.”

Thus our eminent medical contemporary treats it as very probable that L’Angelier used arsenic. Then on the other hand, the *Lancet* treats it as very probable that the prisoner used it.

“On this trial the prisoner and two witnesses remembered distinctly reading in class, when at school, an account of the Styrian arsenic-eating and its effect on the complexion. They had forgotten other things, but the recollection of this pernicious teaching clung to them. It may be there are others who learnt the same lesson, and who have the folly to moddle with such dangerous drugs. This case may serve to them, or to others equally vain and rash, as a warning that such folly might subject them to be at any time dragged before a public tribunal, charged with murder, every incident of their foolish lives revealed, and every weakness or frivolity mercilessly exposed.”

It is quite clear that the *Lancet* believes the prisoner had used arsenic in that way. And it is too much to take it for granted that a theory is false or irrational, which a medical journal of eminence treats as probable and reasonable.

Since the trial the Scotch papers have discussed this point with great energy. One paper we have seen calls attention to the “white powder” which L’Angelier purchased, and suggests that he might have been poisoned by accident—as it is not improbable that the stuff sold might be arsenic, and this would account for the large portion found in the stomach of the deceased. Another paper—the *Edinburgh Advertiser*—has a long chain of argument on the subject to prove that habitual arsenic-eating was the cause of death. We give the concluding part of the article:—

“In some of his former illnesses a feather would have turned the scale against his life—on this night he had an unusual incentive to take the poison, and the question suggests itself, did he not in his unconsciousness take an overdose? It is impossible to decide by mere theory as to what amount of poison the system may habituate itself to. The poisoning powers of opium and arsenic are nearly equal, and De Quincy took as high as 12,000 drops of laudanum (equal to 480 grains of opium per diem) without injury—as much as would kill 120 ordinary men! So that we cannot tell what quantity of arsenic L’Angelier could ordinarily take. ‘Nervous irritation,’ says De Quincy, ‘forced me, at times, upon perilous excess.’ Might not that have been the end of L’Angelier? We do not say that this is more likely than suicide, but it is at least a solution less repugnant, and which it would better please us to adopt.”

Our cotemporary, however, is not first in the field with this suggestion, as the *Scotch Thistle* had indicated in the following words a similar theory:—

“We understand that since the conclusion of the trial, much inquiry has been made by our chemists into the facts connected with the quantity of arsenic which was found in the body of deceased, and some curious information may be looked for upon this point. The amount of arsenic found, as our readers will remember, was enormous—nearly ten times more than was required to effect his death, and speculation is now rife as to whether or not this quantity might not have gradually accumulated; as, although no poison was found about the person or in the lodgings of the deceased, it is almost certain that he was a frequent eater of it, as his fine waxy complexion testified. It is not, therefore, at all improbable that his death may have been a natural result of this practice. At any rate, we have but to read the Lord Advocate’s and the Dean of Faculty’s speeches to see how differently the same facts may be made use of by different minds, and how circumstances may be coloured to suit either the theory of guilt or innocence.”

And surely this was a case of all others in which it behoved the Court fully to bring before the jury the facts in evidence, instead of which, as we have seen, they ignored the most important; and treated as wholly irrational and improbable the entire theory for the defence, which the best authorities pronounce to be the most probable solution of the case.

Throughout the charge of the Lord Justice, not less than through the speech of the Lord Advocate, it was assumed that the only difficulty in the case was as to the

prisoner meeting L'Angelier on the fatal night. If only that could be established, it was assumed that her guilt was clear. So the case was treated by the *Times*. But is it so? Better authorities on such a subject—the *Jurist* and the *Lancet*, are two most eminent legal and medical journals—treat that omitted fact as so far from being decisive, that it would leave unsolved the greatest difficulties in the case. The *Jurist* discusses the moral improbability of L'Angelier's readily taking cocoa, the very drink which had before disagreed with him; and the *Lancet* ably argues on chemical principles, that the prisoner could not have administered such a quantity of arsenic to him in such a medium, without detection. Even this is overlooking all the other difficulties as to the preparation of the cocoa at midnight; of which there was not a particle of evidence.

Let it be recollected that 88 grains of arsenic, as the *Lancet* says, was taken from the stomach of the deceased; but the medical witness said the quantity altogether, allowing for what was absorbed and vomited, might have been 300 grains.

The *Lancet* says on this point:—

“It was contended that an interview had taken place on the night preceding his death, and that then the prisoner had administered the poison in a cup of coffee or chocolate. It has been asserted that positive evidence of this meeting was all that was required to supply the link of proof necessary to establish her guilt, and this has been the opinion generally expressed by the leading journals.

“But a little attention to the medical evidence will show that the occurrence of this interview may be granted without any such implication of the accused. Nay, more, it is almost necessary for the explanation of the subsequent events. We learn that the quantity of arsenic administered certainly amounted to two drachms, and Dr. Christison rates the quantity at one-third higher. Now, it is simply impracticable for any but a most expert chemist to suspend this quantity in a cup of coffee or chocolate without immediate detection. On the cessation of stirring, the arsenic rapidly falls to the bottom of the cup. If drunk slowly—a mouthful being taken at first, and then swallowed—the drug would similarly have settled in the interstices of the mouth, and there have rapidly produced local irritation, never complained of by the deceased. In fact, the only manner in which the presence of so large a quantity of arsenic can be accounted for is, by supposing it to have been washed down with copious draughts of fluid, which supplied the large quantity vomited when symptoms of

poisoning ensued. This, we need hardly say, is totally incompatible with its covert administration by the prisoner."

The theory for the prosecution, according to this, is involved in this dilemma. If the arsenic found in the body was the accumulation of many receptions, (and the *Jurist* says, that arsenic once in the tissues never leaves them,) that is rather in favour of the theory of arsenic eating; if all was taken at once, that is, as the *Lancet* says, impossible that such a quantity could have been covertly administered by the prisoner. It would, however, be quite consistent with the theory that L'Angelier took the arsenic voluntarily, though not consciously; that is, supposing he took it in the "powders" sent him by the unknown female.

Lord Justice Clerk treated as quite absurd the idea that arsenic could be used as a cosmetic, or rather that a solution of it could be used as a wash with impunity. Yet the medical witnesses for the prosecution stated it to be insoluble in cold water, and it cannot be held in suspension for any appreciable interval. But since the trial it has transpired that the use of arsenic for washing is quite common in various trades and manufactures, and that the hands may be immersed in it for hours without any risk of injury, unless (perhaps) the skin is broken. The fact is, arsenic acts on the blood and must be absorbed into the blood to do mischief; so that its use on the exterior of the skin has no necessary tendency to injury. Thus then, on an assumption notoriously false, the whole theory of the defence was discarded by the Lord Justice Clerk; and since the trial, Scotland has been ringing with complaints of the lamentable and nearly fatal exhibition of judicial ignorance and rashness.

Perhaps few of our readers believe in the cosmetic theory of the defence; perhaps we do not ourselves believe in it; but that matters not to our present observation, which is, that the jury should have been led to judge of it by the facts sworn, and not by false statements of the facts; and that this, especially in a trial which lasted nine days, it was the duty of the Court to look too, a duty which they entirely neglected. The cosmetic theory no doubt had its difficulties; (though it was clearly proved to be quite possible,) but those difficulties were not much greater than some which embarrassed the theory of the prosecution. It was never explained by the Lord Advocate why, on that

theory, the prisoner purchased on three occasions quite openly, an ounce of arsenic; and why, she should have purchased an ounce on the 6th March, the day she went away from Glasgow for ten days; what she did with it; and why she bought an ounce, when she came back to Glasgow. After four months study of the case and a nine days trial, the prosecutor could not reconcile these facts with his theory of guilt. And the Court did not comment on his failure to do so; though they took care to condemn without the least reserve, the theory for the defence.

That the Lord Justice Clerk had a strong prejudice against the accused, there was more to lead us to suspect than his omission to do justice to her defence. He commented as severely on her letters of the summer of 1856, as if she were on her trial for writing those letters, or for some crime of which they formed an element. Nor is this all. He actually assumed her guilt, and treated it as morally certain. When speaking of her flight to her father's house at Row two or three days after the fatal occurrence,—a flight which her counsel ascribed to fear of the disclosure of her letters; and which the prosecutor attached to fear of the dreadful charge which was afterwards made against her,—the Lord Justice Clerk made this monstrous statement to the jury, "The Dean said she was flying from the shame of exposure, but my opinion is, that having made a statement about getting arsenic for the gardener, to kill rats, and knowing that if it were discovered that he had got no arsenic from her for such a purpose, unpleasant consequences might follow, she wished to see him in order to make an arrangement by which that statement might be borne out!"

Now, passing by the gross injustice of a judge suggesting inferences against the prisoner from facts capable of two or three different explanations, the Lord Justice Clerk could have had no reason for the suggestion he made; for the sworn evidence could leave little doubt that it was utterly unfounded. The gardener had been examined: he therefore must have been interrogated for the prosecution before trial, and if anything like what the Lord Justice Clerk suggested had occurred, it must have been elicited; it was not elicited; and as perjury is never to be presumed, the fair inference is, that it never occurred. Anyhow, it was a suggestion perfectly gratuitous and unsupported by an atom of evidence. And it was a suggestion implying and insin-

uating, or rather assuming, that the prisoner was seeking to support a false story in order to screen the guilt she had incurred by murder. In other words, it quietly assumed the girl's guilt! And such a suggestion was made by the judge who was trying her! But what will our readers think of this when we recal to their memory the fact that the girl when examined *admitted* that the excuse she had given to the chemists about the rats, was untrue: and never relied upon it!

There was, however, a more serious sin of omission on the part of the Court. They failed to notice what the Lord Advocate greatly relied on as a fatal flaw in the case for the defence, but was in reality a fatal fault in his own. We refer to the prisoner's attempted purchase of prussic acid. It was to poison her lover, said the prosecutor. Poison her lover! Why if she poisoned him it could only be in her father's house; and if she used prussic acid, which as every school girl knows acts instantaneously, she would lay him dead at her feet! It is impossible she could have purchased the prussic acid to poison him. The Lord Advocate with terrific effect asked what was it to be procured for? He added that it could not have been used as a cosmetic, and that this destroyed the whole cosmetic theory, as to the arsenic. But the Lord Advocate proved too much; and in destroying the whole cosmetic theory, he destroyed his own case. Since the prussic acid, no doubt, was not to be purchased for a cosmetic (it might have been, as it is used to remove excrescences from the hands, but if not,) why was it to be purchased? The Lord Advocate assumed that it was to poison L'Angelier, overlooking the difficulty we have adverted to; and while making that assertion, omitted to observe the inevitable inference; viz., that the girl wanted the prussic acid to poison herself. It was at the very time of her agonized letters in February in which she says with frantic despair that in case of exposure she will die. And on this the *Herald*, the *Jurist*, and the *Edinburgh Advertiser* have constructed a theory for the defence; as to which we say nothing except that it is not inconsistent with the facts: and accounts for some, which the theory of the prosecution failed to explain. But what we desire above all to observe is, that though the Dean of the Faculty threw out the suggestion of suicide (very cautiously and hesitatingly we admit) the Lord Justice Clerk

never adverted to it; and did the accused the great and grievous injustice of entirely ignoring it. We venture to say that it clearly was his duty in dealing with such a mass of evidence to notice fairly the theories for the prosecution and the defence; and point out how far and in what degree the evidence harmonized with one or the other. In such a case this not being done, the accused could not have a fair trial. And this is all we are concerned with.

The *Jurist* suggests that the theory of suicide is certainly not excluded by the fact that the girl, when examined on the 31st March, said (not that she purchased the poison for cosmetic purposes, but) that she used it for cosmetic purposes. For that may have been in the hopes of hiding her shame; which the avowal of an intention to commit suicide would have indirectly tended to disclose. We know not what force there may be in this, but the more feasible it is we can the less easily account for the Dean's adherence to the cosmetic theory; which, however, may have been because he imagined it perilous to depart from a theory which the accused herself had set up. If that be so clear, the case illustrates still more forcibly the peril of a system under which the prisoner is examined; for it may be that the truth may be denied or concealed, not from consciousness of guilt, but from an apprehension of suspicion; and then a false explanation may hamper the prisoner in taking the true ground of defence at the trial. A writer in the *Register* suggested that the purchases of arsenic were successively resorted to under terror inspired by threatening letters of L'Angelier; and that the arsenic was thrown away after each occasion as he appeared to be pacified. This is so far supported by the facts that it explains why the purchases were all after the receipt of threatening letters, and on the other hand it explains the fact of those purchases which the theory for the prosecution does not do. The only obstacle in the way of the theory of suicide is the cosmetic theory, and that would not have existed but for the examination of the accused. The case illustrates in a remarkable way the fallacy of the notion that such examinations tend to elicit the truth; they serve far more to conceal it; for in this case the more obvious and probable theory for the defence, which all who have defended the prisoner in the press have adopted, was practically excluded by the less probable theory which the prisoner under the pressure of her examinations set up; very likely untruly.

It will have been observed that we have only entered into the evidence in the case in order to consider the conduct of the prosecution: to enable our readers to understand our strictures either on the judge's charge, or on the Scotch system of criminal judicature, we have purposely refrained from discussing the question of guilt or innocence. After a legal acquittal, (and in Scotch law not proven is an acquittal; the *law* knowing no distinction between that verdict and not guilty; and equally absolving the accused on the one verdict as on the other,) we conceive it would be indecent and unjust to do so. The conduct of the prosecution, and the effect of a particular system of procedure can be considered quite independently of our belief or disbelief in the charge. And we have abstained from expressing any opinion upon it one way or the other.

There is a great misapprehension as to the verdict of not proven. The *Law Times* said that it is in effect the same as not guilty. "The books do not disclose any authority for the theory that it indicates suspicion. It seems merely to be a negative salvo for the consciences of scrupulous men, enabling them, when a lurking doubt remains in their minds as to the propriety of the direct affirmation of a prisoner's innocence, which may be supposed to be contained in the verdict of not guilty; to indicate not that they suspect the prisoner to be guilty, but that they do not think she has been proved to be guilty," or rather, we should say, that it has not been proved that she is innocent. The *Jurist* also states that the effect of not proven is not that the jury are morally satisfied of the guilt, but that they are not satisfied of innocence; which is a different thing. And one of our contemporaries (we think the *Saturday Review*) points out the fallacy of treating legal evidence as distinct in kind from moral evidence, so that a person may profess to have a moral certainty of guilt though he admits that there is not sufficient legal evidence to make it certain. The legal evidence of guilt, if adequate, makes out moral certainty of guilt on the theory of probability; which is moral evidence. But the law requires the highest degree of probability; or of moral certainty. Perhaps charity should require no less. And if so, then it is a fallacy to talk of being morally satisfied of guilt, while it is admitted that there is no moral certainty of it, which is the effect of "not proven;" the

effect of not guilty being something more; viz., that there is a moral certainty of innocence.

We close with some admirable remarks of the *Law Times*, which, after speaking of "the strange and frightful theory" (as it terms it) of guilt, proceeds to say:—

"It is a grave question whether, when such a story after the fullest investigation, has failed in its legal applicability to a prisoner, and when, after all the horrible ordeal of a trial for life has been endured, the press should comment on the accused in terms of opprobrium. Madeleine Smith now stands or falls to her own conscience and to God; but her country's laws have absolved her once and for ever from all further question on the terrible accusation; and since that law has absolved her, it may be believed reasonably and asserted boldly, that *all public commentary*, insinuating and attributing guilt to one that stands before the world as an innocent and acquitted woman, is a libel of the cruelest nature, and the most pernicious precedent. The reed was stricken already, was it well, or manly, or just, to bruise it more? She stood already 'a thing for scorn to point his fixed unmoving finger at;' was it right that the oracles of public opinion should again call the poor wretch to the bar, whence she had been dismissed, rehear the case, and pronounce what they misname a moral verdict?"

That is assuming a responsibility which the *Catholic* mind should surely decline, and which we advisedly have declined. We have discussed the case with reference to matters of permanent interest, the merits of a particular system of criminal judicature, the grave errors of procedure which were committed, the nature of the medical evidence, the conduct of the prosecution, and the whole legal aspect of the case with reference, particularly, to the question whether the trial was fair, and such an one as was calculated to elicit the truth and work justice. These are matters wholly independent of the question whether the prisoner was guilty or innocent of the charge: they are matters with reference to which professional journals of the highest character have already dealt with the case; and we have reason to believe that ours is not the only Quarterly which will treat of it. But in addition there were certain moral considerations which seemed to call for grave observation; and it was natural for a Catholic journalist to notice those remarkable illustrations of conventional morality, and that lamentable exhibition of the results of a false religious system, which, to our mind, constitute the main interest of the case.

- ART. VI.—1. *On the Future Unity of Christendom.* By Ambrose Lisle Phillipps, Esq. London: Charles Dolman, 1857.
2. *Church Parties: the Evangelicals, the Tractarian Movement, the Broad Church.* Reprinted from the *Union* newspaper. London: William Edward Painter,
3. *The Progress of the Church.* A Sermon. By Frederick George Lee, S.C.L., F.S.A. London: Joseph Masters, 1857.

THE unity of the Church, like all other characteristics ascribed to her in the creed, is not a mere theory, but a fact. Jerusalem is built as a city which is compact together. The vision of prophets, the teaching of apostles, the long succession of type and promise, is fulfilled before our eyes. For the dogma of the Church is not merely an embodiment in words of some philosophical idea, or poetic fancy, or hierarchical conception, or saintly craving; it is the witness of a truth present, living, palpable,—a truth which leaves no variance between the creed we utter and the phenomena we see, presents no contradiction to vex the faithful and repel the unbeliever, confesses no antagonism between members of the same body, allows no suspicion of the constancy of Him whose word is true from everlasting. Whatever communities have been torn away from the Church in the course of time, their loss has never for a moment impaired the oneness of her undivided personality. They went out from her, but no portion of her living soul went with them. They took their own course, lived their own life, worked out their own destiny; but it was a thing altogether separate and distinct from her's. They might come into contact, or run parallel, with her for stated periods, and at given times; but they were never governed by the laws of her being; they were never informed by the Spirit that dwells in her. And history no more warrants us in assigning an ecclesiastical rank to bodies out of formal communion with the "one Church," than theology warrants us in exalting creatures to an equality with the "one God."

It is quite worth while to recall these considerations, obvious and elementary as they appear, at the threshold of such an inquiry as that to which Mr. Phillipps has invited us. We have no intention of entering upon a detailed

criticism of his pamphlet, and still less shall we follow him in contemplating "the future unity of Christendom" from a position external to the Church. Such a position can only lead to error on the part of those who adopt it as the basis of speculation, since it is one which the Church herself can never, in the nature of things, admit as a basis of action. She is bound by her own principles, come of it what may; and as they never permit her to regard schismatical communities from a point of view which is not her own, so they are inconsistent with all theorizing, on the part of her children, which assumes any other standing ground than her's. We deeply regret that, instead of stating this fact with breadth and clearness, Mr. Phillips has allowed himself practically to forget it. His pamphlet is one which will find many Protestant readers, and it was therefore especially desirable that he should hold out no delusive hopes to them, even by way of implication or omission. But, unhappily, when the longing after any religious object has taken possession of a man's soul, it is only too easy for him to pursue it through ways which sober prudence would disallow, and with an impetuosity which the wisdom of ecclesiastical superiors would restrain. Few men are able to direct their own steps with unerring wisdom through the mazes of theological controversy; and, for our own part, we desire to accept as a guide no less than a warning, the words which have been so solemnly uttered by the Fathers of the English Church:—
 "Cum, igitur, nostris hisce temporibus hisque in regionibus, novam induerit error larvam, et inveniantur non pauci, qui doctrinas Ecclesiæ se tenere profiteantur, ritus et praxim imitentur, et proinde sese, quamvis a societate Sponsæ Christi divulsos, Catholicos vocitant et simpliciores fallaci spe deludant, se extra ecclesiam salutem consecuturos; hujusmodi errori veluti tutissimum Fidei scutum, opponenda est doctrina unitatis Ecclesiæ, et inviolabilis communionis necessario habendæ cum centro unitatis. Caveant igitur qui cum hujusmodi viris, vel scriptis vel coram tractant, ne illos in suo errore confirmet. Sed potius cum Hyeronimo semper clamemus: 'Quicumque extra hanc domum agnum comederit profanus est; si quis in arca Noe non fuerit, peribit regnante diluvio.'"^{*}

^{*} Acta et Decreta primi Concilii Provincialis Westmonasteriensis. P. II. Decret 7. It may be useful to observe that the proceedings of this Council have been formally approved by the Holy See.

We have always felt and spoken with regard to Mr. Philipps, as his position in the Catholic body, and his services to the Catholic cause undoubtedly deserve; in the present instance he himself formally submits his essay in all things to the judgment of the Church, and we are anxious, once for all, to disclaim any intention of referring to a deeper cause than what we have already indicated, many peculiarities of thought or expression which will painfully jar on the feelings of his Catholic readers, and may perhaps, in other quarters, give rise to a serious misapprehension.

For it will be a misapprehension, complete and most deplorable, if any man should be led by this pamphlet to imagine that a school of opinion within the Church has adopted the suicidal theory that she can treat on equal terms with bodies external to herself. It is of faith that the same Church which is apostolic and undivided is also universal. Complete in her own personality, in-dwelt by the very fulness of the Word of God, she stands among other religious communities with everything to bestow, nothing to receive. In the world and in history, there is none to share her prerogative. As truly as our Lord was alone and self-sufficing in the days of His flesh, when He walked along by the lake, and drew the apostles, one and another, to His side; so truly is she alone and self-sufficing, as she journeys on through time, calling the nations, one and another, to her obedience. Her call is a summons not to treat, but to surrender. It is the same to individuals and to communities; for communities outside her pale are nothing more to her than aggregations of individual souls; their organization is merely an internal economy of their own, unrecognized by her, and giving them no status in her eyes. She cannot admit a right to parley with her, founded on claims the very assertion of which is treason against her supremacy. She sits as judge in her own controversy, and the only plea she admits is a *Confiteor*, the only prayer she listens to a *Miserere*. If a practical question were to arise, therefore, about receiving into her communion some external body, e.g., of Eastern schismatics or English Protestant dissenters, she would insist, in either case, on dealing with the applicants entirely according to her own view of their position, without the slightest regard to their opinions on the subject. Thus, on whatever points she judged them to be heretical, she

would require them to abjure their heresy, whether they considered themselves unorthodox or not; in whatever points of discipline she found them opposed to her own practice, she would exact conformity—except so far as she might give an indulgence out of mere grace. In other words, she would treat them, from first to last, just as she treats an individual convert; not repealing her law, but simply bringing them beneath its yoke; not changing the order of her life, but simply incorporating them into it. So that to estimate, at a given moment, the probability of their union with her, we need not attempt to gauge any fancied fluctuations in her bearing towards them, but only to ask what are their own dispositions, how nearly they are ready to throw themselves at her feet, without condition or reservation, simply accepting what she declares, and renouncing what she condemns.

Except by way of illustration however, it is not with Eastern schismatics or Protestant dissenters that we are now concerned. Mr. Phillipps has confined himself almost exclusively to the question of a union between the Church and the English Establishment, and we have no intention, in the present article, of entering on a wider field than this idea will open out. We only propose to consider what such a union implies, and what indications of its likelihood are at present perceptible around us.

Now, first of all, at the very outset of the inquiry, we are met by a fact which must be carefully observed, because it will show us that the Establishment differs, not only in matters of detail, but generically and constitutionally, from the forms of Protestant dissent with which it is surrounded; so that we can hardly speak of its "union" with the Church in the same sense that we should of theirs, and shall have to discuss the probability of such a union not merely with reference to the common standing ground of Protestant religions, but with reference to a character and position which belong to the Establishment alone. English Protestant dissent manifests itself, for the most part, under the form of communities, each grouped round some positive doctrinal definition. In such a definition the community recognizes its idea, and in the community that idea finds its development. They answer to one another, they rely on one another, they act and react, constitute a system, follow an order. Their life becomes self-conscious and self-dependent. They work out a theology,

harmonious as far as it goes, and proceeding to the limit which the idea originally imposed. Take the instance of Wesleyan Methodism. It originates in a dogma about sensible regeneration, around which its whole teaching revolves. The dogma becomes a formative idea; it creates the community, guides, checks, rules its course; marks out its work and its destiny; differentiates the body, and characterises its members. So, again, the Society of Friends has its life and being in a peculiar doctrine of the inward light, and Irvingism is the expression of theological propositions put forward by its original founder. But the Establishment belongs to an altogether different sphere. It is not a body of men joined together by the common acceptance of some dogmatic statement. On the contrary, its members and officers attach themselves to widely divergent systems of belief. Nor has it any doctrinal continuity, for the schools which have successively sprung up under its influence have as little agreement or consistency with one another as articles in the *Times* newspaper. There is no set of theological propositions on which a man can lay his hand as constituting the idea on which the Establishment is formed, the principle of its systematic action, and the explanation of its history. From an ecclesiastical point of view, it has neither idea, nor principle, nor history. It has no ascertained teaching, no developing vitality, no consciousness of itself. It is neither a system, nor a person, nor a being of any kind, but simply a condition. It is a condition of the civil government; not at all a necessary or even a normal one, for the state existed many centuries without it in the past, and will probably exist without it again; but one by which, in point of fact, the civil government is at this moment affected, and which, of course, could no more stand by itself than any other condition could stand apart from the thing which it conditions.

When we speak therefore of bringing about a union between the Catholic Church and the Establishment, it is obvious that we must give the words a very different meaning from that in which we should employ them if the question related simply to the Church and such a body, e.g., as the Wesleyans. In this latter case we should have to deal with an organized, independent corporation, not only capable of expressing its own will, but, what is even prior in importance, having a will of its own to express.

We should stand face to face with a moral person. But all this is altered when we come to treat of the Establishment. Neither reason nor imagination could suppose the Church coming into actual contact with that soulless, impersonal phantom. When we talk of her union with it, we mean in reality her union with the civil power, which is its life. We mean to contemplate an act by which the three estates of the realm should recognize the Pope's authority, and return to their allegiance to the Holy See. This is the sum and substance of the only union conceivable in the case; and supposing it once accomplished, the Establishment would be *ipso facto* extinct.

We shall not accuse Mr. Phillipps of having estimated too highly the blessing of such a consummation. "L'Eglise manque à l'Angleterre, et l'Angleterre manque à l'Eglise," and Catholicism in these days could gain no more brilliant or substantial triumph than in the satisfaction of this mutual want. It is not merely that religious unity would, at once and of necessity, put an end to all such internal difficulties as the Educational question, and the Maynooth question, nor that, in the adoption of a creed which knows how to meet and conquer the philosophical superstitions of the East, we should be saved from the humiliating alternative of either pandering to those superstitions or resigning our Indian empire. But Catholic England would hold a place and exercise an influence in Europe which Protestant England never can attain; and more perhaps than that of any other great power; it would be her natural policy, to support the Holy See with generosity and firmness. And then again, what a boundless field of missionary work would open out before the converted nation, in those new lands which its sons are peopling, far in the South, and North, and West. What a glorious instrument for evangelizing the whole earth would it find in a commerce which leaves no shore unvisited, and a navy which sweeps over every sea. If we want to see the kingdoms of this world becoming once more, in very truth, the kingdoms of our Lord and of His Church, then, so far as human calculations go, we must work and pray, above all things else, for the conversion of the English people.

But it must be a real, spontaneous conversion of the people, and not a mere official reconciliation of the government. Nothing great but loss and disappointment would

come of such a reconciliation, nor—let us be pardoned the truism—is it even possible in itself. Mr. Phillipps writes as though plenipotentiaries from a court or two might arrange the creed of England, as they would settle the boundaries of Turkey; as though a cabinet measure, carried through a Parliament by ministerial majorities, would make England Catholic to-morrow. He appeals to “statesmen and legislators,” and “learned divines,” as though the *ὀι χριστες* of society had the matter altogether in their own hands, and the nation went for nothing. The nation, we suspect, would soon show any “statesmen and legislators” who might make the trial, that it held a very different opinion. All great political changes in this country begin not from above but from below. And this, not by mere accident; it flows naturally from the genius of our institutions; it is a part of their very working. Our government does not originate so much as interpret and administer; and our laws, instead of creating the national sentiment, for the most part only define it. We may like this or dislike it, but it is a fact which we cannot ignore. Catholicism, if it is to become the law of England, must become so in the same way as Parliamentary Reform or Free Trade. Let a ministry only begin by entering into negotiations with Rome, and its fate as a ministry is sealed: but once convert the people, and the government will find itself Catholic by the mere force of recognizing a fact. And thus the inquiry we are pursuing gets clear at last from the haze of diplomatic contingency and party politics, and resolves itself into the simple question, what are the forces now at work among us in the interest of Catholicism, and what is their respective strength and value?

Look out then over the face of England. Analyse the life and character of her people, the strange compound they present of littleness and grandeur, of high resolve and paltry motive, noble achievement and despicable aim. Mark how their hearts beat, and their pulses throb, and their fibres quiver in the great race of the world for power and gain; and yet how often they will turn aside, of their own deliberate will, to perform some act of mere duty or kindness. See how they dare all enterprise, face all difficulty, endure all delay; how they gather up their energies, time after time, for some great purpose, or even to fling them wantonly away in the exulting consciousness of their strength,—self-relying, self-controlling, self-asserting, self-

worshipping. Go on into detail. Trace the lines of thought that run through their literature and pervade their social intercourse. Listen to the words that are spoken, day after day, in their markets and workshops, on their platforms, from their pulpits, by the very bedsides of their dying. What an abounding excellence do they show in the order of nature; what an utter unconsciousness of the order of grace. Upright, firm, collected, generous, who shall convince this people of sin, and justice, and judgment? Who shall draw them out of the circle of their own cherished thoughts and aspirations, and win their incredulous ears to a new revelation which proclaims the kingdom of heaven set up verily amongst men? Who shall persuade them that on this earthly life of ours has come the living contact of the Son of God? Is it not indeed a hopeless task to make them realize the Supernatural?

So we might question if, forgetful of the Supernatural ourselves, forgetful too of all the great works of God's Providence among us for this twenty years and more, we were simply to sit down and compare the end before us with the means visibly at our disposal for effecting it. Thirteen bishops and a thousand priests, to a population of eighteen million souls—these are the statistics of the English Church. Does it not seem a very madness to dream of victory in such a contest? And yet there were but thirteen in that chamber at Jerusalem on whom the Spirit fell, and their sound has gone forth into all the earth, and their words unto the ends of the world. There were but forty monks who landed with Augustine on the shores of Kent, and they won the Anglo-Saxon race to ten centuries of faith and love. The conditions of the battle, it is true, are something changed since then. We bring back the treasures of the kingdom of God, and offer them to a people who have once possessed and rejected them. We preach the revelation of Jesus to men who have thrown away their virgin energies of mind and heart on false, impious philosophies; who have run through the whole round of intellectual debauchery, and can only come to Him at last, worn out like the Magdalen, and seeking in His wounds a medicine to heal their sickness. But if sin abounds, much more does grace abound. The stream of it grows deeper, broader, fuller, stronger, year by year, as new stars shine out in the brightness of Mary's glory, and

the crowd of Intercessors thickens on the steps of the eternal throne. Through all this miserable three hundred years that the Establishment has been set up in England, what has it been but an unwilling and unconscious minister to the future victory of the Church? By the long, bitter anguish confessors have borne at its hands, in persecutions under every form, social, political, religious; by the pangs of every martyr it has sent to the scaffold or the stake; by every cry its blasphemies have wrung from the agonizing love of saints;—from first to last, it has done nothing more than treasure up, in the garner of God, rich stores of merit, for the strengthening of the hands that at last shall smite it down. The priest goes out to his battle against it to-day, and from amidst the busy throng of our cities, and the calm village homes, and the quiet listlessness of the country town, men gather round him; and his words are gifted with a strange, unlooked for persuasiveness, drawing souls wonderfully into the kingdom of God; and then the mission takes root, and Satan stirs up the ministers of the national religion, and they measure swords with it, and fail; and in a little while a church has sprung up in the heretical neighbourhood, and the workmen are telling their beads before the Blessed Sacrament at night, and the lighthearted children at their play are singing hymns to Mary and Joseph. Oh, *Laudate Dominum in Sanctis Ejus!* for all this is not the work of our hands. It has not come of the mere force of human reasoning, though many a man has been inspired in these days to cast at the Church's feet the whole power of a rich and chastened intellect. It is not the result of mere unity of purpose, though Catholics alone, amongst the classes of our society, are pursuing one definite object with the whole energy of a concentrated will. But it is emphatically God's answer to that tale of wrong His servants have been year by year unfolding before Him, from the days when Fisher and Campion resisted the Establishment unto death, down to the last friendless serving girl who has lost her place, and gone out into the world to beg or starve, rather than partake in its abominations. The spectacle of their enduring patience, the meek supplications of their unhonoured sanctity, have won this crowning grace at last from the Compassionate Heart of Jesus, "*per viscera misericordie Dei nostri, in quibus visitavit nos Oriens ex alto; illuminare*

his qui in tenebris et in umbra mortis sedent, ad dirigendos pedes nostros in viam pacis."

It would be a pleasant task to wander on through the streets of the New Jerusalem, and count the rising palaces that bear witness, on every side, to her power and progress. But our work is rather to stand upon her walls, and peer out into the darkness that lies beyond them, to ascertain, if possible, the causes which are urging men to flee out of shadows in which they have dwelt, and to seek for refuge within the circle of her towers and bulwarks.

Now, the first characteristic of English society outside the Church is its restlessness of thought. The old conventional beliefs in which it has grown up, which fitted into its structure with such admirable adaptation that they seemed almost a part of its very essence, have been broken up by the sudden crises through which it has passed, or they are even now crumbling away under the influence of habits and ideas with which they are not homogeneous. The whole plain, as we look, is strewn with the wrecks of them, and their former tenants, dislodged and unsheltered, are wandering about, seeking rest and finding none. Some are hovering, like doomed spirits, round the spots they can no longer inhabit, but yet have not the courage to forsake altogether. Others are turning their faces first in one direction and then in another, roaming in circles, and losing their way altogether. Others, again, are rushing on hither or thither with all the eagerness of desperation, absorbed in the race, regardless of obstacles, reaching the goal only to make it a fresh starting point. Crowds mingle with one another, and then divide, and melt away, and form again in new combinations, with no apparent principle or method. The seething mass waves to and fro as if the wind moved it. And all along, under a canopy of brooding darkness, swell up the loud, harsh cries of Babel, uttered by all and listened to by none; till, as we gaze down on the turmoil of that scathed and blackened plain, it seems as though our eyes beheld the unchecked revelry of the author of confusion, as though the thousand years of his binding had run out, and he had gone forth, in the final outburst of his malice, to seduce and mock the earth.

But watch the scene more narrowly, and an order begins to unfold itself. Slowly but certainly, drawn on by an invisible power, beneath the influence of whose spell they

struggle in vain, the great masses are tending in two opposite directions, gravitating each towards a point at the very extreme limit of our view—one half pursuing the idea of dogma till it leads them to the gate of the eternal city; the other following the dark spirit of negation to the very edge of the bottomless pit. There was a time, perhaps, to each man, when he stood committed to neither side, pausing to make his choice; but from the moment that he did make it, he fell under the law of consequence, and that stern, pitiless law has driven him on ever since, and will drive him on to the end. One step in his path follows another by a practical necessity as inevitable as the conclusions of mathematics. The only way to escape is to turn round and flee. And many a man who is yet on the high road to utter infidelity would turn round and flee, if he knew the goal to which he is hastening; but, so it is, that while every man perceives, by a sort of intuition, the end of his neighbour's course, few men discover the conclusion of their own till they have virtually attained it. There is nothing inviting in negation. No man accepts it till he has first done violence to the constitution of his nature. And if it were only made clear that the alternative lies at last between the abyss of scepticism and the creed of Pope Pius, good men's traditional hatred of Rome would be as nothing compared with their instinctive horror of unbelief; and all that is high in principle, sound in thought, noble in sentiment, vigorous in action, would range itself without doubt, or hesitation, or delay, beneath the banner of the apostolic Church.

Whatever tends, then, to establish the reality of this terrible alternative, is so far working in the interest of the Church. That chain of irresistible deduction which drags men down from a simple rejection of the Pope's supremacy to a denial of the visible Church, the Incarnate Word, the revelation and the Personality of God, is but an unintended homage to the fact, that if there be such a thing as truth, then there must be such a thing as a Church with the attribute of oneness, to define and manifest that truth. Faith rests on infallibility, and infallibility cannot exist where unity is destroyed, and to reject the symbol and guarantee of unity is to cast away the anchor of faith. And if the argument is too often urged, from the side of infidelity, to disprove the first part of the creed to those who already stumble at the last part of it,

still it has not, on that account, proved the less efficacious in a precisely opposite direction. "The whole system of belief," it says, "hangs together, you cannot take it piecemeal;" and the conclusion is easily accepted. But when it goes on to add, "Reject all because you reject some," the principles of our inmost being rebel against the counsel, and cry out, "Rather, accept all, because you cannot reject all." Thought sickens at the prospect of a deified negation; and if the choice be indeed between Rome and nothing, then fight, and shrink, and tremble, as men may, it is to Rome at last that they must go. The *Westminster Review* may be considered as the type of a literature which takes the proclamation of this alternative for its peculiar mission. It is notorious in what interest the keen and vigorous reasoning of that periodical is employed, and yet we can reckon up convert after convert who traces back to it the beginning of his own conversion; and we cannot but recognize in the school it represents, one of the mightiest instruments which God is using, in this age and country, to unveil the essentially infidel nature of every system outside His holy Roman Church, and to drive His chosen ones to the home of their true obedience, beneath the royal feet of Peter.

A less obvious, perhaps, but certainly not a less real or powerful force in the same direction is the present aspect, as compared with the traditional teaching, of the so-called Evangelical party—a party which, in the wide extension of its name, now embraces the great bulk of English religionists, whether belonging to the Establishment or not.

No Catholic need shrink from paying his tribute of admiration to the handful of brave and earnest men who inaugurated the Evangelical movement. Cramped, distorted, and even grotesque as their theological conceptions were, they are nevertheless entitled to the praise of having boldly preached the need and efficacy of Divine Grace, in the midst of a society which had sunk into disbelief of its very existence. Their early disciples stand out in the dark history of the Protestantism of that day, as the only men who had any perception of the nature of the interior life, the only men to whom our Lord was in any sense the object of a personal affection. The tie that bound them together was not a system of barren intellectual truths, which had gained the assent of their minds, but it was the

vision of Calvary which rose before them, the gaze of the Crucified piercing to their inmost souls. Through all the dark mists of material heresy which clung around them, their eyes yet saw Him, however dimly, and their hearts yearned after Him, and their tongues, however imperfectly, bore witness to the mystery of His love. They gained, at least on earth, the earnest of a righteous man's reward, for the world cast them out as evil.

But, turn from these men to the present aspect of the School which professes to descend from them. For narrow dogmatism, for devotional coldness, for utter insensibility to the spiritual life, where, in the whole range of heretical parties, shall we find a parallel for the Evangelicals of to-day? What is there in common between the simpering cant that chimes from their pulpits, and the rapt enthusiasm of Wesley or Martyn? That stern protest against decent ungodliness, that thrilling proclamation of a Crucified Redeemer, that stirred English society to its depths in the latter half of the last century, what have they to do with the bland, unctuous bigotry of Exeter Hall, and the crowd of dainty formalists on whom it distils? No; a day has signally come to Evangelicalism, which comes sooner or later to every party outside the Church—a day when that portion of truth which gave nobility to its aims, dignity to its aspect, vigour to its will, passes away for ever; when the fire that at first was kindled from heaven dies out, and only leaves the burnt stubble to mark the place which knows it no more.

And this is not merely the conclusion to which a Catholic might, or must come, on looking at the Evangelicals from his own point of view; but it is also one which experience shows to be forcing itself, more and more, on the good and earnest among themselves. Trace the history of our recent converts, and how many of them will turn out to be men who were brought up in the principles of this school. Why have they left it? Simply because its own teaching led them to an issue from which it shrank. With their first ideas of religion it bound up the one absorbing thought of a personal God and Saviour. He hung before their vision, as they drank in with childish ears the story of His Cross and Agony. They felt His touch upon them in the earliest years of boyhood, waking up the keen devotion, the passionate loyalty of their young hearts. That touch has never left them. It has been more to them

ever after than all systems, parties, theories, ideas. It has drawn them on, by a strange mysterious attraction, far from their old companions; and yet they know, by a certainty which nothing can shake, that they have but followed on after the Guide Who was with them from the first. There has been, so to speak, a perfect identity in their lives, a consequence running unbroken from first to last. If they find themselves among new associates, it is not that they have forsaken the path on which they started out with their old ones, but it is these who have turned aside and left them. And this work of grace, which we see actually perfected in so many men around us, is not a thing merely of bygone years and past circumstances. It is repeating itself perpetually. There have been instances of it yesterday, and to-day, and there will be again tomorrow. Circumstances may hasten or retard its accomplishment, but they cannot cause, and still less can they prevent it. For it springs out of a law over which they have no control; and it must go on manifesting itself so long as the teaching of Evangelicalism shall reveal a Presence which the Catholic Church alone enshrines.

We could not have given at all a fair representation of the prospects of the Church in England without referring, thus briefly at least, to the Rationalistic and Evangelical schools. But it is, of course, to another quarter that our thoughts most naturally turn when we are considering the subject of conversions, and we shall now go on to notice, rather more at length, the present position and tendencies of what must be generically called Tractarianism.

We need not stop to prove that the principles of the Oxford movement led directly to Rome. That work has been done once, and till an answer to Father Newman's Lectures on Anglican Difficulties has been attempted, we may fairly conclude that they do not admit of one. But it will be as well to observe at starting what is the true range and extension of the movement itself, so that we may not be tempted to look for greater things from it than we have any right to expect. For Tractarianism, let it be remembered, is incapable of being the religion of a people. It is deficient in that boldness of outline, and breadth and simplicity of character, which enable a system to throw itself with success on the world at large. To grasp it, is to appreciate an endless variety of opposing controversial positions, a complicated mechanism of cheeks and counter-

checks the working of which it requires a special apprenticeship to understand. For this reason, plain people have all along disliked and avoided it. The Church has gained educated men from its ranks, and men of refinement or social distinction, but nothing more. The middle and lower classes it cannot give her, for it cannot attract them to itself. Its own power lies exclusively in another sphere, among scholars, critics, and gentlemen; so that, while converts from it are in most cases men of mark and influence, their numerical importance must always be comparatively small. And out of this characteristic springs another, equally important for us to bear in mind, namely, the extreme individualism of belief for which Tractarians are conspicuous. Each one sits on his own tub, and blows his own bubble, without reference to the gentlemen round him who are engaged in the same elegant occupation. There is no community of ideas amongst them. Those who remain in the Establishment remain each on the strength of his own individual view,* and those who submit to the Church, submit, for the most part, each on his own grounds of conviction. Since the party lost its first leader, it has become a commonwealth where all men are equal, where all principles are submitted to criticism, and all crochets indulged. No doubt, its individual members hold a larger number of dogmas than the individual members of any other Protestant party, but strike off that portion of them which is peculiar to this man or that man, and is not

* We do not forget that many Tractarians profess to remain in the Establishment because some other particular person does so; but this, of course, is quite a different thing from sharing that person's "view." To be a Protestant because "there can be no danger while Dr. Pusey remains with us," or because "one must feel safe in the same communion with John Keble," is not to accept the grounds on which those two gentlemen endeavour to justify their schism, but only to maintain a peculiar theory, to the effect that the presence of Dr. Pusey, or the membership of John Keble, is the *articulus stantis vel cadentis Ecclesiæ*—a theory which, it may be observed in passing, has the singular property of compelling the authorities in question, whenever they are appealed to about it, either to condemn the ground on which the trust of their disciples is based, or else to forfeit their own claim to the virtue of humility, i. e. either to deny or to destroy the last note of the Church which God has been pleased to leave on earth.

held by the rest, and the residuum, which belongs to them all in common, will be a smaller one than would result from the like process, when applied to other parties; besides which, the diversities are more marked in themselves, and extend over a wider range of subjects, than would probably be the case elsewhere. And thus it happens, that if we wish to treat with the party on its common party basis, we have to confine ourselves to very elementary ground; and if we go on at all into detail, we must be content to come in contact with very small bodies of men.

No one, however, will deny, and the author of "*Church Parties*" distinctly admits, that the fundamental principle of the Oxford movement was the idea of a Church endowed with authority to define revealed truth and transmit sacramental grace; and it is obvious that every man who accepts this idea intelligently and honestly is on his way to the Catholic Church. Let us see then what is the present position of the Tractarian party with reference to the principle on which it was founded.

When Father Newman submitted to the Church, he published an essay, the object of which was to trace a connection, both necessary and actual, between the Holy See and the definition of revealed Truth, and, by consequence, to disprove that connection which Tractarianism assumed between its own idea of a Church and the existing English Establishment. For, of course, if it turned out that the Establishment failed in one of the essential attributes of a Church, there remained practically no question for discussion as to its possessing the other; it simply did not fulfil the requirements of the idea, and that fact was conclusive; whether the deficiency were more or less, was a matter of no importance. Whatever forms then the controversy between Tractarianism and the Church might have previously assumed, it was reduced to a single issue by the publication of the *Essay on Development*. Tractarians were then brought face to face with the question, Is the Pope essential, or is he not essential, to the definition of Christian doctrine? Is it possible for a body out of communion with Rome to guarantee to its members the possession of revealed Truth?

To those who asked this question in the interest of the Establishment, events soon gave an answer.

The queen appointed a Sabellian to the See of Hereford. It was an open challenge to the whole "orthodox" party,

and as such they eagerly accepted it. Their pamphlets teemed with argument and invective; their newspapers rang with indignant denunciation. Thirteen fathers of the Establishment implored the Prime Minister to reconsider his choice. Bodies of the national Clergy protested against it. The Dean of the threatened Cathedral even wrote a letter in which he "intimated his intention of violating the law," and, when the crisis actually came, he abstained from giving an unnecessary proof of the readiness with which he obeyed it. But the great dogma of the Royal Supremacy was vindicated after all. The Prelates had dashed in vain against that rock on which the Establishment is built; the Dean found his seal affixed to the document of election; and clerical protesting elicited the Primate's declaration, that he "proceeded in the execution of his office, to obey Her Majesty's mandate for Dr. Hampden's consecration." *Causa finita est.* The "consecrating Bishops" sang *Veni Creator Spiritus*, and laid their hands on the head of the kneeling heretic, and sent him to his benefice "to banish and drive away all erroneous and strange doctrine contrary to God's word," "and to teach or maintain nothing as required of necessity to eternal salvation but that which" he should "be persuaded might be concluded and proved by the same." Here was indeed a strange comment on the "prophetical office" of the Establishment. But the end was not yet. If Tractarians had expressly sought out a vantage ground on which to fight their battle, they would have chosen the doctrine of Baptismal regeneration. Beyond any other on which they especially insisted, that doctrine stood out definitely and prominently in the national formularies, and it was more vitally bound up than any other with the teaching of the party on the whole range of subjects connected with the interior life. This vantage ground was given them. Dr. Philpotts refused institution to a clergyman who denied Baptismal regeneration. The clergyman appealed to the Arches Court, which gave judgment against him, and then to the Queen in council. Her Majesty annulled his condemnation. The case went back to the Arches Court "that justice might be done," and that Court, at the bidding of the Superior one, reversed its own previous judgment, and instituted Mr. Gorham to the vicarage of Bramford Speke. There he remained to the day of his death, teaching a deadly heresy in the name of the Estab-

lishment—and teaching it not secretly or on his own individual responsibility, but openly before all men, with the express, uncontroverted, formal authorization of the highest “Church Court” in the realm.

In the face of these events it became absolutely necessary to modify the Tractarian position. That theory of the Establishment on which it rested was now exhibited in direct antagonism with facts, not only unquestionable as facts, but also legitimized by the highest sanction which the theory itself contemplated. After Mr. Gorham’s institution, it would have been a palpable absurdity to deny either that the Establishment was formally committed to heresy, or that it was actually propagating it. Accordingly, the high ground of an indefectible orthodoxy was abandoned (except by Mr. Sewell), and the case was made to rest on a hoped-for rejection of the Privy Council judgment by members of the Establishment at large. “What has been done,” it was said, “has not been done by the Church; it is the State’s work; the Church will repudiate it; she will clear herself from all participation in it, and come out of the trial stronger and more beautiful than before.” A monster protest was to cancel the past, and a new Court of Appeal was to give security for the future. But the scheme failed in both its parts. Men would reject neither the judgment nor the Court which pronounced it; and as this became more and more evident, the Tractarians who remained in the Establishment split into two distinct sections. The great mass of them, with the *Guardian* at their head, simply laid down their arms. They had fought the battle and had been defeated, and the duty of God’s soldiers, they were pleased to think, was to acquiesce in the devil’s victory. So, advisedly and deliberately, they “accepted their position;” and thenceforward they are lost among the common crowd of heretics, from whom we can only now and then distinguish them by some antiquated crotchet, or political manœuvre, or by the bitter malice of some libel on the faith or morals of Christendom. But a better and more hopeful, though an infinitely smaller section, rejected the *Guardian* policy with disdain. “The Church of England,” said the *Oxford University Herald*,* the *Union* of 1852, “is now

* In 1852, this paper, we believe, was mainly written by gentlemen who are now contributors to the *Union*. Whether, since that

lying under the imputation of deadly heresy. If she is to accept the Gorham judgment, it will matter little that her Convocation is resuscitated. Her very life will be gone; and whatever activity she may seem to display, will be nothing but a hollow mockery—the sickening contortion of a galvanized corpse.” The object of this party was to revive “Synodical action,” for the one great end of ascertaining, as they thought, whether the Establishment claimed to be an authoritative exponent of revealed Truth, or whether the deposit of faith had been committed to the keeping of other hands. By the issue of such a trial they were ready to abide; and, pending it, their work was to maintain still a position of unequivocal and irreconcilable antagonism to the double tendency (1) to sanction the conversion of articles of Faith into open questions, and (2) to admit the interference of secular courts in spiritual affairs. The existence and spread of this tendency they did not attempt to conceal; on the contrary, they proclaimed and denounced it. And they made no secret of their conviction, that if such a tendency should ultimately triumph, it would be impossible for them to remain in the Establishment any longer.

As we look through the more recent manifestoes of these men, however, we miss altogether the idea of that test which they proposed for the final settlement of their position. On the Gorham Judgment and its remedy, the *Union* is as dumb as the *Guardian*; and the writer of *Church Parties* never attempts to face it, from the beginning to the end of his sketch of Tractarianism, though he professes to give a special consideration to the “dogmatic history” of the party. No one is looking forward now to a Synod at which the judgment is to be definitely accepted or condemned. No one is working now, as the men of 1852 were, to gain, at all hazards, a corporate decision on this fundamental question of life and death. We are not complaining that the pursuit of a phantom has been given up. But, phantom as it was, it placed a term, at least in theory, to the endurance of compromise and vacillation. It gave something of intelligibility to the battle

time, their teaching has advanced towards Catholicism, or receded from it, will be painfully apparent, if not from the statement in the text, at all events from a comparison between the two journals.

that was fought in its name, something of conceivable aim to the position that logically depended on it. We are not now concerned to investigate the causes of the surrender, but the fact of it is patent to every one. The idea of an ultimate test on which these men founded their position five years ago, is clean swept out of their minds. They think or care as little about it now as if they had never advanced it.

And what, meanwhile, has been the fate of that twofold antagonism to the Latitudinarian and Erastian spirit which was to characterize their expectant policy? First, look at their treatment of dogma. If any Protestant in England was specially marked out for the championship of the dogmatic cause, it was Archdeacon Denison. Historical antecedents, natural temperament, and party position, all pointed to him as the very man to fight the battle, and to fight it to the death. Before a syllable condemnatory of the Gorham Judgment had been heard from any other lips, his protest was before the parishioners of East Brent. Throughout the Education controversy, he had shown a vigilance which never wearied, and a self-sacrificing courage which never failed. To friends and foes alike, he had become the very type and ideal of a defender of orthodoxy; and, when he came into the lists to fight for it, he came with the triple armour of a clear head, an honest heart, and a stubborn will. And yet, to what has this man been driven? Arraigned before the Courts for doctrine on the Eucharist, which yet falls short of what writers in the *Union* maintain, he has been compelled to rest his defence on the absence in the Establishment of any dogmatic teaching on the subject. That a school within it has maintained his opinion, and that its formularies may be so interpreted as not necessarily to contradict it, is that part of his plea which is least repugnant to Catholic instincts. But, in effect, the defence goes further than this. It draws out, in order, the Eucharistic heresies of the Establishment, and founds on the fact of their toleration, a claim that the Real Presence shall be tolerated too. It is truth seeking to make terms with error; the disciples of Jesus demanding for Him a niche among the demons that crowd the Pantheon. The issue of the claim is comparatively immaterial, so far as the position of Tractarianism is concerned: the point lies in the claim itself. Let the Privy Council deliver what judgment it may at last;

the pregnant fact remains, that this extreme section of Tractarians have accepted, in 1856, the very position which they denounced as fatal in 1852; that they have solemnly fought for their right to hold the Real Presence as a matter of human opinion, and sent George Antony Denison down to posterity as the champion of open questions. Surely, one would think, the men who have done this can fall no lower; they must have reached the very limit and goal of party declension. But no. Even in this lowest depth they have found a lower still. One more abandonment of principle was open to them, and that one more they have accomplished. For look next at their opposition to the interference of Secular Courts in spiritual affairs, and what has its history been? We have as little sympathy with Mr. Westerton as we have with Mr. Ditcher; but his bustling narrowmindedness rises into something like positive dignity, beside the dereliction of principle which marks the conduct of his antagonists. What right had they to carry an appeal to the Privy Council unless Mr. Gorham had the same? On what conceivable principle does the Westerton judgment bind Evangelicals and Rationalists, while the Gorham judgment leaves Tractarians untouched? Either the Privy Council is, or is not, a court legitimately exercising authority in the spiritual affairs of the Establishment. If it is not, then the Westerton judgment given by the Arches Court remains binding on the conscience of every Tractarian, and the reversal of that judgment counts for nothing. If it is, then Baptismal regeneration is no dogma in the Establishment, but a mere matter of human opinion; and Mr. Gorham had as good a right to teach his views about it as Dr. Phillpotts or Mr. Liddell.* But here we have the

* Our present purpose does not require us to pursue the argument any further; but it is obvious that the position of Tractarians is, in reality, worse than we have represented it above. For, while they are bound by their own principles to repudiate the Privy Council decision in the Westerton case, on account of the quarter from which it comes, they are bound by the same principles to accept it in the Gorham case, because it was endorsed by the Arches Court. So that they are losers both ways, and cannot consistently maintain either their faith or their ritual. And even this is not all. The Westerton judgment condemns stone altars, and everything that implies the doctrine of Sacrifice; and it is

self-same men whose continuance in the Establishment was based on a protest against the spiritual jurisdiction of the Privy Council, invoking the exercise of that jurisdiction on their own behalf, intrenching themselves behind its sanction from the censure of the supreme "Church Court" in the realm, and thus deliberately casting to the four winds of heaven the last fragment of their traditionary principles.

And is this indeed the end of that noble party which has won for itself so proud a place in the history of the great Catholic revival?—that party which, but a few years ago, was attracting to its side the flower of English intellect, and gentleness, and honour, and laying its brightest conquests loyally upon the altar of the Church of God? Alas, alas, "how is the gold become dim, the finest colour is changed, the stones of the sanctuary are scattered in the top of every street." Careless of warnings strewn along its path, defying judgments thundered on its head, the Tractarian party has been dragged on step by step to reject, with a precision which appears almost judicial, every one of the main principles on which it had successively founded its position. It has pursued its downward course year after year, till it has positively measured the whole interval of theological and intellectual declension which lies between Father Newman and Mr. Frederick George Lee. We have placed this gentleman's sermon at the head of our article, not for its intrinsic merits, which are small, but because, as Editor of the *Union*, he must be regarded as the leader of the forlorn hope of Tractarianism. And it is difficult to imagine a sadder evidence of the decline—controversial, devotional, and doctrinal—of that school, than this representation of it affords us, when he stands up and gravely assures his followers that the schism of the Sixteenth century was the work of Leo the Ninth; that it would "weary and pain" them to listen to the acts of the martyrs; and that, at the day of judgment, our Blessed Lady will—what do our readers suppose? why—just escape being cast into the exterior darkness!* No wonder that, while this

received by Tractarians with gratitude and delight! We state the fact; there is no need to comment on it.

* "Sad was the day when the legates of the ninth Leo laid their master's sentence of excommunication against the Eastern

is the teaching of the chief, the subaltern should thus gleefully describe the communion in which he proposes to live and die,—

“The specialty of our position, as distinguished from other portions of Christendom, is this:—that whereas a wider range of questions is, practically, left open among us, our differences have a deeper basis and involve a more earnest antagonism. On such doctrines as the Trinity, the Incarnation, or the Atonement, the living authority is decided, and a party could scarcely be formed. We are far from denying that doubt and disbelief exist among us even on such points as these. But that disbelief, if expressed at all, is veiled under a haze of metaphysical speculation, or covertly directed against the consequences rather than the formulas of faith. It is otherwise with the questions of Faith, Sacraments, or Grace. On these matters the living voice of authority is silent, or gives but an uncertain sound; and, accordingly, theories the most absolutely contradictory are definitely elaborated and openly proclaimed.”—*Church Parties*, p. 12.

This confession was originally published in the *Union* of 2nd January. Six weeks later, the same paper (and, unless we assume a very unusual similarity of style in two different men, the same writer) in an article headed “Our Modern Nestorians,” gave a startling comment on the alleged unanimity of teaching in the Establishment “on such doctrines as the Trinity, the Incarnation, or the Atonement.” Not only is it admitted in this article “that those who reject the mystery of the Eucharist cannot rightly appreciate the dogma of the Incarnation,” but the imputation of formal Nestorianism is said to have been “conclusively proved against one section, at least, of the

Church, on S. Sophia’s High Altar, and departing from the gates of Constantinople, shook off the very dust from their feet against the Eastern Christians, whose almost only difference consisted in their refusing to acknowledge the Supremacy of the Roman Pontiff as of divine authority. That indeed was a dark day. Had Satan been unable to effect this division, later evils might have been warded off,” etc. pp. 10, 11.

“It would weary and pain you to listen to detailed accounts of those sufferings which the faithful of old underwent,” etc. p. 8.

“And as at the marriage in Cana of Galilee His Blessed Mother was present, so at this Great Marriage Supper of the Lamb she shall be there also,” etc. p. 16.

Evangelical party ;” the words (quoted from Dr. Close) in which the heresy was expressed, are as little open to the charge of “metaphysical speculation” as any heretical statement we ever remember to have seen ; and it is acknowledged that the doctrine they contain “was directed against the truth of the Incarnation, and implicitly disparaged the reality of the Atonement.” The writer, indeed, says he was “scarcely prepared” for these facts when they came to his notice ; let him have credit then for a want of acquaintance with the internal condition of the Establishment which is not quite what we look for in a writer who undertakes to present us with an analysis of it ; but, at least, the facts had come to his notice when he republished “*Church Parties*” in June, and he ought then to have given us some indication of the way in which they are to be reconciled with his theory. He has chosen for the motto of his book, St. Augustine’s words, *In necessariis unitas ; in dubiis libertas ; in omnibus caritas* ; and contradictory teaching on “Faith, Sacraments, and Grace,” is nothing more than Tractarians have long assumed to be perfectly consistent with the *unitas*, and a legitimate illustration of the *libertas*. But it is a step more in the downward course when we find them reckoning the great decision of Ephesus in the category of *dubia*, and measuring their *caritas* by the equanimity with which they can endure the fellowship of men who openly assail “the truth of the Incarnation, and implicitly disparage the reality of the atonement.” *Ecce quam bonum et jucundum est fratres habitare in unum*. Let them mark it well, for it is the beginning of the end. It is the fruit of fighting for a position, instead of obeying a call. These men upon whose eyes the vision of the New Jerusalem has dawned, whose feet have all but trod the pavement of her Royal Courts, who know, by a profound conviction, the reality of God’s indwelling in her, the hollow worse than worthlessness of the very system they are fighting to uphold—what are they doing now, in this crisis of their lives, but scorning reason, stifling conscience, listening to the tempter, as he whispers subtle blasphemies in their ears, to send them back—some more perhaps, some less, but all back,—where the Froudes and Pattisons have gone before them, into the outer darkness of heresy and unbelief. Oh, draw the curtain close over that fearful picture, and stay, good Christian, for one moment, to clasp the feet of your crucifix, and

say a Hail Mary for the poor souls that are turning away from the light in the day when God sends it to visit them.*

We have been obliged to dwell at what may seem a disproportionate length on this division of our subject, because it is to the party action of Tractarianism that Mr. Phillipps mainly looks for reconciling England to the Holy See. He himself had the blessedness of being called into the true fold long before the first number of the "Tracts" was written, and there is no disparagement to him in saying that he has utterly misunderstood the course of a movement which those can scarcely hope to follow with precision who have not been, more or less, a part of it. For individual conversions from its ranks we look with an assurance which increases every day, in proportion as the inconsistency of its party tactics, and the dereliction of its party principles become more obvious. But that Tractarianism should mould the Establishment, and, through it, the nation, is a thing of supreme impossibility, while the nation is composed of earnest, practical men, and Tractarianism remains the mockery of its own former self that we behold it. As a system, or a corporate agent, the life has gone out of it. Men may call themselves by its name, and talk big about their "position" as its representatives, but the name no longer means what it did ten years ago,†

* Mr. Phillipps says he is "not aware of a single instance of a High Churchman abandoning his own views to adopt those of the ultra-Protestant school." If, by "the ultra-Protestant school" he means the Evangelicals, his want of acquaintance with the history of so conspicuous a person as Mr. Alford, the present Dean of Canterbury, does not give us the impression of a writer who is very conversant with recent phenomena in the Establishment. But we cannot see why "the ultra-Protestant school" should not include the Rationalists as well as the Evangelicals; and, in that case, it is a pity that, before committing himself to such a statement, Mr. Phillipps did not consult his Anglican friends. They could have supplied him with scores of instances, many of them probably from among their own personal acquaintances, of men who, as the author of *Church Parties* says, "were once ardent disciples of the movement, but who have deserted to the ranks of.....the rationalists."

† This is fully admitted by the *Union*, which, though professing that of the Evangelical, Rationalist, and Tractarian parties, its "sympathies are with the last," yet in a series of articles headed "The Catholic Revival," regards what has hitherto been under-

and the position has ceased to be, in any sense, a moral reality. The salt has lost its savour, and wherewith shall it be salted? It is good for nothing any more but to be cast out and trodden on by men.

And this is precisely the fate to which Tractarianism has come. Of all the strange delusions palmed off on Mr. Phillipps by his Anglican friends, we wonder most at his notion that the area of Tractarian influence is extending. Seeing, indeed, what that influence has become, its spread would be a phenomenon more remarkable in itself than consoling to a Catholic mind; but facts certainly give us no warrant for attributing to Englishmen a disposition to accept, in the season of its tottering decay, that system which they repudiated in the freshness of its youth and vigour. We have already pointed out how entirely its success has been confined to the higher ranks of society; and the author of *Church Parties* fully endorses our remark by the broad confession that "twenty-five years of Tractarianism have floated like a breeze over the heads of the middle classes, and have scarcely made an impression on the poor." Turning even to the region of its comparative ascendancy, he expresses a "doubt if half-a-dozen Anglican churches have a daily celebration," and complains that there are "but two churches in London, probably in England, where candles are lighted at the mid-day celebration." Mr. Phillipps reckons up, on the authority of "an Anglican friend who is devoting himself to the restoration of Catholic unity," the number of places of worship built and restored of late in the Establishment. But he forgets

stood by Tractarianism from a wholly external point of view, and with no inconsiderable disfavour, as the following sentences will show:—"So far, then, from Tractarians having furthered the Catholic cause by their writings, they have positively injured it." "That the whole system was of a cramped and contracted nature is manifest from the avowal of Dr. Newman, the founder of the school." "On another account also we must say that the Tractarian party has hindered the spread of Catholic religion within the Church." "The doing so might promote Tractarianism, which we have seen is not desirable," etc. So too, in noticing a particular criticism on itself, the *Union* distinctly admits, that a person may be "well acquainted with the position of Tractarians some ten years ago," and yet have "the smallest possible knowledge" of their "position and feelings" now.

the impetus which has been given to works like these by the fact that they have long ceased to be, either really or in popular estimation, associated with the Tractarian movement—a fact which makes them as worthless for his argument as it is in itself important for our own. The same friend assures him that the Protestant seminaries at Cuddesdon, Wells, Lichfield, and Winchester, have been established “on principles quite similar to those laid down by the Council of Trent,” and that there are “no less than twenty sisterhoods” already in the Establishment. The seminaries it will be quite time enough for us to account for when the principles on which they are conducted bear some faint resemblance to those which are alleged to have governed their foundation; and as to the sisterhoods, we may leave it to Dr. Pusey to explain whether they have given him more satisfaction or distress, whether they have ministered more to the spread of Tractarianism or to the progress of “secessions to Rome.” But one instance is worth a thousand arguments, and the London Church Union is a tolerably conclusive one. This society is the only central organization which has any claim to represent Tractarianism; and every one remembers the bustle and eagerness with which it started on its mission, after the delivery of the Gorham judgment. It got up meetings, passed resolutions, pooh-poohed the Royal Supremacy, entered on a crusade against the Privy Council. It put out a declaration condemning the judgment, and, when that proved a failure, it set about flooding the country with little pamphlets of reports, and suggestions, and petitions, about “church questions” of all sorts. It was going to vindicate the whole outraged system of its party, to be a veritable *Collegium de propaganda opinione Tractariana* through the length and breadth of England. And now—will any one have the kindness to tell us what has become of it? For many a long year we have heard increasingly little of its operations. There has been a Gobat case, and it has not been roused into activity; a Denison prosecution, and it has scarcely given a sign; a divorce bill, and it has remained silent as the grave. On the last question, indeed, it is understood that till a short time before the second reading of the bill Mr. Beresford Hope had not “made up his mind;” and, of course, when the Pope gives no decision, there is nothing for the Propaganda to chronicle or disseminate. But whatever may be the latent

causes, the facts remain, and they sufficiently prove, without any comment of ours, the general and conscious decline of Tractarian strength in the country.* And then if we turn to the universities, the source from which any reinforcement of it must be derived, what hope do they give? Every one who knows the present state of Oxford and Cambridge knows that the intellect in them is ranging itself definitely on the side of rationalism. Look especially at Oxford. Since 1850, at least, Tractarianism has been gradually dying out, till, among the younger men of mark and purpose, it is now well nigh extinct. Let any man who doubts it examine the class lists of the last six or seven years, and trace out the religious association of the names he will find there. Or let him talk with the men whom tutors expect to do credit to their college, or who have weight and influence in any intellectual set. Almost without an exception, they illustrate what the writer of *Church Parties* calls "that intellectual pre-eminence which Rationalism has gained, or is fast gaining in Oxford now." For any body of men answering to those who, years ago, used to cluster round the pulpit of S. Mary's on a Sunday afternoon, it would be in vain to search. Their spirit has altogether passed away; and the very home in which Tractarianism achieved its first triumphs has become the crowning evidence both of the corruption that has eaten into its principles, and the decay that has fallen on its power.

It is but a cursory review which our limits have permitted us to take of the position and working of religious parties in England; but it has gone quite far enough to show us how precisely the interest of the Church with regard to them coincides with her simple, obvious duty, and with the course of her every day practice. From none of these parties, as a party, has she anything to look for but opposition. Religious thought, so far as it is systematized, outside her pale is definitely hostile to her teaching, and she has to set herself in open antagonism to it. But she has her consolation in the ever-increasing number of

* Since this was written, the London Church Union has published a manifesto, which must be gratifying to its friends, as a "sign," not indeed "of life," but at least of continued existence. It does not, however, require us to modify the observations in the text.

individual submissions to her authority. For the conditions of our society have brought back those times of her youth when "the Lord increased together daily such as should be saved." The tide of God's converting grace is washing the storm-tossed souls to her feet as it did in the days of the apostles; and now, as then, her great absorbing work is to seize them one by one, and draw them safely to the shore.

But here Mr. Phillipps interposes. "Individual secessions," in his opinion, only render "more brilliant the partial triumph of Catholicism," at the expense of that complete "reunion of Christians in the British Empire" to which he confidently looks forward; and he speaks of "the duty of *personal* return to unity" as one among "certain abstract truths" which, at a time (as he conceives this to be) when there is "a prospect of corporate reunion," it would be "indiscreet and unreasonable" to "press upon individual Protestants." This is only to say, in other words, that men may consciously remain in a schismatical communion without incurring guilt, so long as they add to the consciousness of their schism a desire to draw their communion out of it.* Mr. Phillipps is, of course, aware that this theory would be anathematized by every bishop in Christendom, and it is difficult to understand how he can overlook the fact that, by acting on its direct contradictory, the Church practically condemns it. Nor is there any conceivable reason for holding such language with regard to schism, which would not equally warrant its use when any other deadly sin is concerned, and which might not therefore cover a general conclusion in favour of doing evil that good may come.

But let us see how Mr. Phillipps himself justifies his position.

"The Catholic theory, if I understand it rightly, is simply the result and the expression of the commission given by our Blessed

* Since this article was in type we have seen a letter from Mr. Phillipps, in the *Weekly Register*, in which he denies that any proposition of this kind is involved in his theory. We cannot agree with him; but we gladly accept his assurance that, whatever may be the logical or actual result of his teaching, he admits no "justification of any one remaining in conscious schism, even to save the whole world."

Lord to His apostles, in the command He gave them 'to go and teach ALL NATIONS.'.....Let it be observed, the recipients of this teaching are to be, in theory at least, not a mass of individuals here, and another mass of individuals there, but *all nations*, that is, the French nation, the English nation, and so on."—pp. 27, 28.

Now if we *are* to be thrown back on the Protestant position—if, in this nineteenth century of Christianity, we are left to gather our notions of the true "Catholic theory," not from what we see the Church acting out before our eyes, but from some private interpretation of a Scripture text, then there is one permission for which—*pace* Dr. Cumming and Mr. Phillipps—we really must bargain. Biblical criticism, however acute, is apt to be in some degree unsatisfying when it is based solely on an English translation, and to infer a universal law from a single instance is not usually considered the soundest method of generalization. We must be allowed then to go a step beyond the vernacular phrase, and a step beyond the particular text, and this will be quite enough to show the futility of Mr. Phillipps's reasoning. For the modern sense of the word "nation"—the sense in which he uses it—embodies a feudal idea, which has been handed down to us from the middle ages, and neither had, nor could have had, any existence when the passage he quotes was written. Our Lord necessarily uses the term in its ancient, not in its modern signification, and the force of His words therefore is personal, and not territorial or diplomatic. He did not send the Apostles merely to preach national Christianity, and to negotiate concordats with the kings of the earth, but He threw them on the world precisely to bring about "individual secessions," whenever, and wherever, and however the Spirit should give them power. For the "gens" of the Vulgate means nothing more than the *ἔθνος* of the Greek, and St. Matthew's *μαθητεύσατε πάντα τὰ ἔθνη* is essentially the same command as St. Mark's, *κηρύξατε τὸ εὐαγγέλιον πάσῃ τῇ κτίσει*. It contemplates neither the French nation nor the English nation, as anything more than "a mass of individuals," every one of them coming under that law of faith, and baptism, and obedience, which the Evangelists conjointly lay down as defining the conditions of a personal entrance into the kingdom of heaven.

But Mr. Phillipps is not content with setting up a theory of his own; he calls in the Church to endorse it. And for

this purpose he appeals—after the very manner of that party with which he is seeking to ally himself—from her action here and now, to her action elsewhere and at other times. The Council of Florence, and the policy of Rome towards the oriental Christians, are the dust with which he blinds his eyes to the fact of her present attitude in this country. They prove, he says, that the true Catholic system is to deal with schismatics in their corporate capacity; as though the Church were less infallible in the nineteenth century than in the fifteenth, and Pius the Ninth more an oracle of God when he promises to respect the Episcopal bodies of the East, than when he ignores the hierarchy of the English Establishment. Mr. Phillipps reminds us of “the Eastern Christian Society,” and its comprehension of all, whether Catholics or schismatics, who approve the object for which it is instituted. But he overlooks the fact that, under whatever circumstances Catholics and schismatics are brought into religious contact, they meet on utterly unequal terms—the one party simply having the truth on all points at issue, and knowing that they have it; the other not having it at all. And, further, he completely overlooks the speciality of the position of those on whom his hopes for England are based. The separatists, whose membership the Eastern Christian Society contemplates are men who have avowedly doctrinal differences with Rome, and who are supposed to long for union while they yet feel that their differences constitute a bar to it. But Mr. Phillipps’s Anglican friends profess to hold the “whole Roman system” of doctrine. They have no difference whatever with the Holy See, except on the necessity of being in communion with it. To ask such men to pray for a union is to ask them to stultify themselves, to put themselves in the ludicrous position of first affirming that one dogma the rejection of which alone permits them to remain where they are, and then evading the practical consequence, on a plea that what is the business of people in general is the business of no one in particular. Certainly, of all the wild theories that abound in our day, we can single out none more preposterously uncatholic than that which maintains, at one and the same moment, that the nation ought to repent and be converted, and that the duty of any individual to take a

similar step is nothing better than a mere "abstract truth."

But while a Catholic, in the position of Mr. Phillipps, gives utterance to such teaching, no wonder that Protestants can be found who clutch at it with an almost desperate eagerness. It is but fair to the writers in the *Union* to say that, up to the publication of Mr. Phillipps's letters in that paper, they showed little disposition to adopt the view he has put forward.* But how it has infected their whole tone since then is, unhappily, too obvious to need any pointing out.† Nor has the mischief ended even here. We have been told of persons whom this theory has arrested on the very verge—we might almost say in the very act—of conversion; has seized and torn away, while they grasped the very horns of the altar, and given back for a prey to the enemy of their souls. But we will not dwell on the past. The evil that is done, man cannot undo; let it be remembered only in the stillness of His Presence Who can turn it to His own great ends; and let us address ourselves to the future. Mr. Phillipps has shown with what generous enthusiasm he can take up the defence of strangers; surely he will grant that some consideration is due to the grief and scandal of those who own allegiance to the same faith, and worship at the same altars with himself. We have spoken severely of what he has now written, for charity has compelled us to do so; but we have not forgotten the labours of love and devotion which have endeared his name to English Catholics, and we cannot resign the hope of seeing him yet in his accustomed place and sentiments, fighting under the banner of that authority to which God,

* The name of their paper is no evidence to the contrary; for we have been told, on indisputable authority, that it was fixed upon for reasons totally unconnected with the question in hand, and with theological considerations altogether.

† There is a painful impression among Catholics, that the *Union* numbers on its staff an Anglican clergyman, whose recent apostacy, within a few days of his conversion, has given him a sad notoriety. We are unable to speak with certainty on the subject, though we have strong grounds for believing that the impression is correct. But we mention it thus openly in order to give the *Union* an opportunity for contradicting—as we earnestly hope it may be able to do—a report which, if true, is so fatal to its own character, and to that of the party it represents.

and not man, has committed the guardianship of the Church.

Meanwhile, if our words should reach the handful of Tractarians who have been induced to accept his theory, and who, therefore, instead of becoming Catholics, are endeavouring to delude themselves with a dream of remaining in the Establishment "to work for Rome," we would earnestly implore them to examine their own consciences before God, and to see whether they are not mistaking, utterly and fatally, the end for which He sent them into the world. This mission that they claim—"to work for Rome"—whence comes it, and who laid it on them? Who told them that there was any work for them to do, in all the wide world, so urgent as the salvation of their own souls? Let them believe it, their first duty is to trample down this pride of heart, and to learn, in all humility, that God has given them, not a mission, but a call—a call to be converted, before He owns them for Apostles; a call to become loyal subjects of the Church, before they go out to fight her battles. Saints, when they gird themselves to some great enterprise, prepare for it by acts of self-denial and obedience. They bid farewell to the companions of their youth, and sever the sweet ties of home and kindred. The loneliness of the desert, the stern cloister rule, the austereness of willing poverty, brace the keen purpose of their wills, and nerve their energies to endurance; and the blessing of the Sovereign Pontiff, as it descends upon them, becomes the visible proof that God has consecrated them to His work. But these men, why should the world listen to them? Conscious rebels against the authority they proclaim, willing outcasts from the faith they preach, where is the obedience that gives reality to their design, or even the self-sacrifice that attests their own sincerity? Let them go and sell all that they have to buy the pearl of great price, and those who look on will begin to believe that at least they think they have found it. But of all things on the earth, this shallow, lifeless, unsustained pretension is the last to win respect from a people with whom practice is the constant test of theory, and men's acts the measure of the value of their creed. To preach the doctrine of unity, and at the same time to remain in schism, is only to set up a truth of the Gospel, in order to expose it to contempt. And if the conversion of England is to be wrought at all, most assuredly it will not be

wrought by men whose disobedience to the Church's law is the evidence of their devotion to her interests; who parade their reliance on some future, bloodless victory, as an excuse for present cowardice; and break upon the very stillness of the Passion* with that dastard cry, "Let us continue in sin that grace may abound."

"To work for Rome" is to submit to Rome: let those who question it appeal to Rome herself. If there be really any doubt in their minds upon the subject, no way of solving it can be more obvious than this, and certainly none can be more easy. For the universal, undivided Church of Rome is no abstraction of the student, no dream of the recluse, no timorous phantom shrinking from mortal sight and touch. She is a fact at every man's door. She throws herself upon the concourse of society, moves on the theatre of human action, speaks through the voice of living men. Her hierarchy is spread throughout the earth, confronting her life with the life of all nations, and declaring her will in the strength of a recognized commission. The streams of her teaching flow on for ever, from the centre to the uttermost bound of her visible organization, joining together, in one perpetual infallibility, the Apostles and their Prince, the collective Episcopate and the Chair of Peter. Wherever in the world her bishops can be found, there can her teaching be ascertained. It only needs that men should ask, and Rome will answer them—plainly, unhesitatingly, and in the name of God. She will not mock them with "the stammering lips of ambiguous formularies," wearying their souls with continual and hopeless contradictions. She will not throw them back on the arguments of learned commentators, or the theorizing of fluent pamphleteers. But she will meet them in the persons of her constituted representatives. She will speak to them, face to face, in the living language of authority. She will sweep away with a breath the clouds that circle round them, hiding the way of duty from their dim and failing sight. And to them that are willing in the day of her power, she will unfold the vision of eternal Truth—that vision which has not been revealed to her by the fallible deductions of earthly reasoning, and the laborious processes of human thought; but stamped by

* See *Union* for 19th April.

the miracle of Pentecost on her illuminated consciousness, and ever deepening through the gaze of eighteen hundred years, fixed full on the mystery of the Incarnate Word. *O clavis David, et sceptrum domûs Israel, qui aperis, et nemo claudit; claudis, et nemo aperit; veni et educ vinc-tum de domo carceris sedentem in tenebris, et umbra mortis.*

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- ART. VII.—1. *The Stewardship of England.* A Discourse delivered by H. E. Cardinal Wiseman at St. John's Cathedral, Salford, 8vo. Manchester, Stutter, 1857.
2. *Relations of the Catholic Church in India, with the Hon. the East India Company's Government.* By the Very Rev. Stephen Fen-nelly, V. G., of Madras, 8vo. Dublin, Duffy, 1857.
3. *Il Governo Pontificio, e il viaggio di Pio IX. Risposta al Discorso detto da Lord John Russell nella Camera dei Comuni il 14 di agosto del 1857. Par Giacomo Margotti.* The Pontifical Government, and the Journey of Pius IX. An answer to the speech delivered by Lord John Russell in the House of Commons, Aug. 14, 1857. By James Margotti. Turin, 1857.
4. *Prospetto e Tavole Statistiche, &c.* Views and statistical Tables, relative to the movement of prisoners, and on the sick and dead in the penal establishment of Forte-Urbano, from Aug. 1, 1849, to Dec. 31, 1856. With comparative Tables between this, and the various prisons of the Sardinian States. Drawn up from authentic Documents by Alexander Bacchi, M. D. Corresponding Member of the Medico-chirurgical Society of Bologna, and House Physician and Surgeon to the above prison. 4o, Modena, Cappelli, 1857.

THE late facetious Douglas Jerold, who thoroughly understood the domestic English character, has drawn a faithful picture, of what no doubt has often happened, in the following passage. Mr. Solomon Jericho, before he became, through subterrene agencies, a "Man made of money," sits pondering over a remarkable night-mare sort of dream, formed in his brain from the double parentage of a racking carouse, and a money-exacting wife. After

much uneasy pondering, shifting his seat, taking up the newspaper, and laying it down again, he comes to the following sage conclusions; and with them, we leave him in his historian's hands. "Pooh? dreams were playthings for conjurors and gypsies; quite beneath the thought of a reasonable, a respectable man. He had often dreamt he had been hanged, and what had come of it? Nothing: good or bad. Mr. Jericho again took up the newspaper, and was endeavouring to interest himself in the affairs of the Pope, when the door opened. He winced, for he knew the feminine turn of the handle; he winced, we say, but manfully with the paper before his eyes tried to keep his soul apart—far away at the Court of Rome."

That is just it. It is quite right, quite natural, quite necessary, that at the breakfast-table of every orthodox believer in Church and State, where digestion is at all squeamish, there should be some compensation for dietary regulations; that, with the insipid cocoa, or taraxacum coffee, and dry toast, which have been prescribed to check civic dyspepsia, there should be presented something or somebody whereat one may fling one's headache, if not one's head, on which or on whom the contents of the bilious cauldron within may safely be poured, the more bitter the better.

Besides, in every well-regulated national establishment, we mean religious as well as political, where double service is permitted to God and Mammon, to heaven and earth, to virtue and vice, there must be provided some object which may be piously abhorred, and sanctimoniously detested, in which you may love God by hating your neighbour, which there is no sin but clear charity in calumniating, truth in lying about, and faith in believing anything about, without enquiry. Now who can satisfy all these cravings constitutional (in a public and personal sense) so well as the Pope, or the King of Naples? John Bull's protestant loyalty consists, first, in a contempt or a hatred of every sovereign except his own, and secondly, in an execration of every religion except his own do-little and believe-less system. And this combination receives its fullest enucleation in these two potentates.

Hence at the early portion of each day, alluded to, the newspaper has for years furnished the matter for the two morning exercises, the digestive and the spiritual. The spicy, juicy, yet bracing and tonic articles from Italy,

served up, day by day, answer both purposes admirably. They absorb supernumerary bile, and they supply the place of prayer. "Jesuit's bark" from Austria, "Monk'shood" growing rank in Rome, the "Deadly nightshade" that hangs over all Naples, mixed by the "Fox-gloved" fingers of a special correspondent, with a soupçon of "Nux vomica," something disgusting scarcely hinted at, about a convent, or a prelate, make a really wholesome compound for the morbid and cachectic habit of many a religious city, or country, gentleman. "May good digestion wait," with them, "on appetite." But certainly not even the fabulous Indian dish of "a tiger stuffed with tenpenny nails" would be an exaggerated symbol of the ferocity and grossness which compose the breakfast-full of horrors served up from the Continent day after day.

Nor, we sincerely believe, would anything else now serve the press's turn. Let us for a moment imagine the consternation which would be spread among thousands of daily readers, who like Mr. Jericho seek refuge from domestic griefs not to be outwardly vented, in "the affairs of His Holiness the Pope," were they to be told that glorious news had arrived from Italy; that all the states of that splendid peninsula had received constitutions perfectly copied from the British model, especially in the admission of all bishops into the Upper House; that our judicial system had been adopted, all codes being abolished, and our Statutes at large being in course of translation; that the Poor-law, and its rates had been gratefully accepted, and Unions were already being erected; that Sir C. Eardly had been invited over, with Dr. Cumming, to propose a scheme for religious toleration; that consequently the great mission of "our own correspondents" had been fulfilled, and they would be withdrawn! What would be the comments with which such news would be received? Would they not be such as these, "that such fellows were not worthy to have a constitution like ours," or that "they were only copying the worst parts of it, the very things we ought to get rid of," or that the reader "would be very sorry to be tried by their new system," or, in fine, "that the whole thing was a pretence, and that Italy would be as badly governed as ever." One thing would be universally felt: that to recal from one place the *splendide mendax* caterer to the *Times*, or from another the sneaking fibber to the *Post*, would be a public grievance, and shut up a

safety-valve to virtuous indignation, which might make domestic explosions positively dangerous. It had become a downright necessity to well-thinking people to believe that all Italy was on the eve of successful revolution, all burning with an eager desire to overthrow half-a-dozen thrones, to expel the armies of the foreigner, crush the rule of strangers, and set up a united nationality and restore a native empire. What more just, what more sacred? It was true this could not be attained without carnage and blood-shedding; nay the Brutus of this revolution openly advocated the use of the cowardly poniard; yet ladies lectured for him, and ladies and gentlemen, and nobles and clergymen still subscribed to his scheme. But whose blood was to be spilt? That of course of soldiers first, whose very pledge of honour lies in their blood: and after them, who but defenceless priests or monks, whose lives are not worth computing in the cash-book of the patriot? Red-handed revolution, vowed to massacre, might not only with impunity, but with panting cheers, be hounded on to a civilized, christian country, with reckless indifference what the future might become, provided the present ceased.

Now upon a people who have been thus treated, by those that pretend to express to them the minds and feelings of the British nation, how can we imagine the news to have broken, of the mighty calamity which has fallen on our Indian Empire? We speak not now of their sentiments on the frightful atrocities, the brutalities and hideous crimes that have accompanied it. On these there can be but one feeling, which no political, religious, or national distinctions can cause to vary. One unrelenting, unmitigated burst of execration must rise from every heart to every lip. Let us abstract from these; especially as the barbarous details which we have read are not translated in foreign papers, and as they reach their readers would not sound more horrible than what history has recorded, from the conquests of Nimrod to the raid of Hyder Ali. But let us imagine how the bare news would strike the minds of people who have long been made to hear the boastful note of England's just rule, which clothes her with invulnerable mail to her very furthest extremities; which makes her so fearless of fire, that she can afford to gather into her lap the incendiarism of all the Continent; so secure against earth's agitation, as

to be able to convulse other nations without apprehension—Heaven's fire and earth's quaking from a mightier Hand being quite forgotten—the bare news that a revolution planned and fermented in England had passed, like a summer storm along Italy's coast from Genoa to Naples and vanished away, and at the same time a tempest had shaken out, over the grandest portion of England's dominion, all the horrors, not of an émeute or a revolution, but of a rebellion, a civil war, an overthrow from summit to base of organised dominion civil and military, the steady growth of a hundred years. They hear that it had broken with a strange and rare combination of all that had been wished of evil to themselves, in all its awful suddenness and all its terrible completeness: that it had crashed down with all the overwhelming and crushing weight of the avalanche, all the steady aim of the waterspout, all the universal sweep of the tornado.

Can we complain, or can we wonder, if these countries see more than we affect to see, and read a handwriting on the wall, which we turn away from; if they interpret it by one word RETRIBUTION! And this word again may be read in a severer and in a milder sense. Let us take it in the second; and we will read it A LESSON. We know what may, and will, be said; that there is a great difference between distant colonies and home-subjects, barbarous heathens and civilized christians. But surely justice cannot vary; and it has been our great boast, that our sway was equally guided by justice in every part of our dominions. Nor will an attempt to draw such a distinction hold good here. Our oracles will not allow us to think that we have been unjust. Hear the Delphic, from the tripod of the *Times*.

“A handful of us rule over those 200,000,000 subjects because we are open in our dealings, because we abstain from wanton cruelty and malicious vengeance, because we insult no religion, because we keep order: because, in a word, and on the whole, we give these many nations and divers religions greater peace and toleration than they would be likely to obtain from one another.”

Of course the old lady, on her three-legged stool, had never heard of blue-books on torture in India, nor any other complaints of hardships, confiscations, annexations, and spoliations in any shape. This does not concern us. The theory now propounded is, that we have been over

gentle, over kind; that we have courted and pampered high-caste and high-class natives, that we have "petted," that is the word, our sepoys, and their officers, even at the expense of the peasantry, who are supposed to have remained loyal; that in fact we have only just found out (this 9th of Sept.) that we have brutes to rule over, and that we ought to have treated them more as savages. And all this leads to the conclusion that the little finger of the future rulers of India must lie heavier on the backs of the reconquered people, than did the loins of the past.

Well, we care not which theory we take. If we are not to allow for a moment that Great-Britain can possibly be guilty of injustice or misrule, that she can no more have been like Naples or Rome, than the Pharisee was like the Publican, we will take the nobler view of our country, and deduce from it one or two obvious conclusions. It follows, therefore, *first*, that disaffection of subjects, and readiness, at the first opportunity, to get rid of their rulers, even by violence, is no proof of bad, or tyrannical government on their parts; *secondly*, that, on the contrary this very dissatisfaction and rebellious spirit may be the result of over kindness and indulgence, especially towards particular classes; and *thirdly*, that the true way to treat rebels is by retaliation, doubled severity, and harsh systems. How sweetly in accordance with all that has been written and done about Italy, for the last eight years!

Shall those who, like ourselves, have boldly cried out against the injustice and falsehood deemed lawful towards Italy, by the millions who applauded, and cheered on the Press in its iniquitous crusade against its sovereigns—shall they be blamed if they read in what is passing on the Ganges and the Jumna, a *lesson* at least, not to attempt to sully with blood the Arno and the Tiber? What a fearful cento might not our enemies compile from the columns of our papers, word for word, applicable to India. For instance, how often has the sublime after-dinner speech been loudly cheered for such expressions as these: "when the day comes that all Italy shall rise as one man to fling off the yoke of the stranger, then—" or; "that fair land on which Heaven has lavished the richest of its gifts, is fast arousing itself like the lion, to shake the dewdrops, that is the foreign bayonets, from his mane," or, in fact

any other nonsense which only requires a simple geographical substitution to be as true of India as of Italy.

But there is a further charge of injustice strongly contrasting in the two cases, which we will give in the words of one of the publications before us.

“ And now, my brethren, before travelling nearer home, let me suppose a case to occur in those distant provinces of ours. Let us suppose that the present insurrection is well subdued, and that peace is restored. But there can be no doubt that this rebellion has its chiefs, those who have silently circulated throughout the whole of at least one presidency, and perhaps more, evil principles, opposed to our rule, and have organised multitudes not merely for rising up to assert some rights, but for the total overthrow of our empire, and for the cruel massacre of every one who is naturally in opposition to their designs. Let these, by God’s mercy, be prostrated, and tranquillity be restored by what they may call a foreign force. Yet the chief promoters and planners of the rebellion may escape unhurt. Let us then suppose that these have taken refuge in the states of some neighbouring but weak power, of one of the princes who surround our territory, and that there they are not only sheltered, but welcomed with applause, so that they hold public meetings, where they are called the true friends of India ; and subscriptions are openly made there for future attempts upon our British provinces. Let us suppose that there a press is open to them, at which they may print their inflammatory tracts, and incendiary speeches, to be scattered over all India ; that thence, without hindrance, they may despatch arms and ammunition into the heart of the country ; that there they may freely plot and conspire against the peace of our distant dominions, thence may depart, without disguise, and enter our territory organised again for another rising, another massacre of strangers, and there, if baffled, again to take shelter, ready to re-issue whenever the time is ripe for a third or fourth insurrection. Now I ask you, my brethren, are you, as people of this country, or is any government, prepared to permit this ? Supposing the sheltering nation to be a weak power, whom we could at once subdue or overcome, do you think we should tolerate such policy ? I hardly think we should be satisfied with the answer, that it was only a political and revolutionary movement on the part of men who wanted independence, and they had a right to seek it ; that they had been, indeed, unsuccessful, but that theirs should be considered only a political crime ; that they are refugees, and that the honour and the constitution of the protecting nation demanded a liberal treatment of them ; adding a boast, that they were too strong in their national stability to fear similar dangers. Would this be tolerated, with probably another rising before us, in which the use of the torch and the poniard was freely

recommended, and the committal of every atrocity forbidden even in war freely anticipated? Would not the whole nation rise indignantly at the idea that a handful of assassins should be thus receiving shelter from a weak power, and we permit them the full liberty of annoying and attacking us whenever they pleased? No, it never would be permitted. Even at the cost of war we would not allow such a refuge to such banditti. And this determination would be applauded, independent of all consideration of revolting atrocities committed by the rebels. It would be taken in connection with the mere armed mutiny, and attempt to overthrow our empire. Let us then fairly apply to others the principle that would be followed in our own case. What does England do with other countries? A great difference no doubt lies in this, that she is a strong power, and can do what she would not permit a weaker power to attempt. What have we seen lately? The whole of Italy, Spain, and France threatened, and in part overrun, by hordes of armed conspirators—soldiers stabbed in the back in the streets, galley slaves let loose, sentinels shot, vessels piratically seized, the forts of a liberal power attempted, a landing effected in a peaceful neighbourhood, and lawless men trying to raise the flame of rebellion; while the cold-blooded assassination of an allied sovereign is prepared. And then the authors of all this mischief, plotted here quietly, if they escape, come back in safety to us, to print new circulars, forge new daggers, again command the use of the same foul weapons of destruction; and we harbour them, nay, encourage them, and say, ‘We cannot reject them; all this is only a political matter, and we cannot interfere between them and their plots of rebellion and murder.’

“Now, my brethren, a stewardship has many duties, but its first, of course, is justice. ‘It is required among stewards that a man should be faithful.’ Have you assumed a great stewardship of liberty? Is England constituted by Providence, a power to see that every country has the same form of government, or the same constitutional principles as itself? Is this so clear and solemn a deputation of trust that we must prefer its exercise to any choice of means, and consider an attempt in the name of liberty to overthrow governments by those who do not approve of them, so much in accordance with our stewardship of progress, as to make us indifferent to the crimes by which it is accompanied? Be it so; only let us be just in our reckoning. ‘Weight, and weight, measure and measure,’ that is ‘two weights, and two measures are detestable before the Lord.’ Let us not forget that there is difference of weights in justice; it is the very principle of injustice to have two weights, the one for ourselves, and the other for our neighbour. Put your reasonings into the same balance. Judge in one instance as you would do in the other. If you would not permit what I have described to be done in India, it is unjust to do it anywhere else. There can be no distinction.

“ And here let me observe that the stewardship of a nation may be exercised in two ways. The first is in regard of those who are under its own immediate rule, such as the natives of India, of which I have spoken. The other is that which it conceives that its greater progress, its greater success, and power, entitle it to exercise towards those nations that are not so advanced as itself. But surely, if we thus assume to ourselves a stewardship, real or imaginary, we must assume with it its responsibilities. Even-handed justice is as much required of us here as in the first, our real national stewardship. And this will not permit that, under our sanction, other nations should be treated differently from what we would permit our own to be treated. — And in fact our stewardship, if we have one, in favour of these nations, consists in the example of a higher morality, in the practice of a more enlightened policy, in being the model of greater deeds ; but not in the patronage of insurrections, of political confusion and bloodshed. Yet if we nationally favour those who overtly and boastfully do these things—welcoming them, praising them, almost deifying them, and enriching them, we surely may expect to be called to an account of our stewardship, and we cannot be surprised, on the principles which we would selfishly act on, in our own case, if things should rise to such a pitch—which God forbid—in our own dependencies and colonies, as will open our eyes to the iniquity of approving in other countries, that which we are putting down at the cost of so much blood and treasure in India. And many perhaps will be led to ask, ‘ Are we not called to give an account of our stewardship assumed in favour, as we say, of the nations of Europe, which we have stirred up to revolution, or which, at least, we have encouraged to others to arouse ? ’ on seeing that our subjects are paying us their tribute to us in precisely the same coin. The consequence to many an honest mind will be clear. God is calling us to account for our dealings with others.”—*Card. Wiseman's Discourse*, pp. 10-12.

This long extract goes, indeed, over part of the same ground which we have trodden ; but it enforces additional considerations for a future reference. Will not foreign countries, especially Italy, have a right to look with some interest, to the application of those principles which we have dictated to them, and those which we have acted on, concerning their rebels ? Shall we act on the principle of pardons, amnesties, and tenderness to political crimes, murder included ? Shall we allow near India safe harbour to our rebel chiefs, and secure hatching ground to the cockatrices of rebellion ? No one doubts the answer to these questions.

It appears, however, to us, that it is not merely to this extent that our national responsibility must be confined.

The language now applied to the revolted Hindoos is one of unmitigated execration. Brutes, monsters, demons, and worse, are very justly now synonymes for Sepoys. Yet a few months ago were they so or not? Are we to believe that they were inwardly all that they are now outwardly, in heart the same then as now in action? Either one or the other. There were some hundred thousands of men living in society, in peaceful subjection to British officers, many themselves holding commissions, and consequently consorting with highly-educated, refined, and christian men, taking part with them in common duties; some have been, we are told, thirty or forty years in this contact. Are we to believe that these men, during years and years, have been only gnawing their treacherous hearts to keep them still, being ready at anytime to shoot down these very officers, and massacre their wives and children, and those of every civilian belonging to the governing race? Or are we rather to suppose, that during the past they were loyal and true, genuinely and contentedly attached to their superiors, civil and military; and that only some new cause supervening has changed their very nature, and, like a drunkenness, or a fever, or a mania, or the excitement of a successful storming, has for a passing moment of frenzy, undone the work of a century, and brutalized a people?

Surely it is well worth while investigating which view ought to be adopted; and when this is decided, let us face the enquiry into the causes that connect recent events with the theory preferred. Let us look at the first. Just when the first rumours of insurrection reached England, there was in act, or in preparation, a grand centenary commemoration of Lord Clive's victory by which India was secured. A hundred years, therefore, have elapsed since we considered the duty of civilizing India to have been cast upon us by Providence. We have had the educating of three generations of a mild, we have been told, and effeminate people. We have had the fullest power of influencing, mesmerising them, we might almost say, by the constant action of the stronger upon the weaker, mind. But what more humanizing, and more assimilating, than military training? Where is *esprit de corps* more binding than in an army, a regiment even? By no other association is unity of purpose, of interests, of sentiment so fully secured. Nowhere are the ruler and the governed brought

into more harmonising contact. The very button of the uniform, the word of command, the trim of the cap form links of honour, and of mutual confidence between extremest classes. Then military training is itself a school, an education. Contrast the raw recruit fresh from the plough with the smart non-commissioned officer in the Park. What has made the difference between two beings once alike? The drill, the discipline, the sense of professional elevation, the models before him in the soldier's officers, the pride if you please and conceit of his state of life. He probably would not now use a bludgeon, or do a ruffianly act. If a high moral sense has not been infused into him, he is not any longer a boor, or a brute. Exceptions there will be, but the forming of a soldier is essentially a culture, a moving him to a higher step in civilization.

Now are we to believe, that, while imparting this boon, bestowing this cultivation upon almost a hundred thousand sepoy we have not raised them a degree above the savage, but that all the time they have retained the feelings of a cobra towards their benefactors, that they have daily polished their bayonets with the deadly purpose of thrusting them into their teachers' bodies, and have held out their hands to receive bread and salt from those whom they purposed, as soon as possible, to murder? Moreover, if we so believe, we must imagine, that, during all these many years, there was not one faithful soul among these myriads of traitors, unfaithfulness to whom would have been fidelity; no friend to some fair-haired youth blooming in kindliness of heart towards the swarthy soldier, who would warn him of impending danger; more strange still, not an individual among those that *have* remained faithful and whose heart therefore was not so black as his neighbours', who, knowing of course the deadly purpose, duly manifested the hidden hatred, and traditionary conspiracy of blood. All this seems to us impossible. These men marched with their officers to war, north and east, against the Sikh and the Burmese, were true and faithful as British troops, fought, bled, died for the East India Company, as these do for their Queen. They might have revolted then, with every advantage; but their loyalty remained above all suspicion.

But surely, supposing this tissue of impossibilities, they who believe in them must solve the question, how have we educated this population, if we have not taught them a

better morality than that of hypocrisy, revengefulness, and bitter malice left to lie in the heart's core, till it could spring up into hideous destructiveness? Or what sort of masters have we been, not to discover this cherished loathing of a hundred years? Not even in those by-gone times, when there were more European officers in regiments, more knowledge of the vernacular languages, and more friendly intercourse between officers and men.

If this theory be true, that we have been employed, and successful, in giving to a great mass of people all the outside of English military civilization, communicating to them what really is a science, without influencing their moral feeling, their affections, or even their humanity, we come to this double conclusion, that our education has been disgracefully inefficient, and our sagacity helplessly imbecile.

But we cannot accept this theory, nor does any body truly hold it. The Company certainly cannot; for it believed blindly in the fidelity of the native army, in spite of every warning. The officers themselves cannot; who trusted to their men to the last, and were ready to sleep in the lines down to the very night of revolt. It is utterly inconsistent with facts, and reason, and human nature itself. No other solution of the mystery remains than this, that the sepoy army was like any other raised by strangers in a conquered country, not attached in any particular way to masters with whom they had no sympathies of race, of language, of manners, of country, or of religion, yet not disliking the pay which they gave, and the occupation which they afforded; that some, like the irregulars, were even really fond of their profession of arms, and ready to bear considerable expense of their own to increase its splendour: that they were in the main loyal, and to be depended upon; that they had no animosity or rankling resentment against their officers and rulers, till something occurred to change them in a moment from decent heathens to maddened brutes. What that something was, forms the *x* of the problem, its desired, but unknown, quantity. That such changes, sudden and great, may be wrought, the experience of history shows. The Sepoys have been no worse than an army of Caffres, or Red Indians, or Tartars might, and would be, if a sufficient cause should arise to throw them into revolt. They have, in fact, done nothing worse than the Tartar

hosts of Jenghis Kahn or Timour, or Turkish armies in Hungary or Albania, have perpetrated in their days of irresistible invasion. Nay, the Anabaptists in Germany acted with equal atrocity, and so the Russians in Catherine's days, both against Catholics; both under the energumenism of religious fury. And surely the French revolution, by its scenes in the prisons and the streets of Paris, the cannonades of Lyons, and the noyades on the coasts, proved that, in a highly luxurious nation, the spirit of imaginary liberty might strike multitudes of previously quiet and submissive men with a frenzy as wild and as ungovernable, as sylvan gods were thought to inflict in their wrath. Nor would the late Roman republic fail in proving acts committed by its soldiers worthy of Delhi or Cawnpore, in ferine atrocity, or indescribable wickedness.

It would thus appear that a sudden exciting cause, acting on the violent passions of even civilized bodies, possessed of rude force, will at once change them into all that we have seen the Sepoys become. In the instances here selected, two moving causes have been exhibited—a blind zeal for religion, and a passion for liberation, if not for liberty. The second of these words would scarcely be understood, where the first would be a shibboleth. And this word suggests how suddenly, and by one act a whole nation can be aroused, and lashed on to acts of dreadful retribution. Let the reader recal to mind, how one gross crime of one town in Benjamin raised all the brother-tribes as one man, to a war of extermination in which neither woman nor child was spared, and none saved but a remnant of men who found refuge in the mountain fastnesses; and then say how very inadequate to persons reasoning under different principles and circumstances, the motives, or impulses may appear which kindle, in even civilized nations, the spark of animal passion into a flame that indiscriminately devours.

This is therefore a theory more reasonable, and more probable than the other; this revolution is not the outward manifestation of a fiendish malice nursed for generations, but more likely a sudden ebullition produced by a single, or a complex, cause acting violently on the ill-tamed, and ill-directed passions of an inflammable oriental people.

Ebullition is indeed the act of a moment, which cannot be hastened, and in itself cannot be prevented. Only removal of external cause can do it. It is an old, and now

trite eastern proverb, that it is the last straw which breaks the camel's back—the one which overbalances his strength. And so it is the last breath of heat that makes the cauldron boil over. There will have been warning signs, noisy turbulence, superficial bubbleings, agitation and upheavings; but if the careful housewife does not, just before the fatal moment, separate it from the fire, over it will run, and flame, smoke, and scalded ashes will speedily succeed the cheerful and genial fire. And so the flashing volley never bursts from a volcano, nor does the boiling lava run over the lip of its crater, without premonitory symptoms, not to be misdoubted. However instantaneous also may be the last act or motive which drives men to violent action, there must have been many preparatory ones, which reached their full measure in that one.

An imprudent *ordonnance* drove the elder Bourbons from their throne; the attempt to stop a political dinner lost it for the second branch. No one doubts that disaffection had previously existed, existed with growing intensity, and was only ripened, and gained occasion, through what otherwise might have proved a trifling occurrence. It must be a defective vision in a government, not to see, and remedy, the lurking feelings which are gradually preparing the way for a sudden crisis: it is a complete and almost judicial blindness, not to foresee, and avert, the final catastrophe. Even if the cause be not real, but imaginary, the only difference is that it must be removed from the fancy, instead of from the senses. A horror of wooden shoes, as a portion of the French social and dynastic system, served to help national antipathies in times past; artful plotters of revolt will not be scrupulous about the cry by which they inflame evil passions.

If, as we sincerely think, the Bengal revolution is the result of some actual, and not habitual, cause, acting by an impulse, on materials slowly but not systematically prepared, the wisest course is to discover this motive cause, both as the surest means of seconding active measures for repressing it, and as the best suggestive of a future system of rule.

Was the impelling cause political or religious; or were both elements combined?

Although the daily press, under government influence, may persevere in affirming, that not a slur is to be cast upon our eastern rule, all men of sense and experience,

and of impartial judgment agree, and every day makes clearer, that there has been a series of oppressions, of insults to national prejudices, and even of ruffianly torture, which must have irritated the susceptible minds of a fanatical people. We do not wish to rake up what every one remembers. The Report of the *Madras Torture Commission* is in every body's memory, excepting the *Times'* Editor's.* Mr. Layard and other public men have taken up the cause of Indian misgovernment to expose it; and the denunciations, and prophecies of the late Sir Charles Napier ought long ago to have opened the eyes and ears of India's rulers, unless they were dulled and deadened by the charm of their own opium. Let us add the brief testimony of Dr. Fennelly, "Owing to the exorbitant land tax or rent exacted from the Hindoos by Government, the mass of the people is reduced to extreme indigence and poverty." (p. 5.) If therefore there has been misgovernment, and growing discontent, nothing would be more natural, than that some particular act might appear to the natives a crowning act of anti-national oppression. A stupid answer cost Roboam ten, out of twelve, tribes. "Est cui magni constitit dicerium." An obstinate act of taxation lost England the United States.

Has anything like this happened in India? Probably the officers or men who have remained faithful, or the villagers, or zemindars, who we are told are still loyal, could answer the question. Till an authentic reply is obtained, it seems almost useless to conjecture. Still we may help the inquiry. About two years ago, a gentleman on whom we can place implicit reliance, unconnected with India, or with office, met, in travelling, an envoy, or agent, of the King of Oude, who informed him, that he had warned our home government against the annexation of that State; with an assurance that, if this measure were taken, there was no extremity to which they were not ready to go.

* The reader may see instances of torture which show, how little government practice can have taught the Hindoos to respect either common feeling or common decency, in the Appendix to Mr. Maguire's excellent work, "*Rome, its Ruler, and its Institutions.*" Longman's: a work to which much greater attention must be paid than the cursory notice in our present number.

Hints have indeed been given that the annexation of Oude *was* the last drop that made the cup overflow. We have been told that the step has been considered a national grievance; and the arrest of that unfortunate monarch at Calcutta, and the threat of a similar fate awaiting the Queen, confirm the idea of a connection between the annexation and the revolt. But we have not seen any statement so positive as the one which we have just given.

In truth, if the accounts more hinted at than detailed be true, that the poor remnants of national existence, the pageantry at least, and even mocking, of kingship, and courts yet precious to the sons of the soil, have been gradually and arbitrarily swept away, by the withdrawal of pensions and even the degradation to poverty or exile of royal descendants, with great indignation and irritation of the people, and that by degrees their eyes have been opened to what at first was more concealed, that all jurisdiction and power in native hands was intended to be wrested from them; then indeed the open and undisguised extinction of a reigning house, and the occupation of its territory, without a war, or a threat even, rather while in friendship and alliance with us, must almost necessarily have wrung their last hope from their hearts, and stung them to the very quick. Now add the acknowledged fact, that an immense proportion of our Indian troops, in Bengal at least, were natives of that principality, imbued, from infancy, with the ultra-feudal notions of fealty to their sovereign, and we can hardly wonder at a great military revolt, confined to that one presidency.

If the incentive cause was political, it may be found perhaps in this great act of spoliation. The Report on Oude presents us, no doubt, with a frightful picture of rapine, marauding, and injustice without, and of debauchery and moral filthiness within the palace. But the natives would see these things differently from us. The interior of an oriental court has never presented an edifying scene; nor have the curtains of the zenana been lifted up, for moral reasons to depose an Asiatic king. In the native ethical system much license would be requisite to constitute a ground of forfeiture to an hereditary crown. Perhaps even in Europe debauchee monarchs have not been so visited by Christian parliaments. Then, when we read the accounts of our own revenues exacted from the poor by beastly tortures, when we find how the country is over-

run by marauders and banditti, and hear for the first time, how the rebels have let loose in one provincial city alone (we believe Agra) as many as 4000 prisoners—talk after that of Italian prisons?—it is quite possible that in their rude balance, and with their heathen weights, they may not have discovered the niceties of distinctions, which we perceive, nor found the enormities of Oude so heavily press down its scale. The fable of the wolf and the lamb probably came to us from India; and the Hindoos may possibly have applied it to the facility of finding reasons, for the strong to devour the weak.

Whether single, or in combination, whether real or affected, the religious cry has clearly been raised, as the war-cry of the rebellion. “Deen! Deen!” has been shouted along the ranks of mutineers, in the moment that they rose upon their officers: “Deen! Deen!” has been called out by the rebels, to seduce from their banners those who yet remained faithful. The words mean primarily *judgment*, and then *religion*, for which it is the popular Mahomedan term. A cloak of religion has, at any rate, been thrown over the insurrection by its leaders; but if so, they knew that it was like the fiery garment cast by Dejanira over Hercules; it would burn into the vitals, and inflame to frenzy. No doubt the bulk of the maddened sepoys believe that they are fighting for their Gods and their religion.

What the enactments or facts were, which either the people's fancy, or the artfulness of their leaders, fastened upon, as evidences that their European masters intended to rob them of their precious heathenism, we are totally at a loss to surmise. Had England been a catholic country, we might have wondered at this absence of seeming evidence, at least, of such a desire. For we should have felt that the first duty to God, after giving a nation possession of an immense pagan continent, was to propagate the sublime and holy faith, which the eternal Word came from heaven to teach, and save the souls of millions whom He had died to ransom. While, with the good priests and friars who accompanied the first conquerors of America, we would have deprecated any violence, or undue pressure, we should certainly have expected to see such influence used, as superior civilization, greater learning, higher mental faculties, and a sublimer moral sense could give to the possession of revealed truth.

We speak of this as of a duty to God ; as a recognition of His power and bounty. If we were convinced that India was His gift, that we obtained it not by treachery or the sword, but held our title-deeds of it rightfully and righteously, if in other words, we considered our tenure of 200,000,000 of souls, as well as of the land which amply supported them, to be under Providence, we can hardly imagine that we should say to those people ; “ We have not the least wish to see you abandon your hideous idols, and your dark mythology, and be even as we are. Be believers in the Prophet, or worshippers of Vishnu, it is all one to us, provided you bear well our yoke, and till the soil, that it may yield you rice, and us opium, in abundance.” Now it must be owned, that since the rebellion commenced, and the religious war-whoop was raised, this has been the answer to it, this the vindication of our Indian Empire : that we have never attempted, nay never wished, to see its population other than filthy worshippers of filthy Gods.

And this seems but too true, and perhaps true from necessity. We have indeed been startled into the consciousness that there was a christianity dotted over Bengal, by learning that here the rising began, while the people were at church, here by a horrible account of a massacre in the sacred building, and somewhere else by the melancholy history of a Reverend person, with his wife and child having been cruelly murdered. We have also had the truly protestant evidence of a meeting for subscriptions to replace the property lost, to the amount of thousands in some missionary stations. But all these religious provisions seem to have been made for the European “servants” of the Company, with an explicit disavowal of all idea of rescuing its myriads of serfs from eternal perdition.

Very possibly among those who have so perished, some were dissenting ministers, or members of some American sect ; but we will confine our remarks to what the Indian government has done, to evince its zeal for the conversion of its subjects. No doubt it has paid attention to the full endowment, as we shall see, of the representatives of the home Establishment ; but no one can imagine that this was likely to influence native convictions. The system begun by the amiable and poetical Heber, has continued in the dry evangelicalism of Dr. Wilson. Let us try to

realise the feelings of a Hindoo, who, however gross his errors, has at least something tangible in what he deems religion. He has a brilliant and mystical theogony, and outward symbols of it in splendid temples. From these he goes into a naked building, perched aloft in which he sees a Sahib, a gentleman in black, very listlessly discoursing on justification by faith alone, and the utter worthlessness of good works, or may be very monotonously reading a lesson from a large book, foretelling perhaps how some hated and accursed tribe is to be destroyed, in such words as these: "Every one that shall be found shall be slain; and every one that shall come to their aid shall fall by the sword. Their infants shall be dashed in pieces before their eyes; their houses shall be pillaged, and their wives ——" (Isai. xiii. 15.—Osee x. 14.) Or he may hear the congregation singing a beautiful psalm, a hymn of captives seated by the rivers of Babylon, ending with the fearful imprecation: "Blessed he that shall take and dash thy little ones against the rock." (cxxxvi. 9.) And if he asks for the volume in which these awful words are written, and in which he soon finds plenty of other texts on total extermination, it is given to him not only readily but eagerly, in his own language, without note or comment; and he is told, that, every word there contains lessons of eternal life, and has to be freely interpreted by his own amiable and enlightened judgment.

Such is the form of religion which might be fairly exhibited to a Hindoo, to the full extent of Anglican proprieties, and of protestant fundamentals. What impression is it likely to make on an imaginative, and impressionable people, to whose fancy it presents no pictures, to whose feelings it conveys, through the senses, no emotions? Beyond what the bible-society's not very picturesque bindings may suggest to the eye, it lights up the cottage with no touching representation of loving mysteries, with no types of saintly virtue. The natural aspect which protestantism presents to an Eastern, is that of a negation; its consequence a feeling, that the attempt to proselytise is one to deprive them of a religion, and give them no other in its place. We remember an amusing account, in Dr. Heber's Journal, which we have not now at hand to refer to, of Hindoo ideas of an Englishman's religion. As after travelling all night, our countrymen would walk briskly up and down, to warm themselves,

while coffee was making, this, as their only regular action in the morning, was considered to be a devotional exercise, their worship of something or other. But Dr. Heber there, or elsewhere, remarks that the Englishman in India is habitually considered, as the man who never prays. His religion is a blank, an atheism, or rather ungodliness, not by negation but by unrecognition. Positive religion appears to the natives excluded from his system.

But at any rate, if the condition of India be thus wretched, that her subjection to Great-Britain is to bring her no nearer to revelation, but is to be based on the compact of equality of every impiety with christianity, the only hope of counteracting this system must lie in the higher morality of the christian beyond the pagan. If the latter saw in practice the purity of the Gospel-code; if the soldier found his officer untainted with the vices that marked his own race; if the subordinate civilian could look up to his superior as a bright pattern of virtue, surely by degrees the differences of the individuals would soon be traced to the differences of their creeds; and christianity would gain upon idolatry, as it did when first proclaimed. We fear to enquire, whether this has been the case. That great improvement has of late years taken place we gratefully admit; and strange to say, the mutiny has been attributed to the anger of the Sepoys, at the increased morality of their officers. Let this be so; and it only bears witness to our being rightly amazed at what can possibly either made the Bengalese imagine, or their leaders succeed in making them imagine, that any efforts had been made to convert, or force them to christianity. Possibly the boastful reports of Missionary Societies, stuffed with false accounts of spurious conversions, and of Bible Societies which reckoned three conversions for every bible thrown away, may have reached Indian hands, and been improved on by native demagogues. Perhaps the brag, that a certain Indian prince, high in favour at our court, was intended to go back, and convert his country, may have been wafted to the banks of the Ganges, and muttered in deep religious whispers from regiment to regiment.

But whatever the preliminary influences, we need not hesitate to say, that on minds jealously prepared, the "greased cartridge" was sufficient pretext for a final explosion. It was such a trifle! True, but it was to their minds so subtle, so universal, so necessitating, so mixed

up with duty ! The mind of the Oriental is itself subtle, cunning, inventive ; and it transfers to others these unamiable qualities. It was so ingenious ; every time a soldier fired his piece, in battle, on parade, over a comrade's grave, a *feu de joie*, it mattered not ; every time he would be obliged to commit a violation of his religion, a detested act. A trick upon a Jew in the matter of forbidden meat would perhaps vex him more than the tripping him up in a bargain. So with a Mahommedan, so with a Hindoo. In what regards uncleanness of food, they are delicate to a nicety. The proclamations of our Indian government are now too good evidence that the fact was as the insurgents stated : that the cartridges had been larded with the unclean thing, either by a contractor, who for a few pounds' gain has nearly lost us an empire, or through the stupidity of those, who after a century have not learnt the elementary feelings of those whom they undertake to govern. A trifle indeed ! The Hindoos have stood the suppression of the Moloch-rites of Juggernaut ; they have borne the abolition of the Suttee—solemn parts of their worship—but order the Brahmin string to be cut away from every shoulder ; and see what would be the result of, to our minds, such a trifle.

And so it was with the unsavoury cartridge. The mysterious cakes went from post to post, and Europeans laughed at it. They ought to have remembered the fiery cross of the Highlands, or the morsels of the Levite's wife, or the mere exchange of looks which preceded the Sicilian Vespers. The neglected and despised symbol, however, did its work. It was a telegraph of death. It was an epistle of blood. It was the awful element of a communion in hatred, in ferocity, in fanaticism, binding tens of thousands to crimes, and worse than crimes, to horrid deeds that no code could ever have contemplated ; for they sink into an abyss, which no soundings of human depravity have ever reached.

We cannot, however, leave the great question of religion in India, and the responsibility of its governors on the subject, without adverting to one view of it, particularly important to Catholics, and in some degree to others. For we may ask, with some force, what must Hindoos, Mohammedans, and native christians think of the East India Company's religious principles and intentions, when they all know, as they do, the astounding fact, that provi-

sion and endowment are made for every heathenish worship, while native catholics are excluded from any share in the public bounty. As long as a man believes in "Mahound and Termagaunt," worships idols and hangs to a cow's tail, or proclaims the Prophet, and curses all Kaffirs, including his masters, the State respects him, and amply provides the means of doing such respectable things. The moment he acknowledges a God in Trinity and the Incarnate Word, he is put out of the pale of patronage, and told, "you are no lieges of mine." Does not this proclaim, "better the infidels for me than catholics," to men who cannot perhaps see the differences among christian bodies. Or does it suppose them to do so, and cry out: "I recognize only three denominations of subjects, Anglicans, Mohammedans, and Idolators?"

But for this part of our subject we must quote Dr. Fennelly's interesting pamphlet.

"1. In the territories subject to the East India Company, there is a Catholic population of 801,858 souls, of whom about 16,000 are European soldiers. The country is divided into sixteen Ecclesiastical Districts or Vicariates-Apostolic, governed by sixteen Bishops and served by 736 Priests—397 of the Syrian rite attached to the mission of Verapoly on the Malabar coast, and 339 of the Latin rite dispersed through the other missions. The Catholic body in India includes persons of all classes and conditions—European, East Indian, and native; the great bulk, however, especially in Southern India, is made up of native cultivators, a miserable, ill-used class, as those will admit who have perused the Report of the *Madras Torture Commission*. Owing to the exorbitant land tax or rent exacted from the Hindoos by Government, the mass of the people is reduced to extreme indigence and poverty. Hence, the native Catholics, though numerous, are unable to contribute anything towards the support of religion. The Catholic population, the only Christian community of any note among the Hindoos, is annually increasing, partly by births and partly by conversions. The conversions, chiefly from paganism, in British India annually number upwards of three thousand: in 1856, the conversions in the Madras Presidency alone amounted to 2,900.

"2. After all they have heard of the Dalhousie resolution, the British public will, doubtless, be surprised to learn that 785,858, out of 801,858 Catholic subjects of the East India Company, receive no aid from the state for the support of their religion; and that, for the remaining 16,000, *British-born servants*, for whom alone Government professes to make provision at the public expense, a very *inadequate* provision is made.

"3. Catholics are the only class of the East India Company's

subjects, whose religion is not, in one way or other, maintained at the public expense. Hindooism is supported by extensive tracts of land, exempt from all revenue demands. Mahomedanism is maintained in like manner. Every person acquainted with India knows that there is annexed to each Pagan pagoda and Mahomedan mosque a tract of land which yields no revenue to Government, the produce thereof being appropriated to defray the expenses of the ceremonies of the pagoda or mosque to which it belongs.

“The Protestant subjects of the Company, though Government does not profess to provide for their spiritual instruction, have very little to complain of.

“The Protestant population, including Protestants of every shade, is inconsiderable as compared with the Catholic, there being more than one hundred Catholics to one Protestant. It numbers among its members, like the Catholic body, persons of every class and condition, but, unlike the Catholic body, the native paupers are few, and the well salaried European Protestants are many; so that even without aid from Government, the Protestant community of India is in a position to contribute largely towards the maintenance of religion.

“But Protestants are not neglected by the state. Government maintains a highly paid and numerous body of clergy to minister to its Protestant European servants, and the bishop and clergy not finding sufficient employment in the field allotted to them, are able to afford spiritual instruction to the few Protestants not in the service of Government. Besides, the well paid Protestant civil servants, relieved from the burthen to which their Catholic fellow servants are still condemned, are able to contribute from their abundance in support of missionary enterprises. And the schools supported by the State are as Protestant as they can be made without an open violation of the orders of the Court of Directors, that religion should not be taught in them.

“4. On what principle of justice or fair dealing does the Indian Government refuse to Catholics aid in support of their religion, while (though not professing to do so) it makes ample provision for the maintenance of the religion of every other class of its subjects?

“Catholics contribute in proportion to their numbers, to all the expenses of the State; they pay taxes like every other class, and one would expect them to receive at the hands of a Christian Government at least as much consideration as the pagan or Mahomedan.”—(pp. 4, 5, 6.)

But we have another, and an impartial, witness, to this injustice, and unequal dealing, in the late sagacious and upright officer Sir Charles Napier, whose words will be pronounced oracular by all who read the following, till lately, unpublished anecdote. It occurs in the Sermon

placed at the head of our article, and delivered on the 26th of July.

“And now, while I am speaking of India, our vast mercantile empire, allow me to come nearer home in the question of national justice. I dare say some of you will have seen yesterday an interesting extract from the life of a late illustrious general, Sir Charles Napier, a life published some time ago, in which he clearly foretells that our Indian army would rebel, that it would rise up against its officers, those few English ones that remained, and that the East India Company, whom he had warned again and again in vain, would feel the disastrous consequences of such an event. Such was his prophecy, and he concluded by saying, ‘But I do not wish to lead the life of Cassandra, giving nothing but evil auguries to people who will not take notice of them.’ Now, as these words of that great man, as he showed himself always in India, have come thoroughly to pass, I will quote some other words of his spoken to myself, and you shall judge to what extent they agree with those. A few years ago, the year before his death, I was in the Exhibition in London, looking at a picture representing one of his battles in which he was in the very centre of danger, the most conspicuous object amid the terrors of the fight. Standing close to it was the hero of the piece, Sir Charles Napier himself. It was impossible to mistake him; but he desired to be introduced to me. I asked him a few questions about the picture and its correctness, and he then took me by the arm, and drew me aside—there were several persons round us—and he said, ‘Cardinal Wiseman, you Catholics are shamefully treated in India. I have told them again and again, I have told the government there that a time was coming very soon when, to save our empire, we should require the united, combined forces of all British subjects without distinction, and that it was their duty to prevent any disunion or any religious differences. I have spoken in vain, they will not listen to me, and they are keeping up a system of disunion and separation instead of one of union. I have been again and again ashamed when in India, at being thanked by the Catholics, as for a favour, for what was but a piece of commonest justice.’ These nearly are the very words which he spoke to myself, and I can vouch for the truth of every expression.”
—P. 8.

Although this distinguished officer may have alluded to the treatment of native Catholics, we have no doubt that he principally spoke of the insulting difference between the Anglican establishment and the Anglo-catholic Church in India. To understand fully this system, stupid and short-sighted as it is unfair, in Sir Charles’s judgment, we must refer our readers to Dr. Fennelly’s Essay, which we trust that every Catholic will read, and will to his utmost second by vote or cry, on every possible occasion. We

must content ourselves with a few scanty quotations, quite inadequate to the subject, or to our desires. Dr. Fennelly's work is, in fact, a masterly analysis of a celebrated resolution, much vaunted for its liberality, passed by Lord Dalhousie, late Governor General of India, Feb. 28, 1856. We will only make a few extracts.

1. Catholic bishops. There are sixteen Catholic bishops in India. Of these the Government recognises *four*; and gives them allowances "not as such, nor by reason of their ecclesiastical rank," but "exclusively on account of the correspondence which they are required to carry on with Government," &c. In other words this was to be merely a remuneration for civil services required by the State. It amounted to 200 rupees or £20 a month, and was raised to £40; no great sum in India. Indeed so inadequate was it to the services demanded as an equivalent, that the Bishop of Calcutta has declined the honour and its wages.

2. Catholic chaplains. A chaplain is allowed where there may be "such a number of *British-born* Roman Catholics" (natives go for nothing) "*in the service of the Government*, as may seem to Government to require a separate pastor. The salary of a priest at such, or at a military station is 100 rupees a month, or 150 if he have more than one regiment and less than two.* What can be the feelings of a Catholic Sepoy, when he sees that the priest of his religion receives 100 rupees a month less than the lowest officer in his regiment, who, we are assured, has 250 rupees a month? But what can the English or Irish Catholic, soldier or civilian, say to the following proportions between the remunerations bestowed on the clergy of the two religions, which we must give in Dr. Fennelly's own indignant words.

"Such is the liberal provision made for the Catholic chaplains ministering to the Catholic troops in the service of the East India Company. Now the highest allowance which, in virtue of this provision, a priest can draw is only *about one-fourth the pay of the PROTESTANT CHAPLAIN OF THE LOWEST CLASS*; and the *ordinary* allowance of the *priest* is only *one-sixth of a Protestant chaplain's pay*; while, in addition to their pay, the Protestant chaplains receive allowances when doing duty, and are entitled to "privilege leave" every year without loss of pay, as also to furlough, sick leave, and retiring pensions; *all of which Lord Dalhousie refuses to Catholic chaplains.*

* Medical attendance is also granted, and in the country medicine gratis.

“To illustrate more fully the inadequacy of the spiritual provision made for the Catholics by the Indian Government, it may be useful to state the expenditure by Government, for the benefit of Catholics and Protestants, at a few stations, taken at random.

PONAMALLEE.

Protestant chaplain's yearly pay	-	Rupees	6,000
Establishment allowance	-	„	588
Sacramental allowance	-	„	63
For the sub-station at Tripasore	-	„	528
			<hr/>
			7,179
Catholic priest's allowance per annum		„	1,200
			<hr/>
Difference	-	„	5,979

“The above exhibits the *lowest* rate of pay for Catholic and Protestant, yet the difference is sufficiently striking. If one of the larger stations, as, for instance Bangalore, with its three Protestant chaplains and one Catholic priest, be selected, the figures will stand thus:—

The chaplains' yearly pay	-	Rupees	18,000
Establishment allowances	-	„	1,287
Sacramental allowances	-	„	126
			<hr/>
			19,413
One Catholic priest	-	„	1,800
			<hr/>
Difference,	-	„	17,613

“If the exact amount of expenditure in maintenance of the Protestant Establishment at the head-quarters of the Government of India were given, the contrast would be still more striking.

“For Madras the following statement will be found sufficiently correct:—

Annual cost of the Protestant bishop, chaplains, and establishment at Madras, about	-	Rupees	107,438
To clergymen of the Church of Scotland, with establishment and sacramental allowances,	-	„	20,811
			<hr/>
			128,249
One Catholic priest,*	-	„	1,800
			<hr/>
Difference,	-	„	126,449

“* The office allowance of the Catholic bishop being paid to him for supplying certain returns to Government, and not on account

“To this difference should be added a very large sum expended on account of the ‘privilege leave,’ sick leave, furlough to Europe, and retiring pensions, granted to the Protestant and denied to the Catholic chaplains. The Protestant chaplain on sick leave, after seven years’ service in India, draws from Government £300 for the first six months, and £191 12s. 6d. for the next twelve. He is, moreover, allowed a month’s leave of absence every six months without any loss of pay, and may retire after fifteen years’ service in India, on a munificent pension.

“The allowance paid to the Catholic chaplains is regarded as paltry, not only by Catholics, but also by liberal Protestants. Sir Charles Napier, when commander in Scinde, recommended Government to allow 300 rupees a month to the Catholic chaplains in that district. Government, for the time, granted 150; but Lord Dalhousie’s order, instead of increasing, reduced the allowance at all the stations in Scinde except Kurrachee, where there are generally two full European regiments, to 100 rupees.”—pp. 13-15.

3. We must refer our reader to the work itself, for information on the shameful partialities of the Indian Government, in the matters of church-building, orphanages, and military and governmental schools; in every one of which, everything is done for Protestants, nothing for Catholics. But as to the schools, it is worse than that. By a recent order of Government, every Catholic soldier is commanded to withdraw his child from a Catholic school and send him to a proselytizing government one under penalty of loss of five shillings a month made for every soldier’s child, in the case of every one of them who is absent from such a school. (P. 26.)

4. But one of the most disgraceful distinctions made by the administration of the East India Company is the proportion kept in military promotion. This, on the eve of a great war, and with Sir Charles Napier’s judgment before us, of the impolicy of such conduct, is so serious a point for reflection, and indeed for action, by petition or remonstrance, that we deeply regret not having space for the concluding five pages of Dr. Fennelly’s pamphlet, containing his chapter on “Injustice to Catholic Soldiers in the matter of Military Promotion.” The Bishop Vicar Apostolic of Madras took the opportunity of his remonstrating with the Indian Government on “the impolicy and injustice of

of his rank as bishop, or of his spiritual ministrations, is not taken into the account.

the penal clauses in the Indian Army school regulations," to allude to the glaring injustice systematically exercised towards Catholic soldiers. This produced great indignation, an investigation, and a reply (Jan. 22, 1856) that there was "no foundation whatever for his lordship's statements regarding the unfair promotion of Protestant soldiers...to the prejudice of their Roman Catholic comrades." On the 13th of April, the Bishop forwarded his rejoinder, enumerating the appointments made, in every department of the army, with a triumphant result: of which we quote merely the summary.

"In proof of His charge of injustice to the Catholic soldiers in the matter of promotion, the bishop reckoned up 627 appointments, the best to which a soldier from the ranks of the Honourable Company's army can aspire, with the names of the incumbents, and showed Government, that out of so large a number of staff appointments, not more than 130 (little more than one fifth, and these invariably the least eligible appointments) were bestowed upon Catholics, though Catholics constituted two-fifths, if not one half, of the Indian army. With the above facts before him, the reader will value at their worth the professions of commanding officers that 'promotions in the army are made without regard to religious persuasion.' He will be struck by the strange accident, that, although '*no regard is paid to religious persuasion*' in the lottery of promotion, it has nevertheless occurred that all the blanks have fallen to one religious persuasion, and all the prizes to the other. It is unnecessary to say that Government very wisely abstained from any further attempt at upsetting the bishop's statements, judging, under all circumstances, that silence was the most prudent course."—(pp. 32, 33.)

And now, as we have said, at the beginning of perhaps a long and harassing war, and a longer military occupation, has this company to whom we have confided the destiny of millions, shown itself wiser, or more generous, or more just, in its dealings towards Catholics? We blush to say, no. Catholic soldiers are proceeding, every week, to India, and the War Office has demanded the appointment of Catholic Army-chaplains. The East India Company have been applied to, to name their salary; and with the invariability of narrow minds, have fixed the rates exactly as was defined by the Dalhousie tariff! That of course was for chaplains on the spot, probably born in the country, enured to its climate, accustomed to its manners and food, and who, being stationary, probably ob-

tained further resources from local duties. Here all is different. Priests, settled here happily, and conscious that they are doing good, near their friends, wanting nothing, are expected to offer themselves, for a paltry salary that will not suffice to live upon, to go thousands of miles off, to encounter the fatigues of marches, the risks of climate and its diseases, and possibly the danger of a war, where no quarter is to be given on either side. No allowance, so far, for outfit, or for the provision necessary for Catholic worship: as we learn from the notices published in Catholic papers. Is not this a short-sighted policy at best? And yet, to the praise of the Catholic priesthood be it spoken, not the seven demanded only, but ten or twelve English priests, who can ill be spared, have come forward, offering to leave all at home, *every one* advancing the same motive, that it is a work of great charity, the more so on account of its dangers.

When the war is over, the question will come, who in future will have to govern India? Surely every Catholic member of both Houses will bear in mind how his brethren have been persistently treated by a Company, which carries to that distant portion of our Empire, the small-minded bigotry of home, and prefers worrying the British subject with petty religious annoyances, to enlisting his heart, as well as his arms, his affections as much as his sinews, in the service of his country. Surely if the national Government undertake the complete rule of that continent, it will reverse such a miserable policy, and establish complete equality.

What further measures for general Government may be adopted, to prevent the Koh-i-noor fatality following that hitherto unblest gem, it will be time to discuss, when India reconquered lies, panting after its loss of blood, at the feet of the victor, to receive a doom of clemency, or of severity. Either policy will have to be based on principles widely different from what have ruled the past; we hope, however, that, any way, India shall learn that it is subject to a christian law.

ART. VIII.—*The Creator and the Creature, or, the Wonders of Divine Love.* By Frederick William Faber, D.D., Priest of the Oratory of St. Philip Neri. Richardson and Son, London; Dublin; and Derby.

AMONG all our recent converts,—and it is saying a great deal—there is not one who, in many ways, has done more signal service for religion, than Father Faber. As a son of St. Philip Neri, he has succeeded, against no common difficulties, in establishing, and what is far more consolidating, one of the most flourishing Catholic communities in London, not to say in England. The London Oratory stands conspicuous, if not pre-eminent, among existing instruments of spiritual good in this portion of our Lord's heritage. And the London Oratory is Father Faber's own especial work. His great and varied talents, administrative tact, brilliant powers of conversation, sunny temper, and, above all, thorough reality of character, have gathered near him and around him, a band of zealous companions, a host of confiding penitents, and a circle of attached friends which give him such a *fulcrum* for the spiritual lever as the most ambitious might envy; but which his rivals envy not, because in their sphere of competition no emulation is allowed but that which the Apostle describes as the mutual provocation to good works. By the aid of the remarkable gifts which he possesses, and of the strong personal co-operation he has been able to secure, Father Faber has succeeded in diffusing the peculiar spirit of his congregation over a very extended sphere. In how many churches throughout England, for instance, do his beautiful Hymns supply the very household words of gladsome devotion to multitudes of the rising generation! In how many, again, does the Oratory Prayer-Book furnish the form of the vernacular worship during those Triduos or Novenas which are themselves attestations to the growing popularity of Roman devotional practice! Indeed, had the Oratory done nothing else for England than encourage an increased attachment to the Holy See by the religious spirit it has created, this country would owe it a deep and lasting debt of gratitude. But it would be difficult to say whether Father Faber has after all

contributed more to this particular end, than, in the other direction, he has advanced the cause of religion by furnishing healthy outlets to those among our especially national feelings which, like the taste for vernacular psalmody, may be cultivated in strictest conformity to approved Catholic precedent.

Nor is the service which Father Faber has done for the Church as a writer, inferior, on the whole, to that of which his Oratory has been the immediate scene and centre. The tendency of all his writings, as even those who strongly object to parts of them are forward in admitting, is towards real devotion and elevated sanctity. He has laboured to inspire, and has succeeded in inspiring, most consolatory and practical thoughts of the paternal character of God. He has shown, again, how the ends of corporal mortification may be attained by those whose weakly constitution, variable health, or unavoidable occupation, unfits them for the exercise of it. He has laid the large class of invalids and valetudinarians under a real obligation to him. The lessons he has so often and earnestly inculcated on the immense power of a right intention as a purifier of actions and a safeguard against scruples will have come to the aid and comfort of many a timid Christian. Above all, he has propagated a taste for theology itself by bringing it within the reach of the busy and unlearned public. To the exercise of Spiritual Reading he has imparted an interest which converts it into a positive recreation. Nor must we forget the reformation he has effected in the department of devotional language, both in prayer and instruction. We do not allude merely to matters of style and taste, though here too there was felt by many to be considerable room for improvement. But Father Faber has conferred a far more important benefit upon religion by consecrating to its uses the affectionate vocabulary of domestic life in the place of an overstrained and pompous phraseology which tends to remove all matters of the supernatural world from the region of our ordinary thoughts and feelings. Why, for instance, should we seek for any more appropriate epithet to denote the claims upon our affection of Our Lord or His Mother, than that simple one of "dearest," which, till Father Faber took pen in hand, was, we believe, generally excluded from religious language as bordering upon undue familiarity?

With an impression of Father Faber's services to the

Church which we have here, if anything, rather understated than exaggerated, we can never approach to the critical discussion of one of his works except under a certain sense of responsibility beyond that which we experience in the ordinary exercise of our professional duties. It is easy enough to speak of any books, and much more of such books as Father Faber's, in a strain of indiscriminate eulogy. Praise is always the safe side of a critic's course; and especially in the case of works so generally and deservedly popular as those of this author. It is easy too, in another way, to carp in a smart and flippant strain at a writer of so much peculiarity and even mannerism as Father Faber, and at one too who has written so freely and so much. But what is not easy, and yet must be attempted, is neither to allow, on the one hand, the merits and *prestige* of a deservedly popular author to blind us to what are conscientiously felt to be his demerits or defects; nor, on the other hand, to be over quick in discerning, still less petulant in exposing, even serious faults which there is so great an amount of excellence to counterbalance if not to counteract. And this is not the only difficulty which presents itself. We feel deeply how utterly impossible it is to do anything like justice to such an author as Father Faber in the limited compass of a periodical essay. The exceptions which many take against his theological and spiritual works go, we believe, to the root of the whole line of teaching which he prefers in both departments. Objections of this nature and extent ought neither to be advanced, nor answered, by halves. Of all charges which could be plausibly sustained against Father Faber, the most untenable would be that which should impute to him an over-cautious or ambiguous tone. He has now published four volumes of goodly bulk and closely-packed contents; outspoken to an excess, if not a fault, and, on the whole, sufficiently consentient. A writer of this stamp has a claim to be met in an open stand-up fight and in a large plain. The first very obvious, though not we apprehend by any means universal qualification in objectors to his theology is, to have read all his works from beginning to end. The next, to spend a certain time in the conscientious purpose of mastering their real tendency by weighing the force of statement and counter-statement. The third, to enter the lists with something like equality in point of reading and clear-headedness. The fourth, and by no means least, to

give expression to these adverse views with something like the fulness, and in something like the form, of his own Treatises. An article in a review, a letter to the Editor, or a shilling pamphlet, are very suitable weapons against antagonistic works of their own character and dimensions, or even against an isolated opinion or statement in any work, however ample; but they do not, in our judgment, satisfy the obligations of the warfare in which so voluminous and thoughtful a writer as Father Faber ought to be encountered, or into which he can reasonably be expected to descend.

So strongly indeed are we of this opinion, that, except under a very clear view of the shape which our proposed remarks should take, and of the limits within which they should be restricted, we should have shrunk altogether from our present task. With the great questions of Predestination and Grace, which have divided the schools of the Church almost from the beginning, we have no intention of implicating ourselves except so far as any bias may be apparent in our occasional observations. The same applies also to the controversy which appears to exist on the true method of spiritual direction between Father Faber and the stricter followers of the Ignatian rule. All which we now undertake, is to speak very generally of the leading characteristics of Father Faber's last work in relation with its predecessors; bringing our remarks to an issue upon the two deeply interesting chapters entitled respectively the "Easiness of Salvation," and the "Great Mass of Believers," which form the point, some will say of contrast, others of culmination, in this, as compared with other treatises of the same author.

The "Creator and the Creature" has the same merits and the same peculiarities in a merely literary point of view, with all Father Faber's works. In common with the rest, it exhibits a power of facile expression, of vivid illustration, and of persuasive eloquence, which is Father Faber's own against all living competition. The obvious and almost only defect of his style is a tendency to multiply and reiterate epithets which imparts to it a kind of mannerism. It is certain, however, that the style which comes most naturally to a writer, is always the best for him; and there is no saying how much of the spirit and unction of Father Faber's might not disappear under the application of the *limæ labor*. It is obvious that he is one of those authors

who rather overflows than composes; and hence we must not try him too strictly by the ordinary rules of literary criticism.

In its subject, "The Creator and the Creature" may be regarded as a complete evolution of the theological and spiritual tendencies which form the basis of all Father Faber's teaching. Hence it becomes a kind of key to his other works. It draws out the great theory of man's relations with God, some of the results of which had been given us in "All for Jesus," the work on the "Blessed Sacrament," and, though less distinctly; in "Growth in Holiness." The root, not only of all heresies, but of all the practical atheism, infidelity, and worldliness of the day, is, in Father Faber's judgment, the disregard of our position as Creatures. The liberty which God has given to man the better to love and glorify Him, man prefers to use in erecting himself proudly or ignorantly, but, at any rate, only too fatally, as regards the end of his being, against the Creator who made him in love, sustains him by love, and destines him for an eternity of love. What indeed but love is the true secret of every divine act of which creatures have been the objects? Why did God create us, but because He would multiply beings to love Him? Why, but because He loved us, and would establish a new claim upon our gratitude, and a new guarantee for our love, did He raise man, on creating him, to the supernatural order? Why, when our first parents had abused their liberty in forgetting that they were creatures, did God at once announce the prospect of restoration and prepare the way for it? All the mysteries, therefore, of creation, providence, and grace, tend to one and the same conclusion. Hence it follows, that to love their Creator as their sole end, and to serve Him from the pure motive of love, is the true happiness of Creatures. Such is a short outline of the subject which Father Faber develops with a power and beauty of which mere extracts must fail to give any idea. Nor is there any object in making out our article by quotations from a book which is probably by this time in the hands or within the reach of all our readers. Let it suffice to say, that Father Faber's plan includes the discussion of the questions; What it is to be a creature; what it is to have a Creator; why God wishes us to love Him; why He loves us; our means of loving Him; our actual love of Him; and the way in which He repays our

love. "Here," says the author, "in other times, the treatise might have ended;" but he anticipates certain objections, to the consideration of which he devotes three important chapters. If the conclusion of the former chapters be just, salvation, it may be said, ought to be easy. "And," answers Father Faber, "it *is* easy." And, if easy, he considers it to follow that by far the larger number of Catholics are saved. But, again, it may be said, is not this view contradicted by experience? The phenomena around us are surely against it. Father Faber allows that such is the case, and finds the explanation in the spirit of the World, which he regards as the most successful of the three great antagonists of God. The world is strong enough to put obstacles in the way of God's merciful intentions, such as are even sufficient to mar, to appearance, the beneficent work of grace. This chapter on the World strikes us as perhaps the very best in the whole work. It is quite a masterpiece both of argument and style. It is followed by one on "Our own God," which brings the treatise to a close with some final observations upon the love of God as a motive of action, the most sure, the most comprehensive, and that alone which can train the creature for the life of the blessed in heaven.

It will thus be seen that the "Creator and the Creature" forms, to a far greater extent than any of its predecessors, a kind of transcript of Father Faber's entire theological mind. Simple and obvious as is the view of our relation to God upon which it proceeds, that view "has been pondered for years, and has given rise to the theological bias visible in the other books, as well as to the opinions expressed on the spiritual life."—p. xi.

Hence Father Faber expects that the present volume will furnish a solution of difficulties which may have been found in the rest. Should those difficulties have mounted into positive objections, we are not sanguine enough to expect that the present treatise will remove them; for, in it, some of the logical deductions from the theological principles apparent in the whole series, are brought out, undoubtedly, in rather a startling form. On the other hand, we do feel very strongly, that any person who has gone thoroughly along with Father Faber in his other Treatises, and especially "All for Jesus," has no reason to be scandalized by this; for there is positively nothing in it, as far as we

can see, which is not involved in the whole scope of Father Faber's theological preferences. That there are *seeming* inconsistencies in his teaching—as for instance, between the general drift of “Growth in Holiness,” and parts of “All for Jesus,” or of “The Creator and the Creature”—this we have ourselves been disposed at times to feel. That there is a certain amount of occasional incaution in his mode of expressing himself, even upon matters of primary importance, this we also feel, and shall attempt to show by instances. But what we do not think is, that Father Faber's works, taken either collectively or singly, where they appear inconsistent, merely represent shifting phases of their author's mind, or are no more than tentative speculations thrown out for what they may be worth, without anxious foresight of the difficulties they may create with readers who receive all which their author says in a spirit of confiding simplicity. We think far too highly of Father Faber to suppose him capable of any such wanton exercise of his own unquestionable powers. And as our own belief of the deep sense of responsibility under which he habitually acts, forbids entirely any supposition inconsistent with such belief, so, in like manner, we think far too highly of his intellectual gifts to suppose him ever ignorant of the true bearings of the theological principles which he propounds. Our solution, therefore, of any statements or casual expressions in particular of his works, which may be felt to contradict others of them, or to imply what in a less considerable author might be set down to deficiency in theological knowledge, would be, either that the objector has failed to master the full scope and legitimate bearing of Father Faber's theological views, or that Father Faber, though perfectly at home in his subject, may yet have expressed himself here and there with less than the technical precision of a mere theologian.

The particular mode of inculcating religious truth, which this author has adopted with such success, at once increases the difficulty of a perfectly accurate phraseology, and imposes a very strict obligation to labour after it. Father Faber writes theology rather as an orator and a poet than as a mere theologian. A certain freedom, and even dash of expression, is necessary to the effect, and even the essence, of his work. The character too, of his mind, as it may easily be gathered from his style of writing, must render it still more difficult for him in the

rapid succession of his thoughts, and the gushing flow of his eloquence, to measure the effect of all his statements upon more phlegmatic temperaments. There is in all his writings, what an unfriendly critic might call, a certain tendency to paradox. This must always be the case with one who sees things by the light of a most brilliant imagination, and expresses what he feels in an honest and genuine spirit. Father Faber is an essentially undiplomatic writer. He rather meditates aloud than addresses a body of imaginary critics. We have already said, and here repeat, that we are not charging him for a moment with crudeness, still less any desire of trifling with his readers. We suppose him all the time to have thoroughly digested his subject. But the very form it takes on paper, added to the peculiar, and we will add, highly attractive simplicity of the writer, renders him not only amenable to the calumny of adversaries, but open to the charge of incaution, even where he is the most thoroughly admired and valued.

On the other hand, his mode of teaching, while it exposes him to this danger, lays him, as we have no doubt he feels, under a peculiar obligation to avoid it. He writes avowedly for unlearned readers. He has no right to presume, on the part of those whom he especially addresses, such a familiarity with the subjects of which he treats, as will enable them to put the true theological construction on passages or words which have an uncertain sound. We do not suppose him otherwise than keenly alive to the duty of guarding against such misconstruction; yet we must still think that he is not always successful in this part of his work. Could we feel, indeed, that what we have just described as a danger, was anything like an unavoidable consequence of his didactic method, we should be obliged to take exception against the method itself; since it is a mere truism to say that there is absolutely no quality in a theological writer which can compensate for a want of verbal accuracy. And it is simply because we do not regard what we must consider Father Faber's chief temptation, in any such light, that we see no reason to detract from the value of the work which he has rendered to the Church, as a writer, by the interest he has thrown around theological enquiries through the peculiar style of instruction he may be said to

have originated. We proceed to give a few instances of what we feel to be the defect in question.

“Creation explains all other mysteries. *No wonder* God should become Man in order to be with him, or should die for him in order to save him,” &c.—p. 45.

Here we have a double ground of demur. Creation surely does not “explain all other mysteries.” In the very general and rhetorical way in which it may be said to involve love, and they also involve love, it may be said to involve them. But the exaltation of the creature to the supernatural order, and the reparation of the human race, are further mysteries, each separate in itself, and neither included in the way of necessary consequence, in the mere act of creation. We extend the same criticism to the sentence, “*No wonder* God should have become Man,” &c. How does this tally with the Psalmist’s language, “*Quid est homo quod memores ejus,*” &c., or with the Church’s “*Deus qui humanæ naturæ substantiam mirabiliter condidisti et mirabilis reformasti?*” A little further on Father Faber corrects himself, and says of Creation and Redemption, “Both are wonders, but *the first is the greater wonder.*” There is a certain looseness in all this which is the natural, though not the necessary, result of Father Faber’s mode of writing. It is rhetoric rather than strict theology; but rhetoric, applied to a matter of very grave importance. A casual reader, of the class especially addressed, might fall into the error of supposing that, because God created man, He was therefore bound to raise him to the supernatural order; and again, because He so raised him, to redeem him after his sin and fall. This we know is not the author’s meaning, but it is certainly the more obvious construction of the passage.

The following belongs so much to Father Faber’s characteristic *naïveté* of thought and expression, that it goes rather against the grain to make it a matter of serious criticism. Yet we doubt if all readers will be able to appreciate it.

“In such a principle of action, (i.e. the mere ‘sense of duty,’) there is no real rehearsing for Heaven. The Blessed in Heaven do not act from a sense of duty. They contemplate and love. Surely there must have been some habit formed on earth, to correspond to and anticipate, that celestial habit of keeping the gaze fixed on

the beautiful object of faith. *A conscientious seraph is a very difficult idea to realize.*—p. 422.

Now, here it seems rather obvious to remark that, since the great characteristic point in which Christians on earth differ from the Blessed in heaven, is just that one which forms the ground and establishes the necessity of conscientiousness on their part, the undoubted truth that the Blessed act not from the sense of duty, but from the motions of pure love, is not much of an argument against insisting upon the sense of duty as a motive to Christian obedience. Far better is it, no doubt, to get Christians to act, as the seraphs act, on the principle of simple love; but does Father Faber, in this part of his work, make due allowance for peculiarities of character, habits of education, &c.? He writes not only for minds of a tender and affectionate cast, but for those in whom “sense of duty” is not merely the chief, but the only habitual motive to right action of any kind. What will the cold-natured people of England make of the principle of simple love as an elementary rule of life? The farmers, stock-brokers, and general officers? Yet we do not see why any of these classes might not be effectually trained for heaven by informing and directing their sense of duty, and getting them to regard God in some of those relations with which they are accustomed to connect the idea of responsibility in human affairs. We fear that there is danger of making people try to run before they can walk.

“Who does not see that [God] *predestined* all men, together with all angels, to be saved?”—p. 125.

Should not the word here be “willed,” rather than “predestined?”

We come now to what appears to us an inaccuracy of a more serious kind; more serious, first, because the subject is one on which lax Christians are peculiarly on the look out for false encouragements, and are apt to interpret all doubtful phrases by the prevailing wish of their minds; secondly, because the phrase of which we complain does not appear to us, like those hitherto produced, to be an obvious *lapsus*, nor, on the other hand, to admit of any equitable construction. The passage to which we allude occurs in the chapter on “the Great Mass of Believers,” and it will at once launch us into that portion of

Father Faber's treatise, which opens some most interesting and practical subjects of critical discussion. The extract is as follows:—

“While we are gazing at this picture, we must not forget to realize, and it is no easy matter, what we have seen in a former chapter, how little God actually requires as absolutely indispensable to salvation. One confession at the hour of death, ordinary fidelity in confessing, a purpose of amendment which has no temptation then to be insincere, a *very moderate sorrow*, with huge allowances made for the clouded weariness and distracting unsettlements of pain, and the soul that has spent close upon a century of sin is saved, saved because God puts the requisites for absolution so low, saved because by His merciful ordinance faith survived grace for all those years, saved because the Precious Blood of Jesus is such a superabundant ransom, such a mighty conqueror of souls.”—pp. 335-6.

No one can deny that this passage is most beautiful in sentiment and expression; nor, although a large body of theologians will mournfully dissent from its practical consequences, have we a word to say against the essential truth of the doctrine it so touchingly propounds. But the phrase we have marked appears to us to admit of no sufficient defence, and to be open, consequently, to serious misinterpretation. We do not, of course, for a single moment suppose that Father Faber could intentionally understate the proper theological requisites for absolution; but why, “a *very moderate sorrow*?” The question in this place does not relate to the *intensity* of the sorrow, but to its character and quality. If by “moderate” be meant, small in comparison with God's claims, this surely is true of the penitential disposition of the most mortified of saints, as well as of the sorrow just barely sufficient for pardon at the end of a mis-spent life; for where there is no proportion, there can be no degrees. But if by “moderate” be meant positive smallness of amount, then, we repeat, that the question is not one of greater and less, but of kind. What we imagine that the learned author does mean is, attrition, in contradistinction to contrition; but it is surely incorrect to compare in point of intensity two sorts of sorrow, the difference between which lies in motive, not in degree. The Council of Trent requires as conditions of this “moderate” sorrow, (1) that it “arise from the consideration of the turpitude of sin, or from the fear of hell and of punishment:”

(2) that it "exclude the affection to sin:" (3) that it be accompanied by the hope of pardon. Surely these acts, specially difficult, for some reasons, at the hour of death, involve in their notion a sorrow far from moderate *in degree*. If instead of applying the term "moderate" to the disposition required as the minimum for valid absolution, Father Faber had defined Attrition, as distinguished from Perfect Contrition, persons would still have been found to question the prudence of making the statement, and even theologians of an opposite school to express personal dissent from the passage, but no theologian could have denied the abstract tenability of the doctrine. The wording in question seems another instance of Father Faber's tendency to employ phrases which represent generally the correct idea in his mind at the time, but which, taken strictly, do injustice both to his meaning and to himself.

We are the more anxious to vindicate the general drift of this passage even while we venture to think a word in it seriously misemployed, because, although we feel the full weight of the great and venerable names which are arrayed upon the opposite side, we have no wish whatever to take part, even apparently, against the doctrine of these two chapters, which finds in that passage its indication and even its epitome. For our own parts, indeed, we are in the habit of feeling "the easiness of salvation," (in the true sense of that phrase) to follow so naturally, and even necessarily, upon those lovely and loving ideas of God, which Father Faber has put forth in all his works with such attractive sweetness, that we almost doubt if he have not taken a somewhat circuitous method of introducing the subject by treating it as an answer to objections, rather than as the legitimate sequel of the preceding chapters. Even on the very face of the arguments from theological reason or from authority which are urged in its favour, all our instincts recoil from the thought that God would hedge round with difficulties, the attainment of that bliss which He has purchased for us at so immense a cost, and to the pursuit of which He has chosen us Catholics out of all the world by so free and wholly unmerited an act of His sovereign bounty. "Tu devicto mortis aculeo, aperuisti credentibus regna cœlorum."

"To a believer salvation is easy, so easy in fact that to each indi-

vidual soul in the Church the chances are greatly in favour of her salvation ; and *I have my misgivings that I am even thus understating the prospects of his success.* His life must be a life of efforts ; but the efforts are easy in themselves ; easy in their auxiliaries, easy in both the prospect of a future, and the enjoyment of a present reward."—p. 284.

Yes ! salvation is surely easy. First comes baptism, in which by a sacramental process of the most startling simplicity, the eternal penalties of sin are instantaneously remitted, and the child becomes entitled to the most stupendous privileges, which would not have been due to him naturally, "even if Adam had not fallen." When this child comes to the use of reason, he finds himself under a law indeed, but one which is easy and delightful till it is broken, and towards the observance of which, even where difficult, the most marvellous aids are always at hand. He is introduced into a world replete with innocent enjoyments, and comparatively few of whose pleasures are forbidden, neither is there in these pleasures any necessary tendency to rob God of the love which is His due, but, on the contrary, as seen through the light of grace, they are so many ever present mementos of that love, and helps towards corresponding with it. Mortal sin, God's great antagonist, "cannot lie in ambush or take by surprize ;" and venial sins do not break the tie of love, and besides are continually being washed out by expiations provided at every turn. But mortal sin—does not this monster change the whole face of the scene ? God indeed refuses to dwell in the soul which is defiled by it ; but faith and hope mostly survive the shock ; the one restless in its forced separation from charity, its natural ally ; the other, brooding over the troubled waters with its auguries of promise. And oh ! how ready are the means of restoration, how simple its conditions, how royal its completeness, how indefatigable its offers !

"The most remarkable feature of the baptized soul's position with regard to mortal sin is the perpetual, unlimited iteration of the sacrament of penance. That there should be such a sacrament at all after the completeness and magnificence of Baptism is a miracle of divine love. But that the Precious Blood of the Incarnate Word should be always at hand, like a public fountain at a roadside, open, gratuitous and overflowing, for the convenience of all passers by, could not be believed if the Church did not assure us of it..... Then, again, think of the completeness of the absolution.

Each time it destroys the guilt of the sin completely, so that it can never rise again, never bring back, even to the relapsed sinner, its consequences of everlasting punishment, while at the same time it wakens to vigorous life again merits that have been killed a hundred times by sin. How special, how ingenious, how peculiar, how unlike anything human, is this process, and yet on reflection, how naturally outflowing from the Divine Perfections."—p. 292.

But the marvellous generosity of God does not end here. Considering the intense malice of sin, and all the grace against which it has been committed, first baptism, then confirmation, than reiterated absolutions and communions, to say nothing of the countless unrecorded inspirations of every day, and almost every moment, it seemed a miracle of forbearance that God should, on such easy terms, so often and so fully remit the eternal consequences of sin, and restore the hope of seeing Him, and being with Him at last, even though at the end of ages of temporal suffering, however acute, and even they, sweetened by the consciousness of His love. But He so yearns for our company that He must needs provide a fresh expedient for shortening, perhaps even annihilating, the interval of our detention from glory.

"Straight from the confessional the Church leads her son into the fertile and exuberant region of Indulgences. There the Precious Blood is made to flow even over the temporal consequences of forgiven sin. God would not stop at mere salvation. It is His way to overflow and exceed. There shall not be a disability in the sinner's path, not a relic of his own foolish covenants with sin, which shall be left to molest him."—p. 293.

Let us suppose a case in illustration. A poor sinner, heavily laden with accumulated debts to God, enters, as if by accident, a church in which missionaries are preaching and hearing confessions. He enters it from mere curiosity, perhaps with disdain, but anyhow without the most distant thoughts of changing his course of life. The subject of the discourse is Hell. The preacher having first described in harrowing terms, and by the aid of expressive illustrations, the pain of sense; the prison, the piercing preying fire, the worm of conscience, and the eternal exile of hope, proceeds to dilate upon the loss of God. He shows how the presence of God has sweetened every task and lightened every load on earth; how He has smiled on us through the mother's endearments, spoken in the father's

warnings ; how He longs for us, weeps over us, meets and almost anticipates our earliest approaches, as though it were He, not we, that had need to be forgiven. And then, to lose this God for ever ; to have the gates of our everlasting home shut once for all against us ; to suffer without hope, because without Him, and when millions upon millions of weary ages are past, to know that this suffering is no nearer its end ! And for so little ! for a momentary gratification of sense, which carries its sting with it, and immediately reacts in the most withering desolation ! For the savage luxury of revenge ! For wealth which perishes with the using ; for honours which are but the stimulants of a new, ever craving, never resting ambition ! But the most intolerable thought has yet to come. Salvation was so easy. That day I received my first communion, was ever day in my life so sweet and happy ? Why did I not persevere ? why go out of my way, and almost do violence to myself, by turning aside to drink at the foul wells of impurity ? Why did I allow the world to unnerve the arm which Confirmation had braced for battle ? And even after I had deserted God for so many years, when I heard these very truths at the mission, saw the open confessional, and got a glimpse of the stole priest administering the dispensation of the Precious Blood, why did I turn away ? What demon was it that sat on my arm when I would have struck my breast ; numbed my feet when I would have followed the sorrow-stricken multitude ? Was I not free ? Oh, it is my misery that I could have stayed, yet turned away ; have repented, yet clave to sin till it invested me and embarrassed all my steps. And even when warned of death's approach, I could have repented still. The priest indeed came, and I confessed—all but one terrible sin. The words of absolution passed over me, and masses were said for my soul, but the pardon was not ratified in heaven, and the prayer of the Mass rebounded back to earth, for the Precious Blood was not for me ! I had committed an irrevocable, an inexpiable sacrilege.

Our poor sinner is first arrested by the preacher's earnestness, then struck by the force of his reasoning, then excited by the vividness of his illustrations, then moved by the picture of a loving, forbearing and forgiving God, then touched with compunction. He remains for a few moments in agonized, yet not despairing suspense ; he turns

round and observes one after another approaching the side of the minister of God's love, with a burdened yet not languid air, and after a pause, shorter or longer as may be, quitting it with the infallible tokens of a relieved conscience and a happy heart. Oh, that their lot might be his! He finds himself almost unconsciously borne along by the tide; he enters the door of mercy, sobs his tale of sin, looks at least to be chid, put off, perhaps even repulsed, (for what does he not deserve?) but meets only with kind gestures and soothing words, for he finds an advocate and a father where he expected a censor and a judge. Can mercy, he asks, go farther? The absolution ended, he is bidden go say his light penance in the church which happens to be one of those to which is attached the benefit of a daily plenary indulgence. He fulfils the conditions, and his peace is consummated in the communion of next morning. Who will deny that such a case is possible, rather that it is anything but the rare accompaniment of a Catholic Mission? Yet here is an instance of one who enters a church, certain to all appearance of hell, and quits it infallibly sure of heaven, with the further benefit, greater or less, towards the removal of even the temporal penalties of sin which is involved in the gaining of the indulgence.

We can well imagine that excellent Catholics may take exception against the picture we have just sketched, as presuming an unduly favourable combination of contingencies. But the question is simply whether it, or rather much less than it, be a possible case. If so, there is certainly a true sense in which salvation is easy. Should the sinner we have supposed, even by a conceivable however unlikely stretch of circumstances, go to glory at once, and with so little personal cost, (and we repeat that this is, at least, a theological possibility) who will not say that there is here a complete reversal of our human notions of justice, while yet it is certain that, in such a triumph of Divine mercy, Divine justice is not only not compromised, but conciliated and secured to the very utmost boundary of all its most rigorous exactions? "*Misericordia et veritas obviaverunt sibi; justitia et pax osculatae sunt.*" God looks upon the "face of His Christ," and in His infinitely meritorious Cross and Passion, finds that satisfaction of His most rigorous justice which the mortifications of all the saints, save as they were the fruits of love

and fillings out of Christ's Passion, could never have gone one single step towards appeasing ; and since it is the love which He wants of us, not the outward form which that love may accidentally take, He accepts the first fervent gush of such love as the preparation towards a complete pardon, no less readily than its palpable evidences, spread over a much larger surface of visible development.

Will any one say that this is *lax* doctrine? To our thoughts there is absolutely nothing so fearful as the boundless mercy of God. It is absolutely certain that any of us may be irretrievably lost, as well as most easily saved, in the midst of this prodigality of love, this affluence of opportunity. But again, there is of course another side of the question, which it was not to Father Faber's purpose to discuss.

"If there are Christians who will not meditate upon eternal things, nor use the same rules of prudence and discretion in the matter of salvation, which they use in temporal affairs, or if there are any who let evil habits master them, or if, by a special wile of Satan, they will not let themselves be brought within the influence of a priest, it is not because salvation is not easy, but because they will not comply with its indulgent requisitions."—p. 310.

Father Faber has here touched upon one of the great difficulties which the abuse of human liberty puts in the way of the all but constraining solicitations of Divine Grace, the reluctance to have recourse to the priest in confession. From other causes altogether than the difficulty of salvation, (some of them causes to which this is not the place to allude,) the mere act of confession is a tremendous obstacle, especially in the case of long-standing sin, to the fulfilment of those really simple and easy requisites for pardon which God and the Church have prescribed. There are exceptions of course, but, as a general rule, we believe that the sinner has gained much more than half the battle towards the recovery of lost grace, when he has made up his mind for confession. *Dimidium facti qui bene cœpit, habet.* But there is a second obstacle to correspondence with God's merciful intentions, to which Father Faber might perhaps have adverted in the way of anticipation to a possible objection ; we allude to the extreme difficulty of cutting off the occasions of mortal sin. These however are topics to the importance of which we must not suppose our author otherwise than keenly

alive, because he does not more distinctly refer to them. He is in this treatise concerned only with the subject of God's love, and of the proper fruits of that love in man's behaviour towards his Creator; and he does well, as we think, on the whole, to leave objections to be answered out of his other works, or other parts of this, instead of interrupting the thread of his argument to give them a distinct notice.

In all this we of course assume, as we understand Father Faber to assume, that the great sacrament of penance is validated, in the cases supposed, by a due disposition on the penitent's part. We must never forget among ourselves what we are so apt to insist upon in controversy with Protestants, that a true and godly sorrow for and hatred of sin, together with a firm and effective resolution of the will to avoid it and its occasions, is as much part of the "matter" of the sacrament of penance as water is of the sacrament of baptism. So far as such a disposition is difficult, salvation also, to which it is essential, is not easy. But it is most easy as regards the assistances furnished towards gaining it, most easy as regards the readiness and simplicity of the means towards it, most easy above all when we compare these facilities with the immensity of the gain and the comparative absence of personal pain and cost actually necessary towards its acquisition. And although it is certain that the condemnation of Catholics who go on abusing mercy and neglecting grace to the last, will be proportionately heavier than that of such as fail to escape it with far fewer advantages, yet it must not be forgotten that the same advantages which enhance the responsibility of Catholics also facilitate their salvation. If we tremble to think of the Catholics who, however many be saved, will in all likelihood be lost, how far more keenly must we fear for those separatists who, even if they be not involved in the additional guilt of formal heresy or schism, are too certain to lose heaven through mortal sins, which not only do they not repent of, but of which, simply because they are not Catholics, they have not the least notion *how* to repent! And when, in comparison with their miserable state of disadvantage, we think of the graces which crowd upon one another in the life of every single Catholic of ordinary opportunities, and which he can hardly help imbibing with the very atmosphere he breathes, we seem to

understand the sense in which Father Faber means that salvation is easy to Catholics, where it is hard to others. Yet, let us reflect, to our warning and our shame, that the same privileges which, if used, make it easier to gain a high place in heaven, make it easier also, when pertinaciously abused, to sink to a lower depth in hell.

Whether the chapter on "The Great Mass of Believers" follow as necessarily upon its immediate predecessor, as the discussion upon "The Easiness of Salvation," from the general subject of the work, is a question upon which there may well be some difference of opinion. To us it does not seem to result logically from salvation being easy that almost all Catholics are saved, since salvation may be easy in the abstract, yet not easy to the greater number in practice. At any rate, it is not universal; and if there be mysteries on the side of encouragement, there are mysteries also on the side of warning; such as the fall of the angels, the fact and effects of original sin, the possible damnation of a Catholic for a first mortal sin, nay, even the existence of hell at all. But Father Faber thinks that notwithstanding all this, the great majority of Catholics are saved in the end in spite of difficulties and against appearances, and that to deny this would be virtually to say that salvation is not easy. He has no doubt a perfect right to such an opinion, and a perfect right to broach it and give his reasons for it in a work of practical theology; and although we may feel it our duty to represent so far the contrary view, we desire to add that all our own sympathies and experience are with the more hopeful theory.

First, as to the discussion of the subject. It appears never to have been practically held by theologians and spiritual writers that our Lord's words (St. Luke xiii. 23, 24,) were intended to preclude the practical consideration of this question; at any rate, if so, they preclude one side as much as the other. Granted then the legitimacy of the inquiry, the next question is as to the prudence of discussing the subject. This, as it seems to us, must depend very much upon the time, place, and mode of such discussion. We think the subject most unsuitable for discourses from the pulpit, whichever of the two sides be advocated. Our Blessed Lord's words do seem to us most pointedly against the public handling of the *rigorous* alternative; for the very question which He declines to answer, is, whether there be few that shall be saved. On the other hand, how-

ever, Our Lord's reply evidently points to the necessity of preaching up personal holiness, and the duty of each man working out his own salvation with fear instead of dwelling, in practice, on the speculative question. But the same objection does not lie against treating the subject in a theological and spiritual work, where it does not, as in a sermon, come before a person abruptly, briefly, and once in a way, but as part of a great and most practical view of religion, with the whole of which it has to be taken in connexion. Whether Father Faber have discussed it as fully as the great importance and delicacy of the question deserve, is a matter upon which we feel somewhat doubtful. We think, for instance, that he is a little below the mark in the Scripture portion of the argument. We believe that Scripture, fairly considered, is, on the whole, favourable to the more hopeful side which he espouses; but there are, no doubt, passages the first blush of which is adverse to his conclusion, and which he has hardly noticed. There are in fact on this as on so many other matters of equal importance, two distinct, apparently opposed, but really harmonious lines of truth to which Scripture alike bears witness. There is a severe side, and a gentle side. There are words and sentences which terrify us, as we read them; there are others which represent salvation as within the easy grasp of all. These words and sentences are by no means inconsistent with each other. We cannot trifle with God's grace, but at our imminent peril. When we do so, it is an act of His special mercy if some dreadful judgment do not befall us. But as a fact His judgments are most wonderfully suspended, while His mercy flows in the most ungrudging abundance. Reversing the Protestant divine's observation upon the Pardon of the penitent on the Cross, we might rather say that God sends His judgments occasionally that none may presume, but His mercies commonly that none may despair. Judgment is the exception—mercy the rule, of God's dealings with His people. One last and most precious opportunity of saving grace He bestows in by far the larger majority of instances—the time of sickness, be it of shorter or longer duration. It is a time of mercy so rich in blessing, and so remarkable in its power of enabling us to do much in a short space, that we cannot err in believing it to be often and often the occasion for repairing the mischief even of a whole life of sinful neglect. The tendency of sickness is

to subdue pride, rob temptation of its power, and the world of its false glare. It forces upon the most stubborn and self-willed the sense of his utter dependence upon God. It may harden him no doubt; but such is not, as we hope and believe, its ordinary effect, at least upon Catholics. Then it is, even in its mildest forms, attended with pains and discomforts every throb and twinge of which is an opportunity for the most efficacious penance. Then what countless stores of grace are involved in the visit of the Priest at that favourable moment! of that Priest who knows so well the "*molles aditus ac tempora*," the "time to speak," and the passages which wind up to the heart! He comes with the words of soothing exhortation on his lips. He teaches us how to bear suffering and turn it to the most profitable account. He tells us, and with authority too, that we can do more for God in moments of suffering than by years of labour. He comes with the Crucifix, with the Viaticum, with the Holy Oils. Oh, how touchingly beautiful is the Church in all her words and ways at this critical moment! How wonderfully too does God seem to make an opening for the influx of grace by withdrawing, even up to the last moment of life, that impression of death's inevitableness which might preoccupy the mind with paralyzing fear, and overwhelm the consciousness of freedom! But it is upon the Priest's visit and the worthy reception of the Last Sacraments, that she chiefly finds the external hope of ultimate salvation for those whom God has blessed with this especial token of His forbearing favour. Public and indisputable criterion of salvation in the case of those upon whose destiny after death the Church has not formally pronounced, we know there can be none; but, in default of such, our best hope is in the knowledge that a Catholic has enjoyed the ministrations of a priest on his death-bed. "*Sacramentis ecclesiæ munitus*," is the certificate of our full right to pray for one who has departed. True, God's untiring mercies may be slighted even to the end. The effects of the external absolution may be marred by a fatal absence of internal disposition, or a damning sacrilege in confession, and the Church, as missionaries so often and so truly remind us, may chant her requiems over souls that are for ever lost. Still, with Father Faber, we would charitably hope, that these cases are the rare exceptions; and such appears to us the bias of the Church herself. In the

appointed prayers for the dying and the dead, she seems studiously to avoid setting the terms, as we may say, of final salvation high, as if providing for the case of the many among her children who have late repented of a negligent and even scandalous life. She seems to suppose, as only too common, the case of faith and hope having survived the shipwreck of charity, even during the greater part of life. Thus she prays for the departed one before her (as if taking a kind of low average) that "*quia in Te speravit et credidit, non pœnas inferni sustineat, sed gaudia sempiterna possideat.*" More pointedly still, in perhaps the most beautiful of all her beautiful prayers for the agonizing, she prays (in the very spirit of Father Faber's Treatise) "Remember, O Lord, he is Thy Creature, not made by strange gods, but by Thee, the only living and true God; for there is no other but Thee, and none that can equal Thy works. Let his soul rejoice in Thy presence, and remember not his former iniquities and excesses ('*ebrietatum*') which he has fallen into through the violence of passion, and the corruption of his nature. *For although he has sinned, yet he has always firmly believed in the Father, Son, and Holy Ghost; he has had a zeal for Thy honour, and faithfully adored Thee his God and the Creator of all things.*" With the warrant afforded by this exquisite prayer, we feel that we have the Church with us in indulging the largest measure of hope for that numerous class of Catholics, especially among the poor of London, in whom faith and a certain general rectitude of purpose have been the chief redeeming points in a life characterized by repeated lapses into sins, for instance, of intemperance, and its attendant irregularities and excesses, but who have recovered themselves sufficiently at the last to make a good confession, so as to die "*fortified,*" as the Church so appropriately expresses it, with the graces of the final sacraments. But perverse, indeed, must he be, as well as insensate to the very ultimate point of folly, who, remembering the thousand-and-one accidents which beset the yet untrodden portion of life's journey, should sin on in presumptuous expectation of a blessing which sudden death, madness, and so many unforeseen causes may intercept, and which, above all, the one way to send flitting through the gate of empty visions, would be to imagine that we could grasp it when we will, and manage it as we please!

NOTICES OF BOOKS.

I.—*Rome, its Ruler and its Institutions.* By John Francis Maguire, M. P. London : Longman and Co., 1857.

Mr. Maguire has rendered a substantial service to the Catholic cause by this most interesting and trustworthy publication. We regret that our limits prevent us, on this occasion, from doing more than adverting to its appearance and importance. But we hope to have an early opportunity of bringing it prominently before our readers ; meanwhile we cannot better give publicity to its merits than by subjoining the following letter, which has been published by two of our contemporaries :—

“ London, August 28, 1857.

“ My dear Sir—According to your desire, I have delayed acknowledging the receipt of your ‘ Rome ’ till I had read it through. This I have now done, taking it up at every leisure moment, with renewed pleasure, till I have finished it.

“ Having myself had to go over great part of the ground, whether personally, or by the study of documents, I think I am qualified to form a just judgment of the work. It is a most truthful, accurate, and unexaggerated picture of the Holy Father, of his great works, and of his most noble and amiable character, drawn with freshness, elegance, and vigour, with admiration, and even, if you please, enthusiasm ; but not greater than is shared by every one who has drawn near the person of the Holy Father. There is not a trait in your portrait which I do not fully recognise ; not an action or a speech which I could not easily imagine to have been performed or spoken in my presence ; so like are they to what I have myself seen and heard.

“ In estimating what has been done during the late years of quiet rule for the prosperity of the Pontifical States, I think you have prudently kept rather below, than gone above, what might have been stated. The result will be more manifest in time, to the confusion, one may hope, of those who, dishonestly or ignorantly, misrepresent every measure of the Sovereign Pontiff.

“ I feel sure that your work is calculated to do much good wherever it is read, and I cannot help hoping that the very novelty of daring to speak the bold truth, the abundance of information which is communicated, and the eloquence of the style, will obtain for your book all the popularity which it deserves.

“ I need not say that, by this work, you have nailed your colours

to the mast, and become the Pope's champion, in the house as well as out of it; and I am sure you will not allow him to be vilified by any one, however lofty.

"Before a second edition, I should be glad to point out a few typographical errors in Italian names, mere trifles, but worth correcting.

"I am ever, my dear Sir, your affectionate servant in Christ,

" N. CARD. WISEMAN.

" John Francis Maguire, Esq., M.P."

II.—*A Critical History of the Language and Literature of Ancient Greece.* By William Mure, of Caldwell, Vol. V. London: Longman and Co., 1857.

In 1850 three volumes of this gigantic work were published. Colonel Mure (Vol. i. p. 6.) embraces in his plan no less than the whole range of literature from the Mythical to the Byzantine period, under six heads, excluding, however, philosophy and science. Such a work, notwithstanding the detached notices of Grote and others, was a desideratum in our language, and we sincerely hope that the author may be able to complete it. The first volume exhausted the Mythical period, and a portion of the Epic part of the Lyric period, which is completed in the second volume, and brings together all that can well be said upon the fertile subject of the Homeric Poetry. In volume three the Lyric period was completed; and in 1853 the fourth volume was published, and extended to a portion of the third, or Attic period which commences with the rise of the Attic Drama, and of prose literature, and closes with the establishment of the Macedonian ascendancy. The fourth volume embraces the history of Prose Literature before, and including Herodotus, his life, works, materials, and style; and it was not until the present year that the author has been enabled to continue the History of Prose Literature, and to embrace the interesting period of Thucydides and Xenophon, and the remaining historians. Such are the fruits of upwards of seven years' learned labours; and they do not embrace any part of the poetical portion of the third, or Attic period, which cannot fail to equal, if not exceed in interest any other part of the work. When that shall be completed there will remain the Alexandrian, Roman, and Byzantine periods, so that our phrase gigantic will not be found to be misapplied, and our apprehensions that it can never be completed are not

without foundation. Happily, however, each portion is complete in itself, and every part of it is replete with the deepest interest to those who can appreciate the Grecian character, the foundation of the liberal institutions and love of freedom in modern Europe. Such a work as Colonel Mure's deserves, and when his Attic period shall be completed, will receive at our hands the fullest analysis which we shall be able to supply; and in the mean while we shall best serve the interests of literature and of our friends, by informing them of the treasures which will be found collected in these five most interesting, and we may add, most agreeable volumes.

III.—*Grace O'Halloran, or Ireland and its Peasantry.* London: Dolman, 1857.

Another of Agnes Stewart's pious little stories, which is issued under the auspices of a goodly list of subscribers, which for many reasons we should be glad to see increased. The reader will fail to discover much originality or force; but in these days it is no small praise to say that there is nothing to condemn.

IV.—*Moore's Irish Melodies, with the Symphonies and Accompaniments, by Sir John Stevenson, Mus. Doc.* London: Longmans, 1857.

Messrs. Longman, by their uniform support of Moore, have done good service to the cause of literature and art. This friendship survives the grave, and has in this republication of the Melodies erected a lasting memorial to this Prince of Song. It is true that those who like ourselves have heard these melodies sung by Moore himself, must be sensible of something wanting in every other expression of their exquisite poetry; but their intrinsic beauty is imperishable; and Messrs. Longman have done their utmost to give the fullest circulation to his inspirations, by their beautiful and inexpensive edition of the Melodies, with the airs, reduced (for the most part) for one voice; they promise a like edition of the Harmonized Melodies and the other songs. We are not sure that we should not have preferred the publication of the Melodies in their complete harmonized form, even though it would have required two volumes to complete the work. But by the method which they have adopted the work is unquestionably made more accessible to every class of singers. The work, as to

paper and typography, is excellently got up, and we can only hope that it will be as profitable as it is honourable to its munificent publishers.

V.—*The History of the Romans under the Empire.* By Charles Merivale, B. D., Vols. IV. and V. London: Longman and Co. 1856.

These two volumes of this excellent work carry us through the reigns of Augustus, Tiberius, Caius, (Caligula) and Claudius, and convey a most lively picture of these important times, which are fraught with the deepest interests for all lovers of liberty and religion. They mark in the strongest characters the transition from democracy to European monarchy, and notwithstanding the awful tyranny which they disclose, indicate the foundations of the substantial rights to which the subject has in later periods been entitled, and the absence of which has ever been the characteristic distinction of the despotisms of the East. Mr. Merivale has traced out and analyzed with the greatest care the various authorities, imperial, tribunitial, &c., which were vested in Augustus by the distinct delegation of the authorities legally entitled to confer them, so as to vest in him by aggregation, all such powers (and no more,) as had been legalized and familiarly exercised under the Republican Institutions of Rome; and although in the progress of the Empire, the forms of the Republic were gradually disused, and made way for the simple will of the Imperator, yet it is impossible to doubt that sufficient of these foundations remained to exercise a substantial influence over the various institutions of Modern Europe, and to foster and guarantee the liberty which we appreciate and enjoy. It is therefore in the interests of rational liberty that we earnestly recommend to all our readers a careful perusal of Mr. Merivale's admirable analysis of the History of the Roman Empire, from which no one—even a mere reader of novels—can fail to derive very deep interest and instruction; and when it is borne in mind that his History of the Emperor Claudius does not extend to the great questions of the conquest of our island, and the origin and spread of our holy Religion, it will be seen that his succeeding volumes cannot fail to be looked for with eagerness, and perused with avidity. By way, however, of preparation for the vital question of the

necessity for the influence of Christianity, the reader is invited to consider in its detail the truly astounding development of immorality in every department, but more especially in the higher and female portion of the Roman population. The enormous wickedness of a Messalina, and an Agrippina, and the fearful list of suicides in the higher ranks, are specimens only of the morality which pervaded the whole of the social scheme; and the reader cannot help concluding that, but for the salvation which Christianity introduced, the whole frame of society must have sunk into ruins under the weight of its inherent rottenness and baseness; and it is only by a careful study of the actual condition of society, that it is possible to appreciate the real history of the influence and progress of our Holy Religion.

VI.—*The Life of Martin Luther.* By Henry Worsley, M. A. 2 vols. London, Bell and Daldy.

“It is not pretended that this English Biography of Martin Luther has been taken in any undecided or lukewarm spirit, as to the comparative merits of Popery and Protestantism. Every one who is blest with common sense and with common honesty,” &c.—pref. p. x. The frankness of this avowal of partizanship, and of a foregone conclusion, relieves us from any necessity of criticising this work, or even of enquiring into the necessity for its publication, there being already so many histories of this arch-heretic accessible to every class of readers. It may, however, be as well to state that our author’s principal additions to previous knowledge are derived from domestic letters which we presume will edify his Protestant readers, but which cannot fail to fill the minds of Catholics with horror and disgust at their perjured impiety and breach of vows. Our readers may be curious as to our author’s views of the Satanic interviews and plurality of wives. They will find in Vol. II. (p. 316) a specimen of the former as to private masses, and of the latter, in Vol. II. (p. 325); but it is fair to add the author’s admission that “the conduct of Luther and his colleagues in this notorious case of bigamy has ever been regarded as the greatest blot upon their characters” (p. 324). We think our author would be greatly puzzled to find any such essential repudiation of the first principles of Christianity as a “blot” for which

any leading Catholic divine was ever called upon to apologize.

VII.—*A History of the Church in England, from the earliest period to the Reestablishment of the Hierarchy in 1850.* By the Very Rev. Canon Flanagan, 2 Vols. 8vo. Dolman, London, 1857.

The title of this work is a misnomer, as is arithmetically proved by its containing only 1151 pages, of which about 500 are devoted to our Ecclesiastical story since the reign of Henry the Seventh. It cannot, therefore, be a "History" in the sense of Dodd and Tierney, who devote four and a half octavo volumes to the portion of the same period which ends in the reign of Charles the First—when unhappily, the progress of that great work was suspended by causes which we fear will prevent its completion; for where can we expect to find a fresh combination of the zeal, knowledge and ability, which have all but exhausted the period to which they extend, and which, but for its somewhat partizan character, would leave us nothing to desiderate? Canon Flanagan might well have called his work an Outline or Sketch, and as such it is of great value and importance; but every reader who wishes to become acquainted with the real History of the Catholic Religion in England since the commencement of the Century, will regret to find only a summary of less than 50 pages, about one of which (as an example) is devoted to the respective careers of Archbishop Walsh, and Bishop Baines.

The Sketch of our great champion, Bishop Milner, is presented with great spirit and at considerable length; but we cannot help thinking that this most important portion of our History is entitled to a much fuller and more extended detail, and that every portion of the glorious History of the immortal Milner ought to be developed for the warning and instruction of the British and Irish Catholic for all generations. What Catholic can ponder over the eventful history of "the Veto" and not hail Bishop Milner as the "pillar and foundation" of our Holy Religion in England? Who can imagine without a shudder, our glorious title of "Catholic" transmogrified into "protesting Catholic Dissenter?" Fancy our great Cardinal a "dissenter;" and yet, under Divine Providence, it is to the unflinching and all but individual zeal and

energy of one man in England that we owe our escape from so direful a calamity. Topics such as these ought not, in our judgment, to be represented and commemorated by merely imperfect outlines; and we deeply regret that their "History," if it is to be written, should not have been treated and consolidated with the completeness of detail and documentary evidence of which Mr. Tierney has given us an example worthy of all imitation. Many of the other sketches of our author, we cannot help considering as very insufficient and unsatisfactory, as well in what they contain as what they omit. The half page which records so eminent a Prelate as Bishop Baines is surely calculated to mislead a stranger into a most erroneous estimate of this eminent servant of God. "Why dwell on so painful a theme?" (p. 461.) Why, we ask, discuss it for the mere purpose of recording the pain? Why not record those noble aspirations which, if they failed, failed through venial miscalculations only? Why if recorded at all are they not recorded so as to serve as beacons and warnings to the over sanguine, and not merely in terms which, without conveying the full history of the case, serve only to point a sarcasm for the benefit of the ever watchful enemies of our holy religion? Still more do we deprecate the tone and spirit of our author's "History" of Archbishop Walsh, which appears to us to be open to the objections we have suggested to that of Bishop Baines. We are informed, indeed, (p. 463) that "it is not to be forgotten," that he assisted "in raising the character "of our ecclesiastical architecture," and in part enabled Dr. Weedall "to build the new College at Oscott;" but we are also informed, (p. 463) that though "devout and simple-minded," "there was want of method in his accounts," and that "he departed too widely from," and was therefore, we presume, ignorant of "the very principles of Canon Law," so that he "thus bequeathed a painful legacy to "his diocese:" and this appears to be all that posterity is to know of the history of one of the most remarkable men of his age, who perhaps was the second only in preparing the way for that great Oxford movement which our author very justly and spiritedly describes as among the most important ecclesiastic events of the transcendent 19th century. Strange it seems to us to find no record of his grace's munificent present of the "Marini" Library of 11,000 volumes, to St. Mary's College, at an

expense of several thousand pounds, and that too, without any imputation on his "want of method in accounts," as it was purchased out of funds with which (in the language of the executor of the donor) "he was at liberty to drive his coach and six." Still more strange that there should be no record of this most noble benefaction of Mr. Blundell, of Ince, or of the fact that every shilling of it was spent (as our author must have known) for the benefit of the central district, and that to an amount exceeding by many thousand pounds the maximum of "that painful legacy" which "want of method in accounts" could possibly have entailed upon the diocese; and which expenditure we do not hesitate to say was in the councils of the Almighty an essential element in the great work of Catholic restoration in England. We dwell upon the memory of this great servant of God with a degree of veneration and affection which is possibly influenced by long personal friendship and intimate intercourse, but we cannot think that such a summary as our author has supplied can be satisfactory to the least partial admirer of Archbishop Walsh, or the least ardent searcher after the real history of our eventful times. Surely it cannot be right that the only recorded result of his magnificent and glorious restoration in every department should be "a painful legacy," which the uninformed and Protestant reader from the juxtaposition of "praise and blame" may not unnaturally conclude to have been the result of his "want of method in accounts;" and if the estimate of his memory is to rest upon the present representation of it, his "intentions" are to be acquitted only at the expense of his "simple-minded" ignorance of a departure from the "very principles" of that law which he was absolutely bound to enforce and obey. Of course we acquit our author of any intention to undervalue or misrepresent the eminent person whom we know to have been an object of his profound veneration and respect; but we must confess that we should have preferred his silence to a history which appears to us to reverse the usual order, by recording almost exclusively what is painful, and affording no sufficient materials for examining both sides, and forming a just and unbiassed estimate of many of the leading facts which he purports to narrate.

The style of the present work, as regards composition and readableness, appears to us to be a considerable improvement on the former publications of the author, and

there can be no doubt that the Catholic reading public owe no inconsiderable debt to his zeal and industry.

VIII.—*Miching Mallecho, and other Poems.* By Paul Richardson. Burton-Upon-Trent: Whitehurst, 1857.

Would that Paul Richardson would brew Burton ale and eschew verse. He however invites us to peruse two hundred pages of it; and we must own that the one hundred which make up his "Mischief" poem, appear to be a sad series of prurient nonsense, with no small dash of vulgar impiety. The rest of his book consists of songs, &c, in which we find the same staple as that of the leading publication. We incline, therefore to think, that the least said is soonest mended; and we believe that Mr. Paul Richardson may be likely to come to the same conclusion, if he will honestly submit his fate to a verse-maker to any friend who has a decent ear, and will give a candid opinion as to such verses as the following:

"Yet dainty as though in Sybaris born,
A more vehement struggle for the joy," &c.

It appears (p. 80) that the author at one time was gifted with an inspiration, the neglect of which we think he may live to regret, even though it came from an unpropitious quarter.

"I have a volume lying in the Press;
Faith there I'll let it lie; for it contents me
As little as I do content myself;
As I was looking down into my heart
I saw the Devil looking up at me;
My Book has caught some foul spot from my heart,
And I would cast it deep into the sea,
Like a rich goblet with a tempting draught,
Ere a pure lip were tainted with its kiss,
Or drank down sorrow from its golden mouth."

IX.—*The Convert Martyr, a Drama in Five Acts.* Arranged from Callista, by the Rev. Dr. Husenbeth. London, Burns & Lambert, 1857.

A skilful arrangement of Dr. Newman's masterly work, in which the dramatic character and power of the original are ably done justice to.

X.—*Heidenthum und Judenthum, Vorhalle zur Geschichte des Christenthums.* Von Joh. Jos. Ign. Döllinger. 8vo. Regensburg, Manz, 1857.

Dr. Döllinger's "Heathenism and Judaism" has been long and anxiously looked for in the theological circles of Germany, of whatever shade and variety of opinion. Its appearance may well be called an era in the literature of ecclesiastical history. High as was the reputation of its distinguished author, this masterly work, the fruit of many years of profound thought, as well as of most patient and laborious research, presents him in a light almost entirely new, and far more than fulfils the highest anticipations even of those who were most familiar with his earlier writings.

We have received it at so late a date, that, for the present, we cannot venture to do more than congratulate the Catholic world upon its publication. We trust, however, that we shall be able in our next Number to lay before our readers a detailed account of its purpose and contents. It is already recognized by the whole theological press of Germany as one of the most remarkable works in the entire range of modern ecclesiastical literature.

XI.—*Five Years in Damascus, including an Account of the History, Topography, and Antiquities of that City. With Travels and Researches in Palmyra, Lebanon, and the Hauran.* By the Rev. J. L. Porter, A. M. 2 vols. London: Murray, 1855.

The Geography of the Bible may be regarded as pre-eminently one of the studies of the day. The researches of Ritter, Robinson, Stanley, De Saulcy, and others, although often, we regret to say, conducted in a cold and sceptical spirit, have gone far to fill up many gaps which had been left by the earlier explorers; and there are few of the more recent travellers in the Lands of the Bible who have not made these explorations one of the principal objects of their investigation.

Mr. Porter, in selecting Damascus as his subject, has had the advantage of a theme comparatively untried, as well as highly interesting for its many historical associations, ancient and modern, from the days of the Patriarch Abraham, down to those of Ibrahim Pasha; and although he falls far short in brilliancy and picturesqueness of the

more popular Eastern travellers, such as Warburton or Kinglake, and makes little pretension to the richness and variety of historical illustration which characterise such writers as Stanley or Lord Lindsay, yet his volumes will prove in many respects more valuable to the student than the lighter, though more attractive publications which of late years have invested the study of biblical antiquities with a charm even for the most superficial readers.

The chapter upon the history of Damascus is an exceedingly able and lucid summary of the best writers upon the subject, and carries it down to the very latest period. The topographical descriptions, although sometimes dry and technical, place in a very clear light all the points which can interest the historical student; and the author's familiarity with the manners of the wild races which still inhabit this region, and with the social usages which prevail among them, is often turned to good account in illustrating many scriptural phrases and allusions, which, to a Western reader, are obscure and almost unintelligible.

The remaining portion of Mr. Porter's notes of travel will prove less attractive. There is but little of novelty in his account of Palmyra; and Mount Libanus and anti-Libanus have been so often described by English travellers, that he could hardly have been expected in his passing visit to have added much to our knowledge of them. The chapters on the Hauran will prove next in interest to those upon Damascus; and although they still leave many details to be filled up, we cannot but regard them as a very important contribution to the historical geography of that strange but interesting region.

XII.—(1) *Wanderings in North Africa*. By James Hamilton. 8vo. London: Murray, 1856.

(2) *Narrative of an Exploring Voyage up the Rivers K'wora and Bi-nue (commonly known as the Niger and Tsádda) in 1854*. By William Balfour Baikie, 8vo. London: Murray, 1856.

We reserve, till the publication of Dr. Livingston's long expected volume, the notice of these and other recent books of African travel, which we have for some time contemplated. Although the scenes of exploration which they describe are far apart, yet the whole subject of African discovery and of the moral and religious questions which it involves, is so closely connected, that it is

difficult to consider it satisfactorily, except as a whole. We purpose, therefore, to devote a special paper to it in an early number.

XIII.—*The Devout Client of Mary instructed in the Motives and Means of Serving her Well.* By Father Paul Segneri, of the Society of Jesus. London: Burns and Lambert, 1857.

Father Segneri's *Devout Client of Mary* has long been, in Italy, the classical manual of devotion to the Blessed Virgin. Like all the ascetical treatises of that great writer, it is equally learned and simple, replete at once with tenderness and with practical instruction. It is free, moreover, from some of those peculiarities of his style,—as for example, the frequent allusions to classical history, and illustrations from classical literature—which, in his larger treatises, and still more in his sermons, occasionally jar upon our English notions, and impart to his writings an air of elaborateness and of art, which, to some extent, mars their devotional effect. We have always regarded the *Devout Client of Mary* as a model of ascetical style, and we welcome the excellent version now before us, as a valuable addition to our English devotional literature. The translation is executed with great elegance and taste, as well as with most scrupulous accuracy.

XIV.—*De Synodis Commentarium Liturgico-Canonicum, sive Manuale Juris et Ritus qui in Synodorum Convocatione ac Celebratione Servari debent.* Edidit, Proemio Annotationibusque illustravit R. D. Laurentius Forde, Ph. ac. S. T. D. in Universitate Catholica Hiberniæ Juris Sacri Professor. Dublinii: apud J. Duffy, 1857.

Dr. Forde's learned treatise on Synods is only one of the fruits in these countries of the remarkable revival of that ancient institution of the Church, which the enlightened zeal of his present Holiness has called forth in almost every portion of Christendom; but it is in many respects one of the most important, and most permanently useful of them all, and may take its place as an essay upon a particular subject, in the very first rank of modern canonical literature.

The treatise, in so far as it is ceremonial and liturgical, exhausts all the best and most recent authorities upon the subject of Synods. But much more valuable in the eyes

of the student of Canon Law will be the learned historical introduction prefixed to the essay. It is full of interesting details on every topic connected with the history of Synods; not the least attractive of which will be a condensed but comprehensive account (pp. 8-10) of the Synods of the ancient Church of Ireland.

XV.—*Central Africa. Adventures and Missionary Labours in several Countries in the Interior of Africa, from 1849 to 1856.* By T. J. Bowen. Charleston, 1857.

The object of this work is an appeal for support of the Baptist Missions in Central Africa, by a practical Missionary. As our author asserts, (p. 311) that the Catholics call their idol worship the "worship of Jehovah," and are "heathens," we might well be spared the pain of bringing such a work under the notice of our Catholic readers, the more especially as (p. 21) the efforts of the Portuguese to convert the Negroes are treated very superficially and are all but ignored. But nevertheless, the work is well worth perusal, as it exhibits such a character of the inhabitants of Central Africa, as renders it a most promising field for Catholic missions; while the writer all but admits the substantial practical failure of those of the Baptists and other Protestants; and the secular parts of the work are extremely interesting and valuable. Our readers will not be surprised to find the Baptist Missionary (p. 79) following the old game of "obtaining a grant of land for a farm." Or that (p. 87),

"Whether whites, blacks, or mulattoes, the present position of the people is almost beyond the reach of the Gospel. Within the last twenty years two forward and self-conceited men who were sent from Europe as missionaries, have found their level among the Heathen."

Nor will such a passage as the following (p. 158) present anything new to many of our readers:—

"One day Broket sent for me and showed me his Bible..... He knew it to be the word of God, and treated it with great, and perhaps superstitious respect. How eagerly he would have read it if only he had been able!.....he showed me all his idols and other symbols of religion.....but would not agree that his own mediators, of which the images were only symbols, had no power with God."

We did, however, peruse with surprise the following passage (pp. 158-9):—

“A middle aged woman came almost every morning to hear me preach.....she brought her idols to be destroyed.....I was rather surprised when she said, ‘I want you to baptise me.’ Knowing that I must soon go forward, and might never see her again, so as to instruct her in all things which follow Baptism (Matt. xxviii. 20.) I felt constrained to refuse her request.....I was too curious to see the country.”

If our readers should desire to know the actual progress of these Baptist Missions, they will look in vain for any specific information on the subject, and must be content with such general information as the following (p. 358):—

“The number of Baptists in the Southern States only, are nearly or quite 600,000.”

Almost the only particular information is at p. 214, a transcript of the statistics contained in the last Report of the Sierra Leone Mission, under the auspices of the English Episcopalians and Wesleyans. The zealous Baptist affords us some consolation, though in a form which is the reverse of civil, in the following passage, (p. 357.)

“If Protestants do not extend the dominion of Christ over the (Central Africa) continent, Romanists will extend the dominion of the Pope, and the conversion of the people will be delayed for indefinite years.”

God grant that this prediction may be verified; and this writer will not have written in vain if his work shall draw the attention of those in authority to the additional information supplied by this book for facilitating the progress of the true missionaries of our Holy Mother.

XVI.—*Caste and Christianity, a Looking-glass for the Times.* By Temple Christian Faber. London: Hardwicke, 1857.

The preface contains the following words, “He is not the ‘Faber’ of the Temple-Christian, nor of the Christian Temple;” whether we are from hence to infer that there is a pseudo name we cannot tell; but had it not been that we found a name so honoured attached to this work, we incline to think that we should have left it to the ob-

scurity to which we hope and believe it is destined ; for, much as we have to mourn over the revival and increase of bigotry in our behalf, we will not allow ourselves to believe that the public will give much credence to a republication of the congeries of falsehoods and calumnies which the author has swept into his common-place book, and the refutation of nine-tenths of which he must necessarily know are the household words of every one who takes any trouble to master these kind of questions. There is, however, one peculiarity in this work, its equally impartial abuse of Hindoos, Puseyites, and Catholics, and on the whole we think his more special ribaldry and malignity are reserved for the second of these classes.

XVII.—*The New Dance of Death, and other Poems.* By Charles Boner. London : Chapman and Hall, 1857.

In the principal of these poems there is great power and originality. Death is personified with a boldness often highly poetical. We will give one instance, in which he asserts his claim to be considered the friend and not the terror of mankind—as follows :—

“ Or at night on some lighthouse top I sit,
 And watch the great vessels that by me flit ;
 Storm-driven, and straining, and wildly trying
 To weather the tempest through which they're flying.
 There, rolling and plunging, with rise and dip,
 Comes labouring onward the emigrant ship.
 'Tis freighted with sorrow: with hearts still grieving
 For old homes, old friendships they now are leaving.
 Before them uncertainty—distant, drear,
 With no old affections, nothing dear ;
 A future dim-looming with boundless range,
 Where all is oppressively new and strange.
 'Twas that ship I watched for.—The beacon's ray
 Shines hopeful yet warningly through the spray ;
 But now 'tis obscured : all is starless night ;—
 I stand at the window before the light.
 On comes the doomed ship; it takes one blind leap,
 And, shivered, falls back in the gloomy deep.
 'Tis gone ; and as silent as flakes of snow
 The sleepers have passed. They have pass'd from woe,
 To wake on a peacefuller shore I trow.”

XVIII.—*The Eternal Truths, Preparation for Death.* By St. Alphonsus Maria de Liguori. Translated from the Italian, by the Reverend Father Coffin, Redemptorist Priest. London, Burns & Lambert, 1857.

This work consists in thirty-six "Considerations" upon the "Eternal Truths" needful for salvation. To render it more suitable for those who live in the world, each "consideration" has been divided into three points, or heads, forming the subject of a meditation complete in itself. The book concludes with the plan for an eight days' retreat. We have said enough to show that the arrangement of these meditations is practicable, and one of general utility for spiritual readers. More we need not add. The venerable name of St. Alphonsus guarantees their excellence. They have been translated by a Redemptorist Priest, dedicated to the Right Rev. Mons. Newsham, and given to the English public in a manner befitting their value, with the especial sanction of the Holy Father himself, and of Cardinal Wiseman.

XIX.—*Preston Hall, a Catholic House, in 1580, and 1855.* By the Author of Stumpingford. London: C. Dolman.

This clever story is reprinted from the "Rambler," with the addition of one more Oxford chapter, and with a difference in the title. It is already too well known to require further introduction from us; and indeed we should have found it difficult (without longer extracts than we have now space for,) to give any idea of the wit, the pungency, and the power of this little work. The name of the author is probably known to most of our readers, it does not happen to be so to us; but his ability and education speak for themselves; his satire is as gentlemanly as it is keen, and his racy graphic style of writing illustrates strongly the interesting points of Catholic history which he has chosen for his subject.

XX.—*The Lives of Philip Howard Earl of Arundel, and of Anne Dacres his Wife.* Edited from the original MSS. by the Duke of Norfolk, E.M. London: Hurst and Blackett. 1857.

We had prepared an article on the subject of this important and interesting work, which we are compelled to postpone to our next number.

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ART. I.—*The Lives of Philip Howard Earl of Arundel, and of Anne Dacres his Wife. Edited from the original MSS. by the Duke of Norfolk, E.M.* London: Hurst and Blackett. 1857.

THE history of Catholicism in England is popularly regarded by Protestants as commencing with the reign of Elizabeth. Even we ourselves unwittingly encourage the fallacy. In the absorbing interest of the struggle which reached its consummation at that terrible time, we are apt to overlook the olden glories of the Church of the Anglo-saxon and Anglo-norman period; and, in our eyes, the most precious historical memorials of our religion, are those fragments, rare and imperfect as they unhappily are, which detail to us the few particulars of that conflict that have escaped the almost complete destruction of our annals for the last years of the sixteenth century.

The preservation of any remnant of Catholicity in England may almost be regarded as miraculous; and it is an observable feature of that preservation, that it should have been confined almost exclusively to the upper classes of society. England is the only Protestant country in which a Catholic gentry exists as a class, considerable in numbers, high in social position, and not altogether decayed in fortune. Prussia, it is true, by the annexation of Catholic provinces, has absorbed a numerous Catholic nobility; but the Silesian, or the Rhenish gentleman, is not more properly a Prussian, than is the Canadian, the Maltese, or the Ionian, an Englishman. We recollect *The Times* to have described England as "the first Mussulman power in the world;" but recent events have shown that, although England may be Mussulman, the Mussulmans are far from being English. Holland has never been without a large and influential population of Catholics, but, with a few very marked exceptions, they

are chiefly of the lower, or middle order; and although Ireland has ever been Catholic, her gentry of that faith have almost disappeared. And yet persecution was far more cruel, and far more effective in England than in any other country, not even excepting Ireland, until the period of the Revolution. In most countries other than England, the Reformation was in part a popular movement, though warmly countenanced and supported by authority, and wrought so vigorously that persecution soon spent itself for lack of matter. In some places the religious parties stood for supremacy in the field, and war, with its attendant horrors, but not precisely persecution, was the result. In some places, as in Holland, policy interposed for the protection of the weak, and the result was that stated by Sir William Temple. "The Roman Catholic religion," he says, speaking of Holland, "was alone excepted from the common protection of the laws;yet such was the care of the State, to give all men ease in this point, who ask no more than to serve God and to save their own souls, in their own way and forms, that what was not provided for by the Constitution of their Government, was so in a very great degree by the connivance of their officials, who, upon constant payments from every family, suffer the exercise of the Roman Catholic religion in their several jurisdictions as free and easy, though not so cheap and avowed as the rest. This, I suppose, has been the reason that, though those of that profession are very numerous in the country among the peasants, and considerable in the cities, and not admitted to any public charges, yet they seem to be a sound piece of the State, and fast jointed in with the rest." In Ireland, although the Church lost her property, though abbeys were dismantled as in England, though priests and monks were dispersed and hunted, though whole provinces were depopulated, and one province was colonised, though Cromwell celebrated a St. Bartholomew's whenever a garrison capitulated, though the Irish laws were as wicked as the English, yet nothing like the English persecution was known, until the English persecution was nearly over. Even while the Ulster plantation was in full progress, it was found impossible fully to execute the penal laws. In the year 1617 Bacon addressed the following advice to Sir William Jones, then lately appointed Chief Justice of the King's Bench in Ireland: "My last

direction, though first in weight, is, that you do all good endeavours to proceed instantly and resolutely, and *yet with all due temperance and equality* in matters of religion, lest Ireland civil become more dangerous than Ireland savage." And after the plantation Ireland had still strength sufficient to levy and keep afoot Catholic armies, officered by Catholic gentlemen, the lords of the soil; nor was it until after the unfortunate capitulation of Limerick that the Irish persecution really began—a persecution more horrible if possible than that of England.

But at the period with which the book before us is conversant, the state of things in England was different from anything to which we have alluded. There had, indeed, been a popular movement towards Protestantism, not very different from that which prevailed on the Continent and in Scotland; but that movement had no part in the production or propagation of the State Protestantism, in whose name and interest Catholics were persecuted. The national Protestantism was exclusively the work of the Crown. Its formularies and discipline were settled without reference to the popular movement, and with a manifest view to the Catholic instincts and traditions of the people. The framers of the articles of religion were not bold innovators or fiery disputants; they were simply intelligent workmen, as completely the servants of the crown as were the court tradespeople; and they fashioned the new religion according to the estimates and specifications. The system was literally "a mighty maze, but not without a plan." The workmen were instructed to make the new creeds as ambiguous as possible, and they did so effectually confuse the meaning, that now, after the lapse of three centuries, the Anglican confession of faith is understood, accepted, and subscribed to by many learned members of that communion as reconcilable with the creed of Pope Pius IV. There was never a more successful stroke of kingcraft than this. The Crown retained the exact proportion of Protestantism that was necessary to destroy the last element of independence in the English character, by subjecting the soul as well as the body of the people to the prerogative. On the other hand, by leaving the articles of religion open to a Catholic construction, it facilitated the entrance of the unwary, the unlearned, or the wavering amongst the Catholics into the new Establishment. There had been no political

life in the country since the accession of the Tudors, so that nothing was to be feared on that score. The people, it was calculated, would, from the mere force of habit, or under moderate pressure, resort to the old churches, where several of the externals of their faith had been retained. Those of the Catholics who could neither be deceived nor intimidated would then stand at the mercy of the Crown; while the many who though not to be deceived, might yet be intimidated, would tremble at the punishment of the steadfast. The genuine Protestants, on the other hand, the party of progress, those who detested the Prayer-Book as a spurious Missal, would be amused and excited by the persecution of the Catholics, so as not to give too much trouble for the time being.

The English persecution was therefore undertaken by Elizabeth and her advisers under the most favourable circumstances, but it needed to be energetic. The faithful Catholics, although scattered and unsupported, were numerous and resolute. No temporary, intermitting, or provisional persecution could dispose of them. A system was devised accordingly, perfect in its kind, harmonious in all its parts, not wearing itself out by its own friction, but smooth, silent, and patient. It applied torture to the senses, torture to the affections, torture to the conscience. It ambushed in your path, it sought you in bed and at board; it corrupted your servants, it bribed your children. The question, the knife, the cord, and the fine, were severally used with the most delicate judgment and careful regard to circumstances. Seduction was administered not less discreetly than torture. Nothing was done by caprice, nothing rashly or immaturely. Every day witnessed the application of some new test more searching than any previously invented, and backed by sharper penalties. The recusant had no protection, no sanctuary. The success of Elizabeth's experiment was perfect. The existence of a remnant of Catholics was a phenomenon, but it was one which the Crown had foreseen and provided against. Some Catholics might escape the axe, some few might save a portion of their fortunes, but none could escape the political and social extinction in which the penal laws were destined to involve them.

In the latter years of the reign of Elizabeth, Catholic England was in fact as much a conquered country as Rome in the hands of Attila. The old and proud nobility that was

little disposed to take either law or religion from the Crown, had been reduced to utter prostration by the wars of the Roses and the axe of the Tudors; the Commons were prepared to do the bidding of the Crown in all humbleness and duty; and the people, after one or two tumultuous risings, soon ceased to offer resistance through want of leaders, spiritual or temporal. But, as we have said, a large proportion of the gentry continued Catholic; and against these the penal code was executed without mercy or intermission. Many a devoted confessor, now unknown even by name, preserved the faith almost by miracle, through that dark and bloody time; and every scrap of information regarding it, is doubly valuable from the obscurity in which for the most part it is hidden. Strongly impressed with these feelings, the Duke of Norfolk has given to the public a most interesting glimpse of this imperfectly understood period, by editing from an original MS. preserved among the family papers, a life of his ancestor, the unfortunate Earl of Arundel, who died in the tower while under sentence for high treason, and of the countess his wife. The author of this interesting biography, whose name is not given, states himself to be a Jesuit, and was probably chaplain to the countess.

Now, with the strong sense which we habitually entertain of the great value of all such contributions to our historical literature, we must confess to a feeling of deep disappointment at finding, in a literary journal such as the *Athenæum*, which especially cultivates the department of history, a notice of the Duke of Norfolk's book, which, for ungenerous bigotry and petty malignity, might bear a comparison with the most flippant and ribald criticisms of the *Times*. It is hard to say whether his Grace is more severely dealt with on the score of commission or of omission. The reviewer would seem to have a general grudge against the house of Norfolk, and a particular spite against the present Duke, of whom he speaks with a sneering virulence, for which it is difficult to assign any other than some personal motive. Nothing could well be less pretentious than the manner in which the noble editor introduces the history of his ancestor; and the spirit of his critic will best be estimated from the fact that this very modesty is made a special ground of animadversion. Nay, the reviewer has the bad taste to call the Duke to account for the suppression of one or two details,

the tendency of which was somewhat exceptionable, and which it could serve no good purpose of the history to preserve.

In truth the Duke has done nothing more than make *publici juris*, a curious chapter of English history, which had been until now his own private property. And it would be difficult to find a more striking example of the spirit in which the efforts of Catholics to contribute their share to the common stock of materials for English history, are met by a certain portion at least of the Protestant public, than the tone which pervades the paltry criticism to which we are alluding. For such critics it seems to be enough that a book emanates from a Catholic source, in order to ensure its condemnation.

In the present case, for example, the writer has not even been at the pains to read the book which he thus flippantly condemns. Thus it is plain, from the very first pages of the biography, that, as we have already stated, it is the work of an avowed Jesuit, who, admiring the illustrious sufferer whose life he has written, and sympathising with him in his misfortunes, gives free expression to his admiration and his sympathy. Now our Reviewer most cleverly *ventures a guess* that the author is a Jesuit; whereas, had he only thought proper to read the little book through, he might have learned that there is a plain statement of the fact.

The same spirit is still more observable in his strictures upon the character and conduct of the subject of the biography. It is quite intelligible, we allow, that the writer in the *Athenæum* should not see the life, conversion, and sufferings of Philip Howard in the same light as his Jesuit biographer. When the biographer, for instance, ascribes the moral improvement of the Earl of Arundel to his adoption of the Catholic faith, it is a perfectly fair and legitimate course for a reviewer to suggest that disappointed ambition was the cause both of his conversion and reformation. But what we complain of is that he cannot see *any* part of the Earl's conduct in a favourable or even a tolerant spirit. Every one of his strictures without exception savours of sectarian and political animosity; and not content with venting his malignity on the Earl himself, he visits the entire house of Norfolk with the same rancour, and rakes up or exaggerates every weakness or prevarication of its members, which his superficial reading could suggest, or his industrious malignity could discover.

We shall not enter into the subject, however, farther than to protest, in the interest of our common literature, against this petty intolerance.

Looking at the Life of Philip Howard in any light, no fair minded reader can regard it as other than an interesting and contemporaneous history of an eventful period; and we are happy to say that it has generally been recognized as such by the press at large. When Philip Howard, Earl of Arundel, was reconciled to the Church, a persecution the most savage and protracted upon record reigned in England. An arbitrary sovereign had more than half imposed a new religion upon her reluctant people. The Roman faith had been exterminated from whole districts by foreign mercenaries, or starved out by the banishment of the clergy. Retrospective statutes of the severest character applied their tests and penalties not only to the candidates for office or honour, but to those who had already graduated. Every session added to the number and cruelty of the penal laws. Ancient houses were being gradually beggared by the fines for non-attendance on the Protestant worship, or saved themselves from extinction by an outward conformity, which in the next generation became real. The prisons were choked with recusants, the rack was overwrought, the hangman had no holiday. The English constitution existed only in name, and parliament was a mere registry office for the decrees of the Crown. It was the reign of arbitrary power, monopolies, the Star Chamber, and the Ecclesiastical Commission. The ancient nobility of England was fast disappearing, and out of the house of Norfolk alone, the three immediate ancestors of Philip Howard had died upon the block, when that nobleman embraced the Roman faith. He was born himself in the reign of Mary, and received in baptism the name of her consort Philip. Educated a Protestant during the reign of Elizabeth, he married into the house of Dacres of the North; but the smiles of the Queen, who at first visited him with her treacherous favours, and the atmosphere of the most immoral court in Europe, corrupted his virtue and estranged him from his wife. It was not until his fortunes began to ebb, and until he had actually been before the Privy Council, and been kept a prisoner in his own house, that his faith and morals changed alike, and that he became at once a Catholic and a husband. His change of faith was not

declared, but his change of life was evident. The Queen suspected the first, and her detestation of married ladies made her dangerously observant of the second. The enemies of the House of Howard were all taken into favour, the earl was flouted and frowned upon whenever opportunity served, and a few easy formalities alone were requisite to consign him to the scaffold. In order to bring upon him this, almost the normal fate of every faithful Catholic, nothing more would be requisite than a detected visit from one of those missionary priests who spent their days with rats behind the wainscot of their protector's rooms, stole out at night to administer the sacraments, and lived with the certainty of having the hands of the hangman at no distant hour "grabbling in their bowels." Being thus at the mercy of his servants and their confidants, the Earl determined to withdraw to France or Spain, where he might practise his religion in security; but, before doing so, he composed a letter for the Queen, in which, after recapitulating his early history, his examination before the Privy Council, when his change of religion first came to be suspected, and his subsequent enlargement, he drew a simple and unembellished, but touching description of the fate that had overtaken his three immediate ancestors, and which in some sense was so soon to overtake himself.

The Earl then proceeded to state his determination of retiring to some country where he might practice his religion, and it is matter of regret that his excuses to the Queen for doing so, should have been in the adulatory style which was the characteristic of the age. This letter, which appears to us to evince great ability and decision of character, was intended to be delivered as soon as the Earl should be out of reach, but that period never came. He was arrested through the treachery of the captain of the boat which was to have taken him across the water, and promptly conveyed to the Tower; and from this time to his death he exhibits a picture of heroic virtue worthy of the crown of martyrdom. He soon went through the usual process of examination. He was allowed the service of a priest, a fellow-prisoner, doubtless with a view of manufacturing evidence to convict him of high treason, which was accordingly the result. We regret that our space will not suffer us to enter into the truly characteristic details of

his procedure. During his stay in the Tower, the Earl, it is needless to say, was treated with unnecessary harshness; and the account given by his biographer establishes, that nothing could be more edifying than his life and conversation up to the period of his death, which was allowed to come in course of nature and not of law, through the policy or caprice of the Queen.

The following account of the Earl's sufferings during the ten years imprisonment, which terminated with his life, is very striking. The quaint narrative discloses in Lord Arundel's persecutors the same petty malignity, the same spiteful cruelty, the same vulgar tyranny, that found their embodiment three centuries later in the person of Sir Hudson Lowe. We notice in the treatment of the Earl the same closeness of restraint, the same jealousy of any token of respect from an inferior, and the same indirect methods of insult and oppression that harassed the prisoner of St. Helena.

“As his imprisonment was no less long and tedious than even now I signify'd in the precedent chapter, so it was also for the most part of that time very strict. For besides the Lieutenant of the tower who had charge over him, there was even some gentleman of good sort specially appointed by the *Queen* to be his keeper; by whom he was so narrowly looked to, that for several years he could not speak with any person whatsoever but in his presence and hearing. During ye first 13 months after his commitment, that is, from April 1585 till the end of May 1586, he had no servants of his own to attend upon him, and never came out of his chamber to walk in any other room or take the air a little in the garden, but either his Keeper or the Lieutenant, or both of them, were ever with him. After that time he was permitted to have sometimes one sometimes two of his own servants to be with him, but with such condition that after their entrance there they remained as prisoners, and neither could depart thence without leave of the council, nor so much as walk into the garden, or into any other room besides their lord's lodgings, but at such times and with such persons as it pleased the keeper to appoint, and all the rest of the night and day they were locked up and could not speak with any body living. In which respect, as also by reason of the uncomfortableness of the room where they and their lord was locked up, as having no light of the sun for the greatest part of the year, together with the noisomeness thereof caused by a vault that was near or under it, which at sometimes did smell so ill that the keeper could scarce endure to enter into it, much less to stay there. For these respects I say there was none of his servants but were long weary of being

with him there before they could obtain license of being dismissed, and some of them were kept there untill through weakness and indisposition caused by being kept so close, they were not able to do him almost any service, at least not such as his necessities did require, he being very often troubled with diverse sickness and diseases which were occasioned for the most part by his so great restraint and strict imprisonment, as some learned physitions who best knew the state of his body did affirm.

“ But neither were his infirmities and indisposition, tho’ many and great, nor his imprisonment, tho’ long and strict, so grievous and troublesome unto him, as some other things he there endured. At first, the hard and harsh dealing of the Lieutenant, who, as I have heard both from his lady and others, did all he could to afflict and vex him. The Earl himself, in a letter which he wrote to a certain friend of his, something more than a year before his death, did signify it in this manner, ‘ His injustice (to wit the Lieutenant) to me both by himself and his trusty Roger are intollerable, infinite, dayly multiplied, and to those who know them not incredible ; and the most that you can imagine will be far inferior I think to the truth when you shall hear it.’ Secondly, the bad disposition of some of his keepers, who, besides their strictness towards him, went about to entrap him, had he not been very wary and circumspect, and did sometimes report things of him which were not only wholly fals, but might have been and perhaps were of great prejudice unto him. As that he never spoke one good word of the *Queen*, when as on all occasions he spoke with great respect of her, and protested many times in their presence and hearing that he was always ready to do any lawfull thing that lay in his power to do her service and give her contentment. One of these his keepers who made great show of friendship unto him, would often take occasion to ask him what he would do if the *Pope* should excommunicate the *Queen* or make any war against her ; and if he was silent therein or passed it away by talking of other matters without answering directly to those questions, yet professing all loyalty and duty to the *Queen*, most commonly he would send his man next day with letters to the court, as the *Earl* himself did observe, who tho’ he could not directly judge, yet he could not * * *

“ Besides the injuries received from his keepers and the *Lieutenant* of the *Tower*, the ingratitude and treachery of some who had been his servants in former times, and had received great benefits from him, together with the unkind dealing of some who were very near in blood unto him, was no smal occasion of affliction to his mind. For, whereas, the *Duke*, his father, had made such a kind of conveyance of the greatest part of his estate, that it could not be forfeited by attainder, as *de facto* it was not by his own, but came all safely to the *Earl* his son, some who kewed the particulars of his estate better than others, as having been employed in his affairs, did not only upon his attainder, treacherously discover

all they could to his detriment, but moreover prosecuted the Suit in the *Queen's* behalf in such manner against him, that a good part of his lands was thereby lost, which otherwise had been saved. His own brother, also, the Lord *Thomas Howard*, made means unto the *Queen*, immediately upon his attainder, for the obtaining to his own use and behoof, of divers lordships belonging unto him, the which, some others who were strangers unto him (as in particular Sir Christopher Hatton) out of friendship and honourable respect, would not accept of when they were offered unto them by the *Queen* herself, without any motion at all from themselves. * * *

“To move the *Queen* moreover, against him, and make him be abridged of the little liberty which, after much suit he had obtained of the Council to go out of his own lodgings in the company of his keeper to walk sometimes a little—a certain Gallery within the *Tower*, they informed her that many caps, and knees, and court-sies, were made unto him when he stood in the gallery window; which was so wholly false, as he protested in a letter to the Lord Chancellor, that he neither ever saluted any one, nor any one made the least show towards him in that place; but that it was true that walking one day in the garden with his keeper, one from the leads of the Salt-tower, saluted him with a very low reverence. Whereat he marvelled and desired his keeper to talk with him who had the custody of that *Tower*, and to charge him that he might no more be so abused. Yet, four or five days after, the same man, in the same place, not content with an ordinary salutation or reverence, bowed himself so low that his head was within a foot of the ground, and then, lifting up his hands, he remained in that posture, looking in the *Earl's* and his keeper's face, whilst they walked the whole length of the alley. The which they seeing, and being troubled thereat, to avoid it they presently went into the other part of the garden. But, immediately, the man removed himself also to the other side of the leads which was nearest to the place where they were, and there used the same ceremonies as before, which made the *Earl* think that either the man was mad, or set there of purpose to mock him, or for a ground to raise that report which was made to the *Queen* of his being saluted with caps and court-sies, for the hindering the little liberty he had obtained of the Council.”—pp. 66-76.

Nothing could be more natural than to suppose that his death was greatly accelerated if not absolutely caused by his rigorous confinement; but the first alarming symptom of disease was so sudden as to provoke a suspicion (not groundless perhaps) of poison. He was attacked by vomiting and dysentery one day in the month of August, immediately after dinner, and continued to sink gradually until the 19th of October in the same year, when he

tranquilly expired, after enduring the most merciless of all privations; for although he had been allowed the ministrations of a priest when it was thought that such an indulgence would furnish evidence against him upon his trial, the conscience of authority was too tender to admit of such a consolation for his death-bed. The author of his life describes an interview between the Earl and the Lieutenant of the Tower, which he states to have taken place the day before the death of the former. The Lieutenant, seeing that his prisoner had only a few hours to live, and possibly feeling some compunction for the treatment to which a sufferer so noble and so meek had been subjected, was desirous to have the Earl's forgiveness in his last moments, and accordingly sought the interview in question. We extract a passage containing the interview, and also an account of an offer made by Elizabeth to the Earl, his refusal of which, and the style in which it was made, amount to nothing short of heroism.

“ The Queen had made a kind of promise to some of his friends in his behalf, that before his death his wife and children should come unto him. Whereupon, conceiving that now his time in this world could not be long, he writ humble letters both to her and some of the Council, petitioning the performance of that supposed promise. The Lieutenant of the *Tower* carryed his letters, and delivered them with his own hands to the *Queen*, and brought him this answer from her by word of mouth: That if he would but once go to their Church, his request should not only be granted, but he should moreover be restored to his honour and estates, with as much favour as she could shew. Which message being delivered, he gave thanks to ye Lieutenant for his pains, and said, He could not accept her Maties offers upon that condition, adding withall, that he was sorry he had but one life to lose for that cause. A very worthy gentleman who was present at this passage, has often aver'd it to be true. And I do yet more easily believe it, in regard, the Lord *Buckhurst*, afterward Earl of *Dorset*, who was then of the Queen's Council, and in great respect, told the same in substance to his son-in-law, the Lord *Antony* Viscount *Montague*, from whose mouth I hear'd it, greatly condemning the good Earl of much want of wisdome and discretion, for not accepting so great and gracious a favour as he esteemed that offer to have been.

“ Not long after he grew so faint and weak, decaying by degrees, that he was not able to rise from his bed. Whereupon, by the advice of his physicians, he gave over the saying of his Breviary.

and the reading of other books, betaking himself only to his beads, and some other devotions whereto by vow he had obliged himself; and these he never omitted till the very last day of his life, having his beads almost alwayes with him in his bed. His physicians, coming to visit him some few dayes before his departure, he desired them not to trouble themselves now any more, his case being beyond their skill, and he having then some business, meaning his devotions, which he desired, but feared he should not have time sufficient to despatch. And they, thereupon departing, *Sir Michael Blount*, then Lieutenant of ye *Tower*, who had been ever very hard and harsh unto him, took occasion to come and visit him, and kneeling down by his bedside in humble manner, desired his Lordship to forgive him. Whereto the *Earl* answered in this manner: Do you ask forgiveness, Mr. Lieutenant? Why then I forgive you in the same sort as I desire for myself to be forgiven at the hands of *God*. And then, kissing his hand, offered it in most charitable and kind manner to him, and holding him fast by the hand, said: I pray you also to forgive me whatever I have said or done in anything offensive to you. And he, melting into tears and answering that, he forgave him with all his heart, the *Earl* raised himself a little upon his pillow, and casting his eyes towards the Lieutenant, made a brief and grave speech unto him in this manner: Mr. Lieutenant, you have showed both me and my men very hard measure. Wherein, my Lord, quoth he? Nay, said the *Earl*, I will not make a recapitulation of anything, for it is all freely forgiven. Only I am to say unto you a few words of my last Will, which being observed, may, by the grace of *God*, turn much to your benefit and reputation. I speak not for myself, for *God* of His goodness has taken order that I shall be delivered very shortly out of your charge: only for others I speak who may be committed to this place. You must think, Mr. Lieutenant, that when a prisoner comes hither to this tower that he bringeth sorrow with him. Oh, then do not add affliction to affliction. There is no man whatsoever that thinketh himself to stand surest, but may fall. It is a very inhuman part to tread on him whom misfortune hath cast down. The man that is void of mercy *God* hath in great detestation. Your commission is only to keep with safety, not to kill with severity. Remember, good Mr. Lieutenant yt *God*, who, with his finger, turneth the unstable wheel of this variable world, can in the revolution of a few days, bring you to be a prisoner also, and to be kept in the same place where now you keep others. There is no calamity that men are subject unto but you may also taste as well as any other man. Farewell, Mr. Lieutenant; for the time of my smal abode, come to me whenever you please, and you shall be heartily wellcome as my friend. The Lieutenant then humbly took his leave and went out of the chamber weeping, though then perhaps little thinking yt the *Earl's* words, or rather prophecy, would so soon have been fulfill'd in him; for within seven weeks after the *Earl's* death, he fell

into great disgrace, lost his office, and was indeed committed and kept close prisoner in the *Tower* where he had kept others, and another Lieutenant placed who carry'd as hard a hand over him as he had done over others."—pp. 114-119.

As we hope and believe that this work is in the hands of most of our readers, we the less regret that our space will not allow us to make any extracts from the life of the Countess of Arundel, also a Convert, who survived her husband many years. To her the author felt peculiar gratitude, as the foundress of the House of the Society in Ghent, and he enters into the minutest details of her life and household economy. We can hardly realize at the present day, the nature and the cost of a conversion or reconciliation to the Church in the days of Elizabeth. We have been witnesses, within the last few years, of many conversions from Anglicanism which have rightly been accounted splendid triumphs of grace. When a dignitary of the Establishment resigns his elegant and tranquil independence, and leaves, not without some natural tears, that beautiful home of his, so fresh, so fair, so modestly luxurious, so dear to memory and so full of hope, the sacrifice is great indeed, and difficult to be understood; but at least the convert has some kind friends to meet him in the Church, not distraught (with hourly fears for their own safety, and who are able to attend to the wants and weaknesses of their new brother. There is no suspicion of treason in his becoming associated to their body, and he can at least enjoy in security, the consolations of that religion for which he has exchanged nearly all that is valued by men. This was not the case with Philip Howard and Anne Dacres. What they did, was done at the peril of fortune and life. The prizes attached to conformity were as splendid as the penalties which followed recusancy were terrible. But they were alike disregarded by the converts of those days. Never were happiness and sorrow more strongly blended than in the lot of Anne Dacres. Originally despised and neglected by her husband, she first began to feel a husband's tenderness, when persecution and death were on his track. Both her children were born during the Earl's imprisonment, and every happiness she knew as wife or mother, was associated with some corresponding sorrow. Ours, thank God, are different times; but it is profitable for us to see, in this book, how the faith was preserved amongst us; it may be profitable for others to see how their

religion was propagated; it will be profitable to the student of history to learn how little the popular tales that usurp the name are entitled to it; and, finally, it will be profitable for the enlightened and liberal in every variety of Protestantism, to compare the spirit which prevails amongst the majority of Protestants to-day, with that which directed the councils of Elizabeth, and to ascertain by the comparison, whether freedom of conscience, though secured by law, is strong in their allegiance. We have only to add that the execution is in the highest degree creditable to Messrs. Hurst and Blackett.

ART. II.—*Anomalies in the English Church no just Ground for Seceding*; or the abnormal condition of the Church. By Henry Arthur Woodgate, B.D., Honorary Canon of Worcester, Rector of Belbroughton, late Fellow and Tutor of St. John's College, Oxford. Oxford: Parker. 1857.

THE perusal of this little book has caused us considerable disappointment. It may seem that Catholics have little reason to adopt the exclamation of the man of God, "Oh that mine enemy would write a book;" for indeed we have books enough and to spare from the hands of our enemies. But certainly no one more than the Catholic has need to cry, "Oh that mine enemy would write a fair and reasonable book,"—a book which will deal argumentatively and logically with the claims of the Catholic Church, a book written by one of competent learning who has been at the pains to ascertain what her doctrines and principles really are, who has acquainted himself with the arguments which have been urged in their support, and has shown himself ready to meet them in a fair and candid spirit. A sad experience has taught us not to expect very much from the Anglican clergy, yet we must plead guilty to the weakness, for such the event has proved it to be, of anticipating in Mr. Woodgate an antagonist who would combine many, if not all, of the qualifications which we have described. This gentleman, we believe, had in Oxford the reputation of good scholarship;

he was even at that period what is called a high-churchman. Dr. Newman was his early friend; and his sympathies were altogether on the side of "The Tracts for the Times." We confess then that we opened this little book with the hope of finding something like a fair and intelligent disputant: one who would state the matters of our controversy as they really are, and would deal with them in a candid and logical method. We are compelled to say that in this expectation we have been wofully and entirely disappointed. We need scarcely say indeed that Mr. Woodgate does not deal in that coarseness which so distressingly characterises many of our adversaries; he is far however from abstaining from even very offensive terms, while, in ignorance of what the Catholic Church is and does, in illogical conclusions, in want of fairness and candour, in unsupported accusations, and in absurdities absolutely ludicrous, he is scarcely surpassed by the rabid bigotry of Exeter Hall. These are severe words; we shall now proceed to shew on what grounds we have ventured to use them.

Mr. Woodgate begins his work with a preface entitled, "On Secessions to Romanism." This consists partly in an attempt to account for these secessions, and partly in the usual reflections upon the "deterioration" of those who have seceded. On the former of these points he says,

"There can be no question that if the English Church had been enabled to act up to her own principles, as set forth in her authorized formularies, and as she in a great measure did until overrun by the corruptions of the eighteenth century, many of those who have joined the Roman communion would have had little temptation to do so. But when they were told, even by bishops, that the distinctive doctrines and features of the English Church did not really belong to her, and that to hold and profess them was inconsistent with their allegiance to her, it was not unnatural that those who mistook the unauthorized opinions of individuals for the voice of the Church, should be led to feel that the Church of their baptism was no longer a home for them."—p. xvi.

Does Mr. Woodgate really mean what he says? We challenge him to produce an instance of the folly which he here describes. That many of the converts were ready to carry, even to excess, their dutiful attention to the voice of their superiors we readily admit; but that any one was so very ill instructed and so weak as "to mistake the unauthorized opinions of individuals for the voice of the

Church," we must wholly disbelieve until the wonderful creature is actually designated by name.

It will be observed that Mr. Woodgate employs the terms "Church of their baptism." We had really thought that this puerile and schismatical phraseology had been abolished from the pages of respectable controversy. It was broached, we believe, sometime about the time of the Gorham case, and received such a castigation in the pages of the *Dublin Review*, that we really thought it to be dead and gone. Does Mr. Woodgate need to be told that the Catholic Church believes in ONE Baptism, which baptism is not into "the Church of England," nor into any other sect, but into the one Holy Catholic Church? A heretic, a Jew, or a pagan may validly administer the Sacrament of Baptism, if the conditions of the Church are complied with. Hence the Catholic Church never administers this sacrament to any of those converts of whom she can be assured that they have received such baptism; and where it is doubtful whether the needful conditions have been complied with, she administers it conditionally. Hence then it is obvious that she regards all the baptised as rightfully amongst her children. They may be prodigal children, from various causes wandering from her fold; but still they are hers; and the only "Church of their baptism," is the One Catholic Church.

Mr. Woodgate however, with this notion in his head, proceeds in the following strain:

"I trust that in warning others, I am guilty of no breach of charity in adverting, in corroboration of this, to circumstances which have characterized many of these individuals since their departure. Several persons who have been brought in contact with them, have had occasion to remark a singular intellectual declension in them since their secession, especially in those points where the intellectual powers are affected by the moral tone. But a sadder spectacle, and one which suggests a mournful train of thought, is the moral and spiritual declension which shews itself in the mode and tone in which they speak of the communion they have left, and in which many of them have exercised spiritual functions. One would have thought that the society in which a man had been born, in which he first drew his spiritual life, and in which even if he repudiated the latter, he was nurtured and brought up, which did not beguile him from any other communion, but in which his lot had been cast by God Himself, would, even if afterwards found or presumed to be in error, have had claims on some kind of filial feeling, and to be remembered, though with sorrow, yet with respect, if not with

reverence. In our relations after the flesh, a man who had been brought up by one whom he had always been taught to regard as his mother, and who had performed, as far as lay in her power, a mother's part to him, would regard her through life with a certain feeling of filial reverence and affection, even should he have subsequently discovered that she was not his natural parent: the foster-child will love and respect the foster mother. It is said, too, that those who, like Romulus and Remus, have been suckled by animals, retain an affection for their rude foster-parents. What are we to think of men and women (for it is not confined to the former) who can speak in the disparaging, contemptuous, and bitter tone in which these persons speak of the Church which they had been taught from their earliest years to regard as their spiritual mother?

“Nor less painful is the utter indifference with which they seem to regard the fact of having long exercised ministerial functions in the English Church. Every Catholic, Roman or other, who believes in the Apostolic succession of the Christian Ministry, must believe that one who takes upon himself to minister the Word and Sacraments, without being lawfully ‘chosen and called to this work by men who have public authority given unto them so to call and send,’ is doing that which, viewed abstractedly, would be deemed a great sin. Even Wesley told his followers that if ever they presumed to administer the Sacrament of Christ's Body and Blood, they would be guilty of the sin of Korah:—a sin, be it observed, which is in Scripture placed before Idolatry, and when cited as a standard of wickedness, is associated with the sin of Cain and that of Balaam. The assertion of this principle is perfectly compatible with the most unbounded charity, and the most indulgent allowance for those who, having been born and educated in an erroneous system, have been led into this act through ignorance, not of their own creation, and consequently so far irresponsible. And, doubtless, every one who, having thus ministered in the English Church, afterwards deems her to be no Church, or heretical, would derive allowable comfort, in looking back on his past ministrations, in the thought that he literally ‘did it ignorantly in unbelief.’

“But our hope of forgiveness for an involuntary sin is one thing; the feeling with which we regard the mere fact that we committed it is another. A pure and single mind does not test its acts by the intention, nor weigh the responsibility by the motive. In morals, a pure minded woman who had been unknowingly living in a state which, if known, had been one of sin, would not feel relieved in mind by the mere thought that she did it in ignorance, and would henceforth do so no more. It is not thus that the instinctive delicacy of a pure mind reasons; its feelings are not capable of being reduced to rule and measured thus. And in the analogous case (for the analogy is a Scriptural one) of tampering with the purity of Christ's Church, one who had been led into such acts, however ignorantly, would not quiet the instinctive remorse to which the

most innocent are liable, by the thought that he was unconscious of it at the time, and would not for the future do it again.

“Others, again, have observed with pain the secular spirit which has shown itself in the dress, habits and amusements of some of those seceders who have not been re-ordained.”—pp. xviii-xxi.

The charge of “intellectual declension” we consider so ridiculously absurd that we scarcely know how to deal gravely with it. What mysterious power does the Church of Rome possess so to affect the intellectual powers of man? Does Mr. Woodgate really mean to say not only that all her members are persons of weak intellect, but that they also possess the power of inoculating new comers with their own feebleness? We may safely leave the charge, from its very absurdity, to refute itself.

But Mr. Woodgate goes on to grieve over the moral declension of the converts, and he especially complains that they are not more ashamed of themselves for having, although in ignorance, taken upon themselves to minister the Sacraments. But cannot Mr. Woodgate see that he here takes for granted the very point which his opponents deny? If “the Church of England” is “a branch of the Catholic Church,” we admit the justice of Mr. Woodgate’s complaint; but this is the very proposition which the converts, by their “secession,” emphatically deny. Since Mr. Woodgate has passed creditably through the schools at Oxford, we are curious to know what he will say to his complaint when put in a logical form.

1. A man who has unadvisedly, without just authority, taken upon himself to minister in the Church, ought to feel keenly for his error when he discovers it.

2. The converts have so ministered.

3. Therefore they ought to feel keenly, &c.

Cannot Mr. Woodgate see that while his major is undeniable, his minor is the disputed point? If the converts had thought “the Church of England” to be a true “branch,” they never would have left it. Their own act speaks far more strongly than words can do as to that conviction. While in the Anglican establishment they did not minister in holy things; they handled only bread and wine, not the mysterious realities of the Christian altar Mr. Woodgate’s censures ought to be reserved for his reverend brethren Achilli and Gavazzi, who we suppose

do not deny that while in the "Roman Communion" they ministered as true priests of the Church.

Mr. Woodgate's illustrations proceed on the same false premises. He speaks of "the foster mother," forgetting that those whom he rebukes must regard this lady in a very different light. They must think of her as a strange woman who has usurped their own dear mother's place; who by various machinations had driven that loving mother from her home, and who had fed them on husks in the place of "the True Bread from heaven." We do not say indeed that all the converts are free from guilt in not having sooner left "the strange woman" for their true mother, who was ever lovingly stretching forth her hands to embrace them. We do not know that Mr. Woodgate has any right to say that they do not all feel their fault with more or less intensity; but we cannot discover any claim which this "strange woman" has on their special tenderness; nor, to refer to Mr. Woodgate's other illustration, can we imagine that "a pure minded woman" would feel any great regard for the man who, unknown to herself, had beguiled her into such a position. As to "tampering with the purity of Christ's Church," Mr. Woodgate is again begging the question. No clerical convert can think that he has done any such thing. Whatever he may have done, he has been heretofore conversant, not with Christ's Church, but only with that which pretended to be so, but is not.

With regard to this charge of "moral defect," so frequently brought against the converts, we must say that it seems to us to indicate that very spirit of pharisaism which is so pointedly condemned in the gospel.—"These men after all are but sinners." By what right do Mr. Woodgate and his friends bring these charges? By what right do they take upon themselves the prerogative of God, and decide upon this or that man's measure of holiness or sinfulness? And what is the evidence appealed to in support of this charge of "deterioration?" It is that "the secular spirit" of those, be it remembered, who have discovered that they have no right to be accounted more than seculars, "has shewn itself in the dress, habits, and amusements" of some of the seceders. Poor Mr. Woodgate's tender heart has been saddened because some of those whom he once accounted clerical brethren no longer wear white chokers, and are sometimes seen in the ball-room or

at the card table. We do not like to retort charges of this description; but when Mr. Woodgate professes himself to be so scandalised by the moral defects of the converts, we trust that we are not transgressing the bounds of charity in advising him and his friends to look nearer home. What we are about to say we do not address to Mr. Woodgate or to any one else individually. We speak of the *class* of clergymen to which Mr. Woodgate belongs, the tractarians or high-church clergy. It cannot yet have been forgotten that both before Dr. Hampden's admission to the Anglican episcopate, and still more before the vindication of Mr. Gorham's doctrine, these gentlemen spoke very loudly of the destructive character of these measures if carried. We heard much about *vital* principles, and abandonment of articles of the creed, and of the Church of England proving itself not to be Catholic, and a great deal more in the same strain. Now, as we have already said, we do not intend to charge defect of moral principle in any individual case; we do not pretend to be searchers of the heart; but we must say that it does throw some suspicion on the moral rectitude of a class of men, who after having held language like this, substantially accept these adverse decisions, continue to communicate with those whom their champion-bishop had excommunicated,* and quietly settle themselves down in their rich livings and comfortable parsonages. Well, all we will say is, that these are not exactly the men to bring the charge of "moral defect" against those who (although in their view mistakenly) have sacrificed not only worldly substance, but many things which they value more highly, in obedience to what they believe to be the truth of God. Giving Mr. Woodgate every credit for having acted conscientiously in his own case—indeed his book bears ample evidence that he must indeed change much before he can become a Catholic—yet we must say it is not a little unseemly for the "Honorary Canon" and rich "Rector" to look down on his former associates who have sacrificed so much (conscientiously at least, however ignorantly in Mr. Woodgate's judgment) to carry out those principles which he himself once held in common with them, and to cry out,

* See Dr. Philpott's letter to the Archbishop of Canterbury on the Gorham case, excommunicating him and his adherents.

Alas! alas! what moral deterioration! do but look at the *dress*, and *habits*, and *amusements* of these men!

We have very seriously to complain of Mr. Woodgate having undertaken such a work without informing himself of what has been over and over again written on the same subject in recent times. It is very tiresome to find the old ground gone over again without any notice being taken of what has been said again and again on the other side. Mr. Woodgate, as a general rule, does not attempt to meet the Catholic arguments; he simply ignores them. Thus, for example, he opens his treatise with an attempt to justify the supposed defect in the unity of the Church, by the fact of its defect in holiness; and apparently has never heard of what Catholic controversialists have said in reply to this objection. It is not in our province as reviewers to go into the argument, we must content ourselves with the bare mention of what it is. If, then, Mr. Woodgate had acquainted himself with what Catholics have written, he would have found that they maintain: first, that there is an aspect of the Church in which holiness can be truly and fully predicated of her. And secondly, that, in reference to the aspect which Mr. Woodgate takes of it, while holiness is a quality which obviously admits of degrees, unity does not so. A man may be holy by comparison, and more holy at one time than another. But unity is an absolute quantity; it admits of no degrees. It is not more absurd to call three men one, than it is to call two men one. So of the Church; it is absolutely one, or it is not one at all.

But Mr. Woodgate's argument goes still greater lengths. It seems to require that God did not intend that His Church should be one. Mr. Woodgate holds the Calvinistic doctrine that God has enjoined precepts upon man which he *cannot* fulfil. His words are,

“Everything proposed by the Almighty to man for his obedience and imitation, whether in the form of precept, type, model, or any other, must necessarily be beyond his reach and unattainable. Considering the infinite purity and holiness of God, and the corruption and weakness of man, it would seem to arise out of the very nature of the case. But beyond this, if it were otherwise,—if the rule were not beyond his reach,—if man could attain to, or overtake it, it would practically fail of its object, not only with reference to a state of probation, but also as connected with a covenant of grace and the doctrine of the Atonement. Such was the case with the

law of Sinai. Viewed in its spirit and interpreted by the law of love, its obligations were without limit. Ever becoming more and more expanded and spiritualized, opening new spheres of duty, disclosing new obligations to those who fulfilled the obligations which lay more immediately before them, shewing at every step the impossibility of fulfilling it, it brought home to the faithful servant of God the practical conviction that it could not be fulfilled, —that if his acceptance depended on his mere obedience, it was hopeless; or, in the words of the apostle, that ‘the law worketh wrath,’ and ‘by the law is the knowledge of sin;’ and thus prepared him to receive with thankfulness the glad tidings conveyed in the covenant of grace, which it was hopeless to look for from the law.”—pp. 8-9.

This is the Calvinistic theory which we are rather surprised to meet with from the pen of Mr. Woodgate. We need not inform our Catholic readers, that it is heretical and adjudged so by the Council of Trent, can. xviii. of the chapter on Justification. The Council sets forth the true doctrine in the following beautiful words: “Nemo autem, quantumvis justificatus, liberum se esse ab observatione mandatorum putare debet: nemo temeraria illa, et a Patribus sub anathemate prohibita voce uti, Dei præcepta homini justificato ad observandum esse impossibilia. Nam Deus impossibilia non jubet, sed jubendo monet, et facere quod possis, et petere quod non possis; et adjuvat, ut possis. Cujus mandata gravia non sunt cujus jugum suave est, et onus leve.” Ses. vi. cap. 11. We suspect that Mr. Woodgate will not much like his company when we tell him that his words are almost identical with the first of the condemned propositions of Jansenius. “Aliqua Dei præcepta hominibus justis volentibus et conantibus, secundum præsentem, quas habent, vires, sunt impossibilia; deest quoque illis gratia, qua possibilia fiunt.” “*Declarata et damnata uti temeraria, impia, blasphemata anathemati damnanda et hæretica.*”

Of course the Council of Trent is of no authority with Mr. Woodgate. Still it may rather surprise him to find himself side by side with Calvin and Jansenius; and it furnishes another instance of the mutability of opinion in the established Church to find how the Calvinistic leaven is spreading itself, even amongst those who were only a few years ago the highest of the High-Church party.

Mr. Woodgate endeavours to support his theory of God giving precepts to men which they have not the capacity to obey, by some texts of Holy Scripture. In this he is

either very uncandid, or much less conversant with the interpretation of Scripture than we should suppose him to be. Is he not aware that these texts are susceptible of quite a different interpretation from that which he puts upon them? Of course he is entitled to his own opinion of their meaning; but he cannot fairly appeal to them as decisive in a controversy between himself and those who understand them in a different sense. For instance he says,

“Take, again, our Lord’s precept, ‘Be ye therefore perfect, even as your Father which is in heaven is perfect.’ No one would for a moment imagine that this rule is capable of fulfilment, or that one trying to fulfil it indulged the presumptuous hope that he could succeed in doing so. It is only another illustration of the principle, that the rule, in order to be effectual, both as keeping us ever striving and as making us feel our own weakness and insufficiency, must be beyond our reach. The same remark also applies to our blessed Lord, viewed as our ‘ensample of godly life.’ God forbid that all those who fall short of that perfect model should be excluded from the class of His faithful people. The model must necessarily be beyond our reach.”—p. 10.

Now we think that the context shews that Mr. Woodgate mistakes the whole point of this text. Our Lord here does not speak of the *degree* of perfection to which His followers are expected to reach, but of the *manner* in which they are to exercise one particular virtue,—that of charity. Our Lord tells His disciples that they are not to confine their beneficence to their own friends or brethren; but to extend it to all. “That you may be the children of your Father, who is in heaven, who maketh His sun to shine upon the good and the bad, and raineth upon the just and the unjust... Be ye perfect, etc.,” that is, Exercise your charity, not as the publicans and heathens, “who love those that love them,” but after the perfect method of your heavenly Father, who does good to all alike. This is surely a fair and reasonable interpretation, and takes away every shadow of support which Mr. Woodgate thinks he finds in this text for his very extraordinary position, that when our Lord enjoined unity upon His disciples, He neither expected nor intended that His precept should be fulfilled, but only that His Church should aim at a perfection which it could never reach.

“The same rule,” he says, “by which we interpret our Lord’s precept to ‘be perfect’ applies equally to His prayer for the visible unity

of His Church. Whatever may be said of St. John's abstract picture of the Christian character, and the unreasonableness of denying communion with Christ to those who do not realize it, may be said with equal truth of those strong passages expressive of Christ's promises to His Church, and the continual abiding and guidance of the Holy Spirit, on which are founded not merely its claims to indefectibility provided all the conditions necessary to it existed, but the claims of the Roman Church to the possession of that indefectibility and the other promises, as exhibiting a (fictitious) fulfilment of the conditions to which the promises are annexed. The other branches of the Church Catholic have more or less lost sight of the office with which they were collectively invested,—that of witness of the truth; and the Roman branch has stepped in and appropriated to herself not this office only, but the novel one,—and one subversive of all catholic tradition and the witness of antiquity,—that of determining, through the doctrine of development, new articles of faith. Now this power of determining new articles, even as a witness, could only be claimed for the Church throughout the world, and exercised through an œcumenical council. The Church of England, at the Reformation, settled the fundamentals of the faith, not on her own testimony, or by her own authority, but on the testimony of the Church, while, as yet undivided, she could speak as the ground and pillar of the truth through a general council."—pp. 12-13.

Mr. Woodgate then holds that the fulfilment of our Lord's promise of abiding in His Church for ever is dependant upon the existence "of all the conditions necessary to it." These conditions he thinks did exist in "the Church, while, as yet undivided, she could speak as the ground and pillar of the truth through a General Council." Will Mr. Woodgate then abide by his own words? Will he accept the decrees of all General Councils up to the time at which according to his view the Church was "as yet undivided?" We are not aware that any one can place the formal "division of the Church" earlier than the Greek Schism in the middle of the eleventh century.*

* We must suppose that Mr. Woodgate speaks of the *formal* "division of the Church," for divisions of an *unformal* character had place even in the days of S. Paul. To suppose that any divisions of this kind would cause a forfeiture of the Church's gifts, would even still more perplex the question; for then either the Church forfeited her gifts almost as soon as she received them, (which cannot be Mr. Woodgate's meaning,) or otherwise it is left to each one's private judgment to say at what period these divisions reached a point at which the forfeiture took place. Hence

If then Mr. Woodgate would cordially accept all that the Church has decreed up to that period, it would materially narrow the boundaries of the controversy between us. But Mr. Woodgate well knows that he does no such thing. His Bishop, who is reported once on a time to have declared that "he had always been an enemy to the Catholic Faith," would scarcely have made an "Honorary Canon" of one who received all the decrees of the Church up to the eleventh century. It is a very common unfairness in Protestant controversialists that they will not stick to a point. When it is convenient they speak of being bound by the "undivided Church," and when it is otherwise convenient they speak of being bound by the Church of the first three, four, five, or six centuries, as the case may be. Now, we must say that if there ever was an absolute necessity for precision, it is on this very point in which Protestants of Mr. Woodgate's type are so widely at variance both from each other and from themselves.

Be it remembered that according to their admission, every thing decreed by the Church, so long as it had authority to decree, is to be received on pain of everlasting damnation. To all such decrees they will not hesitate to apply our Lord's fearful words, "whosoever believeth not shall be damned." We ask then, what can exceed the cruelty of leaving such a point undetermined as what is and what is not so decreed? Perhaps it will be said, all that is needful to be believed is summed up in the three Creeds—the Apostles', the Nicene, and the Athanasian. This answer might do for one who holds that the "abiding and guidance of the Holy Spirit," was withdrawn immediately after the composition of the last-mentioned Creed, about A.D. 340: but it will not do for one who professes to believe that this guidance continued until the middle of the eleventh century, when East and West were divided. Mr. Woodgate says that "the Church of England at the Reformation, settled the fundamentals of the faith—not by her own authority." We beg to ask then, on whose *authority*? The change of language in this passage is somewhat disingen-

when Mr. Woodgate speaks of the Church, "as yet undivided," we must conclude that he speaks of it up to the year A.D. 1053, when *Michael Cerularius*, Patriarch of Constantinople, commenced the Greek Schism by publishing an act of excommunication against the Bishop of Rome, and the whole Latin Church.

uous and very significant. He does not venture to say that the Church of England settled the fundamentals on the *authority* of the undivided Church, as the contrast suggested by his own language would require. But it is on this point of *authority* that the issue of the question turns. When Mr. Woodgate speaks of *testimony*, he well knows that he speaks of that which at best is a matter of opinion. One man, or set of men, as "the Reformers," may form their opinion of the testimony of the early Church; but we know that it is very different from the opinion which Catholics then had, and always have had, on that testimony. Here is difference of *opinion*, who is to decide? Mr. Woodgate has as little right to impose his opinion upon us of what the testimony of the early Church is, as we have to impose ours upon him. What we want is an *authority*. This we claim for the Catholic Church, which Mr. Woodgate expressly repudiates on behalf of his own Church. He admits that the Catholic Church once possessed this authority, but that she has now lost it, or at least that her power is now "in abeyance" or "dormant."—p. 36.

We shall have more to say on this strange position by and by. In the mean while we are entitled to ask two questions, to which we have a right to expect categorical answers.

1. At what precise period did this "abeyance" or "dormancy" commence?

2. By what authority is the power of the Church pronounced to be dormant?

These questions, in substance, have been asked over and over again, and so far as we know they have never received any even colourable reply. Yet assuredly if ever there were questions imperatively calling for a reply they are these. For, as we have already remarked, the "power" here spoken of, is admitted to be that of requiring us to believe or not to believe on pain of everlasting damnation. Up to some point of time, as yet undefined, Mr. Woodgate admits that the Church possessed the free exercise of this power. But at a certain period the power became dormant. Whatever the Church, or any body of persons pretending to be the Church, decreed after that time is of no force or authority whatever. Of what immeasurable importance it is then that we should know the precise date of this change on which the interests of Eternity itself depend. We might be excused for requiring to know not only the year, but even

the day and the hour of such a change. Yet nothing can be more vague than the opinions of Protestants on this point. Some have placed it as early as the third, or fourth century, and Mr. Woodgate, as we have seen, seems to place it as late as the eleventh. We say *seems*, because we doubt very much whether he would not recede from this very liberal date, if he were closely pressed with the consequences of adopting it. The result of this vagueness and discrepancy must be, what indeed we find to be the fact, that Protestants differ almost as much from each other as they do from ourselves. For instance, Mr. Woodgate must consider many things necessary to be believed to salvation, which others, even high-churchmen, feel themselves free to reject. Who must not see that this theory is a very clumsy expedient to disguise the naked exercise of private judgment?

2. Mr. Woodgate admits, that by the very words of our Lord, the Church was originally endowed with power "to speak as the ground and pillar of the truth." Assuredly then we have a right to ask, by what authority this power is pronounced dormant? Mr. Woodgate does not even pretend to give us any such authority. It might well be questioned whether the Church herself has any authority to pronounce her own power to be in abeyance. What have we then to support this strange assertion, except the *opinion* of Mr. Woodgate, and of some other men equally fallible with himself? and this is to override an authority which is expressly admitted to have been exercised by our Blessed Lord Himself! Can anything be more unsatisfactory, not to say presumptuous and profane?

That we do not misrepresent Mr. Woodgate will appear from the following passage.

"When the Church itself began to lose its purity, and when those same powers, if exercised under the then circumstances, might have been employed to give a fatal sanction to error and false doctrine, it pleased the Divine Ruler of the Church, that by this division she should be deprived of the powers she was not in a condition to be trusted with, or to exercise with safety. She could no longer produce an œcumenical council; she was deprived alike of the power to rescind former decrees, or to enact new ones. The voice of the Church, save so far as it spoke antecedently to the division, was silent for good or evil. Its several branches might henceforth decide, in their subordinate jurisdiction, and for the guidance of

their respective members, what the Church has said, and might frame their terms of communion accordingly ; but the voice of the Church, as the living interpreter of God's Word, was hushed, except so far as it spoke in the decrees of the past."—p. 14.

Mr. Woodgate, elsewhere (p. 36,) describes the Church as consisting of the "three Branches," the Roman, the Greek, and the Anglican. Hence, it again appears, that he admits the Church to have had authoritative voice until the Greek Division. His theory is that the Church was only to be one so long as it was pure, and that when it became no longer one, it ceased to have any authoritative voice. This latter position no one can dispute on Mr. Woodgate's impossible assumption. But what can be more contrary to Scripture, to the analogy of faith, and to fact, than his former position, namely, that the Church was to preserve its unity only so long as its individual members retained their purity? Why, this is no other than the old pharisaical cry, "This man receiveth sinners and eateth with them." In Mr. Woodgate's sense, when was the Church otherwise than impure? Holy in herself, as the Spouse of Christ, and washed in the waters of Baptism—she has ever had, in her militant state, a mixture of the tares with the wheat. When it suits his purpose, Mr. Woodgate can see this clearly enough.

"What a contrast," he says, "presents itself between the Church of Corinth, as it existed even at the period when St. Paul wrote his Epistles to it, and as it ought to have been according to the scriptural theory of the Church!"—p. 32.

But according to his theory here set forth, the Church forfeited her gifts of unity and indefectibility as soon as she received them. But this theory again is contradicted by a fact which he himself admits, that she was undivided for many centuries.

But above all what is to be said of our Lord's own express promises of His own presence—of the gift of the Holy Ghost, of the unity and the indefectibility of the Church to the consummation of ages? Let us hear Mr. Woodgate's view of the matter.

"In reply, therefore, to the assertion of the Romanists, that, in addition to the ordinary gifts conveyed by Christ to His Church, there was given the power of an ever-living interpreter of His Word

—that this power has never been recalled—that it must still exist in the Church—that the Roman successors of St. Peter have continued to exercise this power—that no other branch of the Church has laid claim to it, and that if they did, they could not establish it—I maintain that it by no means follows that this power still exists in the Church, in the sense in which the Romanists hold that it does. I do not say that it is extinct,—the gifts of God are without repentance; but I maintain that it is *in abeyance*. The conditions essential to its active exercise do not at this time exist, especially that of unity, and the holiness on which unity itself in part depends for its existence. I do not say that those powers could not be called into life to-morrow, nor that the Church would not then speak with authority, were the antecedent conditions fulfilled; but in the absence of the latter the others are dormant. Whether these powers will ever again exist in active life, must depend on the conditions here spoken of; and whether these will again exist, is more than any one not gifted with the power of prophecy can take upon himself to aver. Our Lord may have referred to the improbability of such an event in that mournful question,—‘Nevertheless, when the Son of Man cometh, shall He find faith on the earth?’ It may be safely maintained that they do not exist in active life at this time, and that they have ceased to do so since the separation of the Church into its Eastern and Western portions—not to mention the subsequent subdivision of the Western portion—rendered it impossible to convene an œcumenical council through which the *consensus* of the whole undivided Church could be collected, and her voice be heard. And, as was observed before, it is a providential circumstance that it has been so ordered, that when the moral or spiritual condition of Christendom no longer afforded a ground to hope that such decisions would be for the edification of the Church or the maintenance of the purity of the faith, the powers were then suspended which could no longer be exercised with safety. Meanwhile the living interpreter, which Romanists maintain must exist somewhere, is practically secured to us in the decrees of the œcumenical councils on all points necessary to salvation.”—pp. 35-37.

Now, of this very strange theory we must say,

1. That it is advanced without any support from Scripture or from the authority of the Church, “as yet undivided.” This theory of “abeyance” is a mere theory invented to meet a difficulty.

2. It is substantially to make void the promise of our Lord. Of what value is a gift, the exercise of which is “dormant” or “in abeyance?”

3. It strikes at the root of all Christian responsibility: we are responsible for a life in accordance with the principles and precepts of the Gospel; but that respon-

sibility rests upon the gifts of the Gospel. Mr. Woodgate's theory represents our Lord as exacting the tale of the bricks after having taken away the straw. For if his theory of this one gift holds good, we do not see why others with equal plausibility should not hold the same with regard to any other of the gifts, as for instance, the grace of the Sacraments, the sanctification of the Holy Ghost—nay, even of the atonement itself. Our Lord made atonement for our sins: with just as much reason as Mr. Woodgate has, some one may say, We have sinned away our title to it—the exercise of its virtue is “dormant” or “in abeyance.”

4. It is virtually setting aside our Lord's promise. What signifies Mr. Woodgate's distinction between the presence of a gift, and its exercise? He supposes the gift to have been dormant for many centuries, and more than hints that it can never again awake out of its sleep. Wherein does such an abeyance substantially differ from a withdrawal? Our Lord promised this gift, as Mr. Woodgate admits, in perpetuity, “The gifts of God are without repentance.” What mere trifling then it is, in a matter of all others not to be trifled with, to say, True, the gift is not “extinct,” but it is in perpetual abeyance. And this on a mere assumption of his own, without venturing to suggest that our Lord Himself, the Promiser, gave the slightest hint of any such method by which the effects of His promise might be defeated! His words are, “Lo, I am with you,” not as long as you deserve it, not as long as the members of the Church maintain their purity, but, “unto the consummation of all things, or to the end of the world.”

Mr. Woodgate's suggestion, for really it amounts to no more, is a manifest *ἕσπερον πρότερον*; it is a perversion of what we may term the genius of the Gospel. Our holiness is the end, subservient of course to His glory, for which God confers His gifts. He does not make our holiness a qualification for His gifts, but His gifts a mean to our holiness. Our Lord promised the gift of the Holy Ghost in order that His Church might be one; He does not require its unity in order to its possession of the Holy Ghost. This is so plainly the case, so obvious from the words of promise,—“that they may be one,”—so accordant with the whole genius of the Gospel, that we wonder how Mr. Woodgate could fall into so

strange a mistake as to invert the order. The consequence of his mistake is to throw him into despair of any remedy for the "anomalies" over which he laments. The natural remedy which, one might suppose, would suggest itself to one of Mr. Woodgate's opinions, would be a General Council of the Church. High-church Anglicans in general profess to look in that direction. But Mr. Woodgate's theory shuts out this hope, which we must confess is no great loss to him.

"Some persons have at this day been rash enough to express the wish that a general council could at this time be called together to determine points of controversy. I cannot conceive any measure, supposing it were possible, fraught with more danger to the faith. Besides the improbability, in the present state of ignorance on matters ecclesiastical and doctrinal, and in the present temper of men's minds, of coming to any sound decision, the danger would be (unless prevented by the divisions which would render the council itself nugatory) not only that a sanction would be given to errors of the worst description, but that even vital truths, settled anterior to the division, might be assailed and impugned. This might appear to some to denote a want of faith. It is not so, however. Strictly speaking, the case may be regarded as an abstract one, not likely to occur. For there is this self-correcting principle in the matter, that, with the decrease of holiness and purity of faith which would render an œcumenical council dangerous, there arise simultaneously those divisions which would render it impossible to convene it; or, if possible, would prevent its coming to any decision. Still, admitting that a really œcumenical council, supposing it could be called, would be protected from fundamental error, we might, not inconsistently, fear the result of one ostensibly called in the present state of the Christian Church. We may picture to ourselves a council which, without being sufficiently œcumenical to claim that title and the powers presumed to accompany it, might be sufficiently general, in the eyes of many, to give a sanction and force to its decrees which they would not like to contravene, and which might cause serious embarrassment. Without claiming for an œcumenical council more authority than our Article is disposed to concede to it, it cannot be denied that its decisions would have a power which cannot be regarded without awe."—pp. 37-39.

This makes the matter hopeless indeed. If we understand Mr. Woodgate aright, he holds that the Church can utter no voice until she is more holy, and on the other hand she cannot be more holy until she can utter her voice: this is "a correcting principle" with a vengeance;

we will rather term it, according to the emphatic American nomenclature, "a fix."*

But Mr. Woodgate is not content with defence. In the following strain, which we trust he may live deeply to mourn over and blush for, he assails the Catholic Church.

"With regard to the unity professed by the Roman Church, I deny its existence. Its outward conformity, to a certain extent, may be admitted; but only to a certain extent. For beneath this outward conformity there is a vast amount of unbelief and dissent, which the Church is compelled to wink at, if it would not lose a considerable portion of its members. The apparent unity is purchased by connivance at a considerable amount, not only of immoral and ungodly living, but also of actual dissent and unbelief. But they dare not notice it. The Gallican Church, though nominally a part of the Roman, has always been more or less in a state of opposition, if not of partial independence; while several of its most distinguished members have not scrupled to avow their dissent from those terms of communion or practices which they deemed sinful: but the Roman Church has not dared to exclude them from her communion. Now, whatever may be the doctrinal errors of the Roman Church, the moral delinquency exhibited in the connivance at immorality, as well as what they must deem heterodoxy, for the sake of gaining converts or retaining their members, is one of the worst features in their system. Surely holiness of life and purity of conversation are as much among the notes of a true Church as outward unity of doctrine. What reply, then, can the Roman Church make to the argument founded on the unblushing vice and immorality which meets the eye in every capital in Europe where the Roman faith is professed, even among her own avowed members? Do they say that they cannot prevent it? True. But they might excommunicate such, or lay them under ecclesiastical censure.

* Will Mr. Woodgate excuse us for asking whether he would be equally passive under the application of his "abeyance" theory if it were applied to the temporal endowments of the Church? He will not maintain that the tithes of Belbroughton have a higher sanction than the spiritual gifts of the Church. Would he have accepted his "living" or would he continue to minister in it, if the "hire of the labourer were withheld?" or if some friend were to suggest for his comfort that former Rectors of Belbroughton received their tithes very punctually, that his present loss of them was only an "abeyance" and no forfeiture (although their restoration was rather hopeless), what force would he attach to the argument? Would he content himself with sitting still, and writing a book on the Anomalies in the Rectory of Belbroughton?

But this they dare not do. They prefer retaining them in nominal communion, at the expense of one of the chief notes of a Church. Proselytism on almost any terms seems their rule; and I question whether the most ultra-Protestant society in this country is more unscrupulous as to the means by which they may attain their end. I believe, and I have heard others who were competent to form a judgment aver the same, that if any individual of high rank or influence, or one of great celebrity and influence from other causes in a different class of life, were to offer to join them, he would be allowed, as regards the points which separate them from us, to make his own terms of communion, if he would engage to hold his tongue, and could be relied upon for so doing. At this very time, the ecclesiastical system at Rome itself is only kept together by an armed foreign force. Remove that, and the whole system becomes one chaos of confusion and anarchy. There is, or was but a few years since, a great amount of profligacy and infidelity among the Spanish clergy. Yet the Papal See dares not exclude, or lay under ecclesiastical censure, what it has not the power to prevent. It is as much a slave to its own people as the elected government of a republic."—pp. 17-20.

Has Mr. Woodgate really so carelessly examined the very elements of the controversy as not to know the terms on which the Catholic Church enforces unity? And again, not to know what the Church can and often does dispense with, and that which she never dispenses with? His marvellous want of information on this latter point, is apparent from a note which he appends to the passage just quoted.

"There is in Sicily, and I believe in some parts of Italy, a considerable body, called 'United Greeks,' members of the Greek Church, who, on condition of their acknowledging the Pope's Supremacy, are admitted into the Roman Communion, with the liberty of having their own priesthood, and of retaining all the essential characteristics of the Greek Church, including the reception of the Cup by the laity, and the omission of the *Filioque*."—pp. 19.

Not only "in Sicily" are such things done; but if Mr. Woodgate had ever been in Rome on the Epiphany he might have seen not only the Priest of the "United Greeks," but priests of we know not how many various rites ministering together at different altars in the Chapel of the Propaganda; and during the Epiphany week he might have found in one of the large Churches in Rome, under the very eye of the Pope, High Mass celebrated in a different rite each day. Mr. Woodgate, rejoicing in his

own "Act of uniformity," seems to think that the "Romanists" must be equally favoured. He forgets the exclusive enjoyment which his own Church possesses of Parliamentary Government. We Catholics have no such "Act." And the Catholic Church has ever been most tolerant in relaxing matters of discipline, where such relaxation has been deemed expedient. But how could even Mr. Woodgate be so uninformed as to place in the same category with such things, the doctrine of "the procession of the Holy Ghost from the Son?" On whatever authority he makes this assertion about "the omission of the *Filioque*," we can assure him that he has been deceived. Such a concession is simply impossible. Mr. Woodgate may have so familiarised himself with the plan of "bracketing" which prevails in the American branch (or twig?) of his own Church, and which is said to be threatened nearer home, that he imagines it also has place in the Catholic Church. So to please "the Greeks," we have "bracketed" *Filioque*! Let us assure him once for all that this system of bracketing is a true Protestant invention, to which the Catholic Church can lay no claim.

Protestant controversialists would surely do well to comprehend what our doctrines are before they assail them. Whatever the Church has decreed to be *de fide* of doctrine or of morals, this every Catholic, be he Greek, Armenian, Egyptian, Gallican, Jesuit, or what not, is bound to receive. To this rule there is absolutely no exception. In matters of discipline such as allowing the cup to laity, in matters of doctrine where the Church has not ruled, in the differences between Thomists and Scottists, and Jesuits and Gallicans, diversity does not break unity. To say then, that "Gallicanism" or "Jesuitism" has existed within the Church, is to say nothing to the purpose. If Mr. Woodgate means to assert that no more important divisions than these have place in the Established Church, we need not be very careful to answer him. Our saddening complaint against that body is that it is separated from unity—from the source of light and truth: its internal divisions affect us but little. Our complaint would be the same if it were as remarkable for its unity in itself, as it is for its divisions and dissensions. But to shew the want of force in Mr. Woodgate's comparison, we have only to notice that the open and avowed dissensions in the Anglican Church, consist of such matters as asserting or denying the efficacy of Holy

Baptism, the real presence, a Sacrifice in the Eucharist, the Apostolical Succession, &c., &c. That such matters can be placed on the same footing with the differences between the Gallican and the Ultramontane theories, only shews what shifts those who are out of the Church are put to for the mere semblance of an argument.

But Mr. Woodgate will say, that he brings a more serious charge against us than this: "beneath this outward conformity, there is a vast amount of unbelief and dissent," and Mr. Woodgate is very indignant that the "Roman Church" does not exercise a severer discipline, and cast her unworthy members out of her pale. Now we must say, much as we have been used to Protestant presumptuousness, we do not remember anything to equal this. Here is a country parson in a midland county of England, taking upon himself to lecture the Pope, and Cardinals, and Bishops, of the Roman Catholic Church throughout the world, on the manner in which they ought to administer the discipline of the Church! How can a respectable man, like Mr. Woodgate, make himself so pre-eminently ridiculous? Such unworthy members of the Church as he describes would have been excommunicated in early times. Well supposing they would—though this we suspect would not have been after Mr. Woodgate's method—is he not aware that the Catholic Church has always adapted her discipline to times and circumstances? Unbending as she has ever been and ever must be in doctrine and morals, like a kind and gentle mother she has varied her discipline according to the strength and necessities of her children. But since Mr. Woodgate will set himself up as a judge above Pope and Bishops in this matter, we must be allowed to turn his judgment upon himself. He thinks, or rather decides that every notorious offender, nay every covert unbeliever, ought to be excommunicated. He sets this forth as a duty to God, as an obligation on the Church. Why then, we ask, does he not act upon his own rule? Let us hear his own reply.

"That this is not practically carried out; that the Church of England is unable to exclude from her communion those who violate her terms of communion; that a man may violate every law and ordinance of the Church, and yet under the protection of the civil power may profess Church membership, and claim her ministrations, does not affect the validity of what is here said. Such an abnormal state of things, bad as it is, does not vitiate the princi-

ple, nor give any sanction to the Romanist assertion that the Church of England teaches without authority. It arises out of the relation in which the Church stands to the State, on the one hand; and the violation, on the part of the State, of the duties involved in that relation. To the exercise of her own discipline, and the application of her own laws on the part of the Church, the State attaches civil penalties of the severest kind; extends its protection over the most abandoned profligates and systematic violaters of every Church law."—p. 48.

This is the plainest admission we remember ever to have seen, that the apostolic rule ought to be reversed, and that we ought to obey man rather than God. Mr. Woodgate admits, or rather pronounces judgment that such offenders by the law of God ought to be excommunicated; but, says he, the clergy of the Church of England are prevented from taking this course by "civil penalties of the severest kind;" whereas the Roman Catholic clergy have no such excuse, and therefore ought to proceed at once to execute sentence against the offenders. We beg to assure Mr. Woodgate, that where the Catholic Church regards any course as prescribed to her by the law of God, she would not consider "civil penalties of the severest kind," as any reason or excuse for not adopting it. Perhaps therefore, some more charitable reason may be found for the gentler discipline of the Church of this day. But why does not Mr. Woodgate take in hand this severer discipline in his own communion, to which he admits himself to be bound by the highest considerations? What is there to prevent him? Only "civil penalties,"—in other words, the forfeiture of the tithes of Belbroughton—stand in the way. And what is to prevent Dr. Pepys, and Dr. Sumner from supporting him in his purifying measures? Only the forfeiture of Hartlebury and Lambeth, with certain other very agreeable accompaniments, but which we suppose, Mr. Woodgate himself does not regard as essential to the Apostolical Succession. Is there not here then an admission that "the Church of England" prefers the good things of this world to the law of God—an admission by her avowed advocate and friend? Could her enemy say anything more severe against her?

But we have not yet done with this unhappy passage. Mr. Woodgate speaks of "the unblushing vice and immorality which meets the eye in every capital in Europe, where the Roman faith is professed even among her own

avowed members." We suppose Mr. Woodgate speaks from hearsay, for his book bears internal evidence that he has not lived much abroad. Protestants repeat these sorts of things until they really believe them: it is not for us to say how far that may relieve them from the charge of being wilfully "false accusers." The writer of this article has visited most of the capitals in Catholic Europe and resided for some time in several of them, and he can say that the charge in the terms in which it is made is *positively false*. Paris might be put aside, as alas! scarcely a Catholic capital. But we will say that even it does not exceed London in "unblushing vice;" and of the other Catholic capitals it may be truly said that a person walking from Charing Cross to Regent's Park in the dusk, will see more "unblushing vice" in one evening, than he will see in most of them for a month, and in some as long as he chooses to reside in them. It is really a very scandalous thing that a gentleman of education and respectability like Mr. Woodgate, should deal out such sweeping charges for which he can have no solid foundation.*

* It is an invidious and unpleasant thing to speak of the vices of our own people; yet these pharisaical speeches in which Protestants indulge of the "more degraded state of the Continent," almost compel us in common fairness to say something on the other side. The other day, Mr. Gladstone related a story in the House of Commons, which may well fill us with shame for one of our national vices. A street was to be pulled down occupied by persons in mercantile life, and they were to receive compensation calculated on the amount of their incomes. Accordingly they sent in a claim for an amount exceeding £40,000. Commissioners were appointed to examine into the claim, who reduced it to an amount between £20,000 and £30,000. But when the same parties returned the amount of their incomes to be assessed for the Income tax, they returned it at £9000! If covetousness and dishonesty are sins, it may be well to look nearer home for instances "of unblushing vice and immorality." Or let any one who is well acquainted with the gay and innocent character of the generality of continental seasons of recreation contrast them with the following description of English "pastime" recently inserted in the public papers. It is with real reluctance that we quote such an exhibition of our "unblushing vice and immorality," but such observations as Mr. Woodgate's in common justice force it from us.

"CRYSTAL PALACE CIVILIZATION.

"To the Editor.

"Sir,—I suppose you have been to the Crystal Palace, and that

Mr. Woodgate proceeds with his charges :

“ A more striking instance of this disingenuous procedure is seen in the mode pursued with their English converts. Those who are familiar with the errors and practices of the Roman Church in their

you have looked at it with a philosophic eye, as an element of our modern civilization. Do you remember that the scheme was launched with a grave and philanthropic air, bewailing the degradation of the toiling millions, and proposing to erect a powerful competition for their suffrages, against the blazing and dangerous attractions of the ginshop and the public-house ? Hence it was to be a grand collection of all that was naturally and artistically beautiful, and the world was to see this new thing,—a nation purified, elevated and ennobled, by æsthetics. Other philanthropists sympathized with the scheme, yet not without uttering notes of warning, lest errors should be committed which might frustrate the lofty intentions of the founders.

“ Now, Mr. Editor, if you did not go to the *fête* of the Early Closing Association, I did, and I'll state some things that I saw and heard. Passing by the fact that it was impossible to get a breath of pure air in those magnificent gardens for the poisoning taint of tobacco smoke, and passing by the clever illustrations of the way in which human life is sacrificed by the bayonet, I will endeavour to describe the closing scene. For two hours or more, anxious crowds waited for transmission to the metropolis. One man started a song and called on the crowd to join him in the chorus, which was done in the most approved pot-house style ; at the close of which the leader said, ‘ Let us pray,’ and proceeded to tone out a mockery of the most sacred exercise in which the human mind can engage. He then called upon the mob to ‘ Sing to the praise and glory of God, the 220th Psalm,’ and gave out in mock serious manner several verses, loose, disconnected, and some of them disgustingly filthy, which were sung to a psalm tune, with pretended gravity, by many half-drunken men, and, I blush to add, by women too. This scene being over, a quarrel was got up by two or three drunken persons, who, in the midst of a crowd now become very dense, were pressed upon by those behind them. Oaths, curses and threats passed freely, though no acts of violence ensued, perhaps in consequence of the timely removal of the barrier, when the whole crowd rushed forward, or was driven towards the entrance of the railway. In the carriage in which it was my misfortune to return, low songs, filthy jests, obscene allusions, and coarse laughter, filled up the time of transmission, and left upon my mind no very flattering impressions of ‘ Crystal Palace civilization.’

“ I give you the facts, and ask you to afford us, if you can, an explanation.—Yours truly,

“ AN EYE AND EAR WITNESS.”

worst form, as they exist in continental countries, express their astonishment that educated Englishmen and Englishwomen should adopt these, or give their sanction to them. Some of the latter, indeed, when this question is put to them, will tell us that with them the question is not one of *detail*. The great questions of unity, and of the necessity of a living interpreter of the word, are with them paramount, and supersede every other; and it would seem that they are not required to give too precise an account of their faith in these matters of 'detail.' They are told, that if they embrace the main features of the Roman system, such as the Supremacy, &c., they need not trouble themselves at present with those details as they are called, which stand so much in the way,—such as Mariolatry, and others.

“But the fact is, that the faith taught to the educated English converts, especially the laity, is not that held by the continental Romanists. When I have asked English Romanists how they justified the invocation of saints and of the Blessed Virgin, the reply has been, that they only asked their prayers, as you ask those of the living saints or living friends, and that they sought the prayers of the Virgin only as being the chief of departed saints; but that if we think that they pray to the saints in any other way, or beseech the Virgin as having any authority or power of her own, we are greatly mistaken. And such, I have no doubt, is the way in which the invocation of the saints is presented to English converts, and such the view they take of it; a view which, however dangerous in the hands of the ignorant and uneducated, who would be apt to lose sight of the distinction between the intercessory prayer thus sought and the intercession of the great Mediator Himself, might possibly be unattended with evil consequences to the educated few, however unauthorized by Holy Scripture. I need not say however, that this doctrine and view of the intercession of saints and the Blessed Virgin, is not that held and taught in Roman Catholic countries; and that a person giving open utterance to such a view in Spain or Italy, even in the present day, would be speedily silenced. It is equally clear that the doctrine taught and believed by the mass of the people in Spain and Italy, would not be received by the educated Englishman. Consequently, to him a different view is presented. Such a proceeding may be necessary, if they wish the doctrine to be received. But what in that case becomes of this boasted unity of doctrine with the want of which they taunt us, and by the pretended possession of which they seduce our members?”—pp. 20-22.

Now as to the charge of “disingenuous procedure” we will put a parallel case to Mr. Woodgate. We suppose that he would wish to bring dissenters into his Communion. Now it is well known some time ago, (we speak carefully because such are the variations in the Anglican Church

that what is quite true of it at one time may be untrue of another,) some time ago "forms of prayer" universally prevailed in the Church of England, not only in the public assemblies but even in the family and in private. On the other hand the dissenters generally held all such forms to be highly objectionable. If then Mr. Woodgate had wished to "proselytize" a dissenter, would he have made this feature in his Communion a prominent point? Would he have thought it "disingenuous" to act in the following manner? Let me shew to this dissenter the *essential* points on which he is wrong, let me place before him what the Church of England *requires* to be received and practised. Once convinced of this, "minor details," such as the forms of prayer, will soon naturally follow! We can only say that if Mr. Woodgate would take the opposite order, we think he would be a very unwise man.

Now the Catholic Church has far stronger reasons for acting in the manner which Mr. Woodgate charges to be disingenuous. The Catholic believes that out of the Church there is no salvation; *extra ecclesiam nulla salus*. On the other hand he is sure that when any one once finds refuge within the Church he will gladly yield himself to her guidance, a result to which an exception can scarcely be found. It is well known that Protestants have been educated in violent prejudice against some of the most popular Catholic devotions. No Catholic will say that these devotions are *essential*. A Catholic who reverently goes to Mass, does all in the way of devotion that the Church absolutely requires of him. It would not therefore be merely unwise, it would be unlawful and unjustifiable, if a Catholic wishing to convert a Protestant, were in the first instance, to place before him all the popular devotions of the Catholic Church, and say, see what you have to do if you become a Catholic. It would be untrue to say so. The case is quite conceivable that a man might be a sound Catholic, and save his soul, whose prejudices might prevent him from ever using these devotions. We gladly admit the fact however which seems to give Mr. Woodgate such great offence, that few converts, when once within the Church, find any difficulty in the devotions which are in general use amongst their brethren. They soon perceive how unfounded and how unreasonable were the prejudices which they had indulged while they were Protestants.

Equally at fault is the assertion of the difference between "English and Continental Romanists." The Litany of our Lady is used by Catholics throughout the world, and it would be difficult to find language which ascribes more honour to the Blessed Virgin in any devotion to her of any country. Mr. Woodgate's misapprehension of the answer which he says he has received from English Catholics arises from his own misunderstanding of the subject. Every Catholic, whether a convert or not, would tell him that prayer to the Blessed Virgin is of the *same nature* as a request to a living saint or friend, and is essentially distinct from the addresses we offer to God. He ought not to need the information that when we pray to God, we pray as to One who is the sole fountain source and cause of every blessing that we can receive. When we pray to the Blessed Virgin, we pray as to one who can powerfully intercede with God on our behalf. Whatever Protestants may think, these two conceptions are entirely distinct in the minds of Catholics. But Mr. Woodgate mixes up with these another quite distinct question, namely, how far the thought of the Blessed Virgin's *authority* over her Divine Son may influence our addresses to her? That this thought should appear so strange to Protestants probably arises from their very vague and indefinite conceptions of the Incarnation. They seem to view this great fact as a sort of episode in the History of Christianity—an historical event rather than ever-present reality. They seem able neither to realise the fact of an Infant God nor that of an everlasting God-man. There can at least be nothing impossible, in the nature of things, that the Blessed Virgin should exercise a mother's authority over her Son in heaven. Holy Scripture tells us that she had this authority upon earth, and our Lord was not then less God or more man then than He is now. Some Catholics dwelling upon this truth may, without objection, plead with the Virgin Mother to exercise her authority, whatever it may now be, with her Divine Son. Other Catholics contemplating more intently the inconceivable exaltation of the Man Christ Jesus, may think of that maternal authority as altogether superseded, and so may altogether abstain from the use of any such plea. It is one of those points involved in deep mystery, upon which the Church has decided nothing, and upon which therefore different opinions may very well find place. As to Mr. Woodgate's

notion, that a teaching is allowed in England which is prohibited in Spain or Italy ; it is entirely the fiction of his own brain—and an unsupported calumny.

Mr. Woodgate frequently charges the "Roman Church" with a studious concealment of her "divisious" and "discrepancies." It is rather a strange accusation to come from an English clergyman of a remote country parish. We may fairly ask, if they are so studiously concealed how do they come to have reached his ear? We can only assure Mr. Woodgate, in all sincerity, that we heartily wish that he and other Protestant controversialists were more fully acquainted with what he calls "the Roman system." Such an acquaintance would save us an immensity of trouble ; for what we have constantly to complain of, and in none more than in Mr. Woodgate, is, that we have not to meet arguments directed against our religion—a comparatively easy task—but over and over again to shew the vague and distorted view which Protestant prejudice has formed of it,—a thankless and heartless task of which we are indeed intensely weary.

This must be our excuse for leaving many other parts of Mr. Woodgate's book unnoticed. It is indeed so full of misapprehension of our doctrine and teaching, that to correct all his mistakes would require us to transfer almost his whole work into our pages. But we must notice one or two special particulars, which really need no words to expose them.

Mr. Woodgate's theory of the Catholic Church requires him to acknowledge it as consisting of three "Branches," the Roman, the Greek, and the Anglican. Now let us hear what he says of it and of them.

"But as regards the seeming separation of these two branches of Christ's Church, as well as the divisions existing between the several parts of each, such a state of things, abnormal as it is, is only what might have been expected from the moral and spiritual condition of the Christian world. However opposed to the theory of the Church, however far removed from the fulfilment of our Saviour's prayer respecting it, it does not affect the reality of either Church in relation to the holy Catholic Church throughout the world, from which they are at present outwardly severed, or in relation to the component parts of each."—pp. 27-28.

Thus he holds that a thing may be "outwardly severed"

from itself, and that a Church may stand in a certain "relation" to itself.

Or take the following note, which will scarcely be read with gravity.

"It is not improbable that a greater interest may have been attached to the Roman See from its connection with St. Peter,—similar, though on a larger scale, to that which is associated, in the memory of the English Church, with Sodor and Man, through Bishop Wilson; or with Winchester, from the pious gratitude with which the memories of William of Wykeham and Waynfleet are cherished by many; or with that of Bath and Wells, through the memory of Ken."—p. 69.

The same we think may be said of the strange ingenuity which professes to find a parallel to popery in the practice of duelling! The passage is too long to quote, and some parts of it we could not prevail on ourselves to publish. It is to be found p. 81, note.

Two of the passages we have referred to occur in the part of Mr. Woodgate's work which is devoted to the consideration of "The Papal Supremacy." On this subject we feel it quite unnecessary to enter. It would seem that Mr. Woodgate has not seen Mr. Allies' very able treatise on "The See of St. Peter," for we cannot bring ourselves to believe that if he had perused that remarkable work, he could have ignored its existence. We beg to assure him and his readers that they will find most if not all of his objections and difficulties anticipated and met in Mr. Allies' pages. Until Mr. Woodgate has considered the arguments there employed, and replied to them, he can scarcely expect us to put forth our reasons for attaching no weight to his very vague and discursive observations. We cannot, however, conclude without offering some general remarks on the nature and character of Mr. Woodgate's whole argument.

The outline of Mr. Woodgate's argument is this,—The whole Church is in an anomalous state; we fully admit that anomalies without end are to be found in the Church of England; but let no one on this account think of leaving her, for the same or even worse anomalies are to be found in the Church of Rome. Now let us examine this position in the very points selected by Mr. Woodgate.

1. In the first place he admits, on behalf of the Church of England, that the great gift of the Holy Ghost, by which our Lord promised perpetuity, indefectibility, and infalli-

bility to His Church, is dormant or in a state of abeyance. This is truly an "abnormal" or "anomalous" state. If we understand Mr. Woodgate's theory aright, he maintains that the Church cannot err, and cannot fall. Yet she has no power of perception between truth and error; and the power to keep her from falling, though not extinct, is dormant. This seems to us so very anomalous, as to amount as near as may be to a contradiction.

But on what ground does Mr. Woodgate impute these anomalies to the Catholic Church? He may dispute our pretensions;—that his own position compels him to do;—but we defy him to shew that the state of the Catholic Church is in anyway anomalous or abnormal. She has held on her course without difference or divergence from the beginning. Mr. Woodgate of course will maintain that she has added novelties to her creed. That is the point in dispute between us. But even his zeal cannot charge the Catholic Church with having changed her principles or constitution. She maintains the abiding active power of the Holy Ghost as at first conferred upon her. She defies her adversaries to assign to her any beginning except the foundation of Christ, or to specify any change or break in her constitution which involved forfeiture of her gifts,—we beg pardon, their "dormancy" or "abeyance." Her adversaries themselves have no consistent theory upon that point. Mr. Woodgate says her gifts are dormant. Others say they are gone. Others that they were never possessed; but scarcely two persons will agree in saying why, or how, or when.

2. Again, Mr. Woodgate's theory drives his rickety vessel on the shoal of private judgment, however he may attempt to repudiate it. We will admit, if he pleases, that he and his party do not allow of the interpretation of *Scripture* by private judgment. No; they will have the help of early tradition; of the first three, four, five, or six centuries, or more, as the case may be. But, we ask, what is it but private judgment which fixes the limit of this traditional interpretation? And again, what is it but private judgment which interprets the tradition itself? For instance, Catholics as wise and learned as Mr. Woodgate can pretend to be, interpret the early tradition in a very different sense from himself. Who is to judge between them? For instance, Cardinal Wiseman judges that *Scripture* and early tradition recognize Seven Sacraments

in the Church. Mr. Woodgate finds only two. If we are to stop at early tradition, who is to decide between the Cardinal and Mr. Woodgate? Here is the old fallacy involved in the confusion between the law and the judge. The best law cannot interpret itself. Experience teaches us this every day. However plain a law might seem to be against murder, or theft, or any other crime, persons may be found to violate it, and yet find some ingenious plea why they do not fall under its sentence. A judge must pronounce whether they do so or not. So however plain Scripture may be, or however plain the language of the Fathers, the ingenuity of man will find divers interpretations. A judge is required to decide upon interpretation, and this must be not a "dormant" judge, but one who is wide awake, and fully alive to his powers and responsibilities. Such a judge we find in the Catholic Church.

3. But Mr. Woodgate says that diversities exist in the Catholic Church, and these he ventures to compare with the differences which are found in his own communion. We have unbelieving and unworthy members, he says, but so also have the Catholics. Is it possible that Mr. Woodgate has not observed the great difference in the two cases; and if he has observed it, is it ingenuous not to have taken notice of it? Unquestionably there are differences of opinion amongst Catholics on matters in which the Church has decreed nothing as *de fide*. Unquestionably there are unbelieving and unworthy members of the Catholic Church. So far we do not conceive that there can have been any Catholic so foolish and uninformed as to find any contrasts between his Church and the Church of England, or any other religious community. But we will tell Mr. Woodgate what cannot be found in the Catholic Church, and yet may be abundantly found in his "Branch;"—the authorised teaching of error on matters which the Church has declared to be necessary to be believed. Can Mr. Woodgate deny that there are persons in the Anglican Church, as much authorised to teach as himself, with precisely the same powers, and with whom he communicates *in sacris*, whose teaching he deems *essentially erroneous* on Baptism, on the Holy Eucharist, on sacramental grace generally, on apostolical succession, on justification and remission of sin? Now we assure him that he will not find any real divergence of teaching in the Catholic Church on these subjects, or on any other on

which the Church has put her seal as necessary to be believed. Let him go through the length and breath of the Catholic world, and if he can find a single priest who denies baptismal regeneration, or the real Presence, or any other truth on which the Church has so pronounced, we undertake on our part to procure a sentence which shall silence that priest until he has learned his duty better. How can Mr. Woodgate have failed to notice this distinction, and blame the Church forsooth because she does not deprive even of the name of Catholic every one who does not live according to her laws? Mr. Woodgate will pardon us for saying that he is not exactly in the position in which he can teach the Church how to exercise her discipline, and that it is no very unreasonable presumption that she is as likely as he is to form a correct judgment on the matter. In the mean while it may perhaps ease his mind to learn that the Church requires every one to confess and receive absolution before she gives Holy Communion; and that such absolution is never given without a profession of sincere repentance and an entire renunciation of all sin.

One word we must add on the *character* of Mr. Woodgate's general argument, for which we can find no gentler term than that of DETESTABLE. We have before had occasion to complain of this line of attack, and we really wonder that any respectable Protestant can bring himself to adopt it. We cannot but liken it to the attempt, in material warfare, to poison the wells, or to blow up a magazine which would at once involve the assailants and the assailed in a common destruction. We thought that it had become an admitted principle that the *Tu quoque* argument in *morals* is a most licentious method of meeting an adversary. Yet Mr. Woodgate adopts it to its full extent. Suppose his argument to be as well founded, as we have shewn it to be the very reverse, what, after all, does it amount to? No more than this; We Protestants admit that we are a very bad set, but Roman Catholics are as bad or worse. And all this in the sight of the avowed infidel and blasphemer. Mr. Woodgate admits the Roman Church to be a "branch" of the true Church. We suppose that he professes to stand to the Church in the relationship of a son to a mother; and he does his best to blacken the character of that mother, or a part of his mother—his own strange theory is responsible for the

strangeness of the expression. Here are some sad blemishes on my mother, but that they may not seem so very bad, I will expose to light some others in her still worse. It is the act of Ham. We want no concealments. We want only truth, and it is certain that nothing but truth is required to bring forth the true Church in all the attractiveness of purity and beauty. Mr. Woodgate avows himself the accuser—we must call him the calumniator—of that which he acknowledges to be at least a portion of the very body to which he professes reverence. Let him, if he can, reconcile his acts with his professed principles.

Perhaps he will retort that Catholics have not spared the Church of England. But here lies the great difference;—we do not recognize his Church as a Church at all. Mr. Woodgate can no more expect us to speak from his principles, than we can expect him to speak from ours. Let him judge us as his Church's homilies do, as sunk into one mass of idolatry, as having no pretensions to the name of a Church, and however we might lament his still greater aberration from the truth, we could not charge him with filial irreverence and inconsistency. But to call the Roman Church a "branch" of the CHURCH, the spouse of Christ, for whom He gave Himself, the cherished One of His everlasting love; and then to blacken it with the charge of the most hateful crimes; to talk of its "Mariolatry," of its identifying itself with "unblushing vice," to believe every foolish or wicked story of it which weak and malignant men have invented; this is a course which we are sure we have not too severely censured under the name of DETESTABLE.*

* A curious case of just retribution in adopting this line of attack (though of a less aggravated character than Mr. Woodgate's) has just occurred in a work of Dr. Pusey's. At the time of the Gorham decision, Dr. Pusey began to write a book, the object of which was to shew that the Erastian features of that case had been equalled if not surpassed by acts or submissions of the Church in former times, and hence that the Church of England was not fatally committed by that case. It was deeply grievous to see Dr. Pusey engage himself in such a line of argument, which might be characterized as an encouragement to the State to take liberties with the Church. But how remarkable has been the result! Something delayed the publication of Dr. Pusey's treatise! And now after seven years he confesses himself compelled to take the opposite tack and to turn his book into a warning against allowing the

We cannot conclude without noticing one feature of extreme unfairness in Mr. Woodgate's work. We mean, his entirely ignoring all that has been written in opposition to his views. Recent years have been somewhat prolific of treatises on the subjects of his remarks; and yet he writes as if they had no existence. We have already noticed his ignorance or obliviousness of Mr. Allies' excellent treatise on the Roman See. He treats in the same way the very telling Essays of Cardinal Wiseman, other numerous pamphlets, and some papers, we will venture to say not very easy to be answered, which from time to time have appeared in the *Dublin Review*.

Thus, for instance, Mr. Woodgate again and again uses the term "Church of our Baptism" as expressing a claim of allegiance which the Church of England has over her members; without noticing what has been said again and again to shew the essentially schismatical meaning of that term and of the sentiment which it expresses. The same may be said of the "branch theory;" and again on the theory of a stereotyped primitive Church, and the exercise of private judgment: All these points have received due attention from Catholic controversialists. And yet Mr. Woodgate deals with them as if they were new subjects,

too great interference of the State in matters ecclesiastical. Such is the progress of things in that fluctuating body called "the Church of England!" The following is the account of the matter given in the *Union*.

"The work (Dr. Pusey's) was begun at the time of the Gorham judgment, when the 'Lay element' and the meaning of the 'Royal Supremacy' were so continually being discussed. It was taken in hand in order to show that the Church in England had not conceded too much—more, that is, than was warranted by ancient precedents; but, from the rapid changes in these times, the author had to continue, or rather to reconstruct it with the view of 'shewing that those same times afforded no precedent for conceding more;' but that 'matters of doctrine were always exclusively decided or attested by those whom the Apostles left to succeed to such portion of their office as uninspired men could discharge—the Bishops of the Universal Church.'"

This reads rather strangely considering that it was the doctrine of Baptismal Regeneration which was involved in the Gorham case, and decided by Her Majesty's Privy Council. We remember that *Punch* gave one of his comical representations of that body as "The Fathers of the Church assembled in Council." We know no higher authority for calling them "Bishops of the Universal Church."

and dogmatizes upon them as if they were capable of no other interpretation than his own.

We must here pause. We are very sorry to have had occasion to express ourselves in a way which may give displeasure to Mr. Woodgate. As we have already said, knowing something of his antecedents, we had anticipated better things at his hands. What he has produced we scarcely think can increase his credit amongst his co-religionists, while in the eyes of Catholics he can only be regarded as increasing by one, the already numerous list of uncandid and calumnious opponents.

ART. III.—1. *The Report of the Mayo Election Committee.* London, 1857.

2. *The Reports of the Irish Church Mission Society for 1856-7.* London, 1857.

3. *The Tablet.* Dublin, July, 1857.

4. *The Register,* London, July, 1857.

THE grand aim of the enemies of the Church is to brand and blacken the character of her clergy. In every age and every country, the chief weapon of her foes has been calumny, and their object not only to make her priests and her prelates odious to those who are without her fold, but to estrange from them the affections of their flocks. For this purpose they have always been eager to avail themselves of the jealousies and enmities which unhappily arise within her pale, to aggravate them by interposing as arbiters of disputes, and eagerly to seize any opportunities, in which malice or disappointed ambition might dispose her children to disobey the apostolic injunction and appeal to unbelievers to settle their quarrels with their clergy, or even to coerce their spiritual superiors by the arms of the civil power. It is an old policy, this. It led bad Catholics to sacrifice St. Thomas and support the Royal Supremacy. And it has found in our own times most powerful agencies in those political inquisitions,

select committees of the House of Commons. It is a policy which led to the Mortmain Committee. And it led to the Mayo Committee. It is the policy of Exeter Hall, and it is a policy which has always been favoured at Westminster.

There was a close, though occult, connection between the Mayo Committee and Exeter Hall. The leading counsel on behalf of the petitioner is a leading man in Exeter Hall. He is also one of the Committee of the "Irish Church Mission" Society, which rejoices in the patronage of the Earl of Roden and the Earl of Shaftesbury, the "Bishop" of Tuam, and Mr. Justice Jackson, and our old friends, Mr. Napier and Mr. G. A. Hamilton. Last year's report of the "Irish Church Mission Society" teems with a bigotry, blasphemy, and absurdity which goes beyond all conception; nor is this to be wondered at when we glance at the names of the "committee" under whose auspices it was drawn up. It is especially marked by bitter hatred of "Dr. M'Hale" and "Dr. Cullen," as those illustrious ecclesiastics are irreverently called, and informs us that they have "very recently been induced to concede to the people the publication of the Scriptures in English," while at the same time we are warned that this is only an apparent concession, for "that no Roman Catholic is allowed to read the Scriptures without the special permission of the Bishop."

The pious missionaries who have done such good in Ireland during the last few years, are called the "emissaries of Dr. M'Hale," a description of them, which, we venture to say will flatter that Most Rev. Prelate; but which in its phraseology rather reminds us of the frantic language used last session in the House of Lords by that Solomon, Lord Abinger, and that Solon the Marquis of Westmeath.

It is not then to be wondered at that the proceedings before the "Committee" on the Mayo election should have savoured of the spirit of this "Committee" of the Irish Church Mission. It was observed by a shrewd Protestant that the Counsel conducted the case very much in the spirit of Exeter Hall. He was right, however; for the promoters were of that spirit, and the expenses may have been paid out of the subscriptions of the bulk of the members of the "Committee" for "Missions" to the "Roman Catholics." The object also

was the same ; it was to cripple if possible the power of the clergy, and obstruct the progress of the Church in Ireland. The *means* resorted to were also the same ; unscrupulous calumny and truculent insolence. In the Report of the Irish Church Mission, and the Report of the Mayo Committee, the illustrious name of " Dr. M'Hale " will be found to have the same prominence, and to have been introduced in the same bitter and bigoted spirit. The " Committee of the Irish Church Mission " would gladly, if they could, drag up " Dr. M'Hale " before them, to be browbeaten and badgered, bullied and baited, but that is happily beyond their power. No matter. An election committee would afford the same opportunity, and a member of the Committee of the Irish Church Mission could be retained as counsel to conduct the proceedings. By this means the delights of the priest-hunting age could in some measure be revived, and an archbishop, if not murdered, might at least be reviled, insulted, and maligned. The rancour of baffled bigotry could thus wreak a miserable revenge upon the great prelate who for a good part of half a century had, under Providence, upheld the faith and piety of the West. The plot succeeded in a certain sense, but, oh, how it has recoiled upon its inventors ! They had the Archbishop, no doubt ; but they found too late that *he had them*. Not merely were they foiled in their scheme of implicating his Grace and his clergy in what they dared to call a conspiracy, but they gave the great Archbishop an opportunity, on a finer field and a loftier arena than he could otherwise have enjoyed, of vindicating the civil rights and the sacred character of the Catholic clergy.

It was quite in harmony with the tactics of Exeter Hall when the Counsel tried to mislead a Catholic prelate into bad casuistry ; and equally so when he sought with wretched taste to insinuate that the venerable prelate had tampered with his oath and paltered with the truth. Did not that same Counsel once make a speech at Exeter Hall in which he declared that Catholics were taught that they might swear falsely when it was in favour of their Church ? It seemed to us that the Counsel was acting as a member of the Committee of the Irish Church Mission ; as much as if he had been sitting on the Committee at Exeter Hall. Not so however ; as in the one case he would have had Protestant supporters only ; whereas in the other he was the advocate of a *Catholic* ! but a *Catholic*

who could sit by silently sanctioning the bigotries of his counsel. It was an edifying spectacle. It is delightful to be "liberal" and "enlightened." It must have been pleasant for the secret promoters of the affair. Pleasant to Lord Shaftesbury, the spiritual director of the first minister; pleasant to Mr. Cowper, his step-son, and another of the Committee of the "Irish Church Missions;" pleasant to Messrs. Hayter and Horsman, who were so constantly in attendance, and had consultations with the petitioner's counsel; pleasant to most of the Committee, though they veiled their satisfaction under a thin disguise of courtesy. The tribunal on the whole was favourable for the purpose of the petition and its promoters. They were all supporters of Lord Palmerston, except Col. North, a gentleman of such violent prejudices against the priests, that they were betrayed continually in a manner almost amusing. There was Mr. Puller, a Hertfordshire member, a ministerialist, and associate of Mr. Cowper. There was Mr. Tomline, the nephew of a Protestant Bishop. No doubt Sir J. Hanmer and Mr. Scholefield were as fair as Protestants and Palmerstonians could be; the wonder is they were *so fair* as they were, although bystanders questioned the justice of some of their decisions, if not their intention to do justice. But the worst of prejudice is, that it is fatal to justice. And it is the business of the "Irish Church Mission," and all kindred societies, to keep up prejudice. That being so, the Counsel, who was a member of that society, was quite in his place before the Mayo Committee. Their object was to blacken the character of the Irish Catholic clergy. It is curious to see how similar is the tone and spirit of the "Irish Church Mission Report" to that of the petitioner's case. Thus the Report states "that attempts were made by the priests to stir up the passions of the people;" though a more candid "missioner" says that there were no violent measures, except that "occasionally a few boys and girls manifest their disapprobation by groaning, &c. in other respects much quiet prevails:" which might serve for a description of the Mayo election. The priests, it appears, "complain that the missionaries" (of Mr. O'Malley, Mr. Cowper, and Lord Shaftesbury) "lay snares to catch the simple people, and so soon as the missionaries commence operations, the priest immediately sounds the trumpet of alarm from the altar;" here we see "altar denunciations,"

of which we heard so much before the Mayo Committee. The object of the promoters of that Committee was clearly akin to that of the Irish Church Mission Society. There is one sentence in the Report which has a curious significance. "We must not forget that Judas betrayed his master with a kiss." The framers of the "Report" apply this, in their own peculiar way, to the *Redemptorists*, as being emissaries of Dr. M'Hale. Whether it might not have a better application to some of the parties concerned in the Mayo Committee, we leave it to our readers to judge. But, oh! the fatuity of bigotry! That which was meant as a blow has been turned into a benefit. And the charge of "conspiracy" has resulted in a grand testimony for liberty.

In support of our view of the case it must be borne in mind that the counsel who was employed against Cardinal Wiseman in certain actions brought against him under the auspices of Exeter Hall, was now, with the able aid of Mr. O'Malley, enlisted to support the grand attack against the Archbishop of Tuam and his clergy. The charge was one of conspiracy. That is, a combination to effect a lawful object (for of course the return of Mr. Moore was lawful *per se*) by unlawful means; to wit, violence and intimidation. The indictment was contained in the petition of the unsuccessful candidate, Colonel Higgins. It charged the clergy with having *administered oaths* to the people, binding them to vote for Mr. Moore. It charged them with having *denounced from the altar* such as should vote against him. It charged them wholesale with the encouraging the people to acts of violence and outrage, and with the undue use of their sacred spiritual influence to coerce the electors to vote contrary to their consciences.

We cannot make it too plain that we altogether disclaim any intention to give any sanction or approbation direct or indirect to any undue priestly interference at elections. We deeply deplore the unhappy state of affairs in Ireland out of which the necessity for any interference of any priests has arisen; and we are well assured that many of those who appear most prominent in the ranks of clerical politics, cordially join with us in this feeling of regret. Much more earnestly do we repudiate the idea of justifying or even palliating the use of what are called "Altar denunciations," or the practice of investing with the solemn character of religion the struggle for rights and principles,

which, however just in themselves, are yet clearly separable from that sacred cause. We shall not however enter into these general questions. We propose to confine ourselves exclusively to the case now before us, and to show, by a comparison of the facts elicited in evidence before the committee, with the allegations made by the accusers of the priestly party, and reiterated since the Report without a hint of doubt or uncertainty, the habitual injustice of the public mind of England in all that concerns Catholics, or Catholic interests, and its readiness to accept as certain any charge, no matter how entirely unsustained. In truth, so far as we may have any bias in our conduct of the inquiry, it is against the politics of Mr. Moore.

We may be sure that such a case as that of the Mayo Election would lose nothing in the hands of parties so prejudiced as the promoters of the Petition. Their leading Counsel accordingly opened their case in the most truculent manner. He said he was preferring a series of high crimes and misdemeanors against prelates and priests. He implicated not only the Archbishop, but the Bishops of the Province and their clergy. He charged the whole body of them with having entered into an organised conspiracy with Mr. Moore to compel the electors, by the *means stated*, to return Mr. Moore. And thus he proposed not merely to fix particular priests with the unlawful acts alleged, but to impute to the whole body of the prelates and priests, the discredit of those acts, by charging a conspiracy of which those acts were to be the means employed. Particular priests, as the Rev. Father Conway, and the Rev. Father Reynolds, were charged with particular acts of outrage; as heading mobs, and administering oaths, or uttering denunciations from the altar. But these were only the *overt acts* of the conspiracy which was charged; and which, it was alleged, made these not mere isolated acts of individuals, but the acts of the entire body of the priests and prelates.

This is the nature (said the counsel for the petition) of the crime of conspiracy. It fixes every party implicated in it with the responsibility of all the acts committed in pursuance of it. We accept the definition, which will have however, as we shall see, a very different *application* to what was intended. We shall see what was the conspiracy, and who were the conspirators. The petitioner

aimed the charge at the supporters of Mr. Moore. We shall show that it might more justly be applied to the Exeter Hall supporters of the petition. It was from policy not less than bigotry that they made the charge of conspiracy. They widened the range of their charge to suit the loose and weak character of their case. Isolated instances of violence will not avoid an election. The violence must be such as substantially affected the result. Rioting, even with bloodshed, has been held not to avoid an election, where the result has not been affected; and the member is not implicated. There was no chance of upsetting the election on such a ground. The cases were too strong and clear; the precedents too decisive. Their own evidence was that there never had been so quiet an election for Mayo. The Committee observed that the proportion of electors polled was *very great*. The majority was too large to be broken down by a few isolated instances. Even an Exeter Hall Committee must have some plausible pretext for unseating Mr. Moore. They could not have it, as the promoters of the petition perceived, merely on the score of riot or of violence. They resorted to the Corrupt Practices at Election Act. And there they found all they wanted. It was as though it had been passed to suit their purpose and to meet their case. *Perhaps it was*. Its easiness of adaptation, and the loose scope it allowed to expansiveness of construction and elasticity of conscience, made it invaluable; for it left all to mere opinion. That statute avoids an election at which the member has, *by his agents*, been guilty of "undue influence." The phrase "undue influence," is not merely large and loose, it is elastic and expansive, and capable of receiving a sound Protestant construction. Imagine a jury of Exeter Hall people empanelled to decide what "influence" on the part of "popish priests" was "undue!" The phrase is indeed an old one, and well known to the law. When Locke wrote of it, he instanced the use of the force or the influence of the State to govern returns of members: and Blackstone, citing Locke, gives two illustrations of undue influence in elections: the presence of the military, and the exercise of influence belonging to officials under Government. Curiously enough, the only instances of "undue influence" of the kind, which were elicited in the course of the Mayo Committee, were cases in which it were exercised in favour of the *petitioner* and

by the High Sheriff. The military were, it was in evidence, repeatedly called out without reason; and a stamp distributor was spoken to by the Sheriff to induce him to vote for Higgins. Undue influence, in such a sense, has a plain and intelligible impact.

The phrase "undue influence" however, has been employed in a much wider and looser sense when applied to moral or spiritual influence, apart from any appeal to present interests or bodily apprehension. It is in this sense it is used when intended to denote such influence as avoids a will made to the prejudice of relations. It has been always understood to mean something unfair or improper; but of this it is obviously impossible to give any definition, and hence, in this sense, the phrase is almost arbitrary, and depends for its meaning on individual opinion. This has been often exemplified in cases of wills, under which Catholic clergymen have taken bequests for pious uses. In one case, Lord Hardwick defined undue influence to be good influence unfairly used; but this of course would leave it all open and uncertain what was an unfair use. In the case of General Yorke, who left his property to his groom, that eminent lawyer, Mr. Justice Chauce, said he hardly knew what undue influence was. In the case of *Middleton, v. Sberbern*, the late Lord Abinger said, "every man makes his will under some influence;" but he went on to argue himself into the belief that a priest's influence in favour of his Church must be undue. He said, "a confessor has the highest species of influence; and it may be fraudulently used." Here however, is the deliberate judgment of that distinguished judge: "Mere influence is not enough to set aside a will. All wills are made under some kind of influence; the influence of affection or attachment, which is perfectly legitimate. The question is as to the degree of influence. It must be such a *degree of influence as deprives the testator of the power of being the proper master of his own faculties*. I can conceive a case of a man of very strong mind" (query not of strong mind?) "being under the influence of such a superstitious terror, a delusion, as that he might think it necessary to his salvation, that he should give all his money to his priest or confessor." A lively exercise of imagination on the part of a very unimaginative lawyer. But nothing quickens the imaginative powers so much as prejudice. Yet on the whole

we do not quarrel with Lord Abinger's definition, however we may dislike his illustration. "If that were clearly established, and a jury found such a degree of delusion as to deprive a man of the exercise of his free judgment on what he was doing, it would be sufficient to destroy the will." Now this was a tolerably fair definition; and let it be observed what Lord Abinger took care to add, that in that case the priest was the confessor of the testator.

Taking "undue influence" then, when neither the exercise of force, nor of illicit and corrupt inducement, to be the exercise of such spiritual influence as deprives a man, through superstitious terror of the power of free judgment, what was it necessary to show in order to support the charge contained in the Mayo petition? That the priests, by denunciations from the altar, or by the administration of oaths, deprived voters of the power of exercising their judgment. And that they did this as agents of Mr. Moore, or in conspiracy with him. But as they clearly were not employed as his agents, it was necessary to prove him and them parties to a conspiracy to secure his return by the exercise of such undue influence. For a conspiracy means a combination to effect an object by unlawful means. And these were the unlawful means alleged to have been employed.

Now the fundamental defect, or rather the essential rottenness and worthlessness of the petitioner's case lay in this; that even assuming the overt acts charged on a few priests accused, there was not a vestige or trace of evidence to establish any conspiracy or preconceived combination, to carry the election by such means. Assuming everything alleged against the priests, it was consistent with the evidence that they were merely the casual results of the excitement of the moment; and not an atom of evidence was there that they were owing to any previous concert or arrangement.

It was, indeed, shown that the Archbishop, the Bishops, and some of the clergy, had agreed to support Mr. Moore and oppose Colonel Higgins. But as the latter himself had, in 1852, applied for and obtained the same support, it did not lie in his mouth to deny their right to support or oppose any candidate they pleased, by constitutional means. Their resolution to support Mr. Moore, could not be taken as implying unlawful means. Some of them were electors, and even as to such of them as were not,

the statesmen who oppose the Ballot, comprising the leading men of both parties, strenuously maintain the right of non-electors to exercise moral influence over the electors. It is one of their great arguments against the Ballot that it would tend to remove the electors from this moral control. For the Bishops and clergy then to declare their intention to support a candidate, and exhort the electors to do so, as it was in itself a perfectly constitutional act, so it could not imply an intention to act unlawfully. Nor was the evidence merely negative. The Archbishop had issued a Pastoral on the eve of the election, denouncing violence, and inculcating peace. And, as to Mr. Moore, he stated that he had made no previous arrangement with the Bishops or clergy; and relying on their support, and certain of his re-election, did not enter the county until the day of nomination. Assuming then, the improper acts alleged, and assuming that all the Bishops and clergy had agreed to support Mr. Moore, where was the evidence of a conspiracy between the Archbishop and Bishops, the clergy and Mr. Moore, to return him by such means?

Without such evidence of conspiracy, he would not be liable for any acts of priests; for the statute required that the undue influence should be exercised by him, or by his agents. And the priests were not his agents by actual employment, as a fact. If they were so at all, it could only be by that species of implied agency which results from a conspiracy; which makes each conspirator the agent of all the rest. If there was no conspiracy there was no agency. And where was the conspiracy? That is, where was the previous concert between all the parties, Bishops, priests, and candidate, to carry his election by undue influence; that is, by spiritual menaces, and superstitious terrors? There was not an atom of evidence of anything approaching to it.

There was no evidence of anything at all amounting to any previous concert as to the mode of acting, lawful or unlawful. There was no evidence of any previous agreement, except to support Mr. Moore. There was no evidence of any previous act, except the issuing of the Archbishop's Pastoral in favour of peace. The case of the petitioner, therefore, amounted to this, even assuming it to be true. There were one or two instances of undue influence on the part of the priests; there was a general

agreement among the clergy to support Mr. Moore; ergo there was a conspiracy to do so by means of undue influence. Is it not monstrous that a committee should have gravely sat to listen to such a case?

It would not, however, be doing justice to the petitioner's counsel (among whom we may almost include the most active of the members of the Committee) if we did not mention the mode in which they attempted to bolster up their case, and cure this essential vice in it. Having done what they could to prove instances of undue influence on the part of certain priests, they then called the Archbishop of Tuam, in the hope of being enabled to extract from his Grace evidence to implicate himself and his clergy in a conspiracy, of which these instances might then be taken as the overt acts. And as they knew they could not tax his Grace with any previous concert, to give a colour to such a charge, they sought to prop it up by some loose suggestions of a subsequent ratification, to be inferred from the absence of any express repudiation or reprehension. This of course implied that his Grace was aware of such conduct having taken place on the part of any of his clergy. But he could not be aware of it if it never occurred. And his answer, as we shall see, was that it had never been brought to his knowledge. Everything, therefore, entirely depended on the degree in which the alleged acts of improper influence had been established. And how had it been attempted to establish them? and what did the evidence amount to?

The petitioner's counsel charged that *several priests* denounced Colonel Higgins and his supporters from the altar; and particularly mentioned two cases by name, The Rev. Father Conway, he said, had not only at Ballinrobe denounced Colonel Higgins from the altar, but put himself at the head of an excited and furious mob, which attacked the voters, and had locked up voters in his house who were supporters of the Colonel, and who were taken to the poll and compelled to vote for Moore, and others he had sworn on the Breviary(!) not to vote for Higgins. In Claremorris he stated that the people, *while at mass, rushed out, with the Rev. Father Reynolds at their head, and cruelly used the voters.* Now will the reader believe that in support of this grave charge against Father Reynolds, *not an atom of evidence was offered:*

This is an instance of the reckless and unscrupulous manner in which these charges were made.

Against the Rev. Father Ryan, however, there was a charge similar to that against Father Conway, and these are the two priests who are now singled out for prosecution. These, then, were the two great cases. And what did they amount to? Let us see. But before we do so it is necessary to consider for a moment the peculiar position of the county voters in Ireland. For the most part they are Catholics, and they are tenant farmers. It is not to be doubted that their wishes must be in favour of him they fancy the most earnest champion of their own Church and of their own cause; and on this occasion, certainly, Mr. Moore was the independent candidate, his opponent being the representative of the government and of the landlords. No one can seriously question that in such a case the real wishes and sympathies of the tenants would be in favour of the popular candidate. But, as tenants, they are in the power of their landlords. This is the effect of their mutual relations. And it is far more powerful than it would be in England, where, at all events, there is no such difference of religion between landlords and tenants, as for the most part exists in Ireland, and where the most illiberal party-policy never assumes the aspect of an antagonism to the faith and worship, the eternal not less than the temporal interests of the tenantry. The state of things in Ireland, therefore, is altogether abnormal. For the tenantry on the one hand, are in spirit and in feeling, in most violent antagonism to their landlords, and, on the other hand, are to a great extent in their power. The result is peculiar; the Irish voters are as much as possible cooped up and carried to the poll by their landlords, to prevent their being encouraged by non-electors to assert their liberty; and the voters themselves, earnestly desiring to be rescued from this thralldom, without, if possible, openly breaking with their landlords, look out for, and are glad of the least appearance of violence or coercion upon them, which may afford them a pretext for exercising, on the score of compulsion, their voting in favour of the candidate who has their secret sympathies. And those who support the popular candidate, often in order to protect the voters from the agents or the influence of the landlords, collect them together in small parties, and lock them up, not to prevent them going out, but with the double object

of affording them the desired excuse for not allowing themselves to be carried to the poll by their landlords; and of preventing the landlords' agents from getting at them for that purpose. Thus, the Irish voters are often obliged to practise a sort of double dealing in order to evade the coercion of their landlords: and, of course, when detected by their landlords, it may naturally happen in some instances that they are tempted to turn round upon those persons, priests, or others, who have afforded them protection under the guise of compulsion, and to impute to them, in order to excuse themselves to their landlords, the reality of a coercion which was in fact only assumed and collusive. Hence it happened, that most of the evidence before the Mayo Committee partook of that peculiarly perilous character, that often, while true in its literal terms, it was false in its real effect, and its art and wickedness lay in withholding that which would give the facts their true colour. And, again, it explains the indignation of priests and people, at seeing groups of voters carried up to the poll by the landlords' agents, well knowing that every man is voting under compulsion and against his own wishes and convictions. It also accounts for that which is very usual in Ireland, landlords' agents taking voters to the poll under military escort, the real meaning of which is, that it is to prevent the people from rescuing the voters and setting them at liberty to vote as they please!

Now, with these remarks let us look at the evidence as regards the Rev. Father Conway's conduct at Ballinrobe. We do not write as the apologists of Father Conway, nor are we to be regarded either as adopting his views or as defending all the various proceedings into which, in the excitement of an election contest, he may possibly have been betrayed. Some of these matters are beyond our knowledge; on others, our sympathies are far from falling in with the opinions of Father Conway; but they are all beside our purpose. That purpose, we repeat, is not to deal with the case of Father Conway as *it may have been in itself*, but with his case as it *appeared in evidence before the Committee*.

It appears then that one Rutledge was taking some voters to the poll with a military escort; we use the very language of the witness Prendergast, a retired attorney, who doubtless, as well as Rutledge, was a landlords' agent. Well, the people were very naturally excited. But, what about Mr.

Conway? All the witnesses for the petitioner stated he was there. But what was he doing or saying? Prendergast swore that he heard him say, (in *Irish*), "May the curse of God be upon any man who voted for Higgins." Joseph Burke, a supporter of Colonel Higgins, stated he saw Mr. Conway "on a wall," "putting his hand to a stone." Mark, on cross-examination the witness said, "he did not take it up;" and it is consistent with the terms employed, that the priest merely put his hand on a stone in getting upon or holding on the wall; while the impression conveyed by the witness before he was exposed to the crucible of cross-examination, was that he was going to throw the stone. Letting that pass, this witness stated that he heard Father Conway speak, but did not hear what he said. Now, come to a more important witness, Conor, a police constable, he states that he heard Father Conway say to the people, "Don't violate the law;" which may have been the reason why Joseph Burke could not state what he said. So far as this part of the evidence is concerned, the case against Father Conway rested *entirely on the testimony of the retired attorney, which is inconsistent with the evidence of another and more important witness, the police officer*, and is in no way supported by the third witness. We may add that all the party of voters were carried up to the poll for Higgins.

Now, take another scene, that of the violence supposed to have been done to old Mr. Burke. This was just outside the town, on the same day. Mr. John Burke, the old gentleman's son, and the brother of Joseph Burke, the witness above referred to, stated that the mob seized his father—that the Rev. Father Conway was among them, and that when appealed to by the witness, he said, "I cannot prevent it." The witness, however, went on to state, that after his father had been ill-treated, "Conway took my father out of the hands of the mob, and placed him on a car." The witness added, "I have no doubt that Conway had power to control the mob. I said that he ought to let us go home. He said, 'I will take care of you.' My father asked the mob what they wanted with him? and they said, 'Not to vote for Higgins.' Conway said it would be folly to go into the town, even with an escort. My father said, 'Let me go home, and I will not vote for Higgins.' Conway then said to the mob, 'Well, let him go home boys, he has promised not to vote for

Higgins.'” Cross examined, the witness was obliged to admit that his father promised this *without Conway's suggesting it*; and that he took his father a good distance home in a car, and *shook hands with father and son on parting*. Now, is it not clear what was the truth of the matter? The mob were in an excited state; the priest did his utmost to screen the two voters from their violence; ultimately rescued them, and saw them in safety on their way home. And his reward was, that the very men he had rescued, afterwards came forward to give evidence which has branded his character (among those who know him not, or who either want the ability or the impartiality narrowly to scan the evidence) as an abettor of violence and outrage.

But then there was the evidence of Mr. French, as to what Father Conway is supposed to have said in the chapel on a Sunday. “After eulogizing Mr. Moore, he said, but as for Higgins he is the most consummate scoundrel that ever lived. He has deceived you on every point—every promise he has made he broke. He has sold his country, his body, his soul, and yet he now has the presumption to ask your support. The curse of God will follow every man who gives it to him.” “This,” said the witness, “was spoken immediately after the communion, and before the mass was concluded.” Now, is this true? As to its *probability* we need say nothing, our readers can judge. It was contradicted in all that was material, by Mr. Martin, a magistrate of twenty-five years standing, whose evidence we give entire.

“I live within three miles of Ballinrobe, where I attend chapel, being a Roman Catholic. Father Conway usually officiates. On the day before the polling I was present, and he spoke from the altar to the flock of the coming election. He read the Bishop's Pastoral. He asked the people to pay attention to the recommendation of the Bishop, that the town was filled with police and military, who were commanded by persons hostile to the people. He spoke of the magistrates, and he added that if there were anything like turmoil these men would only be too happy to have an opportunity of shooting the people. I did not hear him call Higgins a ‘consummate scoundrel.’ He spoke in English, but he said a few words in Irish. I speak that language. He certainly said that he (Colonel Higgins) sold his country. He began to speak of Catholic landlords, who locked up their tenants, and did not let them go to Mass that day, and he hoped the curse of God would

not come down upon them for so doing." In answer to Sir J. Hammer:—"Did he make a similar observation as to the people voting for Colonel Higgins? Well, I think not; there is something floating in my recollection; but I am sure it applied to the landlords for not having let the people go to Mass." The witness added:—"I hated and detested altar denunciation from what occurred on former occasions, and therefore I *paid most particular attention to it.*"

The witness was severely cross-examined by Mr. James, and candidly allowed that he could not undertake to give the precise expressions used; but we will make it clear from other evidence for the petitioner, from the evidence of the petitioner's own agent, that what Father Conway referred to in using the words about the curse of God was, "the leading the voters to commit mortal sin, by neglecting to attend mass on Sunday." Mr. Griffin, an attorney, agent for Colonel Higgins, stated that on this same Sunday, the 5th of April, there were voters at an hotel, tenants of Lady De Clifford, a supporter of the Colonel. It is sufficiently clear what they were there for, and that they were cooped, for the witness stated that Father Conway came there asking them to go to mass. "I (said the witness) told him it was a mere pretext!" We should state that Mr. Griffin professes to be a Catholic. This answer did not satisfy the priest, who still urged the voters to come to mass; whereupon this Catholic gentleman told the priest he was a trespasser, warned him to be off, and actually threatened an appeal to a magistrate. "Before I could get rid of Conway I had to go to a magistrate, and in consequence of his remonstrances Conway went away." Now, after this, have our readers any doubt that Mr. Martin's version of Father Conway's observations is the correct one, and that he denounced God's anger against those who for their own purposes, led the people into mortal sin and kept them from attending the adorable sacrifice on Sunday? We may add, that it appeared from more than one of the witnesses, that since they had been seduced away by the landlords' agents, they had ceased attending mass altogether; one man said he had not been to mass since the election.

Well, now, we have gone through the whole of the evidence as regards Father Conway, at least so far as regards anything unlawful; for we will not condescend to review the frivolous charges as to his having been noisy in the court-

house, or active in canvassing; all this (if true) was perfectly immaterial; we have confined ourselves to the evidence on the grave charge of undue influence. How say you, reader, guilty, or not guilty? was it the fact that the reverend gentleman had denounced from the altar those who merely voted for Higgins? Was it the fact that he (to use the language of one of their Counsel) hounded on the mob to violence and outrage? or is not the truth rather thus, that while zealous on behalf of what he deemed the right candidate and the good cause, (as he had a right to be), and also zealous for God's glory, (as he was bound to be), he was also anxious to prevent violence or outrage on the one side, or illegal coercion on the other?

Next as to the Rev. Father Ryan, the other of the two priests selected for prosecution by the House of Commons. His was the other of the two cases singled out as illustrating the system of "undue influence" pursued by the Mayo priests. What does it come to? One M'Laughlan, a *Catholic*, stated that he had attended chapel at Kilmena, an archbishop's parish, where the Rev. Luke Ryan was the archbishop's administrator, and on Sunday, the 22nd March, the priest read from the altar a list of all the freeholders in the parish, commenting on every name, and applying such epithets as "traitor," "black-leg," and "black-sheep," to every one likely to vote for Higgins. He said Higgins had sold his country, and added, "if the devil himself came up, I would sooner vote for him than for Higgins." He struck the altar with his hands as he said this.

"Sunday the 29th of March, he (witness) said I was again at Mass at the chapel at Kilmena, when Father Ryan said the curse of God would come on any one who voted against his country and for Higgins. He also said that he would not give the rites of the church to any one who so voted; that he would neither give them confession nor the Sacrament, but they should go to the Archbishop. He added that it was the Archbishop's own parish, and the Archbishop expected them to do their duty. He further desired that the parishioners generally would keep their eyes on the freeholders, and said that he would brand the voters of Higgins, and he hoped the congregation would not speak to them. On the following Sunday, the 5th of April, the day before the polling, Father Ryan asked the congregation whether the Derby Priest (*i. e.*, one of the Plymouth brethren) had given Mass to Higgins's voters who had been taken to Newport, and

called upon the wives and daughters of those voters to go and bring them back. Father Ryan was at Castlebar; he stood at the booth and shook his hand at Higgins's voters as they went up to poll, and called them "traitors." On the Sunday after the election, Father Ryan desired those black sheep who had voted for Higgins not to dare to give him any Easter dues. On the following Sunday he mentioned the name of a voter who had supported Higgins, and said he should not attend that Mass-house. On Sunday, June 14, he said also in the chapel that there were three spies, or jackdaws, watching him, and taking down everything he said, and that some one had been served with a Speaker's warrant to give evidence against him. He cautioned the people against committing perjury, adding that he was afraid any one going such a distance would not stop at an oath; but he was out of their power, having said nothing of any consequence before the election."

We here give the Times report:

"On cross-examination, the witness said he had gone to the chapel on every Sunday from the 15th of March until the time of his leaving Ireland. The witness said he had made notes of what he had heard at the chapel. He was subjected (said the *Register*) to a long cross-examination on this point: the whole of which was omitted in the *Times* report: and in which the witness hesitated for ten minutes as to whether he had taken notes, and of what: and what he had done with them," &c., &c.*

* We may here quote the following from the *Register*:—"We have hitherto delayed giving any report of the proceedings before the Committee, because we desired to wait to see how far the wholesale accusations made in the opening speech for the petitioner were at all sustained in the evidence: and also how far the evidence for the petition appeared worthy of credibility. We thought it best to take this course before giving currency to the most serious charges against a large body of the Catholic Clergy, while those charges rested on *ex parte* statements. We have, meantime, secured the services of a barrister, experienced as a reporter in Courts of Justice, and Election Committees, to watch the evidence carefully, and also to watch the reports which appeared of it in the daily press. That gentleman assures us that up to the present time (nearly the close of the petitioner's case) the evidence by no means supports the statements made in the opening of the petitioner's case, and that the evidence has been to a great extent unworthy of credibility, and broke down on cross examination. Moreover, he assures us that the reports which have appeared in the daily papers, of the evidence for the petitioner, have been most unfair, the most damaging cross-examination being suppressed." To those who

Such, then, was the statement of M'Laughlin. And it formed the whole of the evidence against Father Ryan. That is our first observation. In the next place, it is apparent upon the face of this evidence (from a passage we have marked in it,) that, what Father Ryan was denouncing at the altar on the Sunday, the 5th April, was the keeping "cooped" voters from going to mass on that day. Then, as to his alleged threat to withhold the sacraments from those who voted for Higgins,—do our readers believe it? We will give two or three good reasons for disbelieving it. First, only one person, and he a partisan of Higgins, was called to prove it: out of all the multitude who must have heard it, if it had been said, and that solitary witness hesitated so much as to whether he had taken any notes at the time, or whether he had any notes, and if so, what they were, and where they were, and why they were not in his pocket, and whether they supported his statement, that the gentleman who attended to watch the case for the *Register*, felt it impossible to place confidence in the evidence, and the *Times* thought it prudent to suppress the cross-examination. And then, further, there is this reason to disbelieve the evidence as to the alleged "altar denunciations" of Father Conway or Father Ryan, that it appeared from the Archbishop himself, that the supporters of Colonel Higgins (himself a Catholic) had never complained to his Grace of that conduct, which Catholics were brought forward to prove against Catholic priests. Surely this is of itself sufficient to stamp the petitioner's case with suspicion, even as regards its *credibility*. For had he offered to prove these alleged altar denunciations, (of which, as we shall see his Grace declared that he disapproved,) whether the Archbishop heard the charges or not (and who can doubt that he would have heard them, and far more fairly than the Committee heard them,) the petitioner's case would have been strengthened; supposing the charges true; for, if proved, and followed, as they would have been (so the Archbishop himself declared) by condign reprehension, the petitioner's case against the clergy would have been conclusively established; and if, having been

have derived their idea of the case from the *Times*' report, this is very important,—we may add that the writer of this article heard the evidence before the Committee.

proved, the Archbishop had refused to reprehend the priests implicated, then the petitioner's case would have been most serious against his Grace. Why then was his Grace not appealed to? Obviously because it was known that false charges would be sifted and fairly tried, and that any misconduct on the part of the priests would be disclaimed and disapproved of by the Archbishop. And the promoters of the petition desired to deprive the accused priests of the benefit of a fair trial, and to deprive the Archbishop of the credit of giving it; and they proposed to rest their case on the feeblest evidence, relying on the *prejudices* of the Committee to eke out an unproved case.

Let it be observed that there was strong general evidence in favour of the accused clergymen. Thus, Colonel Moore, Sir R. Blosse, and Lord J. Browne, all Protestants, who had been at Ballinrobe, declared that they saw nothing in the conduct of the Catholic clergy violent or intimidating, and they stated this particularly of Father Conway. Thus, then, all the impartial evidence was in favour of the accused priests; the particular evidence against them, was of solitary witnesses, evidence partial, suspicious, and unsupported.

We have concentrated attention on the cases of Father Conway and Father Ryan, because they were the only cases considered by the Committee worth selecting for prosecution. They are therefore deemed the strong cases. If they break down, and turn out to be worthless, we may easily judge of the rest.

Nevertheless, of the rest we will just give a specimen or two to let our readers judge what *rubbish* they were. One Moran and two other voters, called Tighe and Langdon, swore that, while being taken to the poll, with other voters, on cars, escorted by dragoons, being met by Father Conway and a mob, they the witnesses got off the cars, and were running away, when the mob took them, and put them in Mr. Conway's kitchen! The witnesses all stated, however, that they got away again, and voted for Moore and *Higgins*. And when asked by the priest to plump for Moore, the answer is remarkable, "*We must vote for our master!*" Not asserting that they wished to vote for Higgins, not asserting any opinion of their own, but only their landlords. Now, is it not obvious that the simple explanation of this recital we have already suggested, that

the sympathies of the small tenantry were with the popular candidate, but that they feared to vote against their landlords, and thus were glad of the least appearance of violence to run away from the protection (?) of their escort, and rejoiced at a little pretended compulsion, to excuse themselves to their landlords for exercising to any extent their freedom of opinion? These men were being brought up to plump for Higgins. They took the first opportunity of running away from the armed escort. They allowed themselves very readily to be put in the priest's kitchen, for security from the landlords' agents, went away when they pleased, and were extremely happy to compound between their consciences and their interests, by voting for Moore and Higgins. A similar case was that of Connor, who swore that the Rev. Mr. Cahill threatened him that if he did not vote for Moore he would be denounced. What did the voter say? That he must vote with his landlord, and that if he were denounced by the priest he would "take an action against him." As a case of intimidation was not this absurd? unless indeed it was intimidation on the priest. Is it not ridiculous to talk of "undue influence" exercised to induce a man to vote in accordance with his own opinion and feeling?

For there lay the radical vice of the petitioner's case. Assuming all that he *tried* to prove, and even all that he *said* he would prove, what did it come to but this, that the priests tried to induce the electors to vote in accordance with their own opinions? In other words the priests were trying to lead the people to exercise their *own free will*. Is it not absurd to call that undue influence? It was their landlord's influence which was "undue." They were coercing their tenants, cooping them up, and carrying them to the poll in charge of their agents, and with military escort, under the pretence, forsooth, of protecting them from the mob, the truth being that what the mob wanted to do was to *liberate* the voters from this improper control, and set them free to vote as they pleased; and the voters, it is clear, were eager to seize any opportunity of running away from the protection of the escort, and as far as they *dared*, voting in accordance with their own views. They did not dare to plump for Moore. They would not, when free, plump for Higgins. They split their votes between them, giving (as one of them said) one vote to their landlords, the other to their country. This was the

expression made use of by one of the witnesses; and we say it affords the best explanation of the history of the election, and of every Irish county election.

Now, then, the petitioner's counsel had here exhausted all their evidence of overt acts; and, (recollecting that the county of Mayo has about *eighty* priests,) it is remarkable that serious charges were attempted to be sustained against only two or three of them, that scarce half-a-dozen were alleged to have misconducted themselves at all, and that the evidence in their cases was of the most slight and slender, and we will add, the most suspicious character: having, however, exhausted the evidence of overt acts the petitioner's counsel, in order—we will not say to prove their pretended charge of conspiracy, for that they never could have really contemplated—but to envelope the case in a cloud of prejudice, insinuation, and invective, had the temerity to call the Archbishop of Tuam. We say the *temerity*, for they could have had no idea of really supporting their case by his evidence, but hoped to gratify the Protestant predilections of the Committee, by the exhibition of a Catholic archbishop exposed to their searching investigation.

A very great portion of the Archbishop's examination was devoted to the subject of the resolution to support Mr. Moore, which, as it meant a lawful and legitimate support, was purely immaterial. Then, with great art, assuming that the alleged acts of undue influence had been proved, his Grace was asked if he had not the power of suspending or censuring priests. Of course, said his Grace, for just cause. "*Suppose* a priest was convicted of causing a riot, would you have the power of suspending him?" "Yes, certainly." "*Suppose* it was proved. They tried to drag the Archbishop, either into some recognition of the undue influence alleged, or some responsibility for his not having uttered any reprehension of it.

"Have the Priests canonically the right to read out petitions from the altar without the interference of the Bishop or Archbishop? Have they a right? A great deal depends on their own discretion, and will and must to the end of time.

"Have you a right, canonically, to suspend a Priest who has denounced a candidate from the altar? I should have all the circumstances before me.

"Have you the right, all the circumstances being laid before you, and you being convinced of the fact, to suspend a Priest who

had denounced a candidate from the altar? What do you mean by denounced?

“Mr. JAMES (reading from the evidence as to Father Ryan): What would you call this, said by a Priest at the altar, standing in his vestments—‘The curse of God come down on any one voting against his country and his country’s cause, and voting for Colonel Higgins would be doing so.’ What would you call that? Do you wish to have my opinion on it?”

“I ask, do you call it a denunciation? I will give my opinion on it when I find the case come before me.

“It is before you now? No; there is an assumption of truth there which remains to be proved.

“Well, supposing it to be true, and supposing the Rev. Mr. Ryan does not contradict it? You must consider my position, that I am here as a witness, and that case, or a similar case, may come before me in my judicial capacity hereafter. Of the truth or falsehood of that I know nothing; and as it is inconvenient for a person to give an opinion in one capacity which may compromise him in another, I must beg leave to decline giving an answer except in a general way, that such conduct would be reprehensible, and I should not like it.

“If those facts were proved, would you suspend a Priest? I will answer that when all the circumstances come before me.

“Do you call that a denunciation from the altar or not? This I will tell you as my opinion, that it is prohibited by our rules and statutes to denounce any person from the altar for any cause; and I will also add that I would be as unwilling, and would regret as much, that a person should be denounced in his political capacity as any other. It is not right that a person should be denounced by name from the altar.

“Has it come to your knowledge that Colonel Higgins had been denounced from the altar in many of your chapels that day? No it has not in my official capacity.

“Has it come to your knowledge as ‘John M’Hale?’ It may have been bruted about in conversation or mentioned in the newspapers, but it was not laid before me in my judicial capacity.

“Has it come to your knowledge as ‘John M’Hale?’ Not in any way that I should take cognisance of it. I have not suspended any Priest since the election. No complaint has been made to me. When any one makes one, I shall investigate it, and judge also impartially; but I have no notion of listening to mere rumour, or to the statements that may have been made here.

“Has not Mr. French complained to you of the Rev. Mr. Ryan’s conduct at the altar? No, he did not. He did not complain of any Priest at the altar. He made a *complaint*, but not of a Priest at the altar.”

We entreat our readers to observe that Mr. James did

not pursue the enquiry as to what *was* the complaint; but it is clear that it was *not* the complaint made before the Committee.

“Did you hear the Rev. Luke Ryan state from his altar that he would not give those who voted for Colonel Higgins Confession or the Sacrament—that they should go to the Bishop? I hear it now from you.

“Before? *Not till I read it here in London in the papers.* He is my Administrator, but there is no telegraphic communication between us, and his parish is thirty-six miles from me. I have not been in his parish since the election.”

Thus, then, the attempt either to lead the Archbishop to express approval of “altar denunciations,” or to tax him with blame for not having expressed his disapproval of them, entirely failed. For, while his Grace most distinctly declared his disapproval of them, he also stated that he had never been informed of them,—no complaint had been made to him of them;—he had but seen the stories in the newspapers: of the nature of these his Grace was well aware, and our readers can easily appreciate them, after having seen the worthlessness even of the sworn evidence adduced. The Catholic promoters of the petition preferred appealing to an Exeter Hall Committee rather than to their own Archbishop. And instead of bringing before him any complaints they might have had (but which they had not) against the conduct of any of his clergy, they resorted to a tribunal, open to every prejudice, and inspired with the most hostile feelings towards their Church, and before which they exposed one of the most venerable of her prelates to an unworthy and offensive examination. Failing to elicit anything direct, his assailants sought to embroil his Grace with the Catholic laity, or involve him in discussion on general principles; but here again they were foiled, and the attempt resulted only in a testimony for liberty.

Observe the artfulness of the next question; how it reminds one of the way in which the scribes and lawyers sought to embroil our Lord with the people!

“Do you suppose that the whole body of the Roman Catholic gentlemen in Mayo voted for Colonel Higgins in the expectation of place? [See the art of the question.] It is my firm conviction that a good Catholic—a proprietor—would scarcely support any member of parliament who is opposed, practically opposed, to

getting tenant right for the freeholders, and *practically opposed to rescinding the Titles Act*, unless he expected place or patronage; and further, if he did not, I know no reason in the world that would induce a Catholic proprietor to violate the freedom of the constitution in coercing a tenantry over whose votes he has no right whatever by the constitution; and it is very extraordinary that a good Catholic on the eve of Sunday, Friday, or Saturday, should take *away* all his tenants to a town without the opportunity of hearing Mass: but when I find those persons violating *the laws of the Church* and of freedom, I am brought to the conclusion that nothing else but a sordid desire of patronage or pelf would prompt them to violate those obvious duties. (Applause in the committee-room.)

“Colonel North: Did it come to your knowledge that any of your Clergy had acted in the way you describe these gentlemen to have acted?”

To this insinuation the Archbishop gave the following excellent answer.

“His Grace: My impression in regard to the coercion of the Catholic clergy is, that it is only the effect—as far as it is exercised—of the coercion of the gentry; and if the gentry were not to violate the laws of the country and religion in forcing the conscience of the people, you never would hear of the interference of the clergy; and in illustration I may refer you to what took place in Castlebar some ten or eleven years ago. I went to the election to propose one of the candidates, and there was a question of sacerdotal coercion, and I made a proposition, which I now repeat, and have at every election since—that a certain barrier be drawn round the hustings; that the landlords, and bailiffs, and police, and priests, and bishops, if you will, should all retire and name the candidate, and let the voters come up and vote for whom they liked, and then it would be seen on whose side the coercion lay. (Laughter and applause.)

“Mr. O'Malley: Are those the conditions on which the Catholic clergy are willing to leave the voters free? Indeed they are. At that election in Castlebar there was a man going to vote. He looked at a clergyman. The clergyman made no sign, and did nothing that could draw down on him the reprehension of any officer; but the man saw the clergyman with the book in his hand, and when he went up on the table and was asked did he take a bribe, he declared that he had, and threw down on the table £2, and brought it over to me.”

Mark the next question.

“Then the influence of the clergy is so great that the mere look made the man not vote?” Ans. “It made him refuse the bribe.”

Observe what follows;

“How did he vote—the *priests’ way*? No, but for the man to whom in his conscience he gave a preference, and whom he was induced to abandon for a sordid bribe.

“You have spoken largely in that Pastoral about the rights of conscience as distinguished from the rights of rent? Yes.

“Who has the keeping of the peasant’s conscience? The ministers of religion as far as he consults them.

“Then I understand the Pastoral by that answer. The meaning is, for the landlords to take the rent and leave the conscience of the voter to the priest? No; to leave it between himself and his God.

“And that is a right which I understand you openly and boldly to say you have a right of? What?

“Of influencing the conscience of the voter? No; but of leaving the conscience of the voter free.

“Well, that is to leave it subject to the influence of the ecclesiastical minister? Subject to the influence of religion.

“And the ministers? Yes, if they wished to consult the ministers, but the ministers will not coerce any one, nor should they.

“I understand you at all events to say that the influence which you have used is one which you are prepared to use always? Decidedly, because I am not conscious that I violated the laws of God or of the constitution. I reprehend violence—I reprehend fraud—and I reprehend intrigue even.

“Sir John Hanmer: Did your Grace intend to convey this impression, that you think the conscience of a man in civil matters ought to be in sacerdotal keeping? By no means.

“Sir John: I rather thought you meant that? No, I did not; but if a man chooses to consult a clergyman, and takes his advice, the result will then be a free vote.

“Sir John: But you did not mean that the clergyman had a prior right? Oh, by no means.

Mr. O’Malley: Do you mean to say that you do not think that the Roman Catholic peasantry ought to be guided by the clergymen? I gave my opinion that they ought to be guided by their own free will and conscience.

“Answer my question. Do you believe that the Roman Catholic peasantry ought to be guided by the clergymen in the votes which they give at an election? Your question is of a very captious kind.

“Mr. O’Malley repeated the question.

“His Grace: It is my principle that, like the Protestant peasantry, they are to follow the dictates of their own conscience.

“Answer my question.

“His Grace: If he is in doubt he cannot get a better adviser than his clergyman.

“Then, do you think he ought to be guided by the priest? No, unless in cases of doubt.

“Well, now you told us of some sort of legerdemain by which his conscience is to be—

“His Grace: I must appeal to the committee. This is most offensive, and I must refuse to answer questions so put.

“The Chairman: The Committee are of opinion that the last answer is sufficiently distinct and intelligible.

“Mr. O'Malley: I fail to see the distinctness.

“His Grace: When there is a mist before the eye it is very hard to see objects distinctly. (Laughter.)

“Colonel North: sarcastically, I think you object to the same man applying to his landlord in cases of doubt?

“His Grace: No, I did not; but (with great archness) I think he could not consult a worse casuist in cases of doubt than his landlord. (Roars of laughter.)”

His Grace went on to say:—

“There are instances where they are told that, having no leases they will be driven from their holdings unless they vote for the landlord; in that case peril and a sense of self-interest come in, and I think the prudence and humanity of a good clergyman should be exercised, and it would be very improper when he knew a poor man would so suffer to ask him to vote against his landlord; so that while he may advocate the general principles as regards the great mass of the electors, it would be wrong to ask a poor man where he knew the landlord would exercise inexorably his fancied rights and turn that man adrift on the world.”

The counsel were now thoroughly baffled and sat down. One of the members now tried his hand.

“Mr. Puller: You mentioned you issued pastorals on former occasions. Did you ever dismiss or suspend any of your clergy for using coercion or misconduct at former elections?”

To this question, which implied that there had been such coercion or misconduct, his Grace replied, No:

“*No complaints were ever made to me; and I can assure you that if one-half of what is here alleged were brought home to any clergyman, I would not fail, as I said before, to use all the authority with which I am invested to bring him to a sense of his duty, and save society from scandal.*”

The Archbishop's opinion on the general question was expressed as follows:

“Your Grace was asked whether you had been applied to by a gentleman who was a candidate; I assume you consider you have a right to express your own opinions in the county Mayo? Certainly,

and not only that, but I consider it my duty to do so, and I do express my opinions; I speak in public.

“And you express your opinion of the merits of one candidate, and, as far as you can judge, of the demerits of another? Not only that, but if an election were to occur to-morrow, I should deem it my duty to do the same thing, because I look on it as a question of morality, and not mere politics. I believe that the selecting worthy persons to fill important offices is a moral question, involving serious responsibilities with regard to the public weal, and there are no persons who have more important duties to perform than members of parliament—legislators. On the laws of a country depend very much the public weal and morality, and on the tone of the legislature and the principles of the persons who compose it may depend very much whether a country is to be governed by wise, sage, and beneficent laws, or whether it is to be afflicted with such a penal code as it was the misfortune of the Catholics of Ireland to be doomed to so long.

“I presume you are of opinion that your position in the Church does not prevent your exercising your civil rights? St. Paul was an Apostle, and that did not prevent him from exercising his rights as a Roman citizen, and there is no law in the Church or state that deprives me of any right as a citizen. Where I have a vote, I shall exercise it. I shall either propose, or not, according to circumstances. There have been some elections at which I did not assist, although I had a vote, for it was a matter of indifference to me who would win, believing them all to be equally worthy or worthless.”

“But did you in any way sanction any violence on the part of any of the clergy within your diocese? With regard to that, I should almost think that, after I had written that Pastoral and issued it—and it was not a solitary one, for there was scarcely an election in the county of Mayo that I did not issue a Pastoral with such instructions to the clergy—that if any case of violence on the part of the clergy came before me, I should not fail to reprehend it and to correct it—nay, to punish them according to the measure of their delinquency or contumacy.

“Do I understand you to decline to say what your opinion would be, on any case that might hereafter be brought before you as head of your diocese?” “That petition of Colonel Higgins is fraught with so many, and such grave accusations, that if I hesitated to pronounce upon it, it is from the conviction I feel, from an intimate knowledge of the character of my clergy, that they would be incapable of such acts; and if they were capable of such acts, and they came before me, I should not fail to animadvert on their conduct in every way by which I am authorised by the canons of the Church. I, however, do not believe those accusations which have been brought against them, or rather, I believe that generally they are not true.”

That the promoters of the Petition were conscious that they had miserably failed, and that they had broken down, was proved by two facts; first, immediately after the end of his Grace's examination, although they had announced that their evidence would last two more days, they *closed their case*; and next, in the *Times* of the following morning appeared an article in its usual truculent style, but with such an unscrupulous use of their iniquitous arts of mingled misrepresentation and vituperation, as clearly marked the bitterness of baffled malice. This shameless article was supported by a false and garbled report, which represented his Grace as having said that the consciences of the voters were in "the keeping of the ministers of religion;"—the very thing which Mr. O'Malley tried to put into the Archbishop's mouth, but which his Grace distinctly repudiated. Nevertheless, the *Times* represented that the Archbishop of Tuam maintained that the Irish electors were bound to vote as their priests pleased; and this enormous falsehood was, with their usual servile fidelity, copied and dilated upon by some London weekly journals, as the *Spectator*, and *Saturday Review*, and now forms part of the established Protestant prejudice, with regard to the Catholic clergy.

With reference to the question directly at issue before the Committee, the *Register* thus expressed the general opinion of "fair men of all parties:" "The charge before the Mayo Committee was, that the Archbishop had promoted the election of that candidate by unconstitutional means, and had degraded for that purpose the sacred offices of the Church. Fair men of all parties, Protestants included, now feel that this charge has wholly broken down." This was written *before the decision*. It follows, then, that, according to the opinion of our contemporary, the Committee was not composed of "fair men." For they unseated Mr. Moore, declaring that the charge was proved; that he had been by his agents guilty of "undue influence," although, they added, that he was not personally privy to it. They thus in effect affirmed that absurd and extravagant fiction of an organized conspiracy to carry the election by undue influence, which it was necessary to affirm in order to fix *Mr. Moore* with the alleged instances of undue influence. Our readers are able to judge whether there was an atom of evidence to sustain the charge of conspiracy, without which it is obvious no one could pre-

tend that there was any agency. Even as to the instances of undue influence alleged, we have seen how frail and frivolous was the case which was set up, and by what slight and suspicious evidence it was attempted to be sustained. But as to any conspiracy, any previous concert to carry the election by such means, we appeal to our readers whether there was a *pretence* for it. We rather presume they will agree in the remarks of the *Register* upon the decision.

“With regard to Mr. Moore, from whose political line we need not say we entirely dissent, we cannot but feel that the decision against him has been the result, not exactly of political or party bias, but of religious prejudice. There are none who object more strongly than Catholics to any violence or political intimidation on the part of the Catholic Clergy. The Committee attached undue weight to the evidence against two Priests. Even so, however, there is no reason to doubt the evidence of the highly respectable witnesses who spoke to the substantial freedom of the election. A contested election in Ireland is never a very orderly and quiet scene. The Legislature has abundant means of making it perfectly free and quiet if it will. It can authorise voting by ballot. The simple truth is that this is denied because it would lessen the power of the landlords. The object is to enable the landlord to compel his tenants to vote against their own will and conscience, and to prohibit the priest from urging them to vote according to them. This peculiar and limited notion of free election we can hardly expect to see quietly carried out. As long as men are forced by one party to violate their own sense of right they will be exhorted by the other party to respect it. We hope good from what has passed, not only as tending to prevent any real forgetfulness of the proprieties of their high calling by any individual priests, but as the strongest possible argument for the ballot. Of the conduct of Colonel Higgins and his agents we *cannot trust ourselves to speak.*”

Nor can we. Our contemporary, on another occasion, said :

“A Catholic ought to have suffered any possible loss and inconvenience rather than have lodged such a petition, even if it should appear that one or two Priests had been betrayed into violent language. The Archbishop has deposed that altar denunciations for any cause are forbidden, and that he has never received from any quarter any complaint of their having been made. We are then driven to conclude that professed Catholics, believing their Priests to have broken the laws of the Church, preferred to complain, not to the rulers of the Church, but to the Protestant House of Commons.”

That is the sentiment we have endeavoured to convey at the commencement of our article, and it is one in which we conceive all good Catholics will concur. It ought surely to be sufficient to make them concur in it, that the most bitter enemies of the Church desire nothing so ardently as to induce Catholics to accuse their priests or prelates before a Protestant tribunal. The great object of the promoters of the Mayo Committee was to secure this scandal, and in doing so they followed out the favourite policy of Exeter Hall. What cared they for Higgins or his return? That was the last matter they thought of; the least and lowest in their estimate of the advantages to be derived from the Committee. As a writer in the *Tablet* said, it was a conspiracy to brand and blacken the character of the Catholic clergy in Ireland. It miserably failed, indeed. But does that lessen the crime of those who promoted it? The results were all summed up by the *Tablet*.

“The Archbishop’s participation in the electoral contest amounted just to this, that he drew up and signed a resolution calling on the freeholders to return a faithful representative, and to repudiate an unfaithful one—that he issued a Pastoral to his clergy, inculcating the rights and obligations of conscience, and earnestly recommending them to exhort their flocks to peacefulness and temperance, reminding them of the holy season at which they were called upon to discharge an exciting public duty; and finally, that he was willing to propose Mr. Moore at the hustings had he been legally competent to do so, but as his name had been accidentally left off the registry, he did not attend the nomination. He did not interfere with the free opinion of a single voter, clerical or lay. He not only did not instigate, or encourage, or countenance any sort of violence or intimidation, but he had most earnestly and eloquently warned all under his spiritual charge, landlords as well as tenants, against such improper and unchristian acts. Finally, when questioned about the denunciations and acts of intimidation attributed to two or three of his clergy, he very frankly expressed his utter disbelief of the statements that had been made, at the same time saying that if one-half of what had been stated was true, he would certainly use his authority for its correction. We have not the slightest doubt that the evidence, when completed, will fully bear out the Archbishop’s opinion, and that it will be shown that the part taken by two or three of the most earnest and energetic of the clergy has been most grossly misrepresented; that not one-tenth of the statements made against them have any better foundation than the excited imaginations of the most violent partisans of the corruptionist fac

tion, and that the very small portion of truth in the statements is capable of easy and satisfactory explanation."

We trust that we have amply sustained this statement. It is true that the priests in Mayo took an active part in promoting the return of Mr. Moore, as they have in other counties been active in promoting the return of candidates, in whom they had confidence; and as in Mayo, at the election of 1852, they were active on behalf of Colonel Higgins. This they had a right to do, subject to a control of their ecclesiastical superiors. For nothing is clearer than that in the Catholic view the conduct of the clergy is a matter for the cognizance of the Bishops and the Holy See. The *Register* remarks: "There is probably no one who likes to see Priests go out of their proper sphere and exercise tyranny so little as Catholics of all classes. And the best Catholics, though not the loudest, would be most deeply grieved to see them waste their energies upon politics, when there are souls to be saved or lost. Priests are men, and therefore subject to error; and this error is one which Catholics always regard with singular disfavour." We presume our contemporary did not mean that *laymen* were to judge of this. And when the *Register* added: "But in this case, even were it true that the two Priests passed the bounds of discretion, that would not justify a prosecution." We presume he did not mean that in any case a prosecution would be justified on Catholic principles, otherwise there would be an inconsistency with the opinions we have already extracted from our contemporary. There have been laymen, indeed, who have questioned the right of the Holy See, or of an Archbishop, to control the conduct of the clergy in the matter of interference with politics. But surely the inconsistency of such a view is flagrant, for if political conduct is not necessarily beyond the sphere of the clergy, can it be beyond the control of their superiors? The *Register* says, Catholics do not like to see priests go out of their "proper sphere," but the Bishops, under the Holy See have to define it, and confine them to it. A moment's consideration will show that this must be so. No one doubts it to be the Catholic view that on matters affecting the Church, the Holy See, and under it the Bishops, must guide and govern the clergy. And the same authority must decide what does affect the Church;

nor can the conduct of the clergy ever fail to affect it. That is one lesson to be derived from the history of the Mayo Committee. It is a lesson our enemies have long learnt; and which we should now apply.

There can be no doubt as to the principles which have always been zealously and jealously maintained by the Holy See, although their application to particular cases is a matter for ecclesiastical cognizance. It is a truism to say that priests do not, by becoming such, lose their rights as citizens; the question is, as to their acts as *priests*. And it may certainly be safe to pronounce that in their priestly character their acts should be confined to their proper priestly duties. Conduct in political affairs may come within the range of moral theology; when it does so it must be dealt with. And general principles as to the avoidance of bribery, and the exercise of the franchise, honestly laid down, as they were by the Archbishop, may be laid down lawfully and laudably by laymen or by clerics. And farther, no one can question the right of priests, as citizens, to use their endeavours, in all charity and moderation, to persuade people that the adoption of a particular policy, or a particular candidate, would be for the public welfare; although there arises the question, a delicate and difficult one, and of purely ecclesiastical cognizance, how far this interference in political affairs may prejudice the more sacred duties of the priest. The present, or coming, elections in Sardinia and Belgium may justly throw serious duties on the priesthood, the only guardians of religion and morality, against ministerial attempts to rob the country of both. But to use the spiritual and priestly influence to enforce the adoption of a particular policy or a particular candidate, risks the misapplication of sacerdotal power to the party purposes of the hour. It may or may not be that the course recommended or denounced may promote or prejudice the cause of the Church, but it can do so only indirectly and remotely; there should be free scope for the exercise of private judgment, and there is an obvious fallacy in confounding general principles with their application to individual cases. The latter, unless there is a question of moral theology raised, (which is for the confessional,) should be left to individual conscience to determine; for it is too much for every priest to assume an infallibility hardly conceded to the Apostolic See; an infallibility of judgment, not merely

in principles, but in the practical course to be pursued, on a purely political and temporal matter. Even assuming that a particular political measure, in its own nature purely temporal, as tenant-right, may benefit the Church remotely and indirectly, and that with a view to its success, a particular course or a particular candidate is the best, those are matters on which persons may honestly or lawfully differ in opinion, and it would be unwarrantable for a priest to use the sacred weapons of the Church against those who do not quite follow his dictation. To deprecate this is not to deprive the priest of his privileges as a citizen, but to disapprove of his abusing his powers as a priest. Therefore we rejoice that in the present case altar denunciations for political conduct were not proved in fact, and were disapproved of by his Grace the Archbishop.

ART. IV.—1. *Squier's Nicaragua*. London. 1852.

2. *Travels in the Free States of Central America, Nicaragua, Honduras, and San Salvador*. By Dr. Carl Scherzer. London. 1857.

3. *Annuaire de la Revue des Deux Mondes*. Paris. 1855-56.

4. *Boletin Oficial de Costa Rica*. San José. 1857.

5. *El Nicaraguense*. Granada, 1856.

TWO mighty nations,—Catholic Spain and Protestant England,—have transported the laws, the manners, and the religion of Europe to the shores of the New World. The warriors of Spain, endowed with many of the virtues that characterized, or are supposed to have characterized, the days of chivalry, but sully those virtues by a reckless disregard of human life and an insatiable thirst for gold, invaded all those regions of the American continent where the precious metals were supposed to be most abundantly deposited, conquered with a splendid daring unsurpassed in history the nations which then inhabited them, and founded the provinces of Mexico, Guatemala, New Granada, Peru, Chili, and La Plata. They carried with them everywhere the standard of the Cross, and the

unity of the Catholic Church; and though acts of enormous cruelty and injustice stained their dealings with the native races,—acts since visited with the retributive justice of heaven in the decline of their country's greatness,—yet as a nation, Spain energetically professed, established, and preached, in her new dominions, the faith of Christ. The consequence is that at this day, from Patagonia to Northern Mexico, the Indian tribes, with but few exceptions, all know and worship the one Lord, the Saviour of the world; their idols are forgotten, their temples are overthrown, and upon their purified altars is offered up to the true God continually the holy sacrifice of the new law. England, settling on the northern portions of the continent, won her way against the opposition of the Indians, with less exhibition of individual daring, but with that steady stubborn pertinacity which is characteristic of her people. Not possessing since the Reformation a national faith, she made no attempt, as a nation, to convert the Indians, and the consequence is that the majority of the Indians of the United States remain heathens to this day. France in vain endeavoured, by drawing a cordon of military posts along the frontier from Louisiana to Canada, to repress the growth of English power. Like "the Danite strong", the Anglo-American rose and burst his bonds as if they had been a thread of tow. The war of independence, at the close of which the colonies were separated from the mother country, shortly followed. Favoured by their close geographical connection,—accustomed from their first foundation, especially the northern provinces, to the practice still more than to the theory of political freedom,—and nobly served by the sagacious and patriotic leaders who had headed them in the struggle for independence,—the thirteen revolted colonies coalesced in a federal union, which, in the seventy years that have since elapsed, while it has expanded to ten-fold its original limits, has maintained between state and state, each larger than many an European kingdom, an unbroken internal peace. Under the protection of this peace, the trade of the United States has been developed, their physical resources *exploités*, their population multiplied, and their political power increased, in a degree and with a rapidity unparalleled in history. Far different has been the career of the revolted colonies of Spain. The actual separation was indeed effected with little bloodshed, and by the end of 1822 the

last of the Spanish-American provinces had declared itself independent of the mother country. But it did not follow, because Spain had ceased to be fit to rule, that her colonies were fit to govern themselves. A people whom her jealous policy had carefully excluded for centuries from every situation of power and trust, were suddenly placed under a constitution, framed by a few liberal *doctrinaires* upon the model of that of the United States, which placed all political power in hands totally unused to its exercise. Again, this power was committed to an impulsive race, whose passions were volcanic as their soil, and to which patience and self-control under opposition, qualities without which constitutional government must certainly fail, were far more difficult, even had they been cultivated by experience, than to the Teutonic race which inhabited the cold North. A third cause may be looked for in the unhappy union of liberal politics and hostility to religion in the public men who took the lead in Spanish-America after the separation. Exemplified in the philosophers whose writings preceded and influenced the course of the French Revolution, this union seemed to be justified, and in a manner necessitated, by the example of the United States, where the declaration of political independence had been accompanied by a profession of complete national indifference as to religious truth. Thus it happened that the statesmen who were in favour of a liberal and progressive policy in politics and trade, were also those who were for stripping the Catholic Church of her property, taking out of her hands the education of the young, and, by abolishing all national profession of religion, placing her, as in the Northern republic, on the same level with every form and variety of misbelief. On the other hand the conservative party, happily the great majority of the population, in their just indignation at the infidel schemes of the Liberals, too often confounded with these in a common sentence of condemnation their projects of social reform, and hence brought upon Catholicism the odium of refusing to move with the age, and being essentially inconsistent with the progress of those social and material ameliorations which are the boast of the nineteenth century.

When, therefore, as the years rolled on, watchful observers on both sides of the Atlantic perceived that while the United States continually increased in population, in wealth, and in territorial extent, the republics of Spanish

America, convulsed by an endless series of wars and tumults, alike contemptible and disgraceful in all concerned, were continually retrograding, in every point that forms a constituent of national power, below the standard to which Spain had brought them, they not unnaturally began to infer that such a state of things argued an essential and permanent inferiority in the Spanish race,—that the contrast between North and South would each year become more marked,—and that the ultimate result must be, the absorption of all these weak and suicidal states, at least as far as the isthmus of Panama, by the stronger Anglo-American race. Nor were the citizens of the United States slow to afford what countenance they could to theories so gratifying to their vanity. In 1845 took place the annexation of Texas; this led to the Mexican war in 1846, which ended in the annexation of New Mexico and Upper California to the United States. It is true that according to received ideas of morality, there was enormous injustice in these proceedings; but Carlyle promulgated about this time the convenient doctrine that in human history Might was in the long-run identical with Right, and many were ready to apply this doctrine to the case of America. The writer of this article in the year 1847 heard an eminent individual, then ambassador from one of the Northern courts, in a short speech of compliment to the American minister who was present, compare the pressure of the Americans on Mexico to the South and the Indians to the West, to the irresistible downward course of the hardy Northern tribes upon the effete Roman empire, and say that such irruptions should not be styled wars of conquest, but rather immigrations of nations. Religious prejudice came in to lend additional attractiveness to these conclusions. The Anglo-Americans were mainly Protestant, the Spanish-Americans mainly Catholic; the disastrous condition of the latter was therefore at once and eagerly imputed to their religion: and in their complacent anticipation of the spread of Protestantism, these observers were willing to compound for a considerable amount of infraction of the seventh commandment.

We trust that these anticipations will prove utterly futile, nay, we think that events are already beginning to demonstrate their emptiness. And as some confirmation of our opinion, we propose to relate the course of a

remarkable struggle in one of the Republics of Central America, which has lately been brought to a conclusion.

The works which we have placed at the head of this Article contain a sufficiently full description of the physical features, the climate, the productions, and the inhabitants of the ill-fated Republic of Nicaragua. Let us devote a few words to each, that our readers may better understand what sort of country and people they are, which American propagandism covets, and had well nigh succeeded in absorbing. We will take Mr. Squier, *Chargé d'Affaires* from the United States to the Republic of Nicaragua, in the year 1849, as our principal informant. He is a careful observer, and a capable narrator, and though visions of annexation seem at times to have loomed before him also, they have not prevented him from forming and expressing an upright judgment on the men and events which came before him.

The great mountain chain, known in North America under the name of the Rocky Mountains, and in South America as the Andes, is interrupted between 10° and 13° north latitude, by a broad transverse basin, running N.W. and S.E., in which are contained the lakes and plains of Nicaragua. To the traveller, approaching from the eastern or Atlantic side, the aspect of this low, hot region, is not inviting. Entering through a narrow passage the harbour of San Juan de Nicaragua, or Greytown, (a place which has a whole history to itself, and where events have more than once occurred, seriously imperilling the peace subsisting between England and the United States,) the stranger sees before him a low sandy shore, a narrow strip of cleared land beyond it, on which are scattered a few wooden houses, forming the town of San Juan, and behind the town, or rather behind a miasma-breathing lagoon, swarming with alligators, between which and the sea the town is hemmed in, rises from right to left a dark unbroken tropical forest. All this side of Nicaragua, the Atlantic slope, as it is called, is unhealthy, because, to the great heat produced by its situation within the tropics, and its small elevation above the sea, is joined an excessive moisture, occasioned by the heavy rains brought by the N.E. trade-wind. But we will suppose that our traveller is not discouraged, but proceeds to explore farther into the country. He must then take boat or steamer, and sail for ninety miles up the tor-

tuons channel of the San Juan river. Thirty miles from the sea he will pass the mouth of the Serapiqui, a river running from the south into the San Juan, at a place called Hibbs' Point. Thus far, and for some distance above the junction of the Serapiqui, the banks of the San Juan present scarcely any sign of human habitation. But, after passing some rapids, about sixty miles from Greytown, a massive castle, Castillo Viejo, presents itself on the left hand, erected by old Spain in the days of her power, and eminently serviceable to the descendants of her blood in their late hour of need, as we shall see in the course of our narrative. More rapids succeed, and the fort of San Carlos is at length reached, crowning a low hill that marks the junction of the lake and river. From the fort is seen the broad expanse of the lake in front, a vast forest country on the left, traversed by a large river, flowing out of the unexplored border-lands of Costa Rica, that here falls into the lake, and on the right the commencement of the grassy, hilly region, called Chontales, which extends along, and far back from, the northern shore of the Nicaraguan lakes, and supports large herds of cattle belonging to the citizens of Rivas, Granada, and Leon. From Fort San Carlos our traveller may either cross the lake to Virgin Bay, whence a short overland transit of about twelve miles will take him to the port of San Juan del Sur, on the Pacific, a place of call for the American steamers that ply between San Francisco and Panama, or he may sail in a north-westerly direction for nearly the entire length of the lake, until he arrives at Granada, the capital of the Nicaraguan Republic. He is now on the Pacific side of the country, and scenes of surpassing beauty surround him. The climate here is far drier and more healthy than on the Atlantic side, and it is here accordingly that the mass of the population is gathered. The limits of an article do not permit us to enter into any detailed topographical description; but we will say briefly that the lake of Nicaragua is about 120 miles long, and 50 miles wide,—that a navigable river about 20 miles in length, connects its northern extremity with the lake of Leon, or Managua, the length of which is about 50 miles, and the breadth 35, and that from the lake of Leon, still proceeding in a north-westerly direction, to the Bay of Fonseca, a distance of about 70 miles, the country consists of a succession of magnificent plains,

studded with numerous lofty volcanoes, and even in their present imperfect state of cultivation, giving the beholder the impression of unrivalled fertility. Similar plains surround the city of Rivas, and stretch, with little interruption, from Granada to Leon, on the lake of that name. They produce maize and rice in abundance for home consumption, and sugar, cacao, cochineal, indigo, and a peculiarly fine species of cotton, for exportation to foreign lands. This lovely region, Father Gage, the English Benedictine, who visited it in the year 1665, describes as "a country plain and beautiful, full of pleasantness, so that he who fared therein, deemed that he journeyed in the ways of Paradise." The accounts of modern travellers fully bear out these rapturous expressions.

The population of Nicaragua amounts to about 260,000 souls, of whom about one half are of mixed Spanish-Indian descent, and one-tenth pure whites. Of the remainder about 15,000 are negroes, and 80,000 pure Indians. It is customary with ourselves to speak and think contemptuously of these "mongrel races," and to regard the old Spanish stock as irretrievably deteriorated by the extensive amalgamation of races which has taken place. And these impressions are to a certain extent true, but far less so than we fancy. A licentious intercourse between a superior and inferior race, (as between the whites and negroes in the United States, or between the vagabond white population and the natives of the South Sea Islands) does indeed produce an essentially degraded race. But such has not been the general character of the intercourse between the Spaniards and the Indians in the New World. When the chiefs of Tlascala offered their daughters in marriage to Cortes and his principal officers, the latter would only consent on condition that their future wives should be "purified from the stains of infidelity by the waters of baptism,"* so as to be thereby incorporated in the same mother Church with themselves, and made partakers of the same hopes of salvation. Cortes felt, as every Catholic must more or less distinctly feel, that difference of race was outweighed by community of faith, and that membership in Christ's Church united and assimilated, more than difference in colour, language, or disposi-

* Prescott's Conquest of Mexico, i. 408.

tion, disjoined. When two races intermingle their blood on such terms as these, their half-caste descendants, provided they remain faithful to that religion whose harmonizing and levelling influences originally presided over the union, are likely at least to be an improvement on the inferior people of the two. And what has that inferior people itself become under the influence of Christianity? Mr. Squier (i. 291) "finds it hard to say, in many respects, whether the conquerors have assimilated most to the Indians, or the Indians to the Spaniards." Again, (p. 284) "The Indians of Nicaragua are singularly docile and industrious, and constitute what would in some countries be called an excellent rural population. They are," he continues, "always kind and hospitable to strangers; not warlike, but brave." Generally, he says, (p. 295) "Those," (the Indians) "of Central America are capable of high improvement, and have a facility of assimilation or adaptation. They constitute, when favourably situated, the best class of citizens, and would anywhere make what in Europe is called a good rural or working population. I have found some really comprehensive minds among them, men of quick and acute apprehension, and great decision and energy of character." Again, speaking of an interview with some Indians from Subtiaba, a large Indian municipality near Leon, he says, "They were curious to know about the Indian population of the United States, and I blush to say it, I was ashamed to tell them the truth." When one remembers that these Indians are Christians, as have been their fathers before them for more than two centuries, one is not surprised at the contrast which these words suggest between them and their pagan brethren in the United States. Mr. Squier, too, may have bethought him of the iniquitous spoliation of the Cherokee Indians, who after being to a great extent civilized and converted by Protestant missionaries, were driven from their lands by the State of Georgia in 1832, the Federal Government sanctioning the robbery. Such then being the account given by an impartial observer of the capabilities of the Indians of Nicaragua, it may be fairly inferred that the Ladinos, or half-caste race, who are admitted to be much superior in intelligence to the Indians, are capable, under favourable circumstances, of attaining to a yet higher grade of civilization than they. But, unfortunately, the Ladinos, as a class, are morally inferior to the Indians.

And why? Mainly because, unlike them, they are inattentive to the duties of religion; the showy scepticism of the day captivates their quick, impressionable, but shallow natures; and so long as religious indifferentism is in vogue among the politicians and literary men of France and Spain, so long, it is to be feared, will the Ladinós, not to be out of the fashion, despise or disregard the precepts of Holy Church. What then is to be desired for this "mongrel" population? Not surely annexation to the United States; for that would involve a still greater relaxation of the hold which religion yet retains on the Ladinós, and would tend to fix their minds yet more than at present upon low material aims; while to the Indians, judging from the past dealings of the Americans with the northern Indian tribes, it would probably result in utter extermination. No; if a happier future be in store for the people of Spanish America, it must be reached through their adherence to two principles; one, that of tightening in every possible way their hold upon that true apostolic Roman Catholic faith which they have received from their fathers; the other, the establishment of suitable and natural political conditions, not servilely imitated from the foreigner, but wisely adapted to their actual wants.

Mr. Squier, whose mission was connected with the proposed opening of an inter-oceanic canal between San Juan del Norte and the Bay of Fonseca, met with an enthusiastic reception from the warm-hearted and hospitable Nicaraguans. Shortly before his arrival, in April 1848, an English squadron had appeared in the port of San Juan, charged by the British government to vindicate the territorial claims of the mock king of Mosquitia over that portion of Nicaragua; and the boats of two men-of-war, rowing up the river, had attacked and dislodged a party of Nicaraguan boatmen, who had fortified Hibbs' Point, at the junction of the Serapiqui. This step, one of the most unjustifiable and unaccountable among the many miniature *coups d'état* which diversify the imbroglio of Central American politics, was to Nicaragua of very mischievous consequence. After many years of civil strife, the Republic seemed to have gained an interval of repose, and its government was beginning to acquire strength and to inspire respect; but this forcible seizure of a portion of its territory encouraged the disaffected to renew their machinations against a government which they saw thus

outraged and despised by a foreign power. The best men in Nicaragua had keenly felt this indignity, and were disposed to hope great things from the interposition of the United States in their behalf. Mr. Squier accordingly, in his character of American envoy, met with a most cordial reception. In an official address to the Supreme Director of the Republic, Sr. Ramirez,—after insisting on the true policy of Central America being identical with that of the United States, namely, to maintain republican institutions and resist European interference,—the envoy alluded in a marked way to the kindness which his countrymen had uniformly experienced from the natives, in their passage across Nicaragua to and from California. Poor Sr. Ramirez, who in his disgust at the recent proceedings of the British lion, was wholly unsuspecting of the claws of the American eagle, caught at the vague expressions of the diplomatist, and congratulated his hearers and the country on “the happy day which is now dawning upon us!” Could he but have foreseen that in little more than seven years from that time the very building in which he stood (it was in Granada) would be destroyed, the entire city plundered and burnt, the churches stripped of every sacred vessel, and every offering of piety, many of his countrymen murdered, and many of his countrywomen outraged, and all this by American citizens, professing themselves the most advanced disciples and the most consistent expositors of American principles, could he, to crown all, have foreseen that these common pirates and buccaneers would organize what they called a government, and that that government would, in May 1856, be recognized by the President of the United States, we rather think that the exultation and the sanguine confidence of Sr. Ramirez would have undergone a very considerable abatement!

It is now time to relate the rise and progress of what the *Times* calls “the dismal history of Walker the Filibuster.” Some slight sketch, however, of the state of things previously existing in Nicaragua and the neighbouring States, must first be attempted.

The five provinces which formed the old captain-generalcy of Guatemala, following the example of Mexico, proclaimed in 1821 their independence of Spain. After much debate and disturbance, deputies from all the provinces met at Guatemala, in 1823, and agreed upon the constitution of 1824, by which Guatemala, Honduras, San

Salvador, Nicaragua, and Costa Rica, now created into separate states, were federally united to form the Republic of Central America. But the people were, as we have said before, incapable of working to advantage the political institutions which they had borrowed from the Northern Republic. The traditional notions of a balanced political freedom, implying duties as well as rights, which her American colonies had imported from England, and which had flourished and grown strong by use on the new soil, were wholly unknown in Spanish America; and a visionary theoretical liberty, which never had, and never will have, any real existence, save in the pages of the *Contrat Social*, or the Rights of Man, dazzled and misled the Liberal party in the new republic. Many of their cherished plans were good enough in themselves, but above the comprehension or distasteful to the prejudices of the mass of their countrymen; and finding this, the Liberals, instead of using peaceable and legal means for influencing public opinion, thought in their political inexperience that force would open a nearer and readier way, and accordingly employed the physical power of the state to coerce the majority into submission. They succeeded perhaps for the moment; but force was a game which more than one could play at, and their political opponents, as soon as they could organize the means, were only too ready to turn the tables, and execute what was dignified with the name of a revolution. In this way a state of things at last arose, closely resembling the condition of Greece during the Peloponnesian war. Each of the States (excepting always Costa Rica,) had its band of political exiles, who were always waiting outside the frontier, ready to pounce upon the existing government at the first symptom of weakness or relaxed guard. In 1838, after having been several years practically in abeyance, the Republic was formally dissolved, and the five States composing it declared themselves independent. Subsequently, dictatorships, or tyrannies, as they would have been called in Greece, were established in most of the States. The most remarkable is that of Carrera, in Guatemala. Carrera is a mestizo, or half-caste Indian; he obtained the supreme power in Guatemala, in the year 1839, and has held it firmly ever since, governing the country on conservative principles. He is a sincere Catholic, and under his rule a portion of the confiscated Church property has been re-

stored, and the worst and most irreligious acts of the infidel Liberal party in the federal legislature reversed. Guatemala has consequently enjoyed for the last eighteen years a degree of peace and prosperity which she had not known since the separation from Spain.

The little state of Costa Rica has all along kept aloof from the revolutionary commotions of her neighbours, and under the wise dictatorship of Carillo, from 1838 to 1842, she made great advances in the development of her industrial resources. In 1831 the cultivation of coffee was introduced on the *plateau* of Costa Rica, (as the elevated table land is called which forms the most valuable portion of the state, and the great height of which secures for it an eminently healthy and delightful climate,) and has since attained to very large proportions.

Nicaragua also fell under a Dictator for a short time, named Fonseca; but he seems to have been quickly ousted. Between 1844 and 1848 occurred a tolerably quiet interval. In the latter year Greytown was seized by a British force, and an outlaw, named Somoza, taking advantage of the embarrassment of the government, organized an insurrection in 1849, but after maintaining his ground for some months, was taken and shot. Fresh disturbances, on the nature of which Mr. Squier does not enlighten us, took place in 1851.

Nicaragua had taken the lead all along in the adoption of a so-called liberal policy, one part of which of course was persecution of the Church. At the time of Mr. Squier's visit, all the old convents in Granada and Leon were untenanted and going to ruin. A solitary Franciscan, Padre Cartine, a man of rare virtues, still lingered about the deserted chambers and cloisters of the great monastery at Granada, but the rest of his brotherhood had departed. Indeed, in 1829, the Federal Congress had abolished all religious orders throughout Central America; this measure had been reversed, however, in Guatemala, after the dissolution of the Republic, and apparently in Costa Rica also; but in Nicaragua, the stronghold of liberalism, this irreligious and anti-social act was allowed to remain in full force. It is but too evident that religious scepticism is fearfully common in Central America. For one indication, take the decree of Congress, in 1832, (Squier, ii. 409,) declaring that Catholicism was no longer the religion of the country. And Mr. Squier himself says,

(i. 370,) though perhaps his expressions should be taken *cum grano*.—

“In Central America, among those capable of reflection, or possessed of education, there are more who are destitute of any fixed creed, rationalists or what are sometimes called free-thinkers, than Catholics or adherents of any form of religion. Many of the priests share in the general scepticism.”

The Rev. Mr. Crowe, a Protestant missionary in Guatemala, quoted by Mr. Squier, (i. 385), also bears testimony to the spread of infidelity. But this pious and Christian man finds in the fact only matter of rejoicing. He says (the italics are ours): “The change from Popery or any other analogous system to the entire rejection of revealed religion, is one which believers in Divine Revelation *may hail with satisfaction*, if they be prepared to take advantage of it; for it breaks up prejudices of education, leads to thought and inquiry, and *sometimes*” (the holy man will not venture to say more,) “to a sincere and earnest search after *truth*.”

Upon a people thus misprizing, if not disgracing, the name of Catholic, came a retributive storm of calamity from the North, in the shape of an invasion by a host of godless freebooters, reckless of all laws human and divine. How sharp and severe the punishment must have been, the brief sketch which follows may partly testify. The storm is now over, and the sky is clear again; may Nicaragua only profit by the past, and out of her deep humiliation will arise a national well-being, grounded on virtue and religion, which will place her out of danger, whether from domestic treason or foreign foes.

The materials for the following sketch are: the columns of the *Times* newspaper for 1856 and 1857; the excellent *Annuaire* of the *Revue des Deux Mondes*, for 1855-56, and a number of American newspapers, some published in New York, some in Costa Rica, some in Nicaragua, which have been kindly placed at our disposal by Captain Erskine, late commander of the British naval force in the Gulf of Mexico. Among these, *El Nicaraguense*, the official organ of the Filibuster government, is much the most curious, and the *Boletin Oficial* of Costa Rica, the most respectable and trustworthy.

The circumstances under which William Walker was invited into Nicaragua were these. In 1853, after a suc-

cession of short Presidential reigns, Don Fruto Chamorro was elected President. He was a man of some energy and ability; he took measures to clear the country of robbers, and to re-establish social order; and had he been just in his severity, confidence might have been restored, and the disasters about to fall on the Republic averted. But Chamorro, like the rest, was demoralized by the long prevalence of social disorder, and in dealing with his political adversaries, he flagrantly outstepped the bounds of justice. Sr. Castellon, and General Jerez, were the heads of the democratic party in the House of Representatives; and Chamorro (if we may believe a story alluded to by Dr. Scherzer) caused them to be arrested, and upon false evidence suborned against them by one of his unscrupulous agents, sentenced them to banishment. They retired to Honduras; whence in the following year, aided by a body of Honduran sympathizers, they organized an expedition against Nicaragua. Occupying Leon, they formed a provisional government, in which Castellon was named President. In the struggle which ensued, Chamorro was defeated in the field, and forced to take refuge in Granada. The democrats attacked the city, but in vain. Despairing probably of success without foreign aid, Castellon, in the early part of 1855, sent an invitation to an American adventurer at San Francisco, (of whose fame as a freebooter he had heard from a Mr. Byron Cole, the agent of an American mining company, then travelling in Nicaragua,) to bring his band of *condottieri* to his assistance. This adventurer was the celebrated Walker. Castellon undertook to grant to Walker 52,000 acres of land, if through his means he succeeded in overcoming the Chamorroists.

William Walker was the son of a Scotchman, settled in Tennessee, and was born in the year 1824. After having, with that versatility which is so characteristic of his native countrymen—

Augur, schœnobates, medicus, magus, omnia novit,

tried in turns the callings of doctor, journalist, and lawyer, and met, it would seem, with sorry success in all, the enterprising youth betook himself to San Francisco, and there at last seems to have fallen upon a congenial society, and discovered his true vocation. Probably there is no city upon earth—not even Delhi when tenanted by

mutinous Sepoys,—in which so large a proportion of the male inhabitants are unmitigated villains, as San Francisco;—it is the very metropolis of rascaldom. While editing his journal at New Orleans, Walker had doubtless matured his politico-religious creed, which was no other than that “go-ahead” gospel,—that propagandism of annexation and “manifest destiny,” which has superseded Christianity in the minds of a large proportion of the people of the United States. And now, at San Francisco, where desperadoes could be hired cheap, and the Mexican territory lay temptingly near, what should hinder Walker from reducing theory to practice? His first filibustering exploit accordingly was a raid upon Lower California. It was unsuccessful, and he was obliged to retire upon San Francisco;—but his conduct as a leader seems to have inspired his followers with great confidence in his firmness and capacity for command. He is described as a short man, with red hair and singularly large light grey eyes, and as remarkably taciturn and reserved.

Castellon’s offer was eagerly accepted, and Walker embarked his band, consisting of about 70 armed men, for Nicaragua. The filibusters landed at Realejo on the 28th June, 1855, and were there joined by about 200 of the men of Leon;—with this force Walker again put to sea, and landing at San Juan del Sur, he advanced upon Rivas, a town about 12 miles distant, near the shore of the lake. Near that city he fell in with and attacked the Nicaraguan troops, but was defeated, and obliged to retire again by sea to Realejo. Castellon and his party, vexed at this untoward result, were about to break off all connexion with the filibusters. But Walker sent from Realejo to Don Mariano Salazar, Castellon’s brother-in-law, then residing in the state of San Salvador, entreating that he would help him to make one more attempt upon Rivas. Salazar accordingly came to Realejo, and supplied the means for another invasion. How the divine Nemesis afterwards overtook Salazar for this traitorous act, we shall see in the sequel.

Furnished with the sinews of war, and having also received a reinforcement of filibusters from San Francisco, Walker landed a second time at San Juan del Sur towards the end of August with about 250 men. The Nicaraguan troops, under General Corral, were disposed as before so as to cover Rivas, and awaited his approach.

But Walker, by a movement to his right, marched to and occupied Virgin Bay, 11 miles from Rivas, on the 3rd September. And now an event occurred which goes far to explain his subsequent success. Walker had been defeated before, and would probably have been defeated again, had he met the Nicaraguan troops in the open field. A gross act of treachery on the part of an American company alone enabled him to seat himself firmly in the capital of the state. We have before mentioned the Transit route across Nicaragua, by which American passengers between California and the Atlantic states were conveyed in great numbers. This route was let by the Nicaraguan government in 1850 to Messrs. Vanderbilt and Co. of New York, who agreed to pay 10,000 dollars down, and 10 per cent annually on the profits of the undertaking, in return for the privileges conceded to them. Up to the date of Walker's invasion, this Transit company had never made any payment whatever. The leading men in the direction of its affairs appear to have been Morgan and White in New York, and Garrison in San Francisco. These gentlemen, besides the natural repugnance which they felt to the payment of the contribution which they had bound themselves to render, were animated also, it appears, with a virtuous disgust at the insecurity and disorder prevailing in Nicaragua under her native governments, and formed a deep-laid scheme for establishing a Yankee government in the republic;—thus, as they reasoned, providing for the political salvation of Nicaragua, while they accomplished an excellent stroke of business on their own account. Indeed a writer in the *New York Herald*, (Nov. 20th, 1856) plainly asserts that the very idea of summoning Walker to his aid was first suggested to Castellon by agents of the Transit Company, influenced by the prospective views above mentioned:—and also that it was from the company's funds that the original expedition was equipped and dispatched. However this may be they certainly afforded him substantial aid at the crisis of his history at which we have now arrived. Their lake steamers, the sole legitimate employment of which was to transport passengers across the lake between Virgin Bay and the river San Juan, were placed at his disposal. Embarking his men on the 13th October, Walker proceeded straight to Granada, the seat of government, at the head of the lake.

The city was totally unprotected, for the government, suspecting no treachery on the part of the Transit Company, had sent all the available troops to Rivas. Walker therefore surprised the place, and occupied it without resistance. He immediately seized the principal government officers, and sent word to General Corral, that unless he came into Granada and signed a capitulation, he would put them to death.* Corral, who seems to have been deficient in moral courage, was overawed by this ferocious threat. He accordingly signed a capitulation on the 23rd October, by which it was agreed that Don Patricio Rivas, a democrat, should be appointed President for the ensuing fourteen months, and Walker, Commander-in-chief of the Nicaraguan army. The freebooter did not think it was yet time to throw off the mask, and openly seize the reins of government. But in fact he did whatever he pleased; and a few days after the capitulation he caused Sr. Mayorga, a member of the late ministry, to be arrested and shot on a charge of *conspiracy*. The unfortunate General Corral met with a similar fate on the 7th November. By these acts of terrorism the barbarian hoped to render the people passive, if not tranquil, under his rule.

Other means were also resorted to, to confirm the usurpation. By a decree bearing the signature of Rivas, (who must be regarded up to the date of the rupture between them as the mere tool of Walker,) and dated in November, 1855, a free grant of 250 acres of land to every single, and 350 acres to every married settler, was held out as a boon to intending emigrants. The object was, as in the case of Texas, to people the country with Americans, so as to ensure its never returning into the hands of the rightful possessors. The next step was to endeavour to procure the recognition of the usurpation by foreign states. With this view, Colonel French, one of the original filibusters, was sent in December as plenipotentiary to Washington. But the choice was unfortunate; French, it appears, had committed some little peccadillo in early life, which a too implacable government had recorded against him on its books, and the President warned him to quit Washington immediately, on pain of being called to a settlement of the ancient score. But whatever the

* This is stated on the authority of Sr. Marcoleta, the Nicaraguan Envoy at Washington (*Times*, June 10th, 1856).

character of the envoy, it is unlikely that at this time President Pierce would, under any circumstances, have recognized Walker's government. He had no particular wish just then to fly in the face of England, and had no reason to think that the measure would gain him much popularity in the United States. Colonel French, therefore, was sent about his business, somewhat ignominiously.

The envoys sent by Walker to the neighbouring republics were variously received. Guatemala hesitated, and took no decisive action; San Salvador shewed similar dispositions; Honduras, where the democratic party was then uppermost, recognized the usurpation; Costa Rica alone, the smallest and weakest of the four, rejected with disdain the proposals of Walker, ordering his envoy to leave her territory, and by a proclamation dated the 28th February, 1856, called her citizens to arms, to expel from the territory of a kindred people the enemies of their race and their religion.

This little state has been pursuing for many years, what American travellers, as well as writers nearer home, call a "retrograde" policy, that is, she has upheld the Catholic religion, and abstained from persecuting or plundering the Church. We have Mr. Squier's express assurance (vol. ii. p. 445,) that, ever since 1842, Costa Rica has been identical in policy with Guatemala, and the government of Carrera has been, as is well known, conservative and Catholic in principle throughout. Costa Rica has obtained an honourable pre-eminence among Spanish American states in the eyes of British capitalists, by the punctual payment of the interest upon her state debt. Her population amounts to about 150,000 souls, and is more purely Spanish than that of any of the neighbouring states. Travellers describe the Costa Ricans as an industrious, honest, and light-hearted race,—so honest, indeed, that it used to be a common saying, that a child with a golden crown on its head might cross the country unmolested from one ocean to the other. Little credit, however, used to be given to them for the sterner and more manly virtues. Dr. Waagner, a German, who visited Costa Rica in 1854, pronounced that a band of a few hundred armed foreigners could with the greatest ease overturn the existing government, and make themselves masters of the country. Never did a grave opinion

receive a more speedy and signal refutation, as we shall presently see.

Walker, who, to do him justice, appears throughout these proceedings as a man of undaunted courage, immediately took up the challenge of Costa Rica. Four hundred Filibusters, armed with rifles, under a Colonel Schlessinger, (said to have been engaged in the Hungarian war on the side of Kossuth,) invaded the territory of Costa Rica. At Santa Rosa, (a place which evidently takes its name from St. Rose of Lima, America's great native saint,) near the frontier town of Guanacaste, the Americans encountered on the 20th March the vanguard of the Costa Rican force, consisting of about 500 men, under Colonel Bosquet. After some firing, the Costa Ricans rushed on the riflemen with bayonets and knives, and quickly put them to flight. Schlessinger, it is said, was one of the first to flee. The loss in killed and wounded was severe, and the Costa Ricans took nineteen prisoners, seventeen of whom, being found with arms in their hands, were adjudged by a council of war to suffer death. Though this measure was justified by the law of nations, it may be doubted whether its extreme severity did not rather injure than serve the cause of Costa Rica. Certainly it had not the intended effect, of deterring other Americans from joining the filibusters. Meantime the main body of the Costa Rican army under General Mora were advancing towards the frontier. It seems to have formed a part of the plans of the Costa Rican government to intercept the communication by the steamers between Greytown and the lake up the river San Juan, as it was by this channel that Walker was constantly receiving fresh accessions of strength from the United States. This conception was eventually acted upon with complete success; but on this occasion the rapid movements of the freebooter defeated it. Embarking all his disposable force at Virgin Bay on the 6th of April, Walker proceeded to the river San Juan, placed garrisons at Castillo Viejo and Hibb's Point, the two most important and defensible points, and returned without delay to Virgin Bay. But during his absence General Mora had seized on that post, as well as on San Juan del Sur and Rivas. Finding this, Walker at once steamed up the lake to his head quarters at Granada, whence he marched with his whole force to attack the

Costa Ricans in Rivas. He arrived in front of the city early on the morning of the 11th April. The Costa Ricans had entrenched themselves in the plaza; notwithstanding which the Americans advanced with great bravery to the assault. The struggle was maintained all day, but at nightfall Walker was compelled to retire, leaving 150 of his men dead on the field. The loss of the Costa Ricans was, by all accounts, still greater, perhaps on account of the superiority of the American firearms. Still the day was theirs; and the western portion of the Transit route remained completely in their possession.

We have been unable to discover the precise reasons which operated to prevent General Mora from following up this success by an advance upon Granada. Whatever they may have been, he let the opportunity pass by, and remained inactive at Rivas. Here cholera presently broke out with frightful virulence among his troops. After losing nearly 1000 men, he led back in May his diminished but not disheartened force within the borders of Costa Rica.

Thus, the first attempt of the Spanish-Americans to expel the foreigner from their territory had failed, and for some months the doctrine of "manifest destiny" received extraordinary countenance from the progress of events. Walker improved his financial position, received large reinforcements of men, money, and *matériel*; and, to crown all, his filibuster government was recognized by that of President Pierce! *Arcades ambo!* We will devote a few lines to each of these topics.

The master stroke by which Walker filled his empty treasury, was the seizure of the steamers and other property belonging to the Transit Company. It was this company, as our readers will remember, which, to rid itself of its pecuniary obligations to the republic of Nicaragua, treacherously enabled Walker to surprise and seize upon Granada; and now, by a sort of poetical justice, their creature became the instrument of their ruin. In February 1856, Walker caused their steamers to be seized, on the ground that they had fraudulently eluded the fulfilment of their contract made with the Nicaraguan government in 1850! The company was brought in debtor to the republic in the sum of more than 250,000 dollars, over and above the value of the seized property, and the Transit route was granted on advantageous terms.

to a new company, which purchased the steamers from Walker for the sum of 400,000 dollars.

Another expedient for raising money, was the confiscation and sale of the estates of *rebels*. "El Nicaraguense" of the 27th September, 1856, contains a list of 63 estates, and 44 houses, "besides forty or fifty farms, houses, &c., in the department of Rivas," described as having been confiscated on account of the treason of the owners, and offered for sale by the government to the highest bidder. The object, of course, was to tempt Americans to purchase these estates by offering them at an upset price far below their value. Various other methods of pillage and exaction were also resorted to, which it would take too long to describe.

With respect to reinforcements, they began, about the date of the retreat of the Costa Ricans, to pour in in an almost continuous stream, both from California and from the Atlantic states, and never ceased to arrive until after the final discomfiture of Walker in May 1857. Ordinary readers see allusion made in the papers to bands of filibusters, the numbers of which, taken separately, seem insignificant enough;—and to such it may seem that we attach too much importance to the fact of the expulsion of these bands from Nicaragua by the united efforts of the Central American states. But the truth is, that few are aware of the real magnitude of the efforts made to Americanize Nicaragua. Since the disastrous termination of the enterprise, some light has been thrown upon the subject. The correspondent of the New York Times (quoted in the Times of the 29th August last) says:—

"The books of the old accessory Transit Company of Charles Morgau and Sons, prove that no less than 7000 men have been shipped up the San Juan River, and 3,500 received from California. Mr. Bortwick, late Secretary of State to General Walker, tells me that he can prove, by documentary evidence, that no less than 5,700 filibusters have found their graves in Nicaragua."

In fact, so far as the Southern States were concerned, Walker's enterprise was really a national movement. The Washington correspondent of the New York Herald (Times May 19th, 1856,) states, that "the Southern members of Congress are singularly united in favour of Walker, even more so than ever I have known them to be on the Cuba question." The entire general population

of these states was notoriously enthusiastic in his cause. The universality and intensity of this sympathy may be partly accounted for, so far as the South is concerned, by the presence in the slave states of a large population of poor whites, men of turbulent habits and loose principles, to whom manual labour is a degradation, because there practised only by slaves, and who therefore are always ready to join in any enterprise which offers an outlet for their energies, and a reasonable prospect of plunder. But—to the shame of the Americans be it spoken,—it was not only from the South that Walker drew his supplies. In the *Times* of the 24th May, 1856, may be found an account of a large meeting of sympathizers with General Walker, held in New York, and “chiefly composed of friends of the Administration.” At this meeting letters favourable to the recognition of Walker’s government were read from General Cass and other prominent democrats. Guns, money, and sympathy were freely pledged, and a series of resolutions in his favour adopted. If we mistake not, the General Cass who thus acted in May, 1856, is at the present time Secretary for foreign affairs under Mr. Buchanan! This is merely a sample of many such meetings held in New York and other northern cities. Taking all these circumstances into consideration, the task which the Costa Ricans and their allies had before them, will not appear so exceedingly easy of accomplishment.

But the most important aid which Walker received was undoubtedly the recognition of his government, in May 1856, by President Pierce. This recognition, to which the able and honest Marcy was throughout opposed, had been, as we have seen, refused in December 1855, only five months before. What paltry intrigues,—what despicable calculations of political advantage,—may have induced President Pierce thus to stultify himself, it is not worth while to inquire. The fact remains, that on the 14th May, Padre Vigil, the envoy of the Walker-Rivas government, was sent for by Mr. Marcy, and by him conducted to the President, who received him as minister from Nicaragua, “with distinction and cordiality.” The English funds fell upon the receipt of this intelligence, for the recognition of Walker was regarded as a direct insult to England. The members of the whole diplomatic corps at Washington unanimately resolved not to recognize Padre Vigil, either

socially or officially. But the proceedings of Walker's sympathizers, particularly in the South, received an immediate and extraordinary impetus.

We will now resume the thread of the narrative. In June, President Rivas, apprehensive probably that Walker would not always be contented to enjoy the substance of power without its outward show, and that he himself, as the sole remaining obstacle in his path, would sooner or later share the fate of Mayorga and Corral, went, accompanied by Salazar, his minister of war, to Leon, a city lying seventy miles to the north-west of Granada, and declared the seat of government to be removed to that place. Walker immediately threw off the mask; declared them both traitors; and ordered a new election for President. The election came off about the end of June;—and as the filibusters had military occupation of the greater part of the country, our readers will not be surprised to hear that the choice of the people fell upon General Walker. Rivas protested against the validity of the election; so that henceforward we have two Presidents in Nicaragua, one issuing his decrees from Leon, the other from Granada. Salazar, proceeding in July to San Salvador to visit his family, was taken prisoner in the Bay of Fonseca by a filibuster schooner, and brought up to Granada. The relentless Walker could not forgive his former friend for having turned against him, and Salazar was shot in the public plaza of Granada on the 3rd August. Seated in the same chair in which Corral, his predecessor in office, had met his doom, Salazar paid the extreme penalty of *treason*. A traitor indeed he was, but not to Walker;—his treason had been consummated long before, on the day when he helped to place a foreign yoke on the necks of his countrymen; and it was committed, not against the alien usurper who put him to death, but against the land of his birth and the traditional glories of his race. —

On the 12th July, William Walker was inaugurated President of the Republic of Nicaragua. But the grand banquets, processions, balls, and *levées*, which, according to *El Nicaraguense*, followed this auspicious event, had soon to be laid aside. The other states of Central America—Guatemala this time taking the lead—had now become ashamed of their long apathy, and agreed to unite their forces in order to expel Walker. Carrera's

troops marched from Guatemala about the 15th June, and were joined in San Salvador by the troops from that state. The allies crossed the Bay of Fonseca, and occupied Leon about the end of July. Rivas received them with open arms as his deliverers. But dissensions broke out among the generals, and they remained for more than two months inactive in Leon. At last a gallant and successful action on the part of some native Nicaraguans, emboldened them to advance. A party of these had loopholed, and made otherwise defensible, a *rancho* or cattle-station at San Jacinto, in the Chontales country, on the north side of the Lake of Leon. A detachment of the filibusters, under Colonel M'Donald, hearing this, attacked the rancho on the 5th September, but were repulsed with some loss. When this became known at Granada, a large number of Americans volunteered to make another attack. They were led by Colonel Byron Cole, the individual who had first suggested to Castellon to call in Walker to his aid. On the 16th September, the volunteers attacked the rancho with great vigour, and penetrated within the outer palisade surrounding the stock-yard. But the house in the centre of the stock-yard was filled with armed men, who kept up a murderous fire on the assailants, and after a large proportion of their number had fallen, the Americans were obliged to beat a retreat. Byron Cole himself was among the slain. This success, as we have said, aroused the torpid army at Leon to action, and about the end of September they advanced in force under General Belloso; Walker's garrisons at Managua and Masaya retiring before them. At Masaya,—a large Indian town only twelve miles from Granada,—they halted, irresolute apparently, whether or not they should attack the filibusters in their last stronghold. Observing their indecision, Walker resumed the offensive, and marched upon Masaya on the 11th October, with a force of about 700 men. The allies, who were certainly far more numerous, but whose artillery was inferior to that of the filibusters, were driven out of the suburbs and a portion of the town, and in the course of twenty-four hours fighting the American sappers and miners had nearly worked their way up to the grand plaza, when the intelligence was brought to Walker that a large force of the allies, which had been detached unobserved from the main body during the fighting, were attacking the feeble American garrison left in Granada. Walker

immediately drew off his men and marched back to Granada. On the crown of the hill above the city, near the Jalteba church, some Guatemalans with two guns were posted, and opposed his advance. Their resistance was stubborn, and their well-served guns inflicted severe loss upon the filibusters, but they were at last overpowered, and driven down the hill towards the city. When the Americans reached Granada, a scene of confusion and desolation met their eyes. The garrison, consisting, according to *El Nicaraguense*, of only 150 men under Brigadier Fry, occupied the grand plaza, from which the Guatemalans, who numbered, according to the same not very veracious authority, some 600 or 700 men, had been unable to dislodge them. But the rest of the city was at the mercy of the allied soldiery, who proceeded to plunder the houses of all American residents, and their Nicaraguan sympathizers, and to commit other excesses. They shot down several American residents who had never carried arms during the struggle, among them a Methodist preacher of the name of Ferguson, and an agent of the American Bible society. The only palliation which these barbarities admit of, lies in the fact that the Americans in Nicaragua had themselves confounded all distinction between combatant and non-combatant, as we lately saw in the case of the second attack on San Jacinto, which was conducted mainly by volunteers.

At Walker's approach the Guatemalans, who were plundering in different parts of the city, retreated, carrying their booty with them, and the filibusters were too much exhausted to pursue. It was the 13th October, the anniversary of the day on which Walker had surprised and captured the city the year before. Since then, in spite of the large reinforcements he had received, what had the freebooter effected? He had in the interval merited and incurred the execration of every honest Nicaraguan, as well as the hostility of the neighbouring republics. He actually held at this moment not one foot more of Nicaragua than his soldiers stood upon. These thoughts must have sunk into and mortified the ambitious soul of the freebooter, but to those around him he showed an unbending and hopeful front. His scribes were instructed to give the necessary colour to the events of the preceding days, and the "victories of Masaya and Granada" were soon

paraded in the largest type in all the newspapers of the Union.

During the remainder of October the opposing camps faced each other, but did nothing, a feat in which the allies seem to have been particularly skilful throughout. Costa Rica meanwhile had been preparing to renew the struggle. Her Congress had voted 75,000 dollars for the prosecution of the campaign, and two vessels of war had been fitted out to cruise off the Pacific ports of Nicaragua. But as every fortnight brought new accessions of strength to Walker, in the shape of men or stores arriving by the transit route from New York, New Orleans, or San Francisco, President Mora resolved to direct his chief efforts to the closing of that route. The first attempt was made on the Pacific side. General Canas, marching from Costa Rica with 200 men, and being joined by about the same number of Nicaraguans, occupied without resistance on the 7th November the port of San Juan del Sur. Next day he was joined by 300 Guatemalans from the allied force at Masaya; these he left in charge of San Juan, and took up a position with his Costa Ricans on the high ground between it and Virgin Bay. Here General Hornsby, with the garrison of Virgin Bay, attacked him on the 9th November, but was repulsed. Hornsby at once sent intelligence of his defeat to Walker at Granada. Walker knew that it was of the utmost importance to maintain his hold upon the Transit route, whether with a view to receiving reinforcements, or, if it came to the worst, making a safe retreat from the country. He therefore took with him a large body of riflemen, and proceeded by steamer on the 12th instant to Virgin Bay, whence he led his whole force against Canas. The latter had been abandoned meanwhile, for some unexplained cause, by the Nicaraguan portion of his force, and found himself not strong enough to risk a battle. He therefore led his men slowly and in good order to Rivas. The Guatemalans in San Juan del Sur seem to have done the same, and Walker, having re-occupied the place, left 175 men there, and returned on the 13th to Virgin Bay, and thence to Granada. He now felt that unless he could achieve some decisive success, his advanced position at Granada could no longer be retained. He accordingly made one more desperate effort to defeat and drive back the allies at Masaya. He marched there on the 15th November with

his whole force, but after three days fighting in the streets, with heavy loss on both sides, the filibusters were compelled to give up the attempt, and retire upon Granada. Walker had now no course open to him but to concentrate his remaining forces on the Transit route. But first he resolved to leave behind him in the ruins of Granada a lasting monument of his disappointment and his revenge. On the 21st November he caused his followers to be paraded in the plaza, where they were addressed by one of his officers in the following terms:—

“Fellow soldiers, his Excellency President William Walker is fully aware of the fact that for the last eight months you have not received one dollar in cash for your long and faithful service, and he deeply regrets that the commercial community have not yet discovered the value of his treasury bonds. The advance of these d— rebels from San Salvador, Honduras, and Guatemala, in overwhelming numbers, renders it necessary for us to evacuate Granada, and since *we* cannot enjoy it, he is determined *they* shall not.”

The catastrophe that followed is thus described in the *Times* of the 19th June last:—

“Every house and church was to be burnt, Walker reserving to himself the plunder of the churches. Well was the ruthless mandate obeyed by the scoundrels who were told off to execute the accustomed work in symmetrical form. Eight churches, described as magnificent, were plundered and destroyed. All else that could be burnt..... was committed to the flames. Let any one imagine all that he has read of in the disastrous history of a town taken by storm, when the passions of a brutal soldiery, mad with combat and drink, have reigned triumphant for a while, and he will have a picture of the condition of Granada on that unhappy day. Forty-eight church bells, many of which were said to be half silver, and a great store of silver ornaments, constituted a portion of the spoil peculiarly grateful to the chivalric feeling of the commander.”

While these worthy “pioneers of civilization,” as philosophical Americans love to designate their filibustering countrymen, were engaged in the work of destruction, Walker, with a small portion of the force, embarked in one of the steamers on the lake, having left orders with General Henningsen, his second in command, to follow as soon as the work of incendiarism had been effectually done. But on the 22nd November the allies, having been informed of what was going on, marched to Granada. They divided their forces, part entering the city on the land side,

part advancing along the shore of the lake, between it and the city. An old fort at the landing place, which was garrisoned by 29 men, was taken by this division after a stubborn-resistance, and its defenders put to the sword. The division which entered the city soon chased out of it with loss the filibusters commanded by Henningsen, and forced them to retreat towards the lake. But finding his retreat cut off in that direction, Henningsen took possession of a large church which stood near the road leading from the city to the lake. Here he prepared for an obstinate defence. The allies invested the church, but their proceedings from this point appear to have been characterised by anything but vigour, and after blockading the place for about a month, General Belloso withdrew his troops in the most unaccountable way, and allowed Henningsen, with his 350 men, to escape to the lake and join Walker. But for this extraordinary negligence Walker's career would have been cut short some months earlier than it was. But after being joined at San Jorge (a vilage near Rivas) by Henningsen about the end of December, he found himself strong enough to compel Canas to retire from Rivas and join the allies near Granada. Walker then occupied Rivas, which was thenceforth his centre of operations. Reinforcements were now arriving at a greater rate than ever, and the chances seemed equal whether the allies, whose proceedings had all along betrayed a want of vigour and union, would advance and endeavour to seize the Transit route, or throw up the enterprize in despair. But about this time a gallant exploit performed by Costa Rica inclined the wavering scale, and decided the fate of Nicaraguan filibusterism. This was the seizure of the river and lake steamers belonging to the Transit Company in the last week of December, 1855. A full account of this gallant enterprize, taken from authentic sources, appeared in one of the magazines last year,* and it will therefore be sufficient here to indicate its main outlines.

The river San Juan was guarded for Walker by posts stationed at Fort San Carlos, Castillo Viejo, and Hibbs' Point. The party of Costa Ricans selected for the perilous service of wresting the command of the river out of the freebooter's hands, consisted of only 120 men, under

* Blackwood's Magazine, May, 1856.

Colonel Fernandez. They embarked on the 16th December, in canoes and rafts on the San Carlos river, which joins the San Juan a few miles above its junction with the Serapiqui. Their guide was a Mr. Spencer, an agent of Vanderbilt the great New York capitalist, and an *employé* under the former Transit Company. They surprised and bayoneted the post of fifty men at the Serapiqui, and proceeding down the river, still in their frail canoes, reached Greytown early on the 24th December. Colonel Fernandez at once seized upon four steamers belonging to the Transit Company as lawful prizes. The United States consul, Mr. Cottrell, applied to Captain Erskine, the commander of the powerful British squadron then lying at Greytown, to prevent the seizure. It was fortunate for the interests of freedom that England, and not the United States, had the upper hand at this time in Central American waters. It had not always been so. In April 1856, the *Eurydice* was the only British man-of-war at Greytown, and Captain Tarleton had instituted a sort of blockade of the port, in order to prevent filibusters from passing up the river to join Walker. The American government were highly incensed at this, and sent down Commodore Paulding to demand reparation. Captain Tarleton received instructions from home to discontinue the blockade, but the menacing tone of the American government seems to have determined the ministry to send an overpowering force to Greytown. A letter from the French correspondent of the *Pays*, (4th September, 1856) describes in terms of the highest admiration and delight the appearance in that small harbour, on the 28th July, of a magnificent screw squadron, consisting of one two-decker, the "Orion," 90, five steam frigates, and three gun-boats, the whole under the command of Captain Erskine, in the "Orion." England, therefore, on the 24th December, was master of the situation at Greytown, and when appealed to, she threw her sword into the scale of humanity and justice. *O si sic omnia!* Captain Erskine thus replied to Mr. Cottrell:—*

"To prevent all misapprehension, I think it right to state that the steamers and other property belonging to the accessory Transit company, being at this moment the subject of a dispute between

* Panama Star, 19th January, 1857.

two different companies, the representatives of which are on the spot, and one of them authorizing the seizure, I do not feel justified in taking any steps which may affect the interests of either party.

“With respect to the participation of a force of Costa Ricans in the seizure and transfer of the steamers alluded to, I must observe that these steamers having been for some months past employed in embarking in this port and conveying to the parties with whom Costa Rica is now carrying on active hostilities, men and munitions of war ;—it appears that as a non-belligerent I am prohibited by the law of nations from preventing the execution of such an operation by a belligerent party.”

So the Costa Ricans took their prizes up the river, sending on a steamer to ascend the San Carlos to the embarcadero, or landing-place, at the head of the navigation of that river, and apprise General Mora of their success. This active officer was waiting at the embarcadero with 800 men. Taking the command of the entire force, he proceeded to Castillo Viejo, captured Walker's detachment there, and two more steamers, and thence went on to Fort San Carlos, the garrison of which was also easily overpowered. Here the two lake steamers, which had been of invaluable service to Walker by enabling him to move rapidly from point to point, came up, bringing the American passengers from California, who had heard nothing of what had passed. These boats also were captured, but Mora sent one of them on to Greytown with the Californian passengers. The officer in charge, after landing them at Greytown on the 7th January, had the satisfaction of seeing a large steamer, the Texas, carrying 250 filibusters, arrive in the bay, and of enjoying in imagination, as he steamed up the river, the wrath and disappointment of the baffled ruffians, whose piratical plans were thus unexpectedly disconcerted.

Perplexed by the non-return of the lake steamers, Walker sent a boat with eight men to Fort San Carlos on the 15th January to enquire the cause. The boat was of course captured, and General Mora thus learned that Walker had but 800 men left, including the sick and wounded. Mora proceeded next day by the lake to Granada, and opened communications with the allied generals. A council of war was held, at which Mora was strongly pressed by the other generals to take the post of Commander-in-chief. He refused at that time, and a plan of operations was agreed upon by which the allies were to

march along the shore of the lake, and attack San Jorge, while Mora with the steamers was to cruise up and down, threatening a descent at different points, so as to distract and harass the filibusters. After some delay the allied army, commanded by General Xatruch, numbering altogether about 1500 men,—General Canas, with his Costa Ricans, leading the van,—marched on the 28th January, and entering San Jorge without opposition, entrenched themselves there during the night. On the next and several following days the filibusters in Rivas bravely attacked their position, but were always repulsed with loss. For the remainder of February both sides remained on the defensive. About the end of the month Xatruch was superseded by General Mora, and the siege of Rivas was then pressed in earnest. Desertions from Walker's army now became frequent, and were greatly stimulated by a proclamation in English, bearing the signature of the President of Costa Rica, many copies of which were clandestinely introduced into Rivas, offering a free passage to their own country to any of Walker's officers and soldiers who would leave his service. No fewer than 150 deserters gave themselves up in the month of February.

Leaving Walker in this desperate condition, like some savage beast round which the toils of the hunters are gradually closing, let us glance at the contemporaneous operations on the San Juan River. The filibusters who arrived at Greytown on the 7th January had found themselves unable, as we have seen, to proceed up the river. In the course of a month they were joined by several hundreds more from New York and New Orleans, whom the capitalists concerned in the new Transit Company, fearful of losing their ill-gotten privileges if Walker should be expelled from the country, strained every nerve to forward. But many of these, becoming enlightened as to the true nature of the service they had enlisted in, abandoned their colours soon after they landed. There remained in the beginning of February about 470 men, under the command of Col. Lockridge. They had contrived to patch up an old worn-out boat, which the Costa Ricans had overlooked in the general seizure of the steamers on the 24th December. In this, a body of 200 men proceeded up the river and attacked the first Costa Rican post at Hibb's Point on the Serapiqui. Two attacks, on the 6th and 7th February, were bravely repulsed by the garrison; but a third, on the

13th, was so far successful that the Costa Ricans, who were suffering from sickness and insufficiency of provisions, evacuated the position in the night, and having no steamer at command, were obliged to retreat up the valley of the Serapiqui, instead of in the direction of Castillo Viejo, as they had been instructed. This had nearly caused a great disaster. For the filibusters, encouraged by their success, proceeded up the river, and on the 16th February, appeared suddenly before Castillo Viejo. The old castle was held by about thirty men, commanded by a young Englishman, George Cauty, whose father is settled in San José, the capital of Costa Rica. For three days this gallant little band repulsed all the attacks of the filibusters. On the 18th, Cauty contrived to despatch a boat to Fort San Carlos, a distance of thirty miles, with a letter to Mora, soliciting reinforcements. On the same day he held a parley with the leader of the filibusters, who urged him to surrender the castle; alleging, though untruly, that he had a thousand men on the river, and that all the forts, including Fort San Carlos, had fallen into his possession. Cauty asked for and obtained a suspension of arms for twenty-four hours, at the end of which time he promised to give a decisive answer. The term expired, and Cauty sent word to the filibuster that he and his men would die beneath the ruins of the fort sooner than surrender it. The firing then recommenced; but hardly had the first volley been given, when fifty Costa Rican riflemen, led by the officers Ortiz and Alvarado, who had come by a forced march from Fort San Carlos, made their appearance in the rear of the Americans, and soon changed the face of affairs. Charging with the bayonet, the riflemen broke with ease the American lines, and dispersed them in all directions, after the loss of a large proportion of their force. This brilliant affair put an end to filibusterism on the San Juan. Col. Cauty, with an armed force, descended the river in April, and found that Lockridge had disbanded his men, many of whom were in a state of absolute destitution. By the judicious intervention of Capt. Erskine, an arrangement was concluded by which the remaining filibusters, 350 in number, were to be sent in a British man-of-war to New Orleans, the cost of their passage being jointly guaranteed by the agent of the Transit Company and Cauty on behalf of the state of Costa Rica. This arrangement was carried into effect without delay, and

filibusterism on the Atlantic side of the country was extinct.

The defeat of Lockridge gave the *coup de grace* to Walker. We have seen that at the end of February he was at Rivas, hemmed in by the allied forces. All through March and April he held his ground, defending himself with a pertinacity worthy of a better cause. General Mora succeeded in completely investing the place, and in drawing closer and closer the circle of his posts, but each step in advance cost many lives. The filibusters were reduced to living upon the flesh of horses and mules. Meantime an United States' sloop-of-war, the "St. Mary's," commanded by Captain Davis, came to San Juan del Sur. Acting under orders from his government, this officer first proceeded to the allied camp, and came to an understanding with General Mora. He then sought an interview with Walker, and urged him to capitulate. The stubborn nature of the freebooter resisted all solicitations, and Captain Davis was at last obliged to inform him that he should deem it his duty to seize the "Granada," Walker's schooner, then lying at San Juan del Sur, unless he acceded to his proposals. This settled the matter. The capitulation was signed on the 1st May, 1857; on that day Walker and the remainder of his band, between 400 and 500 in number, marched out of Rivas with their side-arms, and embarked at San Juan del Sur, for Panama.

There was great rejoicing at San José, and throughout Costa Rica, when the news of the capitulation was received. And as the victorious soldiers, leaving the burning plains of Nicaragua, climbed up the passes leading to their mountain home, doubtless many a heart swelled with thankfulness to that God, Who had once more "exalted the humble," and "scattered the proud in the conceit of their heart," and Whose heavy judgments upon themselves and others of their race,—pestilence, scarcity, rapine and war,—had at last been crowned and compensated by such signal and memorable mercies.

Several reasons have induced us to relate the history of Walker the Filibuster, at considerable length. In the first place, his adventures and their close, if rightly weighed, seem calculated to dispel many prevailing illusions, and to project a ray of light into the womb of the future, by which we may conjecture with some probability what is likely to be the general course of events on the

American Continent. Many anticipations have been falsified, many theories disconcerted, by the failure of Walker's expedition. Only last year, the whole American press, and some of the leading English papers, entertained such overweening notions of American prowess, and so utterly despised the Spanish Americans, that when Walker's government was recognized in May, 1856, by President Pierce, the question relative to his holding his ground was regarded as entirely settled. For instance, the *New York Herald*, (quoted in the *Times* of the 2nd June, 1856,) while exposing the contemptible inconsistency of Pierce's conduct, in recognizing in May that government which he had refused to recognize in December, speaks of Walker's triumph over all opposition as now inevitable. "Henceforth," it says, "apprehension as to Walker's success becomes gratuitous and puerile." So the *Times*, in its city article of the 2nd May, 1856, after recording the Costa Rican victory at Santa Rosa, expresses a doubt whether "this unequal struggle" can continue much longer. And the theory on which these anticipations rested, is boldly sketched in the letter of an American to the *Times*, written about the same time. The writer justifies filibusterism as the disagreeable but inevitable means by which the great end—that of Americanizing the whole Continent—is destined to be attained. The filibusters, according to him, are the pioneers of Anglo-saxon civilization,—they are to spread over the benighted regions to which their influence extends, the blessings of commerce, and "the language of Shakspeare and Milton"—that of Cervantes and St. Teresa being of course not worth preserving!

Alas, how are the mighty fallen! where are these confident expectations now? Not by foreign assistance, but with their own right hands, in spite of grievous dissensions among themselves, these "mongrel" Central Americans; for whom a Yankee cannot find words to express his sovereign contempt, have routed and expelled from their borders the legions of well-armed freebooters, backed by immense resources in monied power, which for eighteen months the American ports never ceased to launch forth upon their shores. As the events of 1848 and 1849 must have opened the eyes of many an enthusiastic dreamer; and proved to him that democracy and socialism were *not* the panacea for all the ills of old Europe, that the course

of human development did *not* lie in that direction, so the history of Walker, and the noble deeds of the Costa Ricans, ought to disabuse the minds of those who have hitherto taken the Americans at their word, and acquiesced in that wild dream as to the "manifest destiny" of the American union, which their inordinate vanity has rooted in the national mind. We have seen that even with inferior numbers, the Costa Ricans, having a good cause, were more than a match for their American opponents. Nor is this to be wondered at, for men who are fighting for justice, freedom, and religion, for all that makes life and country worth having, are not likely to be easily mastered by men whose only moral support in the day of battle is a preposterous theory as to the superiority of their own race, who by no means exceed their opponents in intelligence, and whose physical powers, though perhaps naturally greater, are enfeebled by a trying and uncongenial climate. The Americans, it is plain, have formed a wrong theory about themselves, their capabilities, and their destinies; it has been tried by facts, and it has broken down; and we recommend them to set about constructing another and a more modest one.

Secondly, we trusted that by giving a faithful picture, so far as our imperfect materials allowed, of the heroic conduct of Costa Rica, and, in a lesser degree, of the other Central American States, we might contribute to correct public opinion respecting them in this country, by which they have been hitherto too slightly regarded, and help to create an interest in their favour, which may be of service to them in future emergencies. For their danger is not yet past. While we write (November) a fresh expedition, fitted out at New Orleans and Galveston, is probably on its way to the shores of Costa Rica, consisting of a force of 1800 or 2,000 filibusters, headed by Walker, who no doubt is burning to efface the humiliation of his late defeat. Mr. Buchanan, it is said, is determined to stop this expedition if he can, but it is to be feared that the federal officials at the South sympathize so warmly with its promoters, that the intentions of the government will not be carried out. Now we entertain no doubt whatever that the brave Costa Ricans would eventually give a good account of these American pirates, though their number were ten times greater than it is. But in the name of civilization and our

common humanity, is it to be endured that an independent state, with which the United States are on terms of perfect peace and amity, should be invaded by American citizens, and subjected to all the risks, expense, and anxiety of a state of war,—that its territory should be ravaged, and its houses and churches plundered and burnt, because the United States government is not strong enough to prevent its citizens from turning pirates? If it is not, then it abdicates its own proper functions, and other nations must undertake to discharge them. England and France are strong enough, and surely will be manly and generous enough, to put a stop with a high hand to these infamous proceedings. English men of war have been employed, and rightly employed, in putting down piracy in the Chinese waters, where the chief sufferers are the Chinese themselves. Will England now hesitate to employ them against these pirates of the Gulf of Mexico, who are threatening an unoffending Christian people with all the horrors of war?

One last remark as to the connexion of filibusterism with slavery. There can be no doubt that the chief reason why projects of annexation, such as Walker's, are so popular in all the Southern states, is the political interest which the South has in the creation of new slave states, to counterbalance in the federal legislature the growing power and increasing population of the free North. Hence the annexation of Texas, the filibustering inroads into Lower California, and the various attempts which have been made to negotiate the purchase of portions of the Mexican territory. Walker is in feeling, as by birth, a Southern; he was reared up in the midst of slavery; and one of his earliest acts after assuming the Presidency of Nicaragua, was significant of his future intentions. This was the publication of a decree repealing all the laws that had been passed by the federal legislature of the old Central American republic, among which was one declaring slavery illegal. Some of his supporters have asserted that Walker, in this measure, was not thinking of slavery, but merely intended, like another Lysurgus, to make a clean sweep of all existing laws, in order to build up the constitution and code of Nicaragua *ab ovo*. But the approving comments of the New Orleans Delta, and other pro-slavery newspapers, prove what was the real animus of the measure. Walker, however, has not left us in doubt on the subject

of his sentiments. In a speech addressed to an immense public meeting at New Orleans shortly after his expulsion, he said that "it might be unfortunate that he could not consider slavery a moral or political wrong;" "his teachings had not perhaps been of the Wilberforce school;" and he proceeded to eulogize the act of Las Casas in first introducing negro slavery into the West Indies in the 16th century. The British nation therefore, which has made so many laudable exertions to prevent the extension of slavery, may rest assured, that if Walker or any other filibuster should succeed in "Americanizing" Nicaragua, and the rest of Spanish America, all those countries, which are now free from that curse, would at once have the "domestic institution" introduced into them. Left to themselves, they and Mexico, if an honest and strong government made life and property secure, could raise by free Indian labour a large proportion of the cotton required for our manufactures, and thus give a deadly blow to American slavery. But this is a subject of too great interest and importance to be treated summarily at the close of an article, already we fear too long.

ART. V.—1. *The Record*. London, 1857.

2. *The Watchman*. London, 1857.

3. *The Christian Observer*. London, 1857.

AMONG those household words which have acquired an unhappy notoriety in Protestant England, a prominent place must be given to that class of language, in which the Catholic Church is usually described as a system that teaches its members to put their trust in senseless forms and external rites, rather than in the real substance of religion. It must, indeed, be admitted, that the principles of the Catholic religion are much more extensively and accurately known at the present day, than they have been for many previous generations. Some forty or fifty years ago, and it may have been said with perfect

truth, that the English nation was altogether ignorant of the primary doctrines of Catholicism. A darkness more than Egyptian rested over the whole land. Catholics were a people of a bye-gone age, and the Catholic Church an institution of the past. In those times there was very little intercourse with the Continent of Europe, except in a way that was ill-calculated to remove religious and national antipathies. And although there were in England, then as now, many bold witnesses to the faith, and although, then as now, there was a remnant which was being added continually to the Church, yet, partly from the political disabilities under which we laboured, and partly from the paucity of our numbers, we were unable to make any perceptible impression on the nation. There were, of course, controversial discourses for and against Catholics. There were Acts of Parliament framed with a view to the extirpation of the religion. There were hot-headed ministers, and fanatical alarmists, who saw in every concession to justice the death-blow of their beloved Protestantism. There was, above all, that indescribable fear of Catholicism, which fastens with an almost fatal tenacity upon those who have lapsed into heresy and schism. But even this fear, however real and genuine, was beginning to subside and die away, because the impression was everywhere gaining ground, that the Catholic religion could never again rear its head in the face of modern enlightenment, that its vigour was gone, and that its power of attraction had passed away for ever. It is to this impression that in a great measure we owe emancipation. Men became liberal, because they thought that the time had gone by for dreading any revival of the ancient faith. But why did they think so? What was the suppressed premise, on which was founded all that process of thought and reasoning, which enabled them consistently,—and we might say—conscientiously, to adopt a political line of conduct favouring justice and toleration? We must acknowledge, we fear, that their process of reasoning was not very complimentary to ourselves. They argued in some such way as this. The Catholic religion is a system that can never stand the progress of the human mind. It is a religion more for the childhood of mankind than for his manhood. It was all very well in “the dark ages,” but its hour is over. A miserable superstition, a religion of crossings and genuflections, of empty forms and vain cere-

monies,—it contains nothing within it that can possibly influence or attract educated minds. In a Protestant country, and amongst a Protestant people, it has no chance of the smallest success. Its formalism and its gloom, if once confronted with the pure religion of the Bible—the pure light of Protestant truth—must give way. The day therefore is past for dreading its influence, or its power, and there is, consequently, no reason why we should continue to persecute it.

Considerable progress has been made, since the era of emancipation, towards a more correct knowledge and appreciation of the Catholic religion. Awakening as a giant refreshed with wine, the Church has caused its sound to go forth into all the land. Formerly it was seldom spoken of, because it was in fact hardly known. Now it is in every man's mouth. Where is the class or rank in society, in which Rome and Catholicism do not form the subject of ordinary conversation? It penetrates everywhere. The public newspapers find it profitable to occupy their columns with frequent discussions concerning Catholic principles, and with coarse abuse of the Catholic Church. In the political clubs, at the university common rooms, in the midst of the family circle, in the cottages of the poor, the question of Rome is a subject of conversation, if not always agreeable, at least always full of interest, sometimes of anxious inquiry. No one can deny that there is abroad a wonderful spirit of curiosity about Rome, if we cannot always call it by a higher name. It is this mingled spirit of half-earnestness and half curiosity, that fills our churches on Sunday evenings with such numbers of Protestant men and women. And one necessary result of all this discussion, inquiry, curiosity, or by whatever other name the spirit abroad is to be called, is to be seen in the gradually increasing knowledge of the doctrines and principles of the Catholic religion. We are never now-a-days surprised when we meet with people who prove themselves to be familiar with our books, who profess a belief in many of our dogmas, and who boast that they have adopted, and that they practise several of our customs. It is, indeed, true that such persons are, for the most part, to be found in certain classes of society, and in a particular section of the national church. But it is no less true that they are by no means to be exclusively found there. They are literally everywhere; and very often in

quarters where you least expect it, you meet with persons who astonish you by the amount of their Catholic information, and by the sincerity of their Catholic sympathies. Yet remarkable as has been the progress everywhere made in the apprehension of the real doctrines of the Church, this progress is, after all, more relative than positive. Comparing things now with what they may have been some fifty years ago, a remarkable change has undoubtedly occurred in the position of the Church, and in the degree in which its nature and character are understood; but looking at the religious mind of England as it actually presents itself to our view, we are not less amazed at the ignorance which everywhere meets us, than with the amount of knowledge that is at the same time spreading through the country. Men who are sharp and clever in every other matter are blind and stupid in all that relates to the understanding of the Catholic religion. The remark has been very often made, that persons who would be ashamed to be detected in an ignorant statement respecting the religion of Mahomet or of Buddha, are frequently found enunciating the most stupid platitudes with regard to the Catholic faith, the falsehood of which they could easily enough learn from the ordinary penny catechisms. There are large and influential religious communities in England, who are as profoundly ignorant of the commonest doctrines and principles of Catholicism as if they lived at some remote corner of the globe, where the cross of Christ had never as yet penetrated. The Tractarianism of the universities, and the hereditary high-churchmanship of the Established Church, have imbued individuals and families among the higher classes with a certain tinge of Catholicism, more or less accurate as the case may be; but these æsthetical forms of religion have not impregnated the masses either of rich or poor; or at least have not done so to such an extent as to take away, in any reasonable measure, that intellectual blindness which has hitherto proved so impenetrable a barrier to the light of the faith. What, for example, do the Independents know about the Catholic religion? Or the Baptists? Or the Presbyterians? And how many families are there throughout the land, educated in so-called "evangelical" principles, who by the very circumstances of their education, their quiet domestic life, their seclusion from general society, and their total want of

the means of information, know nothing about the Church of Christ, except what they have learnt from a debasing and a corrupt tradition? This ignorance, its existence and its permission, is to our mind one of the most unfathomable mysteries within the range of Divine Providence. Doubtless it is a terrible judgment from Him who visits the sins of the fathers upon the children unto the third and fourth generation. It is a judicial visitation in punishment for the pride and rebellion of three hundred years. "Seeing they shall see, and shall not perceive, and hearing they shall hear, and shall not understand." But, alas! why should this punishment be permitted to continue so long? And why should it fall upon the little child unconscious of error, the high-minded and manly, the noble and the generous of heart? "*O altitudo divitiarum sapientiæ et scientiæ Dei quam incomprehensibilia sunt judicîa ejus, et investigabiles viæ ejus.*"

It is with the phantom conjured up by this profound hereditary ignorance that we have at present to do. All the Protestant sects have much the same tradition respecting the Catholic Church. They conceive of it as of one vast system of *formalism*—the very antipodes "to vital religion." Its doctrine is a superstition, its rites a nummery, its worship an idolatry. For such is the foul idea which minds defiled and polluted by heresy entertain of the Christian Church. And we cannot without pain remember that through the power of the devil this strong delusion has taken possession of the intellects of thousands who yet call themselves Christians. It is the grand artifice of Satan to present to the Protestant intellect a picture of the Catholic Church as unlike the truth as darkness differs from the light, and where he cannot prevail by means of one false portrait, he tries to succeed by another. Those whom he cannot delude by the insane cry of idolatry, he attempts to ensnare by putting on a cloak of spirituality, and accusing the Church of formalism. We shall examine a little into this accusation. It is true, indeed, that the charge has been refuted over and over again; but inasmuch as, despite the oft-repeated refutation, it still exercises absolute sway over hundreds of well-meaning people, it may not be altogether amiss to show how absurd, how untrue, and how utterly untenable it really is.

Truth would be a great gainer if men would take the trouble to analyze the conceptions of their minds, and to

acquire a correct and accurate notion of the words in which they express their thoughts. We should be, therefore, reluctant to argue about formalism, unless we took care at the very outset to explain what we mean by the term. Formalism, then, in our opinion, is a tone of mind, or a system of religion, which pertinaciously attaches supreme consequence to that which is merely and nakedly external;—to rites, ceremonies, forms of address, modes of speech—in a word, to all those things which the inner conscience in the individual, and the explicit expression of belief in the religious system, acknowledge to be “naked and beggarly elements.” In the idea of formalism, we apprehend that these two things are included: (1) undue consequence as to what is merely æsthetic or external: (2) the substitution of the external for the internal. As if a large benefaction to an hospital covered a still continuing and habitual covetousness of heart, or as if previous fasting in the day-time were a suitable preparation and compensation for the intended debaucheries of the coming night. Those were formalists of whom our Lord said that they strained at gnats and swallowed camels; as also those whom He reprovèd with severity, because they made clean the outside of the cup and dish, while within they were filled with all manner of iniquity. The latter invert the very foundations of religion, while the former make a conscience of that which they allow to be in itself minute, insignificant, and of no moment.

If this, then, be the correct idea of religious formalism, we may well wonder, not only at the charge so commonly advanced against the Church, but at the boldness of those who venture to make it. The old proverb says, that those who live in glass houses should be careful how they throw stones. And certainly in a question of formalism, the Protestant sectarians, if they only knew themselves and their principles, should be the last to presume to speak. For, looking at the matter strictly and yet fairly, what are the various Protestant sects of the day but so many different expressions of formalism in its most objectionable shape? To take, for example, the instance of baptism. The “Evangelicals,” the Baptists, and the Independents, agree that although baptism be a sacrament, yet the want of it cannot exclude a man from heaven, nor is its reception alone sufficient to ensure salvation, even in the case

of infants.* They moreover agree, that although it be a sacrament, it is not the instrument of regeneration, nor yet a necessary channel of grace to all who receive it without putting any obstacles in the way of its operation. In fact, they are unanimous in maintaining that no inward and spiritual effects are ordinarily connected with it by the institution of Christ! It is, indeed, a holy rite, but nevertheless simply and absolutely external. On pure Protestant principles it is as much a mere ritual observance, a mere outward ceremony, a mere external ordinance, as is the Catholic rite of the washing the feet on Holy Thursday. Nay, the latter, in the Catholic system, partakes more of a sacramental and spiritual character, than baptism does in the purely Protestant. Yet, see how these different branches of the great Protestant family quarrel among themselves, divide from one another, dispute, argue, and contend;—and all on account of that which they unanimously believe to be a mere outward ordinance, neither requisite to salvation, nor a necessary means of grace! They quarrel and dispute among themselves, some insisting that it should be administered to infants, others maintaining that it should not; some advocating baptism by aspersion, others making the immersion of the whole body a grave matter of conscience; some permitting and advocating the use of the sign of the cross in its administration; others with loud voice protesting against so Catholic a practice. And when we ask, for what are they contending? Why do they split themselves up into these separate religious communities—neither holding communion with the other?—we learn from their own admissions, and from their own creeds, that they are disputing, contending, breaking unity among themselves for the sake of a matter which they believe both to be unessential to salvation, and to be no necessary channel of grace; in a word, for the sake of a bare and naked outward rite. If this be not formalism in one of its most exaggerated types, we confess we know not to what else this name can be applied.

We may take as another instance of Protestant formal-

* This is certainly the *popular* opinion of Protestants in general, and the *theological* opinion of those who believe the monstrous Calvinistic theory of predestination. Unless we are much mistaken, it was also the opinion of the late Mr. Gorham.

ism, their well-known disputes about Church government. Either Christ ordained one definite mode and order of government in His Church, or He did not. If He did, then only this one mode and form can be right, and every variation from it is a violation of the divine Word and Law. This is the Catholic position. On the other hand, if He did not ordain any definite form of Church government, then the whole question must be so far a matter of indifference, that particular systems can never be made binding in conscience. There would still, indeed, be room for the preference of one system to another, upon grounds of practical convenience, but this predilection could never exaggerate itself into a matter of right and wrong. It could never go so far as to justify the separation of Christian from Christian, seeing that separation must in itself be an evil, and that *unity* is an essential principle in the religion of Christ. Now the Protestant sects, at least at the present day,* do not believe that there is, by divine appointment, one, and only one, form of church government. It is confessedly with them a mere affair of local order and discipline. The evangelical episcopalian does not believe in the apostolical succession of the bishops of his communion, while the Presbyterian and Independent do not hold that their episcopalian brother is beyond the pale of salvation on account of his prelatical associations. Yet here also these different sectaries are found to be straining at a gnat and swallowing a camel. They elevate a confessedly unimportant matter into a grave principle of conscience, sufficiently grave to justify them in violating that Christian unity which is really a thing of the utmost moment, which is the bond of all spiritual strength, and which the Scriptures so repeatedly urge upon our observance, as being essential to the very existence of the Church.

But from whatever position we view Protestantism, it presents itself to us as the most *angular* of religions. Regarded even from the most favourable side, it is ever reminding us of those well meaning people who are com-

* The Presbyterians of the present day have considerably modified their opinion about church government. The earlier members of the sect were very rigid in enforcing their own platform as alone of divine institution. They cannot now-a-days hold this.

monly called impracticable—who are continually startling you with new whims and crotchets, and whose singularities break out where you least expect it, and when you are least prepared for it. There are such people in the world, as every one is aware, and as most people know by actual experience. You begin in all simplicity to act with them, but you are suddenly brought to a dead stop. For where you least thought it, there they discover mighty mountains, and they obstruct you by barriers impassable to their own imaginations. Everything is with them a matter of conscience. Everything a great principle. So it is with Protestantism. It is not merely a heresy, it is an impracticable, angular, crotchety, narrow-minded religion. And in proportion as the particular sect professes to be spiritual in its aims and longings, this angularity stands forth in more unpleasant prominence. Perhaps the most spiritual in its theories of all the sects is that which is called the Society of Friends. Dr. Moehler does not hesitate to praise the system of quakerism for the logical coherence and consistency of its principles. Like Catholicism, it shrinks from no fair deduction from its doctrines; all its facts stand together in the most perfect harmony, and present to the mind a complete system, the architectural perfection of which leaves nothing to be desired.* This is certainly high praise, coming too from a Catholic theologian of no mean repute. Yet this perfection and this harmony exist only in the theory as it is on paper. No sooner do you attempt to bring this coherent and harmonious theory into action, than its practical oddities begin to appear. If it were really consistent with itself, it would neither need nor sanction any outward observance whatever. It would have no meeting-houses, no rules of government, no officers of administration. It would leave everything to that inward light which the system professes to follow implicitly and solely. Yet we know that practically this is not so. On the contrary, their formalism outdoes that of all the other sects. In matters of real moment, they go without scruple against the plainest language of the Sacred Scriptures. They can see no written authority for baptism or for any other sacraments; although words cannot be more direct and explicit than those in

* Moehler's Symbolism. vol. 2, sec. 63.

which these sacraments are enjoined. But in points of no consequence whatever, the same sect exaggerates the literal sense of Scripture, until it becomes an absurdity and an impiety. They set themselves in opposition to the ordinary usages of social intercourse. They scruple about taking an oath in the cause of truth, justice, or charity, although they do not scruple to live and die unbaptised. They render themselves conspicuous by a particular phraseology and a peculiar costume. In all this, not only manifesting the inconsistency of their practical life with their theoretical opinions, but at the same time displaying the offensive and childish formalism which they have mistaken for genuine Christianity. In fact, as is observed by a very able writer, now happily a Catholic, "no sect is so superstitiously formal as the Quakers, who boast of rejecting forms: few so unreasonable, as the Rationalists who profess to go by reason; none (says Mr John Mill) are so incompetent judges of history, as those who think to build political science on history; none argue themselves so weakly, as those who accuse Catholics of arguing weakly; none most certainly are so shallow intellectually as those who dream of supporting religious convictions on an (solely) intellectual basis.* And thus that self-righteousness and "formalism," which the religionists of the day so frequently charge against the Church, recoils with a remarkable fatality upon their own fallacious systems.

But although it is desirable to show that those who are so loud in their protestations against formalism are really as guilty of that sin as were the Pharisees of old, it is not our intention to rest our vindication merely upon a *tu quoque* argument. Charity requires that we should do all in our power to disabuse earnest men of the wrong impressions about the Church which they have imbibed from

* Ward's *Ideal of the Christian Church*, p. 242. Although this work is professedly concerned with a religious controversy and a state of parties that has almost past away, yet it may still be read with interest and profit. The chapter on the Lutheran doctrine of justification is able, and we should be glad to see it published in a separate form, and enlarged. It exhibits an accurate acquaintance with an intricate and difficult subject, and considering that it was written when its author was still a Protestant, it displays much more theological exactness than was usual with the tractarian writers, excepting, of course, Dr. Newman.

hereditary prejudice. And we may safely assert that if every religious system is to be judged by its acknowledged dogmas and their practical application in the working of the system, we have only to lay before an enquirer a statement of the real doctrines of the Church, and to show how these doctrines operate in practice, and we have disproved the charge of formalism; we have shown that whether right or wrong, the Catholic is the most *internal* and spiritual of all religions, and all the more so, because it does not go against common sense and the requirements of a mixed nature, by refusing to consecrate to spiritual purposes, outward means and external ordinances.

The charge of formalism is supposed to rest upon two grounds. 1st. On the ground that in the Catholic system so much importance is attributed to communion with the Church, to its authority as the guide and instrument of salvation, and to the necessity of the most implicit submission to its rule:* and 2nd., because Catholicism is pre-eminently a sacramental religion. For these reasons the Church is said to be formal, putting the inventions of men in place of God, and accustoming her votaries to rely upon herself rather than upon their Saviour. Such, if we mistake not, is the usual Protestant language, and such the foundation of this foolish and impious accusation.

It is an odd objection to a religion professing to come from Jesus Christ, that it attaches importance to sacraments, seeing that Christianity must be admitted, in some sense or other, to be a sacramental religion. For if you except the Society of Friends, the great body of Protestants themselves admit the sacramental nature of the religion of Christ. That is to say, they acknowledge that Christianity contains certain sacraments instituted by its divine founder. They baptise, and they administer what they usually term "the Lord's Supper." Hence, on their own showing, no religion can be an integral portion of genuine Christianity, which does not afford a place in its system to at least two sacramental ordinances. Conse-

* Into the consideration of the first of these grounds we do not intend to enter in the present article. The Catholic idea of the Church is irreconcilable with any charge of formalism, and we have already imperfectly drawn out that idea in the article on "Christ, the Church, and the Bible." July, 1857.

quently their quarrel with the Catholic Church is not, or at least ought not to be, as to the sacramental nature of Christ's religion, but solely as to the number of the sacraments ordained by our Saviour, and as to their dignity, virtue, and efficacy. They cannot consistently charge it as a fault and a crime against the Church that it attaches importance to sacraments, for unless it did so it would be no sincere and genuine expression of Christianity. If no importance is to be attributed to sacraments, why did Christ ordain them? He surely knew what He was about when He was framing a religion that was to satisfy the necessities and to suit the requirements of fallen man, and it is impossible to charge the Source of Wisdom with either an error or an oversight. He made His religion to be one in which sacraments should occupy a certain place. The very entrance into this communion, and the first right to a participation in its privileges, is acquired by means of a sacrament; nor can any better proof be given as to the nature of a religious system, than the fact of your being met, at your first introduction to it, by the necessity of submitting to a visible ordinance enjoined by its Founder. Now since this necessity is, in some sense at least, admitted by all the more orthodox Protestants, what is the admission but a virtual acknowledgment upon their parts of an additional note of truth in the Church, which they speak of and characterize as a religion of sacraments?

The teaching of the Church with respect to the nature and effects of the sacraments is so very beautiful, and carries upon the face of it so many marks of depth and reality, that it only requires to be known in order to be recognized as proceeding from the Fountain of truth. The religion of Christ boasts that it is a religion of freedom and liberty. It is a deliverance from the infantine condition in which the servants of God were obliged to live under a former dispensation. It is a liberation from the old law of shadows, figures, types, and ceremonials. It inculcates, as its primary principle, the worship of God in spirit and in truth. It will not rest satisfied with anything short of the heart and soul of man, and unless it can reign therein supreme over all affections, it will seem to itself to have effected nothing. Its constant aim is to elevate humanity above the objects and desires of sense; its motto and its preaching are in the words of the apostle, *quæ sursum sunt querite, ubi Christus est in dextera Dei sedens.*

Such, then, being its obvious characteristics and tendencies, if it be asked how it comes to pass that a religion so unearthly and so spiritual should nevertheless consecrate to its service those outward signs and elements that are called sacraments, and should moreover insist upon the observance and reception of some of these sacraments as being necessary to salvation, a threefold answer may be given. In the first place, Christianity, although pre-eminently a spiritual religion, is also pre-eminently a practical one. It is not one thing on paper and another in action, but it is so formed as that it may adequately meet the actual condition of our present human nature. In our present condition man is led on through what is corporeal and sensible to the knowledge and appreciation of what is intellectual and spiritual. In philosophy it is by the induction founded upon observation and experience that we are enabled safely to establish general principles and conclusions, and it is by contact with the visible and sensible world that we are led from nature up to nature's God. Now it is not the intention of Divine Wisdom to overturn or to abrogate this law of our nature; nay, regarding men as they really are, Divine Providence purposely looks out for some external elements through which it can convey its spiritual gifts. Hence the necessity of sacraments, because God, who is the author of nature, has seen in these sensible signs a peculiar congruity with the mixed nature of man.

But another reason why sacraments exist in the Church, and are necessary, springs from the fall of man. Sin has rendered us all subject in affection to bodily and sensible things. The body oppresses and weighs down the mind attempting to rise to spiritual contemplation. The soul is in captivity to the body; and in this condition of captivity it cannot be reached, so as to effect its ultimate liberation, except by means of outward signs, the conduits of internal grace. The remedy must suit the nature of the disease; and in the Providence of God, the most appropriate and suitable remedy is the spiritual medicine that is conveyed through sensible sacraments. And from this arises the third reason for their existence and necessity, as part and parcel of Christianity. By His Divine Religion Christ provides for man as he is, and not as he might have been under other circumstances, and in a different state of existence. As he is, man naturally occupies himself with

what is tangible, sensible, and visible. It is a law of his nature. He cannot act otherwise. And, therefore, he will either occupy himself with what is injurious to his spiritual welfare—with the charms and superstitions of false worship, or he will occupy himself with outward rites, which tend to holiness, which signify and convey that holiness—if such outward rites are to be found. We see here a remarkable instance of the fatherly Providence of God, and the marvellous wisdom of Christ, who has created sacraments for this very purpose, that men might be withdrawn from a superstitious and a debasing worship, and by means of the most holy objects which could be presented to their senses, be led on to the love and culture of spiritual grace. Thus, says St. Thomas, by the institution of sacraments man is instructed through sensible things in a way suitable to his nature; he is humbled, for by the very assistance brought to him through outward elements, he is reminded of his own subjection to the body, at the same time he is also preserved from hurtful and superstitious rites, by the substitution in their place of holy and divine sacraments.* A reflection, adds Dr. Moehler, much more profound than may appear at first sight; and if the false spiritualism, that, during a part of the middle ages, and at the time of the reformation, attempted to invade the Church and to get the upper hand of her, had paid attention to the grand and humiliating truth contained in it, it would in all probability have been cured of its errors.†

Such, then, being the reasons why outward and visible sacraments are rendered necessary in the Christian covenant, it is easy to infer, even prior to our knowledge of the facts, that their Divine Institutor would make these sensible sacraments as spiritual in their nature, as supernatural and as unearthly as possible. It being His object to elevate man from earth to heaven, from the carnal to the spiritual, and it being His wisdom to effect this mighty change through the *media* of external objects, it would be wholly inconsistent with His Divine purpose, were He to create outward rites in His Church, necessary to salvation, which nevertheless, should contain within themselves

* S. Thom. Sum. Theol. p. 3. q. 61. a. 1.

† Mohler. Symbolism. b. 2. sect. 28.

nothing that was unearthly or spiritual. The Allwise Lawgiver could not have been guilty of such an incongruity. The sacraments, therefore, which He ordained in His Church, are indeed external rites and ordinances, but they are also something more, something nobler, higher, more divine. They are, indeed, in the strictest sense, signs, and that too in different ways. They are signs, significant of our sanctification in and through the Passion of Christ. And, therefore, they commemorate that most sacred Passion. They indicate the grace and the virtues that are produced in us through the Passion of Christ. And they foreshadow the glory that yet awaits us in heaven.* But they do not end in being mere rites of signification. This (as we have said) would be inconsistent with the spiritual nature of Christ's kingdom, and with the object He had in view in the foundation of His kingdom. It is in condescension to our weakness that outward and visible means are at all employed in the process of our sanctification; but Christ has taken care that whenever these external things are made *necessary* to our salvation, they shall be as supernatural and as spiritual as possible. Hence the sacraments are not only *signs*, but *instruments* of grace. They are like caskets filled with precious jewels, or like the outward covering which conceals the juice and sweetness of the delicious fruit within. Under the Christian dispensation the soul cannot be put off with mere signs and types. It is too impatient to reach the source of grace and virtue. It therefore employs the external, but as the means of getting at the internal. It removes the lid of the coffer, that it may obtain possession of the rich treasure stored up within. It penetrates the veil, that it may ravish itself with the beauty of Him who only assumes this veil, in order that He may the more easily effect a union with His Beloved. So real, therefore, on the Catholic system, are the sacraments of Christ, that the visible are but the indices of the invisible, the repositories and the channels of grace, which, like a river overflowing its banks, deluge with their divine waters the intellects, the hearts, and the whole inward being of those who admit their contact and operation.

Herein consists the great mistake into which Protes-

* S. Thom. Sum. Theol. p. 3. q. 60. ar. 1 and 3.

tantism has fallen. In its wish to appear spiritual, it has become carnal. Its innumerable sects protest against the Catholic faith, which believes the sacraments to be instruments and channels of grace, by the force of their institution; but in virtue of this very protest, those sects degrade Christianity even to a lower platform than Judaism. Compelled by their own confessions of belief, to admit that some kind of sacramental system occupies, by Christ's appointment, a certain position in the Christian religion, they are also obliged to allow that, at least, *generally* two of these sacraments are necessary to salvation. Yet, in spite of these admissions, they go on to eliminate from the ordinances of Christ everything that in harmony with the spiritual nature of His kingdom, would make those ordinances more than naked and beggarly forms. Do they imagine that by such proceedings as these they are really sustaining Christianity in its just pre-eminence as a spiritual religion? Are they not, on the contrary, by this cold and barren teaching, robbing it of its wealth, injuring its consistency, carnalising its spirituality? On the Protestant theory, the sacraments are an anomaly in the Church. They are out of proportion with its framework. They do not fit in with the rest of the system. You cannot make out why they should be where they are,—why in a religion which hardly admits a visible Church, its Founder should insist upon the observance of two rites, which are in reality mere forms—the eating of bread and wine—the sprinkling of the body with water;—rites, too, and forms, from the use of which if any spiritual effects at all result, these effects must be attributed, and are due, not in any way to the sacramental ordinances themselves, but solely to the faith of the individual recipient. Can anything be more anomalous than the fact of a purely spiritual—an almost invisible—religion, finding itself unequally yoked with two bare and merely typical forms? Doubtless this is to reduce Christianity, not to the level of Judaism, but below that level. It is to render Christianity, not more, but less glorious* than the preceding dispensation. For, although the sacraments of Judaism had no virtue or efficacy in themselves, by divine institution, yet their shadowy and typical property was in perfect harmony with the reli-

* 2 Cor. iii. 7, 8.

gion of which they were a part, which was intended by God through figures and types to lead men on, and to prepare them for the more real dispensation that was afterwards to come. But this religion of types and figures was not to last for ever. It was to give way to Christianity, as childhood cedes to manhood. Protestantism, however, will not have it so. Like an overgrown child it is reluctant to part with its plaything. It drags us back, again and again, ἐπὶ τὰ ἀσθενῆ καὶ πτωχὰ στοιχία, which we thought we had left for ever; and in consequence, the only Christianity which can please its diseased and distorted sense, is one so little in accordance with its professed principles, that it evidently could not have proceeded from the Author of unity. It is strange how men can rest satisfied with a religious system so illogical and so inconsistent, in comparison with which, quakerism has all the semblance and harmony of truth, since quakerism has seen the absurdity of retaining the sacraments as essential portions of Christianity, after having robbed them of their supernatural power and efficacy.

In the Catholic system, everything is at all events harmonious and in its proper place. The grace which sanctifies us proceeds from God alone, its Author and Giver. It comes to us through the Sacred Humanity of the Word made Flesh, and is bestowed on account of the merits, sufferings, and satisfaction of that Sacred Humanity. The human nature therefore of our Saviour may be regarded as being itself the instrument, meritorious and effective, through which, in the first instance, grace flows on its way to us. The Sacred Humanity is the medium between us and the Divine Nature. But the Humanity itself makes use of another instrument, as the hand employs an axe or a stick, and these other instruments are the sacraments; which are between us and the Sacred Humanity, what the Humanity is between us and the Divine Nature of the Son of God.* The sacraments, therefore, are *media* by which we are joined on to the Humanity of our Saviour, and in consequence of this conjunction, are made partakers of all the benefits of which the Humanity is at once the cause and the instrument. Hence the sacraments, being in themselves the instruments of Christ's Human

* S. Thom. Sum. Theol. p. 3. q. 64. ar. 3.

Nature, communicate to us the virtue and grace which is derived to them from the Sacred Humanity. They communicate to us in general, sanctifying grace; over and above this they communicate to us a special and particular grace, suitable to the nature of each particular sacrament, and by three of their number, baptism, confirmation, and order,* they produce in the soul another effect which is theologically called character. Next to the doctrine of the Eucharist, nothing perhaps can show more clearly the reality and importance of the sacraments, in the Catholic view, than the teaching of the Church about *character*. We will state in a few words the principal points in the Catholic doctrine, without entering upon the consideration of scholastic questions, which have not only little to do with our present object, but for the most part have become obsolete. According to St. Thomas, character is the seal at once of a consecration, a distinction, and a power or capacity. The sacraments of the new law, he tells us, are ordained both as a remedy for sin, and as a means of perfecting the soul in all that concerns the Christian worship of God. Consequently, besides conferring remission of sin, grace, and union with Christ, some among the sacraments bestow upon the soul a certain power or faculty with reference to the Divine Worship in the Christian Church. Now, the Divine Worship consists, either in receiving certain sacred things, or in delivering and transmitting them to others. And for both of these purposes a special capacity is requisite. In the natural order a little infant is incapable of holding in his hand a weighty bag filled with gold, nor can he by his own act, and with his own will, deliver this bag of gold to another. To enable him to receive and to transmit the bag, he must be endowed with strength greater than he actually possesses. So in the supernatural order, the soul is incapable of any action in relation to the service and worship of God, unless it receive a special ability from Him. By itself, and naturally, it can neither be the recipient nor the transmitter of

* If it be asked why these three sacraments only, and no others, imprint character, the answer is simply this, because by no other sacraments are we in any way deputed or consecrated either to deliver to others, or to be ourselves recipients of, sacraments and sacramentals. See S. Thom. p. 3, q. 63. ar. 6.

the things pertaining to God. But baptism, in conveying to the soul the grace of regeneration and adoption, at the same time marks it with an indelible seal, distinguishing it from the Jew and pagan, in virtue of which it acquires a spiritual capacity of receiving other sacraments, and of participating in other spiritual things appertaining to the divine service in the Christian religion. Confirmation, again, being as it were, the sacrament of Christian manhood, imprints upon the soul a seal or character of its own. And, as men cannot deliver and hand on to others the sacraments and gifts of Christ in His Church without a special consecration and deputation, the sacrament of order, which confers this consecration, at the same time likewise marks upon the soul its own sacred seal of benediction, consecration, deputation, and separation from the rest of the faithful, imparting an active spiritual capacity that is never to be withdrawn. And as this particular effect of the sacraments, which is called by the Church, character, has reference to the Divine *cultus*, it is an effect that proceeds immediately from the Priesthood of Christ. The whole order and ritual—using that word in a wide sense—of the Christian Religion is derived from Christ's Priesthood. Hence, the consecration which, making a man a Christian, gives him the capability of receiving Christian rites and Christian sacraments, of witnessing for the Christian faith with the vigour and courage of a soldier, and of being employed actively in the care, the administration, and the tradition of holy things, this threefold seal or character is in reality a threefold spiritual action, by which, through the medium of particular sacraments, the faithful, united with the Humanity of Christ, are likened and conformed to His Priesthood; so that, as St. Thomas profoundly concludes, these sacramental characters are nothing else than certain participations of the Priesthood of Christ, derived from Christ Himself.* And there can be no question but that St. Peter had this effect of these sacraments in his mind, when he addressed the whole Christian people as "a holy priesthood,"† whose privilege it is "to offer spiritual sacrifices well pleasing to God through Jesus Christ." The

* S. Thom. Sum. Theol. p. 3. q. 63. ar. 3.

† 1 Peter ii. 5.

power of offering these "spiritual sacrifices"* is derived from the consecration and character of baptism; and as this character is a participation of the Priesthood of Christ, all the Christian people, bearing on their souls the character of baptism, passively partake of the same priesthood, and in this wide, general, and universal sense, truly constitute "a holy Priesthood."

We thus see, even without entering upon the Catholic doctrine of the Eucharist, how the Church's teaching leads up to the summit of all true religion—Jesus Christ Himself. Her sacraments are so many canals or conduits, conveying to our souls the virtue that flows from the sufferings of Christ. They are sacred caskets, filled with the grace which Christ has merited for us, and which they are the instruments of depositing within our hearts. They are those joints and fastenings of which the apostle St. Paul speaks,† which, by a most intimate union, make us partakers of the Humanity of Christ, and through His Humanity, of His Divinity. Sacred Instruments they are, by which we are joined on in His Body—the Church—to Him Who is its Head—"in Whom all the building, being closely and harmoniously joined together, groweth up into an holy temple in the Lord—in whom you also are built

* Divinamente si celebra qui dall'Apostolo la dignità del popolo Cristiano. Tutt' i fedeli formano una sola casa Spirituale, ch' è la Chiesa. In questa casa di Dio tutt' i Cristiani hanno parte al Sacerdozio, non come nel tempio materiale di Gerusalemme, una sola parte di una tribù. Nella Chiesa Cristiana tutti hanno vittime di offerire, vittime sempre gradite al Signore per Gesù Cristo, nel nome di cui ogni cosa si offerisce. *Offerite i vostri corpi* (dice Paolo a' Rom. xii. 1.) *ostia viva, santa, gradita a Dio, &c.* A Dio pure offerisce ogni Cristiano l'incenso delle orazioni l'oro della carità, e delle opere di misericordia, le mortificazione delle passioni, e tutto crò, che egli fa per onore di Dio. (Martini. in Loc.) It is well known that the Jansenists, following the Protestants, made an improper use of this text, for the purpose of undermining the doctrine of the Church on the Christian Priesthood. But the fact of St. Peter calling all Christians, in a general sense, and with reference to their baptismal character, "a holy priesthood," affords no more ground for denying the existence in the Church of a regular hierarchical priesthood, than the fact of all Christians being called the sons of God, is a reason for denying that Jesus Christ is His Only Son.

† Ephesians iv. 16.

together into an habitation of God in the Spirit.”* Certainly, whatever difficulties this doctrine of the sacraments may present to minds that have been formed in separation from the Church, it cannot present to them the idea of formalism. It is not only most real in its conceptions, but most spiritual. Beginning with the external sign, it leads you on to apprehend the plenitude of supernatural gifts, of which that sign is the pledge and the repository. And it occupies a position which is in due proportion with the other parts of Christian doctrine. For as the Divinity is united by a hypostatical conjunction with the Humanity, and as the visible Church is a mystical continuation of that Incarnation, so the Sacraments are further manifestations in the same order, whereby the external and sensible element is raised, purified, hallowed, and consecrated to be signs, channels, and instrumental causes of grace. If there be formalism at all, it is certainly on the side of the ordinary Protestantism. How, [admitting the existence of sacraments in the Christian Church, men can still hold them to be nothing better than empty figures, and escape this charge, we are unable to imagine. It has always appeared to us that, on the Protestant side, the Quakers have far the best of the argument. We do not see what consistent position there can be between Catholicism, on the one hand, which makes the sacraments divinely instituted canals and conduits of grace, and a religious system, on the other, which denies their very existence. For, certainly, unless they be instrumental causes of grace, they are out of place in a religion so spiritual, and so supernatural as Christianity.†

* Ep. ii. 21, 22.

† It must here be borne in mind that we are speaking with reference to what essentially belongs to Christianity, and are integral, unchangeable portions of it. There are, of course, rites and ceremonies of the Church which do not effect, as well as signify grace, i.e. are not sacraments. These rites and ceremonies are the suitable ornaments and developments of a sacramental religion, and no private Christian can despise or transgress them without sinning gravely against the order and the authority of the Church. But no mere rite of the Church is an integral and necessary part of Christianity. In itself it is indifferent, and the Church, if she will, can abrogate it, and substitute some other rite in its stead.

But we must anticipate an objection that may here occur to our opponents. It may be said that however real and profound the Catholic doctrine may be in theory, yet we all know that a religion is very often one thing in theory and another in practice. We ourselves have brought this charge against the Society of Friends. We have asserted that although their system looks so well, and appears to be so consistent and so harmonious on paper, yet that in fact it does not work consistently. When brought into practice it is full of anomalies. It is stiff and formal, and absurdly addicted to vain ordinances, even when most strenuously protesting against their use. And may not this be the same with the Catholic Church? Is it to be supposed that all the vast multitudes who belong to that communion understand, with scientific accuracy, the doctrine taught by their Church? And is it not more probable than otherwise, that the majority, to say the least, are mere formalists, relying upon the outward observance, and forgetful of the professed reality within?

In reply—we claim that the Catholic Church must, in this matter, be judged by the same standard according to which we are willing to judge the sects that are separated from her. In our censure upon the Protestant sects we have had no reference to the professedly careless members of those bodies. We look at the practical working of their system by those who really attempt and wish to act upon them. It is not the careless and neglectful Quaker who is remarkable for his minute observances of the customs and scruples of his sect; nor is it only the indifferent and immoral Protestant, whose habitual slighting of the sacraments illustrates practically the principles of his communion. In forming our judgment we look to the earnest and sincere, and to them alone. We consider what such men as the Doddridges, the Fletchers, the Bickersteths, and the Binneys profess in principle, and carry out in practice; and it is upon the data founded upon their admitted opinions and their usual practice, that we bring them in guilty of degrading Christianity to a miserable formalism.

The ceremonial of the Church, therefore, stands upon a very different footing from its sacraments; although it is easy to perceive that there exists a very beautiful and (in one sense) necessary connection between the two.

For how does all that class of Protestants known by the term *evangelical* act with regard to the sacraments of religion? They insist, indeed, upon their observance at certain periods, but both their general teaching and their practice evidence too clearly how completely they look upon them as mere external rites. The sacraments have no place in their interior life. They show no solicitude for their reception in times of sickness and sorrow. In England, a large proportion of the people die without having ever received what they call the communion! and this, not so much from impiety, as from the fact, that the national religion attaches little moment to its administration. When *evangelical* ministers visit the sick at such times, how very rarely does their discourse turn upon the sacraments, and how seldom do they recommend their reception? We remember to have seen the remark made in a review of the *Life of the late Mr. Simeon of Cambridge*, that his biographer does not even give a hint of his having received the Anglican communion in his last illness; and there is little doubt that both his biographer and Mr. Simeon himself would have considered such a ceremony wholly unnecessary at such a time. All this, indeed, shows that the "*evangelical*" depreciation of the sacraments is the consistent correlative of their theoretical disbelief in their efficacy. But it also shows, that entertaining as they do so low an estimate of the nature and benefits of sacraments, they are as inconsistent in one direction as the Quakers are in another. For with such opinions they ought not to stop where they do. They should advance further, and remove the sacramental element altogether out of their religious system. They should, in fact, become Quakers. And because, instead of thus progressing, they make their naked rites a part and parcel of Christianity, and miscall them sacraments, both their theories and their practice convict them of the plainest formalism in religion.

Turn now to the practical working of the Catholic Church, and you will see how entirely it is the natural development of its profound intellectual convictions. Of course, among the immense multitudes "of all nations and kindreds and tongues," who belong to the Catholic Church, no sane man will deny that there may be much ignorance, superstition, and impiety. There are those who profane the religious rites they receive, and whose hearts are so choked with vice and sin, that grace cannot obtain admis-

sion into them. But such men as these are no criterion of the truth or falsehood of any religious system. We must look to the system itself;—to its acknowledged doctrines—to the spirit which these doctrines inspire, and to the recognised] method in which they are carried into practice. And if Catholicism be tried by these tests, we have no fear that it will be condemned of formalism.

1. Firstly, then let us examine what the ordinary practice of the Church is with respect to preparing or disposing people for the reception of the Sacraments. A cold formalism would be satisfied with their actual administration and reception, and would be entirely careless as to what ought to be done, either before or after. But can any candid person say that this is the case with the Catholic Church? We know, indeed, that something of the kind is said by the fanatical members of antipopery associations; but we are writing for men of sense and candour—not for madmen. Can anything be more interior and more real than the practical preparation of ordinary Catholics for the reception of the holy Sacraments? Prayer, examination of conscience, sorrow for sin, meditation on the passion of Jesus, inward acts of faith, hope, and love—these are the usual and indispensable preparations for the graces of the Sacraments. Observe the retreats, and the spiritual exercises in which persons of all ranks and ages meet together to enter into themselves, to make amends for the past, and to fortify themselves against the future. Visit the schools and convents, and question the little boys and girls who are preparing for their first communion. The great event in each of our lives, is the day of our first communion—the great day in which, for the first time, beings so weak and frail were honoured by a visit from their God and Saviour. Yet is the preparation for this event a mere matter of form? Ask the children in our schools, and listen to what they will tell you. They will tell you that, not with more care must a bride adorn herself for her husband, nor with more exactitude must the courtier equip himself to appear in his sovereign's presence, than the soul must be clothed, adorned, and garnished, with the celestial flowers of faith, purity, and love, in order that it may be in a suitable condition to entertain the King of Kings on the morning of His first visit.

2. Secondly; As an interior preparation is an essential preparation for the due reception of the holy Sacraments,

so an interior spirit of solid devotion is their habitual and proper fruit. The Catholic Church is really the only body that knows how to unite the external and the spiritual in such a manner as that the latter shall, in reality, rule supreme, without any undue and unnatural depreciation of the former. Its Sacraments ignite a fire in the heart, which procreates a spirit of devotion, gentle, humble, and genuine, that is but faintly and imperfectly imitated in any of the sects. That very spiritualism, after which these communions are striving, is to be found only in the Catholic Church; and in the Church it is protected and assisted by all those wise and holy safeguards, which prevent it from degenerating into a diseased fanaticism, or into an unhealthy enthusiasm. One fact, with respect to the Catholic religion, has often been remarked. The most thoughtful minds have, over and over again, been struck with its "profound acquaintance with the inmost recesses of the human heart."* Even her enemies advance it as a charge against her, that she so well and so thoroughly understands human nature. Rome, they say, is always wise in her generation. She can enlist in her service, every class and every rank. She can engage and absorb the affections as well as occupy and interest the senses. Without doubt she can. But surely a religion which is thus sufficient for soul and body is, as far as possible, removed from formalism.

3. Thirdly; This knowledge of human nature and the human heart has given birth in the Catholic Church to a kind of literature that can scarcely be said, with truth, to exist anywhere else.† While Catholicism abounds in ascetical, devotional, and practical works, unrivalled for solidity and excellence, the separated sects scarcely know what asceticism means. Whatever they have is either

* Ward's *Ideal of the Christian Church*, p. 79.

† "To what single work can they (the Evangelicals) point, written by one of their number, which exhibits, within any assignable degree of approximation, such loving and reverent contemplation of our Lord's Life and Passion, as is seen in multitudes of Catholic books, like Father Thomas's 'Sufferings of Christ,' St. Alphonsus's 'L'Amour des Ames,' St. Bonaventure's 'Life of Christ,' St. Ignatius's 'Spiritual Exercises,' &c., &c.?" Ward's *Ideal of a Christian Church*, p. 233,—see also p. 80, note; and Oakeley's *Church of the Bible*, Lecture on inward religion, p. 209 and seq.

expressly borrowed from Catholicism, or is good, only in the degree in which it participates, or approaches the Catholic tone. For example, one of the most attractive spiritual writers, if he can be called so, in the English Church, is Archbishop Leighton. His works, indeed, lack the clearness of view, and the joyousness of spirit, which would be the natural tone of a Catholic spiritualist; they are tinged with melancholy, and are Calvinistic in their principles; but still, in spite of these defects, they are evidently the production of a mind that had very earnest longings after an interior life. Yet it is impossible to peruse them without observing, that the ascetical tone pervading them, was evidently derived from a Catholic source. Their author was a constant reader of Thomas à Kempis, and it was from him that he gleaned the most of his spiritual principles. Although a Calvinist and a Scotch Episcopalian, he was also a friend of the Catholic priests at Douay, a seminary which he used frequently to visit for the purpose of conversing with those fathers. His biographer tells us that "in this seminary he appears to have met with some religionists, whose lives were framed on the strictest models of primitive piety;" and from the time of his visit to Douay, his principles and views underwent an evident modification. Here, then, is an instance of one of the very best specimens of what may be called a Protestant Spiritualist; and when we inquire into the sources of his knowledge, we find that he is a man with Catholic relations, and that he was a frequent visitor at a missionary college. We are no longer therefore, surprised to find a Catholic tone in his writings, subdued, indeed, and distorted, still breaking out here and there, in spite of error and heresy.

Jeremy Taylor, again, is another favourite Protestant compiler of pious books. His holy Living and Dying were once the most popular quasi-ascetical books of the day. We do not, indeed, wish to mention him in the same breath with Leighton. With all his feebleness, and with all his errors, Leighton, in our humble judgment, was in every way superior to Taylor. Verbose, pompous, and oratorical, Taylor does not impress us with any strong opinion either of his depth or his sincerity. Yet his works, at one time, were highly prized, and extensively used in the Anglican church. If, however, any one will take the trouble to inspect them, he will find that

what is good in them, has been purloined from Catholic writers; and that even many of his prayers are wordy and inflated translations of the collects of the Church. In a word, it is not our ascetical works alone that have been exposed to the ravages and plunder of the heretics. They have seemed to regard the Catholic Church as a great treasure-house, from which they were at liberty to carry away whatever they pleased. Anglicans, Irvingites, Wesleyans, have all attempted to rob the Church. They have purloined from the Church, its music, its prayers, its hymns: in a word, whatever they possess that is of worth or value, the ownership of it may be traced to the Catholic Church. A tolerable proof this, on the one hand, of the innate meagreness of these alienated communions, and on the other, of the richness of the Church in all the aids and resources of the spiritual life.

4. But once more, there is no better evidence of the true spirituality and interior character of Catholicism, than what is supplied by the lives of the saints. Although raised by the grace of God to a higher grade of perfection than is attainable by ordinary Christians, the Saints nevertheless, are the fairest practical exponents of the Catholic religion. They differed from others, not in having been trained and formed upon some peculiar system totally different from the ordinary practice of the Church, but in this only, that they imbibed more thoroughly, and made use of more copiously, that teaching, those sacraments, and that practical discipline, which constitutes the common nourishment and common education of all the Church's members. If, then, the Catholic System be one of formalism, we shall see this formalism exhibited throughout their lives, in its most offensive and glaring colours: but if, on the contrary, the actions of these marvellous servants of God reveal to us a complete conquest of the flesh by the spirit; if deadness to the world, interior recollection, the love of the Cross, the desire of humiliations, and the spirit of prayer be among their most ordinary and prominent gifts, it must, we should think, be evident even to the prejudiced, that the only sure and safe road to the solid spiritualism of real sanctity, must lie through a devout use of the Christian Sacraments in the unity and communion of the Christian Church.

What, then, do we learn from the lives of the Saints?

Of St. Charles Borromeo, we are told that he used to

spend many hours of the day in prayer, and nearly all the night, except a short period necessary for the repose of the body. And in consequence of this assiduity in prayer, it was evident that he was altogether united with God. So that even when he was giving heed to external occupations and affairs, although attending carefully to the matter in hand, his mind was, nevertheless, elevated in God, as if abstracted from all other things it were reposing in Him. This high grade of contemplation he acquired by frequent prayer, to which he united a diligent custody of the senses; avoiding all occasions of distraction, and especially curiosity and the idle news of the day. So that it can be affirmed with truth, that his life was one perpetual prayer, he himself walking continually in the presence of God, and having his thoughts ever fixed on heaven. Moreover, he burned with an insatiable desire of the Divine Glory, and he was always devising means of increasing that glory and spreading the worship of God; so that he thought of nothing, and spoke of nothing but of God, or of the things appertaining to His holy service, desirous to draw all the world into His obedience. Nor did the miser covet more earnestly an accumulation of wealth, than he burned with zeal to increase the honour and glory of his Saviour.*

“The soul of St. Catherine of Bologna used to ascend to heaven as often as possible; the moment that her duties would allow her any rest she would run to prayer; even while at work, under cover of the silence, she used still to be engaged in this holy exercise; nothing, in fact, but the necessity of communication with her fellow-creatures, interrupted her holy union with God. She would come out of her profound contemplation, sometimes sad, and at other times gay, according to the different affections and feelings she had experienced. This sadness, however, was a mere cloud that was dissipated in a moment; her countenance ordinarily bore the impression of severity and modesty. Whether she was alone, or in company with others, she used to enjoy a profound peace; her confidence in God was not to be shaken, and she never doubted an instant His Infinite clemency. The sentiments and consolations which she used to experience in

* Vita di S. Carlo. L. 8. c. 8.

prayer gained her the gift of tears, and by multiplying acts of charity her love became so perfect, that her exile seemed often insupportable to her; such was her desire to be united with God. She had the habit of frequently repeating passages of Scripture, or religious verses of her own composition, in a word, she used to study in all things to praise and glorify God as the Author of all good.”*

The Blessed Alphonso Rodriguez was obliged to confess to his spiritual father, that in the course of an entire day he did not allow as much time to pass by as would suffice for reciting a *Credo*, without recollecting that he was in the presence of God. He had so clear a knowledge of his own nothingness, and so profound a contempt of himself, that from the time in which God poured this light into his soul, he never experienced a motive of vanity; and he had, moreover, so plain an apprehension of the vanity of all created things, that he never more entertained for them the least affection, except in so far as they were associated with God their Creator. He was favoured with the most wonderful gift of contemplation. Whenever turning to God he would say, *O amato mio, O mio desiderio, O voi tutto mio, io tutto vostro*, he felt himself plunged at once into the midst of the immense ocean of the essence of God, and his heart would at such times burn with so holy a love and desire of God, that language cannot express its violence. The more, too, he was favoured with these contemplations, the more did he grow in the practical knowledge of his own nothingness. And such was the strength of his love to God, that he would often express, what contentment and happiness it would give him, if God were to deprive him of life in His sacred service. Nay, the same love used to terrify him at the bare thought of committing a single venial sin. He was more afraid of one venial sin, than of all the torments of this life. His love of God would even drive him to confess, that if it were possible, without any fault on his part, to endure the pains of hell without sin, he would rather do so than go to heaven with a single venial fault.†

While still living in the world, the Blessed Maria Vittoria Fornari was accustomed to feed her spirit continually with

* Oratorian Life of St. Catherine of Bologna, Chap. 12.

† Vita del Beato Alfonso Rodriguez, Cap. 12.

prayer. She was used to employ much time every day in holy exercises. She would spend the three hours, from midnight to morning, in contemplation, sometimes even whole nights. The arts employed by the devil to distract her, by apparitions, noises, and insults, were all without avail. She applied herself with so much fervour to prayer, that her handkerchief would be often bathed with tears, as if it had been immersed in water. In consequence of this assiduity in prayer, she obtained from our Saviour two very special gifts,—one was a facility in raising her mind to divine contemplation, even when she had hardly finished business of the most distracting nature; the other was the power of persevering in prayer without suffering distractions. When questioned by her nuns, with respect to her facility in returning from ordinary affairs to contemplation, she replied, My sisters, this gives me no trouble, for it is God that does all. He concedes to me, that whenever I address myself to Him, I absolutely lose the recollection of all that I have seen and heard. As when the windows of a room are closed, no object outside is seen, so through the mercy of the Lord, when, in order to entertain myself with Him, I have closed my eyes to external things, nothing remains with me of those matters, except that which I ought to recommend to Him, without any other object in view than that of His greater glory. And in regard to the other gift, she acknowledged that she was never disturbed in prayer, because, when so engaged, she neither heard nor remembered anything external.*

In the life of St. Philip Neri we read that “the love of God in him was so excessive, that the interior flame appeared even in his body, so that, sometimes in saying office, or after mass, or in any other spiritual action, as it were, sparks of fire were seen to break out from his eyes and from his face. This interior flame was such that it sometimes made him faint, or forced him to throw himself on his bed, and remain there a whole day without any other sickness than that of divine love. Sometimes even when he was in company with others, he was, as it were, surprised by this flame, and would unadvisedly break out into the words of the Apostle, ‘*I desire,*’ but immediately recollecting himself he would, to conceal his devo-

* Vita della B. Maria Vittoria Fornari Strata, p. 111-12.

tion, suppress the rest of the sentence, '*to be dissolved and be with Christ.*' Hence a Dominican who, before he became a religious, used to go to him, affirms that he found him almost always in ecstasy, and what St. Paul says of himself seemed to be fulfilled in Philip, *I am filled with consolation, I more than abound in joy.*

"His devotion and humility at communion were so great that he sometimes covered his face, and remained so for a long while, meditating and making his thanksgiving. If the fathers for any reason were late in coming to give him communion, the distress he felt was so great that he could not sleep till he had received it. In the year 1577, when he was so seriously ill that the physicians had given up all hopes of his recovery, he heard matins ring one night, and as usual asked for communion. Francesco Maria Tarugi, who was waiting upon him, heard this, but he saw that Philip had had no sleep that night, and he was afraid that his devotion, and the tears he used to shed on such occasions, would destroy all chance of sleep, and endanger his life, and so he gave orders that he should not be communicated. But the long delay made Philip suspect the reason, and he sent for Tarugi, and said to him: 'Francesco Maria, I tell you I cannot sleep for the desire I have of the Blessed Sacrament, make them bring me the communion, I shall go to sleep as soon as I have received.' And in truth, no sooner had he communicated than he began to amend, and in a short time was perfectly recovered."*

The conversion of Margaret of Cortona is one of those remarkable instances in which the grace of God manifests its power in changing the sinner into the saint. For nearly nine years she lived while still a young woman in illicit intercourse with a nobleman of her country, but at the end of that time she was converted to God by the sudden and violent death of her paramour. Henceforward, she devoted with a generosity similar to that of St. Mary of Egypt, her heart and affections to her Saviour. The recollection of what she had been, and her sense of gratitude for the unexpected mercy she had received, compelled her as it were, to lay at the foot of the cross, and to consecrate to God all those natural affections which had once been

* Oratorian Life of St. Philip Neri, Vol. i. p. 135-8.

wasted in sin. Where sin abounded, grace now much more abounded. Hereafter, the love and the desire of her heart was Jesus Christ. For Him, and for Him alone she lived. No name, we are told, was more frequently on her tongue than the name of Jesus. With this sacred name she began, continued, and ended all her occupations and employments. She would never mention the name of Jesus without her countenance becoming inflamed with the ardour of a holy love, and without shedding the most tender tears of sweet affection. If she were faint and ill, it was enough to mention the name of Jesus, and her strength would at once revive. If any one wished to see her go into the most joyous ecstasies, he had only to converse with her awhile about Jesus, and in a few moments, abstracted from the senses, she would be lost in Him. Longing after Him, and full of love, she would exclaim in the midst of such ecstasies, O my dear Jesus, whose power has recalled me to grace, whose Blood has redeemed me, whose love has united me to Thyself with the bonds of an inseparable charity!*

We shall mention only one further instance from the life of a saint of a different order. Francis Xavier was a Spanish Catholic of high family and of rare abilities. From his earliest days he was habituated to all the grandeur and to all the religious luxuries (if one may so say without irreverence) of the Catholic Church in the most glorious time of the Spanish monarchy. Few men had more brilliant prospects on entering into life. His superior talents, his careful education, and his family connections, would have secured for him the highest posts in the service of the state, had he not exchanged the ambition of the world for the love of God. But, like St. Paul, he counted all things to be loss in comparison with the desire of gaining Christ. And when he had surrendered himself to God, he did so with the most complete and most sincere generosity. The heart of this great man was a very large one. It opened itself wide to the full influence of divine grace. It was so noble and so generous, that it made sacrifices without ever seeming to think or know that they were sacrifices. Many a good and holy man, accustomed as St. Francis had been, to all the spiritual advantages of the Catholic Church,

* Vita di S. Marg. di Cortona, Lib. 2. c. 4.

flourishing and prospering in an ancient Christian land, would have hesitated to give them up, lest his own soul might suffer from the want of them. But once St. Francis had broken the bonds of self-love, there was no more hesitation about him. He threw himself once for all upon the fathomless ocean of the divine love. It was this love that carried him away into barbarous lands, far from home and friends, and churches and priests. Alone he went forth among the uncivilised and the heathen; and yet he was not alone, for that divine love never left him. He himself tells us—writing as if of a third person—that the consolations which God communicates to those who go to convert the gentiles to the faith of Christ are so great, that if in this life there were contentment and satisfaction, certainly these consolations would be such. Many times, he adds, it happens to me to hear a person speak who lives among these Christians, and he goes on his way, saying, O Lord, give me not such great consolations in this life, or because thine infinite goodness thinks fit to bestow them upon me, draw me to thine own holy glory, for it is too great pain to live in the midst of these consolations without the happiness of seeing thee!*

Volumes might be written illustrating, from the lives of the saints, the interior nature and the profound spirituality of the Roman Church. Indeed, it is difficult to comprehend how those who have the means of information so ready at hand, who see too, in the daily life of the Church, so many remarkable proofs of self-renunciation, self-devotion, patience, humility, piety, and charity, it is difficult, we repeat, to comprehend how such people can still misrepresent Catholicism to themselves and others. For the kind of life which has its most perfect types in the saints, is, nevertheless, not only the standard of all, but in some measure at least is carried out in the ordinary lives of every Catholic who sincerely practises his religion. It is true that all are not called to the same degree of perfection. It is true that all have not received the same gifts and the same graces. It is true, also, that the course of ordinary Christians is chequered with many failings, and sometimes even with grievous falls, but still the Church sets before all the same standard. All her children are

* Vita di S. Francesco Xaverio. L. 2. c. 3.

bound by the obligations of their religion to endeavour to be conformed to the image of Christ and His saints; and although in this holy race one may outrun another, yet each person who really enters the race at all, must labour, according to the grace given him, to acquire some portion of that spirit of faith, love, prayer, and interior estrangement from the world, which in the holy saints reached so many different degrees of heroism. Who can be so mad, who can be so fanatical, as to call a religion so real, and so penetrating, a system of formalism? In truth, it is the only solid spiritualism. It bears upon it the marks of that Divine Prudence and Wisdom which has framed it with the special object of rendering it in harmony with the material and spiritual nature of the being whom it is intended to benefit and to serve; nor is it the least among the notes of its truth, that it is really fitted for this very purpose. It can deal with man as he is, and with the whole man, body and soul. It is not afraid to speak to the senses, to employ them, to engage them in holy occupations, lest perhaps the spiritual should be forgotten in the external. On the contrary, it carries out in a very perfect manner that which we see actually going on around us. We see how nature herself employs the external world in order to form and instruct our minds. What we see, and hear, and feel, passes on to the heart, stirring up its deepest emotions, and imprinting memories thereon which time itself can never efface. The strongest, deepest, and purest affections are reached, excited, and called into play, by those chords of sympathy which are touched through means of the outward and visible. The intellect is taught, the heart is warmed, the will is moved, through the external and sensible. Close up the avenues of the senses, and without some special interposition of providence, you block up all access to the interior man. The spirit starves, because the avenues have been obstructed through which alone supplies could have reached it. He who made nature made also the Church. They both have come from the same hand, and they both display similar signs of the same marvellous design. Each working in its own order labours for the benefit and improvement of man, the one for a natural, and the other for a supernatural end. The object of both is identical, namely, the body, soul, and spirit; but while nature wishes to raise this whole man to a level with herself, the Church wishes to raise him to the

dignity of the sons of God. Each endeavours to compass its object by analogous measures; nature informing him by means of her manifold works, and the Church approaching him with divinely instituted sacraments. And as the one succeeds in rendering him a learned man, a wise legislator, a loving husband, a tender father, a faithful friend, so the other fills him with the unearthly virtues of faith, hope, and love, whose scope is higher, and wider, and grander than ought that is within the power of nature. The sacraments excite emotions and arouse feelings in the inmost soul, which nothing under God can satisfy. They penetrate into the very depths of the soul. They carry with them there a fire which burns with an intensity and a purity unknown in the natural order. They change, convert, refresh, recreate, and restore. Their power is great, and their effect is marvellous. *Deus mirabilis in Sanctis ejus.* But it is the same hand and the same wisdom that operates in nature and in grace, skilfully working upon that half-material half-spiritual creature, for whose sake both nature and the Church exist.

If anything were wanted to prove the divinity of the Church, it would be proved by the analogy existing between it and the natural order. Such an analogy cannot be predicated of any Protestant sect or community. Protestantism contradicts at once the order of Providence, the nature of man, and the facts of experience. Devoid of harmony in itself, it is at war with all creation around it. It violates the principles on which Divine Wisdom orders and rules our physical and moral being; and like all systems of purely human origin, it is so faulty in its constitution, so limited in its scope, and so partial in its operation, that when brought into play, it cannot be made to work with evenness or consistency. It is always running into one extreme or the other. Now it rushes frantically into the delusions of a wild and uncontrolled spiritualism, again it recoils into a hard, dry, and lifeless formalism. Ever changing, never the same, yet always leaving behind it a feeling of dissatisfaction and want. It is an empiric which professes what it cannot perform. Before you can improve, elevate, and spiritualise human nature, you must understand it, and you must be able to reach it. But the history of all Protestant communities shows, how completely they have failed in all their attempts to comprehend, and to control the mystery of man's inner being. They have

failed, because rejecting the only true key to that mystery, they have wasted their energies in schemes and plans of their own invention. They grew discontented with the divine machinery of the holy Church. They thought it had grown old and worn, and past its work. It was too practical and commonplace to suit their tastes. Like Naaman, the Syrian, they despised the waters of Jordan. So they thought out plans and devices of their own. These had at all events the advantage of being new, and of having never been tried; and what more could be needed for the reformation of mankind, than schemes concocted by the united wisdom of Luther, Calvin, Bucer, and Cranmer? But though their schemes were fair, and their hopes brilliant, failure has attended their attempts. Whatever may have been the aggregate amount of their wisdom, it was found in practice, impossible to give it a united action. Their plans and their devices produced, indeed, effects; but they were scarcely such as ought to have accompanied a grave religious movement. They originated antinomianism, propagated Calvinism, destroyed the sanctity of marriage, introduced polygamy, fostered revolutions, beheaded kings, broke down altars, robbed shrines, and blasphemed the Church of God. But when the smoke and noise of these mighty achievements had passed away, and when men began to ask themselves what they had gained by all these violent changes, there was but one answer to be made. They could readily enough count up what they had lost. They had lost the ancient faith with all its holy associations. They had cut off the old Church, the glory of their land, the mother of saints. They had unlearned to pray, and they had learnt to blaspheme. They had lost the cheerfulness of the olden days, and with their new religion they had put on grave faces, cold, stern, and severe. All this, certainly, was a change, but it was from the mother to the step-mother. It was from one who knew how to nurture and to train, to an awkward and cruel mistress who stretched all on the same procrustean bed. When they counted their gains, they found them to be such as the prodigal had gained, when, having left his father's house, he was sent to feed swine, and "no man gave unto him." In a word, their gains were their heaviest losses. For in place of faith, they gained dispute; instead of sacraments, they gained empty rites: in place of unity they secured discord; and instead of the gentle control of

the Catholic Church, they were forced to submit to the tyranny of some wild Protestant sect, which deranged their moral nature by its unchastened spiritualism, and starved their souls with its dry formalism.

- ART. VI.—1. *Ecclesie Anglicanæ Religio, Disciplina, Ritusque Sacri Cosini Episcopi Dunelmensis Opusculum.* Editio altera, 1857.
2. *Doctrine de L'Eglise Anglicane relative aux Sacremens, et aux Cérémonies Sacramentales.* 1854.
3. *Rome, son nouveau Dogme et nos Devoirs. Sermon prêché devant l'Université d'Oxford, par Monseigneur Wilbeforce, Evêque d'Oxford, etc.,* 1856.
4. *La Supremazia Papale al tribunale dell' Antichità.* 1856.
5. *Religione, Disciplina y Sagrados Ritos de la Iglesia de Inglaterra.* 1856.
6. *Περὶ δογμάτων, διοικήσεως, καὶ ἱεροουργῶν τῆς Ἀγγλικῆς Εκκλησίας, πονημάτων Κόσμου, επισκοπου Δυνέλμου.* 1856.
7. *The Christian Remembrancer.* October, MDCCCLVII. Art. "Anglo-Continental Association." London, Mozley, 1857.

OUR readers doubtless remember the inimitable description, in *Loss and Gain*, of the negro dressed out in his master's best clothes. Some of them may perhaps have heard, too, of the ingenious thief at Rome, who went into one of the shops in that city, in which they fit out newly appointed bishops, from head to foot, with the sacred paraphernalia of office, and who, representing himself as just nominated to the Episcopal dignity, proceeded to try on the various articles proper to a pontifical celebration; and after selecting a valuable ring and a precious mitre, rushed into the street, to the amazement no less of the population than of the discomfited shop-keeper, none of whom ventured to lay hands upon the bedizened culprit. The spectacle presented to our astonished eyes by the above list of publications, which is only a portion of a much larger one at the head of the Article

in the last *Christian Remembrancer*, with which we have wound up the series, is not wholly unlike that which burst upon the wondering populace on these two occasions. Here is the Protestant Bishop of Oxford, of all people in the world, figuring as a "Monsignore;" and whom on earth do our readers suppose to be the original of "Cosinus?" It is no other than good old Bishop Cosin, who suffers, without the power of remonstrance, this unnatural transformation.

"Miraturque novas frondes et non sua poma."

Certainly, the truth that Anglicanism is essentially a denizen of our sequestered isle, never impressed us so forcibly as since we have seen what an unspeakably ridiculous figure it cuts in a foreign Catholic dress. The negro's black hands peep out under his master's white kid gloves; the thief betrays that he is no bishop, but an impostor, by wearing the mitre with the lappets in front. The venerable language of the Church forgets its idiomatic proprieties in its new application. For "Fides," the approved representation of any body of doctrine which has authority and coherence, we find a substitute of a truly *canine* quality employed to describe the creed of the Establishment—"Religio." Certain, again, of the sacraments find themselves represented under a phrase specially coined for the occasion, "Cérémonies Sacramentales." And the interior of the volumes exhibits outrages upon the language and spirit of the Church as flagrant as their title-pages. What think you, gentle reader, of the following as a specimen of the reformed liturgy by which it is proposed to replace the time-honoured Offices of Missal and Breviary? "Domine Deus, Pater luminum, et fons omnis sapientiæ, te rogamus ut qui ad amussim Sanctæ Reformationis nostræ corruptelas et superstitiones hic grassantes, tyrannidemque Papalem merito et serio repudiavimus, Fidem Apostolicam et vere Catholicam firmiter et constanter teneamus omnes, tibi que rite puro cultu intrepidi serviamus; per Jesum Christum Dominum et Servatorem nostrum. Amen, Amen!" We wonder whether in the days of the United Anglo-Roman Church, it be intended that this composition should be sung in the ecclesiastical tone? The reduplicated "Amen" is evidently meant to correspond with the "Acclamations" of the Pontifical.

But it is time to give our readers some account of

the object with which the series of publications, indicated by the above list, has been given to the Continental world. And, in order not to be guilty of any unfairness in setting forth their purpose and tendency, we shall draw extensively from the Article in the *Christian Remembrancer* already mentioned, in which that purpose is announced, and that tendency not obscurely implied. The series in question, to be brief, exhibits the literary labours of a new "Association, for making known upon the Continent, the principles of the Anglican Church." The Continent is supposed to be in error, and to need enlightenment, as to the real character of Anglicanism; and the mistake to be corrected is, it is alleged, that of supposing Anglicanism to be an integral part of Protestantism, whereas it is intended to show that the religion of the Anglican Church is the lineal and faithful representative of Apostolical Christianity. Now we are not going, for the thousandth time, to prove that Apostolical Christianity has but one representative in the world, and that the Holy Catholic and Roman Church is that representative. We are not proposing, except quite incidentally, to show that Anglicanism, as set forth by those who talk magnificently of its "Principles," is a mere phantom of the imagination—that the national religion of England is in fact such a mass of inconsistencies and contradictions, that, to speak of its having anything in common except hatred of Rome, or of its representing any principle except the will of the nation for the time being, is to use words absolutely without meaning. We propose to ourselves a different task, that of examining this new manifestation of Anglican feeling and opinion with the view of showing how every trace of Catholic principle is rapidly disappearing from the only religious body in this country which could ever, even plausibly, lay claim to it; and of dispelling those visions of Catholic unity, upon something of a common basis, which are so inviting to the Christian mind till they are found to be intrinsically hollow and chimerical.

Every one who has any acquaintance with the controversies of recent date, is aware of what is meant by the "Anglican," or as it has sometimes been called, "Anglo-Catholic" theory, of the Church. The view of the Gospel Dispensation which this title expresses is that, since "the division of the East and West," the body of Christ has been apparently, though not really, separated into parts;

and that the effect of the Reformation in England was no more than to add a third member to the externally disunited whole, which had been previously split into two by the great schism of the Greeks. If any one desire to see a lucid exposition of this theory, he will find it in an Article styled "The Catholicity of the English Church," in the "British Critic" for January, 1840. The theory in question proceeded upon the supposition of an essential agreement in doctrine between the members of this disorganized community. Its upholders were forward in contending that the grounds of actual separation, (whatever others might be pleaded,) were in reality either matters of variable opinion, or points of accidental discipline and regulation. They spoke of the "soul" of the Church being entire under this surface of external dismemberment, and they longed ardently for the time when "misunderstandings" would be removed, and a real agreement expressed by a visible harmony and active co-operation, be established in the place of so anomalous a substitute. Nothing can be plainer than that such a theory was absolutely irreconcilable with attempts at "proselytism." To proselytize, or to acquiesce in a removal from the communion in which a person happened to be born, (being one of those supposed to have "Apostolical succession,") was to imply a right of dominancy on the part of the member thus acting, which was at once fatal to the claims of the rest. Each member of the body was therefore supposed to have an inalienable right to the allegiance of its subjects in the place in which it appeared under the necessary conditions of a "Church." But these conditions were dependent altogether upon local habitation, and ceased the moment that the boundary line had been passed. Hence followed those practical absurdities which first led plain persons to suspect the theory itself. A French Catholic, it was said, was bound to communicate "in sacris" with the Catholic Church at Calais, but, should he cross to Dover, he became at once a subject of the Anglican "branch." In theory, therefore, the Anglican, when abroad, was bound to be a Catholic; but the difficulty was, that the Catholics of the Continent would not recognize him as a brother. Hence, he had no alternative but to commit what, upon their own showing, was a schismatical act, by joining in worship forbidden by the laws of the Church in the country in which

he might happen to sojourn, or else to give up external communion with the visible Church altogether. It was almost self-evident that an idea of religion, involving such flagrant inconsistencies, would die a natural death, but its defenders might at least, have been expected to acknowledge candidly, that they must abandon it. This, however, they have not done. But it is curious to see how the theory is working itself out in their own hands.

For a time, indeed, the course of "Proselytism" was most rigorously eschewed, as well as most clamorously disavowed. Indeed, the repudiation of that course was the only possible safeguard against those conversions to Rome, which were so earnestly deprecated and so strongly condemned. Once admit that a "branch-church" may lose its claim upon its subjects, and we all know *which* of the three members of the imaginary "body of Christ" must inevitably be the gainer. But it must be acknowledged that till quite recently the maintainers of the Anglican theory were so far consistent that, while they protested against *us* for seeking to disturb the equilibrium, they equally abstained from themselves interfering with it. Who does not remember the indignation with which they heard that successive "bishops of Jerusalem" had tampered with the independence of the Greeks and Orientals? And we had honestly supposed that they would have condemned no less strongly any attempt to meddle with the faith and allegiance of a continental Catholic. It appears, however, that we were mistaken; and the principal interest of the Association we are about to describe consists in this, that it proves how entirely even the leaders of the great movement, of which the theory just explained was the very symbol, and its inculcation the cause of that movement's very existence, have retreated from their original ground to the side of those very men for whose ecclesiastical notions they could hitherto find no language of condemnation sufficiently expressive of their dislike. The fact is so exceedingly important, and especially at this moment, that we shall make no apology for detaining the reader a few minutes upon a subject which, if he share our own feelings, has not much of intrinsic attraction for him.

We have heard a great deal of late about projects of "corporate union" between the Anglican Establishment and the Holy Roman Church. The *Dublin Review* has in different ways given expression to the gravest doubts

not merely as to the feasibility of any such project, but as to the lawfulness (wanting ecclesiastical sanction) of even entertaining it as an abstract question. Yet it may safely be said that nothing which has appeared either in this Review or elsewhere, forms so conclusive an argument against the project as the providential course of events in the communion in which it has originated. Little more than half a-year has elapsed since the public has been familiarized with the idea of this plan, and the actual organization of a kind of confraternity whose cementing bond is to be the obligation of united prayer towards its accomplishment, is an event of much later date. But as if to point in no obscure way to the true solution of the problem, two lights have been vouchsafed, on the very threshold of the inquiry, than which none can be better calculated to direct us all towards the road by which Divine Providence would have the unity of His Church to be secured. The one is, that at no period during recent years have so many personal conversions of high-church clergymen occurred as since the confraternity in question has been at work. And the other is, the startling intimation made in the very latest number of the ablest of all the high-church organs, as to the real views of the men who, if "corporate union" be anything more than a delusion and a snare, must be the persons who were expected to countenance and forward it.

The paper entitled "The Anglo-Continental Association" in the *Christian Remembrancer* for October last, must be regarded as the official commentary upon the character and object of the undertaking, with which the various publications named at the head of our article are connected. This paper abundantly proves that, although the professed aim of this new Society is to "make known the principles of the Anglican Church," it recognizes, on the part of foreign Catholics, the duty in certain cases of breaking communion with their Church and entering the Anglican Establishment; and that on the part of Anglicans, it also recognizes the duty of receiving into communion all persons who profess themselves dissatisfied with the doctrines and practices of Rome. To those of our readers who have any acquaintance with the past history of the school of opinion represented by the *Christian Remembrancer*, there will appear something so strange in this announcement, that we must proceed at once to justify it by a quotation.

“The object of the Association is something far higher, nobler, better, than the petty game which Romanism is playing in England. The revivification of whole national churches is the idea on which it is based, not the withdrawal of a certain number of individuals from those Churches. But what if there are men in those Churches who have groaned over evils which they have been long witnessing and compelled to share in, and feel that they can bear them no longer? What if in their souls they are convinced that to them it is sin to remain longer where they are? We have no hesitation in saying that, to them it is sin to stay behind. They must, with the French Abbè, go forth and seek to become a member of a Church where they will at last be allowed to serve God according to their conscience.”—C. R. p. 352.

“In the estimation of others the knowledge of Anglican Principles will be likely to lead to a desire after Anglican practices, to a dislike of those doctrines and practices which are distinctly Roman, and to a wish among members of different National Churches on the continent to break from off their neck the yoke of Rome, after the precedent of the Anglican Church. Again we say, *if such be the result, be it so.*”—Ib. p. 358.

Here, then, we find a distinct enunciation of the doctrine that a man is justified, for conscience sake, in leaving what is called the “Church of his baptism.” “*Quam temere in nosmet legem sancimus iniquam!*” We thank you, gentlemen of the Anglo-Catholic persuasion, for giving us these words. You have excellently well described the grounds upon which several hundred clergymen, and as many thousands of others have, within the last few years, embraced the Catholic faith and entered Catholic communion. “In their souls” all these persons “were convinced that to them it was sin to remain longer were they were.” After years, then, of indignant remonstrance, after holding up our converts to odium and obloquy; after saying, over and over again, that the claims of the Church in which a man happened to be born were to outweigh the admonitions of conscience, and that no amount of imaginary or real grievance could render the question of leaving such communion (provided it had the Apostolical Succession) otherwise than a sin of impatience and wilfulness, or the act of doing so less than a species of apostasy, Anglicans themselves now tell us that the very course which they formerly branded as a grievous sin, becomes, under the very same circumstances and conditions which have justified it in the eyes of the converts to Rome, an imperative duty. They go, indeed, much further than is necessary

to justify the act of converts from Anglicanism to Rome. For, whereas the case of such converts is that of persons, conscientiously believing that the communion in which they happen to have been born is no Church at all, and, accordingly, fleeing from it to what they believe the only Church; here we find a man borne out not only in leaving, but *in placing himself in opposition* to a body, which, upon Anglican principles themselves, he is bound to regard as an integral portion of the Catholic Church. Such are the sentiments to which, by aiding in the work of this Association, the following distinguished persons have committed themselves: the Bishops of Exeter, Oxford, and Salisbury, in England; in Scotland, of Glasgow, Argyll, Moray, and St. Andrews; Dr. Moberly, Mr. Keble, Mr. Beresford Hope, and (though last not least) Mr. Gladstone. It gives us sincere pleasure to find that Dr. Pusey has kept himself clear of all external participation in the unholy objects of this Society; but what an idea does it give of the deep disunion which must reign in the Anglican camp, to find leaders like Dr. Pusey and Mr. Keble, taking wholly different sides upon a question absolutely vital to the theory of churchmanship to which, hitherto, they have been conjointly pledged!

One of two conclusions is made plain by the working of this new Association. Either Proselytism is its real though concealed object; or to make known the principles of Anglicanism on the Continent is, *ipso facto*, to proselytize. If the latter side of the alternative be the less discreditable to the Association, it is not the less fatal to the pretensions of Anglicanism. It proves that the Anglican theory, despite every disavowal of its maintainers, is essentially and unalterably Protestant. That theory convicts itself of its true origin the moment it passes from paper into action. It is English all over. It cannot travel without exposing itself. It is made for the Queen's dominions, not for the world. Introduced into a foreign body, it exhibits itself as a principle not of amalgamation, but of disturbance. The one practical consequence of making known, on the Continent, the principles of the Anglican Church is, to turn Catholics first into sceptics, and then into apostates. And when this tendency makes itself apparent, what is the effect? Not to throw the originators and supporters of this Association upon reviewing its character or modifying its action, but to call forth

a deliberate and all but official sanction of the principle of proselytism itself.

For it is idle to draw a distinction between the course which the *Christian Remembrancer* has endorsed with its approval, and that which Exeter Hall Protestants more undisguisedly and honestly avow to be the duty of all evangelical Christians. Once admit that a Catholic who is dissatisfied with his religion is justified in abandoning it, and the precise means by which you induce him to do so are of secondary importance. The Protestant who preaches plainly that it is his duty to "come out and to be separate" from Rome, appears to us to act far more like an honest man than the Anglican who takes a more circuitous and covert mode of bringing him to the same conclusion. The great question is, whether it be right to carry controversy into the ranks of the foreign Catholic body. If an Anglican rejoice, or even acquiesce, in the apostasy of a Catholic as the result of such a process, his only difference from the extreme Protestant, will then turn upon the means employed. In principle there is an entire agreement.

What, again, is likely to be the effect upon the Anglo-Continental Association of such avowals as those to which we here allude? How will those who are engaged in carrying out the objects of this Association be able to distinguish, in practice, between actual proselytising, and hailing with satisfaction the accession of proselytes? The veriest proselytist that ever spouted on the platform of Exeter Hall would forbear, in common decency, from saying that he desired to force the conscience of a Papist. All which he undertakes is to inform the conscience of his benighted adversary, or to relieve it under a supposed pressure, or from a supposed delusion. He would tell you, as the Anglicans are now telling us, that his sole aim was to exhibit what he calls gospel truth in its unsophisticated aspect and its unutilated integrity; a picture of which he believes, as the Anglican believes of that which he has to produce, will reclaim to truth and peace, the unhappy victims of an evil superstition. And, therefore, we used to hear that Anglican clergymen, sent upon missions to the East, were distinctly warned by bishops of their communion, that they were to content themselves with preaching to their own people; rigorously abstaining from all interference with the members of "other churches," and

even withstanding overtures, should any such be made, of personal adhesion. Upon the most unsuspecting evidence of a great Anglican organ we confidently assert, therefore, that the "Anglo-Catholic" principle is now totally abandoned; that the highest churchmen, with very few exceptions, now hold and teach that the Catholics of the Continent are safe in breaking peace with their body; and thus, either that the evils actually existing in the Roman Communion, are subversive of its claim to be taken for even a portion of the Church, or, that it is allowable, upon the plea of conscience, not only to leave, but to rail against what is actually a true branch of that Church. If this be not a recognition of the unbounded "right of private judgment," then we must ask what Anglican churchmen understand by that term.

And now let us glance at what these sticklers for purity of conscience are doing towards the relief of its difficulties and the rectification of its judgments. They are scattering firebrands in the midst of a peaceful and undivided house. They are circulating books in France, Italy, and Spain, no one of which a Catholic of those countries could read without sin, except by permission of authority; and no one of which any Catholic authority in Christendom would allow to be read except for the purpose of publicly refuting it. Under the pretence of making known "the principles of the Anglican Church," they are now giving currency to the foulest calumnies against the Roman; and are making the specious claim of protesting against her "innovations" the peg on which to hang as virulent accusations as ever fell from the lips of the veriest no-Popery demagogue. Not content with raking up the old worn-out charges of Anglican divines which deserve some sort of compassion from the ignorance and coarseness of the times, they must even exhibit, in a foreign dress, the flip-pant insinuations and showy sophisms of a living controversialist who is at once the most prominent representative of the high-Church Anglican party, and the bitterest opponent of the Catholic Church. It is true that the manifold contradictions which a comparison of the various declarations of the bishop of Oxford, would bring to light materially detract from the weight and apparent sincerity of his ecclesiastical views. But this is no justification of those who recklessly disseminate among foreign Catholics a polemical discourse of this prelate, exhibit-

ing, for whatever reason, a more than ordinary amount of acerbity against the doctrine and spirit of the Catholic Church. Whether it were that his lordship deemed the University of Oxford to require a special warning against excesses in the love of MARY, or whether for any reason the Catholic Church happened to be out of his lordship's good books just at that moment, so it is that he selected the pulpit of the church of St. Mary the Virgin, as the place, and the Feast of the Annunciation as the occasion, of pronouncing a philippic against the prerogatives of God's Holy Mother, and against the Church which alone among all bodies of professing Christians has continuously defended her claims and magnified her honour. And this is the discourse which of all others the Association "for making known the principles of the Anglican Church," selects as a specimen of those principles in the eyes of Catholic Christendom! Discarding from its choice the many published sermons and other works of Dr. Pusey, Mr. Keble, and the other leaders of the Anglican party, as well as the various "Tracts for the Times," those really able and lucid exponents of the high-Church theory, our modern propagandists fasten upon a bitter tirade against Rome, as the proper specimen of the class of opinions which they invite continental Catholics to embrace in exchange for the faith of the holy Roman Church! Can anything prove more clearly the proselytizing animus of this Association?

But perhaps we shall be suspected of having exaggerated the case and done injustice both to Bishop Wilberforce and the Association which has chosen him as the contemporary spokesman of its mind. We shall proceed, therefore, to give a few specimens of the teaching by which it is proposed to replace the doctrine of the Catholic Church; and we shall give them in the foreign garb which they assume under the direction of the "Association;" first, because this course is fairest towards the Association itself, and secondly, because a foreign language is a certain, however slight, protection against the unrestricted publicity of sentiments which are really too shocking to be cast, unveiled, before the Catholic public at large.

The Association adopts, as a "principle of the Anglican Church," the doctrine that our Blessed Lord assumed human nature in its *corrupt* form, and that this blasphemy is a necessary part of the verity of the Incarnation. The

bishop argues that if the Blessed Virgin were conceived without sin, then our Lord received human nature in a pure form, and not in its fallen condition, whereas the latter and not the former doctrine he believes to be the truth. He thus reasons:—

“ Si cette nature qu’ Il prit ainsi dans le sein de la Vierge Mère n’était pas celle dont cette Vierge comme tous les autres êtres humains, avait hérité d’ Adam, mais une nature spéciale, faite par la puissance créatrice de Dieu, pour exister dans les nouvelles conditions de pureté originelle, comment pouvons-nous dire qu’ Il prit réellement de notre propre nature ? La nature à laquelle Il emprunta cette chair, qu’ Il unit à sa Divinité, était donc, non point nôtre nature déchue, mais une nature nouvelle et différente, et alors sa fraternité avec nous est détruite.”—p. 19.

In the eyes, then, of the Bishop of Oxford, and of the Association for making known the principles of the Anglican Church, it is not merely no blasphemy, but veritable Catholic doctrine, to affirm that the Most Holy God allied His own divine Nature with that sin which fallen man inherits from Adam, and which the Church of England itself declares to deserve, in itself, God’s wrath and condemnation. And the best argument which the bishop can find against the doctrine, that the Mother of God was conceived immaculate, is one which implies that she was not even *born* immaculate, but was subject throughout life to precisely the same internal conflict between good and evil, as St. Paul, for instance, describes in his Epistle to the Romans, ch. vii, v. 18—24. A more conclusive proof could scarcely be given of the inseparable connection between the Catholic doctrine of Mary and the Catholic doctrine of the Incarnation.

Again, we ask any of our readers, nay, any candid partizan of Anglicanism itself, to say what is likely to be the effect upon foreign Catholics of such language as the following ; whether, in short, it can have any tendency but to excite disgust among the good, and to play up to the worst passions of the disaffected members of the Church ?

“ Il n’y a, en effet, dans cette Communion ” (de Rome) “ aucun symptôme de mal plus remarquable, que l’accroissement rebutant de cette fausse doctrine, qui, comme un principe de corruption, se développe à travers des temps. Les générations qui se succèdent, semblent s’empresse à l’envi l’une de l’autre, d’atteindre à ce blas-

phème direct, d'attribuer à cette femme (!) qui fut la Mere du Sauveur* les louanges et l'honneur qu' on ne doit qu' à ce Sauveur lui-même."—p. 21.

The application of the Apocalyptic Prophecies of Anti-Christ to the Roman Church was, we had supposed, a peculiar note of the party whose tactics Anglicans once denounced far more severely than they denounced us. Will it be believed that the Bishop of Oxford condescends to take one more leaf out of the book of Exeter Hall, and that he dares to depict the religious joy of the Holy City on the promulgation of the dogma of the Immaculate Conception, in the words, "And I saw the Woman, whose name was a Mystery, drunken with the blood of the Saints!" (p. 24.)

But enough of these awful profanities. Our only excuse for even alluding to them must be found in the hope that by the mercy of God we may thus be enabled to open the eyes of Anglicans to the abyss of infidelity, to the verge of which their leaders are gradually conducting them, before they have hopelessly and eternally cut themselves off from the only source of light and peace.

We are grieved, rather than surprised, to find that the proselytizing efforts of this new Association have been partially successful. In every country there are, of course, to be found uneasy and disloyal spirits, men who find the rules of the Church, and especially the practice of confession, a stumbling-block in the way of their perverse, if not vicious, inclinations, and who are ever on the look out for sympathy and encouragement from whatever quarter proceeding. Often, indeed, the evil has not yet become incurable, and a word either way may prove the feather by which the scales are finally turned towards recovery or ruin. In every country too, there are, unhappily, priests as well as laymen, who, having lost the first fervour of their vocation, come to find a burden in those privileges which should be their delight. Just in proportion as the law in their case is more difficult and more elevated, will be the danger of any, however slight, relaxation of that strictness

* It is remarkable how the bishop here shrinks from the language of the Council of Ephesus, as well as how naturally his lordship falls into that most unloving mode of designating our dearest Lord as "*the Saviour*."

of observance, which is the only security against evil, as it is the only secret of peace. No man, and least of all, a Catholic priest, becomes wicked at once. The priest, especially, who is habituated to reverence for authority, refuses, till he is completely degenerate, to listen to the seductive voice of infidelity or heresy, unless coming before him with a show of weight and venerable sanction. To this class it is obvious that the emissaries of the new Association will address themselves with peculiar effect. They offer to the discontented spirits of the Continent a most tempting "via media" between the unpalatable law of the Catholic Church and the vulgar licence of unbridled Protestantism. They dress out heresy in the form most attractive to a man who has not quite lost his faith. They dignify it with antiquarian sanctions, and disguise it under a Catholic phraseology. They have learned from the missionaries of the platform the important secret, that Catholics can be caught by none but homogeneous baits; and just as the Rev. Cornelius O'Shaughnessy, the apostate missionary, and Miss Dulcibella Snake, the district-visitor, introduce themselves into the garret of the poor Irish apple-woman, with the proffer of a Douay Bible instead of a no-Popery tract, do these gentlemen endeavour to ingratiate themselves with foreign Catholics, by affecting a community of faith, and concealing their purposes under orthodox language.

They have succeeded, we lament to say, in making an apostate of a French priest, whom (still after the fashion of Exeter Hall,) they parade in their Report with all the pomp of victory. Following the approved precedent, they carefully suppress the name of their unhappy victim. We do not go so far as to suppose that he is actually a man of straw, who has no living counterpart; but it is plain that they think the production of his name would do no good to their cause. The Catholic Church tosses her weeds into the congenial soil of the Protestant wilderness, and transplants its fairest flowers into her own goodly enclosure. So it was in Swift's days, and so it will be to the end of time. Instead of giving us the name of this miserable priest, they give us his letters, which plainly show the class of Catholics to which he is to be referred. "Six years after my ordination," he tells us, "I entered upon the study of Calvin's Institutes and Jewell's Apology," and the result was, that he found himself a member of the

Anglican Church. It is not a little remarkable that the first, and (as far as appears,) the only Catholic whom the Association has succeeded in perverting, should be a Gallican, rather than an Italian or a Spaniard. We had been accustomed to think that Anglicans drew a broad distinction between France and other Continental nations, and that, of all Catholics, those whom they would least wish to disturb, would be the Catholics of France. Such, however, is the zeal for proselytism which has seized them, that an offer from any quarter is now thankfully accepted, and accordingly it is celebrated as a triumph of "Anglican principles" that they have succeeded in rendering the tie between a French priest and his Church.

The comments of this wretched man upon the doctrine proposed to his acceptance, are very significant of his religious temper, as well as of the leanings of the Association. It had tried on, we gather, an application of Catholicity in its mildest and most diluted form, yet the patient is found to rebel. A tract of Bishop Cosin's was put into the Abbé's hand, containing this infinitesimally small dose of Catholic doctrine. "Ideo fructus hujus deprecationis quam pro mortuis in Xto facimus, prorsus nullus esse non potest." It is certainly difficult to conceive a more guarded statement; yet the Abbé "fears that" (these words) "may give room for the errors of Rome concerning Purgatory, and all their fatal consequences," though he charitably hopes that, as explained by their context, "they may be taken in a sense which does not offend against the faith." (p. 348.)

But what are we to think of a Catholic priest who has brought himself, by the study of heretical books, to the conviction that the Church, of which he is a child, and at whose altar he is a minister of the great Sacrifice, having "begun her career of iniquity (sic) by cutting short the two first commandments of God's Law, has gone on to treat the Word of God as worse than nothing, the merits of Christ as null, and, forsaking the God of Heaven, has made for itself an earthly God?" (p. 349.) And what, more than all, are we to think of professing "Churchmen," who have so far lost their religious instincts as to exhibit such words—without anything to make it appear that they repudiate these abominable calumnies, or even regard them as an exaggeration?

But while the Abbé is inclined to think that the Asso-

ciation goes too far, an opposite complaint is brought against it from another quarter. The "Observateur Catholique" qualifies its approval of the publications which the Society has authorised by an unfavourable criticism upon the phrase "Cérémonies Sacramentales," as applied to some of the Seven Sacraments of the Church.

"The English Church," says the Gallican organ, "acknowledges, under the title of 'Sacramental Ceremonies,' Confirmation, Penance, Extreme Unction, Orders, and Matrimony. The English Church appears to refuse these the title of Sacraments, because they are only of Apostolical or ecclesiastical justification. Can it be believed that the Apostles would have conferred confirmation on the newly baptized of Samaria, immediately after the Ascension of Jesus Christ, if that ceremony had not been instituted by Jesus Christ Himself? The five 'Sacramental ceremonies' of the English Church are found in the most ancient monuments of the history of the Church, under the title of Sacraments. The Eastern Churches, with that of Rome, administer Seven Sacraments. The distinction between the five 'Sacramental ceremonies' and the Sacraments is nowhere to be found but in the English Church; we think, therefore, that that Church ought to reject it." (C. R. p. 355.)

"We know not here, whether more to marvel at the coolness with which the Association commits "the English Church" to the phrase "Sacramental Ceremonies," as applied to the Sacraments in question, (including, be it observed, Extreme Unction,) or the simplicity with which the "Observateur Catholique" attributes this phrase to the Church of England, as if that body had anywhere authorised it, or as if even the majority of her prelates would regard it as anything better than a Popish invention.

It is not, then, that we entertain any fears about the ultimate success of this Association. The stress which it lays upon the single case of apostasy which has followed upon its efforts, is a proof that proselytism, though its aim, is not its *forte*. It cannot even announce its gains without betraying the infirmity of its cause. Its profession is too strong for the weaker, and too weak for the stronger. It has neither the consistency and persuasiveness of truth, nor the energy and desperation of heresy. Its tracts are too guarded and too tame. They are not prepared according to the approved recipe. A bolder flight of invention, a less timid handling of the Apoca-

lypse, would greatly add to their effect. The "Via Media" was never intended to be the subject of a Mission, or the symbol of a "Propaganda."

But the intrinsic hollowness of this project does not qualify the malice of its intention, or affect its significancy as a phenomenon. Till the many distinguished persons whose names have been publicly identified with the undertaking, shall see fit to withdraw themselves from all further participation in it, they must be regarded as having committed themselves to the principle of proselytism in its most subtle form. A member of the French Church, and a Priest, has been *invited* to enter the Anglican Communion, welcomed into it, and his name blazoned forth as a convert. But small indeed is the discredit of being thus associated with a scheme which violates every professed axiom of their party, compared with the deep responsibility of helping to detach a dissatisfied and sceptical Catholic from his moorings in the harbour of peace and safety, and sending him adrift upon a sea of doubt and hazardous speculation. One would have thought that the example of the unhappy BLANCO WHITE would not so soon have been lost upon those who knew him, if not personally, yet by name and history. That was the case of a Catholic priest who worked himself, like this French abbé, out of the Communion of the Church by the study of heretical books; and like him, too, he chose the Anglican Establishment as a half-way resting-place between Faith and Infidelity. He was received with open arms by every party in that Establishment. He was fêted, petted, and made much of every way, set up to preach before the University of Oxford, and aggregated to one of her most distinguished colleges. He was a man of undoubted disinterestedness, and therefore he refused all offers of preferment in the wealthy Establishment which he had joined, lest his motives in allying himself to it might be suspected. From a High-Church Anglican he became an Evangelical, from an Evangelical a Rationalist, from a Rationalist a Socinian, and from a Socinian an Infidel. He died with the words of unbelief on his lips, and the air of unruffled composure in his countenance. May he who has followed that awful example so far, be arrested at this point of his downward career, by the loving expostulations of the Saviour, whom he has betrayed and traduced, and re-enter the fold of Unity

which, in an evil moment, he has been tempted to abandon!

And now for a few words, at parting, to our friends of the "Union" movement. We observe with pleasure, but without surprise, that they have expressed themselves in terms only less strong than our own, against this new development of Anglican principles. In truth, they have come out against it with an amount of enthusiasm unusual with them, and which seems to indicate that they regard it as the most fatal of the obstacles which have yet been flung across their path. At any rate such it certainly is. A movement of the kind, and under such high patronage, does undoubtedly import an amount of anti-Catholic feeling in the Establishment, for which we confess that even we were unprepared. We had thought, and hoped, that the Unionist party numbered many more names of weight on its side than it now appears able to command. We had supposed, at the very least, that the objects of that party had enlisted the sympathy of some whose support, on the contrary, we now find to be publicly, and without protest, claimed by this "Anglo-Continental Association." It thus appears that, at the present time, just as projects of corporate union have come to be broached, not only the evangelical party in the Establishment, and that which goes by the name of "high and dry," are the advocates of proselytizing efforts against us, but that, strangest of all, there is a division upon the question, even among Tractarians themselves.

And then, as to the queen's bishops, consider only what can be the prospects of an undertaking which has such men as Wilberforce and Hamilton prominently against it? Or what must be the kind of "Unity" contemplated, if these prelates be patting its promoters on the head with one hand, and beckoning priests out of the Catholic Church with the other? now talking blandly about "our sister Churches," and now more than insinuating, that Rome is the "mistress of abominations?" The Unionists must make their choice between the damaging opposition of such important personages, or their still more damaging support. Their cause is either fatally compromised by the advocacy of such allies, or deprived of all strength by their antagonism. Take, especially, the case of the Bishop of Salisbury, who is one of the patrons of this new Propaganda. He is a man, than whom the most Catholic party in the

Establishment could assuredly not expect, even if they could desire, a more unimpeachable representative of their principles, at least in so elevated a quarter. His speech on the Divorce Bill was worthy of a Catholic; and he is honourably distinguished from his brethren, by the absence of everything like bitterness in his tone of speaking about us.* It is therefore with sincere regret that we find Dr. Hamilton's name associated with this miserable job. What then must be the disappointment of those who are labouring after Catholic unity, when they see the only prelate of the Establishment from whom they could expect consistent sympathy and support, ranged with such implacable opponents of the Catholic Church as Bishop Wilberforce, Dr. Wordsworth, and Mr. Meyrick?

Nor is Dr. Hamilton's the only name on this list which indicates the weakness of the Unionist section of the Establishment. Mr. Keble, too, and Mr. Gladstone are among the well wishers, if not the active supporters, of the Anglo-Continental Association. And what a host of powerful opinion do not their names represent! The one, the author of the "Christian Year;" the man who thirty years ago stood conspicuous even among the originators of the "Tracts for the Times," for his kind and conciliatory language about Rome; who in his youth was our chivalrous champion, but who has become, in the decline of his years, the strength of our bitterest enemies. And Mr. Gladstone, too, on the side of proselytism! Such names, surely, besides their own weight, are the exponents of whole schools of opinion. So, what with the Evangelicals, the Rationalists, the "High-and-dry," and the primitive Tractarians, who are all, more or less, on the side of proselytism, there would seem but a sorry residue of support left for the cause of "Corporate Union." Yet this cause, as its very name imports, depends upon numbers for its weight, and even its existence. Lacking the countenance of every single bishop of the Establishment, of the most thoughtful and consistent of the remaining Tracta-

* We must add, and with much pleasure, that his lordship shares this honourable peculiarity with another prelate of quite an opposite school—Dr. Tait; who, under circumstances of strong temptation to an opposite course, has most creditably abstained, since his elevation, from even a word of bitterness against Catholics.

rian leaders, of the most eloquent and gifted of our statesmen, of the three most powerful parties in the Established Church; with what manner of pretension could this little band of impracticables carry up its proposals to the foot of the Sovereign Pontiff as a representation of the longing desires of the great English nation? But more fatal to its cause is the augury of the future which such facts shadow forth, than even the evidence of present difficulties. Such men as Bishop Wilberforce, and Mr. Gladstone, would not, we may be sure, be found on the side of Proselytism, if the nation at large were verging towards Union. We regard such a manifestation on the part of such men, as a bar to all rational hope of "corporate" approximation towards us.

And while friends are thus hanging back, irreparable time is slipping away. The youngest man in the movement towards unity will have gone to his account long before the heart of this nation beats in accord with his sentiments; and it will be but a sorry look out if we have nothing better than unsanctioned theories and baseless visions to plead at the bar of Divine Justice in excuse for personal shortcomings. But we have small fears on this score. The friends of unity, we are delighted to find, have turned from controversy to prayer. They are no longer, as once, afraid of the intercessions of Catholics, but, on the contrary, invite and join in them. What, too, if Dr. Pusey should even be one of this pious confederacy? God grant it be so. If ever there were a man whose alms, mortifications, and good works, might be expected to draw down a blessing upon himself and his nation, that man is Dr. Pusey. At least we rejoice from our hearts that he has not, by partaking in the sin of proselytism, tarnished the lustre of his once honoured name and many good deeds. And if he will but pray for "union with Rome," under any condition by which he may please to restrict the petition, (though he indeed is not the man to dictate terms to the All-wise and All-gracious,) we doubt not that he will be answered in such sort as shall most conduce to the glory of God and the advancement of His holy truth. We learn with sincerest pleasure that this remarkable man is once more restored to health and vigour; and, coinciding as this mercy does with the appearances of the time, we are fain to trace in it a token that there are still great things for him to do in the city

of God on earth before he is called to that bright and enduring reward which we cannot but believe must yet await him.

But there is one thing, we confess, which would greatly increase the satisfaction with which we observe that the "Corporate Union" party are disposed to trust their cause to God; and that is, that they should simultaneously desist from enveloping themselves in the dust of controversy. It is now almost a year since we expressed, pretty freely, our hopes and fears as to the tendency of the literary organ which represents their sentiments—the *Union* newspaper. We much lament to say, that our fears, rather than our hopes, have been strengthened by the progress of events. We always felt most doubtful how far it would be practicable for the gentlemen connected with this paper to maintain the high and chivalrous tone in regard to Catholics and the Church, which, at its first beginning, formed so delightful a contrast to the organs of Anglicanism. We apprehended that they might find themselves less able than they expected, to withstand the torrent of opposition which such a course was sure to draw down upon them from the majority of their brethren. Symptoms of concession to these influences are, we regret to say, beginning to manifest themselves with but too evident distinctness. "Letters of correspondents," light indeed as straws in intrinsic weight, are yet, like straws, betraying the change of wind. Leading articles are exhibiting more and more signs of hesitation and dangerous candour. More than all, the paper is falling in point of generosity and straightforwardness, not, we are sure, from the want of these qualities in its promoters, but from the evident rickettiness of its moral and religious position. Its treatment of Father Faber, in reference to the Sermon at the Oratory has been, to use a mild phrase, shabby. The *Union* charged upon an Oratorian preacher, a certain sentiment, embodied in definite language, where the whole point was not whether the preacher had said what the *Union* and its friends chose to consider *tantamount* to that sentiment, but whether he had committed himself to *it*. Challenged to produce its authority for so damaging a statement, it exhibits what may or may not have been said by the preacher, but what, even if said by him, is something wholly different from what he was charged with saying. All this is too like what we are accustomed to in other quarters.

We wish we were not compelled to add that there is another disservice to religion which the *Union* is unconsciously promoting. It is furnishing excellent but shortsighted Catholics, with the opportunity of rushing slipshod into print. Could some of our writers and some of our journals (for the evil is contagious) only know how serious a drawback upon the rise of our literature is created by the "Correspondence" columns of newspapers, more or less devoted to the Catholic cause, we should surely have a little more modesty in the one, and a little more discrimination in the other. Among the secondary notes of truth which attach to our religion, there is scarcely one to our own mind more arresting than the way in which the Church lives on through the never-ending imprudencies of her own loving children.

But to return to the *Union*. The untenability of its position is, every day, more and more breaking out. What in the name of common sense is it at? Look, for instance, at the lessons it teaches us in the way of deference to authority. It is intelligible ground to say, as *we* do, that the Anglican bishops are mere state functionaries, and however estimable they may be as individuals, deserve as much, but no more, reverence for their office's sake, than the Lord Mayor of London. But to speak of persons who are pretended to be the representatives and successors of St. Peter and St. Paul, in the language which the *Union* applies to Dr. Tait or Dr. Villiers, is not only an insult to authority in those who use it, but has a tendency to bring all religion into contempt. What would be said of us, if we were to use such words in describing even an Anglican bishop and his companions, as "*Villiers and Co?*"* To whom then really applies the charge of disparaging the ecclesiastical officers of the State of England; to us, or to those who bring that charge against us?

In these and such like indications of a miserably weak cause, we still cannot bring ourselves as yet to see any grounds for imputing conscious dishonesty to its advocates. These are not the first, nor will they be the last, aspirants after Catholic unity, who have lain for a season embedded in the shroud of delusion which they have spun for them-

* See the *Union* for Nov. 20, 1857.

selves. All we desire is, that they might be got, even for a brief space, to look at themselves with eyes other than their own. They may depend upon it that it is not we only who are keen-sighted to their palpable inconsistencies. There are shrewd observers still nearer home, who see as plainly, if they do not speak with so much openness. The line of the *Union* at its beginning was respectable, but visionary. Now it is gaining a stand at the expense of its principles. It is getting to do a work and take a place which others more ably perform, and more creditably fill. Hence it is that we would wish to hear more of prayer and less of controversy; for we are convinced that nothing can keep from the zealous promoters of this meritorious attempt the accents of the Voice which calls them, except the clatter of tinkling cymbals which they are raising about their own ears.

ART. VII.—*Heidenthum und Judenthum. Vorhalle zur Geschichte des Christenthums.* [Heathenism and Judaism. An Introduction to the History of Christianity.] Von Joh. Jos. Ign. Dollinger. 8vo. Regensburg, Manz, 1857.

NO branch of classical archæology has been at all times more laboriously investigated than the religious systems of Greece and Rome. There is hardly a single particular, whether of doctrine or of practice, that has not formed the subject of special and elaborate inquiry. Every detail of the mythology, from Jupiter Optimus Maximus, down to the most obscure of the *Dii Indigetes*; every religious ceremonial, from the most solemn act of public national worship, down to the every-day personal lustration; all the minutæ of sacrifices, auguries, divinations, oracular responses, and the countless other appliances of those complicated systems which so long held captive the popular mind of Greece and Rome;—have been brought home to the capacity of the most ordinary school-boy, in the various dictionaries and hand-books with which modern classical literature abounds. The more abstruse and

recondite subjects ;—the various foreign elements introduced into Greek and Roman paganism ; the mysteries—both as regards the rites and usages with which they were celebrated, and the secret import of which they were intended to serve as the material vehicle ;—the origin and character, religious, moral, and even political, of each ; the time and circumstances of their respective introduction ; the relations which they bore to one another ; and the degree in which they were mutually modified or diverted from their original purport, whether by their influence upon each other, or by that of the peculiar national or local ceremonial upon which they were engrafted ;—all these have long formed a subject of curious speculation for the more matured and philosophical inquirer. In like manner, the fullest and most minute information has been laboriously extracted from every available ancient authority regarding the religious customs connected with social and domestic observance ; the rites of betrothal and marriage ; the funeral ceremonies, and other usages connected with the honour of the dead ; and, in a word, all the miscellaneous ceremonial of family worship, whether recognized by public authority, or founded, as not unfrequently happened, upon some private domestic tradition.

Nevertheless, we believe no one who has ever given his attention seriously to these studies, will imagine that all the laborious learning of modern scholars has succeeded in placing before the mind of the student a clear and life-like picture of the religious mind of the Greek and Roman world. Nor, in truth, have modern scholars, for the most part, ever proposed this object to themselves, or indeed realized to their own minds its importance or its necessity. To most of the classical antiquarians the religion of Greece and Rome has but formed a branch of the antiquities of these countries ; and its study has been pursued in precisely the same spirit with all the other departments—art, literature, war, politics, or social and domestic usage. They investigate with the same patient pertinacity the nature and functions of the college of augurs, and those of the quæstor or the curule ædile. Each detail is interesting to them solely as a means of illustrating the ancient writers to whom their whole souls are devoted. They dwell with the same zest on the *Hetærxæ* of Athens and the vestal virgins of Rome ; on the functions of a *magister libendi*, and those of a *pontifex*, or even the *rex sacrifici-*

culus himself; on the regulations of one of the Circensian games, and the ceremonies of a Lemural sacrifice; and perhaps we might even go farther, and assert our conviction that many a learned commentator, who could expatiate for hours on the *factio veneta*, or the *factio prasina* of the Circus Maximus, has never bestowed a thought on the curious and little-known institute of the Fratres Arvales, one of the most interesting examples of the domestic religion of at least the patrician families of Rome. The entire study, especially in England, has been pursued as a purely literary inquiry, without sentiment and without enthusiasm; or if any enthusiasm be occasionally discoverable, it is simply the enthusiasm of a cold and unsympathizing æstheticism. The latest writer of any eminence on the subject of the ancient Mysteries, Limburg-Bronwer, although he has collected all the opinions of the most distinguished modern philosophers and antiquarians on the subject, can find no higher origin for this curious and almost universal characteristic of every ancient system of religion, than the "fraud and imposition of priests who played on the superstitious and ignorant people."*

Few modern antiquaries, indeed, have considered the ancient religions at all in their relations to Christianity. There is a class of writers, it is true, who have turned this, as they have turned almost every other conceivable subject, to the account of sectarian polemics. One of the most elegant scholars of England, in the last century, Conyers Middleton, owes much of his popularity among his countrymen to the zeal with which he applied his classical studies to the uses of anti-Roman controversy, by tracing the identity of the distinctive doctrines and practices of modern Rome with those of her Pagan prototype; and a later, but far inferior copyist of Middleton, Mr. Poynder, exhausted all the appliances of his slender learning in a similar attempt to establish the "Alliance of Popery and Heathenism." It is not to those, however, we allude;—nor to the admirable writers who have developed the Catholic view of the subject, to the learned Onofrio Panvini, or the still more systematical apologist of Catholic ceremonial, Marangoni, in his rare but most interesting

* Histoire de la Civiliz. Morale et Religion chez les Grecs. iv. p. 199.

Cose Gentilesche trasportate ad Uso delle Chiese.† We allude rather to the bearing which the subject has on the general question of the divinity of the Christian Religion, and even on the great inquiries connected with Natural Religion itself. In England especially, little thought has been given to this most important subject. English scholars and philosophers have, for the most part, been contented to consider the Greek and Roman religions as a mere matter of history, and to investigate the details of their doctrine or practice, without any special reference to their origin or to the relation which they may be supposed to bear, either retrospectively to the great primal revelation vouchsafed to man by his Creator, or prospectively to the new revelation of Our Lord to his Church.

It was thus, also, with the philosophers of France and Germany in the last generation. But the new school of scepticism which, for good or for evil, took the place in Germany of the hard and materialistic principles of the Encyclopædists of the eighteenth century, opened the way for different, and, with all the errors which they often involve, loftier principles, and, strange as this may seem, principles more in accordance with the very truth which they refuse to acknowledge. Amid the almost universal disruption of the sources of religious belief which there prevails, that instinctive longing after truth, of which the human mind, in its wildest wanderings, never entirely divests itself, has endeavoured to discover, in the ancient systems of Paganism, some fragments of that divine philosophy which it refuses to reverence in the simple Gospel of Our Lord. We do not allude now to the scarce concealed attempt of some philosophers to revive the project of the Neo-Platonists of the fourth century, and to set up the purified system of that school as the rival of Christianity; nor to the more ambitious plagiarisms, not only from the philosophers of the early schools, but even from their imitators, the Gnostic teachers of the second century, with which many of the lights of German philosophy have successfully mystified their disciples. We refer rather to that half-histori-

† Roma, 1744—It is a work of great learning and research, and written in a spirit of criticism at once entirely reverent and perfectly free.

cal, half-philosophical school in Germany and elsewhere, which has taken Humanity as its God, and which, reducing history to a mere record of the progress of Human Nature, regards all the religions which the world has seen through its various stages, but as so many steps in its moral and intellectual career towards that degree of perfection (whatever it may be) which is its final destiny, or, rather, towards the complete consummation of that development of which its faculties are ultimately susceptible. Much of the speculation in which this school indulges,—many of the theories, for example, by which they attempt to interpret the mythological systems of Greece and Rome, and to trace the connexion of both with those of the Eastern nations—however erroneous in principle, and however visionary and fanciful in detail, are nevertheless, full of interest even for the most reverent inquirer, and may furnish material for research or for conjecture, which, rightly directed, leads to conclusions of the utmost importance for the true understanding of the religions of antiquity. The details of the inquiry, and even its method, are, in truth, the same for a Christian historian, and for a speculator of the school to which we allude. The difference is, that what the latter endeavours to read and to explain by the fanciful theory of human progress and of the perfectibility of the human race, the former seeks to connect, or at least to compare, with those scattered fragments of the great primeval revelation of God to our first parents, which, however disguised by fable or modified by local or traditional ideas, pervade in a greater or lesser degree every religious system of the ancient world; and which redeem, or at all events relieve, the materialism, and even the sensual grossness by which the least corrupt among them are deformed. But both alike propose to themselves, as their first purpose, to explore and analyse the actual systems, such as history hands them down to us; and both have at least one great object in common;—to collect from the ancient authors, and to digest and compare, all the most minute and authentic information as to detail, which the nature of the subject, and the difficulty of fully realising it to ourselves at such a distance of time and in a state of society so entirely different, will admit.

The first aspect of this subject is almost entirely new to English readers; and we feel sure that there are many to whom it will appear utterly unpractical, and little better

than mere literary trifling. But to the mind of Germany, which, whatever may be its defects—and they are many, and of a sufficiently fatal character—must be admitted to be far more spiritual in its tendencies, and more actively metaphysical in its habits, the subject is one not only highly attractive, but of deep practical interest. And the same is true of the so-called German school of French scholars. It is the same subject which, although in a sense far different and with entirely other views, forms the groundwork of all Schelling's later mythological writings. It enters largely into the great work of Limburg-Brouwer, on the moral and religious civilization of Greece and Rome; and among Catholics the Duc de Broglie has devoted to it one of the most valuable sections of the introduction of his *Life of Constantine*.

But it is only by the historians of the Christian Church that its full importance, and indeed, its absolute necessity, can be rightly appreciated. It is as the historian of the Church that Dr. Döllinger has undertaken it; and although there is not a sentence of Dr. Döllinger's volume which does not breathe the genuine spirit of the cultivated scholar and the profound master of classical learning, yet he never, from the beginning to the end, loses sight of the object indicated by the very title of his book; which, by a happy adaptation of what is itself a classical idea, he designates the "vestibule" [vor-halle] of the History of Christianity. Already, in the text-book of Church History, by which Dr. Döllinger is best known in those countries, he has treated very concisely, but yet in very broad and comprehensive outline, all the main bearings of this great subject; nor would it be easy to find a more striking picture of the moral and intellectual condition of the human race at the coming of our Lord, and of the degree of preparation for the preaching of Christianity which it implied, than is to be found in the opening chapters of that work. One phase of what he has there depicted in outline, Dr. Döllinger afterwards most minutely elaborated in his work on Hippolytus—the sketch of the *moral* condition of the Roman world in the early Christian centuries. We know nothing in the whole range of the literature of Greek and Roman antiquities, which for depth of research, ingenuity of treatment, and solidity of view, we should place above the third section of that remarkable work, in which are examined the charges

of Hippolytus against the moral teaching and disciplinary regulations of Pope Callistus.

It will easily be understood, therefore, that Dr. Döllinger has not come to this great work without full and mature preparation. We know no writer of the present age, indeed, in whom the varied qualifications for such a task are united in so eminent a degree. We do not speak simply of his general accomplishments as a historian, a philosopher, and a divine, nor of his perfect familiarity with the ancient authors, and with all the most distinguished modern antiquarians and commentators. This is an accomplishment which Dr. Döllinger, eminent as he is, can only claim in common with many distinguished German scholars. Neither do we allude to that singularly complete mastery of the modern philosophy of the German schools, and of its relations with the ancient systems, of which we find abundant incidental evidence in almost every one of his works. We refer, strange as it may seem, to the intimate acquaintance which he possesses with a subject which does not in any way enter into his present plan, and to which he never directly addresses himself—we mean the semi-pagan systems of the early Gnostic heretics, which form as it were the neutral ground between paganism and Christianity. These Gnostic systems, with all their errors and all their monstrosities, supply, in our opinion, the very best key to the relations between the two systems at the period of conflict which Dr. Döllinger has selected as the starting point of his history. It is plain, both from the avowal of more than one of the early Gnostics cited by Hippolytus in the *Philosophumena*, and from the charge of systematic plagiarism from the early philosophers which Hippolytus makes against them in that now celebrated work, that many of the tenets of Gnosticism were devised as a sort of compromise between the philosophical dogmas of paganism and the moral and dogmatical principles of the Christian religion. The doctrines, it is true, are often strangely perverted or misconceived. But we cannot help thinking that these very misconceptions and perversions are in themselves full of instruction for the critical historian. Many of the authors of these systems were adepts of the various schools of paganism. And thus their systems, ill-digested and heterogeneous as they are, are often suggestive of the points of view in which the Christian doctrines may have

presented themselves to an inquirer external to the Church, and biassed by the impressions already received from the antagonistic doctrines of the pagan philosophy. Now, although Dr. Döllinger does not professedly enter into any consideration of Gnosticism as such, and indeed hardly alludes to it at all in the course of his work, we can distinctly perceive the influence of his earlier studies of that subject—studies whose fruit the world has long enjoyed in the first volume of his *History of the Church*—in his account of the Persian Dualism and of its conflict with Magianism; in that of the forms of Pantheism which prevailed among the Greek and Roman philosophers and poets; and, what may be considered more extraordinary, even in what we look upon as the most complete and finished portion of his book—that which regards Plato and the old and new Platonic schools:

The question for which the “Heathenism and Judaism” is designed to supply the answer is in great part historical. The philosophical historian of Christianity will naturally ask: What was the doctrinal and moral condition of the world at the approach of Christianity? Were there any of the opinions or habits of thought then current among men upon which Christianity might engraft its own purer and holier doctrines? Was there anything in the then condition of the human mind that could serve as a preparation for its teachings, or could assist and even anticipate their propagation? And, on the other hand, what were the existing impediments, prejudices, and errors it had to overcome, the antagonists it had to battle with, the evils it had to remedy? And there is another question hardly less prominent, although it will strike different minds with different degrees of force, and will be discussed by the various schools in a very different spirit;—whether or how far Heathenism or Judaism may appear to have reacted upon Christianity, and to have influenced or modified its teachings, its practices, or its spirit?

When the great dogmatical and philosophical importance of these questions is considered, it may seem strange that no complete and systematic reply has ever been given to them, although many individual writers have prepared and put together the materials for different portions of the subject. Dr. Döllinger's present work, however, leaves little to be desired. It extends to nearly a thousand crowded octavo pages, and there is not a detail of this vast

and varied theme on which it may not be said to bring together and almost exhaust all the stores of ancient and modern learning.

The volume is divided into ten books. The first nine are devoted to the subject of Heathenism, and the tenth, which is by far the longest of the entire, to Judaism.

It is plain that, to attempt, within the brief limits at our disposal, any complete analysis of the contents of such a work would be but to trifle with the subject. We rejoice, therefore, in being enabled to announce that an English translation has been undertaken and has already made considerable progress. Before many months shall have passed, our theological and historical readers will have the means of studying and admiring for themselves the erudition and ability with which this vast plan has been filled up. In the mean-time we shall briefly describe the general order of the inquiry, and the arrangement of the several portions of the volume.

Of the nine books into which the subject of Heathenism is divided, the first is, in great measure, introductory. It contains a general survey of what may be called the religious geography of the world, both Roman and Barbarian, at the time of the appearance of Christianity. But, while its principal design is to supply an accurate chart of the topographical and ethnographical distribution of the various forms of Heathenism which prevailed among men, it enters, at the same time, with great learning, and with singular minuteness and precision, into the condition of the several populations, their moral and social characteristics, and the relations, whether political, commercial, social, or literary, which subsisted between them. This introductory book, in a word (making allowance for the diversity of the objects which the writers had in mind,) resembles, in many respects, Gibbon's celebrated survey of the Roman Empire at the commencement of the reign of Augustus Cæsar; but it is far more comprehensive in its plan, and, as might be expected from the subject, enters more minutely into many details, especially connected with religion, which would have been out of place in the design of the historian of the Decline and Fall. Religion, in the plan of Dr. Döllinger, holds the place which Gibbon assigns to the military and political institutions of the Roman and barbarian world.

From this introductory survey he proceeds to the reli-

gious history and condition of the Hellenic races, to which four books [II.-V.] are devoted.

The first of these, (Book II), discusses with most careful and elaborate minuteness the whole mythological system of the Greeks, both in its origin and in its historical details. Dr. Döllinger, discarding in this all the ingenious theories of certain popular mythologists, especially in Germany, traces the polytheism of the Greeks, as of all other more cultivated races, to the ideal or perhaps the material deification of Nature and of the idealized powers of Nature. The instinctive belief of one supreme and super-human Existence, was a relic of the primeval revelation; but the multiplicity of gods was an easy development of the principle of Nature-worship, once established among sensual minded men. The variety of climate and of country; the various appearances and powers of Nature in each; the variety of the manner in which they present themselves to the imaginations of different races, according to their greater or lesser degrees of susceptibility; nay, the very diversity of temperament in different ages or different conditions of society;—all readily found an expression in the development of the mythological system. Different nations, or different ages, selected different aspects of nature, as objects of admiration, of reverence, of hope, of fear, and eventually of worship; and, this principle once established, the rest insensibly or at least not unnaturally, followed; but followed nevertheless, in each particular instance, after a manner suited to the temperament of the nation or of the age. The transition from an ideal power or energy of Nature to a real supernatural personality, invested with that energy, was easy, and in perfect accordance with the notions of an imaginative people; and, a personal existence and individual character having once been ascribed by men to the deities thus formed for themselves, it was hardly in the order of things that, constituted as men were, they should not have conceived these beings under a human type, and invested them with human qualities, with human interests and sympathies, and even with human inclinations and passions.

It is thus that Dr. Döllinger describes in a most learned but singularly eloquent and attractive chapter, the origin among the ante-Hellenic races of element-worship, of the worship of the sun, moon, and stars, of the worship of the earth and its powers, and finally of the worship of the

powers and influences of the lower world. His account of the particular forms which the mythology thus originated assumed among the Hellenic races themselves, is most interesting. It was not the growth of a single nationality, or the embodiment of one order of ideas. It was the result, as Dr. Döllinger well explains, of the particular development and history of the Hellenic people. "Sprung from a medley of various races and populations—planted upon the frontier line between the east and west—this people, while the western element preponderated in its character, yet by its colonies, by its frequent and interchanging migrations, and by the constant intercourse which it maintained with Asia, introduced Asiatic manners and usages into its popular life, and Asiatic and Egyptian notions and rites into its religious system and habits of thought." (p. 57.)

The variety of forms and ideas thus introduced was still further modified by the separate nationalities which were comprised within the Hellenic confederation. To the investigation of these, Dr. Döllinger, after examining the common mythological system in detail, and describing under their various local and general characters all the divine personages which it comprises, devotes many most instructive sections. He points out the particular deities whose worship prevailed in the various provinces, Ionia, Doria, Messene, Thessaly, Crete, Cyprus, &c.; and traces with much ingenuity and learning the local and historical causes to which the prevalence of each worship in its respective locality was due. It is impossible not to understand the importance of this part of the subject, as bearing upon the religious condition of each population in reference to the coming Christianity.

Still more important in this sense is the book (III.) which Dr. Döllinger devotes to the Mysteries of the Hellenic religion. It is, in our judgment, by far the most complete and masterly essay which has yet been produced upon the subject, whether by ancient or modern scholars. No writer with whom we are acquainted has so thoroughly entered into the true spirit and the true import of this most characteristic feature of the religious institutes of the Greek races.

"An air of the mysterious," he says, "pervades the whole religious system of Greece; and everywhere there were things which were kept concealed, or the knowledge of which was restricted

to the priests and a limited circle of adepts. Thus there were secret names of gods, secret offerings, secret forms of invocation; women had their own secret religious services, which it was not lawful for men either to see or to know. There were also 'holy legends,' which explained certain specialities of the mythology or of the worship, and which could be learned from the priests, although they were in general kept secret; for example, the signification of the pomegranates in the hand of Juno's statue at Mycenæ, or the imageless festival of Juno celebrated by the Phliasiensians. Such hidden legends for the most part either contained something local, which was at variance with the common mythological theories, or signified some obscene relation of the deity. There were temples which were always kept closed, as that of Aphrodite Urania at Ægira; groves which no foot was ever permitted to tread. Again, there were temples which the priests alone were allowed to enter, as that of Carneian Apollo at Sicyon, or of Diana at Pellene. Others could not be entered by women, as the sanctuary of Aphrodite Acræa in Cyprus; and on the contrary, the temple of Bacchus at Brysea in Laconia, was closed against men, and women alone were there permitted to celebrate a rite which was scrupulously concealed from men. Temples of Demeter were for the most part open only to women. The Thesmophorion especially, a sanctuary peculiarly dedicated to her, was rigorously held sacred from the presence of men. Many statues, too, were withheld from sight, or were only accessible to the priests; or, as the statues at Sicyon, were only exhibited once a-year, in a nocturnal procession. Very many of those offerings which were considered peculiarly efficacious, were celebrated with silent services or with closed doors. Such were the secret sacrifices to Lycæan Zeus in Arcadia, and those to Juno at Mycenæ. If such a sacrifice as this were only accomplished by peculiar ceremonies and symbolical representations, the whole formed in itself a sort of 'mystery.' So it was, for example, with the nocturnal games celebrated in honour of a deity; as Plutarch observes of certain games dedicated to Melicertes, that they partook more of the character of a mystery than of a spectacle or of a public festival."—pp. 110-11.

Mysteries, accordingly, among the ancient Greeks, were of two kinds.

The first had its origin in the vicissitudes and alternations of conquest and ascendancy among races, which were so frequent in the infancy of society. It often happened that a conquered population, still surviving and living amidst its conquerors, privately maintained its own primitive worship, and perhaps cherished its hopes of national restoration, under the shelter of secret rites to the knowledge of which none but the initiated were admitted.

Such rites are sometimes designated by the name of mysteries.

But the mystery, properly so called, though often of foreign origin, and characterized by strange and unknown rites, was nevertheless formally engrafted upon the popular religion, and free from all suspicion of unlawfulness or of impiety towards the national worship.

Dr. Döllinger enters at great length into the history and origin of the various mysteries of both classes thus introduced or adopted into the common Hellenic religion, whether those known under the names of the particular deities whom they regarded;—as the Orphic, the Bacchic, &c., or under the name of the country to which they owed their origin, as the Phrygian, the Samothracian, the Theban, the Lemnian, the Eleusinian, &c. By numberless illustrative passages, not only from the professed ancient writers upon religion, Pausanias, Plutarch, Plato, but from the philosophers, orators, tragic and comic poets, and from the ancient scholiasts and lexicographers, he traces out the connexion of them all, and proves beyond the possibility of question the substantial identity of several not only of the rites which by many have been regarded as distinct, but even of the deities or deified personages to whom they were dedicated.

The fourth book, on the priesthood, on oracles and divinations, on festivals, on temples, images, and the other appliances of external worship, is a most valuable resumé of all the learning ancient and modern that has been expended on the subject. But perhaps the part of Dr. Döllinger's researches on the heathenism of Greece which will possess the largest amount of popular interest in England, is the fifth book;—on the Greek Philosophy and its influence on the religious character of the people. Even those who are most familiar with the systems of the early Greek philosophers of the Ionian and Eleatic schools, they will learn much of the modern bearings of that history from Dr. Döllinger's full and comprehensive sketches of Thales, Anaximander, Anaximenes, and above all, Heraclitus, on whose relations to modern German pantheism, and especially to that of Hegel, it is unnecessary to dwell. This, we need hardly say, forms no part of Dr. Döllinger's subject. He does not once directly allude to it. But it is impossible not to see that it was prominently before his mind as he wrote. In a few pages he has placed in a plainer light the

analogy between ancient and modern systems, than almost any writer we have yet seen; and he traces most clearly to the ancient systems all the moral consequences which have been so frequently and so justly denounced as the necessary result of the modern.

Nor has any writer with whom we are acquainted succeeded so well in grouping together all the strange and seemingly incompatible elements of the historical character of Socrates, nor in explaining the real nature of his relation with his contemporaries, and the true grounds of the hostility with which he was regarded. Indeed, the general views of the popular religion entertained in the schools of philosophy by the individual philosophers themselves, are discussed throughout with great learning and impartiality; and the fullest consideration is given to every topic which could possibly be supposed to illustrate this (for Dr. Döllinger's view most important) bearing of the subject. Among the individual philosophers of Greece, there is none who has received so large a share of his attention as Plato "the Divine." We regard the section on Plato as one of the most masterly essays in the whole range of classical and philosophical literature. As the necessities of our space compel us to be content with a very brief extract, we shall select the passage which discusses the particular topic to which we have just been alluding; we mean the views of Plato as to the popular religion of his countrymen.

"If we turn to consider the relation in which Plato stood to the prevailing religion, it may be said in general, that, differing in this from his earlier and contemporary brother philosophers, he concerned himself with it more intimately, and accorded to it a degree of recognition and a consideration which it is impossible to explain as the result of a mere calculating and accommodating spirit. In his ideal Republic no religion was to be admitted but the traditional religion of the Greeks; nothing was changed in the forms of the worship of the gods; and, on the contrary, many things were even referred to the adjudication of the Delphic oracle. In his last work, the 'Laws,' in which, descending more into practical detail than in the 'State,' he lays down a series of special provisions for the regulation of the whole life, and does not, as in the other, merely sketch the ideal of a model-republic under philosophic rule,—in this work, which is entirely practical, and written with a special regard to the requirements of the lower classes, religion in her pure polytheistic forms is the soul and the foundation of the nation. Plato lays down here for worship the ordinary graduated series of deities as

the objects of veneration ;—first the gods of Olympus, and the patron gods of the city ; next the Cthonic gods, and after these the Dæmons and heroes ; to worship these after the established rite, by offerings, prayers, vows, and other observances, is declared to be the most meritorious and the noblest of occupations. Every blessing which is to be found in the State is described by him as the gift of the gods ; everything in the State should be consecrated to them ; to violate their sanctuaries is the most grievous of crimes ; the gods themselves have, in their mercy, established festivals as means for the invigoration and reformation of declining morality. Even the *Dionysia* were expressly regarded by him as such.”—p. 297.

The most interesting part of Dr. Döllinger's remarks on the views of Plato in reference to the national religion, is that which regards his theory of Dæmon-worship.

“ As Plato expressly asserted that a god never comes into immediate contact with men, but that all intercourse between gods and men takes place through the Dæmons, that offerings, consecrations, oracles, and the whole system of divination depend on these Dæmons, so it is impossible to doubt that, in his eyes, the greatest part of the worship of the gods is reputed as Dæmon-worship ;—a consideration, nevertheless, which did not diminish in his mind either its value or its necessity for the common people. Even for the philosopher revelling in the knowledge of the divine ideas it might be advisable not to neglect the service of these mediating beings ; for, although he looks forward to the occupation hereafter, in the future supra-mundane organization of the world, of a rank higher than theirs, yet is he not in this earthly life independent of them ;—he means that, when a country is assigned to the influence of the Dæmons, it is a matter of much moment whether their relation with the inhabitants be gracious or the contrary. At the same time he appears to have held it as desirable that the common people should rather be induced to cultivate the worship of a higher class of divine beings—the astral gods : but the recognition of the Supreme Godhead he required only of the rulers themselves. ‘ There is a two-fold consideration,’ he says, ‘ that leads to faith in the gods ;—first, that the soul is older and more divine than all created things ; and then the belief that the motion of the stars arises from a natural soul which dwells within them ; which he represents as an entirely new and hitherto unknown discovery.’ Hence, the study of astronomy is indispensable for religion :—in defect of this knowledge of it we should blaspheme the greatest of the deities, Helios, Selene, and the Stars, by speaking falsely of their motions.”—p. 298.

It is important, nevertheless, to know how far, while he acquiesced in the generally accepted mythology, Plato was

content to identify himself with the dogmatic teachings which it involved. On this point, Dr. Döllinger speaks with great clearness and precision.

“ Thus Plato left open, in his system, a wide field for the popular Creed ; but, at the same time, from the ethical point of view, he spoke out more explicitly and more sharply against the mythical histories of the gods, and against the prevailing view of the relations of men towards them. There were three fundamental errors of the Hellenic Heathenism which he combated most perseveringly : first, the notion of strife and disunion amongst the gods themselves ; secondly, the delusion that the gods were moved by the dark human passions, envy, hatred, and anger, and that they were inclined to evil ; and thirdly, the universal belief that men could easily make their peace with the gods for evil deeds by offerings, forms of prayer, and ceremonies ;—an error on the fatal working of which he throws a gloomy light by the remark that men imagined that it was in their power to blot out the guilt of their misdeeds by revelry and debauchery.”—pp. 298-9.

From the opinions of Plato and the Greek philosophers on the subject of popular mythology, we pass by a natural sequence to those of their Roman disciples and imitators. But in order to make room for this important topic we are obliged to omit all notice of the sixth book, which comprises the religions of Asia Minor, Caria, Phrygia, and Cappadocia ; of Persia, Chaldea, Assyria, and Phœnicia ; of that of Egypt, and also (if it can be called a distinct system) that of Carthage. Important as all these are, and especially in relation to a part of the subject which Dr. Döllinger is admirably fitted to discuss—the early Christian heresies—it is so utterly impossible, in a notice like this, even to indicate the leading topics of each part of the subject, that we must refer the reader to the original for anything like a satisfactory idea of the manner in which it is treated. Even as regards the western religions, and particularly the religion of Rome, and the Roman schools of philosophy in so far as they bear upon religion, which occupy the eighth and ninth books, we can only afford space for a single extract, which will probably be considered interesting in connexion with the above passage. Dr. Döllinger's treatment of the philosophical and religious aspects of the character of Cicero, is only second to the masterly essay upon Plato. They are so often spoken of together by the early Christian writers, that the reader will be glad to compare Dr.

Döllinger's account of Cicero's estimate of the popular religious system of his country with that which he gives of Plato's opinions regarding the national religion of Greece.

"It is remarkable how Cicero, in the whole range of his teaching, makes scarcely any use of the Deity. In his work "De Officiis," he is content with a brief exhortation on the duties of men towards the Deity, although he assigns to them a rank before all others; but what they consist in he never explains. Nowhere is the doctrine of a God brought into intimate connexion with the doctrine of morals; nor are the moral precepts and obligations supported by the authority, the will, or the example of the Deity, the motives are always drawn from the purity and excellence of the *honestum* and from the evil and disgrace of vice. When, in speaking of testimony confirmed by an oath, he explains that man thereby calls God to witness, this god straightway resolves itself into man's own soul, as the most divine thing which the Deity has given to man. The idea of a retribution after death was not merely strange to him, as to so many of his contemporaries: he even declared it publicly in one of his orations, to be, as every one, he added, considered it, an idle fable. 'Do you think us so mad as to believe such things?' he cries out to his auditors, speaking of the judgment after death in the world below; and, in referring to the state after death, he knows but one alternative—either a cessation of existence, or a state of felicity. In an oath, the fear of the anger of the gods must not be a motive against perjury, for the gods are not subject to anger, but a regard for integrity and truth.

"As a statesman deeply impressed with the conviction that without religious institutions it was impossible to maintain the Roman State, Cicero expressed himself in very conservative terms on the religious system of Rome. As he holds it lawful in general for the magistracy to deceive the common people, so religion appears to him to be precisely the most fitting means for the purpose; and although in the work specially devoted to it, he speaks with most disparaging criticism of the entire system of divination, yet he insists that all the magistrates should have the right of auspices, as this afforded a useful means of preventing pernicious assemblies of the people. It is true he desires that superstition should be utterly eradicated; but he guards himself forthwith, by observing that it becomes a wise man to maintain the traditions of his forefathers by the observance of the sacred usages and ceremonies; and thus, he adds, there must be an end of all superstition—of everything in the things of religion and in the scrutiny of futurity, that is of foreign origin, and not prescribed by the State. On the contrary, everything should be externally observed and treated with the utmost reverence that rests on the usage of ancestors, or upon law and custom, however corrupt and deceitful it may be. Such was the ordinary view of the statesmen of antiquity."—pp. 571-2.

We should gladly continue this most able and instructive summary; but the reader will easily understand that it would carry us far beyond our allotted limits to attempt even an analysis of the details. The sketch of Cicero, indeed, is but one of a most interesting group of the philosophers and philosophical literature of the Roman, or so-called Roman, school. From the earliest introduction of the Greek philosophy down to the age of the Antonines, there is not a philosophical writer of any note, even to the half philosophers half poets of the Augustan age, who is not fully noticed, both as regards his own opinions, and as to the influence which he exercised on the public opinion of his day. The sketch of Horace is a most pleasing and ingenious one; and we have seldom read a more graphic or a more just estimate of the genius of the great philosophical historian, Tacitus, than is here condensed into a few pregnant sentences. The opinions of Tacitus are of course chiefly noticeable in their ethical bearings; and it is only in this light that Dr. Döllinger considers his philosophy. Indeed it would be difficult to find in any of the writers upon Roman history so interesting and at the same time so exact an account of the moral condition and character of the Romans at the close of the Republic, and the first generations of the Empire, as is contained in this and the following book.

It may be interesting to place in juxtaposition with the sketches of Plato and Cicero, which we have extracted above, Dr. Döllinger's account of a philosopher of a very different school, but one who holds, in relation to his own people, and his own literature, a position somewhat analogous to theirs in Greece and Rome—we mean the celebrated Jew, Philo, which is contained in the tenth and concluding book upon Judaism.

“Sprung from one of the most illustrious families of his nation, Philo was, if we abstract from the apostolic circle, the most remarkable man, intellectually, whom the Jews ever possessed; a spirit highly gifted, cultivated by extensive study, thoroughly intimate with Greek literature, and yet of most sincere piety and steadfast faith. His writings breathe a tone of fiery enthusiasm and an elevation of thought, though it often seems to struggle with defectiveness of expression, and sometimes provokes a suspicion of want of definite conceptions and clearness of ideas.

“Convinced on the one hand that the Jewish religion rests upon divine revelation, and on the other intellectually captivated by the

speculations of the Greek schools, and in his own private views addicted to Platonic and Stoic opinions, Philo proceeds directly from the assumption that that philosophy whose truth he recognized, is contained in the Jewish religion, although in a manner unperceived by the great multitude of its followers. Not unfrequently, indeed, under the impression that he is following the Greek philosophy, he unconsciously remains true to his Jewish faith. To him Moses is the greatest of all philosophers; all philosophy comes but from Moses, and is identical with the religion delivered by him; when it does not fully coincide therewith, it is still nothing more than the handmaid of philosophy, that is, of that highest knowledge of God, which is only to be attained by the road of asceticism and contemplation.

“The neverfailing instrument which Philo used for the erection of this at once biblical and philosophical edifice, was the allegorical interpretation of the Pentateuch. He used it the more unrestrainedly, inasmuch as he saw that it was already traditional and reduced to a system by the Alexandrian Jews, and at the same time commonly adopted by the Greeks in the explanation of their myths. He appears not to have entertained a doubt that, by his allegorical interpretations, he had attained the true sense of the legislator. In the Sacred Book all is divine inspiration; an inexhaustible treasure of divine thoughts is hidden under the cover of the letter. This truth does not present itself in the first and naturally occurring sense of the words; this is frequently deceitful and false; on the contrary, it is often necessary to extract the kernel of religious truth from the historical or figurative shell in which it is concealed. ‘On every little word of Scripture,’ said the Rabbins, at a late period, ‘hang whole mountains of doctrine.’ Philo explains those meanings, as mysteries which are not meant for every one, it is true, but only for the initiated who are worthy of things so sublime. He goes to such length in this, that in one series of his works in which he treats the history of the individual patriarchs, he represents each of them as the type of a particular state of soul, and accommodates the whole scheme of interpretation to this assumption. As every immediate contact of God with the world is in contradiction to his idea of God, he is forced to explain away, as allegory, all the passages and narratives of scripture which imply such contact. That this system opened the way to the most reckless and arbitrary interpretation, did not cause him any concern, as he often found himself in a state which he describes as ‘theoleptical,’ and in which the highest inspirations flowed upon him. ‘The most excellent and most perfect teaching,’ he says, ‘is that which God Himself pours into the soul; and I do not shrink from avowing that this is a state which I myself have innumerable times experienced.’”—pp. 838-40.

So much for Philo’s direct relations to the religion of

his own people. On his direct views regarding the Greek philosophy and philosophers, especially Plato, Dr. Döllinger is equally interesting :

“ Philo’s admiration and love for his own people and his own faith, nevertheless, did not interfere with his recognition of the excellencies of Hellenism. To him Plato is ‘ the Great,’ even ‘ the Holy;’ he speaks of ‘ the holy community of the Pythagoreans’—the ‘ holy union of divine men,’ a Parmenides, Empedocles, Zeno, Cleanthes. In Hellas he sees the cradle of science and of true human culture. It is true that in the back-ground there is always with him the idea that the best of these views are from the Hebrew source. Thus Heraclitus is traced back to Moses ; Zeno is a nursling of the Jewish wisdom : in the laws of the Greeks too, there is much that is Jewish. Philo makes no difficulty in falling in with the Greek philosophers in their opinion about the stars ; he also holds them to be animated beings ; he regards these star-souls as pure spirits of a higher order, and with Plato, calls them ‘ visible gods,’ although he undoubtedly uses the word in an improper sense. Yet they are, in his mind, representatives of God, although they are never to receive divine honours.”—p. 841.

“ It would be interesting to follow out the account of each of the particular views of the leading doctrines by which Philo endeavoured to accommodate his national creed to the tenets of the Greek philosophy. It would be an inquiry especially important in its bearing upon the doctrine of the Logos, and on the allegations of many of the modern Rationalistic schools, as to supposed modifications which the Christian doctrine of the Unity of God underwent in its contact with the neo-platonists of the third and fourth century. Alexandria, it needs hardly be said, was the great theatre of this supposed contest of the two systems. Now, in the entire of the Platonist school of Alexandria, (if we allow for the strong tincture of Judaism which he always exhibited,) there is not a single writer who exhibits its doctrines in their peculiar relations to those of Christianity, with half the distinctness and significance of Philo.—We allude particularly to the subject of Ideas (pp. 842-3) ; of the Logos (844) ; and of Souls (845-7). But we regret that we cannot do more than refer the reader to the work for these details, all exceedingly interesting in themselves, and some of them of the highest dogmatical value in the modern rationalistic controversies.

From our dwelling so much upon these isolated sketches

of particular philosophers, it might perhaps be inferred that they exhibit a fair specimen of the general character of Dr. Dollinger's book, and that it deals rather with the literature of the ancient religions than with the religions themselves. This, however, would be a great mistake. The "Heathenism and Judaism" is eminently a book of practical detail. There is not a single institution of Grecian or Roman Heathenism—not a dogma of its mythology—not a rite of its liturgy—not a god of its Pantheon—not a festival of its calendar—not a peculiarity of its ethical code; which the author has not contrived to introduce into his comprehensive pages, and in reference to which he has not described everything that is really note-worthy or important. The fourth book is a complete summary of the religious antiquities of Greece; the seventh of those of Rome; both compiled with the utmost erudition, and embodying upon every subject the result of all the most careful modern research. The sixth book, on the religions of Asia and Africa, although of course by no means so minute as those on Greece and Rome, is in many respects even more admirable, and possesses everywhere the charm of novelty of facts and of originality of treatment. It condenses, in a most pleasing form, all the best modern learning on the religion of Persia, the nursing-mother of one of the most prolific families of heresy that overran the early eastern church. The religions of Chaldea, Assyria, and Phœnicia, are also treated with great success; and there is a most interesting section on the ancient religion of Arabia, which we regard as of great importance, as an introduction to the history of the origin and progress of Mahomedanism; a problem which students of ecclesiastical history, unprepared by such a recital, too often find perplexing and even painful in the investigation.

The section on Egypt is equally admirable. In them all, although the authorities mainly relied on are ancients, we are struck by the happy versatility with which both sources of learning are explored, and, while every modern theory is carefully discussed, every ancient authority is brought to bear on the inquiry. It is often difficult to say whether the author is more the scholar or the divine. He is equally happy in his illustrations from profane and from biblical literature.

We cannot close our observations, however, without

alluding to one or two omissions in Dr. Döllinger's book which occasioned some surprise among its critics.

The first is the omission, in describing the religions of Asia, of all notice of those of India and China, which have played (especially the former) so important a part in the religious history of the human race; the second, the comparatively meagre notice of the religion of the German and British races; which is derived exclusively from the account given by Cæsar and Tacitus, and altogether overlooks the researches of the modern writers on German mythology—the Grimms, Simrock, and their fellow antiquarians.

We must own to a certain feeling of disappointment on our own part at these omissions. To the first of them Dr. Döllinger himself alludes in his preface. His object in the work being solely to illustrate the religious condition of the world antecedent to the rise of Christianity, he thinks it would be out of place to enter into the subject of the religion of the Indian or ultra-Gangetic races, which, up to the time taken by him as his starting-point—the middle of the second century—had not come into contact with the rising Christianity, and cannot be supposed to have influenced its destinies. But, while we admit the practical justice of this view, we cannot help thinking that, independently of the indirect connexion of India with the western religions through the principles and traditions for which Greece was so largely indebted to her, much of the early Gnosticism, (especially its doctrine of emanations, of the universal restoration, and perhaps more than all, the extravagant and unchristian form which the principle of asceticism assumed under its direction,) can only find their explanation in connexion with the ancient Indian philosophy.

It is different as to the second—that which regards the German mythology. Not to speak of the vague and fanciful character of the speculations of Grimm and his fellow-antiquarians, this, as well as the Scandinavian mythology, clearly appertains, historically at least, to a later epoch; and whatever of counteracting, or still more of reactive influence it can be supposed to have exercised in relation to Christianity, is undoubtedly referable to the mediæval rather than to the early period. However interesting, therefore, this inquiry would be for its own sake, it would clearly be out of place in the work of Dr. Döllinger.

Nevertheless we cannot withhold the expression of our earnest hope, that Dr. Döllinger may yet add one other scene to the series of great historical pictures which this most memorable work presents. We are sure that a new edition will speedily be demanded; and we trust that the author will then find it advisable to subjoin, as a sort of pendant to his great tableau of the paganism of the early days of Christianity, a similar picture of the forms of heathenism which formed its adversary in its later conflicts—not alone the heathenism of the vast but highly civilized races of the east, but the heathenism of the motley races of the north and north-east, of the Scandinavian, the Finn, and the Magyar.

But perhaps we should own that this wish is almost unreasonable. What Dr. Döllinger has already done in the volumes now before us, we believe hardly any other living writer could have accomplished.

ART. VIII.—*The Weekly Register and Tablet*, April and October, 1857.

“OF all earthly blessings Catholics have most reason to be grateful for the British Constitution.” This was the fervent effusion, on one occasion, of our contemporary, the *Weekly Register*; and in like manner, we remember the present excellent proprietor of the *Tablet* inaugurated his career by a profession of firm faith in the British Constitution. We sympathize with the feeling, which arises from the association of our constitution with its Catholic origin, and an obliviousness of the alterations which have done so much to obliterate its ancient Catholic character. This might be illustrated and substantiated, in numberless ways, from the columns of our contemporaries; and, curiously enough, in the very context of the eulogy we have just extracted from the *Register*. The very next sentence to that we have quoted was, “Protestantism is essentially persecuting;” our contemporary, however, going on to argue that the constitution protects us from the persecutions of Protestantism; we only wish that it did. Our contemporary forgets that the constitution was

formally re-modelled, at the era of the Revolution, upon the principles of Protestantism, and that it had been gradually altered by the infusion of the Protestant spirit, from the period of the fatal schism of the Reformation, so that its very basis at this moment, to a great extent, is the proscription of Catholics and of Catholicism. For instance, the Sovereign cannot be a Catholic; and takes an oath at her coronation to maintain Protestantism, i.e., to keep down Catholicism. Moreover, the Lord Chancellor, the head of that all-important branch of our constitution, the administration of justice, cannot be a Catholic; and, as a matter of practical working, no Judge in any English court is a Catholic, and the practical tendency of our judicial proceedings is injustice to Catholics, as both our contemporaries have often eloquently urged; and a main reason of this is that Protestants, even when sincerely anxious to do justice to us, can hardly escape doing injustice, through simple ignorance of our religion. How all this can be consistent with the notion that the constitution is to us the "greatest of earthly blessings," we are at a loss to imagine. So that when our contemporary, the *Register*, exults that it protects us from the persecutions of Protestantism, we repeat, we only wish that it did so, but alas! our contemporary has sometimes to complain and to prove that it does *not*. Our contemporary, indeed, reminds us that we are allowed to build churches and schools, and ungrateful indeed should we be to Divine Providence were we to be slow in acknowledging our deep sense of the large share of freedom enjoyed by the Catholics within the British dominions; a freedom which we doubt not is to be envied in the greater portion of the Catholic world. But when we concede thus much we must remind our contemporary that he forgets the extent of practical inconvenience and mischief of which we continue to be the victims by the practical working of many laws which were penal in their origin, and were enacted in an age of intolerance, and for the express purpose of keeping down Catholicism. Our contemporary indeed admits that our countrymen would persecute us, and stop our progress if they could, but urges that they are prevented by the constitution. Certainly however, it was not the *constitution* which prevented the passing of the Convent-inspection bill, or the withdrawal of the Grant to Maynooth; and it is the actual constitution which affords every facility for such

measures as these, and secures all real *power* to the Protestant majority of these countries. That they have not exercised that power yet in those matters, as they did exercise it against the hierarchy, obviously must be ascribed not to any virtue in the constitution; but to the fear of consequences, or to Providential circumstances. The Crimean war, our contemporary may depend upon it, had more to do with our protection than the constitution, which affords the Protestants of this empire large means of persecution, which by a predominant possession of legislative and in England an exclusive possession of judicial power are secured.

Let us illustrate these observations by a reference to the administration of justice, and in particular to the working of trial by jury in our regard, as to which our contemporary himself has had occasion to say that it not unfrequently reminds us of the age of Titus Oates; the very age in which our constitution was "formally settled." Well, a tree is known by its fruits, and we wish we could recal with more pleasure the judicial fruits of our boasted constitution. It did not protect the long list of Catholic victims, sacrificed at the era of the Revolution: from Staley, the tailor, to Lord Stafford, the peer, before the Revolution; or the Jacobite victims after the Revolution, Ashton and Anderdon, and the others who were slaughtered under Holt the 'constitutional' judge. Neither did it protect the long array of ecclesiastics sacrificed, even down to our own times, nominally for treason, but really for their faith. We say down to our own times, for we do not look on Archbishop Plunkett as more a victim to persecution than poor O'Quigly, the priest, who was hung at Maidstone in the early part of the present century, under the pretence of treason, merely on the pretext of a letter, said to have been *found*, and probably *put*, in his pocket. What did trial by jury do to protect him? when some of the jurymen were heard, before they entered the box, to say: "D— him! hanging is too good for them," meaning for the Catholic clergy. The truth is, that the forms of a constitution are a poor protection from the savage spirit of religious intolerance; and, unhappily, trial by jury—that boasted palladium of the constitution, practically affords the most potent *means* of persecution, when that persecution is in accordance with popular prejudice; which is precisely the case in which protection is most required. Juries

are taken from the classes the most *open* to prejudice, and most exposed to morbid influences; while on the other hand, the protection afforded by the ancient writ of attain, (the remedy for an unjust verdict,) was practically got rid of at the era of the Revolution, in order the better to enable Protestant juries to give wicked verdicts, inspired by prejudice and hate of popery, and juries became utterly irresponsible. The only pretended substitute for the old constitutional responsibility, viz., public opinion, fails in just the very class of cases in which protection is most required; that is where the popular fury is favoured, or the popular prejudice pandered to, by the press; and in addition to this, it must be observed, that a jury is a *secret* tribunal, so secret, that even on an application for a new trial, affidavits of jurymen, as to what has passed in the jury box, are not receivable, and this of course tends to destroy the pretended responsibility to "public opinion;" for who can tell whether the formal or apparent concurrence of the whole twelve was real, or how far some of them may not have yielded to the pressure of hunger or other causes; so that, if any should assert this, they may thus relieve themselves from moral responsibility at the expense of the British constitution. The arbitrary requisition of unanimity in the verdict of a jury, which is not necessary in Scotland, is known to be nugatory, since it hardly can, in any case of difficulty, result in real unanimity, while on the other hand, it affords an encouragement to ignorant or interested obstinacy; and the knowledge of all this, while it tends to destroy or confuse individual responsibility, has long tended also to lower trial by jury in the opinion of intelligent men; so that, both in our criminal and court procedure, great inroads have of late been made upon it, and in large classes of cases it is done away, although in most cases of *actions* it still so far remains, that it can only be dispensed with *voluntarily*.

And now observe—in cases in which a plaintiff or prosecutor knows that he has popular prejudice to support him, he will *never* relinquish his right to trial by jury, which the constitution still secures him, in the very class of cases in which it is most pernicious and most certain to work injustice. Take the several suits and actions by which the Cardinal Archbishop has been persecuted ever since the creation of the hierarchy. In the case of *Metarie v. Wise-*

man, his Eminence's name was introduced prominently only for the very purpose of exciting prejudice, he having had no concern in the matter, and being only a formal party, and when the Court of Chancery offered an "issue," as it is called, i.e., a question to be tried by a jury, the parties really interested did not venture to accept the offer, which placed them entirely at the plaintiff's mercy, although, if the Court of Chancery itself could have tried the case, they would have been confident of justice and of success. The offer was, trial before Lord Campbell and a London jury. They declined it because they had no such confidence in our constitution, as our contemporaries profess, and the result was, that a valuable charity submitted to a large loss by way of "compromise" with parties who really had no case. Trial even by Lord Campbell himself would be preferable to trial by a jury before Lord Campbell; for in the former case, at least, his lordship would have to bear undivided responsibility, whereas in the case of a trial by jury, if a judge prejudiced can lead a jury (even if they require leading) to an unjust verdict, and yet appear to escape all responsibility for it; it is so easy in "summing up" a vast body of evidence, to give too little prominence to one topic, too much to another; dwell strongly on this, too faintly on that; bring out irrelevant points in strong relief, and keep others in the shade; insinuate and suggest what has not been proved, "just hint a fault, and hesitate dislike;" and when after all this has been done with fatal effect, the judge may say, in strict accordance with the British constitution, "The verdict was not mine; the jury were the judges. I admit it is a bad verdict, but I cannot help it." And thus by the British constitution the juries may give bad, unjust, stupid, or wicked verdicts, against which there is no remedy.

Take the case of Dr. Newman. Can any man doubt that if it had been tried (as now every civil case may be, if the parties consent,) by Mr. Justice Erle, without a jury, justice would probably have been done? Take, again, the case of the long litigation which arose out of the case of *Boyle v. Wiseman*. It was the argument of our contemporary, the "Register," at the time, that the Cardinal had a far better chance of justice with the Bench than with the jury, and the cause was ultimately compromised through fear of a jury. The court again and again decided for the

Cardinal, the jury always against him; so unjustly, indeed, and so unreasonably, that the "Register" said truly enough, justice could only be hoped for from the court, and not from a jury. Well, but what becomes then of the boasted virtue of our blessed constitution, for trial by *judge* without jury is *not* according to the constitution, but in violation of it. It appears, then, that not in our constitution, but in a modification of it, must we hope for protection from persecution.

Take the last case of litigation with which the Cardinal has been visted; the action of the Abbé Roux; which was probably encouraged by the success of the action of Mr. Boyle, as it was commenced in the very summer in which that action went down for trial. A stale, absurd claim, seven years old, about a piece of paper of no earthly value to any one; and treated as worthless all the time by all parties: a claim, which, against any one else but a Catholic ecclesiastic, would have been scouted as monstrous, is inflated and exaggerated, under the genial influence of trial by jury, into a demand for many hundreds of pounds! And all, as we shall see, without the least pretence of legal right; with no more shadow of *law* than of justice. For it is a vice of the British constitution in regard to judicial administration, that it practically allows claims as illegal as unjust, to be prosecuted with impunity; and therefore (as we shall see) always with ultimate success, that is, provided only that the plaintiff can enlist the prejudices of a jury. And it is not only in cases involving the prejudice against Popery that this result is apparent, though that of course is the most egregious and infamous illustration of it; but it is so in numerous other classes of cases, as is notorious to any one versed in trial by jury. Nothing is more common than for verdicts to be given, the iniquity of which is obvious to any one, and which are explained afterwards by counsel, and even by the court, by such significant observations as "that it was a jury of farmers," or a jury "of shop-keepers," &c., &c., meaning, that juries composed of classes, will act in defiance of law or justice, according to the prevailing prejudices of their class. And it often happens that verdicts are set aside and repeated, again and again, until the unfortunate defendant, perhaps half ruined, having to pay the costs of all the actions in which he fails, is vanquished by an unjust litigant, with the aid of unjust juries;

wicked enough, obstinately to defy law, trample on justice, and disregard the obligation of their oaths. And, mark, the constitution allows all this; it is in accordance with the original institution itself of trial by jury, of which it was the main principle, that juries should be secret, arbitrary, irresponsible tribunals; for even the motion for a new trial, as against evidence, is comparatively a modern introduction invented to mitigate (or in many cases to aggravate) the iniquities of trial by jury. The reason is that the principle of the British constitution is, as it is now settled, one of harsh leaden rules, admitting of no elastic adaptation to the real requisitions of justice: but allowing within the scope of those rules impunity to any amount of iniquity. In the old times, when juries were subject to a writ of attain, there were tribunals ready of access to remedy the grievances arising from the harsh administration of fixed rules, when they practically produced absurdity and injustice; but under the constitution as it now exists, we are bound to say, as the result of experience, that to the Catholic, at least, this portion of the constitution frequently fails to afford us a reasonable amount of protection.

That all this is absolutely the reverse of what was the case in the time of Cardinal Wolsey, can be shown from the experience of Cardinal Wiseman; and the simple fact that in the country in which, according even to the confession of his enemies, an English Cardinal established ready means of enforcing justice and equity, another English Cardinal should now be subject, by means of our judicial system, to oppression and persecution, is a most significant comment upon the eulogies of our modern constitution. For it is undeniable that, on the one hand, the proceedings against Cardinal Wiseman have revolted the sense of justice possessed by all really liberal and enlightened minds, even among Protestants, and on the other hand, that the forms of law, and the most diligent resort to all the means afforded by the judicial part of our constitution, have proved not only ineffective to protect him, but have absolutely been the very agencies of persecution. Our contemporary, the "Register," in his observations on the case, said, "It illustrates our remark, that in matters which touch Catholics, a jury is *even* less to be trusted than any judge, however prejudiced and unfair." But all this is at the very basis of our present constitution. The Protestantism of

the coronation oath, and of the Chancellor, is one of the main pillars of our constitution. And we see that its practical operation tends to deprive Catholics of justice. How, then, can they be grateful for its "protection?" It is not merely ecclesiastics. We know of cases in which mere private laymen have lost causes, through its being known that they were Catholics. It is said that a judge wrote down to the counsel of the Catholic a note, intimating that it was of no use his trying for a verdict, and suggesting a compromise. How does this illustrate the absurdity of a Catholic enlogy of "trial by jury!" The *judge* in most cases would do justice; the juries frequently perpetrate iniquity with impunity. It is not merely a matter of popular prejudice for which the constitution is not responsible. The "constitution," in its present form, creates or upholds the prejudice. How can Catholics be regarded by the common mass with other feelings than those of prejudice in a country where they are to a great extent proscribed? The existence of proscription perpetuates prejudice, and the proscription of Catholics is of the essence of the constitution. The existence of it grievously interferes with most judges and all juries in the administration of justice to Catholics. In the case of Dr. Newman the judge and jury together did injustice. In the first case of Cardinal Wiseman the Equity Judge would have done justice, but offered to remit the case to a judge and jury, and the alternative of such doubtful litigation was declined. In the second of Cardinal Wiseman's cases the litigation was accepted, the claim was resisted; and in the first trial the judge was just, but the jury so eagerly panted to be unjust, that their impatience broke out in the box, and they felt balked by the nonsuit. At the second trial the judge and jury appeared equally to have yielded to prejudice; and in the third, no doubt the justice of the judge would have been neutralized by the injustice of the jury. The ablest and most experienced counsel thought so; and the same conclusion was arrived at in the last case, that of the Abbé Roux. The learned judge no doubt did not mean to be unjust, perhaps the jury did not, but they were so far controlled by the constitutional prejudice against Catholicism, that this absurd action resulted in the most flagrant injustice; and according to the judgment of the superior court, the judge and jury had illustrated the Scripture adage of the blind leading the

blind. The only difference between the judge and jury seemed to be that they were blinded by bigotry to the most obvious dictates of common sense and justice, while his vision was so far perverted that he failed to point out to them, with sufficient clearness, what he himself certainly saw, if not clearly, at least cloudily. For the most curious incident in the case was, that the judge saw its injustice and absurdity, and yet was his mind so far clouded and cramped by prejudice, that he did nothing effective to prevent the jury from perpetrating the most flagrant iniquity. And here comes in our blessed constitution; one of its pillars is, irresponsibility of judge and jury. The charge of a judge cannot be questioned before a superior court for error in point of fact. The grossest want of fairness in observations on matters of fact, if not amounting to misdirection in law, cannot be remedied or redressed. And a judge can generally steer clear of misdirection in *law*, while contriving to lead the jury, or allow them to fall into the darkest pit of blind injustice. If he say, "You must find for the plaintiff, for such and such a reason, and I direct the verdict;" that may be misdirection; but if he, by his comments on the case, lead them to that conclusion, and there is any evidence at all which can in strict law be deemed to warrant it, then there is no remedy, so far as *he* is concerned, and the verdict can only be questioned as against the weight of evidence, and set aside only on condition of the defeated party paying all the costs of the first trial, although every one can see—and the superior court openly avows that it can see—that the verdict was iniquitous, and that it was owing to a great error of judgment on the part of the judge. The decision of a jury is, by our constitutional theory, absolute and arbitrary, within the strict limits of their province. Its being set aside at all is an indulgence, and it is set aside only on a condition which implies that in giving a wrong verdict they did no wrong. For faults of the court the suitor does not pay; for failures not arising from the fault of the court, but of the jury, he *does* pay. The theory is that a jury can do no wrong. The practice is that a jury may do wrong with impunity. Thus, therefore, upon every ground, the grievances inflicted under trial by jury, are to be ascribed to our constitution, which allows and upholds them, and permits any redress very reluctantly, and on condition of a very heavy penalty, which

practically almost always precludes the attempt at redress, and is certain in the long run to result, as in the Cardinal's case, in the failure to obtain it. No one who has not observed for years the working of trial by jury, can form any idea of the vast amount of injustice and iniquity perpetrated under our judicial system, of which the cases of Cardinal Wiseman, or of Catholics in general, form indeed the most striking but by no means the only illustration.

The cases of Cardinal Wiseman, indeed, are positively monstrous. In one case Mr. Boyle was allowed by all the judges, to set up as damages arising from a certain publication, matters which occurred years before the publication! Not one of the judges, nor the court, appeared to have observed this absurdity, although to have excluded reference to the Islington affair, would have deprived the case of its main topic of prejudice.

On the other hand, in the case of the Abbé Roux, the plaintiff was permitted to include in the damage arising from the loss of a piece of paper, all the money which he pretended it was possible he might in future recover upon it, but which for seven years he had never tried to recover; which it did not appear he had ever really tried to recover, and which the whole case proved he never could have the least likelihood of recovering! It is difficult to say which case, in this plain, common sense view of it, was the most disgraceful to our judicature, or reflected least credit on the judicial system of our constitution.

But, perhaps, upon the whole, the later case was the worst: still all the cases are of the same character, and were so treated by our contemporaries. Thus the *Cork Examiner* says:—

“There is something positively atrocious in the conduct of English juries, in all cases where religious feeling is at all involved. No one can read without indignation the result of the action which was brought at Gloucester Assizes by a French priest, named Roux, against Cardinal Wiseman, for the loss of a document, by which the Hon. Madame Wyse, daughter of Prince Lucien Bonaparte, and wife of the Minister at Greece, purported to contract an obligation to the plaintiff for a sum of 25,000 francs. There was no evidence whatever that, in the opinion of any but men biassed by the grossest prejudice, could justify the verdict for £500 that was found for the plaintiff. Of course such a flagrant verdict cannot be allowed to stand, but affords a strong instance of the absolute blindness that seizes upon Englishmen,

whenever their religious bias comes into operation. Dr. Newman's case, the former action against Cardinal Wiseman, and the recent one, furnish concurrent proofs of the fact, that where sectarian prejudice is involved, justice is not to be expected from Englishmen."

The Register thus gave its account of the case:—

The article was entitled "Administration of Justice in England," and it ran thus:—

"To the delight of the Protestant world, the Cardinal Archbishop of Westminster has been dragged before an English court. In November, 1847, while His Eminence was administrator of the London district, the Abbé Roux came to London under pretence of endeavouring to arrange the differences which had long subsisted between Mr. Wyse and his wife, the Princess Lotitia Bonaparte. He asked and obtained from the Cardinal an introduction to Mr. Wyse, and it then appeared that this disinterested mediator had some how or other induced Madame Wyse to give him an acknowledgment of 25,000*l.*, which he hoped her husband might be prevailed upon to pay. Mr. Wyse, however, repudiated all notion of payment, either then or thereafter, and the Abbé went back to France. On the 9th of March, 1848, he wrote to Mr. Wyse's solicitor a letter which has been preserved, to 'entreat' Mr. Wyse to give the document in question to the bearer of the letter, alleging that its production was indispensable to his defence in some proceedings which Madame Wyse, with whom he had then quarrelled, had commenced against him in Paris. This letter proves that he then knew the document to be in Mr. Wyse's hands. How it came to be left with Mr. Wyse, unless by himself, no one at this distance of time can tell. At the trial he positively swore that he gave it to the Cardinal, who undertook to get the money for him or return the document. The latter part of this statement the Cardinal totally denies, although after a lapse of ten years he will not positively swear that the document was never in his hands. But he says that if it really was left with him, it was only to give to Mr. Wyse, who, as the Abbé's own letter shows, certainly had it in March, 1848. From that time nothing more was said about it until the summer of 1854," (just after the action of Mr. Boyle,) "when the Abbé applied to the Cardinal to give him back the document, pretending that it had been left with him in November, 1847, and alleging that his claim would be paid by the Emperor Napoleon if the original security were produced. The Cardinal had forgotten the whole affair, but as the late Archbishop of Paris had at the same time recommended the Abbé for employment in England, His Eminence assuming him to be a respectable person, promised that the document should be looked for and returned if found. It could not be found, and the Abbé then asked for a certificate that the

Cardinal had seen it in 1847, and believed it to have been since lost. This certificate the Cardinal gave, and there the matter rested. Shortly afterwards, at the request of Mgr. Sibour, he appointed the Abbé Roux Assistant French Priest at St. Mary's, Chelsea. In December, 1855, however, the Cardinal received communications which obliged him immediately to withdraw from him all his sacerdotal and missionary faculties, appointing at the same time an Ecclesiastical Commission to investigate the charges. The Commission sat for twenty days; the accused had notice, but refused to appear, though he deliberately swore at the trial that no opportunity of answering the charge was ever afforded him. The charges against him were established, and the withdrawal of his faculties, which was before provisional, was fully confirmed. In a letter which he wrote to His Eminence on the provisional withdrawal of his faculties being notified to him, he says expressly that he shall not leave London until he gets back his *titre*—that is to say, the document so often referred to."

Nor was it only Catholic journals who thus expressed themselves. Protestant journals were equally indignant. The "Hull Advertiser" commented upon the latest case in a spirit of bitter sarcasm:—

"Having carefully read and well considered the extraordinary decision of a Gloucestershire Jury, in the case of the Abbé Roux *versus* Cardinal Wiseman, we consider that it will be fortunate for the Cardinal if Governor Yeh, as the representative of the Emperor of China, be not advised to bring an action against His Eminence for the losses sustained by the Celestial Brother of the Sun and Moon, in the destruction of the forts and war junks in the Canton River by the British squadron, under the command of Admiral Sir Michael Seymour. Governor Yeh would not have the ghost of a chance of a verdict against Sir John Bowring; but judging from the way in which the law has been wrested for the purpose of catching the most exalted Ecclesiastic and the most accomplished scholar in the British Isles, we believe that it would not be difficult to find a British jury who would find the Cardinal guilty of having personally superintended the firing of Canton—the pillage of Yeh's official Palace—and the destruction of the Bogue Forts. Now, it is little to the credit of England that public opinion out of doors rather countenances than discourages this mean and despicable wresting of the free institutions of this fine old Monarchy to the purposes of a petty and cowardly persecution.

"As the Emperor's payment of the debts of the members of his family is an act of Imperial grace, any claim not acknowledged by them would be worthless. But the jury which tried Cardinal Wiseman last cared for none of these. Enough that an opportunity was afforded them of giving a verdict adverse to that eminent per-

son. And the smaller fry of lawyers, who are all jealous of the transcendent ability of this great churchman—who resent the perfect ease with which he triumphed over Westminster Hall on the occasion of the high judicial response to the celebrated Durham Letter, did their puny best to swell the tide of prejudice against him. Now this has gone on long enough, and therefore we appeal to the native and inherent generosity of Englishmen to put an end to it. Notwithstanding his princely Roman dignity, Cardinal Wiseman is a British subject, of whose devoted allegiance even our Gracious Sovereign Queen Victoria may well be proud. And right sure we are that, when Englishmen come to reflect upon the arrant cowardice involved in the petty legal persecution of such a man, they will not fail to resent it as a stain upon their national character. In the present temper of British juries it is competent for any profligate Priest to drag the Cardinal into a Court of Justice on a plea of liability to pay money, and to obtain a verdict against him. This is discreditable to the Bench, the Bar, and the jury box; and the way to put an end to it is to rouse the generous feelings of the country in reprobation of such pitiful proceedings. We trust also that some distinguished persons near the Throne will have the moral courage to take up this matter, with a view to the improvement of the tone of the better classes with respect to these things. The people of England may not consider that they owe much to Cardinal Wiseman, but they will all agree that they owe a great deal to themselves; and it only requires the least hint from a sufficiently elevated quarter to awaken them to a sense of what would be great and becoming in them on all future occasions.”

What we wish to be observed, however, is, that although intelligent Protestants loudly and warmly thus demanded that this course of injustice should be put a stop to, the generous cry was, and must be, in vain: for there is no authority in the country known to the constitution, competent to respond to it. In vain did journal after journal reprobate the atrocious verdict; and public opinion—at least the popular part of it—was the very source of the evil; and the constitution provides no remedy for it.

The “Northern Times” thus sarcastically and indignantly described the practical result:—

“It will soon become a recognized principle of individual finance in this island that a person in a state of impecuniosity (to borrow a term from what may be styled the kid-glove and eye-glass school of literature), a person in an embarrassed pecuniary condition, must not be considered to have exhausted all his legitimate resources until he has sued Cardinal Wiseman for damages, under one pretext or another, and has lost his suit.

“ If a man appeals to your purse for his own private wants, and solemnly assures you that he is on his last legs, ask him what he has done with the money he twisted out of His Eminence? If he denies that he ever got any money from His Eminence, give a natural vent to your indignation, tell him he is in that case an impostor who has no right to represent himself as reduced to desperate devices, for that you plainly see he has not yet taken his action against the Cardinal.

“ It is possible that he may then plead, in a kind of hypocritical flutter, that he has no colourable case for such an action. Two replies are now in your power, with either of which you may smash him: you may say to him with a severe benevolence, intended to point the way to his perplexed thoughts out of the labyrinth of dulness: ‘ So much the better, Stupid; did not you know that, my poor man?’ Or if you would dismiss him altogether, just smile superior, and tell him you may find time to confer with him some day, when he has got up the natural history of a British juror.

“ But suppose you really feel an interest in the poor fellow, you can then seriously set about the plan of a case for him. It will be somehow of this nature: he must have had a document which is of no positive, intrinsic, compulsory value while it exists, but of which, as soon as it is lost, it may with truth be said, that who knows but it might, indirectly and contingently, through the peculiar feelings of some rich man, have been invested with a very considerable value, inasmuch as who knows, can anybody aver, that the rich man in question would not have given, for instance, a thousand pounds for it? Ah! who cannot aver this? Well, then, give me back the document, and let me try; that is fair, I suppose. There are several gaps in this reasoning; but they are easily supplied. It is evident that the document in question can never reach its proper contingent value until it is lost. Well, you contrive that the Cardinal shall, at one time or other, have seen it; get a letter from him to that effect. Good. Now, from that time forth, gentlemen of the jury, the fate of this document is a mystery. When last seen, &c. Good again. But what was the maximum value which the document, if now producible, might have commanded? Might now command, through the peculiar character of a certain rich man, who perhaps would (can you say that he would *not*?) have purchased it?”

This really conveys very well the true idea of the case; and we can bring it home from passages in the charge of the learned Judge who tried the case. For, as already observed, the worst fact of the matter is, that it can be clearly inferred from the language of this learned judge, that he was aware of the injustice of the claim; yet it can be equally shown from his own words, that he did nothing

effective to protect the defendant from it. Equally clear is it, that according to our judicial system, there is no remedy for this; for judge and jury are alike irresponsible, and though an error of a judge, in point of law, can be corrected, his errors as to the facts, are not remediable at all; while those of the jury are practically irremediable in the worst cases of all those in which they are wilful, or which arise from the prevailing prejudices of a class. The judge may know—the court may see—and even say, that the verdict has gone solely upon prejudice; yet there is no remedy.

For instance, what recourse is there if a judge takes a totally wrong view of the moral character and complexion of the case, as regards one of the parties, and conveys that idea to the jury at the very outset, so as at once to show the existence of prejudice in his own mind, and his disposition to connive at it in the jury? The character of this action really was the same as that of the previous one; it was in substance, (as the "Register" said of the former action,) an action against the Cardinal for the exercise of his ecclesiastical authority in the removal of a priest. The great topic urged by the counsel of Mr. Boyle, when complaining of a pretended libel in 1856, was his removal from Islington some years before. And in the case of the Abbé Roux—his first demand of the paper from the Cardinal, in 1854, was concurrent with an application for a cure; and the action for it was not commenced until after his removal from that cure in December 1855. The dates show this; yet so ready was the learned judge to seize hold of any topic of prejudice, that he was betrayed into a very considerable blunder; and when he heard that the demand was in December 1855, mistaking the year, he observed, "Ah, that was just a few days after the action was commenced." "No," said the Cardinal's counsel, gravely, "that was not until 1856." The case was exactly the reverse of what the learned judge's remark tended to convey to the jury. The action was after the dismissal. But it was a curious illustration of the tenacity of prejudice—that at a later period of the case another and different view was taken of the case, equally unfair to the Cardinal, and equally false. It having been suggested that the dismissal was on account of the action—it was afterwards insinuated that the appointment was to stave off the action. So blind is prejudice, that it is incapable of per-

ceiving how suicidal are its deadliest blows. The blow here aimed equally with the former one, recoiled upon the assailants. If the original appointment was made to prevent an action, then the same motive might be supposed to operate to prevent a removal. For the plaintiff was removed before the action, a step which must have been taken with the full persuasion that what had before been threatened, would now be resorted to, viz., an action. And as our contemporary, the "Register," states, the Abbé in the letter acknowledging the withdrawal of his faculties, hints not darkly at an action. So that the true aspect of the case is, that a bishop is sued by a priest on an absurd claim nearly ten years old, after he has, in conformity with the conclusions of a complete investigation, exercised that most solemn and sacred of his episcopal functions, in the removal of that priest. This then gives the case a substance precisely in character with the former one; and it was in reality an action for removing a priest: and obviously it was not brought for its professed object, or for any real injury. In the language of the "Register,"

"The real value of the paper was clearly nothing. The plaintiff, indeed, swears that the Emperor would pay the debt if it were produced. But the Imperial Minister of Finance, M. Fould, in reply to a formal inquiry on the subject, states 'that the investigation and payment of the Princess's debts was confided to him; that he never heard of any claim on the part of the Abbé Roux, and that in no case would any payment of his debt have been made, either in part or by way of compromise, until it had been previously acknowledged as correct by Madame Wyse herself.' And Madame Wyse, in her evidence taken in this cause, swears positively that nothing whatever is due upon this document, or otherwise from her to the Abbé Roux. The document, she swears, was obtained from her without value received, and simply for the purpose of imposing upon the late Archbishop of Paris, by affording an explanation of the frequent visits of the Abbé Roux to Madame Wyse, to which the Archbishop objected. Whether this statement is true or false makes no difference as to the value of the document. That depends upon her acknowledgment of the debt, which she distinctly denies; and were she to admit the debt, the document would be needless. In either case it is wholly without value."

And it is to be observed, that the only application pretended to have been made by the Abbé for payment, (to one M. Biot) was made after the action was brought, and obviously merely for the purposes of the action. How

would such an action have been treated in any other case than that of a Catholic Ecclesiastic? It would have been *scouted* with scorn.

With regard to the character and origin of the document, which was the subject of the suit, we prefer to describe it in the language of the learned Judge, at the trial. "The Abbé stated that he first became acquainted with Madame Wyse in 1845. He said he first became acquainted with her in consequence of knowing Cardinal Fesch, who was related to the Buonaparte family; this lady, being the daughter of Lucien, brother of the first emperor, is cousin to the present emperor. In consequence of his acquaintance with the Cardinal, and of the Cardinal's relationship with this lady, the Abbé was induced, without any application made to him, hearing of her distress, to attempt to relieve it. From his statements it would seem that he was exceedingly kind to her, making payments of money for her, paying the wages of her servants, and various other matters, during 1845-6-7, a period of three years. According to him he paid for her various sums, amounting to above 25,000 francs, (£1000,) and he said that, having settled his accounts with her, he took this acknowledgment from her for that amount. This acknowledgment was dated in September, 1847, and was the document in question." The learned Judge observed: "I do not find it stated under what circumstances it was that this wonderful benevolence was exhibited towards her. It certainly does seem very extraordinary that a person who, according to his own account was not a very rich man, should have borrowed money, and should have expended so much as 25,000 francs in paying the liabilities of this lady. It was no doubt very extraordinary. Madame Wyse herself utterly denied that she was indebted to the Abbé in any such amount. She admitted that the monies were laid out for her, but said that the Abbé sold her jewels and furniture, and recompensed himself, so that ultimately the balance was in her favour. Her statement on oath (examined on commission) was, that she never came to such a settlement of account with him, though she admitted having given him that and other documents to show to the Archbishop of Paris." No matter for what reason she admitted having signed the document, a copy of which was produced, so that it is plain that the document itself was of no consequence. Yet,

strange to say, this never seems to have occurred to the learned Judge to consider. "The Abbé stated (continued his Lordship,) that the settlement of account in September 1847 was in the presence of Madame Blonchon. Madame Wyse denied any such settlement of account. Madame Blonchon would have been a very important witness, *but was not called*. Madame Wyse's precise words were, 'I did sign a document acknowledging a debt of 25,000 francs to the Abbé, in order to its being produced for his own purposes, to the Archbishop, but at no time was I indebted to him more than 3000 francs, as he was receiving monies from me, and on my account, concurrently with the payments, and whatever sums were due to him have been fully re-imbursed to him, by monies paid to him by me, and received by him on my account, and by proceeds of sale of effects belonging to me, and retained by him.' Now," no doubt, (still using the language of the learned Judge,) "in the whole connection between the Abbé and Madame Wyse, there appears to have been a good deal of mystery; it was either extraordinary generosity in a person reduced as he was, with a poor mother dependent upon him, or it was something else which we do not understand, which may or may not, have occasioned that mode of dealing, which caused her to sign a document avowedly for one purpose, but intended to be used for another." But, if that was the object he had in view, (i.e. to deceive the Archbishop,) there was a double fraud, for he immediately, in the next month came to England, and presented the document to the Cardinal.

Here is the second stage of the strange story, which we shall continue in the words of the learned Judge, that our readers may be quite sure we are correct. Before passing it over, however, let us remark, that whatever collusion there may have been between Madame Wyse and the Abbé Roux, surely it would affect *him* as much as her, and whether there was collusion, or whether the document was really given as an acknowledgment of *her* debt, according to his statement, would depend very much on his subsequent conduct, which would tend pretty clearly to show for what purpose the document was gotten and given; and it is quite possible that it may have been given for some bye-purpose, which can be best detected by the purpose to which he actually did put it. And what was that? Not in the slightest degree as a security;

against *her*, whom he represents as his debtor. He seeks to make it available against her *husband*. He sought to induce the Cardinal to become "intermediary" between himself and Mr. Wyse, and to promote a reconciliation with his wife, and *also* to obtain a recognition by the husband of the debt acknowledged by the wife. We may be excused for thinking that the *latter* must have been the main, or rather the *real* object; for surely it was a queer way of bringing about a reconciliation between husband and wife, to begin by demanding from him £1000, as a debt allowed to accumulate in three years, over and above her annual allowance of £200. Moreover, there is an observation, which we are astonished, did not occur to the learned judge, that if the object of the Abbé had been that of reconciliation, the obvious course would have been to have resorted to the husband *before* these liabilities were allowed to be incurred, and ascertained whether he *wished* them to be incurred, or would recognize them if incurred. That he should lie by, and get a separated wife to give an acknowledgment of an enormous amount, and *then* present this to the husband, as a claim against him, and should profess to do this as a means of *reconciliation* between them; this has always appeared to us the most extraordinary and unexplainable feature in the case, and we venture to think that the real object of the Abbé's visit to the Cardinal was, to get the money from the husband, partly, it was hoped, through the means of the Cardinal. Then, that being so, if the lady's account of the matter was unsatisfactory, that of the Abbé was still more so; and there is this to be said, that clearly by his own conduct it is confessed that the document was given for a collateral purpose as a means of getting the money from the husband, in which view it was quite as colourable as if it had been given merely to deceive the Archbishop; and its *bona fides* would not be one whit established by discarding that account of the matter which she gave, and adopting that which *he* put forward. Construing the document by his conduct, immediately after he obtained it, it is clear it was given and gotten, in order to obtain the money from Mr. Wyse, and very likely with her full concurrence. She may not have liked to confess this, and may have proposed the statement as to the Archbishop. But, at all events, we do not find her testifying surprise or displeasure at the document being used to obtain payment from the husband; and the subse-

quent conduct of the Abbé shows that it was got for that purpose, and no other. It was an awkward document in the hands of a third party, and one which a husband might like to obtain, even at the price of £1000; the more so, since all the circumstances under which it was given were extraordinary. Hence the visit of the Abbé to London, in Nov. 1847. And now for the second stage of the story:

We continue, in the words of the learned judge: "The Abbé stated that he handed the document with certain bills to the Cardinal, and that the Cardinal, with respect to the bills, was to hand them over to Mr. Wyse, to get rid of them; but that, with respect to this document in question, he was merely to endeavour to obtain payment, and that he only intrusted it to the Cardinal for the purpose of getting payment; but that if Mr. Wyse refused to recognize the debt, it was not to be handed to him." "I confided it to him that it might be shown to Mr. Wyse, and that the money might be obtained."

That is, according to the Abbé's own account, "he only intrusted it to the Cardinal to obtain payment," or for a temporary purpose, for the *benefit* of the Abbé, without any advantage to, or request by the Cardinal; not at all at his desire or as a favour to himself; and, observe, not on any agreement on his part to take care of the document after the temporary purpose was answered. We point this out particularly, as the very pith of the case; which, however—(a circumstance inexplicable to us)—appears altogether to have escaped notice. In fact, on the plaintiff's own showing, the Cardinal was not liable at all, unless it was proved by the plaintiff that His Eminence had been guilty of gross negligence in losing the document, or had artfully handed it to Wyse without getting the money. That is clearly the *law* of England; and it is as clearly common sense and sound morality. Yet not an atom of evidence was there of either of those things, the occurrence of *one* of which was essential to make out the shadow of a case, even on the plaintiff's own showing.

But (we now again quote the learned judge) "Cardinal Wiseman denied that there was any such handing over to him of the document, for the purpose represented by the plaintiff. 'Probably I had it in my hands, but that I kept it, or that it remained with me, I have no recollection.' The Abbé represented it to be at the Cardinal's; he came to him with a view to obtain a reconciliation between hus-

band and wife; but, the Cardinal stated 'as to my interference with Mr. Wyse in any other way, I not only have no recollection of it, but I am quite positive that it could not have occurred.' If I had it at all, I must have passed it on to Mr. Wyse with the Abbé's consent. But as far as I recollect, I had no communication with Mr. Wyse upon this subject—I never saw it after the Abbé left England; I never heard or thought of it until six or seven years afterwards.' "

This was the Cardinal's account of the matter, and certainly it seems unlikely that a man of his discrimination should have accepted so absurd and hopeless a mission as the reconciliation of husband and wife, by means of a claim upon him to the sum of £1000, for debts which must have been incurred by her most improperly, being in excess of her annual allowance, at the rate of above £300 a year. A strange argument for a reconciliation. The Cardinal's account was certainly the more probable, that he undertook a mission of reconciliation; not one which could only tend to exasperation.

And this view was confirmed by the subsequent facts, which are thus stated by the learned judge. "The plaintiff said, I saw Mr. Wyse,—he thanked me for the bills; but, at his desire, nothing was said about his wife." That was in Nov. 1847, and the document was seen only in Dec. 1847, at the house of Mr. Wyse. It was seen by Mr. Helder, his attorney.

Well, in 1848, the Abbé, hearing that the document was in the hands of Mr. Wyse, wrote to Mr. Helder a letter, in which there was this passage:

"I beg Mr. Wyse to remit to M. O., the acknowledgment for 25,000 francs which Madame Wyse gave me." Now, (continued the learned judge,) "It is a very remarkable thing that, if the document had been intrusted to Cardinal Wiseman, no complaint should have been made upon the neglect from 1847 until 1854. There is nothing to show that, from 1847 to 1854, seven years, there was a word of complaint uttered against Cardinal Wiseman. Nothing appears to have been done, at least, until 1854."

What then occurred, will be the third stage of the story: but before passing from the second, it is impossible not to remark how it confirms the Cardinal's account of the matter. The Abbé admitted that he gave the Cardinal the document to be shown to Mr. Wyse. He admitted

having himself subsequently seen Mr. Wyse. It appeared, that very soon after, Mr. Wyse had the document. And then the plaintiff applies to him for it, and not to the Cardinal; and never applied to his Eminence until seven years afterwards, in the year 1856.

Much had occurred in the meantime;—the outcry about “papal aggression,” and the ill feeling it had engendered. Of this, the Abbé was well aware, and of one of its fruits;—the prolonged litigation, arising out of the action, encouraged by that state of feeling,—the action brought by the Rev. Mr. Boyle, in that very year 1854, and tried the first time in the summer of that year. It is just possible that this may have suggested the feasibility of another similar experiment on the popular feeling towards Cardinal Wiseman; for in that year, immediately after it had transpired that *Boyle v. Wiseman* stood for trial at the summer assizes; the first application was made to Cardinal Wiseman about a document pretended to have been intrusted to him in 1847! The theory is almost too monstrous to be seriously considered. However the application was made. And, being made, what on earth could the Cardinal say? Why, of course, nothing but what he did say, that he recollected nothing about the matter; that he would search for the document; that it was seven years since the transaction took place, and that he knew nothing about it. Fancy being asked to account for a paper, treated by all parties at the time, as of no consequence, and pretended to have been left with one seven years ago!

The Cardinal was beset with complaints about the injury which the Abbé sustained through the loss of the document. Since the lady who gave the acknowledgment was alive, and it was of no legal force as against her husband, who had repudiated it seven years before, it is not easy to see what value it could have had. It was suggested that the Emperor was paying off the debts of his family. “That however,” (as the learned judge observed,) “only applied to debts not disputed, and it would be a different matter, a debt, the existence of which was denied by the supposed debtor (as in this instance), and it can hardly be supposed that the Emperor would be likely to pay such debts as those.” Every one must concur in this observation of the judge, and that being so, what was or could be, the value of the document? especially as, assuming it producible, it

was given under circumstances which, to the learned judge, appeared so extraordinary. However the Cardinal was perfectly beset with piteous complaints about the advantage which the document might have been to the Abbé if it had not been lost; and, of course, could not but be in some degree concerned about it, although at this time, it was perfectly well known by the Abbé, that the document had been, with his tacit assent, in the hands of Mr. Wyse ever since 1848; when after once writing to him for it, he appeared to have acquiesced in its loss, probably from not seeing how in any way it could be valuable, and not then contemplating the possibility of its being rendered so through the anti-papal prejudices of an impartial British Jury. The feelings of the Cardinal on the matter, are well expressed in a letter he wrote to the Abbé in August 1854; the Abbé having been pestering his Eminence to interfere with the Emperor. After assenting to the Abbé's request for some employment in the arch-diocese, His Eminence proceeded (as translated):

"Since you have discovered that your documents were not mislaid in my hands: this manner of speaking, as if there existed some debt of justice on me, should cease. I am sensibly affected to hear that you hold me under the obligation of supporting you, or to procure you a situation, as if I had been the depository of a certain sum or its equivalent, which you ought to receive, but which was lost through fault of mine. I hope, therefore, that you will have made known to your friends that your documents were found to have been placed in other hands than mine."

Now that letter, written in August 1854, completely confirms the Cardinal's account of the matter; for the effect of it is, "you, the Abbé, know perfectly well, that the document was left, with your assent, in the hands of Wyse." The fact was palpable, that for seven years, the Abbé had acquiesced in its being in the hands of Mr. Wyse, and only thought of making a claim against the Cardinal, after the action of Boyle v. Wiseman. It really appears hardly creditable, that such an action should ever have been seriously entertained, and that it should not have been *scouted* even by the plaintiff's own counsel, as it certainly would have been (many years experience enables the writer to assert) in any other case than that of the Roman Cardinal.

Perhaps, indeed, the claim would not have been per-

sisted in but for the fact that the Abbé was, at his earnest entreaty, (as appears by the Cardinal's letter,) stationed on the mission at Chelsea. "He remained there until" (in the language of the learned judge) "some complaint was made against him, the particulars of which we do not know, and which the Abbé did not think it right to state to the court, (saying it was an ecclesiastical matter, and he was not bound to say anything about it there)."* That complaint resulted in his quitting the Mission, and after that our readers will not perhaps be surprised that the action was carried on, and pressed, with every appliance and aid which the law allowed.

Among other aids to a suitor introduced by the late changes in Common Law procedure, is the power of examining on oath before trial, the party sued, so as to enable the suitor to shape his case and prepare his evidence to the best advantage. The Abbé's attorney availed himself of this, and probed the Cardinal to the utmost as to his recollection, having first ascertained that his client had led his Eminence into a correspondence on the subject, and had *seen* him several times about it, the result of which, of course, was that there would be the opportunity of comparing the Cardinal's letters with his answers to interrogatories, and taking advantage of any apparent variance; and further, that the Abbé would be able to give *his own account* of what passed at the several interviews, so as to afford a third and still more convenient test of the Cardinal's recollection. Only imagine a person's memory being subjected to this threefold system of torture, as to the loss, seven years ago, of a paper, regarded by all parties at the time as of no value. The recourse to all these methods showed the skill of the attorney; and his sense of the weakness of his client's case, which required all this art to eke it out. And that great reliance was placed upon the possibility of any variance in the Cardinal's statements, was shown by what actually occurred. His Eminence's answer to the first application having been that he could not recollect anything about it, he subsequently, on oath, stated that from having seen the letter of

* We, however, can state that there was a prolonged inquiry, before some of his brethren of the priesthood, and that it resulted in his retreat from the mission.

the Abbé to Helder, asking him for the document in 1847, he had no doubt that he (the Cardinal) never had it left with him. It was attempted to make a great deal of this, as a contradiction; which we only condescend to notice as showing how utterly any Catholic ecclesiastic must despair of receiving the smallest justice, and how recklessly and with perfect impunity his character may be assailed, without the least regard to sense, truth, or reason; upon grounds palpably, ridiculously, ludicrously futile and absurd. It is notorious that it is a principle of the English law, acted on daily, that a man may swear to a fact of which he has no particular recollection whatever, simply from seeing some entry or writing, which makes him morally certain that the thing must have happened, or could not have happened.* And that a man when challenged about the loss of a trumpery paper seven years before, should say he cannot recollect about it, and then, on seeing some memorandum, be enabled to state positively his belief that he never had had it left with him, surely is the most natural and reasonable thing in the world. That it should have been pressed as a matter of moment against the Cardinal, shows how desperately rotten the case must have been to need such a wretched resource, and what confidence there must have been in the credence given to calumny which distinguishes an English jury, whenever Catholic ecclesiastics are concerned.

However, after this examination, the cause came on to be tried before Mr. Justice Crowder, at Gloucester, and the Cardinal swore distinctly that the document was never left with him, because (said the learned judge) he had, since his examination four weeks before, seen the Abbé's letter to Helder, written in February, 1848, asking him to return the document, he (the Abbé) having, as the Car-

* Thus no longer ago than in 1855, in the very court of Common Pleas, in which Mr. Justice Crowder sits, it was laid down "that the affidavit of a legal functionary is founded rather on his *practice* than on his belief." And *per* Cresswell J.; "an attesting witness, who recollects nothing as to the execution of the deed, may yet swear that, seeing his signature to it, he has no doubt that it was duly executed; and so the Commissioner might swear that, seeing his signature to the certificate, he has no doubt that all things were rightly done." Accordingly, notwithstanding many scruples, such an affidavit was made. *Ex parte Gardner*, 3 Com. Law Reports, 342.

dinal well knew, himself had an interview with Mr. Wyse in November, 1847, and knowing that the document was in his (Mr. Wyse's) hands in December in that same year. That was ground enough, we should think, for the Cardinal's belief that he never had the document left with him, especially since the Abbé had never asked him for it from that time until June, 1854. To evade the force of that damning fact, the Abbé swore that he never knew, until 1854, that Mr. Wyse had the document. He swore that, not knowing that his own letter to Helder (Mr. Wyse's solicitor) was in court, where it was produced. We quote the language of the learned judge, as we cannot trust ourselves to speak of it. "It was put to him in cross-examination—If, in 1848, you supplicated Mr. Wyse to send you the document, do you mean to say that you did not know it was in his hands? Ultimately, but after a long time, he said he *might* have *heard* it from some rumour. He said, 'I really did not *know* it.' When he wrote that letter, however, he must have heard it, and must have believed it; it is more than mere hearing it, because he must have believed at the time that it was in the hands of Mr. Wyse, and yet he swore positively that he never heard it. I do not think that his explanation afterwards was sufficient. He swore that he had not heard it. He certainly must have heard it. Nobody reading the letter could come to a contrary conclusion. You must take that, with the observations that have been made upon the credibility of the Abbé Roux." So said the Judge.

And our readers must take it too, and ask themselves, What can they think of a case supported entirely on the evidence of the Abbé Roux? And that, in opposition to the oath of Cardinal Wiseman, supported by the intrinsic probabilities of the case, and by the plaintiff's own words and conduct. And what do they think of a jury giving such a plaintiff a verdict, opposed to so overwhelming a preponderance of testimony—even his own? Was it the impartiality of justice, or was it the blindness of prejudice?

But was the judge free from blame? Did he do all that might have been done to guide the jury? Did he not rather mislead them? He summed up the case at great length, upwards of two hours, and the transcript of the short-hand writer's notes which lies before us, extends over six-and-thirty large and closely-written "brief sheets!" Yet in that long address there is not to be found an expla-

nation of what the question was which the jury had to determine! Or if there was, it was such an explanation, as was calculated only to mislead. We will extract all that bears on that, which of course was the vital point of the case, premising that, as there was no express undertaking to take care of the paper, (even on the plaintiff's own showing,) the Cardinal clearly could not be liable, unless he had handed over the document wilfully or carelessly, and without the assent of the Abbé, to Mr. Wyse or some one else, and that the only evidence on that question was, that in 1847 the plaintiff saw Mr. Wyse, and soon afterwards asked him for it, from which time, for seven years, he had never troubled any one about it.

Now it is hardly credible, but nevertheless, it is clearly the fact, that all along the learned judge put it to the jury as if the question was, not whether the Cardinal had parted with the document, but whether he ever had it left with him. As we should not be believed did we not copy the very words of the judge—we do so: “The question is, whether the document was handed over to, and left with the Cardinal. The Cardinal says, if I had it, I must have passed it over to Wyse at the plaintiff's request. He does not state that he did so, because he thinks he had nothing to do with it. If the Cardinal is right in his recollection,” (i. e. that he had nothing to do with it,) “the plaintiff is not entitled to your verdict. But if the Cardinal handed the document to Wyse against the plaintiff's authority, still the Cardinal would be answerable;” (the word ‘still’ implying that this would not preclude his liability; not that it was essential to it; and that this was the meaning, is clear from what follows; the above being the best and strongest sentence in favour of the right way of putting the question, and being so equivocal as to be to us almost unintelligible, as most of the passages referring to this question were): “The plaintiff states that he said, here is the document: will you be intermediary, &c. If that is correct, and if he then handed it over to him, it appears to me, as I have already stated to you, that the plaintiff is entitled to your verdict.” (That “he” there meant the plaintiff, and that “him,” meant the Cardinal, is clear from what comes next). “If the document was so handed over to the Cardinal, and is not now forthcoming, it ought to be,” (that is stated absolutely, and as we conceive erroneously, for its mere loss would

have given no right of action at all against the Cardinal ; nor does what follows mend it), “ and if the Cardinal has done anything with it, he is answerable for it ; ” an opinion far too vague to be of any avail to correct the impression which would naturally be derived from the previous passages, especially bearing in mind what the judge never adverted to, that the Abbé himself said he had given the document to the Cardinal “ to show it to Mr. Wyse,” which would justify a handing it over to Mr. Wyse ; and then as the Cardinal’s office was purely voluntary and gratuitous, and entailed no responsibility, the plaintiff’s remedy would be against Wyse. This, we repeat, although the *pith* of the case, was *never touched*.

It is clear that the document did in some way get into the hands of Mr. Wyse, for it is proved to have been seen by Mr. Helder in his possession in December, 1847. The question still remains, was the document taken by the Cardinal from the plaintiff with a given purpose, and did he or not put it out of his possession when it ought to have remained in his possession ? Here again the attention of the jury is not called to the fact that the Abbé acknowledged that he had authorized the Cardinal to *show* Wyse the paper ; and it is clearly implied that if the Cardinal once let it out of his possession he would be answerable for it ; a proposition scouted by the court, (as we shall see,) as perfectly monstrous and repugnant to reason, to justice, and to common sense. Yet the jury were over and over again invited to act upon it by the learned Judge, who went on to say, “ If the Abbé did not hand it to Mr. Wyse, it must have been handed to him by the Cardinal,” implying again, “ that *if so*, the case was clear and conclusive against the Cardinal.” And the learned Judge forgot to observe that the Abbé, even if he ventured to say he had not handed it himself to Mr. Wyse, clearly had, for seven years, *known* it to be, and allowed it to be, in his hands, and that subsequent ratification is as good as prior authority, according to one of the most ancient maxims of the civil, not less than the common law. It is true that his Lordship told the jury that if the Abbé had ratified the act of handing it over to Mr. Wyse, it would be as though it had been with his assent ; but the learned Judge omitted to inform the jury that ratification might be implied from silent acquiescence, as any authority or contract may be implied from tacit assent. Here

was the point—the pith of the case ; and the learned Judge left it almost wholly untouched, and utterly unelucidated. We venture to say it was the first time in the history of our judicature in which a judge omitted to tell a jury that *seven years' silence* (*six* being a *statutable bar*, which might have been pleaded,) was something from which they were not only at *liberty*, but in all reason and justice *bound*, to imply an entire acquiescence in what had taken place. Yet we can assure our readers that we have searched in vain through the minute “summing up” of the learned Judge for a single enunciation of that most just truth, so necessary to a right determination of the question. The learned Judge, on the other hand, implied the contrary. “If what the Abbé says is true, if he never authorised the Cardinal to part with the paper, (the Abbé having himself admitted on oath that he had authorised the Cardinal to show it to Mr. Wyse,) then whether it was given designedly or inadvertently into the hands of Mr. Wyse, the fact of its being in the hands of Mr. Wyse could not exonerate the Cardinal.” Laying it down, therefore, as clear law, that if the Cardinal showed it to Mr. Wyse, and Mr. Wyse retained it, and did not return it, then, although the plaintiff was well aware of this, and never complained to the Cardinal about it for seven years, and only once asked Mr. Wyse for it,—and then for seven years acquiesced in his having it—yet that the Cardinal (not Mr. Wyse) would be answerable for it! The learned Judge laid that down over and over again, and the fact being admitted that the Cardinal once had the paper in his *hands*, and that Mr. Wyse soon after had it, it really amounted to this, that if the jury believed the Cardinal once had it, as the Abbé represented, then that he was liable for it! notwithstanding all the accompanying facts, and the intervening circumstances which rendered such a construction a monstrous violation of all morality or equity, and an outrage on every idea of justice! We use this language advisedly, for (as we shall see) the Court of Queen's Bench expressed the same opinion, or implied it very clearly, when the case came before them. “The defendant,” said the learned Judge, “would be liable if the document were given to him for such a purpose as suggested by the plaintiff, and would not be liable if it were merely handed to him that he might pass it to Mr. Wyse.” And then the learned Judge added, that it

was odd the Cardinal should not have written to Mr. Wyse for it again; but omitted to notice that the Cardinal was aware that *seven years* had elapsed without complaint, and that the document in all probability had been lost or destroyed. Again. "The plaintiff says he left the document with the Cardinal for a particular purpose; if he is correct in that, he is entitled to a verdict." So was the same question put to the jury over and over again, by the learned Judge. And then, as to the question of amount of damages, not only did he not tell the jury—what we conceive he was clearly bound to tell them—that the document being one on which no suit could be maintained, and of which the *signature* was *admitted* by the only party affected by it, and who was still alive, it had no legal value whatever, and was one for which, even if there was any right of action at all, it could only be purely technical, and for damages merely nominal; not only did the learned Judge omit to tell the jury that; not only did he omit to notice that by seven years acquiescence the Abbé had himself shown that he did not value the document a straw; not only did he omit to mention that there was no evidence that the document had since acquired any value, its own nature remaining the same, utterly valueless in law, and as to any moral value, the circumstances being of so unsatisfactory a character as to deprive it of any; and as to any accidental value that might be attached to it through the disposition of the Emperor to pay the debts of his kinswoman—she was alive and admitted the signature, (which was all that the document could show), and denied the debt, (which was what the Emperor would look to); giving an account of the matter which must be judged of aliunde; not only did the judge omit to notice all this, and further, that there was no evidence that the Emperor's refusal to pay the debt, in the least degree arose from the absence of the document, (nor could it, since she admitted it); not only, we say, did the judge omit to notice all this, or any part of it, although plainly showing that the document was not worth a farthing; but he actually told the jury that if "they thought the Emperor would pay the debt, they ought to give the whole sum!" "If they thought," that is, not only without a particle of evidence, but against all the evidence in the case; "if they thought," i. e., if they chose to think so—contrary to all proof—why they might then mulct the Cardinal in a thousand pounds

for a document, which the judge and jury and all the world must have known was not—could not be—worth a farthing!

Well, without condescending to say anything of the jury, (except that their very verdict showed they knew they were in the wrong, for they gave only half the amount;—an obvious compromise between justice and prejudice—or rather between injustice and shame)—what did the court think of the verdict? we mean the “court above;” the full court presided over by Lord Campbell? Curious that the very judge who tried the case of Dr. Newman, should now have to adjudicate upon that of Cardinal Wiseman. What the court would think of the verdict even under the presidency of Lord Campbell, might have been confidently predicated from the sensation it created in court, and especially among the Protestant bar. One of the oldest and most experienced of them assured the writer that it quite staggered them! To this we may add, that the learned judge did not venture to certify that he was satisfied with the verdict; though it is true he forbore to certify that he was dissatisfied with it—how could he? since it certainly was in accordance with the prevailing tendency of his direction. The court perceived this, and Lord Campbell, when the case was moved, was surprised that the case was not moved for misdirection. However, although this was not the case, the counsel for the Abbé appeared so much afraid of the point, that they could not be induced to state what the direction had been, but the court persisted in eliciting what it had been, and tore it all to pieces, and this they did in a tone and spirit which plainly indicated some degree of indignation, and a deep sense that the learned judge had failed in putting the case properly to the jury. This part of the case is so interesting, and affords at once so vivid an illustration of the character of the case, and so complete a vindication of the Cardinal, that we shall extract the observations of the court in relation to it from our contemporary, the “Weekly Register,” premising that the “Times,” which had carefully given at the greatest length, the account of the trial which terminated so disastrously to the Cardinal, forbore to give any but the most meagre statement of the bare result of the appeal which terminated in his favour, pursuing that assassin-like policy, which led it to take the same course in the case of *Metarie v. Cooke*, and to print,

even before the case came on, all the affidavits against the party who was implicated, and report *verbatim*, all the speeches against him, and then *burke* the defence, the result of which act of moral assassination, was, that the unfortunate defendant speedily developed an affection of the heart which carried him to his grave, and involved his widow and children in hopeless ruin. To return, however, to the case of the Cardinal, the remarks of the judges in the court of Queen's Bench, were reported in the "Register" as follows, and in the "Tablet" to the same effect.

It should be mentioned that, when the case was first moved, Lord Campbell said he should have thought the letter of the Abbé to Helder, in 1847, decisive of the case.

His counsel when the case was argued, had not made much progress, when

"Justice Coleridge asked how the plaintiff had explained his letter to *Helder* for the document ?

Sergeant Pigott (his counsel) admitted that the only explanation was, that he could not comprehend how he came to write the letter, but that he had heard that Wyse had the document. The Cardinal's letter in 1854 appeared to admit that he had the document ; for it contained the expression "that it was rather left than deposited with him."

Justice Erle—The fair construction of that letter appears to be, that the Cardinal having been written to by one whom he would suppose entitled to credit, and assured by him that he had received the document, replied, "*You say so ; if so, then at all events, I am sure of this, that it was rather left with me (as something worthless) than deposited with me.*" But what weighed with me in granting the rule was this, that in 1848 it is clear the plaintiff knew the document was in Wyse's hands, and he *applied to Helder, Wyse's solicitor, for it, not to the Cardinal.*

The Solicitor-General observed that the *plaintiff never ventured to say he had applied to the Cardinal about it until 1854.*

Justice Coleridge soon afterwards again alluded to the letter written by the plaintiff to Mr. Wyse's solicitor.

The counsel for the Abbé, Sergeant Pigott, went on to comment on the correspondence between the plaintiff and defendant, in which the plaintiff pressed the Cardinal to write to the Emperor in order to obtain payment of the money. Why did not the Cardinal write the letter ?

Justice Erle.—Why do you put that question ? Do you suggest that the Cardinal was in collusion with Wyse to defraud the plaintiff ? There should be some rational sequence or connection between a question you put, or a point you suggest, and the conclusion

you desire to establish. Why should the Cardinal have written to the Emperor? And what had that to do with the question whether he detained or had improperly disposed of the document? Nothing can be inferred, from his not writing, material to that question."

All this was a most cutting and severe sarcasm on Mr. Justice Crowder, who had dwelt strongly on this topic.

"Sergeant Pigott said he did not impute collusion to the Cardinal, but it was natural that he should have written the letter to the Emperor; whereas he had made great difficulty about it.

Justice Erle.—No doubt, the Cardinal was reluctant to write such a letter, and might naturally hesitate, supposing that it might compromise his position.

Sergeant Pigott.—His promise to write in the first instance implied that he thought the plaintiff had a claim upon him.

Justice Erle.—Not at all. You can infer nothing from that. It was a mere kindness. The plaintiff originally asked him to intervene as an act of kindness. *Is a man to be made liable for an act of good nature?"*

Mr. Justice Erle here hit the very character of the action, and expressed in a very pungent way his idea of it. When the Abbé's counsel, Pigott, urged that there was evidence that the Cardinal had handed the document to Wyse,

"Justice Erle said, if the Cardinal handed it to him with the assent of the plaintiff he would not be liable, *and the evidence rather points to that conclusion.* The plaintiff's own case is, that he delivered the paper to the Cardinal for the *purpose* of mediation: and that looks like an authority to show it to Wyse. Could any action be maintained for showing it to him?"

Sergeant Pigott—Probably not.

Justice Erle—Then, if Wyse kept it, would the Cardinal be responsible?

Sergeant Pigott—Not unless the Cardinal gave it him.

Justice Erle—But he must give it him to show it him—would he be responsible if Wyse kept it or destroyed it?

Sergeant Pigott—Perhaps not, if Wyse destroyed it; but he ought not to have let Wyse have it to keep.

Justice Coleridge—The plaintiff admits that the other documents he delivered to the Cardinal were to be handed to Wyse.

Justice Erle—What was the question left to the jury?

Sergeant Pigott—Whether the jury believed the account given by the plaintiff.

Justice Erle—Then, if they did, were they to give a verdict for the plaintiff, with any amount of damages? But then, what ques-

tion arose on his statement? What was the way in which you said that his evidence supported the action? On what ground did you put it?

Sergeant Pigott—The verdict was for detaining; but there are two other complaints; for disposing of the paper, and for negligence.

Justice Crompton—You put your case at the trial on this—that the defendant once had the paper; that therefore he has it now, and so he detained it. Now, would it not be fair to take another ground, and say that he had wrongfully disposed of it? He might have had evidence to meet that complaint. And on the evidence as it is, it appears that the plaintiff *knew ten years ago that Wyse had the paper and yet never complained to the Cardinal about it.* The action for detention supposes that the defendant *has* the document, or that he has *recently* had it: but the other ground is different, that the Cardinal handed the document to Wyse. Now—on what ground do you go—the *detention*, or the wrongful disposition?

Sergeant Pigott—We are entitled to go on both.

Justice Crompton—That is not fair: you did not so put your case at the trial. The verdict was taken for detention.

Sergeant Pigott—The plaintiff can sustain his case on that.

Justice Crompton—At what time do you say he detained the document?

Sergeant Pigott—We may say that he detained it at any time.

Justice Crompton—*Ten years before action!*

Sergeant Pigott—Yes.

Justice Erle—But the defendant has not the paper now. And he is not liable for showing it to Wyse, although thereby it got into his hands.

Justice Coleridge—Very likely, as between gentlemen, the Cardinal would show Mr. Wyse the document, and leave it in his hands.

Justice Crompton—And do you say that if inadvertently it remained in his hands the Cardinal would be liable?

Sergeant Pigott—We do.

Justice Coleridge—No doubt, the *fact* was so.

Justice Erle—But did the judge leave the question to the jury thus: that if they believed the defendant *showed* Wyse the document, he was liable; or thus: that if he *gave* it to him, he was liable? The difference is most important. Was the question left to the jury, whether the Cardinal handed Wyse the paper *animo donandi*?

Justice Crompton—That is, *intending* that Wyse should keep it; the question would be very different, if it were put simply whether the Cardinal *showed* Wyse the document. How do you put your case?

Sergeant Pigott—That the Cardinal gave Wyse the document.

Justice Crompton—*That could hardly have been your way of putting it, for the plaintiff swore he did not know that Wyse had it.*

Justice Erle—It is a strange thing that we cannot get a plain answer to a very plain question. What was the question left to the jury? The evidence of course must be very different upon different questions.

Sergeant Pigott said the question was, whether the Cardinal had delivered over the document to Mr. Wyse.

Justice Erle—*Where is there a particle of evidence that he did so?*

Sergeant Pigott contended that it might be inferred from the evidence.

Justice Crompton said it was one thing to prove a deposit of the document with the defendant, and another thing to prove that he had wrongfully detained it. How could he be said to have done so if the document had been handed to another with the plaintiff's assent, and that other person detained it?

Mr. Justice Coleridge observed, that the Abbé asked in his letter of 1847, for the bills as well as the acknowledgment. Now the bills he admits had been handed to Wyse with his consent, and that they might not be negotiated. Yet he asks for them again. And it is rather remarkable that if the two cases of the bills and of the document in question were so distinct and separate as he would have us believe, he did not in that letter refer to the document as one which he had entrusted to the Cardinal, and which by his culpable neglect had got into the hands of Wyse.

Mr. Huddleston, (one of the Abbé's counsel)—*No doubt, it is open to that observation.*

Mr. Justice Coleridge—The more so, since his own case is that the Cardinal was right as to the bills, and wrong as to the acknowledgment.

Mr. Huddleston—No doubt. But the Cardinal, in 1854, said he would look for the document.

Mr. Justice Coleridge—A man might naturally say, "I believe I never had the document;" but, as you say I had, I will look for it."

Such being the disposition of the court, the counsel for the Cardinal had an easy task.

"The Solicitor General addressing the Court on behalf of the Cardinal in support of the rule for a new trial, begged his Lordship to recollect the manner in which the plaintiff had presented the case to the jury; and to bear in mind that he came forward to fix the Cardinal, on his own evidence, with a liability for £1,000. He swore positively that he had given the paper to the Cardinal not to be handed over to Wyse without the money, and did not disclose that so soon as 1847 he knew that Wyse had got it, and from that time to 1854, seven years, had made no application to

the Cardinal for it. The judge at the trial said, that this was 'most strange.' Nor was this all. The plaintiff swore most positively, that he did not know until 1854, that Wyse had the document. He swore this over and over again—he swore it emphatically, and most solemnly—until his letter to Helder, dated 1848, was put into his hands, in which he begged that gentleman to get him the document back from Wyse. The learned judge at the trial commented upon these points and said—'The plaintiff in his examination said most distinctly that he did not know until 1854, when he went to Helder's office, that the document had been in the hands of Mr. Wyse. He swore distinctly, that he never knew that until 1854. He swore it in a very emphatic manner. He was asked—'Do you mean to swear it?' He said—'Yes, I swear it,' in the strongest way in which he could put it. He was then asked to read this passage in his letter; and whether he abides by his positive oath, that he did not know until 1854 that the document was in Mr. Wyse's hands. The words in his letter were: 'I also beg Mr. Wyse to be so good as to remit the acknowledgment of Madame Wyse, for if she knew it had passed out of my hands,' &c. It would certainly seem from that, that at that time he was aware that the document was in the hands of Mr. Wyse, or he would hardly have written as he did. It was put to him in cross-examination, 'If in 1848, you begged Mr. Wyse to send back the document, do you mean to say that you did not know that it was in his hands?' Ultimately, but after a long time, he said he might have heard it from some rumour. He tried to explain it by something he had heard from some one else. He says: 'I cannot comprehend how I came to write the letter. It must have been from hearing,' &c. But it is more than hearing. It is plain from the letter that he must have heard at that time that it was in the hands of Wyse, and yet he swore positively that he never heard it. I do not think, I confess, that his explanation is sufficient upon that point. He must have heard it. No one who read this passage in the letter could come to a contrary conclusion. You must take this with the observations which have been made upon the credibility of the Abbé. And then the learned judge went on to say that there was no evidence that between 1847 and 1854 the plaintiff ever applied to the Cardinal for the paper, and that this was 'most strange.' Now in a case in which so much depended upon the evidence of the plaintiff it was very important to see what were the undisputed points. It was plain that in Nov., 1847, the plaintiff had an interview with Wyse. It was clear that with the plaintiff's consent Wyse had the bills. It was plain that in Dec., 1847, Wyse had the document in question. It was clear that in 1848 the plaintiff was aware of this, and from that time till 1854 he had never asked the Cardinal for it. The obvious inference was, that it had been handed to Wyse with his concurrence—either by himself or by the Cardinal with his consent. And what more natural than that he should consent to it, having

first ascertained that Wyse would not recognise it : and that it was of no use to attempt to enforce it adversely against him?—but it would be more prudent to try conciliation, especially as he professed that his great object was to effect a reconciliation between Mr. Wyse and his wife.

Mr. Justice Coleridge—*It would be natural and reasonable that under such circumstances a great discretion should be entrusted to the Cardinal, as to the manner of dealing with the document.*

The Solicitor-General—Exactly so; as otherwise it is not conceivable that a person in the position of the Cardinal would accept any such mission as the plaintiff swore he had undertaken.

Mr. Justice Coleridge—Entirely, as he represented, with a view to reconcile the husband and wife.

Mr. Justice Crompton—With that object, it was very natural and proper that an ecclesiastic should undertake the mission.

The Solicitor-General—Just so. But not, as the plaintiff represented, to render himself absolutely responsible for the document if it ever got into the hands of Wyse, without obtaining the money for it.

Mr. Justice Coleridge—There is a search promised for the document, but that does not imply that the Cardinal believed he had the document."

In a few moments the court interrupted the Cardinal's counsel, and declared that a new trial must take place. Well, and what was the practical result?

We now come to the *working* of the judicial part of the British constitution; it was admitted that gross injustice had been done, and it was clearly implied that on the one hand the judge had not properly put the question to the jury; and it was adjudged that the evidence on which the verdict had been found did not support it. To a continental reader it would appear that justice was at last to be done to the Cardinal. Not at all. Quite the contrary. This was merely a renewal of litigation—at his risk, and on condition of payment by him of an enormous penalty; the whole cost of the first trial! That is to say, a man is first subjected to grievous injustice, and then he is forced to pay all the expense of such injustice as a condition of his being allowed any chance of redress! It would be a mere chance; and the risk all against him. For as one jury did not hesitate to give a verdict against him contrary to reason, justice, and sense, so neither could it be at all expected that another would hesitate to do so; and the costs he would be forced to pay, amounted to pretty nearly the amount of the ver-

dict. Therefore the Cardinal's counsel prudently advised him, even with the opinion of the court thoroughly in his favour, not to appeal to another jury; the same result ensued as in the other cases, that the Cardinal, with law and justice on his side, was forced, by litigation, to succumb to an unjust claim, and to submit to a penalty which we believe was not far short of a thousand pounds, on a pretended cause of action which the court scouted, but which thus, in effect, ultimately succeeded; under the auspices, and by the working of the British constitution! Truly, then, we Catholics have small reason to be grateful for its protection; as little indeed as the Catholic widows of soldiers, whose children are proselytised out of funds raised for their "relief;" and all, as the "Register" and "Tablet" have eloquently urged, without redress. We have nothing more to say of the case than to conclude in the language of the "Register:"

"The case therefore, is but another stain upon the *boasted purity of English justice*. Catholics, and especially Catholic dignitaries, have in England no chance of justice, and even less from a jury than from a judge. It is impossible to say to what extent this systematic injustice may any day be carried, and whether, as we have been wont to flatter ourselves, the days of even Titus Oates himself, are for ever gone by. Trial by jury is invaluable as a security against the encroachments of an unpopular Government upon popular rights; as a security to an unpopular party, it is worth much less than nothing. The result is, as was remarked by the *Times* itself upon the Achilli trial four years ago, that such persons as Dr. Achilli and the Abbé Roux are made to understand, that whatever they swear will be taken for gospel if it is only against a Catholic Bishop or leading Catholic Ecclesiastic."

Alas! true, most true: but what becomes of the boasted virtue of the "British constitution?" And will it be believed that the above extract comes from that very journal which at another time will break out into a cry of exulting gratitude for the benefits which Catholics derive from it, and declare that it "protects them from persecution!" We only wish it did: but we will not despair. Let us hope and pray that the Reign of Bigotry may speedily cease, and that our constitution may work itself round into a system of equal justice to *all* British subjects, and thus render our country the most just, as she surely is the greatest and most glorious, that the world has ever witnessed.

Note to "Filioque," page 307.

The following note arrived too late to be inserted in its proper place.

When we wrote these words we had no hesitation in thus giving a direct contradiction to Mr. Woodgate's strange story, for we knew that it *could not* be true. But since that time, by the favour of Padre Zanetti, we have received the following full and authentic refutation from the Bishop himself of the United Greeks in Sicily.

Testimonium Illusmi. ac Revmi. Domini Josephi Crispi, Dei et Apostolicæ Sedis gratia Episcopi Græcorum Albanensium in Sicilia.

Cum pridem in Anglia liber quidam editus sit, in quo auctor ad probandum nullam esse in Ecclesia Catholica unitatem, inter alia in probationem offert; se nuper a catholico quodam in Sicilia comorante didicisse, Græcos, ut nominantur, unitos symbolum sine additamento *Filioque* recitantes non solum vocem, sed fidem etiam in voce hac contentam reseculisse, et tamen in communionem cum ecclesia Romana esse: ut suus sit veritati locus, utque ab hac falsa criminatione nationis meæ atque ecclesiæ Catholicæ Romanæ honorem vindicem, fateor atque etiam profiteor, Græcos Albanenses in Sicilia degentes, qui Catholici omnes sunt ex Græcis unitis, non modo eandem prorsus, ac Latini servare fidem in voce illa *Filioque* contentam, verum etiam vocem ipsam *Filioque* in symbolo usurpare; quinimmo in extrema abside templi maximi Palatis Adriani, quod unum est ex quinque oppidis Græcorum Albanensium in Sicilia, videre est grandioribus litteris inscriptum, velut Græcorum unitorum insigne, καὶ Υἱοῦ (*Filioque*). Præterea hac super re Bededictus ix. pontifex maximus fidem facit minime dubiam. Ipse enim in Bulla etsi pastoralis edita pro Italo-Græcis, inter quos Albanenses Italiæ et Siciliæ accensuerit, postquam exposuerit "quod Spiritus Sanctus a Patre et Filio æternaliter est, et essentiam suam, suumque esse subsistens habet ex Patre simul et Filio, et ex utroque æternaliter procedit tanquam ab uno principio, et una spiratione, et quod ea verborum illorum *Filioque* explicatio, veritatis declarandæ gratia et imminente tunc necessitate, licite et rationabiliter symbolo fuit apposita:" et postquam illud declaraverit, nempe, "Etsi autem Græci teneantur credere etiam a filio Spiritum Sanctum procedere; non tamen tenentur in symbolo pronunciare," continuo ea verba subjicit, "contraria tamen consuetudo ab Albanensibus Græci ritus laudabiliter recepta est;" quæ cum ita sint clarissime liquet quam falso Græcos unitos in Sicilia degentes quaque injuria auctor ille criminetur.

Panormi, die 23 Octobris, 1857.

(Signed) JOSEPH CRISPI,
Episcopus Græcorum Albanensium in Sicilia.

(Sealed with the Episcopal Seal.)

It is well known that the Holy See has always been very tender towards those bodies of Catholics who from several circumstances may have some variation in their rites and liturgical usages. It was on this ground no doubt that Gregory IX., and after him Benedict XIV., would have allowed the United Greeks, if they wished it, to chant or recite the Creed in the public service as they had been accustomed to do; that is, without the words *Filioque*. But no Catholic need be told that no such permission extended, or could possibly extend to the Faith itself. Yet this is what Mr. Woodgate has ventured, we trust through misinformation, to assert.

NOTICES OF BOOKS.

I.—*Missale Romanum ex Decreto Sacro Sancti Concilii Tridentini Restitutum, S. Pii V. Pontificis Maximi Jussu editum, Clementis VIII. et Urbani VIII. auctoritate recognitum. Accuratissima Editio, novis Missis ex Indulto Apostolico Concessis Aucta. Dublinii, Typis Jacobi Duffy. 1857.*

In the public Service-books of the Church there can, of course, be but one subject for criticism,—the accuracy and general excellence of the style in which they are executed. Under these respects it is impossible to speak too strongly in commendation of the admirable edition of the *Missale Romanum* just issued by Mr. Duffy. It comes most opportunely to supply a want which has long been felt by the clergy in these countries—of a Missal suited at once for every day use, and for the more solemn ceremonial of the churches. The large number of masses very recently added to the calendar necessitated, even in the most modern editions, the insertion of one, and often two or more, independent supplements; and, as these were necessarily prepared to suit the arrangements of several different editions, the difficulties of reference have in many cases been exceedingly great. In the edition now before us, the excellent general index, comprising *all the new masses without exception*, renders the reference perfectly easy and secure, and makes this, for Ireland, the most practically

complete Missal which can be put into the hands of a missionary priest.

The type is at once bold, striking, distinct, and elegant; and the paper combines exceeding beauty of tint with great strength and durability. When it is added that the price of this excellent Missal in the best and most durable morocco binding, is but one guinea, the reader may perhaps understand what might otherwise seem a strange anomaly in the ecclesiastical book-trade, that a *large order has been sent from France for this new Irish edition of the Roman Missal.*

II.—*Sermons preached on various occasions.* By John Henry Newman, D.D., of the Oratory. London: Burns and Lambert, 1857.

In the preface to this new volume of Sermons, Dr. Newman informs us that when he was preparing for the serious step which he took nearly twelve years ago, of embracing the Catholic religion, it was not his intention ever again to write upon any doctrinal subject. And he adds as his reason for having formed this intention, that it seemed to him incongruous, that one who had so freely taught and published error in a Protestant community, should put himself forward as a dogmatic teacher in the Catholic Church.

There is nothing more admirable than the genuine modesty of a great man. It is a grace which attracts universal respect, at the same time that it inculcates a practical lesson, more instructive and more fruitful than a thousand volumes. In the case of Dr. Newman, this reluctance to discharge again the functions of a dogmatic teacher is, in our humble judgment, an evidence and a proof of the religious tone of a most gifted mind, deeply imbued with a Catholic spirit. For it must be remembered that the author who modestly apologises for presuming, as he thinks, to publish a volume of sermons, is no ordinary man. Whatever may have been the errors and defects of his earlier doctrinal teaching, they were not the errors and faults of a vulgar, pertinacious, heretical mind. They were rather *material* than *formal*; the involuntary result of position, education, and the deep-seated prejudices of birth:—errors, however, which his candid mind, earnestly

searching after truth, were continually correcting and gradually throwing off, by study, by inquiry, and by prayer. His errors were accidental; but the good which he intended to produce, and which, by a particular providence of God, he actually did produce, was positive. It is the teaching of Dr. Newman which, more perhaps than that of any other living man, has been the instrument in the hands of a higher power, to open the English mind to the influences of Catholicity. It is well known that during the last twelve years several hundred converts have been received into the Catholic communion. "The Lord has been uniting to the Church day by day such as should be saved." These have been gathered from all ranks and classes of society—from the rich and poor—the ministers of religion—the professors at the universities—the lauded gentry, and the nobles. It is a very simple process which converts the poor to the Catholic religion; but if the great majority of converts from the educated classes were asked to indicate the source which first bent their minds in a Catholic direction, they would, almost without exception, point to the writings and sermons of Dr. Newman. It was he who was employed by Providence to be the first to give them a faint glimmering of those high and holy truths of whose very existence they had hitherto been wholly ignorant. He taught them the value of doctrine, and how it should be prized more than life or fortune. He was the instrument in the hands of God to awaken in many that sense of sin, which was the surest, as well as the necessary, prelude to conversion. Although imperfectly and incorrectly, yet with a good intention, and according to his lights, he spoke to them of penance, and mortification, of fasting and prayer; of a holiness above the common, founded upon the practice of the counsels of perfection. He first disclosed to them the hidden life of the primitive Christians, and narrated to their astonishment the varied fortunes of the early Church. It was from his lips that they learnt to detest the perfidy of Arius, and to admire the stern inflexibility of Athanasius. He led them back to the Church of the Fathers, and, by the very contrast, shewed them the deception and the mockery which Anglicanism was attempting to practice upon their souls. Such teaching, in spite of all its inaccuracies and of all its faults, produced at the time, a marvellous effect in a Catholic direction, the full results of which have not

yet been seen. And the agent in this teaching became naturally and inevitably, the head and leader of the most intellectual and powerful party that ever grew up within the Established Church. His works were perused with the eagerness and avidity natural to unquiet and restless minds. His opinions were adopted and propagated with the sectarian zeal of religious partisanship. The very accents of his voice were copied, and his manner of preaching imitated, even to an absurdity. Under such circumstances, and with such temptations, any ordinary man would probably have yielded to the usual vanity of a party leader, and have attempted, after his conversion, to retain the influence which he certainly possessed before it. But Dr. Newman is no ordinary man. His whole course of conduct as a Catholic is one continued evidence and proof of the single-mindedness of his former life. It shews with what remarkable purity of intention he was seeking not "his own but the things that were of Jesus Christ." And having found what he sought for, he at once lays at the feet of the holy Church, not merely his learning, his ability, his prestige, but even that power of influence over others, which it is a temptation to less elevated minds, to extend, rather than to abdicate. In Dr. Newman the Catholic, we see no traces of the former leader of the once powerful tractarian party. Like some of those great men of olden times, who fled from honours into the solitude of the desert, believing themselves to be unfit for high positions in the Church, when all the world knew them to be most worthy, Dr. Newman hides himself in the comparative obscurity of a provincial town, rather than occupy positions where he would be certain to continue the pre-eminence of his former prestige. He seeks retirement, and only unwillingly, and in obedience to the Holy See, does he allow himself to be withdrawn from it. We hardly know in history a more beautiful instance of genius, learning, and talent, united with the most genuine humility and bashfulness. But while we cannot withhold from such conduct the homage of our admiration, we venture to express a hope that Dr. Newman will not carry this modest feeling too far. The translator of Athanasius, and the author of those wonderful Sermons, which so powerfully stirred up the religious mind of educated England, ought not always to remain silent on the theological controversies of the day. There are certainly

some subjects which seem as if they naturally fell to his province. Who can enter into controversy with latitudinarian writers more ably and more effectually than Dr. Newman? Who can discuss better than he, such questions as the nature, the character and the continuance of miracles—the eternity of future punishments—and all those points which have been lately mooted by such men as Mr. Maurice? One thing is certain, that whatever Dr. Newman may be pleased to write, will be well worth perusing. Whatever he writes will be calm, earnest, accurate, and matured. It will be conceived in a Catholic spirit, and expressed in Catholic language. Nothing coming from his pen will ever be questioned as incorrect, rash, ill-advised, or ill-digested.

With respect to the sermons before us, it is needless to say anything. We cannot, indeed, estimate them as highly as his former volumes; and yet, we have read them with pleasure, especially the three sermons entitled, “Waiting for Christ,” “Dispositions for Faith,” and “Omnipotence in Bonds.” But we are not satisfied with the paper, the printing, and what is technically called the *get up* of the volume. It is hardly treating with respect so eminent an author as Dr. Newman, and it is in every way inferior to the capabilities of Dublin art. Let any one look at the publications of the Irish Archæological Society, and he will be convinced that the Dublin printers can rival in the elegance and the accuracy of their art the best houses in London. And if this be so, why should not the works of the illustrious rector of the Catholic University be printed and “got up” in a style worthy of Ireland, and worthy of its rising university?

III.—*Sir Lancelot. A Legend of the Middle Ages.* By Frederick William Faber, D.D. Second edition. Richardson and Son; London, Dublin, and Derby.

There is a charm in Dr. Faber’s pen which seems equally suited for every form of composition. Almost our first acquaintance with him was through his “*Sir Lancelot.*” It was one of our early favourites; and it is an unequivocal testimony to its merit, that, notwithstanding the traditional unpopularity of blank verse, especially on a religious topic, it has reached the honours of a second edition.

“Sir Lancelot” was written and published while Dr. Faber was yet an Anglican; but, even then, it breathed so much of the Catholic spirit, that, although many changes have been introduced into the new edition, few of them are of a doctrinal character or a doctrinal tendency. The poem, nevertheless, has decidedly gained both in vigour and in beauty by its new dress. It is now a thoroughly natural and harmonious whole. What the author once spoke in a spirit of æstheticism he now speaks in the spirit of faith. The old “Sir Lancelot” was to the new, what one of the noble windows of our old cathedrals in the dull light of a December day, is to the same window lighted up by the full glory of the evening sun. The same great lines were even then discoverable; but they wanted the depth and brilliancy of colour, the delicacy of tone, the beautiful harmony of expression, which the full light alone can call forth into view.

“Sir Lancelot” will be a welcome companion to many a Christmas hearth.

IV.—*Blackstone's Commentaries*: a new Edition, adapted to the present state of the Law. By R. M. Kerr, L.L.D., Barrister at Law. London: J. Murray, 1857.

It is extremely difficult to *edite* Blackstone: and the difficulty increases at every new attempt. He wrote in an age, in every sense, morally and historically, *dark*: fresh sources of light, for instance, the old chronicles and the Saxon laws, have since his time been rendered popular, and our laws and constitution have been radically altered; so that to edite his work in the sense of thoroughly adapting it to the ideas of the present age would be, in fact, to re-write it; so that the “Commentaries” would not be Blackstone’s but his editor’s. And this, indeed, was the course taken by the latest of his editors previously to Mr. Kerr; and Mr. Serjeant Stephen may be said to have written really, *new* Commentaries. The course pursued by the last Editors (of any note) before Stephen, we mean Mr. Justice Coleridge and Professor Christian, was simply to introduce occasional notes marking any alterations in the law. That course was, in their cases, obvious and adequate; there had been comparatively few changes in the law and constitution half a century or even thirty years.

ago. The old traditions and prejudices were, at those periods, also little shaken; and even the later of the two Editors alluded to, Coleridge, was not disposed to disturb them. He occasionally, however, brought forward an important truth; as in an instance, happily preserved by Mr. Kerr, where he observed in a note that the office of Lord Lieutenant was first created in the third year of Edward VI., in consequence of the many disturbances in several counties by the followers of *the old religion against the new establishment*. It is to be regretted that Mr. Justice Coleridge did not re-edite Blackstone in that bold spirit which would have led him to correct such passages as those which represent the Papal power in this country as an *encroachment*; the Saxon laws showing Peter's pence to have been paid centuries anterior to the Conquest. Not only in respect to ecclesiastical, but civil and constitutional questions, the greater light now diffused, and the entire alteration not merely of ideas, but, in some instances, even of the meaning of *terms*, render much of Blackstone's work wholly inapplicable at the present day; as for example, where he points out that it is not contrary to liberty to disarm Papists, but that it would be so to disarm Protestants; or, again, where he describes it as part of the ancient constitution, that no one should be taxed but by the consent of representatives chosen by himself; a gross fallacy; for now, at all events, everyone knows not only that the powers of the Commons were in a great degree gradual encroachments, but that the *representative* system as now understood, as identical and co-extensive with the *Elective* system, did not exist in our ancient constitution; the statutes of Edward, to which Blackstone refers, treating as the elective body, not the people generally, but the two privileged bodies, the freeholders and the burgesses: so that the bulk and body of the people were not represented by the Commons house in the sense of direct elective representation, a theory in principle and professedly introduced (and by no means carried out) by the Reform Act. Thus again Blackstone represents the Bill of Rights as destroying "Benevolencies," which were put down by the statute of Richard III., and were withdrawn by Cardinal Wolsey under Henry VIII. Thus we repeat, to edite Blackstone in the sense of an entire adaptation to the present age, would be to re-write him. Such was not the scope, we believe, of Mr. Kerr's

edition which is described as "adapted to the present state of the *law*," which means that it is "adapted" only when it deals with the law as it actually now exists. For Blackstone's Commentaries have a double character; they contain an historical account of the origin and progress of our laws and institutions (a part of the work which is in some measure antiquarian) and they also profess to treat of the law as it existed. That is, it partakes at once of the character of an historical, classic, and legal text-book. Perhaps it is in the former character that the work has, if not most value, at all events most *interest*; for as a legal text book it is too comprehensive to convey any but a *general* notion of our laws. Its main merit is that it embraces the whole scope of our laws, and even in this view it has held its position because it was the only work which attempted to hold it, rather than by reason of its intrinsic merits; for notwithstanding Justice Coleridge's eulogies, although comprehensive, it is neither accurate nor complete. At all events it is not *now* complete, and never was accurate. Its historical fallacies are as gross and monstrous as numerous, and have been well pointed out in a series of elaborate articles in the *Tablet*. With these for the most part Mr. Kerr does not (as we have mentioned) profess to deal, probably for the reason we have adverted to, that it would have involved a rewriting the book. There is indeed one remarkable instance, of interest to our readers, in which Mr. Kerr has differed from an historical view of Blackstone, when he represented, in conformity with the vulgar and current notion, that Henry II. *conquered* Ireland, so that the English crown and legislature had the sovereignty of that country. "The Year Books," says Mr. Kerr, "show that the acts of the parliament of England *could not bind Ireland*, and this was the opinion held by Lord Coke." And he alters the text thus: "Ireland was, until the union in 1801, a *distinct kingdom*, though a dependent kingdom. It was only then entitled the Lordship of Ireland, and the royal style was no other than Lord of Ireland until the thirty-third of Henry VIII., when the title of King was conferred by an act of the Irish legislature." Mr. Kerr should have added an explanation, that the title previously enjoyed:—the only title over Ireland previously enjoyed by English sovereigns since the time of Henry II., was merely the title of *feudal* superiority, which involved no right of direct and actual

sovereignty, any more than in the case of the French feudal Lordship of Normandy, while it was held by the sovereigns of this country. The vulgar idea that Henry II. conquered Ireland is a mere delusion. And the story of Pope Adrian's Bull to authorize such a conquest is an idle calumny. The Bull only authorized the assertion of that feudal supremacy which the dissensions of the Irish princes rendered necessary for the sake of peace, and in order to preserve tranquillity; and though occasional intrigues tended to embroil the Irish and the English, they were so well amalgamated by a common religion, that the Irish of English descent became, as the phrase was, "more Irish than the Irish," and it was not until after the change of religion, and the atrocities of Elizabeth and James and Cromwell; that those traditions of cruelty arose which have been untruly associated with the original "invasion" of "the English," which was no "invasion" at all in the sense of any attempt at conquest, and which led to no such consequences of oppression or subjugation as did the *real* conquest of Ireland under Henry VIII., James I., and Cromwell.

To adapt the work to the present state of the *law* was a task of no small difficulty, for within the last twenty or thirty years the law has been, we might almost say, remodelled, and our constitution radically changed. Mr. Kerr's plan has been to retain the text as much as possible unaltered, but to alter any statement no longer truly descriptive of *existing law*, condensing the notes as much as possible, giving the substance and essence of all that is material in the notes of previous editions corrected by himself down to the present time. The edition is clearly and handsomely printed, as all Mr. Murray's works are, and is certainly carefully done, and the most economical and elegant edition ever published.

We wish that Mr. Kerr had dealt with his author more boldly, and expurgated some of the grosser of his errors. But we are aware of the obvious considerations which probably have deterred him from embarking in a task which might have appeared interminable. Even in the strictly legal portion of the work it must be apparent how little Blackstone's views can be acted on or entitled to respect; for the law as it was when he wrote has been almost remodelled; for example, our criminal code, mainly in consequence of changes introduced after the Revolution,

was anything but in accordance with enlightened, humane, or liberal ideas, and yet he wrote in a spirit of indiscriminate eulogy and ignorant optimism. He had nothing to say, for instance, as to the iniquitous injustice of not allowing prisoners in cases of felony the full benefit of counsel, an injustice which revolted even the mind of Jeffreys, as Mr. Amos observes. That which was the main merit of Blackstone's work, that it travelled over the whole field of our law and constitution, is now no longer true of it; and it is remarkable how little has been done by successive editors to introduce departments which have arisen since his time; as, for instance, the tremendous functions and powers of committees of either House of Parliament, (which have become partially developed of late years); or the powers of justices of the peace as enlarged by modern statutes, and upheld by modern decision;—a large and important question which, especially in connection with the liberty of the subject, and the boasted remedy of *habeas corpus*, Blackstone's text, but little altered by his editor, has left in a very vague and meagre state. In many other instances, however, Mr. Kerr has added to the text, and his additions are useful and judicious, while his corrections are marked by such good sense as to leave nothing to wish, except that they were more frequent. The feeling for Blackstone, however, amounts to a superstition, and he shrank from offending it in the existing state of public opinion.

V.—1. *Une Epingle*, Legende par J. T. de Saint Germain.

2. *Mignon*, Legende par J. T. de Saint Germain. Paris, 1857.

These two French stories have been especially recommended to our notice—the first has already reached its third edition; the second is fully its equal in merit, and no doubt in popularity. They are indications of the growing desire felt in France for works of imagination, which shall be good and pure in morals and taste. This branch of literature in France has hitherto been in direct contradiction to the graver mind of the people; the young have wanted those lighter works of feeling and fancy, which form an almost necessary complement to graver works of “edification,” or they found them in translations from the English. We know of many an excellent French family, in which the “Roman Anglais” is permitted, while their

own are utterly forbidden. The good people of France made a great mistake when they gave up the theatre and the novel to the service of the devil so completely as they did. We have good authority for saying this, since the Pope himself has directed the attempt to supply Italy with a Christian literature for amusement. These charming little works are, we understand, written by a priest; they are entertaining, playful, with a fine sense of humour, and quick observance of character; written too in beautiful French, *sonare*, melodious, eloquent. Were it for the language alone, we should recommend these stories to our readers. Nevertheless, we have one observation to make, and we hope it may not be considered too grave for the text. It is this,—That if the French are to form their novels upon the model of ours—and we do not see how they can well do better—it will not be without a great change of national manners, either before or afterwards. Love, with all the complications of feeling, which Christian reverence and modern civilization have introduced into the relations of the sexes,—this love, we say, will ever be the staple of the modern novel; this love cannot innocently, or even naturally exist except between the young and the unmarried: accordingly both these tales are founded upon love-stories, very discreetly and sweetly conducted; nevertheless, absolute love-stories, in which (oh! tell it not in Paris) the parties fall in love and get married without the intervention of fathers, or mothers, or mutual friends! Nay, in the second, the pretty Mignon, the convent girl, the lovely little pattern of retiring modesty, makes to the hero a proposal of marriage, as distinct—as unhesitating—as—as—we fear we *must* say it—as audacious as anything we have met with in our (no small) experience in novel reading. Dickens' Little Dorrit, or Florence Dombey, do not equal it. Eh! bien. So be it; the French need change in some of these respects, and will know well enough how far to go.

VI.—*The Revolt of Hindustan; or the New World*, by Ernest Jones. London: Wilson, 1857.

This is literally a dream of a New World, with America for the Americans, Hindostan for the Hindoos, Africa for the Africans, Europe subdued, and England nowhere. Besides this, kings, priests, rich men, and traders, are

got rid of, together with wild beasts, volcanoes, miasma, and so forth; and the whole world "lives very happily ever afterwards." In justice, however, we are bound to say that the poem contains many vigorous, powerful, and even poetic passages.

VII.—*What is to be done with the Bengal Army?* By Qui Hi.

We have no doubt that this pamphlet is written by a man who knows a good deal about India and its affairs; but we cannot undertake to follow him through so wide a subject, or even allude to charges and accusations, which, as we consider, should never, upon principle, be brought forward by anonymous writers.

VIII.—*The Sepoy Revolt; its Causes and its Consequences.* By Henry Mead. 8vo. London, Murray, 1857.

"The Sepoy Revolt" is one of the most elaborate essays on this terrible episode in Indian history, which has yet appeared in England. It is a careful and well informed compilation, and evidently the work of a man who has long known and deeply meditated the important subject on which he writes. There is perhaps in Mr. Mead's tone, however, something that betrays the partisan; and his book we fear will lose, by the appearance of partisanship, some of the weight which it would otherwise possess in such a crisis.

Like almost every non-official writer on Indian affairs, Mr. Mead is loud in his condemnation of the system of government, in almost all its details, but especially the land system. His account of the origin of the revolt, and of the proceedings adopted in the several localities where it first appeared, is exceedingly interesting; and this part of the book contains much valuable material for the elucidation of a question still involved in much mystery.

Into the religious question he enters at some length; but we cannot say that we have derived much satisfactory information from this portion of his book. As to the question which has recently created so much interest in our body, the relations of the Catholic Church in India to the Indian government, he is entirely silent; but it is worth while to notice as affording a curious commentary on the Governor of Madras, Lord Harris's disgraceful

Order in Council, cited by the Archbishop of Dublin, in his late admirable 'Letter to Lord St. Leonards, (p. 31) that Mr. Mead, while he describes this nobleman, as in common life, "polished and benevolent," says, "he rather loved mankind than otherwise; but if *he had a dislike, it was to Roman Catholics, and people who made a noise about things.*"

IX.—*The Papacy or Catholicity the Counterpoise to Tyranny.* By the Rev. A. J. Christie, S.J., M.A., late Fellow of Oriel College, Oxford. Richardson and Son; London, Dublin, and Derby.

This is the first lecture of two which were to be delivered on the same subject, when, or where, we cannot tell, since there is not even the date of publication upon the pamphlet. But upon the value of the lectures there can be no two opinions. Perhaps no one thing has kept more persons from inquiring into the truth of Catholicism than the floating—stock-in-trade—notion that Popery is allied to arbitrary power. Wisely, therefore, has Mr. Christie addressed himself to this subject. With equal dexterity and truth he has applied himself to rectifying the popular idea of tyranny, and to showing how the spirit of tyranny may infuse itself into any form of government, however liberal, while the most despotic rule may be kept free from it, by a different spirit in legislation; and how that different spirit, that Christian and unselfish principle of conduct, has ever found its best exponent in the Papacy.

We have given the obvious purpose of the lecture; we cannot do justice to the happy manner in which argument and illustration are made to bear upon each other in support of it. The climax of both has been found in the late revolution in Rome. We should be glad to see the second lecture, and to know that both had been widely disseminated, by the voice of the venerable lecturer in the first place, and afterwards by the press.

X.—*The Purgatory of Prisoners, or an intermediate Stage between the Prison and the Public.* By the Rev. Orby Shipley, M.A. London: Masters, 1857.

We have read this pamphlet with great satisfaction, and strongly recommend it to all who take an interest in the reformation of sinners. In England, great uncertainty

prevails concerning the treatment of convicts. Betwixt our desire to reform them, and a lurking opinion that they are never really reformed, betwixt our horror of the men and of their crimes, and our horror of the punishments to which they are submitted, public opinion appears to be in a most distracted state. In Ireland, it would really seem, that they have solved the difficulty; nothing can be more wise, or kind, or well considered, than the system of management detailed in Mr. Shipley's pamphlet. To the best of our judgment, there seems no flaw in the plan, or in the arguments by which it is supported: and the result of the short trial is highly satisfactory. It is but justice, however, that we should advert to some of the advantages arising from working in a Catholic country, and with Catholic materials. The Author says:

! "The regulations on this point (the supervision of the released culprit,) are most severe; but not less severe, than wise, just, and far-seeing. The bane of an English ticket-of-license man, was the glance of the policeman. The support and patronage of the constabulary, prove the safety of the Irish convict. The difference which exists upon opposite sides of the Channel, is most striking. At home the utmost care seems to be taken to conceal the past of the culprit's life. In Ireland, the past, both recent and remote, is not only told, it is almost paraded. In the one, the employer conceals all he can hide; in the other, he tells all he can remember. Here, the ticket-of-leave ensures discharge, contempt, suspicion. There, it becomes a passport to employment, favour, confidence. Here, the ticket-of-leave is what the convict is least anxious to hold. There, it is what the really reformed prisoner is most desirous to possess. Hence failure of the system in one instance. Hence the success that has attended it—success far more substantial and exceeding the most sanguine hope of its supporters in the other." —p. 103.

Does this most remarkable fact arise from a greater confidence placed by society in the genuineness of the prisoner's reformation? Partly so perhaps,—but we think it chiefly arises from the more merciful disposition of a Catholic community,—their greater power to forgive, and to hope the best. It must be remembered too, that the majority of the prisoners are probably Catholics. Mr. Shipley seems dissatisfied with the degree of the religious ministrations afforded to the prisoners, but he admits that—

“Upon Sundays the *Roman Chaplain* attends his flock early in the morning, the Anglican Chaplain performs Divine Service half an hour after mid-day, and the Presbyterian Minister officiates in the afternoon.....The Roman Chaplain generally calls on Friday and Saturday to hear confessions; the Anglican doubtless makes his visits on some other days, though it is not reported of him, that he follows his fellow-chaplain’s godly discipline, and to men so situated, most seasonable service.”—p. 83.

However that may be, we all know that a good deal may be done on those Fridays and Saturdays. One resource for suffering humanity is available for the poor female prisoners. One ministration of angelic charity, whose efficacy never has been doubted, and to which we allude now, not as to an exceptional case, but in the spirit of thankfulness and reverence.

“Yet it may be permitted to add, that if there be an institution which he (the author) does most religiously, and which the English Church may most justly, envy her Roman Sister, it is in the possession of the Convent of S. Vincent, at Golden Bridge. The air of sanctity which pervades it, the sound basis of religion which supports it, the quiet order and discipline which govern it, the holy cheerfulness which gladdens it, the rich Christian spirit which penetrates it, and the very sound results which flow from it, make one hope, and trust, and pray, that through the practical usefulness of the system, of which it is a part, and notwithstanding, and in opposition to popular prejudices, clamour, and irreligion, our own beloved Church may yet see, re-established within her bosom, bands of faithful, fearless, heroic, and devoted women—maids and matrons—who are content to serve their Blessed Lord in ministering to the erring ones of His flock.”—p. 89.

XI.—*The Two Roads of Life.* Tales designed to show that “Honesty is the best Policy.” By Christopher von Schmid, Canon of Augsburg. Post 8vo. Dublin: Duffy. 1858.

We have long desired to see a popular edition of the admirable tales of the Canon of Augsburg. This beautiful volume, which, although it forms in itself a complete work, is the first of a series, fully realizes all the requirements of such an edition. It is proposed in this series to arrange the tales according to the order of the moral subjects which they illustrate, each collection forming in itself a complete and independent volume. The idea is an excellent one, and the collection of tales in the present volume is a most promising sample of the entire.

The original edition has long been out of print; but we can safely promise to its successor, which is at once much cheaper and more convenient in form, even a wider and more lasting circulation.

XII.—*Devout Exercises*; comprising Meditations and Visits to the Sanctuaries of the Blessed Virgin, for every day in the Month of May. By the Rev. John Wyse. London, Dublin, and Derby, Richardson and Son, 1858.

Mr. Wyse's pretty volume is substantially a new 'Month of Mary.' But it has this new feature, that in addition to the practical meditations on the great truths of religion, for each day, which form the best characteristic of its predecessors, it also contains for each day a visit to some celebrated sanctuary of the Blessed Virgin, at which the client of Mary may in spirit offer his petition. This is a pleasing idea, and one which for many may prove a useful and suggestive aid to devotion.

XIII.—*Catalogue of the Antiquities of Stone, Earthen, and Vegetable Materials, in the Museum of the Royal Irish Academy.* By W. A. Wilde, M.R. I.A. Part I. 8vo. Dublin: 1857.

This Catalogue may be regarded as in some sense, one of the fruits of the Dublin meeting of the British Association, and by no means the least permanently interesting. A few months before the meeting, it was suggested that, for the convenience of the distinguished visitors whom the meeting might be expected to attract, and in justice to the Collection itself, it would be advisable to hasten the preparation of the Catalogue of the antiquities and other objects of interest with which the Council of the Academy had been charged. The task of preparing such a Catalogue was entrusted to Dr. Wilde, who generously tendered his gratuitous services to the Council, and the beautiful volume now before us is the first result.

Not content with the mere technical discharge of his commission, Dr. Wilde, with his characteristic energy, has made what was meant to be a mere catalogue, a complete handbook of that large and interesting department of Irish antiquities which is described in the title. Nor is it a handbook in the popular sense of the word, intended chiefly to enable a visitor to pass a pleasant hour in the examination of the collection, but a careful and laborious

compilation, the work of a master in the study, addressing himself to earnest and energetic students like himself. The preparation of such a volume within so brief a period, and amidst the engrossing occupations of the varied and extensive practice which Dr. Wilde enjoys in his profession, is an intellectual literary feat, not unworthy of the olden heroes of literature.

The admirable illustrations which accompany the text render it a book for private study quite as much as a manual for visitors of the museum; and in earnestly recommending it to every friend of Irish antiquarian studies, we shall only further suggest that on the success of the present publication it depends whether the Academy will issue the Second Part, which will in many respects be even more interesting than the First.

XIV.—*The History, Architecture, and Antiquities of the Cathedral Church of St. Canice, Kilkenny.* By the Rev. James Graves, A. B., and John Augustus Pim, 4to. Dublin: Hodges, Smith and Co. 1857.

We have not met for many years so valuable a contribution to the study of local antiquities, as the joint work of Messrs. Graves and Pim, on the Cathedral of St. Canice. The history of Kilkenny, indeed, for a long and most interesting period, may almost be said to involve the entire history of the Pale; and it need hardly be added that, in the hands of a judicious antiquarian, animated with the true spirit of his craft, the history of the city easily groups itself around that of its ancient cathedral.

The learned authors of the work before us have not neglected a single source of information or overlooked a single topic of interest; and this result of their united labours is not unworthy a place among the very best of the local histories of Ireland or England.

The imprint of Messrs. Hodges and Smith is in itself a guarantee for the beauty and excellence of the typography and illustrations. "St. Canice's Cathedral" is not the least among their gifts to the antiquarian literature of Ireland.

XV.—*The Philosophy of Theism; an Inquiry into the Dependence of Theism on Metaphysics, and the only Possible Way of Arriving at a proof of the Existence of God.* London: Ward and Co., 1857.

We can do no more than call the attention of our

readers to the publication of a work upon this important subject which has recently come to our hands, so that we cannot attempt to examine into the manner of treating it; and upon such a subject a superficial opinion would be valueless.

XVI.—*Churches, Sects, and Religious Parties; or some Motives for my Conversion to the Catholic Church.* By a M.A., formerly a Clergyman of the Established Church. London: Dolman, 1858.

Many conversions have been grounded upon the clearer insight vouchsafed into the excellency and perfection of the Catholic Church. In the present writer this insight was quickened, and he was guided to it by a more than usual acquaintance with the short-comings, gross faults, and inconsistencies of Protestants of every denomination. His profession placed him as it were behind the scenes, and he has evidently been a restless inquirer. If his scholarship be considerable, he is no less thoroughly a man of the world; and his book is as much a record of his own experience as of his knowledge. All sects and parties pass under review, and as might be expected, sins against truth, and sins against propriety or taste, general observations, and what may be taxed as exceptional instances, historical facts, and modern incidental gossip, are mixed together in his book. The result is a much less regular and unattackable book than many upon which it has been our duty to comment; but nevertheless a very striking bird's-eye view of the state of the religious world beyond the fold of the Church, of the origin, and the inevitable tendencies of its parties will be found in it. And what is of even more importance, their effect upon the great masses of the unthinking unbelieving populace is strikingly put forth.

XVII.—*Why Non-Communicants should remain during the "Missa Fidelium."* London: William Painter, 1857.

We were so completely mystified by this title, and an accompanying citation from a Catholic writer on the Celebration of the Mass, that we had read through some pages before we clearly made out that the question was about the Church of England, and their "Lord's Supper," and whether people who did not partake of it, were to remain in the Church, or be turned out of it! If any of our readers are interested in this important question, we have no doubt they may here satisfy their curiosity.

- XVIII.—1. *All for Jesus*, Nos. 1 to 6.
 2. *Annals of the Holy Childhood*, No. 17.
 3. *Prayers for Mass for the use of Schools*.
 4. *A Christian's Rule of Life*. By the Rev. Dr. Rinaldini.
 5. *Novena in honour of St. Teresa*.
 6. *A Scheme of Intercessory Prayer*. By the Very Rev. Dr. Faber.
 7. *Book of the Confraternity of the Holy Family*.
 8. *What Every Christian must Know*.
 9. *The Beads or Crown of Our Lord*.
 10. *The Rosary of Our Lord*. By Dr. Faber,
 11. *Thanksgiving after Communion*. (From "All for Jesus.")
 12. *Little Office of the Most Holy Heart of Mary*.
 13. *Hymns for the People*. By Dr. Faber.
 14. *The First Catechism for Children*. With the permission of the Bishop of Birmingham.

Various religious Prints with Hymns or Prayers.

Richardson and Son, London, Derby, and Dublin.

These are all praiseworthy publications, and are put forth at prices which place them within the reach of the poorest amongst us. They are, for the most part, sufficiently explained by their titles; and episcopal permission is generally expressed on the cover. A popular edition of "All for Jesus," in numbers, must be acceptable to the Catholic public; and the other publications of the gifted Author need no recommendation from us, being for the most part reprints, or cheaper editions of works already known to the Catholic Public. The "Rosary of Our Lord," which was first published by Dr. Faber, many years before he became a Catholic, is brought out in a better style than is sometimes displayed in our cheap Catholic publications. The "First Catechism for Children" seems an admirable compilation, and it will, no doubt, be found very useful in our schools. "What every Christian must Know," is a brief epitome of Christian doctrine and practice, the former editions of which received considerable notice from our Protestant writers. It is published with the approbation of the Archbishop of Dublin. "The Beads or Crown of Our Lord" is an indulgenced devotion; and the "Scheme of Intercessory Prayer" will be found a useful guide by devout Catholics; though we fail to recognise the names of our own English Saints.

XIX.—*Edith Mortimer, or the Trials of Life.* By Mrs. Parsons.
London: Dolman. 1857.

The style of this little work is bright and lively, the characters without being anything very original, have a great air of truth about them. An appreciation of the beautiful both in nature and art, and a general tone of good society pervade the story, and make it decidedly agreeable. We wish it had been amplified, and worked up as it might very well have been, into a good and entertaining novel. We have perhaps no right to object to the religious lessons the authoress proposes to inculcate—they are all very well, as far as they go; but somewhat self-evident, indistinct, and flowery. They no more deserve the sober merit of religious teaching, than the rose-water experiences of the young heroine to be designated the “Trials of Life.” Such being the case, we wish all dogmatizing had been thrown aside, and that the authoress had given free scope to the nice observation and pleasant vein of fancy which should give her a high place in this branch of literature. We cannot conclude our notice without one extract, both as a specimen of style, and because we have been so particularly pleased with the description of an old Catholic family.—p. 72.

“There are in this country, a few persons, whose lives form no part of its written history, whose names are not known to fame, who have had no poet, but who live—live, and shall live, and have lived, from generation to generation, where the just are had in everlasting remembrance.

“It is not that these persons have not formed a part, and a very important part of this country’s history—but it is that they have acted out their lives nobly, where good deeds are felt, but not recorded. That they have been called to unseen lives, to sufferings, anxiety, losses, successes, and triumphs, all endured and worked out, where the hate of an evil generation did not fall; or fell, with its seeking eye and persecuting hand, only after long intervals; not knowing how its mighty will was braved and put aside, and God’s work done in the face of the world that would not have Him. Of such persons were the Thetfords, of Thetford Royals. From remote times they had lived on those ancestral acres; and under their care the poor had lived in a primitive state of peace and protection; all treading the old paths, and holding to the ancient faith. They had known many of the ups and downs of life. But not for an hour had one of that truly great name been treacherous to the trust which Almighty God had confided to them. Time had reduced one to poverty, but gold had no charm for him, and poverty no terror; for

the true faith was everything to the house of Thetford. No history told of the hero who worked with his own hands, where he had long commanded service.

"Another had come out of prison, cramped and lamed for life, of fever caught there; the deformed and the feeble were as strong in spirit as ever, and all the hearts on the estate bowed down before the master who had suffered for the faith, and thanked God and our Lady for him.

"Still, religion went on at Thetford Royals. Still, the God of heaven and earth inhabited there. What was it that they would not have done for Him, and His honour?

"Still, they parted from their children, under pretence and in disguise, that they might get abroad that education and Catholic training which could not be got in England. Even women's hearts were still, and mothers never wept. They trusted their best to God. Never in high places—never seeking power—never greedy of rule—the Thetfords lived quietly, doing their best, in a life of silent offering and acceptance before God. But if a sound came, of favour to the Church in return for some renunciation; proposals for veiling the glory of the Immaculate Mother of God; plans for fettering the free action of the pope in these kingdoms; or of anything that might enslave the priesthood, or deprive their work of unction; then some Thetford was sure to speak. They would have no bargains. Truth was truth, and should remain whole, and perfect, and one. They would not ask for favour, but justice. They had nothing to yield. More than once, they had stepped forward and stripped temptation of her mask. More than once, others had spoken strongly, bravely, eloquently; because a Thetford had been simple-minded and sincere. And so they had walked on their firm and quiet way, recording angels writing the history of Thetford Royals, and writing it in the book of life."

XX.—*The Catholic Almanack, or Guide to the Service of the Church, for the Year of Grace, 1858.* Richardson and Son: London, Dublin, and Derby.

We believe this useful popular Almanack was first put forth by its enterprising publishers at the period of the "Derby reprints," since which time it has continued its useful career, and multiplied its claims to favourable notice. There are three editions, the last of which is bound in pocket-book form, and both it and the next are interleaved and illustrated; the engravings (which are of an ecclesiastical character, and recall the name of Augustus Pugin) referring to the principal festivals of the Christian year. Besides the Calendar, with the holy-days and seasons of the Church, and various civil and ecclesias-

tical notices, we have "Hints on Church Decoration," the Cardinal Vicar's prohibition of operatic music in churches, a little poem relating an anecdote of Pius IX., (equal in interest to anything yet published,) and a variety of useful notices and information for the year upon which we are entering. Attention is directed to the frontispiece of Mr. Maguire's work, in which His Holiness is represented in the round chasuble which is worn by our own bishops. The cheapest edition of the Almanack is without engravings, and is published at a very low price. It is put forth with the permission of the Cardinal Archbishop, the reverse side of whose medal is represented on the cover.

XXI.—*Living Celebrities; Photographic Portraits*, by Maull and Polyblank, 55, Gracechurch Street, and 187^a Piccadilly.

Lord Brougham succeeds the Cardinal Archbishop in this admirable series, and the portrait is not inferior to that of His Eminence; a remark which is equally applicable to the likeness of Lord Campbell in the tenth number. No Protestant prelate has yet appeared, though we believe the artists are not Catholics. Some slight additions have been made to Mr. Gawthorn's biographical notice of the Cardinal, which accompanies the portrait, and which was published in our last number, by the compiler of Hardwicke's *Shilling Peerage, &c.*, to whom we believe the series is otherwise indebted.

XXII.—*Gaieties and Gravities for Holy Days and Holidays*. By Charles Hancock. London: Saunders and Otley, 1857.

"Part II. Nursery Rhymes,
Or odds and ends for inns and outs;
For babie boys and little louts;
With bridal days for Pa'as and Ma'as,
And saws and says for all ba'bas."

Such is a specimen of Mr. Hancock's contributions to the taste and literature of his generation; and we cannot but think that few persons who find the above on the very first page will make any further attempt upon the "gaieties," or be tempted to look into the "gravities;" and indeed, we regret to say that we cannot encourage them to do so, for they will find a great deal of nonsense, some filth, (example, p. 197,) some blasphemy, (example, p. 211, &c.) and nothing to commend except excellent paper and topography wasted on worthless rubbish, with

which such a firm as "Saunders and Otley" ought not to be associated.

XXIII.—*Meditations on the Holy Childhood of our Blessed Lord.* Richardson and Son: London, Dublin, and Derby.

This is a beautiful translation from the French, suitable for the Christmas season, and dedicated to the Cardinal Archbishop of Westminster, who (in the dedication) is said to emulate his great patron in his love of little children—an especial characteristic of Christian holiness. The Meditations are simple, brief, and earnest, and recall those of St. Alphonsus and St. Francis of Sales. They are especially suitable for the present holy season of Christmas, when all Catholics wish to realize as vividly as possible the voluntary humility, poverty, and suffering of the Infant of Bethlehem.

XXIV.—*Essays on Natural History.* Third Series. By Charles Waterton, Esq. London: Longman, Brown and Co. 1857.

Most of our readers will welcome with pleasure another series of Mr. Waterton's Essays. Whatever comes from his pen is entertaining. It is of the lightest of reading,—for the author does not profess science or method, nor does he much restrain himself within the rules of regular composition; but the information he does give is genuine, unmistakably the result of observation, therefore true. The fixity of his principles is amusingly and discursively illustrated; the flow of his chit chat is pleasant and free, and it affords such agreeable glimpses into the wild scenes in which Mr. Waterton has been, as it were, naturalized, that we are inclined to follow him through all his wanderings, and to acquiesce unhesitatingly in all his theories, whether they concern monkeys, snakes or cannibals, foxes, numming-birds, or pigeons; we protest rather about the logs; Mr. Waterton is hard upon them; we must think that he does not quite do justice to their merits.

XXV.—*The Aspirations of Nature.* By J. T. Hecker. New York: James B. Kyrker, 1857.

This work is one of great importance; it is difficult to overestimate the effect it might have if it attained in this country to a wide circulation. For being addressed to the "multitudes of men brought up without any definite

religious belief," its arguments would reach those greater multitudes who have cast aside the teaching of their childhood, and without courage to defy public opinion by professing Atheism, are in fact unbelievers, or retain only some cold, vague theories concerning the existence of a Supreme Being. These men concern themselves little with our existing religious controversies, they have no spiritual eye, no faculty of faith, wherewith to discern that internal evidence on which we rely so much. If they are to recognize "the City set upon a hill," they must be led to it from a long way off, and out of the darkness. It is hard to prove a negative, how hard to argue with universal disbelief! This task we consider to have been admirably accomplished by our author. He takes his stand in the first place upon the nature of man, his irritating sense of ignorance concerning his own being and destiny, his restless inquiry after truth, his power to understand, his moral right to possess it. A masterly condensation of ancient and modern systems of philosophy shows their inadequacy to answer the questions proposed to them, and brings man back to the universality of the authority, the reasonableness of the belief that spiritual truths must be taught from above. This argument tends irresistibly to the introduction of the Christian religion; it is considered in its two grand divisions. The religion of the Reformation—the civilizer, the enlightener of the 19th century, the emancipator of the human intellect, is first introduced with an all hail! and its pretensions tested by the one consideration of its fitness to ennoble, to control, to suit the dignity, and satisfy the requirements of the nature of man. No nice distinctions, no debateable points are here introduced; its failure is shown up, in the broad bold manner which might be expected to convince the class of readers we have supposed. Finally, the Catholic Church is tried by the same tests, and accepted upon arguments simply and strictly logical. We have, of course, attempted only the merest outline of the work, which, however, is not a long one; to the English reader it is perhaps rendered more impressive from its being written by an American. Our controversies here have become embroiled by party spirit, and narrowed within the bounds of our own nationality. We need to look abroad to correct our impressions, and to see the

effect of different systems upon a wider sphere, and under other circumstances.

XXVI.—*Margaret Danvers, or the Bayadere*, by the author of *Mount St. Lawrence*. London: Dolman, 1857.

We confess to having found some amusement in reading this story. The author is not an imitator of any body in particular, and that is a great merit. He hits off with discrimination and some talent, *not* the varieties of human nature, but the peculiarities of manners. The details are very minute, often tiresome and purposeless, but at times amusing, and thus by the help of a light and lively style, the reader is beguiled on through a story of outrageous improbability, and not in the best taste. With this slight notice we should have dismissed a tale neither better nor worse than many of its class, but it sets up a pretension to lecture upon religion, against which we must protest. The hero of the story is an indifferent Catholic, the heroine a very "strong-minded" young lady of no religion at all; she has to be converted, and he to be reformed, and after finding out that every body is somebody else, they are married. Now a novel may be a very good novel without the formal introduction of religion—all the better, we think, upon the principle of every thing in its proper place; and this story in particular did not require this religious episode, and is not suited to it. The society described is a very worldly one, and amidst money "difficulties" and match-making intrigues of all descriptions, the mysteries of our holy religion are dragged in mal-à-propos, and discussed in a flimsy manner, which we consider absurd, irreverent, and mischievous.

XXVII.—*The Life of St. Francis de Sales*, Bishop and Prince of Geneva. By Robert Ornsby, M. A. London: Burns and Lambert, 1856.

A short, practical, and well-written life of this great and favourite saint, which will be universally acceptable.

XXVIII.—*The Masque of Mary*, and other Poems. By Edward Caswall, of the Oratory, Birmingham, author of the "*Lyra Catholica*," &c. London: Burns and Lambert, 1857.

We are anxious to do justice to these poems, and to make them generally known, for we have met with none lately which appear to us so worthy of their subject, or so suitable to it.

The Masque of Mary is a poem of the first class. It represents the Child Mary on her seventh birthday in the courts of the temple.

“ Who all night long upon this marble pavement,
Like a pale lily bent, was pouring forth
Her most ambrosial sighs into the ear
Of her eternal Father,—now at length
Has yielded up her eyelids to repose.”

The angels have guarded her through the night, until, as they report—

“ Of a sudden leapt
The tempest down, and summon'd us away
To the defence of this all-sacred head,
From the satanic crew that strove so hard
To sweep into the bottomless abyss
Our Temple and its Treasure.”

These now propose to celebrate the day of Mary's birth by representing before her

“ By aid of a procession,
The glories of this heaven-created Child;
Personifying the early Patriarchs,
As we remember each, in face and garb,
While journeying on his earthly pilgrimage,
Now in the groves of Paradise at rest.”

The Guardian Angel of Rome is fitly selected to come with his bright train and salute this Queen who shall hereafter reign so especially in his principality. Gorgeous, yet simple are the mutual salutations of the angels and their common reverence for the sleeping child before whose closed eyes the mystic drama is unfolded:

“ Finding an easy entrance,
Beneath the semblance of a mystic dream
In that exact proportion best befitting
Her present grace and knowledge.”

In the Masque, the Angels personify Adam and Eve as they appear in their first desolation, when the Father of Mankind has lost himself, seeking food in the desert; and Eve alone, suffering from his absence, suffering as the Outcast of Nature:

“ To the wrath exposed
Of all creation by our Fall aggrieved;
Nor less of furious demons raging round,
Unchained by our own act.”

Suffering from the weakness of her own nature,—

then first tasting the wretchedness of its mortality, bewails her misery with peculiar pathos. The Angel Gabriel cheers and strengthens her, and leads her with Adam, to the feet of the mystic prophesied Virgin, by whom they are consoled, and to whom they offer their homage. After them, the patriarchs and prophets, priests and virgins, salute her with their hymns of praise. That praise is richly varied and full of poetry, it is exultant, ecstatic, but chaste, solemn, refined,—taking no liberties with the grandeur of the subject: we scarcely know how, within the limits of our space, to select an extract where we consider all so beautiful; perhaps the following lines form a fair specimen:

“Hail, then, O Israel’s joy! Hail, Orient Gate:
 Through which the everlasting Increate,—
 The Infinite Almighty King of kings,—
 Shall enter on the stage of finite things.
 Hail, stair of light!
 That burst on Jacob’s sight,
 Spangling the gloomy vault of ebon night!
 What time an exile flying,
 He rested, on his stony pillow lying:
 Stair of crystalline glass:
 Along whose sacred flights, that tier by tier
 Scale heaven’s ethereal sphere,
 Angels ascending and descending pass:—
 To whose firm base the earth a floor supplies,
 Whose azure heights are lost beyond the skies:—
 Hail thou whose faith to Israel shall restore
 More than the glory that was her’s of yore;
 From whose most sacred and imperial womb
 The Great High Priest in majesty shall come,
 Chosen for ever, as the Psalmist spake,
 After the order of Melchisedech.”

The *Masque* is not a long poem, the remainder of the volume is composed of short original poems, and translations from the Church hymns. These vary in poetic beauty, but all are excellent from purity of style, and holiness of thought.

Note to Notice of Flanagan’s *History* No. 85.—By an oversight the late Bishop Walsh is referred to in this Notice as Archbishop of Westminster. He was in fact at his death Bishop of Cambysopolis, and V. A. London District.—Ed. D. R.

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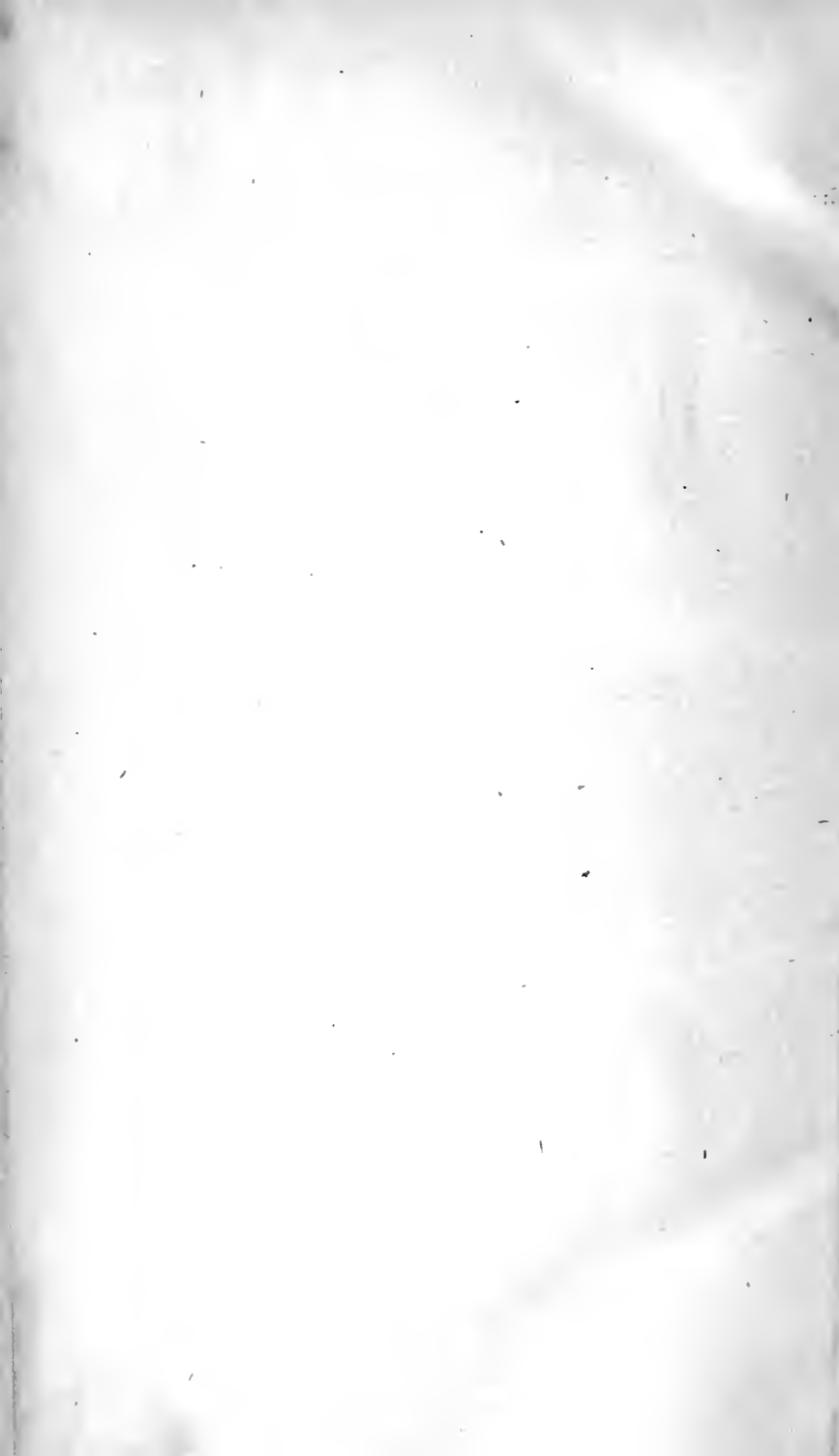
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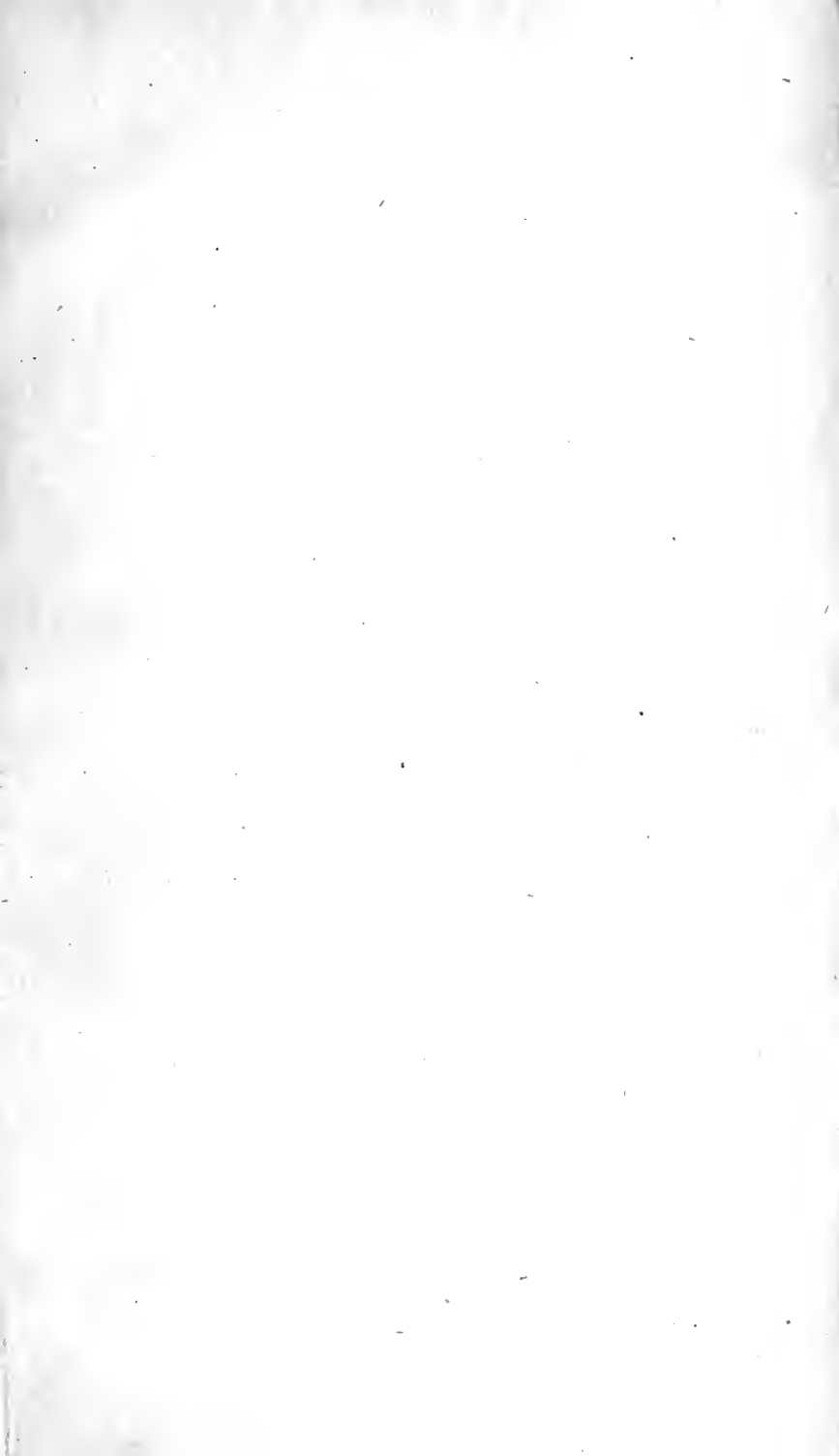
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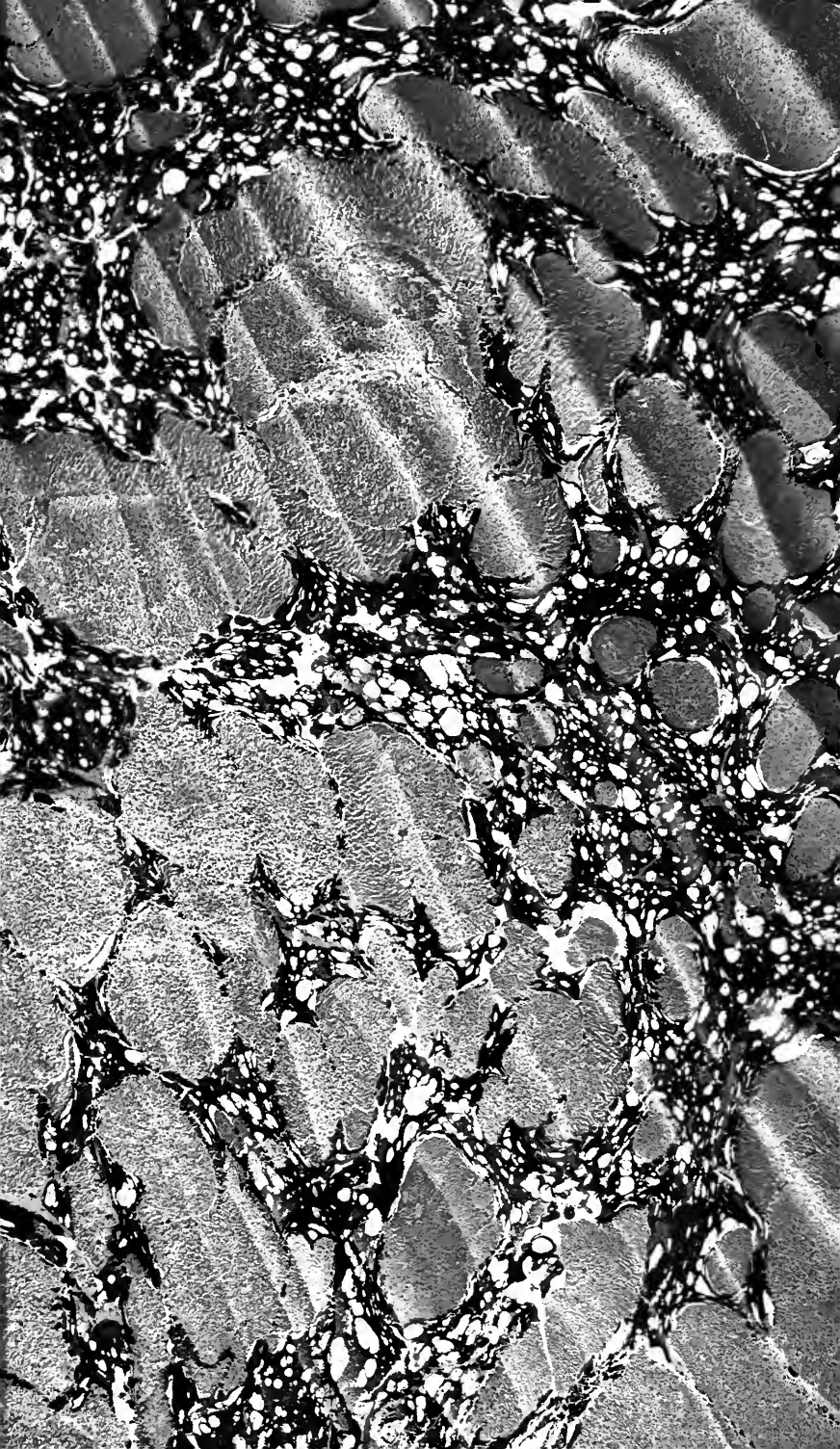
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