

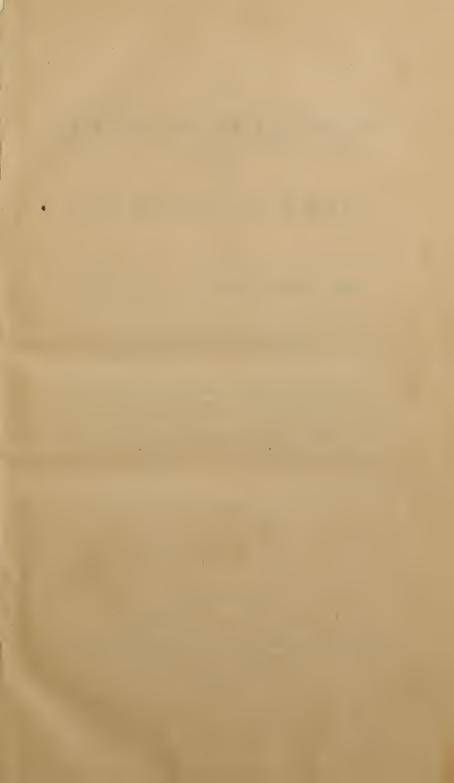
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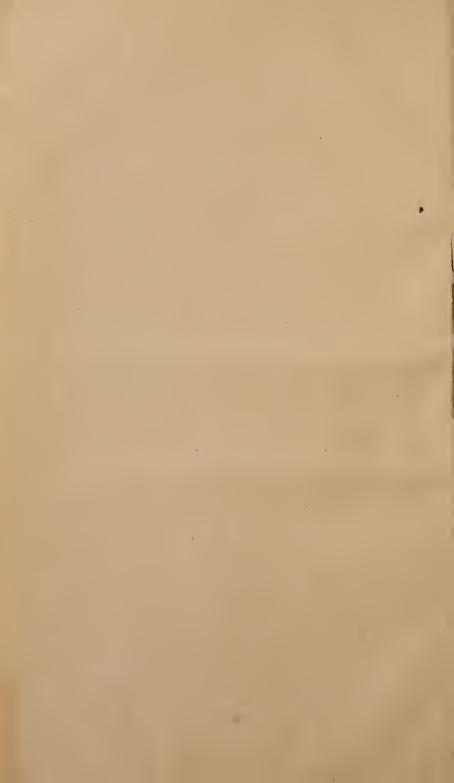












THE

EDINBURGH REVIEW,

OR

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FOR

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THE

EDINBURGH REVIEW.

SEPTEMBER, 1831.

No. CVII.

ART I.—The Life of Samuel Johnson, LL.D. Including a Journal of a Tour to the Hebrides, by James Boswell, Esq. A New Edition, with numerous Additions and Notes. By John Wilson Croker, LL.D. F.R.S. Five volumes 8vo. London: 1831.

may have been prepared to find in it, we fully expected that it would be a valuable addition to English literature; that it would contain many curious facts, and many judicious remarks; that the style of the notes would be neat, clear, and precise; and that the typographical execution would be, as in new editions of classical works it ought to be, almost faultless. We are sorry to be obliged to say, that the merits of Mr Croker's performance are on a par with those of a certain leg of mutton on which Dr Johnson dined, while travelling from London to Oxford, and which he, with characteristic energy, pronounced to be 'as bad as bad could be; ill fed, ill killed, ill 'kept, and ill dressed.'* That part of the volumes before us, for which the editor is responsible, is ill compiled, ill arranged, ill expressed, and ill printed.

Nothing in the work has astonished us so much as the ignorance or carelessness of Mr Croker, with respect to facts and dates. Many of his blunders are such as we should be surprised to hear any well-educated gentleman commit, even in conversation. The notes absolutely swarm with mistatements, into which the editor never would have fallen, if he had taken the

slightest pains to investigate the truth of his assertions, or if he had even been well acquainted with the very book on which he

undertook to comment. We will give a few instances.

Mr Croker tells us, in a note, that Derrick, who was master of the ceremonies at Bath, died very poor, in 1760.* We read on; and, a few pages later, we find Dr Johnson and Boswell talking of this same Derrick as still living and reigning—as having retrieved his character—as possessing so much power over his subjects at Bath, that his opposition might be fatal to Sheridan's lectures on oratory.† And all this is in 1763. The fact is, that Derrick died in 1769.

In one note we read, that Sir Herbert Croft, the author of that pompous and foolish account of Young, which appears among the Lives of the Poets, died in 1805. The Another note in the same volume states, that this same Sir Herbert Croft died at Paris, after residing abroad for fifteen years, on the 27th of

April, 1816. §

Mr Croker informs us, that Sir William Forbes of Pitsligo, the author of the Life of Beattie, died in 1816. A Sir William Forbes undoubtedly died in that year—but not the Sir William Forbes in question, whose death took place in 1806. It is notorious, indeed, that the biographer of Beattie lived just long enough to complete the history of his friend. Eight or nine years before the date which Mr Croker has assigned for Sir William's death, Sir Walter Scott lamented that event, in the introduction, we think, to the fourth canto of Marmion. Every school-girl knows the lines:—

Scarce had lamented Forbes paid The tribute to his Minstrel's shade; The tale of friendship scarce was told, Ere the narrator's heart was cold— Far may we search before we find A heart so manly and so kind!'

In one place, we are told, that Allan Ramsay, the painter, was born in 1709, and died in 1784;¶—in another, that he died in 1784, in the seventy-first year of his age.** If the latter statement be correct, he must have been born in or about 1713.

In one place, Mr Croker says, that at the commencement of the intimacy between Dr Johnson and Mrs Thrale, in 1765, the lady was twenty-five years old.†† In other places he says,

that Mrs Thrale's thirty-fifth year coincided with Johnson's seventieth.* Johnson was born in 1709. If, therefore, Mrs Thrale's thirty-fifth year coincided with Johnson's seventieth, she could have been only twenty-one years old in 1765. This is not all. Mr Croker, in another place, assigns the year 1777 as the date of the complimentary lines which Johnson made on Mrs Thrale's thirty-fifth birthday.† If this date be correct, Mrs Thrale must have been born in 1742, and could have been only twenty-three when her acquaintance with Johnson commenced. Two of Mr Croker's three statements must be false. We will not decide between them; we will only say, that the reasons which he gives for thinking that Mrs Thrale was exactly thirty-five years old when Johnson was seventy, appear to us utterly frivolous.

Again, Mr Croker informs his readers that 'Lord Mansfield 'survived Johnson full ten years.' Lord Mansfield survived

Dr Johnson just eight years and a quarter.

Johnson found in the library of a French lady, whom he visited during his short visit to Paris, some works which he regarded with great disdain. 'I looked,' says he, 'into the books in the lady's closet, and, in contempt, showed them to Mr 'Thrale. Prince Titi-Bibliothèque des Fées-and other 'books.' | 'The History of Prince Titi,' observes Mr Croker, ' was said to be the autobiography of Frederick Prince of Wales, 'but was probably written by Ralph his secretary.' A more absurd note never was penned. The history of Prince Titi, to which Mr Croker refers, whether written by Prince Frederick, or by Ralph, was certainly never published. If Mr Croker had taken the trouble to read with attention the very passage in Park's Royal and Noble Authors, which he cites as his authority, he would have seen that the manuscript was given up to the government. Even if this memoir had been printed, it was not very likely to find its way into a French lady's bookcase. And would any man in his senses speak contemptuously of a French lady, for having in her possession an English work, so curious and interesting as a Life of Prince Frederick, whether written by himself, or by a confidential secretary, must have been? The history at which Johnson laughed, was a very proper companion to the Bibliothèque des Fées-a fairy tale about good Prince Titi, and naughty Prince Violent. Mr Croker may find it in the Magasin des Enfans, the first French book which the little girls of England read to their governesses.

^{*} IV. 271, 322. † III. 463. ‡ II. 151. || III. 271.

Mr Croker states, that Mr Henry Bate, who afterwards assumed the name of Dudley, was proprietor of the Morning Herald, and fought a duel with George Robinson Stoney, in consequence of some attacks on Lady Strathmore, which appeared in that paper.* Now Mr Bate was connected, not with the Morning Herald, but with the Morning Post, and the dispute took place before the Morning Herald was in existence. duel was fought in January 1777. The Chronicle of the Annual Register for that year contains an account of the transaction, and distinctly states that Mr Bate was editor of the Morning Post. The Morning Herald, as any person may see by looking at any number of it, was not established till some years after this affair. For this blunder there is, we must acknowledge, some excuse: for it certainly seems almost incredible to a person living in our time, that any human being should ever have stooped to fight with a writer in the Morning Post.

'James de Duglas,' says Mr Croker, 'was requested by 'King Robert Bruce, in his last hours, to repair with his heart 'to Jerusalem, and humbly to deposit it at the sepulchre of our 'Lord, which he did in 1329.'† Now, it is well known that he did no such thing, and for a very sufficient reason—because he was killed by the way. Nor was it in 1329 that he set out. Robert Bruce died in 1329, and the expedition of Douglas took place in the following year,—'quand le printems vint et la sai-'son,' says Froissart—in June 1330, says Lord Hailes, whom

Mr Croker cites as the authority for his statement.

Mr Croker tells us that the great Marquis of Montrose was beheaded at Edinburgh in 1650.‡ There is not a forward boy at any school in England who does not know that the marquis was hanged. The account of the execution is one of the finest passages in Lord Clarendon's History. We can scarcely suppose that Mr Croker has never read that passage; and yet we can scarcely suppose that any person who has ever perused so noble and pathetic a story, can have utterly forgotten all its most striking circumstances.

'Lord Townshend,' says Mr Croker, 'was not secretary of 'state till 1720.' Can Mr Croker possibly be ignorant that Lord Townshend was made secretary of state at the accession of George I. in 1714,—that he continued to be secretary of state till he was displaced by the intrigues of Sunderland and Stanhope at the close of 1716,—and that he returned to the office of secretary of state, not in 1720, but in 1721? Mr Croker, indeed,

is generally unfortunate in his statements respecting the Townshend family. He tells us that Charles Townshend, the chancellor of the exchequer, was 'nephew of the prime minister, 'and son of a peer who was secretary of state, and leader of 'the House of Lords.'* Charles Townshend was not nephew, but grandnephew, of the Duke of Newcastle—not son, but grandson, of the Lord Townshend who was secretary of state, and leader of the House of Lords.

'General Burgoyne surrendered at Saratoga,' says Mr Croker, 'in March 1778.' + General Burgoyne surrendered on the

17th of October, 1777.

'Nothing,' says Mr Croker, 'can be more unfounded than 'the assertion that Byng fell a martyr to political party.—By a 'strange coincidence of circumstances, it happened that there ' was a total change of administration between his condemna-' tion and his death: so that one party presided at his trial, and another at his execution: there can be no stronger proof that 'he was not a political martyr.' Now, what will our readers think of this writer, when we assure them that this statement, so confidently made, respecting events so notorious, is absolutely untrue? One and the same administration was in office when the court-martial on Byng commenced its sittings, through the whole trial, at the condemnation, and at the execution. the month of November 1756, the Duke of Newcastle and Lord Hardwicke resigned; the Duke of Devonshire became first lord of the treasury, and Mr Pitt, secretary of state. This administration lasted till the month of April 1757. Byng's courtmartial began to sit on the 28th of December, 1756. He was shot on the 14th of March, 1757. There is something at once diverting and provoking in the cool and authoritative manner in which Mr Croker makes these random assertions. We do not suspect him of intentionally falsifying history. But of this high literary misdemeanour, we do without hesitation accuse him,—that he has no adequate sense of the obligation which a writer, who professes to relate facts, owes to the public. We accuse him of a negligence and an ignorance analogous to that crassa negligentia, and that crassa ignorantia, on which the law animadverts in magistrates and surgeons, even when malice and corruption are not imputed. We accuse him of having undertaken a work which, if not performed with strict accuracy, must be very much worse than useless, and of having performed it as if the difference between an accurate and an inaccurate statement was not worth the trouble of looking into the most common book of reference.

But we must proceed. These volumes contain mistakes more gross, if possible, than any that we have yet mentioned. Boswell has recorded some observations made by Johnson on the changes which took place in Gibbon's religious opinions. It is said, cried the doctor, laughing, that he has been a Mahometan. This sarcasm, says the editor, probably alludes to the tenderness with which Gibbon's malevolence to Christianity induced him to treat Mahometanism in his history. Now the sarcasm was uttered in 1776; and that part of the History of the Decline and Fall of the Roman Empire which relates to Mahometanism, was not published till 1788, twelve years after the date of this conversation, and nearly four

years after the death of Johnson.

'It was in the year 1761,' says Mr Croker, 'that Goldsmith 'published his Vicar of Wakefield. This leads the editor to 6 observe a more serious inaccuracy of Mrs Piozzi, than Mr Boswell notices, when he says Johnson left her table to go 'and sell the Vicar of Wakefield for Goldsmith. Now Doctor 6 Johnson was not acquainted with the Thrales till 1765, four 'years after the book had been published.' Mr Croker, in reprehending the fancied inaccuracy of Mrs Thrale, has himself shown a degree of inaccuracy, or, to speak more properly, a degree of ignorance, hardly credible. The Traveller was not published till 1765; and it is a fact as notorious as any in literary history, that the Vicar of Wakefield, though written before the Traveller, was published after it. It is a fact which Mr Croker may find in any common life of Goldsmith; in that written by Mr Chalmers, for example. It is a fact which, as Boswell tells us, was distinctly stated by Johnson in a conversation with Sir Joshua Reynolds. 1 It is therefore quite possible and probable, that the celebrated scene of the landlady, the sheriff's officer, and the bottle of Madeira, may have taken place in 1765. Now Mrs Thrale expressly says that it was near the beginning of her acquaintance with Johnson, in 1765, or, at all events, not later than 1766, that he left her table to succour his friend. Her accuracy is therefore completely vindicated.

The very page which contains this monstrous blunder, contains another blunder, if possible, more monstrous still. Sir Joseph Mawbey, a foolish member of Parliament, at whose speeches and whose pig-styes the wits of Brookes's were, fifty

years ago, in the habit of laughing most unmercifully, stated, on the authority of Garrick, that Johnson, while sitting in a coffeehouse at Oxford, about the time of his doctor's degree, used some contemptuous expressions respecting Home's play and Macpherson's Ossian. 'Many men,' he said, 'many women, 'and many children, might have written Douglas.' Mr Croker conceives that he has detected an inaccuracy, and glories over poor Sir Joseph, in a most characteristic manner. 'I have quoted this anecdote solely with the view of showing to how 'little credit hearsay anecdotes are in general entitled. Here is 'a story published by Sir Joseph Mawbey, a member of the ' House of Commons, and a person every way worthy of cre-6 dit, who says he had it from Garrick. Now mark: - Johnson's 'visit to Oxford, about the time of his doctor's degree, was in 1754, the first time he had been there since he left the uni-'versity. But Douglas was not acted till 1755, and Ossian not 'published till 1760. All, therefore, that is new in Sir Joseph Mawbey's story is false.' * Assuredly we need not go far to find ample proof that a member of the House of Commons may commit a very gross error. Now mark, say we, in the language of Mr Croker. The fact is, that Johnson took his Master's degree in 1754,+ and his Doctor's degree in 1775.‡ In the spring of 1776, he paid a visit to Oxford, and at this visit a conversation respecting the works of Home and Macpherson might have taken place, and, in all probability, did take place. The only real objection to the story Mr Croker has missed. Boswell states, apparently on the best authority, that as early at least as the year 1763, Johnson, in conversation with Blair, used the same expressions respecting Ossian, which Sir Joseph represents him as having used respecting Douglas. || Sir Joseph, or Garrick, confounded, we suspect, the two stories. But their error is venial, compared with that of Mr Croker.

We will not multiply instances of this scandalous inaccuracy. It is clear, that a writer who, even when warmed by the text on which he is commenting, falls into such mistakes as these, is entitled to no confidence whatever. Mr Croker has committed an error of four years with respect to the publication of Goldsmith's novel—an error of twelve years with respect to the publication of Gibbon's history—an error of twenty-one years with respect to one of the most remarkable events of Johnson's life. Two of these three errors he has committed, while osten-

tatiously displaying his own accuracy, and correcting what he represents as the loose assertions of others. How can his readers take on trust his statements concerning the births, marriages, divorces, and deaths of a crowd of people, whose names are scarcely known to this generation? It is not likely that a person who is ignorant of what almost every body knows, can know that of which almost every body is ignorant. We did not open this book with any wish to find blemishes in it. We have made no curious researches. The work itself, and a very common knowledge of literary and political history, have enabled us to detect the mistakes which we have pointed out, and many other mistakes of the same kind. We must say, and we say it with regret, that we do not consider the authority of Mr Croker, unsupported by other evidence, as sufficient to justify any writer who may follow him, in relating a single anecdote, or in assigning a date to a single event.

Mr Croker shows almost as much ignorance and heedlessness in his criticisms as in his statements concerning facts. Dr Johnson said, very reasonably as it appears to us, that some of the satires of Juvenal are too gross for imitation. Mr Croker,—who, by the way, is angry with Johnson for defending Prior's tales against the charge of indecency,—resents this aspersion on Juvenal, and indeed refuses to believe that the doctor can have said any thing so absurd. 'He probably said—some passages of them—for there are none of Juvenal's satires to which the same objection may be made as to one of Horace's, that it is altogether gross and licentious.'* Surely Mr Croker can never

have read the second and ninth satires of Juvenal.

Indeed, the decisions of this editor on points of classical learning, though pronounced in a very authoritative tone, are generally such, that if a schoolboy under our care were to utter them, our soul assuredly should not spare for his crying. It is no disgrace to a gentleman, who has been engaged during nearly thirty years in political life, that he has forgotten his Greek and Latin. But he becomes justly ridiculous, if, when no longer able to construe a plain sentence, he affects to sit in judgment on the most delicate questions of style and metre. From one blunder, a blunder which no good scholar would have made, Mr Croker was saved, as he informs us, by Sir Robert Peel, who quoted a passage exactly in point from Horace. We heartily wish that Sir Robert, whose classical attainments are well known, had been more frequently consulted. Unhappily he

was not always at his friend's elbow, and we have therefore a rich abundance of the strangest errors. Boswell has preserved a poor epigram by Johnson, inscribed 'Ad Lauram parituram.' Mr Croker censures the poet for applying the word puella to a lady in Laura's situation, and for talking of the beauty of Lucina. 'Lucina,' he says, 'was never famed for her beauty.'* If Sir Robert Peel had seen this note, he probably would have again refuted Mr Croker's criticisms by an appeal to Horace. In the secular ode, Lucina is used as one of the names of Diana, and the beauty of Diana is extolled by all the most orthodox doctors of the ancient mythology, from Homer, in his Odyssey, to Claudian, in his Rape of Proserpine. In another ode, Horace describes Diana as the goddess who assists the 'laborantes utero 'puellas.' But we are ashamed to detain our readers with this

fourth-form learning.

Boswell found, in his tour to the Hebrides, an inscription written by a Scotch minister. It runs thus: 'Joannes Macleod, ' &c., gentis suæ Philarchus, &c., Floræ Macdonald matrimo-' niali vinculo conjugatus turrem hanc Beganodunensem pro-' ævorum habitaculum longe vetustissimum, diu penitus labefac-'tatam, anno æræ vulgaris MDCLXXXVI. instauravit.'- 'The 'minister,' says Mr Croker, 'seems to have been no contemp-' tible Latinist. Is not Philarchus a very happy term to express ' the paternal and kindly authority of the head of a clan?' + The composition of this eminent Latinist, short as it is, contains several words that are just as much Coptic as Latin, to say nothing of the incorrect structure of the sentence. The word Philarchus, even if it were a happy term expressing a paternal and kindly authority, would prove nothing for the minister's Latin, whatever it might prove for his Greek. But it is clear that the word Philarchus means, not a man who rules by love, but a man who loves rule. The Attic writers of the best age use the word φίλαςχος in the sense which we assign to it. Would Mr Croker translate φιλόσοφος, a man who acquires wisdom by means of love; or φιλομερθής, a man who makes money by means of love? In fact, it requires no Bentley or Casaubon to perceive, that Philarchus is merely a false spelling for Phylarchus -the chief of a tribe.

Mr Croker has favoured us with some Greek of his own. 'At the altar,' says Dr Johnson, 'I recommended my θ φ .' 'These letters,' says the editor, '(which Dr Strahan seems not

' to have understood,) probably mean θυητοι φιλοι, departed friends.'* Johnson was not a first-rate Greek scholar; but he knew more Greek than most boys when they leave school; and no school-boy could venture to use the word θυητοι in the sense which Mr Croker ascribes to it without imminent danger of a flogging.

Mr Croker has also given us a specimen of his skill in translating Latin. Johnson wrote a note in which he consulted his friend, Dr Lawrence, on the propriety of losing some blood. The note contains these words:—'Si per te licet, imperatur 'nuncio Holderum ad me deducere.' Johnson should rather have written 'imperatum est.' But the meaning of the words is perfectly clear. 'If you say yes, the messenger has orders to 'bring Holder to me.' Mr Croker translates the words as follows: 'If you consent, pray tell the messenger to bring Holder to me.'† If Mr Croker is resolved to write on points of classical learning, we would advise him to begin by giving an

hour every morning to our old friend Corderius.

Indeed we cannot open any volume of this work in any place, and turn it over for two minutes in any direction, without lighting on a blunder. Johnson, in his Life of Tickell, stated that the poem entitled 'The Royal Progress,' which appears in the last volume of the Spectator, was written on the accession of George I. The word 'arrival' was afterwards substituted for 'accession.' 'The reader will observe,' says Mr Croker, 'that 'the Whig term accession, which might imply legality, was 'altered into a statement of the simple fact of King George's 'arrival.' Now Johnson, though a bigoted Tory, was not quite such a fool as Mr Croker here represents him to be. the Life of Granville, Lord Lansdowne, which stands next to the Life of Tickell, mention is made of the accession of Anne, and of the accession of George I. The word arrival was used in the Life of Tickell, for the simplest of all reasons. It was used because the subject of the 'Royal Progress' was the arrival of the king, and not his accession, which took place nearly two months before his arrival.

The editor's want of perspicacity is indeed very amusing. He is perpetually telling us that he cannot understand something in the text which is as plain as language can make it. 'Mattaire,' said Dr Johnson, 'wrote Latin verses from time to 'time, and published a set in his old age, which he called 'Senilia, in which he shows so little learning or taste in writing,

'as to make Carteret a dactyl.'* Hereupon we have this note:
'The editor does not understand this objection, nor the follow'ing observation.' The following observation which Mr Croker cannot understand is simply this: 'In matters of genealogy,' says Johnson, 'it is necessary to give the bare names as they 'are. But in poetry and in prose of any elegance in the writing, they require to have inflection given to them.' If Mr Croker had told Johnson that this was unintelligible, the doctor would probably have replied, as he replied on another occasion, 'I have found you a reason, sir; I am not bound to find you 'an understanding.' Every body who knows any thing of Latinity knows that, in genealogical tables, Joannes Baro de Carteret, or Vice-comes de Carteret, may be tolerated, but that in compositions which pretend to elegance, Carteretus, or some other form which admits of inflection, ought to be used.

All our readers have doubtless seen the two distichs of Sir William Jones, respecting the division of the time of a lawyer. One of the distichs is translated from some old Latin lines, the

other is original. The former runs thus:

'Six hours to sleep, to law's grave study six, Four spend in prayer, the rest on nature fix.'

'Rather,' says Sir William Jones,

'Six hours to law, to soothing slumbers seven, Ten to the world allot, and all to heaven.'

The second couplet puzzles Mr Croker strangely. 'Sir 'William,' says he, 'has shortened his day to twenty-three hours, 'and the general advice of "all to heaven," destroys the peculiar appropriation of a certain period to religious exercises.' Now, we did not think that it was in human dulness to miss the meaning of the lines so completely. Sir William distributes twenty-three hours among various employments. One hour is thus left for devotion. The reader expects that the verse will end with—'and one to heaven.' The whole point of the lines consists in the unexpected substitution of 'all' for 'one.' The conceit is wretched enough; but it is perfectly intelligible, and never, we will venture to say, perplexed man, woman, or child before.

Poor Tom Davies, after failing in business, tried to live by his pen. Johnson called him 'an author generated by the cor-'ruption of a bookseller.' This is a very obvious, and even a commonplace allusion to the famous dogma of the old physiologists. Dryden made a similar allusion to that dogma before Johnson was born. Mr Croker, however, is unable to understand it. 'The expression,' he says, 'seems not quite clear.' And he proceeds to talk about the generation of insects—about

bursting into gaudier life—and Heaven knows what.*

There is a still stranger instance of the editor's talent for finding out difficulty in what is perfectly plain. 'No man,' said Johnson, 'can now be made a bishop for his learning and picty.' ' From this too just observation,' says Boswell, 'there are some 'eminent exceptions.' Mr Croker is puzzled by Boswell's very natural and simple language. 'That a general observation should be pronounced too just, by the very person who admits that it is

not universally just, is not a little odd.' +

A very large proportion of the two thousand five hundred notes which the editor boasts of having added to those of Boswell and Malone, consists of the flattest and poorest reflections -reflections such as the least intelligent reader is quite competent to make for himself, and such as no intelligent reader would think it worth while to utter aloud. They remind us of nothing so much as of those profound and interesting annotations which are penciled by sempstresses and apothecaries' boys on the dog-eared margins of novels borrowed from circulating libraries-' How beautiful !'- 'cursed prosy'-'I don't like Sir 'Reginald Malcolm at all.'-' I think Pelham is a sad dandy.' Mr Croker is perpetually stopping us in our progress through the most delightful narrative in the language, to observe, that really Doctor Johnson was very rude—that he talked more for victory than for truth—that his taste for port wine with capillaire in it was very odd—that Boswell was impertinent—that it was foolish in Mrs Thrale to marry the music-master; and other ' merderies' of the same kind, to borrow the energetic word of Rabelais.

We cannot speak more favourably of the manner in which the notes are written, than of the matter of which they consist. We find in every page words used in wrong senses, and constructions which violate the plainest rules of grammar. We have the low vulgarism of 'mutual friend,' for 'common friend.' We have 'fallacy,' used as synonymous with 'falsehood,' or ' mistatement.' We have many such inextricable labyrinths of pronouns as that which follows: 'Lord Erskine was fond of 'this anecdote; he told it to the editor the first time that he had ' the honour of being in his company.' Lastly, we have a plentiful supply of sentences resembling those which we subjoin.

Markland, who, with Jortin and Thirlby, Johnson calls three ' contemporaries of great eminence.'* 'Warburton himself did on not feel, as Mr Boswell was disposed to think he did, kindly or 'gratefully of Johnson.'t 'It was him that Horace Walpole ' called a man who never made a bad figure but as an author.'t We must add that the printer has done his best to fill both the text and notes with all sorts of blunders; and he and the editor have between them made the book so bad, that we do not well see how it could have been worse.

When we turn from the commentary of Mr Croker to the work of our old friend Boswell, we find it not only worse printed than in any other edition with which we are acquainted, but mangled in the most wanton manner. Much that Boswell inserted in his narrative is, without the shadow of a reason, degraded to the appendix. The editor has also taken upon himself to alter or omit passages which he considers as indecorous. This prudery is quite unintelligible to us. There is nothing immoral in Boswell's book-nothing which tends to inflame the passions. He sometimes uses plain words. But if this be a taint which requires expurgation, it would be desirable to begin by expurgating the morning and evening lessons. Mr Croker has performed the delicate office which he has undertaken in the most capricious manner. A strong, old-fashioned, English word, familiar to all who read their Bibles, is exchanged for a softer synonyme in some passages, and suffered to stand unaltered in In one place a faint allusion made by Johnson to an indelicate subject-an allusion so faint that, till Mr Croker's note pointed it out to us, we had never noticed it, and of which we are quite sure that the meaning would never be discovered by any of those for whose sake books are expurgated, -is altogether omitted. In another place, a coarse and stupid jest of Doctor Taylor, on the same subject, expressed in the broadest language-almost the only passage, as far as we remember, in all Boswell's book, which we should have been inclined to leave out-is suffered to remain.

We complain, however, much more of the additions than of the omissions. We have half of Mrs Thrale's book, scraps of Mr Tyers, scraps of Mr Murphy, scraps of Mr Cradock, long prosings of Sir John Hawkins, and connecting observations by Mr Croker himself, inserted into the midst of Boswell's text. this practice we most decidedly object. An editor might as well publish Thucydides with extracts from Diodorus inter-

spersed, or incorporate the Lives of Suctonius with the History and Annals of Tacitus. Mr Croker tells us, indeed, that he has done only what Boswell wished to do, and was prevented from doing by the law of copyright. We doubt this greatly. Boswell has studiously abstained from availing himself of the information contained in the works of his rivals, on many occasions, on which he might have done so without subjecting himself to the charge of piracy. Mr Croker has himself, on one occasion, remarked very justly, that Boswell was very reluctant to owe any obligation to Hawkins. But be this as it may, if Boswell had quoted from Sir John and from Mrs Thrale, he would have been guided by his own taste and judgment in selecting his quotations. On what he quoted, he would have commented with perfect freedom; and the borrowed passages, so selected, and accompanied by such comments, would have become original. They would have dove-tailed into the work: -no hitch, no crease, would have been discernible. The whole would appear one and indivisible.

' Ut per læve severos Effundat junctura ungues.'

This is not the case with Mr Croker's insertions. They are not chosen as Boswell would have chosen them. They are not introduced as Boswell would have introduced them. They differ from the quotations scattered through the original Life of Johnson, as a withered bough stuck in the ground differs from a tree

skilfully transplanted, with all its life about it.

Not only do these anecdotes disfigure Boswell's book; they are themselves disfigured by being inserted in his book. The charm of Mrs Thrale's little volume is utterly destroyed. The feminine quickness of observation — the feminine softness of heart—the colloquial incorrectness and vivacity of style—the little amusing airs of a half-learned lady—the delightful garrulity—the 'dear Doctor Johnson'—the 'it was so comical'—all disappear in Mr Croker's quotations. The lady ceases to speak in the first person; and her anecdotes, in the process of transfusion, become as flat as champagne in decanters, or Herodotus in Beloe's version. Sir John Hawkins, it is true, loses nothing; and for the best of reasons. Sir John had nothing to lose.

The course which Mr Croker ought to have taken is quite clear. He should have reprinted Boswell's narrative precisely as Boswell wrote it; and in the notes or the appendix he should have placed any anecdotes which he might have thought it advisable to quote from other writers. This would have been a

much more convenient course for the reader, who has now constantly to keep his eye on the margin in order to see whether he is perusing Boswell, Mrs Thrale, Murphy, Hawkins, Tyers, Cradock, or Mr Croker. We greatly doubt whether even the Tour to the Hebrides ought to have been inserted in the midst of the Life. There is one marked distinction between the two works. Most of the Tour was seen by Johnson in manuscript. It does not appear that he ever saw any part of the Life.

We love, we own, to read the great productions of the human mind as they were written. We have this feeling even about scientific treatises; though we know that the sciences are always in a state of progression, and that the alterations made by a modern editor in an old book on any branch of natural or political philosophy are likely to be improvements. Many errors have been detected by writers of this generation in the speculations of Adam Smith. A short cut has been made to much knowledge, at which Sir Isaac Newton arrived through arduous and circuitous paths. Yet we still look with peculiar veneration on the Wealth of Nations and on the Principia, and should regret to see either of those great works garbled even by the ablest hands. But in works which owe much of their interest to the character and situation of the writers, the case is infinitely stronger. What man of taste and feeling can endure harmonies, - rifacimentos, - abridgements, - expurgated editions? Who ever reads a stage-copy of a play when he can procure the original? Who ever cut open Mrs Siddons's Milton? Who ever got through ten pages of Mr Gilpin's translation of John Bunyan's Pilgrim into modern English? Who would lose, in the confusion of a diatesseron, the peculiar charm which belongs to the narrative of the disciple whom Jesus loved? The feeling of a reader who has become intimate with any great original work, is that which Adam expressed towards his bride:-

'Should God create another Eve, and I Another rib afford, yet loss of thee Would never from my heart.'

No substitute, however exquisitely formed, will fill the void left by the original. The second beauty may be equal or superior

to the first; but still it is not she.

The reasons which Mr Croker has given for incorporating passages from Sir John Hawkins and Mrs Thrale with the narrative of Boswell, would vindicate the adulteration of half the classical works in the language. If Pepys's Diary and Mrs Hutchinson's Memoirs had been published a hundred years ago, no human being can doubt that Mr Hume would have made great use of those books in his History of England. But would

it, on that account, be judicious in a writer of our times to publish an edition of Hume's History of England, in which large additions from Pepys and Mrs Hutchinson should be incorporated with the original text? Surely not. Hume's history, be its faults what they may, is now one great entire work,—the production of one vigorous mind, working on such materials as were within its reach. Additions made by another hand may supply a particular deficiency, but would grievously injure the general effect. With Boswell's book the case is stronger. There is scarcely, in the whole compass of literature, a book which bears interpolation so ill. We know no production of the human mind which has so much of what may be called the race, so much of the peculiar flavour of the soil from which it sprang. The work could never have been written if the writer had not been precisely what he was. His character is displayed in every page, and this display of character gives a delightful interest to many passages which have no other interest.

The Life of Johnson is assuredly a great—a very great work. Homer is not more decidedly the first of heroic poets,—Shakspeare is not more decidedly the first of dramatists,—Demosthenes is not more decidedly the first of orators, than Boswell is the first of biographers. He has no second. He has distanced all his competitors so decidedly, that it is not worth while to

place them. Eclipse is first, and the rest nowhere.

We are not sure that there is in the whole history of the human intellect so strange a phenomenon as this book. Many of the greatest men that ever lived have written biography. Boswell was one of the smallest men that ever lived; and he has beaten them all. He was, if we are to give any credit to his own account, or to the united testimony of all who knew him, a man of the meanest and feeblest intellect. Johnson described him as a fellow who had missed his only chance of immortality, by not having been alive when the Dunciad was written. Beauclerk used his name as a proverbial expression for a bore. the laughing-stock of the whole of that brilliant society which has owed to him the greater part of its fame. He was always laying himself at the feet of some eminent man, and begging to be spit upon and trampled upon. He was always earning some ridiculous nickname, and then 'binding it as a crown unto ' him,'-not merely in metaphor, but literally. He exhibited himself, at the Shakspeare Jubilee, to all the crowd which filled Stratford-on-Avon, with a placard around his hat, bearing the inscription of Corsica Boswell. In his Tour, he proclaimed to all the world, that at Edinburgh he was known by the appellation of Paoli Boswell. Servile and impertinent,—shallow and

pedantic,-a bigot and a sot,-bloated with family pride, and eternally blustering about the dignity of a born gentleman, yet stooping to be a talebearer, an eavesdropper, a common butt in the taverns of London, -so curious to know every body who was talked about, that, Tory and High Churchman as he was, he manœuvred, we have been told, for an introduction to Tom Paine, -so vain of the most childish distinctions, that, when he had been to court, he drove to the office where his book was being printed without changing his clothes, and summoned all the printer's devils to admire his new ruffles and sword;—such was this man; -and such he was content and proud to be. Every thing which another man would have hidden,—every thing, the publication of which would have made another man hang himself, was matter of gay and clamorous exultation to his weak and diseased mind. What silly things he said,-what bitter retorts he provoked, -how at one place he was troubled with evil presentiments which came to nothing,—how at another place, on waking from a drunken doze, he read the prayerbook, and took a hair of the dog that had bitten him,—how he went to see men hanged, and came away maudlin, -how he added five hundred pounds to the fortune of one of his babies, because she was not frightened at Johnson's ugly face, -how he was frightened out of his wits at sea,—and how the sailors quieted him as they would have quieted a child,—how tipsy he was at Lady Cork's one evening, and how much his merriment annoyed the ladies, -how impertinent he was to the Duchess of Argyle, and with what stately contempt she put down his impertinence, how Colonel Macleod sneered to his face at his impudent obtrusiveness,—how his father and the very wife of his bosom laughed and fretted at his fooleries;—all these things he proclaimed to all the world, as if they had been subjects for pride and ostentatious rejoicing. All the caprices of his temper, all the illusions of his vanity, all his hypochondriac whimsies, all his castles in the air, he displayed with a cool self-complacency, a perfect unconsciousness that he was making a fool of himself, to which it is impossible to find a parallel in the whole history of mankind. He has used many people ill, but assuredly he has used nobody so ill as himself.

That such a man should have written one of the best books in the world, is strange enough. But this is not all. Many persons who have conducted themselves foolishly in active life, and whose conversation has indicated no superior powers of mind, have written valuable works. Goldsmith was very justly described by one of his contemporaries as an inspired idiot, and by another as a being

' Who wrote like an angel, and talked like poor Poll.' VOL. LIV. NO CVII. B

La Fontaine was in society a mere simpleton. His blunders would not come in amiss among the stories of Hierocles. But these men attained literary eminence in spite of their weaknesses. Boswell attained it by reason of his weaknesses. If he had not been a great fool, he would never have been a great writer. Without all the qualities which made him the jest and the torment of those among whom he lived, -without the officiousness, the inquisitiveness, the effrontery, the toad-eating, the insensibility to all reproof, he never could have produced so excellent a book. He was a slave, proud of his servitude,—a Paul Pry, convinced that his own curiosity and garrulity were virtues,-an unsafe companion, who never scrupled to repay the most liberal hospitality by the basest violation of confidence, -a man without delicacy, without shame, without sense enough to know when he was hurting the feelings of others, or when he was exposing himself to derision; and because he was all this, he has, in an important department of literature, immeasurably surpassed such writers as Tacitus, Clarendon, Alfieri, and his own idol Johnson.

Of the talents which ordinarily raise men to eminence as writers, he had absolutely none. There is not in all his books a single remark of his own on literature, politics, religion, or society, which is not either commonplace or absurd. His dissertations on hereditary gentility, on the slave-trade, and on the entailing of landed estates, may serve as examples. To say that these passages are sophistical, would be to pay them an extravagant compliment. They have no pretence to argument, or even He has reported innumerable observations made to meaning. by himself in the course of conversation. Of those observations we do not remember one which is above the intellectual capacity of a boy of fifteen. He has printed many of his own letters, and in these letters he is always ranting or twaddling. Logic, eloquence, wit, taste, all those things which are generally considered as making a book valuable, were utterly wanting to him. had, indeed, a quick observation and a retentive memory. These qualities, if he had been a man of sense and virtue, would scarcely of themselves have sufficed to make him conspicuous; but, as he was a dunce, a parasite, and a coxcomb, they have made him

Those parts of his book which, considered abstractedly, are most utterly worthless, are delightful when we read them as illustrations of the character of the writer. Bad in themselves, they are good dramatically, like the nonsense of Justice Shallow, the clipped English of Dr Caius, or the misplaced consonants of Fluellen. Of all confessors, Boswell is the most candid. Other men who have pretended to lay open their own hearts—Rousseau, for example, and Lord Byron,—have evidently written with a

constant view to effect, and are to be then most distrusted when they seem to be most sincere. There is scarcely any man who would not rather accuse himself of great crimes, and of dark and tempestuous passions, than proclaim all his little vanities, and all his wild fancies. It would be easier to find a person who would avow actions like those of Cæsar Borgia or Danton, than one who would publish a daydream like those of Alnaschar and Malvolio. Those weaknesses which most men keep covered up in the most secret places of the mind, not to be disclosed to the eye of friendship or of love, were precisely the weaknesses which Boswell paraded before all the world. He was perfectly frank, because the weakness of his understanding and the tumult of his spirits prevented him from knowing when he made himself ridiculous. His book resembles nothing so much as the conversation of the inmates of the Palace of Truth.

His fame is great; and it will, we have no doubt, be lasting; but it is fame of a peculiar kind, and indeed marvellously resembles infamy. We remember no other case in which the world has made so great a distinction between a book and its In general, the book and the author are considered as one. To admire the book is to admire the author. The case of Boswell is an exception—we think the only exception to this rule. His work is universally allowed to be interesting, instructive, eminently original: yet it has brought him nothing but contempt. All the world reads it: all the world delights in it: yet we do not remember ever to have read or ever to have heard any expression of respect and admiration for the man to whom we owe so much instruction and amusement. While edition after edition of his book was coming forth, his son, as Mr Croker tells us, was ashamed of it, and hated to hear it mentioned. This feeling was natural and reasonable. Sir Alexander saw, that in proportion to the celebrity of the work, was the degradation of the author. The very editors of this unfortunate gentleman's books have forgotten their allegiance; and, like those Puritan casuists who took arms by the authority of the king against his person, have attacked the writer while doing homage to the writings. Mr Croker, for example, has published two thousand five hundred notes on the life of Johnson; and yet scarcely ever mentions the biographer whose performance he has taken such pains to illustrate, without some expression of contempt.

An ill-natured man Boswell certainly was not. Yet the malignity of the most malignant satirist could scarcely cut deeper than his thoughtless loquacity. Having himself no sensibility to derision and contempt, he took it for granted that all others were equally callous. He was not ashamed to exhibit himself

to the whole world as a common spy, a common tattler, a humble companion without the excuse of poverty,—to tell a hundred stories of his own pertness and folly, and of the insults which his pertness and folly brought upon him. It was natural that he should show little discretion in cases in which the feelings or the honour of others might be concerned. No man, surely, ever published such stories respecting persons whom he professed to love and revere. He would infallibly have made his hero as contemptible as he has made himself, had not his hero really possessed some moral and intellectual qualities of a very high order. The best proof that Johnson was really an extraordinary man is, that his character, instead of being degraded, has, on the whole, been decidedly raised by a work in which all his vices and weaknesses are exposed more unsparingly than they ever

were exposed by Churchill or by Kenrick.

Johnson grown old, Johnson in the fulness of his fame and in the enjoyment of a competent fortune, is better known to us than any other man in history. Every thing about him—his coat, his wig, his figure, his face, his scrofula, his St Vitus's dance, his rolling walk, his blinking eye, the outward signs which too clearly marked his approbation of his dinner, his insatiable appetite for fish-sauce and veal-pie with plums, his inextinguishable thirst for tea, his trick of touching the posts as he walked, his mysterious practice of treasuring up scraps of orange-peel, his morning slumbers, his midnight disputations, his contortions, his mutterings, his gruntings, his puffings, his vigorous, acute, and ready eloquence, his sarcastic wit, his vehemence, his insolence, his fits of tempestuous rage, his queer inmates-old Mr Levett and blind Mrs Williams, the cat Hodge, and the Negro Frank,—all are as familiar to us as the objects by which we have been surrounded from childhood. But we have no minute information respecting those years of Johnson's life, during which his character and his manners became immutably fixed. We know him not as he was known to the men of his own generation, but as he was known to men whose father he might have been. That celebrated club of which he was the most distinguished member contained few persons who could remember a time when his fame was not fully established, and his habits completely formed. made himself a name in literature while Reynolds and the Wartons were still boys. He was about twenty years older than Burke, Goldsmith, and Gerard Hamilton, about thirty years older than Gibbon, Beauclerk, and Langton, and about forty years older than Lord Stowell, Sir William Jones, and Windham. Boswell and Mrs Thrale, the two writers from whom we derive most of our knowledge respecting him, never saw him till long

after he was fifty years old, till most of his great works had become classical, and till the pension bestowed on him by Lord Bute had placed him above poverty. Of those eminent men who were his most intimate associates towards the close of his life, the only one, as far as we remember, who knew him during the first ten or twelve years of his residence in the capital, was David Garrick; and it does not appear that, during those years,

David Garrick saw much of his fellow-townsman.

Johnson came up to London precisely at the time when the condition of a man of letters was most miserable and degraded. It was a dark night between two sunny days. The age of Mæcenases had passed away. The age of general curiosity and intelligence had not arrived. The number of readers is at present so great, that a popular author may subsist in comfort and opulence on the profits of his works. In the reigns of William III., of Anne, and of George I., even such men as Congreve and Addison would scarcely have been able to live like gentlemen by the mere sale of their writings. But the deficiency of the natural demand for literature was, at the close of the seventeenth and at the beginning of the eighteenth century, more than made up by artificial encouragement,—by a vast system of bounties and premiums. There was, perhaps, never a time at which the rewards of literary merit were so splendid,—at which men who could write well found such easy admittance into the most distinguished society, and to the highest honours of the state. The chiefs of both the great parties into which the kingdom was divided patronised literature with emulous munificence. Congreve, when he had scarcely attained his majority, was rewarded for his first comedy with places which made him independent for life. Smith, though his Hippolytus and Phædra failed, would have been consoled with L.300 a-year but for his own folly. Rowe was not only poet-laureate, but land-surveyor of the customs in the port of London, clerk of the council to the Prince of Wales, and secretary of the Presentations to the Lord Chancellor. Hughes was secretary to the Commissions of the Peace. Ambrose Philips was judge of the Prerogative Court in Ireland. Locke was Commissioner of Appeals, and of the Board of Trade. Newton was Master of the Mint. Stepney and Prior were employed in embassies of high dignity and importance. Gay, who commenced life as apprentice to a silk-mercer, became a secretary of legation at five-and-twenty. It was to a poem on the Death of Charles II., and to the City and Country Mouse that Montague owed his introduction into public life, his earldom, his garter, and his auditorship of the Exchequer. Swift, but for the unconquerable prejudice of the queen, would

have been a bishop. Oxford, with his white staff in his hand, passed through the crowd of his suitors to welcome Parnell, when that ingenious writer deserted the Whigs. Steele was a commissioner of stamps and a member of Parliament. Arthur Mainwaring was a commissioner of the customs, and auditor of the imprest. Tickell was secretary to the Lords Justices of

Ireland. Addison was secretary of state.

This liberal patronage was brought into fashion, as it seems, by the magnificent Dorset, who alone of all the noble versifiers in the court of Charles the Second, possessed talents for composition which would have made him eminent without the aid of a coronet. Montague owed his elevation to the favour of Dorset, and imitated through the whole course of his life the liberality to which he was himself so greatly indebted. Tory leaders-Harley and Bolingbroke in particular-vied with the chiefs of the Whig party in zeal for the encouragement of letters. But soon after the accession of the throne of Hanover a change took place. The supreme power passed to a man who cared little for poetry or eloquence. The importance of the House of Commons was constantly on the increase. The government was under the necessity of bartering for Parliamentary support much of that patronage which had been employed in fostering literary merit; and Walpole was by no means inclined to divert any part of the fund of corruption to purposes which he considered as idle. He had eminent talents for government and for debate. But he had paid little attention to books, and felt little respect for authors. One of the coarse jokes of his friend, Sir Charles Hanbury Williams, was far more pleasing to him than Thomson's Seasons or Richardson's He had observed that some of the distinguished writers whom the favour of Halifax had turned into statesmen, had been mere encumbrances to their party, dawdlers in office, and mutes in Parliament. During the whole course of his administration, therefore, he scarcely patronised a single man of genius. The best writers of the age gave all their support to the opposition, and contributed to excite that discontent which, after plunging the nation into a foolish and unjust war, overthrew the minister to make room for men less able and equally The opposition could reward its eulogists with unscrupulous. little more than promises and caresses. St James's would give nothing—Leicester house had nothing to give.

Thus at the time when Johnson commenced his literary career, a writer had little to hope from the patronage of powerful individuals. The patronage of the public did not yet furnish the means of comfortable subsistence. The prices paid by book-

sellers to authors were so low, that a man of considerable talents and unremitting industry could do little more than provide for the day which was passing over him. The lean kine had eaten up the fat kine. The thin and withered ears had devoured the good ears. The season of rich harvests was over, and the period of famine had begun. All that is squalid and miserable might now be summed up in the one word-Poet. That word denoted a creature dressed like a scarecrow, familiar with compters and spunging-houses, and perfectly qualified to decide on the comparative merits of the Common Side in the King's Bench prison, and of Mount Scoundrel in the Fleet. Even the poorest pitied him; and they well might pity him. For if their condition was equally abject, their aspirings were not equally high, nor their sense of insult equally acute. To lodge in a garret up four pair of stairs, to dine in a cellar amongst footmen out of place,-to translate ten hours a-day for the wages of a ditcher,-to be hunted by bailiffs from one haunt of beggary and pestilence to another, from Grub street to St George's fields, and from St George's fields to the alleys behind St Martin's church,—to sleep on a bulk in June, and amidst the ashes of a glass-house in December,-to die in an hospital, and to be buried in a parish vault, was the fate of more than one writer, who, if he had lived thirty years earlier, would have been admitted to the sittings of the Kit-cat or the Scriblerus Club, would have sat in the Parliament, and would have been intrusted with embassies to the High Allies; who, if he had lived, in our time, would have received from the booksellers several hundred pounds a-year.

As every climate has its peculiar diseases, so every walk of life has its peculiar temptations. The literary character, assuredly, has always had its share of faults-vanity, jealousy, morbid sensibility. To these faults were now superadded all the faults which are commonly found in men whose livelihood is precarious, and whose principles are exposed to the trial of severe distress. All the vices of the gambler and of the beggar were blended with those of the author. The prizes in the wretched lottery of book-making were scarcely less ruinous than the blanks. If good fortune came, it came in such a manner that it was almost certain to be abused. After months of starvation and despair, a full third night, or a well-received dedication, filled the pocket of the lean, ragged, unwashed poet with guineas. He hastened to enjoy those luxuries, with the images of which his mind had been haunted while sleeping amidst the cinders, and eating potatoes at the Irish ordinary in Shoe lane. A week of taverns soon qualified him for another

year of night-cellars. Such was the life of Savage, of Boyse, and of a crowd of others. Sometimes blazing in gold-laced hats and waistcoats, sometimes lying in bed because their coats had gone to pieces, or wearing paper cravats because their linen was in pawn; sometimes drinking Champagne and Tokay with Betty Careless; sometimes standing at the window of an eatinghouse in Porridge island, to snuff up the scent of what they could not afford to taste; they knew luxury-they knew beggary-but they never knew comfort. These men were irreclaimable. They looked on a regular and frugal life with the same aversion which an old gipsy or a Mohawk hunter feels for a stationary abode, and for the restraints and securities of civilized communities. They were as untameable, as much wedded to their desolate freedom, as the wild ass. They could no more be broken in to the offices of social man, than the unicorn could be trained to serve and abide by the crib. It was well if they did not, like beasts of a still fiercer race, tear the hands which ministered to their necessities. To assist them was impossible; and the most benevolent of mankind at length became weary of giving relief, which was dissipated with the wildest profusion as soon as it had been received. If a sum was bestowed on the wretched adventurer, such as, properly husbanded, might have supplied him for six months, it was instantly spent in strange freaks of sensuality, and before fortyeight hours had elapsed, the poet was again pestering all his acquaintance for twopence to get a plate of shin of beef at a subterraneous cook-shop. If his friends gave him an asylum in their houses, those houses were forthwith turned into bagnios and taverns. All order was destroyed—all business was suspended. The most good-natured host began to repent of his eagerness to serve a man of genius in distress, when he heard his guest roaring for fresh punch at five o'clock in the morning.

A few eminent writers were more fortunate. Pope had been raised above poverty by the active patronage which, in his youth, both the great political parties had extended to his Homer. Young had received the only pension ever bestowed, to the best of our recollection, by Sir Robert Walpole, as the reward of mere literary merit. One or two of the many poets who attached themselves to the opposition, Thomson in particular, and Mallet, obtained, after much severe suffering, the means of subsistence from their political friends. Richardson, like a man of sense, kept his shop, and his shop kept him, which his novels, admirable as they are, would scarcely have done. But nothing could be more deplorable than the state even of the ablest men, who at that time depended for subsistence on

their writings. Johnson, Collins, Fielding, and Thomson, were certainly four of the most distinguished persons that England produced during the eighteenth century. It is well known that

they were all four arrested for debt.

Into calamities and difficulties such as these Johnson plunged in his twenty-eighth year. From that time, till he was three or four-and-fifty, we have little information respecting him—little, we mean, compared with the full and accurate information which we possess respecting his proceedings and habits towards the close of his life. He emerged at length from cocklofts and sixpenny ordinaries into the society of the polished and the opulent. His fame was established. A pension sufficient for his wants had been conferred on him; and he came forth, to astonish a generation with which he had almost as

little in common as with Frenchmen or Spaniards.

In his early years he had occasionally seen the great; but he had seen them as a beggar. He now came among them as a companion. The demand for amusement and instruction had, during the course of twenty years, been gradually increasing. The price of literary labour had risen; and those rising men of letters, with whom Johnson was henceforth to associate, were for the most part persons widely different from those who had walked about with him all night in the streets, for want of a lodging. Burke, Robertson, the Wartons, Gray, Mason, Gibbon, Adam Smith, Beattie, Sir William Jones, Goldsmith, and Churchill, were the most distinguished writers of what may be called the second generation of the Johnsonian age. Of these men, Churchill was the only one in whom we can trace the stronger lineaments of that character, which, when Johnson first came up to London, was common among authors. Of the rest, scarcely any had felt the pressure of severe poverty. All had been carly admitted into the most respectable society on an equal footing. They were men of quite a different species from the dependents of Curll and Osborne.

Johnson came among them the solitary specimen of a past age,—the last survivor of the genuine race of Grub Street hacks; the last of that generation of authors whose abject misery and whose dissolute manners had furnished inexhaustible matter to the satyrical genius of Pope. From nature, he had received an uncouth figure, a diseased constitution, and an irritable temper. The manner in which the earlier years of his manhood had been passed, had given to his demeanour, and even to his moral character, some peculiarities, appalling to the civilized beings who were the companions of his old age. The perverse irregularity of his hours,—the slovenliness of his person,—his fits of strenuous

exertion, interrupted by long intervals of sluggishness,-his strange abstinence, and his equally strange voracity, -his active benevolence, contrasted with the constant rudeness and the occasional ferocity of his manners in society, made him, in the opinion of those with whom he lived during the last twenty years of his life, a complete original. An original he was, undoubtedly, in some respects. But if we possessed full information concerning those who shared his early hardships, we should probably find, that what we call his singularities of manner, were, for the most part, failings which he had in common with the class to which he belonged. He ate at Streatham Park as he had been used to eat behind the screen at St John's Gate, when he was ashamed to show his ragged clothes. He ate as it was natural that a man should eat who, during a great part of his life, had passed the morning in doubt whether he should have food for the afternoon. The habits of his early life had accustomed him to bear privation with fortitude, but not to taste pleasure with moderation. He could fast; but, when he did not fast, he tore his dinner like a famished wolf, with the veins swelling on his forehead, and the perspiration running down his cheeks. He scarcely ever took wine. But when he drank it, he drank it greedily, and in large tumblers. These were, in fact, mitigated symptoms of that same moral disease which raged with such deadly malignity in his friends Savage and Boyse. The roughness and violence which he showed in society were to be expected from a man whose temper, not naturally gentle, had been long tried by the bitterest calamities—by the want of meat, of fire, and of clothes, by the importunity of creditors, by the insolence of booksellers, by the derision of fools, by the insincerity of patrons, by that bread which is the bitterest of all food, by those stairs which are the most toilsome of all paths, by that deferred hope which makes the heart sick. Through all these things the ill-dressed, coarse, ungainly pedant had struggled manfully up to eminence and command. It was natural, that, in the exercise of his power, he should be 'eo immitior, 'quia toleraverat,'—that though his heart was undoubtedly generous and humane, his demeanour in society should be harsh and despotic. For severe distress he had sympathy, and not only sympathy, but munificent relief. But for the suffering which a harsh word inflicts upon a delicate mind, he had no pity; for it was a kind of suffering which he could scarcely conceive. He would carry home on his shoulders a sick and starving girl from the streets. He turned his house into a place of refuge for a crowd of wretched old creatures who could find no other asylum; nor could all their peevishness and ingratitude weary out his

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benevolence. But the pangs of wounded vanity seemed to him ridiculous; and he scarcely felt sufficient compassion even for the pangs of wounded affection. He had seen and felt so much of sharp misery, that he was not affected by paltry vexations; and he seemed to think that everybody ought to be as much hardened to those vexations as himself. He was angry with Boswell for complaining of a headach—with Mrs Thrale for grumbling about the dust on the road, or the smell of the kitchen. were, in his phrase, 'foppish lamentations,' which people ought to be ashamed to utter in a world so full of misery. Goldsmith crying because the Good-natured Man had failed, inspired him with no pity. Though his own health was not good, he detested and despised valetudinarians. Even great pecuniary losses, unless they reduced the loser absolutely to beggary, moved him very little. People whose hearts had been softened by prosperity might cry, he said, for such events; but all that could be expected of a plain man was not to laugh.

A person who troubled himself so little about the smaller grievances of human life, was not likely to be very attentive to the feelings of others in the ordinary intercourse of society. He could not understand how a sarcasm or a reprimand could make any man really unhappy. 'My dear doctor,' said he to Goldsmith, 'what harm does it do to a man to call him Holofernes?' 'Pooh, ma'am,' he exclaimed to Mrs Carter, 'who is the worse 'for being talked of uncharitably?' Politeness has been well defined as benevolence in small things. Johnson was impolite, not because he wanted benevolence, but because small things appeared smaller to him than to people who had never known

what it was to live for fourpence half-penny a-day.

The characteristic peculiarity of his intellect was the union of great powers with low prejudices. If we judged of him by the best parts of his mind, we should place him almost as high as he was placed by the idolatry of Boswell;—if by the worst parts of his mind, we should place him even below Boswell himself. Where he was not under the influence of some strange scruple, or some domineering passion, which prevented him from boldly and fairly investigating a subject, he was a wary and acute reasoner, a little too much inclined to scepticism, and a little too fond of paradox. No man was less likely to be imposed upon by fallacies in argument, or by exaggerated statements of fact. But if, while he was beating down sophisms, and exposing false testimony, some childish prejudices, such as would excite laughter in a well-managed nursery, came across him, he was smitten as if by enchantment. His mind dwindled away under the spell from gigantic elevation to dwarfish littleness. Those who had lately

been admiring its amplitude and its force, were now as much astonished at its strange narrowness and feebleness, as the fisherman, in the Arabian tale, when he saw the genie, whose stature had overshadowed the whole sca-coast, and whose might seemed equal to a contest with armics, contract himself to the dimensions of his small prison, and lie there the helpless slave of the charm of Solomon.

Johnson was in the habit of sifting with extreme severity the evidence for all stories which were merely odd. But when they were not only odd but miraculous, his severity relaxed. He began to be credulous precisely at the point where the most credulous people begin to be sceptical. It is curious to observe, both in his writings and in his conversation, the contrast between the disdainful manner in which he rejects unauthenticated anecdotes, even when they are consistent with the general laws of nature, and the respectful manner in which he mentions the wildest stories relating to the invisible world. A man who told him of a water-spout or a meteoric stone, generally had the lie direct given him for his pains. A man who told him of a prediction or a dream wonderfully accomplished, was sure of a courteous hearing. 'Johnson,' observed Hogarth, 'like King 'David, says in his haste that all men are liars.' 'His incre-'dulity,' says Mrs Thrale, 'amounted almost to disease.' She tells us how he browbeat a gentleman, who gave him an account of a hurricane in the West Indies, and a poor quaker, who related some strange circumstance about the red-hot balls fired at the siege of Gibraltar. 'It is not so. It cannot be true. Don't ' tell that story again. You cannot think how poor a figure you make in telling it.' He once said, half jestingly we suppose, that for six months he refused to credit the fact of the earthquake at Lisbon, and that he still believed the extent of the calamity to be greatly exaggerated. Yet he related with a grave face how old Mr Cave of St John's Gate saw a ghost, and how this ghost was something of a shadowy being. He went himself on a ghosthunt to Cock-lane, and was angry with John Wesley for not following up another scent of the same kind with proper spirit and perseverance. He rejects the Celtic genealogies and poems without the least hesitation; yet he declares himself willing to believe the stories of the second sight. If he had examined the claims of the Highland seers with half the severity with which he sifted the evidence for the genuineness of Fingal, he would, we suspect, have come away from Scotland with a mind fully made up. In his Lives of the Poets, we find that he is unwilling to give credit to the accounts of Lord Roscommon's early proficiency in his studies; but he tells with great solemnity an

absurd romance about some intelligence preternaturally impressed on the mind of that nobleman. He avows himself to be in great doubt about the truth of the story, and ends by warning his

readers not wholly to slight such impressions.

Many of his sentiments on religious subjects are worthy of a liberal and enlarged mind. He could discern clearly enough the folly and meanness of all bigotry except his own. When he spoke of the scruples of the Puritans, he spoke like a person who had really obtained an insight into the divine philosophy of the New Testament, and who considered Christianity as a noble scheme of government, tending to promote the happiness and to elevate the moral nature of man. The horror which the sectaries felt for cards, Christmas ale, plum-porridge, mince-pies, and dancing bears, excited his contempt. To the arguments urged by some very worthy people against showy dress, he replied, with admirable sense and spirit, 'Let us not be found, when our Master calls us, stripping the lace off our waist-' coats, but the spirit of contention from our souls and tongues. 'Alas! sir, a man who cannot get to heaven in a green coat 'will not find his way thither the sooner in a grey one.' Yet he was himself under the tyranny of scruples as unreasonable as those of Hudibras or Ralpho; and carried his zeal for ceremonies and for ecclesiastical dignities to lengths altogether inconsistent with reason, or with Christian charity. He has gravely noted down in his diary, that he once committed the sin of drinking coffee on Good Friday. In Scotland, he thought it his duty to pass several months without joining in public worship, solely because the ministers of the kirk had not been ordained by bishops. His mode of estimating the piety of his neighbours was somewhat singular. 'Campbell,' said he, 'is a 'good man,—a pious man. I am afraid he has not been in the 'inside of a church for many years; but he never passes a church ' without pulling off his hat,—this shows he has good principles.' Spain and Sicily must surely contain many pious robbers and well-principled assassins. Johnson could easily see that a Roundhead, who named all his children after Solomon's singers, and talked in the House of Commons about seeking the Lord, might be an unprincipled villain, whose religious mummeries only aggravated his guilt. But a man who took off his hat when he passed a church episcopally consecrated, must be a good man, a pious man, a man of good principles. Johnson could easily see that those persons who looked on a dance or a laced waistcoat as sinful, deemed most ignobly of the attributes of God, and of the ends of revelation. But with what a storm of invective he would have overwhelmed any man who had blamed him for celebrating the close of Lent with sugarless tea and butterless buns.

Nobody spoke more contemptuously of the cant of patriotism? Nobody saw more clearly the error of those who represented liberty, not as a means, but as an end; and who proposed to themselves, as the object of their pursuit, the prosperity of the state as distinct from the prosperity of the individuals who compose the state. His calm and settled opinion seems to have been, that forms of government have little or no influence on the happiness of society. This opinion, erroneous as it is, ought at least to have preserved him from all intemperance on political questions. It did not, however, preserve him from the lowest, fiercest, and most absurd extravagances of party-spirit,-from rants which, in every thing but the diction, resembled those of Squire Western. He was, as a politician, half ice and half fire; -on the side of his intellect a mere Pococurante, -far too apathetic about public affairs,-far too sceptical as to the good or evil tendency of any form of polity. His passions, on the contrary, were violent even to slaving, against all who leaned to Whiggish principles. The well-known lines which he inserted in Goldsmith's Traveller, express what seems to have been his deliberate judgment:-

> ' How small, of all that human hearts endure, That part which kings or laws can cause or cure.'

He had previously put expressions very similar into the mouth of Rasselas. It is amusing to contrast these passages with the torrents of raving abuse which he poured forth against the Long Parliament and the American Congress. In one of the conversations reported by Boswell, this strange inconsistency displays itself in the most ludicrous manner.

'Sir Adam Ferguson,' says Boswell, 'suggested that luxury 'corrupts a people, and destroys the spirit of liberty.'—Johnson. Sir, that is all visionary. I would not give half a guinea to live under one form of government rather than another. It is of no moment to the happiness of an individual. Sir, the danger of the abuse of power is nothing to a private man. What 'Frenchman is prevented from passing his life as he pleases?'—Sir Adam. 'But, sir, in the British constitution it is surely of importance to keep up a spirit in the people, so as to preserve a balance against the crown.'—Johnson. 'Sir, I perceive you are a vile Whig. Why all this childish jealousy of the 'power of the crown? The crown has not power enough.'

One of the old philosophers, Lord Bacon tells us, used to say that life and death were just the same to him. 'Why, then,' said an objector, 'do you not kill yourself.' The philosopher

answered, 'Because it is just the same.' If the difference between two forms of government be not worth half a guinea, it is not easy to see how Whiggism can be viler than Toryism, or how the crown can have too little power. If private men suffer nothing from political abuses, zeal for liberty is doubtless ridiculous. But zeal for monarchy must be equally so. No person would have been more quick-sighted than Johnson to such a contradiction as this, in the logic of an antagonist.

The judgments which Johnson passed on books were, in his own time, regarded with superstitious veneration; and, in our time, are generally treated with indiscriminate contempt. They are the judgments of a strong but enslaved understanding. The mind of the critic was hedged round by an uninterrupted fence of prejudices and superstitions. Within his narrow limits, he displayed a vigour and an activity which ought to have enabled

him to clear the barrier that confined him.

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How it chanced that a man who reasoned on his premises so ably, should assume his premises so foolishly, is one of the great mysteries of human nature. The same inconsistency may be observed in the schoolmen of the middle ages. Those writers show so much acuteness and force of mind in arguing on their wretched data, that a modern reader is perpetually at a loss to comprehend how such minds came by such data. Not a flaw in the superstructure of the theory which they are rearing, escapes their vigilance. Yet they are blind to the obvious unsoundness of the foundation. It is the same with some eminent lawyers. Their legal arguments are intellectual prodigies, abounding with the happiest analogies, and the most refined distinctions. principles of their arbitrary science being once admitted, the statute-book and the reports being once assumed as the foundations of jurisprudence, these men must be allowed to be perfect masters of logic. But if a question arises as to the postulates on which their whole system rests,—if they are called upon to vindicate the fundamental maxims of that system which they have passed their lives in studying, these very men often talk the language of savages, or of children. Those who have listened to a man of this class in his own court, and who have witnessed the skill with which he analyses and digests a vast mass of evidence, or reconciles a crowd of precedents which at first sight seem contradictory, scarcely know him again when, a few hours later, they hear him speaking on the other side of Westminster Hall in his capacity of legislator. They can scarcely believe, that the paltry quirks which are faintly heard through a storm of coughing, and which cannot impose on the plainest country gentleman, can proceed from the same sharp and vigorous intellect which

had excited their admiration under the same roof, and on the

same day.

Johnson decided literary questions like a lawyer, not like a legislator. He never examined foundations where a point was already ruled. His whole code of criticism rested on pure assumption, for which he sometimes gave a precedent or an authority, but rarely troubled himself to give a reason drawn from the nature of things. He took it for granted, that the kind of poetry which flourished in his own time, which he had been accustomed to hear praised from his childhood, and which he had himself written with success, was the best kind of poetry. In his biographical work, he has repeatedly laid it down as an undeniable proposition, that during the latter part of the seventeenth century, and the earlier part of the eighteenth, English poetry had been in a constant progress of improvement. Waller, Denham, Dryden, and Pope, had been, according to him, the great reformers. He judged of all works of the imagination by the standard established among his own contemporaries. Though he allowed Homer to have been a greater man than Virgil, he seems to have thought the Æneid a greater poem than the Iliad. Indeed he well might have thought so; for he preferred Pope's Iliad to Homer's. He pronounced that, after Hoole's translation of Tasso, Fairfax's would hardly be reprinted. He could see no merit in our fine old English ballads, and always spoke with the most provoking contempt of Percy's fondness for them. Of all the great original works which appeared during his time, Richardson's novels alone excited his admiration. He could see little or no merit in Tom Jones, in Gulliver's Travels, or in Tristram Shandy. To Thomson's Castle of Indolence, he vouchsafed only a line of cold commendation—of commendation much colder than what he has bestowed on the Creation of that portentous bore, Sir Richard Blackmore. Gray was, in his dialect, a barren rascal. Churchill was a blockhead. The contempt which he felt for the trash of Macpherson was indeed just; but it was, we suspect, just by chance. He despised the Fingal, for the very reason which led many men of genius to admire it. He despised it, not because it was essentially common-place, but because it had a superficial air of originality.

He was undoubtedly an excellent judge of compositions fashioned on his own principles. But when a deeper philosophy was required,—when he undertook to pronounce judgment on the works of those great minds which 'yield homage only to 'eternal laws,'—his failure was ignominious. He criticised Pope's Epitaphs excellently. But his observations on Shakspeare's plays, and Milton's poems, seem to us as wretched as if they had been

written by Rymer himself, whom we take to have been the worst critic that ever lived.

Some of Johnson's whims on literary subjects can be compared only to that strange nervous feeling which made him uneasy if he had not touched every post between the Mitre tavern and his own lodgings. His preference of Latin epitaphs to English epitaphs is an instance. An English epitaph, he said, would disgrace Smollet. He declared that he would not pollute the walls of Westminster Abbey with an English epitaph on Goldsmith. What reason there can be for celebrating a British writer in Latin, which there was not for covering the Roman arches of triumph with Greek inscriptions, or for commemorating the deeds of the heroes of Thermopylæ in Egyptian hieroglyphics, we are

utterly unable to imagine.

On men and manners—at least on the men and manners of a particular place and a particular age-Johnson had certainly looked with a most observant and discriminating eye. His remarks on the education of children, on marriage, on the economy of families, on the rules of society, are always striking, and generally sound. In his writings, indeed, the knowledge of life which he possessed in an eminent degree is very imperfectly exhibited. Like those unfortunate chiefs of the middle ages, who were suffocated by their own chain-mail and cloth of gold, his maxims perish under that load of words, which was designed for their ornament and their defence. But it is clear, from the remains of his conversation, that he had more of that homely wisdom which nothing but experience and observation can give, than any writer since the time of Swift. If he had been content to write as he talked, he might have left books on the practical art of living superior to the Directions to Servants.

Yet even his remarks on society, like his remarks on literature, indicate a mind at least as remarkable for narrowness as for strength. He was no master of the great science of human nature. He had studied, not the genus man, but the species Londoner. Nobody was ever so thoroughly conversant with all the forms of life, and all the shades of moral and intellectual character, which were to be seen from Islington to the Thames, and from Hyde-Park corner to Mile-end green. But his philosophy stopped at the first turnpike-gate. Of the rural life of England he knew nothing; and he took it for granted that everybody who lived in the country was either stupid or miserable. Country gentleman,' said he, 'must be unhappy; for they have 'not enough to keep their lives in motion.' As if all those peculiar habits and associations, which made Fleet street and Charing cross the finest views in the world to himself, had been

essential parts of human nature. Of remote countries and past times he talked with wild and ignorant presumption. 'Athenians of the age of Demosthenes,' he said to Mrs Thrale, were a people of brutes, a barbarous people.' In conversation with Sir Adam Ferguson, he used similar language. ' boasted Athenians,' he said, 'were barbarians. The mass of every people must be barbarous where there is no printing. The fact was this: He saw that a Londoner who could not read was a very stupid and brutal fellow: he saw that great refinement of taste and activity of intellect were rarely found in a Londoner who had not read much; and because it was by means of books that people acquired almost all their knowledge in the society with which he was acquainted, he concluded, in defiance of the strongest and clearest evidence, that the human mind can be cultivated by means of books alone. An Athenian citizen might possess very few volumes; and even the largest library to which he had access might be much less valuable than Johnson's bookcase in Bolt court. But the Athenian might pass every morning in conversation with Socrates, and might hear Pericles speak four or five times every month. He saw the plays of Sophocles and Aristophanes—he walked amidst the friezes of Phidias and the paintings of Zeuxis—he knew by heart the choruses of Æschylus—he heard the rhapsodist at the corner of the street reciting the Shield of Achilles, or the Death of Argus—he was a legislator, conversant with high questions of alliance, revenue, and war-he was a soldier, trained under a liberal and generous discipline—he was a judge, compelled every day to weigh the effect of opposite arguments. These things were in themselves an education—an education eminently fitted, not, indeed, to form exact or profound thinkers, but to give quickness to the perceptions, delicacy to the taste, fluency to the expression, and politeness to the manners. But this Johnson never considered. An Athenian who did not improve his mind by reading was, in his opinion, much such a person as a Cockney who made his mark-much such a person as black Frank before he went to school, and far inferior to a parishclerk or a printer's devil.

His friends have allowed that he carried to a ridiculous extreme his unjust contempt for foreigners. He pronounced the French to be a very silly people—much behind us—stupid, ignorant creatures. And this judgment he formed after having been at Paris about a month, during which he would not talk French, for fear of giving the natives an advantage over him in conversation. He pronounced them, also, to be an indelicate people, because a French footman touched the sugar with his fingers.

That ingenious and amusing traveller, M. Simond, has defended his countrymen very successfully against Johnson's accusation, and has pointed out some English practices, which, to an impartial spectator, would seem at least as inconsistent with physical cleanliness and social decorum as those which Johnson so bitterly reprehended. To the sage, as Boswell loves to call him, it never occurred to doubt that there must be something eternally and immutably good in the usages to which he had been accustomed. In fact, Johnson's remarks on society beyond the bills of mortality, are generally of much the same kind with those of honest Tom Dawson, the English footman in Dr Moore's ' Suppose the King of France has no sons, but only a ' daughter, then, when the king dies, this here daughter, accord-'ing to that there law, cannot be made queen, but the next ' near relative, provided he is a man, is made king, and not the ' last king's daughter, which, to be sure, is very unjust. French footguards are dressed in blue, and all the marching ' regiments in white, which has a very foolish appearance for 'soldiers; and as for blue regimentals, it is only fit for the blue

' horse or the artillery.'

Johnson's visit to the Hebrides introduced him to a state of society completely new to him; and a salutary suspicion of his own deficiencies seems on that occasion to have crossed his mind for the first time. He confessed, in the last paragraph of his Journey, that his thoughts on national manners were the thoughts of one who had seen but little, -of one who had passed his time almost wholly in cities. This feeling, however, soon passed away. It is remarkable, that to the last he entertained a fixed contempt for all those modes of life and those studies which lead to emancipate the mind from the prejudices of a particular age, or a particular nation. Of foreign travel and of history he spoke with the fierce and boisterous contempt of ignorance. What does a man learn by travelling? Is Beau-'clerk the better for travelling? What did Lord Charlemont ' learn in his travels, except that there was a snake in one of the ' pyramids of Egypt?' History was, in his opinion, to use the fine expression of Lord Plunkett, an old almanack: historians could, as he conceived, claim no higher dignity than that of almanackmakers; and his favourite historians were those who, like Lord Hailes, aspired to no higher dignity. He always spoke with contempt of Robertson. Hume he would not even read. affronted one of his friends for talking to him about Catiline's conspiracy, and declared that he never desired to hear of the Punic war again as long as he lived.

Assuredly one fact, which does not directly affect our own

interests, considered in itself, is no better worth knowing than another fact. The fact that there is a snake in a pyramid, or the fact that Hannibal crossed the Alps by the Great St Bernard, are in themselves as unprofitable to us as the fact that there is a green blind in a particular house in Threadneedle street, or the fact that a Mr Smith comes into the city every morning on the top of one of the Blackwall stages. But it is certain that those who will not crack the shell of history, will never get at the kernel. Johnson, with hasty arrogance, pronounced the kernel worthless, because he saw no value in the shell. The real use of travelling to distant countries, and of studying the annals of past times, is to preserve men from the contraction of mind which those can hardly escape whose whole communion is with one generation and one neighbourhood, who arrive at conclusions by means of an induction not sufficiently copious, and who therefore constantly confound exceptions with rules, and accidents with essential properties. In short, the real use of travelling, and of studying history, is to keep men from being what Tom Dawson was in fiction, and Samuel Johnson in

reality.

Johnson, as Mr Burke most justly observed, appears far greater in Boswell's books than in his own. His conversation appears to have been quite equal to his writings in matter, and far superior to them in manner. When he talked, he clothed his wit and his sense in forcible and natural expressions. soon as he took his pen in his hand to write for the public, his style became systematically vicious. All his books are written in a learned language, -in a language which nobody hears from his mother or his nurse, -in a language in which nobody ever quarrels, or drives bargains, or makes love,-in a language in which nobody ever thinks. It is clear, that Johnson himself did not think in the dialect in which he wrote. The expressions which came first to his tongue were simple, energetic, and picturesque. When he wrote for publication, he did his sentences out of English into Johnsonese. His letters from the Hebrides to Mrs Thrale, are the original of that work of which the Journey to the Hebrides is the translation; and it is amusing to compare the two versions. 'When we were taken up stairs,' says he in one of his letters, 'a dirty fellow bounced out of the 'bed on which one of us was to lie.' This incident is recorded in the Journey as follows:- Out of one of the beds on which we were to repose, started up, at our entrance, a man black 'as a Cyclops from the forge.' Sometimes Johnson translated 'The Rehearsal,' he said, very unjustly, 'has not wit enough to keep it sweet;' then, after a pause, 'it has not vital-'ity enough to preserve it from putrefaction.'

Mannerism is pardonable, and is sometimes even agreeable, when the manner, though vicious, is natural. Few readers, for example, would be willing to part with the mannerism of Milton or of Burke. But a mannerism which does not sit easy on the mannerist, which has been adopted on principle, and which can be sustained only by constant effort, is always offensive. And such is the mannerism of Johnson.

The characteristic faults of his style are so familiar to all our readers, and have been so often burlesqued, that it is almost superfluous to point them out. It is well known that he made less use than any other eminent writer of those strong plain words, Anglo-Saxon or Norman-French, of which the roots lie in the inmost depths of our language; and that he felt a vicious partiality for terms which, long after our own speech had been fixed, were borrowed from the Greek and Latin, and which, therefore, even when lawfully naturalized, must be considered as born aliens, not entitled to rank with the king's English. His constant practice of padding out a sentence with useless epithets, till it became as stiff as the bust of an exquisite, -his antithetical forms of expression, constantly employed even where there is no opposition in the ideas expressed, -his big words wasted on little things,-his harsh inversions, so widely different from those graceful and easy inversions which give variety, spirit, and sweetness to the expression of our great old writers, -all these peculiarities have been imitated by his admirers, and parodied by his assailants, till the public has become sick of the subject.

Goldsmith said to him, very wittily and very justly, 'If you were to write a fable about little fishes, doctor, you would ' make the little fishes talk like whales.' No man surely ever had so little talent for personation as Johnson. Whether he wrote in the character of a disappointed legacy-hunter, or an empty town fop, of a crazy virtuoso, or a flippant coquette, he wrote in the same pompous and unbending style. His speech, like Sir Piercy Shafton's Euphuistic eloquence, bewrayed him under every disguise. Euphelia and Rhodoclea talk as finely as Imlac the poet, or Seged, Emperor of Ethiopia. The gay Cornelia describes her reception at the country-house of her relations, in such terms as these: - I was surprised, after the civilities of ' my first reception, to find, instead of the leisure and tranquil-' lity which a rural life always promises, and, if well conducted, might always afford, a confused wildness of care, and a tumultuous hurry of diligence, by which every face was ' clouded, and every motion agitated.' The gentle Tranquilla informs us, that she 'had not passed the earlier part of life without the flattery of courtship, and the joys of triumph; but had danced the round of gaiety amidst the murmurs of envy and the gratulations of applause,—had been attended from pleasure to pleasure by the great, the sprightly, and the vain, and had seen her regard solicited by the obsequiousness of gallantry, the gaiety of wit, and the timidity of love. Surely Sir John Falstaff himself did not wear his petticoats with a worse grace. The reader may well cry out, with honest Sir Hugh Evans, 'I like not when a 'oman has a great peard:

'I spy a great peard under her muffler.'

We had something more to say. But our article is already too long; and we must close it. We would fain part in good humour from the hero, from the biographer, and even from the editor, who, ill as he has performed his task, has at least this claim to our gratitude, that he has induced us to read Boswell's book again. As we close it, the club-room is before us, and the table on which stands the omelet for Nugent, and the lemons for Johnson. There are assembled those heads which live for ever on the canvass of Reynolds. There are the spectacles of Burke, and the tall thin form of Langton; the courtly sneer of Beauclerk, and the beaming smile of Garrick; Gibbon tapping his snuffbox, and Sir Joshua with his trumpet in his ear. In the foreground is that strange figure which is as familiar to us as the figures of those among whom we have been brought up,the gigantic body, the huge massy face, seamed with the scars of disease; the brown coat, the black worsted stockings, the grey wig with the scorched foretop; the dirty hands, the nails bitten and pared to the quick. We see the eyes and mouth moving with convulsive twitches; we see the heavy form rolling; we hear it puffing; and then comes the 'Why, sir!' and the 'What then, sir?' and the 'No, sir!' and the 'You don't see your way through the question, sir!'

What a singular destiny has been that of this remarkable man! To be regarded in his own age as a classic, and in ours as a companion,—to receive from his contemporaries that full homage which men of genius have in general received only from posterity,—to be more intimately known to posterity than other men are known to their contemporaries! That kind of fame which is commonly the most transient, is, in his case, the most durable. The reputation of those writings, which he probably expected to be immortal, is every day fading; while those peculiarities of manner, and that careless table-talk, the memory of which, he probably thought, would die with him, are likely to be remembered as long as the English language is spoken in

any quarter of the globe.

ART. II—Remarks on the supposed Dionysius Longinus; with an Attempt to restore the Treatise on Sublimity to its Original State. 8vo. London: 1827.

THE bold flights, the brilliant style, and the ample range, of modern criticism, have thrown into the shade the less dazzling and diffuse productions of the classical schools. And more especially the Greek philosophers of Taste, have not received their share of that attention so liberally lavished on the orators and poets; of whose excellence, if they did not supply the inspiration, they at least most usefully examine and exhibit the secret and the source. This complaint is not the vague ejaculation of pedantry, but rests upon positive evidence of the neglect with which the treasures of Grecian criticism have been treated even by those who affect to appeal to its authority. Men talk and write of Longinus, or the Stagyrite, upon the strength of some indistinct apprehension that the latter was a kind of critical Draco, and that the former was 'himself the great sublime he drew.' Yet nothing can be more tender to genius than the spirit of the Aristotelian precepts, and Longinus is far more favourably distinguished by the vigour of his understanding, and the clearness of his views, than by the loftiness and grandeur of a style, which sometimes offends against propriety of thought, and often against purity of diction. To take a single direct proof of the ignorance alluded to: Every one has heard of the senseless clamour raised by certain modern critics about the dramatic unities of place and time. Aristotle to the rescue! was the battle-cry of the combatants upon the strict, and what assumed to be the classical, side of the controversy: Aristotle was boldly asserted, and carelessly believed, to have confined dramatic action to one place, and to the portion of time which the events represented would occupy in their real occurrence; and yet Aristotle, while he enforces the observance of the important unity of plot, says not one word as to place, and but once notices the subject of time, in a passage utterly hostile to those who argue for its inviolable unity.

Notwithstanding, however, this too common neglect, or ignorance, the principles developed, and the rules prescribed by the great masters of Grecian criticism, have had a mighty influence upon modern systems of taste. Transmitted as traditional knowledge, or blended to a large extent with the general mass of enlightened opinions, these principles have swayed many beyond the number of those who have studied the original pre-

cepts; and, sometimes unperceived, sometimes unconfessed by the disciple, their spirit has spoken through the lips of the most popular critics of modern times. If there have been, in every age, some heresies in taste, yet there always has been one ancient, true, and indestructible religion. The more shameful, then, is any contempt of those foundations on which the creed of orthodoxy rests. We would make an effort to do away with the reproach—to disclose or decorate the springs of that little marked, but pure and salutary stream, that has flowed through the expanse of a later philosophy, and that still, by its noiseless operation, diffuses freshness and fertility over every tract which it pervades.

The Grecian philosophy of taste has naturally been presented under certain varieties of aspect, according to the style, the temper, and the intellectual powers of the writers in whose works it is comprised. But these variations of appearance are nothing to the identity of character, which an acute perception of natural principles, a common method of induction, and a careful practice of analysis, have conspired to impress upon it. Let us speak of it in general terms, before proceeding to a more minute description of the chief masters, which we intend to close with some remarks upon the claims and merits of Lon-

ginus, the latest of the band.

We have already hinted, that the best modern critics do not greatly differ in matter from their classic predecessors; but they differ very widely in manner. There is an aim and method about the critical speculations of the ancients, that forms at once a striking characteristic and a conspicuous merit. They are really teachers of the mind; more clear and copious in the didactic portion of their labours, than diffuse in reasoning or ambitious in theory. The modern critic, without more fundamental principles, makes a greater parade of metaphysics; his speculations have too often no object beyond themselves, and are then useful only because they tend to augment, by exercising, the powers of thought. The ancient thinks more of his readers. the modern of himself; the ancient wishes to make you shine, the modern to shine; the ancient is simple, the modern is sublime. There are exceptions to both sides of this delineation: there are specimens of ancient criticism-reviews by Dionysius, diatribes by Plutarch, contrasts by Longinus—that breathe the air and manner of a modern critique, and there are productions of modern pens, conceived in the happiest vein of classical anti-But its general correctness is indisputable. Give us Burke or Schlegel to amuse, but Aristotle or Longinus to instruct us. The writings of Schlegel may supply an illustra-

tion of our meaning. The 'course of dramatic literature' is an exquisite performance-not indeed entitled, maugre its author's assumptions, to the praise of much originality; for the germ of his most elaborate and showy theories is to be found in the Greek critics, but full of learning and vigour, and the ethereal spirit of poesy. But, as Beatrice says of Don Pedro, it is 'too costly for week-days.' There is a fine and subtle essence about it, that would escape in use. He instructs us how to admire, but not how to imitate, and, without any peculiar bent towards the dramatic art, such is the analogy between the different kinds of composition, that we desire to gather from the criticism of one branch those practical precepts, of which the substance may be transferred to another. Schlegel tells us, that the spirit of the Greek sculpture reigns in the Greek tragedy, and that we must learn to understand Sophocles by studying the Belvidere Apollo. The most eloquent of female writers, in giving utterance to a similar sentiment,* was probably only repeating the dictates of an oracle, at which she is known to have worshipped. Whether enounced by Schlegel or De Staël, there is no less truth than beauty in this notion, but it is one of those beautiful remarks that have little didactic utility. We fear that no one would think of improving his style as a speaker or a writer by daily visits to a gallery of statues. There is nothing so poetical as this conception in the whole poetics of Aristotle; but, in revenge, there are a hundred serviceable hints and rules, which you may apply to your own practice, not in poetry alone, but in any branch of composition.

From this preference of the useful to the subtle, rather than from a passion for refining, arises another common trait of the Greek philosophers of taste. We allude to that minuteness of remark, which their didactic tone and temper have produced. No subject is trivial in their estimation, out of which a precept or a warning may be possibly extracted. They are mere Vespasians in this respect; and 'lucri bonus est odor ex re qualibet' is their universal sentiment. What most moderns would pass over as too notorious or too humble for notice, is carefully inculcated by them, to leave the learner no excuse, and the subject no obscurity. They tell you every thing, because to the delicate perceptions of taste, every thing is of importance. And be it remembered, that from an accurate observance of such petty precepts must spring a great portion of the energy and beauty of a perfect style. We may sneer at the classical rules for collocation,

^{*} Corinne, livre viii. cap. 2.

and smile or yawn over an elaborate scansion of Demosthenes or Plato; but how much of the ease, and strength, and freedom of expression, that distinguish the ancient philosophers and orators, arose out of a long and vigilant attention to such minutiæ of the art of composition! It sounds strange to tell that Plato's tablets were covered over with different arrangements of the simple sentence, 'I went down yesterday to the Piræus with Glaucon, the son of Ariston;' and that Cicero, already in his sixtieth year, amid the tumults of civil war, the agitations of personal danger, and the distractions of domestic anxiety, was able to correspond, with the most earnest solicitude, about a preposition and an accusative case! But of labours, exact and strenuous as these, the meed is immortality,—immortality, which results not more from a solidity of structure, that defies the shock of time, than from a keen and exquisite polish of surface, that repels the canker

of decay.

We must not imagine, however, that little topics engross the whole attention of the Greek critics. To be profound and to be minute, are mental qualities often separated, and yet by no means incompatible: in the class of writers now under consideration, they are happily united. We know of none who more successfully explore the depths of our moral and intellectual constitution, or more clearly unmask the elements of true philosophy. But herein also there is a peculiarity about them, signal and striking in itself, and growing out of the noble root of a quiet consciousness of strength, and a calm pre-eminence of understanding. Profound truths are disclosed by them without the appearance of effort, and established without the pomp and noise of a wordy demonstration. There is no trumpet to herald their approach, no pean to celebrate their triumph. Playing with treasures of great cost, as freely as others do with trifles, they seem unconscious of their lustre, and auxious only to extend their circulation. This may be genuine modesty that hates parade, or consummate skill that seeks to prevail by unmarked approaches; but its effect, at least, is neither obscure nor insignifi-Knowledge void of ostentation, and wisdom that takes us by surprise, are sure of commanding the attention, since they begin by engaging the heart.

Of the seemingly precocious excellence of Grecian criticism, and of its vast influence in establishing the canons of legitimate taste, it is not difficult to assign the cause. It is not merely that the ancient philosophers were well versed in the science of mind, or that they had before their eyes the most brilliant examples of successful composition; but in tracing out this cause, we must at last arrive at the important principle, that taste and genius are

essentially but one faculty, differing in their outward manifestations alone, and that, consequently, their actual maturity must be simultaneous, though their modes and times of exhibition are not identical. Genius is taste in its creative transport; taste is genius in its elective energy. 'In vain,' says Schlegel, 'has an attempt been made to establish between taste and genius an 'absolute separation; genius, as well as taste, is an involuntary 'impulse, that constrains to choose the beautiful, and perhaps dif-' fers from it in nothing but an higher degree of activity.' Let it be added, that the most fatal of all perversions is the pseudodoctrine that taste is something even opposite to genius, the cold idol of a mistaken devotion, whose touches chill, and whose embraces paralyse. Taste never interfered with one burst of genuine power or emotion; but the assumed privilege of eccentricity is not the true charter of genius. What are called the irregular sallies of genius, are nothing better than proofs of its deficiency,—the tottering aberrations of a mind that has not strength to hold its onward course. When Pope indited those mischievous lines.

> ' Great wits sometimes may gloriously offend, And rise to faults true critics dare not mend,'

aiming at point he lighted upon paradox. True critics recognise no glorious offences. If a passage be really glorious, it cannot be faulty. For, to be really glorious, it must have attained the proper end of composition, and in that case it would be pure

absurdity to stigmatize it as a fault.

There is, of course, but one of the three capital branches into which the art of criticism is distributed, that can claim to be identified with the philosophy of taste. Under each of these divisions we can muster Grecian names. In a very early period of Greek literature, but still more at the epoch of the Ptolemies, and during the post-Alexandrian Age, we find historical or explanatory critics, devoting their labours to the elucidation of great authors. Even corrective criticism, the paragon of arts in Mr Payne Knight's estimation,* although necessarily more distinguished and important in modern times, was not altogether neglected by the ancients, as sundry verbal emendations on the texts of Homer and of Aristotle prove; but the great Grecian masters belong to that province of criticism which unites the history of the arts, teaching what they have done, with their theory, teaching what

^{*} See his Analytical Essay on the Greek Alphabet.

they ought to do—which at once lights up their history, and makes their theory productive,—which expounds the laws of good composition, not solely, as Mr Harris affirms, 'as far as they can 'be collected from the most approved performances,' but by an appeal to first principles also, to the inward promptings of the mind, independent of, and antecedent to, all models;* and which, despite the feigned contempt of some discontented writers,† asserts its place amongst the noblest and most useful efforts of intellectual power, at once the test and the reward of genius, the nurse of emulation, and the guardian of fame.

The earliest faint glimmerings of philosophic criticism among the Grecks, may be detected in a quarter where it has not been much the fashion to look for them. We allude to the second race of Rhapsodists—that singular body of men, the circulating library of ancient Greece—no longer, like their minstrel predecessors, pouring forth to the heroic harp self-taught‡ improvisatorial strains, but yet uniting with the task of recitation some

^{*} Mr Harris, in his definition of philosophical criticism, speaks the truth, but not the whole truth; he makes the grounds of the art too narrow, and its operation too confined. First principles, or principles deducible from nature and reason, without the guidance of examples, form a main support of the philosophic critic. It is true that, for obvious reasons, the authors of every country have come before the critics; but, when critics did appear, how could they have exercised their functions upon the works of preceding genius, if destitute of some primary principles, with which to compare them? Without these, they could not have known how to censure, and, what is of more importance, without these, they could not have known how to praise. Admire they might, but they could have assigned no causes for their admiration. Criticism would have been any thing rather than a rational judgment or enquiry; it could have advanced no pretensions to be styled the philosophy of taste. Besides, if it be granted that taste is only genius in a state of minor activity, it will follow that, since genius is certainly not a copyist, deriving all its brilliancy from the reflection of previous splendour, just as little can taste be a slave, deducing all its rules of judgment from foregoing examples.

⁺ See Mr Payne Knight, ut supra.

[‡] Αὐτοδίδωπτος δ' εἰμί:—Od. χ, 347, where Phemius, whom Plato calls the Rhapsodist of Ithaca, is pleading with Ulysses for his life. Cynæthus the Chian, to whom some ascribed the Hymn to Apollo, and who flourished about the 69th Olympiad (B. C. 504), was perhaps the 'last 'minstrel' of the early race of Rhapsodists, who were at first only bards, and who afterwards united the composition of poetry—as their successors did the criticism of it—with recitation.

attempt to direct the judgment of their hearers, and to discipline the taste of others while they displayed their own. Though concerning the calling and practice of these persons our sources of information are far from abundant, it seems certain that they had some further behest than merely to retain in memory, or repeat to unwearied audiences, the large bodies of verse, which they more frequently swelled by their interpolations, than curtailed by their omissions; and that knowledge and intellect, as well as lungs, were essential to the satisfactory discharge of their amiable functions. Plato's dialogue—for we cannot so far defer to the purblindness of Mr Schleirmacher as to call it only the Platonic dialogue—Plato's own beautiful and characteristic dialogue, the Ion, while it exposes with inimitable irony the pretensions of the Rhapsodists, and makes the coruscations of that Socratic wit, which was so hostile to every epideixis save those of its proper brilliancy, to play around the scathed and shrinking heads of its victims, reveals at the same time enough of the plain truth to show that they had some title to the denomination of critics. Even a cursory glance at the terms in which Socrates speaks of them, will evince that they professed explanatory criticism; and a closer examination will demonstrate, that in addition to this—to the interpretation of the poet's thoughts*-they at least endeavoured to try the merit of poetry by the standards of fitness and of beauty. 'The Rhap-'sodist must know,' says Ion, 'what are the appropriate and 6 discriminating subjects and style of man and of woman, of 'the slave and of the free, of the commanded and of the com-'mander;' and Socrates compares the business of the Rhapsodist with that of the connoisseur, who judges of good or bad execution in the arts of painting and sculpture. Whether the criticisms of this itinerant school were sagacious or not, matters little;+ it may be readily admitted that they would not often be severe. The ten thousand living mouths, which, according to an expression of the Syracusan Hiero, were fed upon dead Homer, could scarcely, in politic gratitude, repay him with austerity of judgment. 'Aliquando bonus dormitat Homerus,' is the stricture of fastidiousness at an era of consummate refinement; but

^{*} Tor yar farpoor teamvise dei του ποιπτου της διανοίας γίγνεσθαι τος άπούουσι.

† The language of Xenophon, as well as of Plato, concerning these fathers of our craft, is sufficiently disparaging, but the grain of salt must frequently be taken with the words of the Athenian doctors, though not for the sake of increasing their tartness.

the 'nil admirari' of the same writer, who ventured on that somewhat audacious assertion, would have been but an imprudent motto for Ion and his brethren. Praise was their vocation, and eulogist of Homer* was a title they were proud to bear. And, after all, criticism is much dishonoured when considered as the art of censure. Ivy is the plant deemed sacred to critics, but its wreaths are not best merited by those who, like

itself, delight to flourish on the ruins they have made.

We could not assign the dawn of philosophic criticism to the age of the second Rhapsodists, were it as certain as Wolf,+ from an ambiguous passage in Aristotle's Metaphysics, concludes it to be, that a prior race of intellectual labourers endeavoured to illustrate the art of poetry by a reference to the principles of taste. But we are persuaded that the ancient Sophists (in the good sense of that term which prevails in Herodotus)-to whom he alludes-had no more to do with the philosophy of taste, than with the exposition of words. Their criticism was wholly exegetical of the subject-matter of poetry; their great aim was to expound Homer in conformity with their own speculative tenets; and strange and tortuous were the meanings extracted by them from the words of the old bard, with an ingenuity that would have puzzled his comprehension at least as much as that of any of their hearers. We recognise the first of these perversely dexterous professors in the person of Theagenes of Rhegium, about the time of the death of Pisitratus (Ol. 63. 2. B. C. 527.) The famous Anaxagoras, Metrodorus of Lampsacus, and others of less note, were of this college of interpreters. Their masterkey was allegory, a passe-partout to all difficulties, and obviously the most triumphant mode of commentary, since by it any thing can be made to signify any thing. The later Sophistsand, as applied to them, the word has no longer a respectable meaning—of the age of Pericles, such as Prodicus, Protagoras, and the Elean Hippias, were likewise, for the most part, explanatory critics,—busying themselves with the ethical tendency of poetical works, or trying the merits of the poet's descriptions by technical tests, without much notion of the true principles of the divine art. And though among the problems and solutions with which these gregarious gentlemen, as Isocratest calls them, were wont to amuse themselves in the lounge of the Lyceum,

^{*} Ομήςου δεινός εί ἐπαινέτης, says Socrates; "Ομηςον ἐπαινώ, responds Ion.

[†] See his Prolegomena to Homer, § xxxvii.

In the Panathenaic oration.

and of which some specimens have been preserved by Aristotle, there are a few that seem to belong to the philosophy of taste; yet neither does their date give them precedence of the Rhapsodists, whom, in fact, they to a certain extent imitated; nor is their importance sufficient to detain us longer from the contemplation of that illustrious writer, who draws us to him with a more potent magic as we approach nearer the circle of his influence, and who has thrown around the theory of the fine arts the light and glory of a mind, beautiful even in its errors, that never shone on any theme without leaving it emblazoned

in the radiant characters of genius.

Plato, whose inimitable style would suffice to place him in the great Quaternion* of Grecian luminaries, but whose soaring and expansive intellect would have been 'cabin'd and confined' without that exuberant richness of expression that bespeaks the prodigality of Heaven to a favoured mind; whose works, unfit perhaps for the earlier periods of classic study, are the highest guerdon of toils that have mastered the complicated niceties of the idiom, in which alone their charm can be appreciated; whose spirit is to be 'unsphered,' not in the midst of social bustle, nor even in closet-seclusion, but in the unfettered hour of liberty, as well as loneliness—in the heart of some silvan scene, such as his own pencil has portrayed, or amid the speaking silence of the mountain-side;-Plato, whose dreamy depths of solemn meditation, and visions of ethereal beauty, and bright glimpses of the unknown world, are for moments when we rise above life's tumults, and, rapt in pleasing melancholy,

> Can look in heav'n with more than mortal eyes, Bid the free soul expatiate in the skies, Amid her kindred stars familiar roam, Survey the region, and confess her home—'

Plato, who from the witchery of his graphic and glowing language, and the splendour of his lofty conceptions, has been so often hailed the poet of philosophy, could not be ignorant of the philosophy of poetry. That he did indeed unveil the secrets of imaginative power, and that he established on a firm basis the

^{*} With the most eloquent of philosophers we should rank Herodotus (as unrivalled in the true province of history), and the living thunders of Demosthenes. The claims of Homer need no demonstration. What a language—and what a literature—in which Pindar, Æschylus, Thucydides, and Aristophanes, belong to the second rank!

elements of philosophic criticism, is well known to those versed in his productions; but is not the general opinion among persons, who have but a superficial acquaintance with their ten-

dency and substance.

With reference to this subject, a strong line of distinction must be drawn between Plato the metaphysician, and Plato the political projector. As long as Utopia was out of his thoughts, as long as he looked upon poetry, or the other fine arts, in the abstract, without regard to any influence exercised by them upon human character and conduct, so long was this gifted man a sagacious and eloquent expounder of the true principles of taste. The Platonic scholar, who proceeds to review the critical writings of Aristotle, will discover the clearest evidence of this proposition in the many lights and pregnant hints which the Stagyrite has borrowed from his master. We shall mention a few of their remarkable coincidencies, and indicate the portions of their works which ought to be compared. Plato traces the origin of poetry to the natural love of melody and rhythm,* and to the imitative instinct,+ though in applying the latter principle to the divisions of the art, he has taken a less limited, and consequently a more just and consistent view, than Aristo-Plato recognises, as the great sphere and scope of the fine arts, that beau ideal to which Aristotle likewise so distinctly alludes, however boldly certain modern critics seem to claim it as their own discovery. In the fifth book of the Republic, Plato -acknowledging that it savours of paradox-has yet made the striking assertion that action comes less near to vital truth than description, on which Aristotle builds his memorable doctrine, that poetry is something more philosophical and excellent than history \(-\)a doctrine very naturally impugned by Gibbon, but supported by Bacon, by Fielding, and-may we add-by William Hazlitt? If Aristotle, in conformity to common sense, considers pleasure as the end of poetry, | Plato too, in his milder moods, pronounces pleasure ¶—the pleasure of the virtuous**—to be the effect aimed at by the fine arts, and the true test of their suc-Plato, probably following out a hint given by Democri-

^{*} Pl. Leg. B. ii. Aristot. Poet. c. 4.

[†] Pl. Leg. B. ii. Rep. B. iii. x. Aristot. Poet. c. 1, 4, et passim.

[†] Pl. Rep. B. v. vi. Aristot. Poet. c. 2, &c. § Aristot. Poet. c. 10. || Aristot. Poet. c. ult. See Mr Twining's 277th note. ¶ Pl. Hippias Major. ** Pl. Leg. B. ii.

tus, has dwelt in lively terms upon the 'fine frenzy' of poetic inspiration, and on the necessity that nature and enthusiasm should combine in the production of a genuine bard,*—a truth acknowledged, though in more tame and logical expression, by the Stagyrite. 'That terror and pity are the mainsprings of tragedy, is distinctly affirmed in the Phædrus of Plato, and every scholar is acquainted with the famous definition in which Aristotle† recognises the function of those golden keys that unlock the gate

' of thrilling fears, Or ope the sacred source of sympathetic tears:'

the characteristic difference, however, being, that Plato objects to tragic poetry, as pampering and inflaming the passions, 1 whereas Aristotle lauds it, as tending to mitigate and refine them.§ We will add only, that though Aristotle judiciously declares the essence of the poetic art to depend upon, nay, even to coincide with, the imitative principle, and the metrical dress to be only a subordinate adjunct, still he does allow, though with some hesitation and an appearance of inconsistency, that this adjunct is necessary, and not purely accidental, thereby acceding to the doctrine laid down by Plato in the Gorgias; that, in extolling the mimetic spirit of Homer, and developing the germs of the Grecian drama in his poems, he does not go further than the founder of the Academy, who plainly names Homer the prince of Tragedy—as much the prince of Tragedy as Epicharmus was of Comedy; -and that even Aristotle's fervid admiration of THE POET might have been learned, not indeed from the ethics, but from the taste of Plato, who speaks so often of the author of the Iliad as divine—as the chief of bards \ —who cannot dissemble the regret with which he banishes him from his imaginary commonwealth, and who has made Socrates enumerate his name ** among those of other dwellers in the invisible world, for

^{*} Pl. Phædr. Ion. Apolog. Crito.—Aris. Poet. c. 17. (Ed. Herman.) In some of Plato's assertions on this head, there is a dash of his favourite style of banter, yet his real opinion is manifest.

[†] Arist. Poet. c. 6. † Pl. Rep. B. x.

[§] Δι' ἐλίου καὶ φόβου περαίνουσα την τῶν τοιούτων παθημάτων κάθαρσιν—the ingenious perversions of this plain passage by the commentators (e.g. by the Abbé Batteux, Professor Moore, &c.) must have been avoided, had they perceived that Aristotle is here combating his master.

[|] Pl. Theætetus. ¶ Pl. Ion. ** Pl. Apologia.

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whose society a man might gladly quit the scenes of present existence—might loathe to live, or at least not fear to die. In short, it would not be difficult to collect from the Dialogues of Plato, a volume of *Poetics*, which would supply as much for the illustration of Aristotle's treatise, as it would detract from its character for originality. A work of this kind was actually compiled by Paulus Benius, and published at Venice A.D. 1622. The same scholar put together a Platonic *Rhetoric*; but of neither of these publications have we ever been able to obtain a view.

With such agreement, however, in some of their principles and preferences, the harmony between Plato and his disciple as critics terminates. Their contrariety of opinion becomes apparent, wherever the philosophy of taste touches upon the philosophy of morals. Into these parts of his system Plato has infused all the bitterness derived from his own disappointment as a poetical aspirant. Here he summons the sternness of the legislator to indurate the nerves of the critic—he gives to his views a tinge of rigour, at variance with the bent of his secret inclinations—and forgetting the force of some of his own admissions, and the great truth that there is usefulness in pleasure, he seeks to banish all pleasure from usefulness. It is in such places, and in this spirit, that he finds out that others besides Aristophanes and his comic brethren are worthy of all contempt and castigation * -that the keen blade of his trenchant irony is bared against the votaries of every muse+—that even conversation about poetry is stigmatized as silly and vulgar t—that poets are proclaimed to be fit only to titillate the ears of a mob-audience | - and that the epic mythology, and descriptions of gods, heroes, wounds, and death, are denounced as absurd, and dangerous to the youthful mind. Now it is that a bad imitation of bad subjects becomes, according to Plato, the true definition of poetry; now he objects to the art its want of truth, somewhat in the vein of Rousseau's condemnation of fables, which even the pious Cowper ridicules, or of the well-known mathematical complaint against the Paradise. Lost—that it proves nothing. We presume that none but a thorough-paced Utilitarian, and one who is prepared to impeach

^{*} For Plato's very natural abuse of the comic poets, see particularly the Phædrus and the Apologia.

[†] Pl. Lysis. Ion. ‡ Pl. Protag. || Pl. Gorgias, Theætetus. Rep.

[§] Pl. Rep. See especially the 2d and 3d books.

the parables of Scripture as well as the fictions of poetry, will approve of this article of censure; but it is curious to observe, in the mode by which Plato strives to make it good, an instance of error in ethical doctrine derived from and depending upon the absurdity of a speculative tenet. It is because all things, of which our senses take cognizance, are supposed by him to be mere copies of certain archetypal forms, that he considers imitative poetry—as the copier of these copies—the third-hand mimic—the shadow of a shade—to be utterly false and valueless.* Few will be moved by this metaphysical reasoning, and as few will pay attention to the inconsistent puritanism, that would admit a community of women in the same republic, from which it banishes the picture of the conjugal loves of Hector and Andromache.

It must be pleaded, however, for the standard of morality, which Plato has set up against the standard of taste, that the vast influence of the fine arts, and especially of poetry, upon the manners and sentiments of the people, which was perceptible at Athens, obliged him-holding ethical improvement to be the highest destination of man, and developing the ideal of a human commonwealth to correspond with this destination—not to pass by the problem, in how far poets and poetry might be useful in his Utopia. His fault lay in solving this problem upon too narrow grounds, and too shallow and superficial observations. Pity that he did not penetrate more deeply into the laws, according to which the powers and activity of geniusthe practice of the fine arts in all their branches—and the enjoyment of their beautiful productions—harmonize with the dictates of morality, and contribute to the amelioration of our species! Yet his ethical perversions, if often wild and mystic as an enchanter's spells, had at least the merit of evoking a spirit to destroy them.

In soundness as well as amenity of judgment,—in the practical good sense of his moral philosophy—and, consequently, in the fair application of ethical tests to the productions of genius—Aristotle is favourably contrasted with his master. And it must be acknowledged that, though a sort of filial tenderness has precluded the use of petulant language, he is by no means slow to mark his opposition on all fitting occasions. Yet with regard to the sources and essence of the fine arts—those topics of abstract contemplation, which had nothing to do with an

Utopian police—the precious and prolific hints of Plato, as we have already endeavoured to show, were not lost upon the 'intellect,' * whose brightness he had early discovered, and generously held up for applause. Aristotle, whose mind, equally capacious and aspiring, not only embraced the whole regions of knowledge, as far as they were then opened up, but likewise strove to extend their boundaries in every direction, found the theory of the beautiful a field well adapted for the display of both its treasures and its powers. To the principles gathered from the lessons of Plato, or discovered by his own sagacity, he added a careful and extensive study of the best productions extant in his day—especially those of the Epic and Dramatic muses—and blended the rules of art, thus learned from artists, with the dictates of intuitive taste, so nicely and ingeniously, that it is often difficult to distinguish, in his criticisms, between the results of induction and the promptings of original thought. Would that we had more of them upon which to make the experiment! Among the many regrets occasioned by the ravages of the arch-destroyer, we know none more keen than that which arises from the extinction of the greater portion of Aristotle's critical writings. Of too many Time has spared nothing but the titles. Even from these, however, we can conjecture the Though assured from what we still possess nature of our loss. that these perished treatises must have been strewed all over with gems of thought, dug out of a deep vein of comprehensive wisdom, yet we perceive, if not an exclusive attention, at least a decided preference, assigned to dramatic poetry. Nor is it difficult, considering the circumstances of Athenian life at that period, and the stage at which the art of criticism had then arrived, to account for this peculiarity. The splendid genius and incessant exertions of their dramatic poets, combined with other causes, had inflamed the people of Athens with a passion for the drama, which the noblest minds contended, with all their power, at once to stimulate and satisfy. The nearer the dramatic art drew towards perfection, the higher rose the demands which were made on its resources. There grew up, by little and little, among the Athenian public, a sort of practical criticism, that pronounced upon the poetic faults and excellencies of the prizecompetitors, and that was extended to all the aids and ornaments of their poetry,-to the music, the painting, and those other de-

^{*} The 'intellect' or 'mind' of his school was the title by which Plato was wont to distinguish Aristotle.

corations, which gave increased distinctness and vivacity to the business of the scene. It may well be credited that the artists subjected to this criticism would not, at first, be always quite aware of the rules which determined their fate. In truth, the earliest judgments of this description were probably formed according to the mere impression made by a dramatic work on the sensibility of the audience, who would take small pains to analyze such an impression, or to reason with themselves upon the grounds of it. But as the whole business of the Greek Drama was—as it always will be among a lively and imaginative people —an affair of national importance, the philosophers now inter-That widely-diffused, but often capricious sensibility, which animated the great mass of Athenian spectators in the theatre, they at last began to mould into the shape of axioms and precepts; and Aristotle mounted the chair of dramatic criticism, from which, if we regard the essence of things rather than their fluctuating forms, he has in fact never been deposed. Holding human nature—never better understood by any human intellect-steadfastly in view, and bringing those Platonic, and other principles, to which we have already alluded, into their full operation, he framed a code, whose fragments alone—and we have nothing more remaining-compose the capital articles of taste, and the elements not only of dramatic, but of universal criticism. Whatsoever views the different parties of the critical profession may have followed in their examinations of the Aristotelian theory, by whatsoever prejudices they may have been impelled, and however far the results of their labours may have been certain or ingenious, still have Aristotle's maxims ever furnished a clew, by which men have conducted their researches into the essence, objects, and instruments of the fine arts; they have been the rubric of wider philosophic disquisitions; and are thus so inextricably intertwined with the history of taste, that the study of them, at the fountainhead, is indispensable for any one, who seeks to cultivate, in theory or practice, the tempting domain of the beautiful.

In the great work on Rhetoric—great, we mean, in the highest acceptation of the term—in that golden work, wherein every true orator will find his own image, and which ought, therefore, to be devoutly studied by all who aim at the renown of oratory,—and especially in the third book, of which style is the more immediate subject, there is much that belongs to the philosophy of taste; but the chief repository of Aristotle's critical doctrines is the fragment on the art of poetry, well known under the name of his Poetics. A fragment that most acute and admirable treatise certainly is—but a fragment resembling some immaculate

Torso of antique statuary, as full of traces of the primeval beauty of the whole, as of the lamentable marks of mutilation and defacement. Neither its imperfect form-sufficiently accounted for by Strabo's curious narrative of the adventures that befell Aristotle's writings-nor the confused arrangement of some of its chapters, which it would require the stroke of a fairy wand to restore to a perfectly satisfactory order-nor the laconic brevity, and enigmatic darkness of much of its expression-a darkness resulting partly from the peculiar mode in which the writer's thoughts are connected, partly from an uncommon usage of words, but mainly from the characteristic compression of superabundant mind and knowledge into narrow limits-should deter from the frequent perusal of a work, which forms a complete Manual of Taste. That it is replete with difficulties, and that the style is more than commonly elliptical—though we cannot fall in with the vulgar notion, supported with some strangely feeble arguments by Hermann, that we have in the Poetics merely the prospectus of a larger work, or a series of heads for lecturing-we seek not to deny. But, concerning the latter objection, without going the length of the enthusiastic Heinsius, who characterises Aristotle as etiam in dicendo divinus, we acknowledge that the conciseness of the Aristotelian style has never diminished the pleasure with which we read even the most broken passages. He is an arid writer-a cramp writer-often a rugged writer-and yet he is an amusing and interesting writer. In gazing at his pupil Alexander, who would have regarded the chariot of the conqueror? and in pondering the deep sense of Aristotle, who cares about its vehicle? We give up the gauds of rhetoric for the jewel of philosophy, the shape of eloquence for its substance, the body for the soul. Nor has the cold severity of Aristotle's style had any effect upon his taste. He writes methodically, reasons almost mathematically, but feels poetically. You see that he could not have been a poet himself—we say this despite his Pean, and the Peplus which many have ascribed to him—but that he well knew the stuff that poets are made of. There are no bursts of emotion, no fits of laudatory transport, no ecstasies, but you discern that a heart of sensibility may lie beneath a wintry exterior, that there are thoughts too profound for words, and that the most ardent lover need not be the loudest. His principles are poetry in the abstract; and granting the full charter of poetry, his code allows her to impose upon the imagination, as far as the imagination, like a prodigal, will consent, for its own pleasure, to be imposed upon. By poetrynay, to a certain extent, by all the fine arts-it is our interest to be cheated, and it is their duty to cheat us. 'The critic,'

says Mr Twining, in the spirit of a remark which was made by Gorgias long before,—' the critic who suffers his philosophy to 'reason away his pleasure, is not much wiser than a child, who 'cuts open his drum, to see what is within it, that causes the 'noise.'

There are two other passages, in English classics, each conceived in the true vein of the author's mind, with which we shall dismiss these loose observations on the greatest of the ancient critics. 'Aristotle,' remarks Fielding, in his Amelia, is not so great a blockhead as some take him to be who have 'never read him.'- 'For my part,' writes Mr Gray, in a letter to Dr Wharton, 'I read Aristotle, -his Poetics, Politics, and ' Morals; though I do not well know which is which. In the ' first place, he is the hardest author by far I ever meddled with. Then he has a dry conciseness, that makes one imagine one is 'perusing a table of contents rather than a book; it tastes for all the world like chopped hay, or rather like chopped logic; for he has a violent affection to that art, being in some sort his own 'invention: so that he often loses himself in little trifling distinc-' tions and verbal niceties; and, what is worse, leaves you to ex-' tricate him as well as you can. Thirdly, he has suffered vastly from the transcribblers, as all authors of great brevity necessarily 6 must. Fourthly and lastly, he has abundance of fine uncommon things, which make him well worth the pains he gives one.-

'You see what you are to expect from him.'

The successor of Aristotle, in the ranks of criticism as well as in the school of Peripatetic philosophy, was his favourite pupil Theophrastus. This brilliant writer, whose very name, according to the popular tradition, denotes the vigour of his eloquence, was not content 'to trace,' in a work by which he is well known, 'each herb and flower that sips the morning dew;' he delighted also to cull the flowers of literature, and to judge their fragrance when steeped in the dews of Castalie. We regret that his contributions to the philosophy of taste—such as the treatises on Comedy, on Diction, and others of like argument—have perished; not so much, however, on account of the matter, which was probably but a faithful reflection of the Aristotelian light, as for the sake of the energetic and captivating style, in which he must have set forth the dictates of his master. them on ground which admits of a fair comparison—the minute portraitures of passion, for example, where Aristotle, in the second book of his Rhetoric, is closely pursuing the method of induction, with the pictures of human nature contained in the famous Characters of his disciple. Full and faithful as the finishing of Aristotle is, who does not feel its inferiority to the

dramatic picturesqueness, the warm colouring, the speaking life, of the portraits drawn by Theophrastus? What a feast should

we have had in his critique on Aristophanes!

We fear that certain chronological objections must debar us from including a celebrated scholar of Theophrastus in the list of Greek critics whose works are extant. Had the case been otherwise, the name of Demetrius Phalereus—the ultimus Atticorum of Tully and Quintilian—would give an interest, scarcely due to its intrinsic claims, to the dissertation upon style which has often been treated as his production. But even the internal evidence makes it pretty plain that to the pen of some grammarian, who did not join to that character the more lofty attributes of the statesman and the orator, must the mepl epunyelas be ascri-Its writer deserves to be hailed the Pedagogue of criti-Not that noble thoughts, and traces of extreme refinement are altogether banished from his treatise; but minuteness, technicality, and a dictatorial tone, are pushed to an extravagant Though these qualities are common to the whole Grecian school, they are here made too elaborately prominent. There is a total want of keeping in the distribution of the parts; an equal heat, and emphasis, and almost agony of earnestness exerted, whether the writer has to recommend the analysis of mind, or the adjustment of a comma-the proper exhibition of a passion, or the pronounceable length of a period. We recommend the book to martinets; but it can take no high precedence among works of philosophy.

At a wide interval of time, Grecian criticism next becomes important in the hands of Dionysius of Halicarnassus, a writer not, perhaps, much studied, and whose merits have, in consequence thereof, been very differently estimated. He has not been without zealous partisans, from the patriarch Photius, whose enormous commonplace-book shames the reading of these degenerate days, down to that recent Dean of Ch. Ch., whose viva vox appears to have had so powerful an influence over the minds of his contemporaries, but whose aversion to employ the

press compels us to exclaim with the poet,

Ήμεῖς δὲ κλέος οἶον ἀκούομεν, οὐδέ τι ἴδμεν.΄

And, on the other hand, detraction has been busy:—dishonesty as a historian, theft and quackery in criticism, flatness and feebleness of style, have been accusations heaped upon his head by some who write according to knowledge, and by many who do not. In the character of critic, under which alone we have to contemplate him, our own judgment is, that the more favourable opinion is also the more just,—speaking as we do, from a

general survey, and not merely from the work on Synthesis, which one of his most petulant assailants, according to his own confession,* has made the sole ground of immoderate abuse. To us the style of Dionysius appears, not languid, but easy and agreeable; his philosophy, if not so searching as that of Aristotle, is at least modest and correct; his ear is scrupulously fine, and his mode of argument often striking and ingenious. Though his admiration of Grecian genius is perfectly exclusive, it is no wonder that a Greek, resident at Rome in the Augustan age, had his natural predilections fanned by jealousy into exclusive-As much may be said for the kind of clannish ardour that animates his comparative critique upon Thucydides and the historian of Halicarnassus; but, while concurring in the preference given to his townsman, we must mark the weakness, and even inconsistency, + of some of his objections to Thucydides. However fair and able may be his strictures on the style of that writer—whose very difficulty is no bad proof of imperfection we cannot but perceive more than his usual heat, and less than his wonted sagacity, wherever Dionysius comes upon the question of his general merits. But for specimens of honest, amusing, and instructive criticism, we refer, not only to many passages in the dissertation upon Synthesis, but likewise to the Art of Rhetoric, which does such ample, yet not exaggerated justice to the genius of Homer; and above all, to the treatise upon the Attic Orators, which, though partly mutilated, still presents the most faithful exposition of the merits of Lysias, Isæus, and Isocrates, and contains in its latter half a discussion, memorable for the untranslateable aptness of its principal term,

^{* &#}x27; I speak positively as to the treatise Πιςὶ Συνθέσεως; as to his other works, I confess I rely on that which

^{——} turns no student pale,
But holds the eel of science by the tail.'

Remarks on the supposed Longinus, &c., p. 30.

Compare with this avowal what the same author says at p. 41.

[†] Compare, for example, his observations, in the letter to Cneius Pompeius, on the choice of a historical subject, with the language of his letter to Quintus Tubero. The criticism, in the same letter to Tubero, on the speeches in Thucydides, especially on the Melian dialogue, and the oration of Hermocrates, is a signal failure. Nor, in examining the historian's statement of the causes of the Peloponnessian war, and in blaming the preponderance given to certain events over others, has Dionysius shown much discernment. How greatly has he misapprehended the importance of the affair at Pylus!

upon that wonderful attribute, which Greek alone can express

in a single word, the Asirotres of Demosthenes.

More than a century after Dionysius, comes Plutarch the Beeotian, whom, but for his biographies, we should be tempted to call the Bæotian Plutarch. Biography was his province; anecdote his forte; and notwithstanding his faults of style, and a goodly portion of both confusion and credulity in his narrations, no man was ever better qualified to compose minute and interesting records of those lives, in which every thing is interesting, however minute. But Plutarch had neither the acuteness, nor the impartiality, essential to a critic. Every thing he heard or read went down into the daybook, which he is reported to have kept; and then this Boswell of antiquity, without a ray of internal light, or an original thought of any value, had just instinct enough to select the doctrines most suited to his own inclinations. Even in his best critical production, the De Audiendis Poetis, all that is good is second-hand; but seldom has the daybook played its part so well. Possessed with the more erroneous and extravagant views of the Platonic philosophy, and setting up, in his own fancy, for another Plato, he forgot the fate of Salmoneus. He is handling a weapon far above his might, that swings round and mutilates himself. philosophy, which he took on trust, filled him with prejudice; and the prejudice, which he mistook for taste, made him an imitative snarler rather than a critic. His criticism of every kind is only prepossession. As a bigoted Beotian, incensed at some passages, in which Herodotus is forced to say hard things of his countrymen, he wrote an essay to prove the malignity of that historian, which proves nothing but his own;as a would-be Platonist, who thought it a fine thing to worship Socrates, he echoed the common cant against the author of the Clouds, and made Aristophanes the subject of a beautiful display of justice and discernment. A better criterion between the critical merits of Dionysius and Plutarch cannot be found than in the manner in which each has written on the ancient comedy. While Dionysius examines it with caution, and extracts with cool sagacity the character of its peculiarities, Plutarch breathes defiance in the outset, shuts his eyes, levels his brazen front, and rushes like a mad bull against a wall—to be stunned by the concussion, and overset in the rebound.

From the petulance that slandered the father of history, and the rashness that shattered Plutarch on the rude strength of the old Comedy, we pass to close the line of the chief Grecian critics with Longinus. But the few remarks we mean to offer on the merits of this author must be preceded by some discussion of doubts recently started, as to the authenticity of the treatise con-

cerning the Sublime.

British scholars have not been so prone as their foreign brethren to literary scepticism—a term under which we cannot comprehend such magnificent efforts in the cause of truth as Bentley's demolition of Phalaris's Letters, and of certain other spurious performances. But abroad, the spirit of doubting for doubt's sake, one phasis of the spirit of out-Heroding, has been the source of many theories more curious than creditable. From France, in the first instance, and with more authority from the adopting wits of Germany, came-not that question as to the separate authorship of the Iliad and Odyssey, which is of ancient date and considerable difficulty—but that wild hypothesis which makes the indivisible Iliad itself a child of many fathers, and which has not yet been scourged away from our shores with sufficient vigour and disdain. It was the German-Wolf, who led on Beck, Schütz, and some more of that school, in their attacks upon speeches of Cicero, dialogues of Plato, and other victims of Pyrrhonism. And now again appears the foreign Amati, whose name rejoices in the Latinized rotundity of Hieronymus Amatius, to wrest the treatise Teel "Y Jous from Dionysius Longinus, and to transfer it to Dionysius of Halicarnassus. Benjamin Weiske, too, the latest editor of the treatise, is art and part in the robbery, though too judicious to concur in the transfer. Nor are we without Hieronymians of our own. Dr Parr assented with an awful nod; but as it was given in the Burleigh style, it may be answered with a shake of equal gravity. And, lastly, the anonymous writer of the 'Remarks' before us, offers battle under the same ensign. We shall accept the challenge of these heroes—that is of Amati, Weiske, and Anonymous—considering first the foundation-arguments of Amati, and next the slight additions made by his two followers; and shall reason the matter, not only rather closely, but also in a spirit as rare, perhaps, in literary as in legal controversy—that of a sincere reliance on the justice of our cause.

Amati draws his chief argument from names. The inscription of the Vatican manuscript is Διονυσίε η Λογγίνου, and on this 'resplendent gem'—for fulgidissima gemma is what he calls it—he fastens with avidity. 'There,' cries he, 'is the opinion of the copy-writer; not—this is the work of Dionysius, otherwise called Longinus, but this is the work of Dionysius, or of Longinus, —implying the transcriber's doubt as to the true authorship. The classical expression for the former meaning would be Διονυσίου τοῦ καὶ Λογγίνου.' We should like to know how this critical signor

translates the words υψους ἡ βάθους in the beginning of the second section of the treatise itself, if not by an 'otherwise called,' denoting two terms for the same thing. But even were the simple conjunction bad Greek, who ever heard that copy-writers were confined to classical expression? Gentlemen of that class have not commonly been purists. Besides, the Parisian MS., the oldest of all, has Διονυσίου Λογγίνου in the beginning, and from the same hand,* Διονυσία ἡ Λογγίνου subjoined to the index—a pretty good proof that the transcribers at least held these phrases to be of identical import.

But still further of the name. 'The neglect of the conjunc-'tion ",' says Amati, 'has procreated that horrible monster of 'an appellation—Dionysius Longinus. Who, that knows any ' thing about ancient names, will endure a Greek with a double 'proper or personal name? If the Greeks of later times indulged 'in more names than one, they took them, after the Roman ' fashion, from their families, countries, or personal qualities. ' Dionysius is not a family-name, but a proper or personal name. ' Longinus is also a proper name, not an agnomen, or a cognomen. 'As the son of Cassius, he could not have been called any 'thing but Cassius Longinus. Suidas enrolls him under the ' letter Λ ; not Δ , as he otherwise should have done, among several Dionysii, whom he enumerates. Eunapius, Photius, ' Zosimus, as many as mention the sophist of Palmyra, call him Longinus only: no one calls him Dionysius Longinus. Since, 'then, Longinus was never Dionysius, who is the Dionysius to whom the writer of the inscription Διονυσίου η Λογγίνου, though ' with some hesitation, assigns the work in question?'

Now for our categorical replies. 1. That Dionysius Longinus is a double proper name, denied. Dionysius, the Greek name, is the one proper or personal name: Cassius Longinus, are Roman names of gens and familia. The full name of our author is Dionysius Cassius Longinus: † that is, he received in infancy the Greek name of Dionysius, and afterwards added to it the Roman appellations, according to a common custom among the Greeks of that period; either because he was under the patronage of the house of Cassius Longinus, which appears from Plutarch, Suetonius,

^{*} There is yet a third inscription on this codex, with Διονυσίου η Λογγίνου, but apparently added by a recent hand.—Weiske's note on the discrepance between the two older inscriptions is too silly for notice.

[†] See the Dissertation by Ruhnken, under the name of Schardam, De Vita et Scriptis Longini.

Tacitus, and Juvenal, to have been one of considerable eminence, or because from it his ancestors had formerly obtained the citizenship. 2. What does Amati know about the father of Longinus? No relations of his, except Phronto, his uncle, and Phrontonis, his mother, are expressly mentioned. But, granting that his father bore the family names of Cassius Longinus, would he not have a proper or personal name prefixed to them? And would not that respectable, though unnoticed personage's son, be in like manner distinguished? In Suetonius, B. iv. 24, Amati will find mention of Lucius Cassius Longinus, whose designation he may compare at his leisure with that of Dionysius Cassius Longinus. 3. Is it so uncommon for Suidas, and similar compilers, to notice a person under his family name, without regard to his personal appellation? Why, the Lucius Cassius Longinus, above alluded to, becomes simple Cassius Longinus a few pages further on in Suetonius, who found that Caligula could understand him under the still barer indication of ut a Cassio caveret. Our own usage is of that nature. We say Shakspeare, Otway, Dryden, Rowe: and though we all remember William Shakspeare, and glorious John, who recollects or quotes the Christian names of Rowe or Otway? 4. It is very true, that Longinus is called Dionysius only in the title of the Treatise on Sublimity, and that he is elsewhere named Cassius Longinus, or inversely, Longinus Cassius; ** or, as is most frequently the case, simply Longinus; but this fact allows of easy explanation. Rome, the capital of the world, was in his day the fountain of honour; a Greek would naturally be proud of his Roman name, and be apt to drop his Hellenic designation; which would thus be sometimes altogether lost, and sometimes, as in the instance before us, be preserved only by that sort of vague tradition, or in those perishable records, from which the penman of the Parisian MS. must have learned the name of Dionysius.

Hieronymus next argues, that 'the very style and mode of 'expression in the work on Sublimity,—so grand, masculine, 'and chastened—so remote from the nerveless and sophistic style 'of the age of Aurelian—vindicates the claim of the Augustan 'era.' We answer, that if there be a style distinctly stamped with the character of the silver age, if there be a style which, with great liveliness and energy, merits less than another the epithet 'chastened,' it is precisely the style of this treatise. That is, we suppose, one reason why Weiske considers it unfit for the perusal of Tyros; and therefore, likewise, it is that we

^{*} By Suidas.

wonder at its substitution for Sophocles in the course for Fellow-Commoners at the University of Dublin. Its superiority to other writings of the third century, proves merely that the author was the greatest genius of that period, a position, with regard to Longinus, which is confirmed by everything we hear of him.

The long interval of time between Longinus and that Cæcilius. who flourished at Rome under Augustus, and to whose work on the Sublime there is an allusion in the opening of this dissertation, supplies Amati with another argument. He affirms that such an allusion would be made only by a contemporary of Cæcilius, and that the word ἀνασκοπουμένοις, used with reference to the writer and his friend Terentianus, must denote their inspection at a bookseller's stall of Cæcilius's treatise on its first publication. So, then, an author never refers to any work, on the same subject with his own, that is more than 200 years old! and Thucydides, Aristophanes, Euripides, and Lucian, knew nothing of the meaning of Greek words! We can tell Hieronymus, that one of the unquestioned writings of this very Longinus, as we learn from Suidas, was upon another topic previously handled by that very Cæcilius, on whose footsteps, therefore, he seems to have been fond of treading; and that ἀνασκοπουμένοις, according to the great masters of language above enumerated, must signify a close inspection—a through-and-through examination—and not the rapid and perfunctory perusal of a new book exposed upon a stall.

There is some strength, however, in Amati's remark, that an allusion, towards the end of the treatise, to the 'peace of the ' world,' is more applicable to the age of Augustus than to that of Aurelian. Weiske repeats this observation, and the anonymous echoer of both dilates on it with vehemence. But, suppose the passage to have been written before the Oriental wars of Aurelian commenced,-in that case Longinus, neglecting the Gothic tumults, might be at liberty to speak of a general peace. There was at least-and that is the main point to urge-at that period no war which called great spirits into action-no grand struggle against the encroachments of despotism-no struggle such as nursed the genius of Demosthenes. While on this passage, too, which occurs among the famous sentences on the decline of eloquence, we may observe that these sentences could scarcely be written at Rome in the Augustan age, when the voice of Cicero-of an orator so extolled by the author of them -had not long ceased to thunder in the forum; and when, the decent appearances of freedom being still maintained, and even its spirit sometimes flashing forth, it would have been somewhat too strong to speak of a habitual and hopeless servitude.

Amati continues: 'that among many authors cited in the trea-' tise Περί "Υψους, not one is found posterior to the Augustan age; ' that Suidas, under the article Longinus Cassius, makes no men-6 tion of this treatise; and, as the weightiest, in his own estimation, of all his arguments, that two dissertations upon Synthesis, ' noticed in the treatise as productions of the same pen, are nowhere else ascribed to Longinus, whereas one such dissertation 'exists among the critical writings of Dionysius of Halicarnassus.' We answer to the first position, that, were it true, the fact might well be accounted for by that passionate love of ancient science and genius, which procured for Longinus, according to Ruhnken's right reading of Porphyry, the epithet φιλαρχαΐος—but, that it is a false position, inasmuch as Ammonius is alluded to—unquestionably, since the allusion is made in connexion with the name of Plato,—that Ammonius Saccas, who, in the year of Christ 232, opened a school of Platonic philosophy at Alexandria, and who had the honour to number Longinus, as well as Plotinus and Origen, among his disciples. Even were we to admit that a former Ammonius-the Delphian teacher of Plutarch—is meant, his date likewise is a century and a half too late for either Dionysius of Halicarnassus, or Dionysius of Pergamus, to whom Amati and Weiske severally attribute the work on the Sublime. We insist earnestly on this fact in favour of the claim of Longinus, and it will perhaps be enough to satisfy all who do not acquiesce in the inimitable coolness of Weiske's annotation- another Ammonius must be sought for'-though he hints not how or where we are to find him. To the second position we reply, that Suidas, not the most accurate of all mankind, after enumerating several works of Longinus, now lost, ends with καὶ ἄλλα πολλά, which may of course include the treatise Tepl "Thous. And we meet the third position by remarking, that under the same comprehensive phrase of Suidas, may lurk Longinus's two treatises on Synthesis, which need not be resolved into one* by the critic of Halicarnassus. It is indeed sufficient to destroy Amati's claim to penetration, that he should endeavour, by any argument, to make out a title to the work upon Sublimity for the latter author. Both Weiske and the anonymous ally desert him here. Weiske perceives, as well he might, that in force and spirit, in the whole art of composition, in the use of technical terms, and in various expressions of judg-

^{*} The 'Remarks' affirm that Dionysius promises another. Had the author looked at Dionysius wit lihis eyes open, he would have seen that the promise refers to a treatise on the Selection of words, not on Synthesis.

ment, the writer on Sublimity widely differs from the Halicarnassian Dionysius: and the anonymous maker of 'Remarks,' enthusiastically exclaiming,

'That strain I heard was of a higher mood!'

observes not unjustly, that 'it is but necessary to read Diony'sius's criticism on one of Sappho's odes, and that of this
'author's on another, to be convinced that there was no similar'ity in their minds.' To be sure, though the *subjects* of those
two criticisms are alike, their *object* is very different; but were
the arguments deducible from them, and from the date of Ammonius, insufficient, we could show upon other grounds—as, for
instance, by the manner in which Thucydides is spoken of—
that Dionysius of Halicarnassus could not have composed the

work upon the Sublime.

Here ends Hieronymus Amatius. The supplementary arguments of Weiske are not impressive. He says that none of the ancients impute this work to Longinus, nay, that it is not heard of at all until the sixteenth century: Anonymous, in the same tone, desiderates the testimonia veterum, and contrasts the silence of antiquity with the loud applause of modern times. Now, besides that we may urge the paucity of ancient works, after the third century, in which such a treatise was likely to be noticed, we beg to meet this difficulty in the teeth with another: if the treatise were really composed in the Augustan age, how comes it to be nowhere distinctly mentioned by Quintilian and other careful writers, who intervened between that age and the era of Longinus? The 'private circulation,' asserted by the anonymous essayist, appears to us an untenable hypothesis. We cannot believe, in spite of its epistolary commencement, that this work was intended for a mere confidential communication, so as in that way to escape the notice of kindred spirits. Weiske further reasons from the passage, already alluded to, on the decline of eloquence, that no one could have spoken with such force, and such evidence of grief, concerning the loss of liberty, who did not live close upon its first extinction. But turn to Gibbon's account of that memorable passage, in which, according to him, Longinus, 'instead of proposing his sentiments ' with a manly boldness, insinuates them with the most guarded caution, puts them into the mouth of a friend, and makes a 'show of refuting them himself.' What becomes, then, of the surprising 'force' alleged by Weiske? It was true, and the author knew it to be true, that the harvest of great intellectual productions failed—that eloquence, philosophy, and song, decayed beneath the widening empire of the Casars, because the motives were gone which free states offer for the cultivation of high mental powers—because the minds of men were curtailed and cheated of their fair proportion—because, genius was drooping over the urn of liberty. Yet, with little of Weiske's force, or of the anonymous essayist's 'stern republicanism,' the writer of this treatise impugns the validity of reasoning suggested by himself. We have always thought that, though Longinus wrote the work on the Sublime most probably at Athens,* he must have retouched the passage alluded to while a resident at the court of Palmyra. We can imagine the royal secretary softening some sentiments to please the eye of a mistress; but we cannot imagine the Athenian teacher even obliquely depreciating freedom

within the very precincts of her ancient reign.

Weiske will not believe that the author of this book could condescend to write, as Longinus undoubtedly did, about the metrical doctrines of Hephæstion, and such like trivialities. Indeed! Did this objector never hear of works upon grammatical minutiæ by Cicero and Cæsar?-for we suppose him to have been ignorant of Mr Fox's strictures on the N paragogicum. The inaptitude of great minds for little matters is a doctrine which Weiske and the author of the 'Remarks' will hardly establish, even though the latter brings Seneca and Bacon to support him. We care little for authority on a question long ago decided by experience. 'But the unimpeachable fragments of 'Longinus,' continues Weiske, 'preserved by Eusebius and ' Porphyry, while they exhibit proofs of learning and acuteness, by no means display that oratorical energy, and vehement admi-' ration of great writers, by which the author of the treatise Περί "The obvious answer is, that the subjects of these fragments are not such as to admit of oratorical energy or enthusiastic expressions of delight.

To the arguments of Amati and of Weiske, their anonymous follower adds little that is strictly original. 'In the 7th section of the treatise,' he says, 'we are told that it is noble to despise 'riches, honours, popularity, dominations, and whatever else has 'much outward show: a sentiment much better suited to a stern 'and disappointed republican than to Zenobia's secretary.' We have already touched upon another passage of imputed republicanism, and the argument had better be let alone, while there

^{*} A passage in the fragment of his letter to Porphyry warns his correspondent 'not to expect from him any thing new, nor any excerpt 'from his former writings,' on account of the difficulty of finding an amanueusis at Palmyra.

is nothing better to found it on than a homage in disguise to liberty, and a scrap of ethical commonplace. But again, 'it is 'to be observed, that according to Joannes Siceliota, Longinus 'was so occupied by teaching as to have no time for composition.' This argument from one who seems not to object to the 'long catalogue of his works furnished by Ruhnken,' with 'most of the notices taken from Suidas!' If Longinus found time for the composition of other works, what was to hinder his finding time for one particular treatise? The authority of Joannes Siceliota is allowed to be of small value, but, rate it as highly as you please, it would be somewhat hard to show the

necessity for its literal interpretation.

The 'Remarks' assume, that the inscription of the Parisian MS. is the sum total of the external evidence in favour of Lon-What shall we say, then, to the general character of Longinus by contemporary, or nearly contemporary authors? Was 'THE CRITIC,' or 'the critic of critics' of Porphyry-'the 'living library and walking university' of Eunapius-the subject of the proverb κατὰ Λογγίνον κρίνειν, which was of no less import than ' to judge correctly'-was such a man not likely to compose a treatise that evinces an ample store of literary knowledge, and an intimate acquaintance with the principles of criticism? Did not the 'Remarks' deny the genuineness of the 20th section, we should also request their author to compare the minute critique therein contained upon a passage of Demosthenes's oration against Midias, with the fact, known from Suidas, that Longinus wrote a critical diatribe upon that famous oration: - and the argument, however weak with him, will have weight with other people. Above all, we would press the external evidence to be derived from the recognised fragments of Longinus, which appear to us in a light very different from that under which they were viewed by Weiske. Of these fragments, eight in number, at least five are demonstrably authentic. The fifth is allowed by Weiske himself to be worthy of the author of the Hegi "Y Jous, and throughout them all we have observed a remarkable agreement in expression with that treatise:—the same use of late words—the same uncommon mixture of liveliness and modesty—the same occasional imitation of the Demosthenean style and diction. Let us finish with a piece of internal evidence that makes strongly for Longinus, and is conclusive against the Augustan age. We mean that there are forms of expression in the work on the Sublime, which a discriminating scholar will at once perceive to have the mark of the third century upon them. Prior to that period, some of its words and phrases could not have been employed; at least if they were employed by a writer of the Augustan era, it must have been in a strange anticipating spirit, which consigned them, after a single exhibition, to the slumber of many generations. But if this argument fixes the treatise to the third century—who but Longinus—as characterised by those of the same period—could have been its author? We rejoice in believing him the man. Although Amati protests that he was 'nearly killed 'with joy' at thinking he had discovered for this work a different paternity, we shall still delight in deeming it the offspring of Aurelian's victim and Zenobia's friend.

For the very life and adventures of Longinus illustrate the spirit of the treatise. The extensive travels, and many different teachers of his youth—recorded in the proemium of his book de Finibus, preserved by Porphyry—will account for an originality of method in some particulars, and an independence of sentiment in criticism, which designates as the author, one who must have imbibed, from the hesitations of the learned, and the disputes of the wise, the salutary principle of Horace,

Nullius addictus jurare in verba magistri.

A conspicuous blemish, already adverted to, might well arise from the courtly habits of Longinus in his later years,—the results of that unfortunate, but too natural ambition, which tempted him to forego a station of literary eminence for one of political distinction. And, while something both in the tone and minuteness of the precepts, with which this work abounds, breathes the air of the School, there is withal an elevation of feeling, thought, and language, a force of reasoning, and a splendour of imagery, that almost compel us to place the School at Athens. It is only here and there that pedantry, the besetting sin of professional instructors, has produced some faults of undeniable affectation. With these, however, the writer of the 'Remarks' takes prompt measures. Not for nothing does he labour to prove that the treatise was as anonymous* as his own essay, and was intended by the 'Great Unknown,' who composed it, for a mere 'confidential communication.' Hence, it seems, it must follow that 'whatever is ex rhetorum officinis, or 'even smells of their shop, would scarcely find place in such a 'communication.' He trusts, therefore, that 'some future 'editor will be of opinion that the long disquisition upon figures

^{*} In this notion, after all, he only follows the transcriber of the Codex Laurentianus, whose inscription is 'Ανωνύμων. The disbelievers are welcome to all the support which this manuscript can yield them.

' may, like the Sibyl's books, be greatly diminished in bulk without any diminution of its value; and above all, that he will expunge the remarks on the preternatural union of the two ' prepositions.'* Smash go, upon this principle, the 19th, 20th, 21st, 22d, 23d, 24th, 27th, 28th, 39th, and 40th sections, with sundry parts of other chapters, while a violent transposition is enforced upon the arrangement of many that are left. In short, every thing must be sacrificed that appears hostile to the 'pri-'vate-circulation' hypothesis, or that is above the comprehension, or displeasing to the taste of its author. Damno quod non intelligo is one of his most frequent pleas; but he is mistaken in supposing that manuscript authority will be rejected on such grounds. We have no more affection than he has for the criticism on the 'two prepositions,' but we have a right to consider this, and other instances of puerile refinement, as favourable to the authorship of Longinus—the subtletics of the rhetorical professor reappearing in the treatise addressed to a friend. Moreover, the cashiered chapters upon figures, though trifling enough if taken by themselves, deserve a better character when viewed as parts of a practical system, whose object it is to impart a full knowledge of all methods by which an elevation of style is attainable.

To this remark we shall attach a final observation on the treatise, in the authenticity and genuineness of which we have at so much length asserted our faith. Elevation of style—the Greek ηψος λόγου and the Latin altitudo styli—is the true topic of the work. We have fallen into the ordinary parlance about 'sublimity' and 'the sublime;' but we must beg these words to be understood, with reference to Longinus, in their real etymological force. Any thing that raises composition above the usual level, or infuses into it uncommon strength, beauty, or vivacity, comes fairly within the scope of his design. His ηψος must not be measured by modern notions of sublimity. From a misconception of this matter has proceeded Dr Blair's censure of Longinus. Dr Blair had no title to condemn Longinus for the treatment of his subject, upon any other conception of the subject than that entertained by Longinus himself. 'Remarkable

^{*} Allnding to the criticism in section x upon Homer's words υπὶκ θανάτοιο φέρονται.

⁺ And from worse than a misconception—from a neglect of the original, and a fond reliance on the versions by Phillips and Boileau—comes his strange allusion to Sappho's ode, in the tenth section of Longinus, as a specimen of the 'merely elegant.'

'and distinguishing excellence of composition,'* which Blair esteems an improper sense of the 'sublime,' agrees exactly with the five sources of "Thos enumerated by Longinus, and with his descriptions of it-for he avoids definition-scattered over the work. Of these descriptions some are more strong than others in expression, but we do not see that they will not all apply to fine composition; not that species of fine composition against which Johnson warns juvenile authors, but the forcible and animated style, which it is the aim and triumph of all great writers and speakers to attain. And herein, indeed, lies the extreme utility of the treatise, that it embraces not merely a single branch of good composition, concerning the principles and extent of which metaphysicians are by no means agreed; but a general survey of the best modes of producing by style a great effect and durable impression-a subject in which all persons of intellectual ability and ambition are interested. The admirers and emulators of classic excellence, however they may slight some of the names and works that have been noticed in this article, have no excuse for neglecting the critical lucubrations of Aristotle, or of him whom, in defiance of foreign and domestic scepticism, we shall continue to call Longinus.

ART. III.—Attempts in Verse, by John Jones, an old Servant; with some Account of the Writer, written by himself; and an Introductory Essay on the Lives and Works of Uneducated Poets. By Robert Southey, Esq., Poet Laureate. 8vo. London: 1831.

In editing the poems of Mr John Jones, which are, with modest propriety, entitled his 'Attempts in Verse,' Mr Southey has probably been actuated by the same amiable feelings which induced him, many years ago, to throw the shelter of his eminent name over works of far higher excellence, and to introduce to the world the previously neglected poems of Henry Kirke White.

^{*} Our old translators seem to have taken a right view of the matter, and one quite opposed to Dr Blair's. The title of the most ancient version is, 'The Height of Eloquence, written by Dionysius Longinus; 'rendered into English from the original, by John Hall, Esq. London: '1652.' Next we have 'Longinus' Treatise of the Loftiness or Elegancy of Speech; translated into English by J. P. G. S. London: 1680.' It is not till 1698 that we come to 'Longinus' Essay upon Sublime, 'translated into English' (translator unknown).

In that instance, the public promptly ratified the opinion of the editor; and considered the production of the poems, and the accompanying memoir, to be creditable alike to the judgment and to the feelings of Mr Southey. It is to be feared that only a part of this praise can be awarded to this second act of his editorial patronage. We give him credit for having been solely impelled by the desire to do a good-natured action; and think, moreover, that he deserves praise for not having been withheld from such a purpose by the dread of ridicule and unfair censure. It could be no advantage to Mr Southey to appear as the Mæcenas of so humble a poetaster as Mr John Jones; and there have probably been many men of his literary celebrity who would have feared to incur a compromise of their dignity by such a step. But after giving due praise to the motives of Mr Southey, we must take the liberty of demurring when we come to consider the advisableness of the publication before us, and some of the opinions which it is found to maintain. To the poems of John Jones we shall very briefly advert; for they owe our notice of them rather to their editor than any importance of their own. Their author is a servant in a Yorkshire family, who, hearing that Mr Southey is in the vicinity of his master's residence, writes to him, requesting that he may be allowed to send his poems for Mr Southey's perusal, to which that gentleman good-naturedly consents. The poems are sent, accompanied by a very creditable letter, in which the writer, after speaking with becoming modesty of his performance, asks if it would be 'too contemptible to solicit a subscription,' for, since, if it were not so considered, he would naturally be 'glad to improve his humble circumstances by such means.'

'This letter,' says Mr Southey, 'did not diminish the favourable opinion which I had formed of the writer from his first communication. Upon perusing the poems, I wished they had been either better or worse. Had I consulted my own convenience, or been fearful of exposing myself to misrepresentation and censure, I should have told my humble applicant that although his verses contained abundant proof of a talent for poetry, which, if it had been cultivated, might have produced good fruit, they would not be deemed worthy of publication in these times. But on the other hand, there were in them such indications of a kind and happy disposition, so much observation of natural objects, such a relish of the innocent pleasures offered by nature to the eye, and ear, and heart, which are not closed against them, and so pleasing an example of the moral benefit derived from those pleasures, when they are received by a thankful and thoughtful mind, that I persuaded myself there were many persons who would partake, in perusing them, the same kind of gratification which I had felt. There were many, I thought, who would be pleased at seeing how much intellectual enjoyment had been attained in humble life, and in very unfavourable circumstances; and that this exercise of the mind, instead of rendering the individual discontented with his station, had conduced greatly to his happiness, and if it had not made him a good man, had contributed to keep him so. This pleasure should in itself, methought, be sufficient to content those subscribers who might kindly patronise a little volume of his verses. Moreover, I considered that as the Age of Reason had commenced, and we were advancing with quick step in the March of Intellect, Mr Jones would in all likelihood be the last versifier of his class; something might properly be said of his predecessors, the poets in low life, who with more or less good fortune had obtained notice in their day; and here would be matter for an introductory essay, not uninteresting in itself, and contributing something towards our literary history. And if I could thus render some little service to a man of more than ordinary worth (for such upon the best testimony Mr Jones appeared to be), it would be something not to be repented of, even though I should fail in the hope (which failure, however, I did not apprehend) of affording some gratification to "gentle readers:" for readers there still are, who, having escaped the epidemic disease of criticism, are willing to be pleased, and grateful to those from whose writings they derive amusement or instruction.'

Prefixed to the poems of John Jones is a short memoir by himself, in the form of a letter to Mr Southey, in which he describes, simply and naturally, his progress in life, the situations in which he had been placed, and the difficulties which he had experienced in acquiring knowledge, and in composing his poetical effusions. He says—

' I entered into the family which I am now serving, in January, 1804, and have continued in it, first with the father, and then with the son, only during an interval of eighteen months, up to the present hour; and during which period most of my trifles have been composed, and some of my former attempts brought (perhaps) a little nearer perfection; but I have seldom sat down to study any thing, for in many instances when I have done so, a ring at the bell, or a knock at the door, or something or other, would disturb me, and not wishing to be seen, I frequently used to either crumple my paper up in my pocket, or take the trouble to lock it up, and before I could arrange it again, I was often, sir, again disturbed; from this, sir, I got into the habit of trusting entirely to my memory, and most of my little pieces have been completed and borne in mind for weeks before I have committed them to paper: from this I am led to believe that there are but few situations in life in which attempts of the kind may not be made under less discouraging circumstances.'

The circumstances were indeed discouraging, and it would be illiberal to visit with severity of criticism poems which have been so produced. Mr Southey says of them, that 'though containing

'abundant proofs of a talent for poetry, which, if it had been ' cultivated, might have produced good fruit, they would not be ' deemed worthy of publication in these times.' This is measured praise; and leads us to conclude that the Laureate has not discovered in Mr Jones any indications of genius of a high That a man of defective education, and living in a menial capacity, should write any thing that can be dignified with the name of poetry, is a strong presumption of the existence of poetical talent. But there are many degrees of this talent, from the mere aptitude for rhyming, to the loftiest rank of imaginative power; and Mr Jones assuredly has not exhibited any even uncultivated germs of that 'mens divinior,' which alone can lead to the attainment of the highest poetical excellence. Education might have rendered him a pleasing poet; but we are not warranted in imagining that, under any circumstances, he would have been a great one. His poems bear the stamp of mediocrity. We see no signs of a vigorous fancy struggling through defects of expression and of taste, sparkling amidst the dross with which it is encumbered. His verses seem written for the most part with very respectable correctness and care. They have perhaps more polish than might have been expected; but they want originality and force. Among them are some which it would be easy to ridicule; but we abstain from the ungenerous task. Defects of taste should be lightly visited in one to whom it is highly creditable to have exhibited so much. As a specimen, the following may suffice: it is the commencement of a poem entitled 'Reflections on Visiting a Spring at different ' Seasons of the Year,'

'Twas early in summer, and mild was the ray Which beam'd from the sun on the waning of day; And the air was serene, and the leaves on the trees Were hardly emotion'd, so soft was the breeze; The birds were in song in the wood on the hill, And softly a murmur arose from the rill Which ran through the mead, where its channel was seen. By herbage more rude, and more tufted and green; The teams, clinking home, had the fallow resign'd, And whistling the ploughmen their cares to the wind. When, pensive and slow, up the hamlet I bent, And meeting the stream on its margin I went; I stray'd to the spot whence it sprang from the earth, Most pure in its nature and silent its birth; It ran from a mound with green moss o'erspread, Its birth-place was shaded by shrubs at its head; 'Twas onward impell'd by its kindred more strong, And driven from home it went murmuring along.

In indolent ease on the bank I reclined, And gazed on the stream, till awoke in my mind A thought of the joys in its windings 'twould yield, To the birds of the air and the beasts of the field, To the web-footed tribe on its surface that ride, And the bright-speckled trout in its bosom that glide, To the poor thirsty beggar who drinks in his palms, And softens the crusts he obtains for his alms; To the thrifty old dame, who, with low-bowing head, Shall search it for cresses, to barter for bread; To the youth, who, in groups, on its borders shall play, And launch their frail barks to be wreck'd in a day; To the low in their need, and the high in their pride, Who tenant the domes which are rear'd by its side, And I mentally said, as in beauty it ran, "Flow on, thou bright stream, thou'rt a blessing to man."

But it is not so much to the poems of John Jones, as to the remarks of Mr Southey, and his Introductory Essay on the Lives and Works of our Uneducated Poets, that it is our

intention to advert.

This introductory essay is ushered in with the singular observation, that 'As the age of Reason had commenced, and we were advancing with quick step in the March of Intellect, 'Mr Jones would in all likelihood be the last versifier of his class; ' and something might properly be said of his predecessors, the ' poets in low life, who, with more or less good fortune, had 'obtained notice in their day.' By 'the March of Intellect' in the above sentence, is meant, we presume, not merely the progress of scientific improvement, but the more general diffusion of knowledge among the poorer classes. To find this diffusion of knowledge spoken of in distasteful terms by Mr Southey, can surprise no one who is acquainted with the writings of that gentleman. Yet even to these it must seem extraordinary to discover such reproachful expressions in a work, the tendency of which is to encourage, among the working classes, a pursuit which demands a very high degree of mental cultivation. prediction above quoted, that such a diffusion of knowledge is likely to prevent the future appearance of versifiers in humble life, is one which we should hardly have thought necessary to notice seriously, if it had come from a pen of less influence than Mr Southey's. His proposition, translated into plain unfigurative language, is, that the more the poor are educated, the less are they likely to write poetry. In the first place, we disbelieve the predicted result; and secondly, we say, that if true, it is not a subject for regret, as it is evidently considered by Mr Southey. It seems almost a waste of words to confute so untenable a theory

as that education is unfavourable to the development of poetical talent. The rare occurrence of uneducated poets, and the wonder excited by their appearance,—the indispensableness of something more than the mere rudiments of education to afford to the incipient poet a competent store of the materials with which he works, -the fact, that our most distinguished poets have almost uniformly been men of studious habits, and of various and extensive reading-of which we have an example in the Laureate himself—these are circumstances on which it is needless to enlarge—which, when heard, must be acknowledged, and when acknowledged, must convince; and we gladly close this part of an argument, in which the humblest disputant could gain no honour by confuting even the editor of the work before us. Indeed, it can scarcely be imagined that Mr Southey could seriously maintain such an opinion; and that he must mean rather, that the poor who receive the advantages of education will, at the same time, learn to apply their acquirements to more useful purposes than writing verses. But there is this difficulty in such a supposition, that a reproach would thereby be cast upon the practice of versifying, which Mr Southey is very far from intending; and it is evident, from the tone of his book, that he does not contemplate with the pleasure which it ought to afford to a benevolent mind like his, the prospect of the poorer classes being inclined to apply the fruits of their extended education to works of practical utility. We must therefore conclude, that he does not believe that the condition of the poor will be improved by such an education as will induce them to apply their acquired knowledge to purposes which are commonly called useful; but that it is better either to keep them ignorant, or to give them just so much information as will encourage a developement of the imaginative or poetical part of their nature, without awakening them, more than can be helped, to any exercise of their reasoning If this is not what is intended, then the praise bestowed upon uneducated poets, the encouraging complacency with which their efforts are regarded, and the sarcastic allusious to the Age of Reason and the March of Intellect, which is to arrest the progress of such commendable efforts, are utterly without a meaning.

But a writer who feels so strongly as Mr Southey, can never, even when he is least logical, be accused of writing without a meaning. Mr Southey, both in this, and in other writings in which his ideas are more distinctly expressed, teaches us that poetry softens and humanizes the heart of man, while it is the tendency of science to harden and corrupt it. It would be useless to plead that Mr Southey may never have expressed this

sentiment in these precise words, while he has written much from which no other inference can be drawn.

According to this theory, the poor man who has a turn for versifying is likely to be more moral than one who discovers a bent for calculation or mechanics; a cultivation of the former talent will tend to constitute a pious man and a good subject,the latter, if encouraged, may too probably lead to republicanism and irreligion. A labourer may write lines on a linnet, and be praised for this amiable exercise of his humble talent; but if he reads any of the cheap works on science with which the press now teems,—if he presumes to learn the scientific name of his favourite bird,—to consider its relation to other birds,—to know that it belongs to the genus Fringilla, and to ascertain the marks by which he might distinguish the name of any wandering stranger of the same tribe that happened to fall within his notice,-if he does this, then he becomes a naturalist, a scientific enquirer-and, as such, must fall under the ban of Mr Southey. Let him apostrophize a flower in rhyme, but let him not learn its botanical name, or more of its properties than can be extracted from the Galenical lore of the oldest woman in the parish: He finds a fossil bone—let him pen a sonnet about it if he pleases; but let him beware of consulting a geologist, lest he become a hardy sceptic;—doubt if there ever was a deluge, and question the Mosaic account of the creation. Utterly do we reprobate and disavow the doctrine, that it is otherwise than beneficial for minds of every degree to be rendered intimate with the mysteries of nature,—that the study of nature can be injurious to the morality and religious faith of any man whose morality and faith would have been safe without it, -that the faith of the rustic who believes that the sun moves round the earth, and that the stars are small lamps, is more devout and pure than that of the same man would be when informed of the real sublimity of the scene around him. It is a doctrine of which any illustration is equivalent to a reductio ad absurdum. It is very natural that the Poet Laureate should think well of poetry. Some persons may smile at such an illustration of a propensity which they may have thought peculiar to humbler callings-namely, that of attributing to a production or pursuit many more excellent qualities and advantages than can be discovered in it by the rest of the world; and they may have expected that a very cultivated mind would have soared above a prejudice of this description. Mr Southey recommends poetry as eminently favourable to morality, and considers that every amiable man 'will be both the better and the 'happier for writing verses.' Mr Southey is a celebrated poet, and is, we believe, at the same time a very pious and amiable

man. It is therefore not unnatural that a talent for poetry should be associated in his mind with piety and morality; but if he thinks that they are necessarily connected, and that poetry is naturally conducive to those other more important qualities, he must attend rather to his own feelings than to the examples which experience would furnish. It would be an invidious, but easy task, to form a long list of men richly endowed with the gift of poetry, in whom pure morality and religious faith had been too notoriously deficient. It is unnecessary to mention names, for many-and enough-must occur to every reader; but we must remind Mr Southey that the brightest name among the 'uneducated poets' of this empire is that of one whose imagination and passions were unfortunately often too strong for the control of his judgment, and to whom the inborn gift of poetry, which he so exuberantly possessed, far from leading him into the paths of morality and peace, seem rather to have been false lights that lured him from them. It is the province of poetry to appeal to the passions rather than to the judgment; and the passions are the most erring part of human nature. Mr Southey does not seem to reckon among possible contingencies the immoral direction of poetical talent. It is true, the versemaking rustic may celebrate the simple virtues which poets associate with rural life, and draw moral lessons from the contemplation of nature, but he may equally dedicate his muse to the unhallowed task of lending a baneful interest to violence and crime. A reverence for antiquity, for social distinctions, and for the established order of things, are not necessary concomitants of an aptitude for verse. Liberty, the watchword under which rebellion always marches, has a spirit-stirring 'sound, especially to young and ardent minds, in which imagination prevails over judgment; and the lyre of the poet will echo as readily to its call as to images of pastoral peace. Mr Southey must remember that even he once celebrated Wat Tyler. Anarchy has its laureate as well as monarchy, and the strains of the former are commonly most popular. A reference to his notice of the uneducated poets whom he has selected for celebration, will show that their versifying powers were not always exercised in a commendable manner. Taylor's contests in ribaldry with Fennor, another rhymer of humble life, were not creditable to either; and Bryant seems to have hung his satirical talent in terrorem over his associates, and to have allowed himself to be employed by one of them to lampoon the daughter of a respectable tradesman. We should be glad if it could have been proved that poetry is peculiarly conducive to morality; but we fear it cannot be shown that either the possession of the poetical faculty, or the perusal of works of that description, is calculated to ensure this desirable effect. To recommend poetry to the poorer classes, because there are in existence sundry moral poems which they would probably find among the least attractive, has little more sense in it, than to say that religious admonition is the peculiar attribute of prose, because sermons are written in that form. It matters not even though it could be shown that the essentials of poetry are akin to all that is most moral; for when we talk of poetry to the uneducated classes, they will think not of the essence, but only of the form. If the pursuit of poetry cannot be shown to be necessarily productive of moral benefit to persons in humble life, still less, we fear, can it be proved that it is calculated to ameliorate their worldly condition. We know no instance of any poor uneducated person whose prosperity and happiness has been essentially promoted by the developement of this talent. Six persons of this class are commemorated in the volume before us. Taylor the Water-Poet, Stephen Duck, James Woodhouse, John Bennet, Ann Yearsley, and John Frederick Bryant-of whom two died mad; and all appear to have undergone severe trials, and to have been very little raised, by the possession of this talent, above the lowly sphere in which they were born. It is also observable, that all of them seem to have owed even the precarious prosperity which they occasionally enjoyed to fortunate accidents, and the charitable notice of their superiors in wealth. Bryant owed his advancement to a song of his own making, which he sang in an inn-kitchen-Ann Yearsley to the casual notice of Mrs Hannah More, with whom she afterwards quarrelled-Woodhouse to the patronage of Shenstone-Bennet to that of Warton-Duck was patronised by various persons, and at last by Queen Caroline, who settled a pension upon him-Taylor was a supple, ready-witted humorist, well skilled in the art of living at other men's cost. Such was his proficiency in this art, that he undertook to travel on foot from London to Edinburgh, 'not carrying 'any money to or fro; neither begging, borrowing, or asking ' meat, drink, or lodging.' This journey, he says, was undertaken 'to make trial of his friends;' and we are informed by Mr Southey that it was not an arduous one, ' for he was at that ' time a well-known person; and he carried in his tongue a gift 'which, wherever he might be entertained, would be accepted as current payment for his entertainment.' To this important and praiseworthy excursion, of which Taylor published an account in quaint prose, and quainter doggrel, entitled, 'The 'Pennyless Pilgrimage, or the Moneyless Perambulations of John Taylor, alias the King's Majesty's Water-Poet,' Mr

Southey devotes twenty-three pages of a small volume.

Our readers will naturally desire to see some specimens of a work which has attracted so much of the Laureate's attention. Of the following verses, we will merely say, that their excellence is quite of a piece with the importance of the information they convey. They describe Taylor's reception at Manchester.

" Their loves they on the tenter-hooks did rack, Roast, boil'd, baked, too-too-much, white, claret, sack; Nothing they thought too heavy, or too hot, Cann followed cann, and pot succeeded pot. Thus what they could do, all they thought too little, Striving in love the traveller to whittle. We went into the house of one John Pinners, (A man that lives amongst a crew of sinners,) And there eight several sorts of ale we had, All able to make one stark drunk, or mad. But I with courage bravely flinched not, And gave the town leave to discharge the shot. We had at one time set upon the table, Good ale of Hyssop ('twas no Esop-fable); Then had we ale of Sage, and ale of Malt, And ale of Wormwood that could make one halt; With ale of Rosemary, and of Bettony, And two ales more, or else I needs must lie. But to conclude this drinking aley tale, We had a sort of ale called Scurvy ale. Thus all these men at their own charge and cost Did strive whose love should be expressed most; And farther to declare their boundless loves, They saw I wanted, and they gave me, gloves."

'Taylor makes another excursion "from London to Christ Church, in Hampshire, and so up the Avon to Salisbury," and this was "for toyle, travail, and danger," the worst and most difficult passage he had yet made. These desperate adventures did not answer the purpose for which they were undertaken, and he complains of this in what he calls (Tayloricé) the Scourge of Baseness, a Kicksey Winsey, or a Lerry-Come-Twang.

"I made my journey for no other ends
But to get money and to try my friends.—
They took a book worth twelve pence, and were bound
To give a crown, an angel, or a pound,
A noble, piece, or half-piece,—what they list:
They past their words, or freely set their fist.
Thus got I sixteen hundred hands and fifty,
Which sum I did suppose was somewhat thrifty;
And now my youths with shifts and tricks and cavils,
Above seven hundred, play the sharking javils."

'The manner,' says Mr Southey, 'in which he [Taylor] published his books, which were separately of little bulk, was to 'print them at his own cost, make presents of them, and then 'hope for "sweet remuneration" from the persons whom he had 'thus delighted to honour.' The following passage is quoted from a dedication to Charles I., in which Taylor says, 'My gracious sovereign, your majesty's poor undeserved servant, having formerly oftentimes presented to your highness many 'such pamphlets, the best fruits of my lean and steril invention, 'always your princely affability and bounty did express and 'manifest your royal and generous disposition; and your gracious father, of ever-blessed and famous memory, did not 'only like and encourage, but also more than reward the barren

'gleanings of my poetical inventions.'

There is nothing extraordinary in this, when we consider that even much later, men of acknowledged talent were not ashamed to write fulsome dedications; but it is a circumstance degrading to literature, and that part of its history which we would most gladly forget—and it is pitiable in this instance, to see a man of no slight cleverness begging in such abject terms. The fact is, that all the uneducated poets whom Mr Southey has noticed were, in a more or less degree, literary mendicants. They obtained from private charity that assistance which the public would not grant. Their productions were not of sufficient value to obtain remuneration on the score of intrinsic merit, and their rewards were wrung either from the pity of their benefactors, or from their wondering curiosity at the occurrence of so rare a monster as an uneducated poet. None of them really enjoyed the blessings of independence—the proud and happy feeling that their own exertions were sufficient for their support. Mr Southey seems to contemplate this state of dependence with peculiar complacency. We are not very sure that he does not consider the spirit of the present age too independent, and that it might be improved by a gentle encouragement of that spirit of humble servility, which once prompted poor authors to ply rich patrons with begging dedications, and to look up with trembling hope for the casual bounty of those who possessed in abundance the good things of this life. The best and happiest times, it would seem, were those in which the poor begged for sustenance at the doors of a convent. Those which we call erroneously 'the dark 'ages,' were, it seems, the best times for the advancement of humble talent. Then a clever boy like Stephen Duck 'would ' have been noticed by the monks of the nearest monastery-' would then have made his way to Oxford, or perhaps to Paris, as a begging scholar—have risen to be a bishop or mitred

'abbot-have done honour to his station, and have left behind ' him good works and a good name.' Those were golden days! But then came a period which we benighted Protestants still call that of the Reformation, and Duck, who lived long after it, fell on harder times-but still not utterly cruel-for there were yet patrons in the land, and Duck found a royal one; and 'the patronage which he obtained,' says Mr Southey, 'is far more ' honourable to the spirit of his age, than the temper which may ' censure or ridicule it can be to ours.' Whatever it may please Mr Southey to consider the temper of our age, we, albeit reckoned among the infected, are not disposed to censure or ridicule the benevolent feelings which may prompt any one to become the patron of humble merit; but we do censure that maudlin spirit of shortsighted humanity, that fritters its beneficence in temporary and misplaced relief, and would thoughtlessly aggravate misfortune for the sake of indulging sensibility in its subsequent removal. It is the best charity to prevent the necessity of charitable assistance. Doubtless there is in the charitable alleviation of distress much that is gratifying to the heart of the benefactor, and much the contemplation of which is delightful to an amiable mind. But shall we therefore encourage mendicancy, that the world may teem with moving pictures of picturesque poverty and theatrical generosity to interest the sensibilities of the man of feeling? True rational humanity would not willingly see any one dependent upon the capricious bounty of another. Unable to reverse that general law, which prescribes labour as the lot of man, it endeavours to direct the labour of the poor into a channel where they may claim a recompense from the exigencies of others, and not from their compassion. It would endow them with a right to receive assistance, instead of teaching them to supplicate for alms. Mr Southey would doubtless be unwilling to encourage idleness and mendicancy; but there is in reality little difference between encouraging men not to labour at all, but to depend for their support on the charity of others, and encouraging them to pursue a species of labour for which there is no real demand, and from which the only returns which they obtain are in reality alms, considerately cloaked under the fictitious name of a reward. We do not deny, that the public, though in general the best patron, sometimes awards a too tardy and insufficient recompense to the literary benefactors of mankind; and in such instances we deem it right that the powerful and discerning few should be enabled to direct the stream of national bounty to the encouragement and reward of labours which the acquirements and comprehension of the generality of mankind do not enable them to appreciate. But

widely different from this truly praiseworthy patronage, is the disposition to encourage works which are neither beautiful nor useful, and whose only claim (if claim it can be called) is the temporary interest they may offer to the curious, and the compassionate consideration that they are wonderfully good, for

writings that were produced under such disadvantages.

Experience does not authorize us to regard it as probable, that the world will be favoured with any poetry of very exalted merit from persons in humble life and of defective education. There have appeared among uneducated persons, many instances of extraordinary capacity for various sciences and pursuits. The science of numbers, of mechanics, of language, of music, painting, sculpture, architecture, have all had followers in humble life, who have discovered a strong native genius for each of these separate branches of art and learning, and have risen to eminence in their peculiar line. But poetry is not equally rich in examples of successful votaries from the ranks of the poor. Not one of the six writers recorded by Mr Southey, can be regarded as a successful example; for nothing but the scarcity of such instances could have preserved them, like other valueless rarities, from the oblivion into which, notwithstanding even the embalming power of Mr Southey's pen, they are fated at no very distant period to fall. It would appear, either that habits of manual labour are unfavourable to poetry, or that a talent for it is less inborn than acquired, or that it is much affected by external circumstances, or that a considerable degree of education is essential to its full development. To which of these causes we may attribute the dearth of distinguished poets from the humbler walks of life, it is not at present necessary to enquire. The fact of such a paucity is sufficient for our purpose; and it is an additional argument against encouraging the poor and defectively educated to lend their minds to a pursuit in which the presumption of success is so considerably against them. Unless they happen to possess such powerful native talent, as it is needless to encourage and impossible to suppress, they are not likely to produce such writings as will obtain them advancement and success -real, unforced, unpatronised success;—the success which arises from the delight and admiration of thousands, and not from the casual benevolence of individual patronage.

It might have been supposed, that of all things in the world which are not immoral, one of the least deserving encouragement was indifferent poetry. Mr Southey nevertheless protests indignantly against this opinion. 'When,' says he, 'it is laid 'down as a maxim of philosophical criticism, that poetry ought 'never to be encouraged unless it is excellent in its kind—that it

is an art in which inferior execution is not to be tolerated—a luxury, and must therefore be rejected unless it is of the very best; such reasoning may be addressed with success to cockered and sickly intellects, but it will never impose upon a healthy understanding, a generous spirit, or a good heart. Mr Southey, with that poetical tendency to metaphor which sometimes possesses him when he appears to reason, seems to have written the above passage under the influence of rather a forced analogy between the digestive powers of the human frame, and the operations of the mind. If in the above remarks we substitute 'food' for 'poetry,' 'appetite' for 'intellect,' and 'the 'stomach' for 'the understanding,' much of what Mr Southey has predicated will undoubtedly be true; since it is certain that a perfectly healthy person can eat with impunity many kinds of food that cannot be taken by one who is sickly. It is a sign of bodily health to be able to digest coarse food which cannot be eaten by the invalid; and in like manner, according to Mr Southey, it is the sign of a 'healthy understanding' to be able to tolerate bad verses, which would be rejected by a 'sickly 'intellect.' Mr Southey may very probably have accustomed himself to talk of poetry as 'food for the mind,' till he has learned to confound the immaterial with the substantial; but we must remind him of one great failure in the parallel on which he appears to lean. It will not, we suppose, be denied, that the mind, and especially that faculty which enables us to judge of the excellence of poetry, requires cultivation, without which it cannot exercise its functions effectively; but we have never yet heard of any such cultivation of the digestive powers. If man were born as decidedly a criticising and poetry-reading, as he is an eating and drinking animal, and were likely to possess these faculties in most perfection in an unsophisticated state of nature, we should then allow that there would be much force in the observations of Mr Southey. But the reverse of this is notoriously the case. Our power of estimating poetry is in a great degree acquired. The boy with an innate taste for poetry, who first finds a copy of bellman's verses, is pleased with the jingle, and thinks the wretched doggrel excellent. He soon finds better verses, and becomes ashamed of the objects of his earliest admiration. In course of time a volume of Pope or Milton falls in his way, and he becomes sensible of what is really excellent in poetry, and learns to distinguish it from that which, although not positively bad, is commonplace and of subordinate merit. Is this boy's mind, we ask, in a less healthy state at this advanced period of his critical discernment, than when he thought the bellman's verses excellent? or has his 'intellect' been rendered 'sickly' by the dainty fare with which his mental tastes have

latterly been pampered?

But the encouragement of inferior poetry is, according to Mr Southey, a sign not only of a 'healthy understanding' but of 'a 'generous spirit,' and 'a good heart.' If Mr Southey means that indulgence towards the failings of others, and a disposition to look leniently upon their imperfect productions, are the results of generosity and goodness of heart, we thoroughly agree with him; but it is not merely indulgence for which he contends, it is encouragement. Now, though it is impossible to prove a negative, and it is very possible that the encourager of bad verses may be at the same time very generous and good hearted, yet there is no necessary connexion between that practice and those moral qualities; any more than it is necessarily a sign of generosity and a good heart to deal only with inferior tradesmen, and buy nothing but the worst commodities. A person who should be thus amiably content to buy bad things when he might have better, would, we fear, be considered a fool for his pains, even by those whom he permitted to supply him; and we cannot think that the encourager of bad poetry would remain long exempted from a similar censure. It is useless, we might almost say mischievous, to maintain that any thing ought to be 'encouraged' that is not excellent in its kind. Let those who have not arrived at excellence be encouraged to proceed, and to exert themselves, in order that they may attain it. This is good and praiseworthy encouragement; but let it be remembered, that this good purpose cannot be effected but by mingling with the exhortation to future exertions, an unqualified censure of present imperfections. This, the only sound and rational encouragement, is directly opposed to that lenient tolerance of 'inferior execution,' which appears to receive the commendation of Mr Southey. Men are encouraged to do really well, not by making them satisfied with their present mediocrity, but by exhibiting it to them in the true light, and stimulating them to higher excellence. Whatever may be speciously said about the virtues of charity and contentment, we may be assured that he is no benefactor of the human race who would teach us to be satisfied with inferior excellence in any thing, while higher excellence is attainable.

Among the statements which we are told can be addressed with success only 'to cochered and sickly intellects,' is this, that poetry is 'a luxury, and must therefore be rejected unless it is 'of the very best.' It is needless to discuss this question at much length. It may be natural for the lover of poetry to contend that it is something much better and more important than

a luxury, but it is nevertheless treated as such by the world at large, and we fear that nothing that can be said will induce the public to regard poetry in any other light. All the most important business of life is transacted in prose—all the most important lessons of religion and morality are inculcated in prose—we reason in prose—we argue in prose—we harangue in prose. There were times when laws were chanted, and Orpheus and Amphion were, it is believed, poetical legislators, as were almost all legislators among barbarous people, whose reason must be addressed through the medium of their imagination. But these times are past recall; and we fear, whatever it may be contended poetry ought to be, Mr Southey must be contented with the place which it actually occupies. That place is both honourable and popular; and it will not conduce to its success to claim for it more than is its due.

In conclusion, we must say, that much as we have differed from Mr Southey, we have been glad to see that he is inclined to look with favour upon the mental labours of the poorer classes. We trust that his agreeable pen will be hereafter exercised in their behalf; but with this material difference, that instead of luring them into the flowery region of poetry, he will rather teach them to cultivate pursuits which are more in harmony with their daily habits, and to prefer the useful to the ornamental.

ART. IV.—An Essay on the Distribution of Wealth, and on the Sources of Taxation. By the Rev. RICHARD JONES, A.M. Svo. London: 1831.

This is a book written by a gentleman of respectable attainments. His object, as announced in the preface, is to correct what he considers the false and erroneous doctrines and conclusions that have either been embodied in, or engrafted upon the theories of Mr Ricardo and Mr Malthus, particularly the former. But a portion only of this design has been completed. The *first part* of the work is all that has hitherto appeared; but as that treats of a distinct subject, the origin and progress of Rent, we have presumed to offer a few remarks upon it, without waiting for the publication of the remainder of the work.

We sincerely applaud the pains Mr Jones has taken in his extensive enquiries with respect to the nature of the rents existing in different countries and states of society. Such enquiries have been too much neglected in England; and we consider it

as a favourable symptom that they are at length beginning to attract the attention of scholars and divines. We cannot, however, say, that Mr Jones has been very successful in his researches; we are not indeed aware that he has stated any thing that was not already well known to every one who has the slightest acquaintance with such subjects. His review is extensive, but superficial. He never, in fact, goes below the surface. He follows closely in the track of others, without ever insinuating that any one has gone before him. And the conclusions at which he arrives, though sometimes accurate, are, for the most part, quite foreign to the main object of his work.

The theory of rent expounded by Mr Ricardo, and which Mr Jones exerts himself to overthrow, must be well known to such of our readers as pay any attention to topics of this sort. all events it will be sufficient here to observe, that Mr Ricardo's book is one of principle only, and that it is not to be judged of by a merely practical standard. He does not pretend to give an exposition of the laws by which the rise and progress of rent, in the ordinary and vulgar sense of the word, is regulated. He justly considers that, in the vast majority of cases, the rent paid by the occupier of a farm to its owner consists partly of a return for the use of the buildings erected upon it, and of the capital that has been laid out upon its improvement. portion may, and, we believe, does in many cases very much exceed that part of the rent which is paid for the use of the soil; supposing the latter were destitute of buildings, and that it had not been drained, fenced, or anywise improved. It is clear, however, that though these two portions of rent be often so blended together as to make it impossible to separate them, they are, in their nature, radically distinct. The former is a return to, or profit upon capital produced by the labour and industry of man; while the latter arises from wholly distinct sources; being derived from that which cost neither labour nor industry of any sort. It is of the last portion only that Mr Ricardo treats in his chapter on rent. He was as well aware as Mr Jones, or any one else, that the rent, the origin and progress of which he had undertaken to investigate, was not that which is commonly called rent. But he thought that the progress of sound science was not likely to be much accelerated by confounding different elements in the same investigation; and that having ascertained the laws which determine the rent paid for the use of 'the natural and inherent powers of the soil,' he would leave it to others to trace and exhibit the influence of improvements, &c. We think he did right in thus limiting and defining his subject; but whether he did right or wrong, he is not to be found fault with because his conclusions do not in all cases coincide with the results observed by those who consider rent

under a totally different point of view.

Mr Ricardo, and those by whom he was preceded, further limited their researches to the case of rents paid by occupiers farming for a profit under a system of free competition; that is, to rents as they actually exist in England, Holland, the United States, and a few other countries. If there be any expressions in Mr Ricardo's work susceptible of being tortured or twisted into a different sense, it is one which is totally alien to the scope and spirit of the book, and which we are well convinced its author would have been the first to repudiate. Mr Ricardo did not profess to examine the circumstances which practically determine the actual amount of rent in any country. This was no part of his plan. What he really endeavoured to do was, to show how rent, in the restricted sense already mentioned, grew up in a country where the land belonged to numerous proprietors, and was farmed by individuals who, if they did not obtain the customary rate of profit on their capital, would resort to some other business.

It may be said, perhaps, that this is a very confined view of the subject; and that the conditions which limit Mr Ricardo's investigations exist only in a few countries. But an objection of this sort is good for nothing; we may regret, but we are not entitled to object to Mr Ricardo, that he has not done more than he actually did. He undertook a certain task; and the

only question is, did he perform it well?

In so far, therefore, as respects the grand object of his work,—the demolition of the theory of rent espoused by Mr Ricardo, two-thirds of Mr Jones' lucubrations are entirely irrelevant. His disquisitions about Labour rents, Metayer rents, and so forth, have as little to do with Mr Ricardo's doctrine as they have to do with the theory of the tides. Who would object to an individual writing upon the circumstances which regulate rent in England, that he had taken no notice of the state of the

cultivators in Greece and Abyssinia?

We concede, however, that had Mr Jones' disquisitions been in themselves either very interesting or very instructive, the circumstance of their being foreign to his main object would have been of very inferior importance. An account of the conditions under which laud has been occupied in different ages and countries, would, were it well executed, be a work of great value and importance. There is not indeed any such work in the English language. But, judging from the specimen of Mr Jones' talents now before us, which we feel no disposition to

underrate, we do not think that he is the very person to sup-

ply the deficiency.

From the beginning to the end of his book, Mr Jones has confounded elements that are as distinct as weight and colour. All who had previously written on the principles which govern rent, from Dr Anderson downwards, had, however much they might differ in other respects, always taken for granted that its amount was determined, under a system of free competition, on the principle of mutual interest and compromised advantage. Not so Mr Jones. He calls taxes on the land imposed by the sovereign, and the sums wrung by taskmasters from the reluctant labour of slaves, rent; and then sagaciously remarks, that the existence and progress of such rents 'is in no degree dee pendent upon the existence of different qualities of soil, or 6 different returns to the stock and labour employed upon each. Nothing can be more correct than this conclusion; and if Mr Jones will but call squares circles, and circles squares, he will be as successful in proving that Euclid knew nothing of mathematics as he has been in proving Mr Ricardo's ignorance of rent.

That taxes on land, or on the produce of the land, have some analogy to rent, no one can dispute. But to suppose, as Mr Jones seems to do, that they are identical, is to suppose what is contradictory and absurd. From the remotest era down to the present moment, the land of almost every Eastern country has been regarded as the exclusive property of the sovereign, who was thus enabled to fix the terms on which it should be occupied. Speaking generally, it has been held by its immediate cultivators in small portions with a perpetual and transferable title; but the holders have uniformly been obliged to pay to the agents of government a certain portion of the produce: this portion, too, might be increased or diminished at the pleasure of the sovereign or his servants; and has, in almost every case, been so large as to leave the cultivators little more than a bare subsistence. The far greater part of the revenue of our Indian dominions continues to be derived from this source. In Bengal, and generally throughout India, the gross produce of the land was divided in nearly equal shares between the cultivators, or ryots, and the government. 'To avoid circumlocution and ob-'scurity,' says Mr Colebrooke, 'we speak of the ryot as a tenant paying rent, and of his superior as a landlord or landholder. But 'strictly speaking, his payment is a contribution to the state, levied 'by officers standing between the ryot and the government.' (Husbandry of Bengal, p. 53.) The British authorities have continued this contribution, or land-tax, nearly on the old basis;

the portion of the produce of the land claimed by government being as large now as formerly. It seems to be unnecessary to seek elsewhere for a satisfactory explanation of the causes of that poverty in which the cultivators of land in India have always been involved. The exorbitancy of the government demand has effectually prevented the accumulation of capital in the hands of the peasantry. They are generally obliged to borrow money to buy their seed and carry on their operations, at a high interest, on a kind of mortgage on the ensuing crop; and even if they possessed capital, the oppressiveness of the tax would hinder them from employing it upon the land. Mr Colebrooke mentions that the quantity of land occupied by each ryot or cultivator in Bengal is commonly about six acres, and rarely amounts to twenty-four; and it is obvious that a demand for half the produce raised from such patches can leave their occupiers nothing more than the barest subsistence for themselves and their families. Indeed, Mr Colebrooke states distinctly, that the condition of Indian ryots, subject to this tax, is generally inferior to that of a hired labourer receiving the wretched pittance of two annas, or about three-pence a-day, as wages.

Mr Jones has treated at considerable length of the occupancy of land by metayers, or tenants, paying a certain proportion, usually a half, of the produce to the landlord as rent. But this part of his work is eminently superficial, and discovers a very imperfect acquaintance with the subject. Greece and Rome, the countries in which we have the earliest accounts of occupancy by metavers, were originally divided into small properties, directly cultivated by the proprietors themselves, sometimes with and sometimes without the assistance of slaves. When estates grew larger, they appear either to have been managed by stewards appointed by the proprietors, and responsible to them, like plantations in the West Indies; or to have been let to coloni partiarii, who, from their business being that of polishers or dressers of land, were occasionally called politores or polintores. Mr Jones seems to imagine that cultivation by metayers was not introduced into Italy till after the era of Columella, who flourished under the Emperor Claudius. In point of fact, however, metayers were well known in Italy two hundred years M. Porcius Cato, the carliest of the Roman writers on agriculture whose works have come down to us, has not only alluded to tenancy by metayers, but has stated distinctly that the share of the produce retained by the tenant varied with the goodness of the soil. 'In the good land of Ca-'sinum and Venafrum, the politor receives the eighth basket; in the second kind of land he receives the seventh; in the

'third kind he receives the sixth.'—(De Re Rustica, § 136.) The smallness of the sum received by the politor, or metayer, may appear surprising. But it is to be recollected that the landlord furnished the stock and seed; and Mr Dickson supposes that, besides his share of the produce, the politor had a supply of garden stuffs, and various other perquisites. (Hus-

bandry of the Ancients, p. 55.)

It is abundantly certain, however, though Mr Jones scems unconscious of the fact, that, besides metayer tenants, there were, both in Greece and Italy, tenants occupying lands under leases for a definite period, -employing their own capital in their cultivation, and paying a money rent, precisely as is done in England at this day. In so far as respects Greece, the existence of such tenants is established beyond all question by the discovery of copies of the actual leases under which some of them held their farms. These are contained in inscriptions of unquestionable authenticity, printed by Boeckh in his great work on *Inscriptions*, (vol. i. p. 132,) published at the expense of the King of Prussia. It might have been expected that Mr Jones would have been no stranger to documents bearing so directly on the subject of his researches, and which are among the most curious remains of antiquity. If he was at all aware of their existence, his readers certainly have not profited by his knowledge. One of the inscriptions in question is dated 345 years before the Christian era. It is a lease for forty years of a piece of land, at a rent of 152 drachmas a-year. The tenants, though practical men, were too sagacious to confound rent with taxes; and it is expressly stipulated, that, if a tax be laid upon the land, it shall be paid by the lessors. There are also various regulations with respect to the management of the farm, all of them evincing a very advanced state of civilisation, and discovering the strongest desire to protect the just rights of the parties to the contract, and to hinder the land from being overcropped or exhausted.

With respect to the letting of land in Italy for terms of years, and at a fixed money rent, the evidence is less decisive; but still it seems, though overlooked by Mr Jones, to be sufficiently conclusive. It is known to every tyro, that the public lands were usually let for five years; and the fair presumption is, that private estates would mostly be let for the same term. Columella, indeed, expressly states, that the frequent letting of a farm is injurious, (ita certe mea fert opinio, rem malam esse frequentem locationem fundi;) and he advises the landlord to be more careful about enforcing the conditions as to cultivation, than rigorous in the exaction of rent. (Lib. i. § 7.)

It is clear, therefore, that rent, as it exists in England, existed in ancient Greece and Italy. And it will exist in every populous country, where the lands belong to individuals, and where the cultivators are not enslaved. It is certain, too, as well from the previously quoted passage of Cato, as from the nature of the thing, that rents varied according to variations in the quality of the land, or, which is the same thing, that they were determined on the principle laid down by Mr Ricardo.

It is unnecessary to follow Mr Jones in his account of the metayer system in France and Italy. The vices of that mode of occupancy have been repeatedly pointed out, and are, indeed, quite obvious. Those who expect to find any novel or recent information with respect to it in the work before us, will assuredly be disappointed. Mr Jones' principal authorities are Arthur Young and Turgot; and those who wish to learn the condition of France previously to the Revolution of 1789, can resort to no better guides. The state of things at present, is, however, very different. The influence which the Revolution has had on agriculture, and on the condition of the occupiers of land, has been very great; and Mr Jones would have done an acceptable service had he stated the nature and extent of the changes that have, in these respects, resulted from it. But this is an investigation on which he has barely touched. Perhaps, as the subject is one of considerable interest, and as there are ample materials for its discussion, we may, at some future period, enter on its consideration. In the meantime, however, we may recommend an article on the agriculture of France, in the third number of the Revue Trimestrielle, to the notice of our readers, as containing a very instructive account of the actual condition of the French metayers. Being, no doubt, anxious to obtain the best and latest information as to the subject on which he was treating, Mr Jones should not have entirely overlooked so valuable a paper.

It would be to no purpose to enter into any further examination of that part of Mr Jones's work in which he reviews the different modes of occupying land. The cultivators in Poland and Hungary, (and till very recently, also in Prussia,) are in a state of predial slavery; so that the services, or rents which they pay, have as little in common with rents determined on a principle of free competition, as the allowances to slaves in the West Indics have with the wages of labourers in England. Mr Jones is quite as meagre in this as in the other departments of his review; and such of our readers as are acquainted with Burnett's View of Poland, Bright's Travels in Hungary, and

Mr Jacob's Reports, will glean but little additional information from his volume.

Having completed his account of occupancy by metayers, serfs, ryots, cottiers, &c., Mr Jones comes, in the last place, to examine what he ealls farmers' rents, that is, rents determined on the principle of competition, or as they exist in England. It is here, properly, that his controversy with Mr Ricardo commences; and, to understand the discussion, it may be as well, perhaps, to state what the theory is that Mr Jones labours to overthrow. Luckily this may be done in a few words. an admitted fact, that the soil of every extensive country is of very different degrees of fertility; varying, by many gradations, from the finest loams and meadows, to the most barren heaths and rocks-from the rich lowlands of Essex and the Carse of Gowrie, to the Highlands of Wales and Scotland. Now, the theory advocated by Mr Ricardo is, that so long as none but the finest soils are cultivated, no rent (understanding the term in the sense already explained) is paid; that rent only begins to be paid for the superior land, when, owing to the increase of population, recourse must be made to soils of an inferior degree of fertility, in order to obtain adequate supplies of food; that it continues to increase according as soils of a decreasing degree of fertility are taken into cultivation, and diminishes according as they are thrown out of cultivation. The produce raised on the worst land under tillage, or by the agency of the capital last applied to the soil, being all the while sold at its natural cost, without being in any degree affected by rent.

Mr Jones, who, not unreasonably, we think, might have been supposed well acquainted with the history of a theory about which he was inditing a considerable volume, ascribes its invention to Sir Edward West and Mr Malthus. But it is now well known that the discovery of the real nature of rent, and of the important fact that it is not a cause, but a consequence of price, was not made by either of the distinguished individuals alluded to, but by the late Dr James Anderson, author of Recreations in Agriculture, the Bee, and several other publications. In a pamphlet published by this gentleman on the corn laws, so far back as 1777, he has given the following exposition of this doctrine, which we believe our readers will agree with us in thinking, is not more remarkable for its depth and originality, than for its admirable precision and elearness:

^{&#}x27;I foresee here a popular objection. It will be said, that the price to the farmer is so high, only on account of the high rents, and avaricious extortions of proprietors. "Lower" (say they) "your rents,

and the farmer will be able to afford his grain cheaper to the consumer." But if the avarice alone of the proprietors was the cause of the dearth of corn, whence comes it, I may ask, that the price of grain is always higher on the west than on the east coast of Scotland? Are the proprietors in the Lothians more tender-hearted and less avaricious than those of Clydesdale? The truth is, nothing can be more groundless than these clamours against men of landed property. There is no doubt but that they, as well as every other class of men, will be willing to augment their revenue as much as they can, and, therefore, will always accept of as high a rent for their land as is offered to them. Would merchants or manufacturers do otherwise? Would either the one or the other of these refuse, for the goods he offers to sale in a fair open way, as high a price as the purchaser is inclined to give? If they would not, it is surely with a bad grace that they blame gentlemen for accepting such a rent for their land as farmers, who are supposed always to understand the value of it, shall choose to offer them.

'It is not, however, the rent of the land that determines the price of its produce, but it is the price of that produce which determines the rent of the land; although the price of that produce is often highest in those countries where the rent of land is lowest. This seems to be

a paradox that deserves to be explained.

'In every country there is a demand for as much grain as is sufficient to maintain all its inhabitants; and as that grain cannot be brought from other countries but at a considerable expense, on some occasions at a most exorbitant charge, it usually happens, that the inhabitants find it most for their interest to be fed by the produce of their own soil. But the price at which that produce can be afforded

by the farmer varies considerably in different circumstances.

'In every country there is a variety of soils, differing considerably from one another in point of fertility. These we shall at present suppose arranged into different classes, which we shall denote by the letters A, B, C, D, E, F, &c. the class A comprehending the soils of the greatest fertility, and the other letters expressing different classes of soils gradually decreasing in fertility as you recede from the first. Now, as the expense of cultivating the least fertile soil is as great, or greater than that of the most fertile field, it necessarily follows, that if an equal quantity of corn, the produce of each field, can be sold at the same price, the profit on cultivating the most fertile soil must be much greater than that of cultivating the others; and as this continues to decrease as the sterility increases, it must at length happen, that the expense of cultivating some of the inferior classes will equal the value of the whole produce.

'This being premised, let us suppose that the class F includes all those fields whose produce in oatmeal, if sold at fourteen shillings per boll, would be just sufficient to pay the expense of cultivating them, without affording any rent at all; that the class E comprehends those fields whose produce, if sold at thirteen shillings per boll, would pay the charges, without affording any rent; and that, in like manner,

the classes D, C, B, and A, consist of fields, whose produce, if sold respectively at twelve, eleven, ten, and nine shillings per boll, would

exactly pay the charge of culture, without any rent.

' Let us now suppose that all the inhabitants of the country where such fields are placed, could be sustained by the produce of the first four classes, viz. A, B, C, and D. It is plain, that if the average selling price of oatmeal in that country was twelve shillings per boll, those who possess the fields D could just afford to cultivate them, without paying any rent at all; so that if there were no other produce of the fields that could be raised at a smaller expense than corn, the farmer could afford no rent whatever to the proprietor of them, and if so, no rents could be afforded for the fields E and F; nor could the utmost avarice of the proprietor in this case extort a rent for them. In these circumstances, however, it is obvious that the farmer who possessed the fields in the class C could pay the expense of cultivating them, and also afford to the proprietor a rent equal to one shilling for every boll of their produce, and in like manner the possessors of the fields B and A could afford a rent equal to two and three shillings per boll of their produce respectively. Nor would the proprietors of these fields find any difficulty in obtaining these rents; because farmers, finding they could live equally well upon such soils, though paying these rents, as they could do upon the fields D without any rent at all, would be equally willing to take the one as the other.

'But let us again suppose, that the whole produce of the fields A, B, C, and D was not sufficient to maintain the whole of the inhabitants. If the average selling price should continue at twelve shillings per boll, as none of the fields E or F could admit of being cultivated, the inhabitants would be under the necessity of bringing grain from some other country, to supply their wants. But if it should be found, that grain could not be brought from that other country, at an average, under thirteen shillings per boll, the price in the home-market would rise to that rate; so that the fields E could then be brought into culture, and those of the class D could afford a rent to the proprietor equal to what was formerly yielded by C, and so on of others; the rents of every class rising in the same proportion. If these fields were sufficient to maintain the whole of the inhabitants, the price would remain permanently at thirteen shillings; but if there was still a deficiency, and if that could not be made up for less than fourteen shillings per boll, the price would rise in the market to that rate; in which case the field F might also be brought into culture, and the rents of all the others would rise in proportion. And so on to the same effect.

Dr Anderson enforced the same doctrine on several subsequent occasions. But his original, ingenious, and profound disquisitions appear tohave attracted no notice from his contemporaries. So completely, indeed, were they forgotten, that Mr Malthus and Sir Edward West were generally believed to have been the first expounders of the true Theory of Rent. Of the originality of their investigations we entertain no doubt. Still, however,

they only re-discovered principles that had been discovered and fully established forty years before. Whatever of superior merit belongs to the first inventor, is wholly due to Dr Anderson, who has also been pre-eminently happy in his exposition of the doctrine.

Mr Jones has not attempted directly to controvert this theory; and unless his readers are otherwise acquainted with it, his work will not give them any very precise ideas of its nature, or of the questions really at issue. He contents himself with attempting to impugn a principle involved in the theory; thinking that if he succeed in showing that it is unsound, the theory of which it is a part will fall of course. The principle referred to is, that, speaking generally, diminished returns are obtained in the progress of society for equal quantities of capital or labour expended on the soil. But notwithstanding all that Mr Jones has stated, this principle appears to us to be alike obvious and undeniable. We presume Mr Jones admits that different qualities of land are under cultivation in England. It was proved, by the agriculturists examined before the Committee of the House of Commons on the Corn Laws in 1821, that while the best lands in cultivation in England yield from 36 to 40 bushels an acre, the worst only yield from 8 to 9 bushels; and it is a well-known fact that good land is always cultivated at a less expense than bad land. But it is as clear as the sun at noon day, that unless the productive powers of the quantities of capital successively applied to the superior soils had diminished, the inferior ones would never have been brought into tillage; for, if any amount of capital might have been laid out upon land yielding 36 or 40 bushels an acre without a diminished return, who would have been so insane as to think of laying it out on land that would only vield 8 or 9 bushels?

Mr Jones says that 'strong facts' would be required to prove the existence of the law of decreasing fertility; and are not these strong facts? Those who deny this law must be prepared to maintain that a very large proportion of the agriculturists of England are so insane, as to lay out capital for a return of 8 or 9 bushels, when they may, if they please, get 36 or 40. If, instead of quoting Columella, Mr Jones had looked into the statements of the most expert farmers before the Parliamentary Committees, he would have found evidence to satisfy him, though he were as sceptical as Bayle himself, of the

existence of the principle in question.

But its existence must, on other grounds, be manifest to every one who reflects on the subject. If at an average equal returns could be obtained from every equal quantity of

capital expended on the soil, the whole world might be fed out of the Isle of Wight, or out of Grosvenor Square: For, supposing that L.100 laid out on the latter yields a certain return, it is clear, supposing every other L.100 laid out upon it yields the same return, that its produce may be increased without limit. We submit that this reductio ad absurdum is decisive of the whole question. What is true of Grosvenor Square or the Isle of Wight, is true of England, France, and, in short, of the world. Were it not for this law of decreasing fertility, why does not population go on increasing as fast in England, the Netherlands, and Lombardy, as in Kentucky or Alabama? If the productive powers of agricultural industry did not diminish in the progress of society, the produce of the garden grounds on the Thames, or the wheat-fields of East Lothian, might be as easily quintupled as that of the lands on the Swan River or the Missouri.

It is most true that this principle does not operate continuously. It is checked and counteracted by the improvements and inventions that take place every now and then, as society advances. But at the long run, the increasing sterility of the soils, to which recourse must be had, is sure to overcome them. reason is, that improvements, by augmenting the productive powers of industry, lower prices, and give a corresponding stimulus to population, which never fails speedily to expand, so as to force the cultivation of new, and still inferior land. It is not contended, as Mr Jones seems to suppose is the case, that every additional quantity of corn obtained from land already cultivated, must 'necessarily be obtained by a larger comparative 'outlay;' but it is contended that this is generally true, and that it is invariably true in periods of lengthened duration. It would seem, indeed, from Mr Jones' work, as if every one who has written on rent, except himself, had always represented this law as of continuous operation; or, in other words, that they had totally overlooked the modifications it undergoes from improvements; but they were not quite so blind as Mr Jones would have us believe; and the following extract from a work he has sometimes referred to, and which was published six years since, will show how applicable his criticisms really are:-

'I have thus endeavoured to exhibit the ultimate effect which the necessity of resorting to poorer lands for supplies of food for an increasing population, must always have on profits and wages. But though this cause of the reduction of profits be of "such magnitude and power as finally to overwhelm every other," (Malthus, Pol. Economy, p. 317,) its operations may be, and indeed frequently are, counteracted or facilitated by extrinsic causes. It is obvious, for example, that every new

discovery or improvement in agriculture, which enables a greater quantity of produce to be obtained for the same expense, must have the same effect on profits as if the supply of superior soils were increased, and may, for a considerable

' period, increase the rate of profit.

' Had the inventive genius of man been limited in its opowers, and had the various machines and implements used in 'agriculture, and the skill of the husbandman, at once attained ' to their utmost perfection, the rise in the price of raw produce, 'and the fall of profits consequent to the increase of population, would have been much more obvious. When, in such a state ' of things, it became necessary to resort to poorer soils to raise 'an additional quantity of food, a corresponding increase of ' labour would have been required; for, on this supposition, no 'improvement could take place in the powers of the labourer 'himself. Having already reached the perfection of his art, a ' greater degree of animal exertion could alone overcome fresh obstacles. More labour would, therefore, have been necessary 'to the production of a greater quantity of food; and it would ' have been necessary in the proportion in which its quantity was ' to be increased; so that it is plain, had the arts continued in ' this stationary state, that the price of raw produce would have 'varied directly with every variation in the qualities of the soils ' successively brought under tillage.

But the circumstances regulating the value of raw produce 'in an improving society, are extremely different. Even there it has, as already shown, a constant tendency to rise; for the 'rise of profits consequent to every improvement, by occasioning a greater demand for labour, gives a fresh stimulus to popuby increasing the demand for food, again in-'evitably forces the cultivation of poorer soils, and raises prices. But it is evident that these effects of this great law of nature, ' from whose all-pervading influence the utmost efforts of human 'ingenuity can never enable man to escape, are rendered less ' palpable and obvious in consequence of improvements. After inferior soils are cultivated, more labourers are, no doubt, required to raise the same quantities of food; but as the powers of the labourers are improved in the progress of society, a smaller number is required in proportion to the whole work to be done than if no such improvement had taken place. It is in this way that the natural tendency to an increase in the ' price of raw produce is counteracted in the progress of society. 'The productive energies of the earth gradually diminish, and we are compelled to resort to soils of a constantly decreasing degree of fertility; but the productive energies of the labour ems ployed to extract produce from these soils, are as constantly aug* mented by the discoveries and inventions that are always being made. Two directly opposite and continually acting principles are thus set in motion. From the operation of fixed and permanent causes, the increasing sterility of the soil must, in the long run, overmatch the increasing power of machinery, and the improvements of agriculture. Occasionally, however, improvements in the latter more than compensate for the deterioration in the quality of the former, and a fall of prices, and rise of profits takes place, until the constant pressure of population again forces the cultivation of inferior lands.'—(M'Culloch's Principles of Political Economy, 1st ed., p. 381; 2d ed., p. 487.)

It was not, therefore, reserved for Mr Jones to indicate the influence of improvements on the law of decreasing fertility. But a very large portion of his book is occupied with tedious statements of principles already fully elucidated by others; and which he puts forth with all the air of an original discoverer.

Though we highly prize the talents of Mr Ricardo, and have endeavoured, on all occasions, to do justice to his merits, we are not insensible to his defects; and to suppose, as some appear to do, that his work has fixed and ascertained every principle of the science, and that economists have nothing left but to comment upon and explain it, is altogether absurd. In treating of rent, Mr Ricardo doubtless made discoveries; and has exhibited some beautiful specimens of profound and luminous investigation. Still, however, it is not to be denied that this part of his work is infected with grave errors. He supposed that the effect of improvements, which are so beneficial to every other class, was to reduce rent, and that, consequently, the interest of the landlord was opposed to that of the rest of the community. Ricardo fell into this error from his not adverting to the fact, that, practically, improvements can never be so rapidly introduced as to lower prices; and that though they had such an effect in the first instance, the increase of population that would immediately follow the fall, would again force recourse to new land, and give the landlords the entire benefit of the improvement, which may be regarded as an addition to the quantity of good land. Had Mr Jones been the first to point out this mistake of Mr Ricardo, and to rectify it, he would have done some little service to the science. But to this praise he has not the shadow of a claim. He has barely restated, without acknowledgment, and with an abundant alloy of erroneous notions, what had been published twelve months previously to the appearance of his work, in the second edition of Mr M'Culloch's Political Economy. In this work, there is a chapter on the 'Improve-6 ment and Letting of Land' (pp. 452-473), in which the influence of the former in increasing rent is treated of at considerable length, and distinctly pointed out; at the same time that the identity of the landlord's interest with that of the public, is strongly enforced in that and other parts of the work. It would, therefore, have been quite as well, had Mr Jones, before representing those whom he is pleased to call the followers of Mr Ricardo, as having supported such doctrines, taken the trouble to enquire what they really do support. It is too much to set up a cry of eureka about that which is already in all the shops in town.

The remarks Mr Jones has made on profits, are not more original or valuable than those he has made on rent. He labours hard to show that profits have no natural tendency to fall in the progress of society. But the moment the law of the decreasing fertility of the soil is established, the law of decreasing profits follows as a matter of course. The one is immediately dependent upon the other; and as there neither is, nor can be, any doubt whatever of the existence of the former, neither can there be any as to the existence of the latter. Experience, indeed, independent of all theoretical inferences, is conclusive as to this point; for, though occasionally checked by improvements, it is observed, that in the long run, profits are uniformly reduced according as population becomes denser, and as recourse is had to inferior soils. It may be quite true, as stated by Mr Jones, that countries far advanced in civilisation, and where profits are low, are, notwithstanding, able to employ more additional labourers, and may be adding more to their capital, than those less advanced, and where profits are higher. But what has this to do with the question of decreasing profits? It does not turn upon the absolute amount, or mass of profits realized in a country, but upon the rate or proportion which they bear to the capital by which they are produced. Those who maintain that profits have a tendency to decline in the progress of society, were as well aware as Mr Jones of the obvious truth, that a small profit upon a large amount of capital may form a greater absolute sum than a large profit upon a small capital. But it is clear as demonstration, that countries where profits are high, have, cateris paribus, the greatest power of accumulation, and consequently, of adding to wealth and population. The capital of Holland is certainly greater than that of the state of New York; but will any one pretend to deny that the latter is decidedly the more prosperous of the two? And for what is she indebted for her pre-eminence, but to her higher rate of profit?

Mr Jones is fond of representing his conclusions as favourable to human happiness, and as holding out consolatory views of the order of the universe. But this is for the most part a very

unsatisfactory mode of reasoning. In the present instance, too, it may be easily shown, that the principles he endeavours to establish would lead to the most pernicious results. really true that the fertility of the soil, or the efficiency of agricultural labour, does not decrease as society advances, it would unavoidably follow, that population would continue to increase in the same ratio at which it increases in newly settled countries, till the space required to carry on the operations of industry had become deficient, when the impassable limit would be attained beyond which no advances could be made, and a most violent change must be effected in the habits of the people. Now, with great submission, it is not, we think, very obvious that mankind would gain much by such an arrangement. It seems to us that their happiness is far better provided for under the existing order of things. The decreasing fertility of the soil is not an absolute, but a relative check only. It may be, at all times, partially overcome by new inventions and discoveries; and the constant pressure of population on the limits of subsistence stimulates the inventive faculty, brings every power of the mind, as well as of the body, into action, and provides for the indefinite advancement of society in arts and industry. This view of the matter has been strongly enforced by the Bishop of Chester, in his excellent work on the Records of the Creation. Those who are familiar with it will not, we suspect, be inclined to question, either the law of the decreasing fertility of the soil, or the law of population, as explained by Mr Malthus, on the ground of their being unfavourable to human happiness, or inconsistent with the goodness of the Deity.

On the whole, we cannot say that we have derived much instruction from Mr Jones' work. His efforts to overthrow the theory of rent have been signally abortive: he has not weakened the authority of a single principle or doctrine involved in it. Those who would overthrow it must go to work differently, and with very different weapons; for, besides showing that, whatever may be the quantity of capital laid out upon the land, the last portion will be as productive as the first, they must also show that there is no difference in the qualities of land, and that a farmer will give as much for an acre of Snowden as for an acre of the alluvial land of Essex. The fact that Mr Jones' book should have attracted any attention, shows how very little the principles of the science are understood. We are not aware that he has added any thing whatever to what was already known. All that he has stated, that is accurate, had been previously stated by others, and might easily have been condensed into a

pamphlet of fifty pages.

ART. V .- The Drama brought to the Test of Scripture, and found wanting. 8vo. Edinburgh: 1830.

This little volume, as its title may lead the reader to expect, is the production of one of that class of persons distinguished by the appellation of 'evangelical' Christians. Their zeal in denouncing the amusements of society as replete with danger and sin, is abundantly notorious. The present work is dedicated

to this pious purpose.

We are induced to notice it, for the sake of exposing, as far as we are able, the erroneousness and misapplication of their zeal. In doing so, we are not actuated by any disrespect for their religious tenets, nor by the slightest feeling of personal acrimony towards themselves. We believe them to be, for the most part, pious and well-meaning persons. But we also believe that they really 'know not what manner of spirit they are of,' while they raise an outcry against such practices of the world, as in their pre-eminent piety they are pleased to condemn. They have long assumed the right (under what authority we have yet to discover) of reprobating the customary recreations of life, and of branding those who participate in them as enemies to God and of true religion. The work before us exhibits a fair specimen of their arrogance and false reasoning, and it may be profitable to all parties to show them in their proper light.

One of the most striking characteristics of the evangelical sect, is their perverse application of Scripture to the practices reprobated by them. There is nothing new, to be sure, in this. It has been the custom of sectaries in every age. But we question whether it was ever more notably exhibited than by those who put themselves forward at the present day, to arraign the amusements of the world. Our author, however, shall speak for

himself.

His notice of the drama is prefaced by an attempt to decry ' worldly amusements' in general. The very sound of the term ' worldly,' conveys to the ears of this devout person the notion of something contrary to the precepts and spirit of the Gospel. By the Book of Life,' he says, 'we shall try what is commonly called worldly amusement.' His trial is founded on the following passages of Scripture:-

'I have given them thy word; and the world hath hated them, because they are not of the world, even as I am not of the world.'-John, xvii. 14.

'They are of the world: therefore speak they of the world, and

the world heareth them.'—1st John, iv. 5.

'Know ye not that the friendship of the world is enmity with God? Whosoever therefore will be a friend of the world is the enemy of God.'—James, iv. 4.

'Be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is that good, and

acceptable, and perfect, will of God.'-Rom. xii. 2.

'Wherefore come out from among them, and be ye separate, saith the Lord, and touch not the unclean thing; and I will receive you.'—2d Cor. vi. 17.

'From these passages,' says he, 'we are anthorized to conclude that there is a mass of individuals who live for themselves, and as their enjoyments all centre in this period of their existence, they are emphatically called by our blessed Lord, the world, or as belonging to the world. It is equally clear that there is another class who aim at better things, who use the things of this life without abusing them, and who, though passing through their earthly trials, are pronounced by the same divine authority, to be not of the world. It is plain, therefore, that the term worldly is, in such cases, opposed to spiritual, and denotes any mode of thinking or acting at variance with the precepts

and spirit of the Gospel.'—P. 31, 32.

This is our author's commentary on the foregoing texts, and this is his mode of establishing the sinfulness of worldly amusements. We beg the attention of our readers to the reasoning he employs. A certain class of men are represented in Scripture as 'being of the world,' on account of their insensibility to religious influences, and their exclusive devotion to the enjoyments of the present life. Another class, who are actuated by the faith and principles of the gospel, are described as 'being 'not of the world.' The term 'worldly,' it thus appears, is opposed to 'spiritual,' as denoting what is contrary to the precepts and spirit of the gospel. Therefore, worldly amusements

are contrary to the precepts and spirit of the gospel!

The evangelical class, it appears to us, has been hitherto very liberally indulged in casting the reproach of worldly-mindedness on the rest of mankind, and claiming the praise of spiritual-mindedness for themselves. There has been a reluctance to enter into grave discussion with men who usually betray so much weakness and pretension. For our own parts, however, we are inclined to think a little discussion may be useful. We have had enough of raillery and recrimination, neither of which is suited to the nature of the subject. It is time to try whether another mode of treating it may not afford the means of deciding the question at issue between the parties. The question, as it arises from our author's views, we take to be this: Does the mere participation in the customary amusements of the world, neces-

sarily place us among that class of men denounced in Scripture as being of the world? It is by assuming the affirmative that the evangelical party has been enabled to maintain its exclusive pretensions to sanctity. They have made the abhorrence of, and separation from amusements, a test of religious character. such means they have contrived to draw a line of demarcation between two classes of society, the 'serious' or 'spiritual,' and the 'careless' or 'worldly,' without any reference whatever to the great moral evidences of the effect of religion on the mind. The natural effect of this distinction, on the one class, is to inflame many with very mistaken, and all with very supercilious notions of their own religious state, and the most uncharitable sentiments towards the rest of mankind; on the other, to incline numbers to treat all high religious pretensions as matter of pleasantry or contempt. It is on these grounds we venture to think that we may usefully employ ourselves by a sober and rational discussion of the question. We shall endeavour to show, that the amusements of the world are not more sinful in their nature and tendency than many other pursuits; and that, as abstinence from them does not necessarily imply the spirituality of man's condition, so neither is his worldly-mindedness to be inferred from participation in them.

There cannot possibly be a safer or simpler test for trying the religious integrity of any man, as far as the objects of our present existence are concerned, than that implied in the maxim of ' using the world without abusing it.' By such a trial every man must stand or fall. But it manifestly involves the necessity of an examination into the life and conduct of each individual, before we can presume (if indeed we then dare to presume) how far he has conformed to, or violated, the precepts of Scripture. Our author, however, despises all such necessity. He deals with us in a much shorter and more wholesale way. He assumes for his own party exclusive credit for using the things of life without abusing them; thereby confounding all who participate in the amusements of the world in the guilt of abusing it. It will be necessary for our purpose, then, to examine how far the claims advanced by this party are really just or not, and we trust we shall be able to conduct the enquiry in

the spirit of candour and truth.

There are only two methods, we apprehend, of satisfying us that any man or class of men 'use the things of life without 'abusing them:'—either by showing that the things they do use are so thoroughly innocent and innocuous in themselves as to be incapable of abuse;—or, if this cannot be done, by showing that they use all things with such religious strictness and modera-

tion, as to be free (as sinful mortals may be) from sin. We proceed to try the evangelical party by the first-mentioned proof.

Of all the indications of a worldly spirit, none is so distinctly and emphatically denounced in Scripture as a love of riches. Of all the 'things of life,' against which the Gospel warns mankind, on account of its dangerous and demoralizing influence, none is so conspicuous as wealth. This influence is described in every variety of expression that language can supply. It is depicted by every striking representation that inspired wisdom could suggest. We are not left to deduce it from the general spirit of Scripture, nor to demonstrate it from the tenor of any particular text. It is the theme of constant, undisguised, and intelligible reprobation. It is exposed in a multitude of maxims, and illustrated by a series of parables, that defy the meanest apprehension to misinterpret, or the most crafty to pervert. We ask, then, whom do these passages deter from the pursuit or enjoyment of wealth?—Do they serve to alarm that class of Christians who remonstrate with such morbid piety against popular amusements; or to check, under a sense of spiritual danger, their desire to increase their worldly means? Do the serious deny themselves the use of riches on account of their tendency to corrupt the human heart? We apprehend not. As far as we are enabled to discover, they testify no reluctance whatever to follow the footsteps of the 'worldly' in the road to wealth. We look in vain for any distinguishing mark in this respect between the two classes of society -that which is 'of the world,' and that which is 'not of the ' world.' All appear to be actuated by the common impulse -to push their fortunes in life. All exhibit the same ardent, active, enterprising zeal in their respective pursuits. 'The ' mammon of unrighteousness' seems to inspire none of the serious either with terror or aversion. Where the ordinary channels for procuring wealth are closed against them, they show no disinclination to obtain it in other ways. It comes equally acceptable to them in the shape of a legacy, or of a dower with a companion for life. The love of money, which 'is ' the root of all evil,' (mark the terrific epithet!) is treated by them with an unaccountable degree of lenity and indulgence, considering their repugnance to worldly amusements. Not a word escapes from them on the pernicious effects of wealth. Not a tract issues from their repositories to caution us against its pursuit. Not a homily is heard from their pulpits on the solemn obligation to war against it. What lesson the 'unerring guide 'which,' according to our author, 'teaches us to distinguish 6 the characteristic attributes of the things that be, and the

things that be not of the world, in the widest acceptation of the term, has imparted to them in this particular matter, they best know themselves. But taking Scripture for our authority, we feel bound to declare that few things of the world possess a

more detrimental influence over man than wealth.

It is not against the mere possession of wealth that its warnings are directed. It is against its capacity to multiply our attractions to the world, and to wean our affections from 'the 'things that are above;'-its tendency to enhance our fondness for the vain, and trifling, and costly ornaments of life; to minister to our taste for pomp and distinction; to nurture our love of ease and indolence; and to encourage pride, and arrogance, and selfishness. But with all these consequences plainly portrayed in Scripture, and often verified by the experience of life, our spiritual pretenders exhibit not the slightest fear to encounter the hazard of them. Any one, accustomed merely to their language, might naturally imagine them to be actuated solely by benevolence in the augmentation of their wealth. He might imagine that, in consistency with their pious renunciation of worldly amusements, they repudiate all things whatever of a worldly nature having a tendency to moral evil,—every thing anti-spiritual in its nature or effects; that men who inveigh with such devout vehemence against the vanities of life, would display their contempt for these vanities, whatever form they assume; that they whose hearts and minds are avowedly devoted to another world, would testify their utter disregard for the merest toys and baubles of this. Truth compels us to correct the inaccuracy of such imaginings. We see many of the serious rolling in handsome chariots, maintaining numerous servants, giving costly entertainments. We see their carriages emblazoned with the same heraldic ornaments, their attendants clothed in the same gaudy liveries, their tables covered with the same luxurious viands, that are in ordinary use with the men ' of the ' world.' These trappings of pride, and vanity, and vainglory, seem to find just as much favour in their eyes, as with other

We have thus tracked the serious class in their quest after riches, till we find them quietly and fearlessly reposing amidst the many luxuries which wealth enables them to procure. The natural effect of these on ordinary minds is to stimulate them with ambition, to excite a desire for fame, and power, and consequence among men, and thus to multiply the dangerous influences of wealth upon the heart. Such effects are by no means confined to the 'worldly' class. Rank and importance are discarded by none of the serious, as unfitting appendages of a spi-

ritual life. Nay, they are sometimes sought after with an avidity that, to vulgar apprehension, seems strangely at variance with the lofty religious pretensions of such men. He who shuns the theatre as a sink of corruption, may be found in the atmosphere of an electioneering contest, canvassing for votes, courting the favour of the dissolute and profane, and engaging in all the complicated scenes of intrigue and deception, by which the politics of the world are conducted. Do we allege that the principles of such men are corrupted by this course? No. But this is not the question. It is simply whether the objects of their pursuit are of a cast calculated to corrupt them? This is the purport of our present enquiry, and it will not answer to tell us that they may come forth pure from the trial. We are showing from unquestionable facts, that a class of persons eminent for their reprobation of certain worldly enjoyments, on account of their sinful tendency, do actually disregard such tendencies in numerous instances; that they overlook the obvious applications even of their own interpretation of Scripture, when it suits their purpose to do so; that while they call on others to separate from the world, their only intelligible meaning is, that they should unite with them; and that, although with a rigorous adherence to the letter of the gospel, they proclaim 'the friendship of the 'world to be enmity with God,' they practically court the very objects to which that friendship alone can conduct them.

The conclusion we arrive at, then, from these facts, is plain and irresistible. Considering the nature and tendency of the things sought after, and enjoyed, by these evangelical Christians, they are not one whit more scrupulous than other persons in 'using the world so as not to abuse it.' They live in the common haunts of men, -gratify their common desires, -engage in their common pursuits, -partake of their common indulgences. They toil along with the 'worldly' through paths beset with temptation in various shapes. They run with all imaginable alacrity and cheerfulness in the race after fame, and honours, and emoluments, where the faith and principles of men are most severely tried. They acquiesce in all the devices of luxury to pamper the children of prosperity, and manifest the same indifference with others to the cost of human happiness and innocence at which these may be supplied. It remains for them, consequently, to show their actual freedom from sin in the use of what they enjoy. So that, after all, they stand precisely in the same predicament with ordinary men. Enjoyment, under various forms, they neither dread nor decline; and amusements, it is clear, are only so many modes or means of multiplying the sources, or augmenting the sum, of enjoyment. That they are guiltless in

all things they allow themselves, may be true. But if this is to be assumed in their favour, it must, on every principle of reason and justice, be also conceded to those who mingle in amusements, unless where the contrary is notorious. To what, then, do the pretensions of these eminently pious persons, founded on their abstinence from such amusements, amount? Literally, to nothing. They are manifestly illusions of their own imagination, or impositions on the credulity of others. The presumption in favour of the piety and purity of any class, (distinguished by withdrawing from, or participating in, amusements,) is balanced as nearly as possible. And if the religious test we have been considering is to be fairly applied, there is not, even on their own showing, a shadow of ground to suppose that the serious are better prepared to undergo its scrutiny than their neighbours.

Now, unless we are much mistaken, we have placed our author in a dilemma, from which he will find it no easy matter to escape. In the first place, if the criminality of worldly amusements is to be deduced from the texts quoted by him, let him show the grounds on which other things of the world are exempted from their condemnation. Let him show how these texts are not equally applicable to lands, and houses, and titles, and money, and luxuries of all kinds, as well as to the drama, and dancing, and other recreations of civilized life. He must either do this, or he must withdraw his charge against amusements as being contrary to the spirit of these texts. In the next place, he must either show that the things above enumerated possess no power to corrupt the mind, or he must cease to inveigh against amusements, as if they alone were responsible

for doing so.

Whatever choice he makes, however, we defy him either to prove from Scripture the abstract criminality of worldly amusements, or to demonstrate from experience their inevitable effect in corrupting those who partake of them. The Gospel forbids the use of no enjoyment, unless it actually involves, or is accompanied by, the indulgence of sinful passion, or has a necessary, self-working tendency to that end. It forbids the use of no enjoyment in which we may, through divine assistance, avoid all violation of duty to God and our neighbour. To prove the antiscriptural character of worldly amusements, therefore, he must show them to be of such a nature as to exclude the possibility of this avoidance; otherwise his reasoning is wholly inconclusive, and his interference presumptuous. That amusements tend to excite criminal passion, and tempt to criminal indulgences, is no more a ground of charge against them than

against almost every other source of human enjoyment. To show that they do so, is to show nothing, unless it be also shown that their sinful influence is irresistible. But this is too hopeless a task even for the evangelical party to undertake.

It is true our author produces specific articles of impeachment against the drama; -and his statements, doubtless, if substantiated, would prove it to be irreconcilable with religious propriety. But any thing more futile and preposterous than his allegations we can scarcely conceive. That the stage may, to a certain extent, be subservient to evil-that abuses may have crept into it, which it would be desirable to correct—that it may not always be conducted in such a manner as we can approve, may be very true. Such is the lot of every thing human. But what are we to think of the zeal of those who have tried to inflame the prejudices of the public against it, by gravely charging it with being essentially blasphemous and profane? Let us hear this pious writer:- 'Do actors on the stage pronounce and 'invoke the Lord's name on a solemn or religious occasion, or with a solemn or religious intention? If actors do not so ' invoke the name of the Most High, they must invoke it profanely and blasphemously.'-P. 117. If this be true, we shall at once concede the sinfulness of the drama, and unite with our author in condemning all who seek amusement from it. But we utterly deny his conclusion, and are prepared to show that it can only have had its origin in what is commonly, but expressively, denominated cant.

By the consent of all ages, a license has been given for the introduction of sacred subjects and expressions in the elegant and imitative arts. Except in the case of the drama, we believe the use of these has wholly escaped reprehension. In poetry and painting, it seems to be universally tolerated. How does it happen, then, that when the words of the poet come to be spoken on the stage, the cry of blasphemy should be raised against them? Is it the sound, and not the sense-the shadow, and not the substance, that offends the piety of the serious? Let us take an analogous case in the art of painting. A picture is placed before us, representing an afflicted matron in the attitude of prayer: does this occasion or imply any disrespect for religion in the mind either of the designer or the beholder? Unquestionably not. Yet, from a similar exhibition on the stage, we are told to withdraw, as from a blasphemous representation. In the one case, it is true, we do not hear the name of the Almighty invoked. But the effect of the painting, if it has any effect at all, is to excite an imaginary persuasion that we do hear it. It is for this the artist concentrates all the powers of his

genius on the work. Now, we conceive the mind must be supereminently casuistical that can draw any intelligible distinction between the feelings awakened through these different mediums. The character and circumstances of the painting are just as fictitious as those of the play. The occasion and intention are no more solemn nor religious in the one case than the other. Amusement is the object of both. And the instruments of communicating it, the artist and the actor, may be equally strangers to any serious impression, while endeavouring to produce such impressions on others. The case, as far as solemnity of feeling is concerned, indeed, must clearly be in favour of the latter, from the natural identification of himself with the part he performs. Whence, then, all the unmeaning outcry against religious appeals and invocations on the stage? We shall be as prompt as any to condemn them when introduced for a profane purpose, or through mere levity; but if the use of them on the stage be prohibited, why is the prohibition

not to be extended to all the imitative arts?

While on this part of the subject, we may notice another charge against dramatic amusements, obviously springing from the same origin, and equally liable to refutation from the ordinary practices of the evangelical body themselves. The tendency of the stage to demoralize its professors, is urged as an imperative motive for its discouragement. The case is thus stated by our author :- 'How do I justify myself for using my 'individual influence to retain a number of fellow-creatures in a ' profession which I know to be unfavourable to a life of holiness, and, consequently, tending to eternal perdition, and all for a 'temporary, selfish gratification?'-P. 128. Now, if the principle here implied be a just or sacred one, it is manifestly binding on those who hold it as such, in all cases and circumstances whatever, where it is applicable. That the evangelical class do not so hold it, we are warranted to conclude from their total neglect of it, except in the instance of the actor. They employ many without any reference to it, according to the ordinary usages of the world. We can discover no gratification, however 'selfish or temporary,' which they deny themselves, from the motive here assigned for the discouragement of the drama. If there be any earthly profession or occupation imperiously calling for the exercise of their principle, it is that of the dealer in human flesh. The luxury he provides us with, is the fruit of an iniquitous traffic; it is purchased by the employment of thousands in a pursuit utterly foreign from a life of holiness, and especially denounced by the evangelical party as contrary to the spirit and precepts of the gospel. Does one in

a hundred of them deny himself the luxury? We verily believe not. They gratify their palates with this product of an atrocious and demoralizing trade, and then turn round to warn their worldly brethren against the deadly sin of encouraging the pro-

fession of a player!

That religious scruples concerning popular amusements often spring from pure and conscientious motives, we freely admit. But that they are founded on true reason or religion, we positively deny. The extent to which they have spread, can only be accounted for, we humbly conceive, by an extraordinary habit, as we must call it, greatly prevalent at the present day. This habit appears to us to have obtained an alarming influence, and to have given a new character to religion. We deem it, then, of essential importance to explain its nature and effects. By so doing, we shall be able to throw some light on the causes

of the clamour against worldly amusements.

The habit above alluded to, is of two kinds. That of considering religion as something distinct from morals;—and that of circumscribing morals within certain narrow bounds. The extent to which the former practice is carried, both as derived from the supposed doctrines of the gospel, and as applied to the characters of men, is, in our apprehension, one of the most lamentable circumstances in the religious history of the times. No sober mind can fail to perceive the mischief of dissevering things that ought never to be separated. No sober mind can overlook the evils arising from the pretensions of those who claim credit for Christianity, without exhibiting its fruits in their dispositions and lives. It is not our present purpose to expose this spurious We allude to the fact of its existence, as leading to theology. certain consequences, and we appeal to the experience of our readers in proof of the fact. Every one must be aware of the characteristics of a serious or evangelical person, distinguished as such from the rest of society. These are—first, a separation from what are called worldly amusements, and a professed abhorrence of them, as contrary to the spirit of the Book of Life. Secondly, an exhibition of ardent zeal for Bible and Missionary Societies, schools for the instruction of the poor, &c. a feverish anxiety to commune with others on religious topics, and to mingle with them frequently for the purpose of Scriptural exposition and prayer. Fourthly, an attendance on one or other of the divines pre-eminently designated as 'gospel preachers.' Such are the chief characteristics of the eyangelical class. That they may all be coexistent with true piety, we do not deny. But it is plain, they cannot be considered as genuine evidences of such piety, because they may be all assumed. They are external acts; they are not habits of mind directly springing out of and implying piety. They are not fruits by which we are taught at once to determine the nature of the tree. We can easily imagine a man divested of all the virtues pre-eminently called Christian, yet exhibiting all the before-mentioned characteristics of the 'serious' in the highest degree. dible as it may sound to many, these characteristics are the strongest proofs required by the Evangelical party of the influence of Christianity on the mind. We do not say they may not be often found united with the virtues just alluded to; but we do say, that any person producing such proofs becomes, ipso facto, a member of the spiritual class. And, what may appear still more incredible, nothing can henceforward deprive him of his evangelical claims. He may be turbulent,-he may be factious,-he may be uncharitable. His heart may be filled with the gall of bitterness towards all who differ from him. He may be inflamed with worldly ambition, and may thirst for popular renown. He may be subtle and supple. He may be sly and selfish. He may hold truth in contempt when falsehood suits his purpose. But nothing of all this can shake his pretensions to be numbered among the spiritual class. 'characteristics' are visible, and known unto all men, and are enough to cover his moral defects, (with certain exceptions,) though his heart may be a prey to worldly motives, and a stranger to the feelings which true religion inspires.

The exceptions here in view, arise out of the other habit we have alluded to-that of limiting morals within narrow bounds. We must again appeal to the experience of our readers for a fact ascertained even by the ordinary language of life. one ever dreams of describing any man as a 'moral man,' except him who is free from certain impurities of practice; who preserves a decent character for propriety of domestic conduct; and is not given to wine. The use of the term is familiarized to our minds in no other sense than this. A man may raise himself in life by the basest arts. He may sacrifice every principle for the sake of preferment. He may be proud and arrogant,-vain and intolerant,-greedy of praise and covetous of gain. He may be a fawner on the great, and a tyrant towards the poor; -profuse in the indulgence of himself, and regardless of the necessities of others. He may be all this, and much more than this, yet still he is not an immoral man. This epithet is strictly confined to those whose habits are (according to the arbitrary sense of another term) usually denominated loose.

Now the effect of this restriction in the application of terms full of important meaning, we hold to be mischievous in the ex-

The power of words in directing the attention of mankind to, and in diverting it from things, is infinitely greater than we generally imagine. When the use of them becomes familiar to the ear in a specific sense, the mind involuntarily obeys the habit, and imperceptibly loses the idea of any but their customary application. If this be the natural effect in ordinary cases, how much more likely is it to take place where men's interests and passions incline them to yield to and favour the delusion? The consequence is, that the delusion spreads and establishes itself among all orders of the community, and exercises a corresponding sway over practice. The moral sense itself ceases to interpose beyond the bounds prescribed for it in the nomenclature of society; and things are daily done by the 'religious' and the 'moral,' utterly 'at variance with the precepts and spirit of the 'gospel.' Hence we see the pretensions to spirituality asserted and maintained often altogether on the credit of a fervent zeal, and an abstinence from the proscribed indulgences! Hence we see the charge of worldly-mindedness preferred and persisted in against all who refuse to abjure worldly amusements! Hence we see a storm of pious intolerance and vituperation venting all its violence on professions which minister to amusement! Hence we see men manifestly actuated by proud or malignant passion, duping multitudes into a persuasion of their exalted piety! Hence we see others pushing themselves into elevated stations, through corrupt and unprincipled means, without meeting the obstacles, or incurring the obloquy, they would justly and infallibly encounter, if their habits were loose.

These facts are too clear and palpable to be disputed. injury arising to true religion, -the impositions practised by men upon themselves,—the false colouring given to actions and characters by society,-the pernicious notions imbibed on subjects of the last importance to individuals and the public,-the encouragement afforded to the indulgence of the basest passions of our nature, in consequence of the habits we have noticed, must be extensive. To attempt to trace these effects, forms no part of our plan. But we hope we shall not be thought unprofitably employed in directing the attention of our readers to the subject. We ascribe to the above-named habits, the power obtained by certain persons in exciting religious prejudices against popular amusements; and thus withdrawing observation altogether from evils of a far deeper kind. The vices supposed to be encouraged by such amusements, are chiefly of the description known by the term loose. They are those for which the pious

reserve the strongest epithets of indignation.

Let us not be misunderstood. We by no means deny the vitia-

ting tendency of amusements, nor their sinfulness when indulged in to excess. We see the most substantial reasons to warn the youthful mind against their seductive influences, and to fortify it by such sound and rational views as may teach it to withstand them. But power, rank, riches, and the desire and struggle for them, number daily victims in their toils. We do not perceive. notwithstanding, that the most sensitive of the serious class betake themselves to 'sackeloth and ashes' for safety. Sin lays its snares for us, we may be assured, with full as much art and certainty, in the business as in the recreations of the world; in the schemes we may form in the closet, as in the enticements of the drama and the dance. We may shun the amusements of the world, even to an ascetic degree, without adding one atom to our strength amidst its serious occupations. We might, perhaps, be still nearer the truth, if we said—that the extent of credit assumed for resisting temptation under the form of pleasure, has a natural tendency to screen its sinful aspects from us in other cases.

We have no great hopes of impressing the evangelical class with the truth of what we have written on this subject. Religious prejudices are rarely overcome by reason or common sense. Errors are often maintained, not so much from an indifference to truth, as from an habitual blindness to it. The most mistaken notions, when embraced with reverence, cling to the mind with a tenacity proportioned to its sincerity. Numbers have been persuaded to shun all popular amusements as a sacred duty. So long as they do so from such a motive, they manifestly act in conformity with Christian principle, and we should be among the last to recommend a departure from it. But we are anxious to guard them from the delusion of imagining themselves to be thus secured against the temptations of the world. The very persons who shun the ball-room lest their vanity should be excited, often testify to the observers how feebly it has resisted temptation amidst other scenes. The enemy pursues them even to their religious haunts, and gains a readier conquest, where his power is not dreaded, nor his approach descried. While such delusions last, we can scarcely expect to awaken our 'evangelical' readers to juster reflections. But we do hope to inspire some of them with more candid feelings in their estimation of themselves, and more charitable sentiments in their judgments of their neighbours. The assertion of their claims to superior piety and heavenly-mindedness is exceedingly offensive even to those who are most disposed to acknowledge the sincerity of their motives. That there may be much piety where there is much pretension, we should be extremely unwilling to deny.

But undoubtedly piety derives no additional strength nor lustre from its constant obtrusion on the notice of the world. Its proper sphere of influence is the heart. If it be deeply rooted there, so as thoroughly to impregnate the spiritual soil, it will assuredly act on the temper and affections, and diffuse its fruits over the whole conduct and conversation of man. What reliance can be placed on the validity or stability of motives that manifestly fail to produce corresponding effects? What value can be rationally ascribed to the most rapturous ecstasies of religious feeling, if they have not a proportionate power over the will and conduct? We may, for aught we know, be touching on some disputed points of doctrine, which we have neither time nor learning to discuss. But, according to our plain conceptions, the highest notions of faith and piety must resolve themselves into motives, actuating man to certain habits of disposition and If, then, the motives be professedly such as seem to soar above all the interests of this transitory existence, while its concerns actually engross the attention in no very measured degree —what is the inevitable conclusion? Either that the motives are too high and sublime for our imperfect nature, or that they are mere assumptions on the part of those who lay claim to them. We have no disposition whatever to be unjust or uncharitable to the evangelical class, and we willingly adopt, in their behalf, the former alternative. But we appeal to them, whether it is not irrational (if indeed it be nothing worse) to claim credit for motives, with which they do not, and cannot, act in conformity? -Whether their pretensions to a surpassing sanctity and spirituality of mind are at all reconcilable with the customary habits of attention to the cares and interests of existence?—Whether, in common consistency with such pretensions, they are not bound to relinquish the other engagements of the world as well as its amusements?

It would be difficult, we think, even for the most charitable mind to convince itself, that some of the ruling spirits among this party are actuated by any very evangelical views of truth or duty. Many are enabled to gain, within its sphere, both distinction and influence, to which their stations, talents, and manners, would elsewhere by no means entitle them. To such, it is evidently of importance to foster every delusion calculated to give strength and stability to a class from whom they obtain so much consequence for themselves. In the meantime, thousands are tempted, by the easy terms of forsaking popular amusements, to flock to a standard with the holy characters of Spirituality inscribed on it. But is all indeed so pure and heavenlyminded beneath it? Is there no swelling sense of pride and

vainglory engendered in the breast by these self-constituted claims to vital religion and righteousness? Is there no sin of arrogance or presumption involved in this indignant and conspicuous separation from the rest of mankind? Is there no selfishness nor uncharitableness indulged among this little band, dwelling together in the lofty tents of godliness, while they survey the countless multitudes below as objects of divine condemnation?—For the present we shall take leave of this subject. We shall resume it when we think we can do so with any advantage to the cause of truth and religion.

ART. VI.—The Life and Death of Lord Edward Fitzgerald. By THOMAS MOORE. 2 vols. 8vo. London: 1831.

THE unfortunate nobleman, whose life and death are recorded in these volumes, made an early and ineffaceable impression upon the mind of Mr Moore. With Lord Edward, he

says-

'I could have no opportunity of forming any acquaintance, but remember (as if it had been but yesterday) having once seen him, in the year 1797, in Grafton Street,—when, on being told who he was, as he passed, I ran anxiously after him, desirous of another look at one whose name had, from my school-days, been associated in my mind with all that was noble, patriotic, and chivalrous. Though I saw him but this once, his peculiar dress, the elastic lightness of his step, his fresh, healthful complexion, and the soft expression given to his eyes, by their long dark eyelashes, are as present and familiar to my memory as if I had intimately known him. Little did I then think that, at an interval of four-and-thirty years from thence—an interval equal to the whole span of his life at that period—I should not only find myself the historian of his mournful fate, but (what to many will appear matter rather of shame than of boast) with feelings so little altered, either as to himself or his cause.'—Vol. i. page 306.

This intimation does not surprise us. Far from being calculated to alter his feelings, either as to Lord Edward Fitzgerald, or the enterprise in which he perished, the literary life of his eminent biographer must have given permanence to the sentiments with which his boyhood was imbued. The fame of Thomas Moore is interwoven with the misfortunes of his country. However multiform his accomplishments, and various the paths by which he has risen to his elevated reputation, that portion of his celebrity is not the least precious and enduring, which is derived from 'The Melodies,' where music, adapted beyond all other to the expression of national woe, was wedded to verse of an incomparable sweetness. The beautiful airs, which are sup-

posed to have been produced by grief, and possess so admirable an aptitude for the language of lamentation, were turned by Mr Moore to a noble account. He made them the vehicles of those delightful effusions, in which the most graceful diction, versification the most harmonious, and the most brilliant fancy, were employed to charm the ear, and to touch the heart with the calamities of Ireland. A new sort of advocacy was instituted in her cause, and in the midst of gilded drawingrooms, and the throng of illuminated saloons, there arose a song of sorrow, which breathed an influence as pure and as enchanting as the voice that ravished the senses of Comus with its simple and pathetic melody. It is not wonderful, that after having accomplished so much by these means, for his own fame, (and it is no exaggeration to add, for the benefit of his country), Mr Moore should revert to incidents which contributed to give a bias so poetically fortunate to his genius; and that he should, in the selection of his subjects, and in their treatment, be swayed by an enthusiasm, which, however questionable in the ethics of a severer loyalty, ought to be referred to the predilections of the poet, rather than to the passions of the partisan. It is to this cause, and not to any improper design, that we attribute the choice which Mr Moore has made in this instance of his subject. At the same time, it must be confessed, that he has exposed himself to the imputation of having, at a period of more than ordinary excitement, directed the eyes of his countrymen to a dismal and pernicious retrospect. Why, it may be observed, recall what it will not only be useless but dangerous to remember? Wherefore raise the drop-scene of that stage, on which memory is so likely to play the part assigned to her by one well acquainted with her powers, and to prove herself 'the actor of our passions o'er again?' The martyr to a cause, which was not consecrated by success, is as yet uncanonized by time. dungeon must have mouldered, before it can be deemed holy. Although it might have been legitimate to have looked for imagery through its loopholes, it was scarcely warrantable to have thrown it open, and to exhibit the drops of that noble blood which is scarcely dry upon its floor. To these objections we cannot give any kind of assent. Thirty-three years make rebellion a part of history. We think, besides, that no mischievous consequences are to be apprehended in Ireland from the form in which this narrative appears. It is only in the refuse of literature that infection can be communicated. The work of Mr Moore is not likely to propagate the political epidemic among those humbler classes of society, to whose hands it is most improbable that his book should ever reach. But there is another description of readers, to whom it may minister a salutary admonition. He tells us, that he will willingly bear whatever odium may redound temporarily to himself, should any warning or alarm, which it may convey, have even the remotest share in inducing the people of this country to consult, while there is yet time, their own peace and safety, by applying prompt and healing measures to the remaining grievances of Ireland. This, we are persuaded, was among the main motives of Mr Moore, not to attend to the recommendations of those who told him that he ought not to enter upon ground, which it is impossible to tread without stirring the particles of fire that lie beneath it. Instead of coinciding with his advisers, he knew that he was not furnishing reminiscences to the vindictive memory of a susceptible people, or suggesting to men who have a large debt of injury to discharge, the usurious repayment of their wrongs; but that he was holding out to those whom it most deeply concerns, an example in the fatal policy pursued with regard to Ireland, which might deter them from the adoption of measures fitted to the production of similar results. He was conscious that he was endeavouring to draw its legitimate and redeeming uses from national adversity, by setting off, with the brilliancy of his talents, the 'precious jewel in its head.' He felt that he was not kindling a false fire, but was setting up a steady beacon, to throw light on the stormy passions which still break and fret on that dark and dangerous point where the state wellnigh went to pieces, and towards which, by the rapid current of events, it may again be insensibly carried.

Lord Edward Fitzgerald was the fifth son of the first Duke of Leinster, who married, in 1747, Emilia Mary, the daughter of Charles, Duke of Richmond. He was born on the 15th of October, 1763. In the year 1773, his father died; and his mother subsequently married a Scotch gentleman, Mr Ogilvie. For his mother, Lord Edward Fitzgerald entertained the strongest attachment and deepest respect; and although there may perhaps be, in the domestic correspondence, published a good deal in detail by Mr Moore, some minuteness of circumstance without much diversity of phrase, it is morally beautiful to behold a uniform and undeviating affection for the noble lady who gave birth to a son so unfortunate, pervading almost all that he wrote or did; and, from the opening of his boyhood to his last hour of pain and death, amidst all the vicissitudes of joy and of anguish through which he passed, in his morning of brightest hope, and in the dark noon by which it was succeeded—in every change, of time, and place, and feeling, to find that his 'dearest mo-'ther' was still present to his heart, and occupied his existence

with the purest and fondest filial love.

We do not recollect to have ever read of any stronger example of affectionate duty to a parent, than that of which this book furnishes an evidence so touching, and which, Mr Moore will not deem it indelicate in us to mention, that he, more than almost any other writer, was qualified to appreciate. To those who have any acquaintance with the author of these volumes, it will not be surprising that the letters which contain such proofs of domestic virtue should be given in frequent citation; and that so fond a return should be made to the most conspicuous of many instances of amiableness in the character of Lord Edward Fitzgerald, which shed a gleam so bright upon his dark and dismal fortunes. The proverbial concomitant to familiarity is verified by almost every initiation into the lives of the great; but the more intimately we become acquainted with the ill-fated subject of these mournful memoirs, the more admiration we acquire for the lofty goodness, which was the chief characteristic of his exalted and tender nature. It requires more than ordinary insensibility to contemplate without emotion the close of that man's life in desolation and in agony, who, in addressing his mother in the midst of happiness of the most brilliant sort, supplies to the imagination of the kind and tender this vivid portraiture of them both. 'I long,' says Lord Edward, in one of his letters to the Duchess of Leinster, (and how perfect is the picture which he has painted, in colours furnished by a heart so good!)—'I long for a little walk with you leaning on me-' or to have a long talk with you, sitting in some pretty spot, ' of a fine day, with your long cane in your hand, working at ' some little weed at your feet, and looking down, talking all ' the time.' The mother was destined to outlive the son. It was some such survivorship that suggested itself to the poet, who had himself been the witness to a civil war:

'Impositique rogis pueri ante ora parentum.'

Lord Edward was destined from his boyhood for the army. He became lieutenant in the 19th regiment, with which he sailed to America in 1781. There he distinguished himself by feats of personal intrepidity. Sir John Doyle, who had opportunities of observing his character and conduct, says of him, 'Of my lamented and ill-fated friend's excellent qualities I should never tire in speaking; I never knew so loveable 'a person, and every man in the army, from the general to the 'drummer, would cheer the expression. His frank and open 'manner, his universal benevolence, his gaieté de cœur, his 'valour almost chivalrous, and, above all, his unassuming tone, 'made him the idol of all who served with him.' We pass over

Lord Edward's military conduct in the American war: it is sufficient to say, that he exhibited great valour. He was wounded in the thigh, and left insensible on the field. In this situation he was found by a poor negro, who carried him on his back to his hut, and there nursed him most tenderly, till he was well enough to bear removing to Charlestown. This circumstance contributed one to many of the ingredients of romance of which the life of Lord Edward was compounded. The negro recurs in almost all the pictures of joy and of sorrow, and is perpetually brought before us in the subsequent narrative. He took him, in gratitude for the honest creature's kindness, into his service. 'The faithful Tony' is the name by which the devoted African was always designated by his gentle master, who hardly ever omits in his letters to make affectionate mention of him, whenever the least opportunity of introducing him occurs. To the end of his life the negro continued devotedly attached to him; and one of the most pathetic incidents in a book which is full of sorrow, is the lament of the 'faithful Tony' that he could not go to see his dear master in the place of his concealment when a price was set upon his head, 'lest his black face should

' betray him.'

The war having terminated, and Lord Edward's health having been restored, he returned to Ireland, and in the summer of 1783 was brought into Parliament by the Duke of Leinster for the borough of Athy. He had no talents as a senator; and not only does not appear to have taken any part in the debates of the Irish House of Commons, but seems, until a much later period, not to have given his thoughts to the political condition of his country. He was then, in truth, little else than a soldier; and it was only when the clash of arms was heard through Europe, and revolutionary France sounded the trumpet that pealed through millions of hearts, that his political enthusiasm was aroused. From 1786, nothing of any peculiar interest occurs in his Memoirs. He fell in love with Lady Catherine Mead, second daughter of the Earl of Fitzwilliam; and became subsequently enamoured with a lady whose initial (G---) only is given. Mr Moore avails himself of this infidelity, to discuss the distinctions between first and second love, with a nicety, which shows how strongly he is still addicted to the metaphysics of the heart. We confess ourselves to be a little surprised, after Mr Moore had bestowed so much eloquent and elaborate discussion on this new sentiment in the mind of Lord Edward, to find, upon the marriage of the young lady to another, a declaration from her lover, that he bore the intelligence better than he had expected that he should have been able to do. We own that the letters relative to G—— do not involve us in any very profound sympathy for the affection which they express; but in the same correspondence we find references to his mother, and effusions of filial attachment, which belong to a far loftier love. With, says Mr Moore, a depth of tenderness, which few hearts have ever felt so strongly, he thus addresses his beloved mother:— 'The going to bed without wishing you a good-night; the 'coming down in a morning, and not seeing you; the saunter- 'ing about in the fine sunshine, looking at your flowers and 'shrubs without you to lean upon one, was all very bad indeed. 'In settling my journey there that evening, I determined to see 'you in my way, supposing you were even a thousand miles out 'of it.'

In 1787 Lord Edward went to Spain, and from Gibraltar thus addresses the Duchess of Leinster:—

'My dearest Mother,—I am delighted with this place; never was any thing better worth seeing, either taking it in a military light, or merely as a matter of curiosity. I cannot describe it at all as it merits. Conceive an immense high rugged rock, separated by a small neck of land from a vast track of mountainous or rather hilly country, whose large, broad, sloping eminences, with a good deal of verdure, make a strong contrast with the sharp, steep rock of the place. Yet when you come on the rock, you find part of it capable of very high cultivation; it will in time be a little paradise. Even at present, in the midst of some of the wildest, rockiest parts, you find charming gardens, surrounded with high hedges of geraniums, filled with orange, balm, sweet oleander, myrtle, cedar, Spanish broom, roses, honeysuckles, in short, all the charming plants of both our own country and others. Conceive all this, collected in different spots of the highest barren rock perhaps you ever beheld, and all in luxuriant vegetation; on one side seeing, with a fine basin between you, the green hills of Andalusia, with two or three rivers emptying themselves into the bay; on another side, the steep, rugged, and high land of Barbary, and the whole strait coming under your eye at once, and then a boundless view of the Mediterranean; all the sea enlivened with shipping, and the land with the sight of your own soldiers, and the sound of drums and fifes, and all other military music:—to crown all, the finest climate possible. Really, walking over the higher parts of the rock, either in the morning or evening, (in the mid-day all is quiet, on account of the heat,) gives one feelings not to be described, making one proud to think that here you are, a set of islanders from a remote corner of the world, surrounded by enemies thousands of times your numbers, yet, after all the struggles, both of them and the French, to beat you out of it, keeping it in spite of all their efforts. All this makes you appear to yourself great and proud,—and yet, again, when you contemplate the still greater greatness of the scene, the immense depth of the sea under you, the view of an extensive

tract of land, whose numerous inhabitants are scarcely known,—the feeling of pride is then gone, and the littleness of your own works, in comparison with those of nature, makes you feel yourself as nothing. But I will not say any more, for every thing must fall far short of what is here seen and felt.'

The conclusion of this letter, in which he describes the impressions made on him by the contemplation of external nature, presents a fine specimen of the moral picturesque. When standing on that lofty and celebrated mountain that towers over the straits. on which it is impossible to look without a sublime emotion, with the Mcditerranean on one hand, and the mighty ocean stretching itself out in its infinity on the other-with Africa before him—listening as he was to the voices of the sea below, whose surges fell on the ear, in harmony with the feelings which the mind must have received through the other senses, -thus encompassed with all that history, geography, the power of man, and the grandeur of nature on the sea and in the mountains could assemble, he still thought of home; and instead of allowing his fancy to pursue the white sails of a vessel gliding towards the world beyond the deep, he says-' When I see a 'ship sailing, I think, how glad I should be if I were aboard 'and on my passage to you.' Mr Moore justly observes, 'that 6 the great charm of all his letters lies neither in the descriptions 6 nor reflections, much livelier and profounder than which might be readily found; but in that ever wakeful love of home, and of all connected with it, which accompanies him wherever he 'goes, which mixes even to a disturbing degree with all his ' pursuits and pleasures, and would, if his wishes could have 'been seconded by the fabled cap of Fortunatus, have been for 'ever transporting him back into the family circle.'

From Spain Lord Edward returned to Ireland. Mr Moore informs us, that his attachment to Miss —— (the lady in asterisks) continued, and that, in 1788, her father having objected to their marriage, notwithstanding the interposition of the Duke of Richmond, (Lord Edward's uncle,) he resolved to try how far absence and occupation would bring relief; and as his regiment was in Nova Scotia, he determined on joining it. He sailed accordingly for Halifax, and proceeded to St John's, in New Brunswick, where his regiment was quartered. From the latter place he writes to his mother, in July 1788, what strikes us to be a fresh and unconsciously beautiful description of the scene of sublime sequestration into which he had passed. We quite agree with Mr Moore, that the letter, of which we shall give a considerable extract, affords one of the instances where 'a writer may

' be said to be a poet without knowing it.'

'My dearest Mother,—Here I am, after a very long and fatiguing journey. I had no idea of what it was: it was more like a campaign than any thing else, except in one material point, that of having no danger. I should have enjoyed it most completely but for the musquitos, but they took off a great deal of my pleasure: the millions of them are dreadful. If it had not been for this inconvenience, my journey would have been delightful. The country is almost all in a state of nature, as well as its inhabitants. There are four sorts of these: the Indians, the French, the old English settlers, and now the refugees from the

other parts of America: the last seem the most civilized.

'The old settlers are almost as wild as Indians, but lead a very comfortable life: they are all farmers, and live entirely within them-They supply all their own wants by their contrivances, so that they seldom buy any thing. They ought to be the happiest people in the world, but they do not seem to know it. They imagine themselves poor because they have no money, without considering they do not want it: every thing is done by barter, and you will often find a farmer well supplied with every thing, and yet not having a shilling in money. Any man that will work is sure, in a few years, to have a comfortable farm: the first eighteen months is the only hard time, and that in most places is avoided, particularly near the rivers, for in every one of them a man will catch in a day enough to feed him for the year. In the winter, with very little trouble, he supplies himself with meat by killing moose-deer; and in summer with pigeons, of which the woods are full. These he must subsist on till he has cleared ground enough to raise a little grain, which a hard-working man will do in the course of a few months. By selling his moose skins, making sugar out of the maple-tree, and by a few days' work for other people, for which he gets great wages, he soon acquires enough to purchase a cow. This, then, sets him up, and he is sure, in a few years, to have a comfortable supply of every necessary of life. I came through a whole tract of country peopled by Irish, who came out not worth a shilling, and have all now farms, worth (according to the value of money in this country) from L.1000 to L.3000.

'The equality of every body, and of their manner of life, I like very much. There are no gentlemen; every body is on a footing, provided he works and wants nothing; every man is exactly what he can make himself, or has made himself by industry. The more children a man has the better: his wife being brought to bed is as joyful news as his cow calving; the father has no uneasiness about providing for them, as this is done by the profit of their work. By the time they are fit to settle, he can always afford them two oxen, a cow, a gun, and an

axe, and in a few years, if they work, they will thrive.

'I came by a settlement along one of the rivers, which was all the work of one pair; the old man was seventy-two, the old lady seventy; they had been there thirty years; they came there with one cow, three children, and one servant; there was not a living being within sixty miles of them. The first year they lived mostly on milk and marsh leaves; the second year they contrived to purchase a bull, by the pro-

duce of their moose skins and fish: from this time they got on very well; and there are now five sons and a daughter all settled in different farms along the river for the space of twenty miles, and all living comfortably and at ease. The old pair live alone in the little log cabin they first settled in, two miles from any of their children; their little spot of ground is cultivated by these children, and they are supplied with so much butter, grain, meat, &c., from each child, according to the share he got of the land; so that the old folks have nothing to do but to mind their house, which is a kind of inn they keep, more for the sake of the company of the few travellers there are than for gain.

'I was obliged to stay a day with the old people on account of the tides, which did not answer for going up the river till next morning; it was, I think, as odd and as pleasant a day (in its way) as ever I passed. I wish I could describe it to you, but I cannot, you must only help it out with your own imagination. Conceive, dearest mother, arriving about twelve o'clock in a hot day at a little cabin upon the side of a rapid river, the banks all covered with woods, not a house in sight,—and there finding a little old, clean, tidy woman spinning, with an old man of the same appearance weeding salad. We had come for ten miles up the river without seeing any thing but woods. pair, on our arrival, got as active as if only five-and-twenty, the gentleman getting wood and water, the lady frying bacon and eggs, and both talking a great deal, telling their story, as I mentioned before, how they had been there thirty years, and how their children were settled, and when either's back was turned, remarking how old the other had grown; at the same time all kindness, cheerfulness, and love to each other.

'The contrast of all this, which had passed during the day, with the quietness of the evening, when the spirits of the old people had a little subsided, and began to wear off with the day, and with the fatigue of their little work,—sitting quietly at their door, on the same spot they had lived in thirty years together, the contented thoughtfulness of their countenances, which was increased by their age and the solitary life they had led, the wild quietness of the place, not a living creature or habitation to be seen, and me, Tony, and our guide sitting with them, all on one log. The difference of the scene I had left,—the immense way I had to get from this little corner of the world, to see any thing I loved,—the difference of the life I should lead from that of this old pair, perhaps at their age discontented, disappointed, and miserable, wishing for power, &c. &c.,—my dearest mother, if it was not for you, I believe I never should go home, at least I thought so at that moment.'

We thus get an insight, through one of its finest avenues, to that romantic character, which the rest of the correspondence continues gradually to disclose, until we obtain as full and ample a view of his mind, as he had himself of the noble prospects which were then around him. 'It is,' he says, 'very pleasant to go 'in this way (in a canoe) exploring, and ascending far up some 'river or creek, and finding sometimes the finest lands and

'most beautiful spots in nature, which are not at all known, 'and quite wild. I believe I shall never again be prevailed on 'to live in a house. I cannot describe all the feelings one has 'in these excursions, when one wakes—perhaps in the middle of 'the night—in a fine open forest, the moon shining through 'the trees—the burning of the fire—in short, every thing strikes 'you.' Though we have already quoted these letters at some length, we cannot avoid adding Lord Edward's description of a moose-chase, not only because it illustrates the turn of mind which the woods had given him, and shows the shadow which the forest had left on his imagination, but exhibits that tenderness of nature which taught him to sympathize with the sufferings of animals, which, from their sensibility to pain, have acquired a title to human pity, which the good have never failed to allow.

'I really do think there is no luxury equal to that of lying before a good fire on a good spruce bed, after a good supper, and a hard moose-chase, in a fine clear frosty moonlight starry night. But to enter into the spirit of this, you must understand what a moose-chase is. The man himself runs the moose down by pursuing the track. Your success in killing depends on the number of people you have to pursue and relieve one another in going first—which is the fatiguing part of snow-shoeing—and on the depth and hardness of the snow; for, when the snow is hard, and has a crust, the moose cannot get on, as it cuts his legs, and then he stops to make battle; but when the snow is soft, though it be above his belly, he will go on, three, four, or five days, for then the man cannot get on so fast, as the snow is heavy, and he only gets his game by perseverance; an Indian never gives

him up.

' We had a fine chase after one, and ran him down in a day and a half, though the snow was very soft; but it was so deep, the animal was up to his belly every step. We started him about twelve o'clock one day-left our baggage, took three days' bread, two days' pork, our axe and fireworks, and pursued. He beat us at first all to nothing; towards evening we had a sight of him, but he beat us again; we encamped that night, eat our bit of pork, and gave chase again, as soon as we could see the track in the morning. In about an hour we roused the fellow again, and off he set, fresh to all appearance as ever; but in about two hours after, we perceived his steps grow shorter, and some time after, we got sight. He still, however, beat us; but at last we evidently perceived he began to tire; we saw he began to turn oftener; we got accordingly courage, and pursued faster, and at last, for three quarters of an hour, in fine open wood, pursued him all the way in sight, and came within shot; he stopped, but in vain, poor animal.

'I cannot help being sorry now for the poor creature—and was then. At first it was charming, but as soon as we had him in our power, it was melancholy; however, it was soon over, and it was

no pain to him. If it was not for this last part, it would be a delightful amusement.'

This passion for what Mr Moore calls 'savage happiness,' while Lord Edward remained in North America, seems to have continually increased. In a letter of the 1st of June, 1789, he says,—'I often think of you all in these wild woods. They are better 'than rooms. Ireland and England will be too little for me 'when I go home.' It was not, it is clear, a factitious sensibility that prompted these expressions; they were intended for no other than the maternal eye; and he had as little idea of their publication, as that the flowers which he sent to her from the solitudes in which he was now living, should be displayed at a florist exhibition. As evidence that he had become unaffectedly infatuated in his love of savage nature, Mr Moore has inserted a very singular certificate, given him by the Chief of the Six Nations, upon his being admitted as a chief of the Bear Tribe, into whose fraternity he was received, with all the pomp that

belongs to the inaugurations of the desert.

Mr Moore has made some very ingenious observations upon this strange and almost fantastical predilection for rude nature, in one who had been nursed upon the lap of luxury, and whose family, personal advantages, manners, and accomplishments, rendered him an object of admiration in the brilliant circles to whose familiarity he was born. Rousseau's splendid paradox is referred to, and the authority of Jefferson, in favour of Indian communities, is also cited. The president, it appears, looked from the new civilisation of his country into the wilderness on its verge, and, as the better domicile of happiness, gave the preference to the last. We own that we should not be disposed to attach any importance to the backwoodsman tastes of Lord Edward Fitzgerald, if we did not attribute the principles which afterwards struck so deep a root in his nature, to the influences produced by the feelings which he had acquired in these regions. His academy of legislation was in the forest. It was from the woods that the seeds which afterwards sprung up so fast, fell into his mind; and he may be said to have engaged in a great political achievement in the same spirit, and perhaps with something of the same motive, with which he would have launched his canoe on some unknown river, which he would have liked the better for its rapids, and the exciting hazards through which it should bear him in his adventurous way. It is very remarkable, that he has not referred in any one of his letters to the young republic of the United States, and that the senate and the congress should never once have engaged his meditations. He did not think of the president in his robes, but of the Indian chief in his painted skin. The new commonwealth had too

much of the soberness of old English usage about it-it appealed too little to emotion, and brought freedom into too close an identity with law. The idea of becoming a citizen of the United States never occurred to him, while he gladly accepted, and carefully preserved his diploma of noble savageness, from the chief who realized Dryden's magnificent triplet-

'I am as free as nature first made man, Ere the vile laws of servitude began, And wild in woods the noble savage ran.

The transition from the woods, to the wilderness of opinions in which freedom so long missed her way in France, was not unnatural, and we are not surprised to find in the wanderer of Nova Scotia the philosopher of the Palais Royal. 'The principle of 'equality,' says Mr Moore, 'retained its footing in his mind 'after the reveries through which it had first found its way 'thither had vanished; and though it was some time before politics-beyond the range, at least, of mere party tacticsbegan to claim his attention, all he had meditated and felt ' among the solitudes of Nova Scotia could not fail to render 'his mind a more ready recipient for such doctrines as he ' found prevalent on his return to Europe :- doctrines which, in their pure and genuine form, contained all the spirit, without the extravagance, of his own solitary dreams, and, while they ' would leave Man in full possession of those blessings of civi-'lisation he had acquired, but sought to restore to him some of those natural rights of equality and freedom which he had

' lost.'—Vol. I. page 103.

There are two incidents which reflect great credit on Lord Edward Fitzgerald during his residence in America. The first relates exclusively to himself. It has been surmised that he threw himself from his high station in the aristocracy of his country into a revolutionary project, from disappointment in his professional pursuits. The letters written from Nova Scotia, establish beyond a doubt that his mind was not only far above every low resentment, but that he indignantly repudiated all promotion at the expense of what he felt to be his honour. Duke of Leinster having left the opposition, Lord Edward determined not to accept of any advantage that could be derived from his kinsman's adherence to the government. He writes thus: 'Pray tell Ogilvie that I seriously beg that he will not even mention, or do any thing about my lieutenant-colonelcy. ' I am determined to have nothing till I am out of Parliament;

' at least, I am contented with my rank and my situation. have no ambition for rank, and however I might be flattered

by getting on, it would never pay me for a blush for my

actions. The feeling of shame is what I never could bear. The other circumstance to which we allude, refers to a soldier in the 54th regiment, of which Lord Edward was major, and which was quartered in Nova Scotia. That soldier was William Cobbett, who was alternately employed in studying the English grammar, which he learned on guard, and in touching his cap to every ensign as he passed. Such a man would naturally form towards those whom accident had placed above him, a strong disrelish. It requires little exercise of the fancy to see this remarkable man, clothed in the garb of a common sentinel, pacing with the rudiments of literary instruction furtively contained in one hand,—his musket poised in the other, and, in his monotonous walk, occasionally casting a grim eye on every authoritative stripling to whom he was compelled to pay what his own consciousness of superiority must have rendered a reluctant homage: yet even to him Lord Edward extended the soft and subduing influences which he possessed over all those who came near him. Cobbett said of him, 'Lord Edward was 'a most humane and excellent man, and the only really honest 'officer I ever knew in the army.' The most important fact, in connexion with him, remains to be told. It was through Lord Edward that Cobbett procured his discharge from the army. Of his high-mindedness, and of his sagacity in the detection of genius, it is no small proof, that he should have effected the liberation of such a man from the humilities and restraints to which fortune had exposed him.

Before leaving America, Lord Edward visited the Falls of Niagara. 'The immense height and noise of the Falls, the 'spray that rises to the clouds, form altogether,' he says, 'a 'scene that is worth the trouble of coming from Europe to ' see. Then the greenness and tranquillity of every thing about -the quiet of the immense forests around, compared with the 'violence of all that is close to the Falls!' We read in this simple and just description an illustration of his destiny. If the extracts which we have given from his correspondence while he was 'in the quiet of the immense forests around him,' should appear at all long-if we have dwelt with Mr Moore on the feelings which he acquired and cherished in those boundless solitudes, -- it was because we found it delightful to linger in 'tho 'greenness and tranquillity' of this portion of his life; and felt reluctant to turn our eyes towards the rugged steep, and the dreadful falls, to which a current that then seemed so smooth was insensibly bearing him on, that he might be precipitated into that abyss in which it had been decreed that he should so

soon be lost for ever.

We pass with rapidity over the events in Lord Edward's biography immediately subsequent to his return to Europe. In London the Duke of Richmond introduced him to Mr Pitt, with a view to his taking the command of an expedition against Cadiz. Mr Pitt agreed, being impressed with a high opinion of his military talents. Lord Edward, however, changed his mind, on finding himself returned to the Irish House of Commons—quarrelled with his uncle (the Duke)—lived with Fox and Sheridan—went to Ireland, whose parliament presented no field for his peculiar abilities—grew weary of it, and set off for Paris.

The bright vision of liberty that appeared to France, and the glory with which she seemed to descend on the gilded clouds of a melodramatic philosophy, which was got up in her political theatre, with new scenery, dresses, and decorations, dazzled the eyes of the young and chivalrous spectator, who stood amazed and enchanted at all that he beheld. The civic feasts, the banquets of martial citizenship, the blaze of illuminations, processions, triumphs, consecrations, clarions, drums, the shout of victory, the embraces of philanthropy, the ordinances of equalization, the national fellowship, the abrogation of artificial distinctions, the restoration of nature, and the regeneration of mankind-these were sufficient to produce an effect to which a mind far less romantic and imaginative than that of Lord Edward Fitzgerald would hardly have opposed resistance. He found on a sudden his dreams of perfectibility receiving what he conceived to be a palpable existence; and took for reality what a better experience and a closer approach would have taught him to be a phantom still more unsubstantial than that which had arisen to his fancy in the wilds of North America. At once, and with an ardour as vehement as it was instantaneous, he immersed himself in the deepest revolutionary sympathies, and became strongly imbued with principles in which his mind was profoundly steeped. It is due to him, however, to say, that however calculated the incidents of the Revolution were to create excitement in the imagination of a soldier, he was, beyond all doubt, chiefly influenced in his admiration by the amiable ethics of which French liberty affected to have opened a school. was the goodness of his nature that deceived him; nor is it easy to conjecture a stronger example of benevolent credulity, than the following passage in one of his letters, written in 1792. 'In the coffee-houses and playhouses,' he says, 'every man ' calls the other comrade, frère, and with a stranger immediately 6 begins, -Oh nous sommes tous frères, tous hommes-nos vic-' toires sont pour vous, pour tout le monde.' It was with such cant of fraternization, uttered by men with blood upon their hands, and suavity on their lips, that this generous fanatic in the new philosophy, to whose seminaries he had been admitted, was fatally deluded; and in an inauspicious hour, he proposed, at a public dinner, a revolutionary toast—flung off his Patrician robe, and of his nobility made a solemn resignation. This step was immediately noticed by the English government, and he

was dismissed from the service.

We are inclined to think, that these imprudences were not unconnected with another cause, of peculiar power upon a man of his susceptible and impassioned character. He was prone to love: formed to awake it, he readily participated in the emotions which his manners, personal beauty, and accomplishments, could hardly fail to excite. 'At one of the theatres of Paris,' we are told by Mr Moore, 'he saw through a loge gullée a face with which he was exceedingly struck, as well from its own peculiar beauty, as from the strong likeness the features bore to those ' of a lady, then some months dead, for whom he was known to have entertained a very affectionate regard. On enquiring who ' the young person was, that had thus riveted his attention, he found that it was no other than the Pamela, of whose beauty he had heard so much—the adopted, or (as now may be said without scruple) actual daughter of Madame de Genlis, by the Duke of Orleans.' He paid his addresses, was accepted, and married her; and, enamoured of his beautiful wife, and of that cause to which he was now in some sort espoused, he returned to that country to whose wrongs he was doomed to be the misguided martyr; and which he may be said to have loved, 'not wisely, but too well.'

Of the circumstances which led to the peculiar fortunes of Ireland in 1792, Mr Moore has given a very animated and comprehensive sketch. In 1776, Ireland had learned a dangerous lesson. America had proclaimed her independence, and the first link was struck from the chain of the Irish Catholic. Two years after, the combined fleets of France and Spain swept the seas. volunteers came forth, and eighty thousand men rose in an instant, by a kind of miracle, to soldiership. Irish commerce, and Irish legislation, were declared to be free. step to the liberation of the House of Commons from the control of England, was a determination that it should be reformed by the people, if it did not reform itself. A rival senate was formed by the volunteers, and the Convention overshadowed the State. It was not, however, sustained by the great body of the nation, (the still disfranchised Roman Catholics, whose grievances were deemed of a secondary account,) and failure was the result; in so much that when Mr Flood, dressed in the volunteer uniform,

and surrounded by other members in regimentals, made a motion for reform, on a plan previously agreed on in the Convention, he was defeated in the House of Commons, by a majority of 159 to 77. The reformers saw that they could only succeed by their incorporation with the people. The Presbyterians, who had formed the flower of the civic army in 1782, became foremost in tendering a cordial reconciliation to the Catholics. The latter brought deep discontent and numerical force—the former intelligence and republican spirit, as their respective contributions. Their alliance, however, was still a little doubtful, when the French Revolution burst forth, and the distinctions of sect were borne away by the emotions which issued from that event in so awful an eruption. In 1791, the Society of United Irishmen, (called by themselves 'the Plot of Patriots,') professing as their leading object 'the greatest happiness of the greatest number,' was formed; and all sects and denominations were invited to join in the one great common cause of political, religious, and national enfranchisement. The government delayed Roman Catholic emancipation, and the mass of the people entered into a general league against English power. Wolfe Tone, the founder of the United Irishmen, became the secretary to the Catholic The latter body invested itself, by a system of Committee. delegation, with a Parliamentary character. In the north their deputies were hailed by the dissenters. It was in this state of ominous excitement, says Mr Moore, to which a long train of causes, foreign and domestic, all tending towards the same inevitable crisis, had concurred in winding up the public mind in Ireland, that Lord Edward Fitzgerald arrived; and he had hardly taken his seat in Parliament, when, unable to contain himself, he started up in the midst of a debate relating to the military associations recently formed, and exclaimed, 'that the Lord Lieutenant and the majority of the House were the worst 'enemies the King had.'

He had not, however, at this period entered into that conspiracy of which he afterwards became the leader; and Mr Moore, having presented to his readers this melancholy view of the state of Ireland, avails himself of the interval which elapsed between his adoption of his republican opinions, and the period in which they were embodied in an actual league against the state, in order to relieve his narrative by turning occasionally away from the wide prospects of political dreariness to those sweet by-paths of domestic felicity, in which he delights to follow the subject of this melancholy tale. It refreshes the reader to find, in the waste of national misfortune, such clear springs of pure emotion, bordered with 'the soft green of the soul,' as are supplied by

Lord Edward's private life. The following extract is from one of his letters, written at his country place, called Frescati:—

'Dearest Mother,—Wife and I are come to settle here. We came last night, got up to a delightful spring day, and are now enjoying the little book-room, with the windows open, hearing the birds sing, and the place looking beautiful. The plants in the passage are just watered; and, with the passage door open, the room smells like a greenhouse. Pamela has dressed four beautiful flower-pots, and is now working at her frame, while I write to my dearest mother; and upon the two little stands there are six pots of fine auriculas, and I am sitting in the bay window, with all those pleasant feelings which the fine weather, the pretty place, the singing birds, the pretty wife, and Frescati give me,—with your last dear letter to my wife before me:—so you may judge how I love you at this moment.'

Again:

Dearest Mother,—I write to you in the middle of settling and arranging my little family here. But the day is fine,—the spot looks pretty, quiet, and comfortable;—I feel pleasant, contented, and happy; and all these feelings and sights never come across me without bringing dearest, dearest mother to my heart's recollection. I am sure you understand these feelings, dear mother. How you would like this little spot! it is the smallest thing imaginable, and to numbers would have no beauty; but there is a comfort and moderation in it that delights me. I don't know how I can describe it to you, but I will try.

'After going up a little lane, and in at a close gate, you come on a little white house, with a small gravel court before it. You see but three small windows, the court surrounded by large old elms; one side of the house covered with shrubs, on the other side a tolerable large ash; upon the stairs going up to the house, two wicker cages, in which there are at this moment two thrushes, singing à gorge deployée. In coming into the house, you find a small passage-hall, very clean, the floor tiled; upon your left, a small room; on the right, the staircase. In front, you come into the parlour—a good room, with a bow-window looking into the garden, which is a small green plot, surrounded by good trees, and in it three of the finest thorns I ever saw, and all the trees so placed that you may shade yourself from the sun all hours of the day; the bow-window, covered with honeysuckle, and up to the window some roses.

Going up stairs you find another bow-room, the honeysuckle almost up to it, and a little room the same size as that below; this, with a kitchen or servants' hall below, is the whole house. There is, on the left, in the court-yard, another building which makes a kitchen; it is covered by trees, so as to look pretty; at the back of it there is a yard, &c. which looks into a lane. On the side of the house opposite the grass plot, there is ground enough for a flower-garden, communicating

with the front garden by a little walk.

'The whole place is situated on a kind of rampart of a circular form, surrounded by a wall; which wall towards the village and lane is high,

but covered with trees and shrubs—the trees old and large, giving a great deal of shade. Towards the country the wall is not higher than your knee, and this covered with bushes; from these open parts you have a view of a pretty cultivated country, till your eye is stopped by the Curragh. From our place there is a back way to these fields, so as

to go out and walk, without having to do with the town.

'This, dearest mother, is the spot as well as I can give it you, but it don't describe well; one must see it and feel it; it is all the little peeps and ideas that go with it that make the beauty of it to me. My dear wife dotes on it, and becomes it. She is busy in her little American jacket, planting sweet peas and mignonette. Her table and work-box, with the little one's caps, are on the table. I wish my dearest mother was here, and the scene to me would be complete.'

The preparation which is indicated in 'the little one's caps,' became soon after applicable, and an opportunity is afforded us of seeing Lord Edward in a new relation—he had become a father. A son was now given him by the marriage which he had formed in virtuous passion, and which was rendered so happy by connubial love. Let it not be said that his dignity as a public man suffers from the language of melting tenderness which is adopted in the following letter. Our admiration of the husband of Andromache is heightened in the domestic episode in which he folds his arms round his child.

'Dublin, October 20, 1794.

'The dear wife and baby go on as well as possible. I think I need not tell you how happy I am; it is a dear little thing, and very pretty now, though at first it was quite the contrary. I did not write to you the first night, as Emily had done so. I wrote to Madame Sillery that night, and to-day, and shall write her an account every day till Pam is able to write herself. I wish I could show the baby to you all. Dear mother, how you would love it! Nothing is so delightful as to see it in its dear mother's arms, with her sweet, pale, delicate face, and the pretty looks she gives it.'

Afterwards, he says-

'My little place is much improved by a few things I have done, and by all my planting;—by the by, I doubt if I told you of my flower-garden,—I got a great deal from Frescati. I have been at Kildare since Pam's lying-in, and it looked delightful, though all the leaves were off the trees,—but so comfortable and snug. I think I shall pass a delightful winter there. I have got two fine large clumps of turf, which look both comfortable and pretty. I have paled in my little flower-garden before my hall door with a lath paling, like the cottage, and stuck it full of roses, sweetbriar, honeysuckles, and Spanish broom. I have got all my beds ready for my flowers; so you may guess how I long to be down to plant them. The little fellow will be a great addition to the party. I think when I am down there with Pam and child, of a blustery evening, with a good turf fire, and a pleasant book,—coming in, after seeing my poultry put up, my garden settled—flower-beds and

plants covered for fear of frost, the place looking comfortable, and taken care of, I shall be as happy as possible; and sure I am I shall regret nothing but not being nearer my dearest mother, and her not being of our party. It is, indeed, a drawback, and a great one, our not being more together. Dear Malvern! how pleasant we were there: you can't think how this time of year puts me in mind of it. Love always your affectionate son,

E. F.'

Mr Moore beautifully observes—' In reading these simple and '—to an almost feminine degree—fond letters, it is impossible 'not to feel how strange and touching is the contrast between 'those pictures of a happy home, which they so unaffectedly 'exhibit, and that dark and troubled sea of conspiracy and revolt 'into which the amiable writer of them so soon afterwards 'plunged; nor can we easily bring ourselves to believe, that the 'joyous tenant of this little lodge, the happy husband and father, 'dividing the day between his child and his flowers, could be 'the same man who, but a year or two after, placed himself at 'the head of rebel myriads, negotiated on the frontiers of France 'for an alliance against England, and but seldom laid down his 'head on his pillow at night, without a prospect of being sum-'moned thence to the scaffold or the field.'

It was in the beginning of the year 1796 that Lord Edward first entered the Society of United Irishmen. He and others, such as Emmet, MacNeven, and Arthur O'Connor, appear to have been urged to this step by the measures of rash coercion taken by the government, which put all hope of Parliamentary reform at an end. In the memorial delivered to the Irish government, by the leaders of the rebellion, it is stated, that if, in the course of the effort for reform, it had not become evident that success was hopeless, they would have broken off all intercourse The recall of Lord Fitzwilliam, through the with France. influence of the Beresfords, was one among their numerous incentives to the adoption of a plan of national organization commensurate with the enterprise in which they had embarked; which was no other than a separation from England, and the establishment of a republic. The conspirators divided themselves into societies, each of which consisted of no more than twelve persons, with a secretary. The secretaries of five societies formed a committee, called the lower baronial; the next step was to constitute the Upper Baronial committee, to which ten lower baronials sent a member; then came the District or County Committee, composed of members of whom each upper baronial sent one. A provincial committee was established in each of the four provinces, composed of two or three members from the county committee; and lastly came 'the Executive,'

consisting of five persons, chosen in such a manner from the provincial committees as to leave the latter in entire ignorance as to the individuals selected. This machinery was easily transferred from civil to military purposes. The secretary of each subordinate society of twelve was transformed into a sergeant or corporal; the delegate of five societies to a lower baronial became the captain of sixty men; and the delegate of ten lower baronials to a county committee became a colonel, with a battalion of six hundred men. Foreign aid was, however, deemed

indispensable.

Theobald Wolfe Tone, who had been banished to America, proceeded from thence to France. This remarkable man arrived in Paris, ignorant of the French language, with only a few ducats in his purse, with no other credentials than a resolution of thanks from the Catholic committee, without a friend or even an acquaintance. He stood as lonely in Paris as in the deserts of the new world, from which he had come; yet, by the force of character and of dauntless perseverance, he made his way into the councils of the republican government,—was heard, and presented a project so feasible for the invasion of his country, as to induce the Directory to open a negotiation with 'the Irish Executive.' Lord Edward and Arthur O'Connor were deputed by their countrymen to go to France, to arrange the expedition. They proceeded to Hamburgh, and from thence to Basle. thur O'Connor alone, however, saw General Hoche, to whom the entire arrangements were left; as the French government objected to receive Lord Edward, lest his mission should be supposed to have reference to the Orleans family. Lord Edward therefore returned to Ireland. Hoche having seen O'Connor, hastened to Paris, and communicated with Wolfe Tone, who exclusively originated this vast design; and on the 15th of December 1796, there sailed from Brest, for the Irish shore, seventeen sail of the line, thirteen frigates, and an equal number of transports, having on board 15,000 men. The result is well known. This armada was dispersed by a storm. Hoche was blown back to France, and the British empire owed its salvation to the blast. Mr Moore observes, that at this eventful period an opportunity was offered to the government to retrace their steps, and to appease the national passions by a just and timely concession; but instead of acting upon this salutary policy, they persevered in the system which had been previously adopted. In the train of the insurrection act, and of the indemnity bills, followed the suspension of the habeas corpus. Disaffection increased. Mr Grattan and the opposition withdrew in disgust from the House of Commons. The United Irishmen again opened negotiations with the French republic. Another armament was prepared in the Texel for the invasion of Ireland. The winds which had dispersed the former fleet, closed the ocean upon this. The opportunity passed when the mutiny in the English navy had left their 'home upon the deep' without defence, and the Dutch government having induced their fleet to sail, the glorious victory off Camperdown secured the safety of England. 'Meanwhile,' says Mr Moore, 'affairs in Ireland were hurrying to their crisis, and 'events and news crowded fast in fearful succession.' Martial law was proclaimed.

' Hinc exaudiri gemitus et sæva sonare Verbera'——

The measures adopted by government, or rather by the faction before which the government stood in awe, were of such a character, that the northern leaders of the United Irishmen saw that the time for a general rising was come, and if allowed to pass would not return. They dispatched deputies to Dublin to 'the 'Executive.' Lord Edward gave to the proposal his strenuous support. The Dublin conspirators, however, after a long discussion, rejected the suggestion as premature. Wolfe Tone, in his Memoirs, denounces this resolution of 'the Executive,' and says that the people were urgent to begin,—that eight hundred of the garrison had offered, on a signal, to give up the barracks of Dublin, and that the militia had been gained over to a man. The leaders, however, thought it would be rash to make any military attempt without foreign succour; the organization therefore went on without striking any decisive blow, and in February 1798, a return was made to Lord Edward, as head of the military committee, by which it appears that the force regimented and armed amounted to three hundred thousand men. Promises of aid were renewed by France, and Talleyrand conveyed an assurance, that an expedition, which was then in forwardness, should speedily sail. The preparations in Ireland proceeded with increased activity. A revolutionary staff was formed, and an adjutant-general appointed in each county, to transmit returns of the strength and state of the respective forces. Every day added to the numbers of the conspirators, of whose general designs the government were indeed aware, but were without any clue to their individuality, or the details of their project. The whole fabric of the state had been undermined, and the moment was almost arrived to fire the train. A signal was but requisite to make almost a whole nation appear in arms, when a man, whose name is memorable in the annals of serviceable perfidy, made a disclosure of the plot. Mr Moore's observations on this event are exceedingly striking.

'In this formidable train were affairs now proceeding, nor would it be possible, perhaps, to find, in the whole compass of history,—taking into account the stake, the odds, the peril, and the daring,—another instance of a conspiracy assuming such an attitude. But a blow was about to fall upon them for which they were little prepared. Hazardous as had been the agency of the Chiefs at every step, and numerous as were the persons necessarily acquainted with their proceedings, yet so well contrived for secrecy was the medium through which they acted, and by such fidelity had they been hitherto fenced round, that the government could not reach them. How little sparing those in authority would have been of rewards, their prodigality to their present informer proved. But few or none had yet been tempted to betray; and, in addition to the characteristic fidelity of the Irish in such confederacies, the same hatred of the law which had made them traitors

to the State kept them true to each other.

' It is, indeed, not the least singular feature of this singular piece of history, that with a government, strongly intrenched both in power and will, resolved to crush its opponents, and not scrupulous as to the means, there should now have elapsed two whole years of all but open rebellion, under their very eyes, without their being able, either by force or money, to obtain sufficient information to place a single one of the many chiefs of the confederacy in their power. Even now, so far from their vigilance being instrumental in the discovery, it was but to the mere accidental circumstance of a worthless member of the conspiracy being pressed for a sum of money to discharge some debts, that the government was indebted for the treachery that, at once, laid the whole plot at their feet,—delivered up to them at one seizure, almost all its leaders, and thus disorganizing, by rendering it headless, the entire body of the Union, was the means, it is not too much to say, of saving the country to Great Britain. The name of this informer—a name in one country, at least, never to be forgotten,—was Thomas Reynolds.'

In consequence of the disclosure made by this person, a warrant from the Secretary of State's office was placed in the hands of Major Swan, a magistrate for the county of Dublin; and on the 12th of March, having obtained admission to the house of Mr Bond by his knowledge of the password, he arrested some of the conspirators. Lord Edward, who was included in the warrant which had been issued, was absent from the meeting where the officers expected to find him. MacNeven, Emmet, and Sampson were also away, but were afterwards arrested; Lord Edward alone having contrived to elude pursuit. A separate warrant was then issued against him. Mr Moore observes, 'It 'is difficult, however fruitless such a feeling must be, not to ' mingle a little regret with the reflection, that had he happened on this day to have been one of the persons arrested at Bond's, only his own life, from the turn affairs afterwards took, ' might have been spared, but much of the unavailing bloodshed

'that was soon' to follow, might have been prevented.' On the issning of the separate warrant, the police lost no time in endeavouring to put it into execution, and were actually in Leinster House making their search, when Lord Edward, having hastened home, received notice from his 'faithful Tony,' (the poor negro,) who was on the look-out for him, of what was going on in time to escape. He was determined, notwithstanding the discovery, to persevere in his enterprise, and to call out the hundred thousands at his command on the first opportunity. Concealment, therefore, became most important to him, and to the conspirators, who felt that the issue of their undertaking depended on the safety of their leader. He found a shelter in the house of a widow, who, ' perilous as was such hospitality,' gave him a cordial and generous reception. Under her roof he remained for a month. From the house of this lady Lord Edward removed, in order to avoid discovery, to the house of a Mr Murphy, a feather-merchant in Thomas Street. Meanwhile the government resorted to expedients of the most unqualified rigour. A proclamation was published, declaring the country to be in a state of rebellion; and an order appeared, signed by Sir Ralph Abercrombie, authorizing the troops to act without the authority of a civil magistrate. The passions of a licentious soldiery were thus uncaged, and it is almost unnecessary to state, that, the restraint of discipline being removed, atrocity in its worst and most vicious forms rushed instantaneously out. This was the moment when, if France had effected a descent upon Ireland, her destiny would indeed have trembled in the balance. It was in reference to her condition, and to his own vast preparations, that Napoleon exclaimed, on the rock of St Helena, (when to the imperial eagle had succeeded the lonely sea-mew,) 'Si au lieu de l'expedition de l'Egypte, j'eûsse fait celle de l'Ir-' lande!'

The hopes of foreign assistance were passing away, but the United Irishmen had great resources in their numbers and organization, and Lord Edward was of the utmost moment to them. He might have fled. Lord Clare (in him a solitary trait of magnanimity!) was anxious that he should effect his escape. 'Let this young man,' he said, 'begone. The ports shall be open 'to him.' But Lord Edward felt that the fortunes of Ireland and his own were set upon the same cast. He therefore resolved to stay, and encounter every chance, until the moment of simultaneous insurrection should arrive. From Mr Murphy's, after a fortnight, he removed to Mr Cormick's, another feather-merchant in Thomas Street, and between this and the residence of a Mr Moore, a few doors distant, contrived to pass his time safe

from detection till about the first week in May. There he led a life of incaution, which seems to have been one of the chief defects in his character. He dined every day in a circle of noisy and rash associates, who had free access to him. This conduct was of a piece with the indiscretion displayed by him in his journey as a delegate from the Irish Union to France. Happening, we are told, to meet a lady who had been the ci-devant mistress of a colleague of Mr Pitt's, he, with a spontaneous openness of communication, intimated to her all that was going forward. At Cormick's and Moore's he was surrounded by a body of convivial confederates, who probably limited their love for their country to their libations. This infatuated carelessness is the more surprising, when we consider that his name was now the only stay of the conspi-In the first week of May it was decided by the United Irishmen that a general rising should take place before the end of the month; Lord Edward was to raise the standard of revolt in Leinster; and it was arranged that the forces of the three counties, Dublin, Wicklow, and Kildare, should move in an advance on the capital, under his command. Thus his life became every day more precious. The government issued a proclamation on the 11th of May, offering L.1000 for his apprehension. The conspirators saw that any farther delay would be destructive of their hopes, and fixed the night of the 23d May for a general rising through the whole kingdom. Lord Edward was to have been at its head; but for him there was reserved another destiny. We shall here give Mr Moore's graphic account of the events which immediately preceded the catastrophe to which we are fast approaching:-

'On the 17th, Ascension Thursday, Murphy had been led to expect his noble guest would be with him; but, owing most probably to the circumstance I am about to mention, his lordship did not then make his appearance. On the very morning of that day, the active townmajor, Sirr, had received information that a party of persons, supposed to be Lord Edward Fitzgerald's body-guard, would be on their way from Thomas street to Usher's island at a certain hour that night. Accordingly, taking with him a sufficient number of assistants for his purpose, and accompanied also by Messrs Ryan and Emerson, Major Sirr proceeded, at the proper time, to the quarter pointed out, and there being two different ways (either Watlingstreet, or Dirty-lane) by which the expected party might come, divided his force so as to intercept them by either road.

A similar plan having happened to be adopted by Lord Edward's escort, there took place, in each of these two streets, a conflict between the parties; and Major Sirr, who had almost alone to bear the brunt in his quarter, was near losing his life. In defending himself with a sword which he had snatched from one of his assailants, he lost his

footing and fell; and had not those with whom he was engaged been much more occupied with their noble charge than with him, he could hardly have escaped. But, their chief object being Lord Edward's safety, after snapping a pistol or two at Sirr, they hurried away. On rejoining his friends, in the other street, the town-major found that they had succeeded in capturing one of their opponents, and this prisoner, who represented himself as a manufacturer of muslin from Scotland, and whose skilfully assumed ignorance of Irish affairs induced them, a day or two after, to discharge as innocent, proved to have been no other than the famous McCabe, Lord Edward's confidential agent, and one of the most active organizers in the whole confederacy.

'On the following night he was brought from Moore's to the house of Mr Murphy,—Mrs Moore herself being his conductress. He had been suffering lately from cold and sore throat, and, as his host thought, looked much altered in his appearance since he had last seen him. An old maid-servant was the only person in the house besides

themselves.

'Next morning, as Mr Murphy was standing within his gateway, there came a woman from Moore's with a bundle, which, without saying a word, she put into his hands, and which, taking for granted that it was for Lord Edward, he carried up to his lordship. It was found to contain a coat, jacket, and trowsers of dark green edged with red, together with a handsome military cap, of a conical form. At the sight of this uniform, which, for the first time, led him to suspect that a rising must be at hand, the fears of the already nervous host were redoubled; and, on being desired by Lord Edward to put it somewhere out of sight, he carried the bundle to a loft over one of his warehouses, and there hid it under some goat-skins, whose offensive-

ness, he thought, would be a security against search.

'About the middle of the day, an occurrence took place, which, from its appearing to have some connexion with the pursuit after himself, excited a good deal of apprehension in his lordship's mind. A sergeant-major, with a party of soldiers, had been seen to pass up the street, and were, at the moment when Murphy ran to apprize his guest of it, halting before Moore's door. This suspicious circumstance, indicating, as it seemed, some knowledge of his haunts, startled Lord Edward, and he expressed instantly a wish to be put in some place of secrecy; on which Murphy took him out on the top of the house, and laying him down in one of the valleys formed between the roofs of his warehouses, left him there for some hours. During the excitement produced in the neighbourhood by the appearance of the soldiers, Lord Edward's officious friend, Neilson, was, in his usual flighty and inconsiderate manner, walking up and down the street, saying occasionally, as he passed, to Murphy, who was standing in his gateway,—" Is he safe?"—" Look sharp.'

'While this anxious scene was passing in one quarter, treachery,—and it is still unknown from what source,—was at work in another. It must have been late in the day that information of his lordship's hiding-place reached the government, as Major Sirr did not receive his instructions on the subject till but a few minutes before he proceeded

to execute them. Major Swan and Mr Ryan (the latter of whom volunteered his services) happened to be in his house at the moment; and he had but time to take a few soldiers, in plain clothes, along with him,—purposing to send, on his arrival in Thomas street, for the

pickets of infantry and cavalry in that neighbourhood.

'To return to poor Lord Edward;—as soon as the alarm produced by the soldiers had subsided, he ventured to leave his retreat, and resume his place in the back drawingroom, where, Mr Murphy having invited Neilson to join them, they soon after sat down to dinner. The cloth had not been many minutes removed, when Neilson, as if suddenly recollecting something, hurried out of the room and left the house; shortly after which, Mr Murphy, seeing that his guest was not inclined to drink any wine, went down stairs. In a few minutes after, however, returning, he found that his lordship had in the interim gone up to his bedroom, and on following him thither saw him lying without his coat upon the bed. There had now elapsed from the time of Neilson's departure not more than ten minutes, and it is asserted that he had in going out left the hall door open.

'Mr Murphy had but just begun to ask his guest whether he would like some tea, when, hearing a trampling on the stairs, he turned round and saw Major Swan enter the room. Scarcely had this officer time to mention the object of his visit when Lord Edward jumped up, as Murphy describes him, "like a tiger" from the bed, on seeing which Swan fired a small pocket-pistol at him, but without effect; and then turning round short upon Murphy, from whom he seemed to apprehend an attack, thrust the pistol violently in his face, saying to a soldier who just then entered—"Take that fellow away." Almost at the same instant Lord Edward struck at Swan with a dagger, which it now appeared he had had in the bed with him; and immediately after, Ryan, armed only with a sword-cane, entered the room.

'In the meantime, Major Sirr, who had stopped below to place the pickets round the house, hearing the report of Swan's pistol, hurried up to the landing, and from thence saw within the room Lord Edward struggling between Swan and Ryan, the latter down on the floor weltering in his blood, and both clinging to their powerful adversary, who was now dragging them towards the door. Threatened as he was with a fate similar to that of his companions, Sirr had no alternative but to fire, and aiming his pistol deliberately, he lodged the contents in Lord Edward's right arm, near the shoulder. The wound for a moment staggered him; but as he again rallied, and was pushing towards the door, Major Sirr called up the soldiers; and so desperate were their captive's struggles that they found it necessary to lay their firelocks across him before he could be disarmed or bound so as to prevent further mischief.'

Lord Edward was conveyed in an open sedan chair to the Castle, where the papers found upon him were produced and verified. He bade a gentleman 'break tenderly to his wife' what had happened;—thence he was removed to Newgate. All access to him was, until a short period before his death, denied

to his brother and his nearest relatives. 'Are you aware, my 'lord,' said his brother, Lord Henry Fitzgerald, to Lord Camden, 'of the comfort, of the happiness of seeing well-known faces ' round the bed of illness, and the cruelty of the reverse? or have you hitherto been so much a stranger to the infirmities of this mortal life as never to have known what it was to feel joy in pain, or cheerfulness in sorrow, from the pressure of a 'friend's hand, or the kind look of relations?' He suffered considerable torture from the wound which he had received; and his hearing that Ryan, whom he had stabbed, had died, caused —to use Lord Henry's expression—' a dreadful turn in his mind.' Clinch, one of his fellow conspirators, was executed before the prison; -he asked what the noise was, and on the 4th of June, 1798, expired. The incidents of his death-bed are told with a simple pathos by Lady Louisa Conolly in a letter to Mr Ogilvie, dated 4th June, 1798.

Edward was at peace; and, as the tender and watchful mercy of God is ever over the afflicted, we have reason to suppose this dissolution took place at the moment that it was fittest it should do so. On Friday night a very great lowness came on, that made those about him consider him much in danger. On Saturday he seemed to have recovered the attack, but on that night was again attacked with spasms that subsided again yesterday morning. But in the course of the day Mrs Pakenham (from whom I had my constant accounts) thought it best to send an express for me. I came to town, and got leave to go with my poor

dear Henry to see him.

'Thanks to the great God! our visit was timed to the moment that the wretched situation allowed of. His mind had been agitated for two days, and the feeling was enough gone not to be overcome by the sight of his brother and me. We had the consolation of seeing and feeling that it was a pleasure to him. I first approached his bed; he looked at me, knew me, kissed me, and said (what will never depart from my ears), "It is heaven to me to see you!" and shortly after, turning to the other side of his bed, he said "I can't see you." I went round, and he soon after kissed my hand and smiled at me, which I shall never forget, though I saw death in his dear face at the time. I then told him that Henry was come. He said nothing that marked surprise at his being in Ireland, but expressed joy at hearing it, and said, "Where is he, dear fellow?"

'Henry then took my place, and the two dear brothers frequently embraced each other, to the melting a heart of stone; and yet God enabled both Henry and myself to remain quite composed. As every one left the room, we told him we only were with him. He said, "That is very pleasant." However, he remained silent, and I then brought in the subject of Lady Edward, and told him that I had not left her until I saw her on board; and Henry told him of having met her on the road well. He said, "And the children too?—She is a

charming woman:" and then became silent again. That expression about Lady Edward proved to me, that his senses were much lulled, and that he did not feel his situation to be what it was: but, thank God! they were enough alive to receive pleasure from seeing his brother and me. Dear Henry, in particular, he looked at continually

with an expression of pleasure.

'When we left him, we told him, that as he appeared inclined to sleep, we would wish him a good night, and return in the morning. He said, "Do, do;" but did not express any uneasiness at our leaving him. We accordingly tore ourselves away, and very shortly after Mr Garnet (the surgeon that attended him for the two days, upon the departure of Mr Stone, the officer that had been constantly with him) sent me word that the last convulsions soon came on, and ended at two o'clock, so that we were within two hours and a half before the sad close to a life we prized so dearly. He sometimes said, "I knew it must come to this, and we must all go;" and then rambled a little about militia, and numbers; but upon my saying to him, "It agitates you to talk upon those subjects," he said, "Well, I won't."

'I hear that he frequently composed his dear mind with prayer,—was vastly devout, and, as late as yesterday evening, got Mr Garnet, the surgeon, to read in the Bible the death of Christ, the subject picked out by himself, and seemed much composed by it. In short, my dear Mr Ogilvie, we have every reason to think that his mind was made up to his situation, and can look to his present happy state with thanks for his release. Such a heart and such a mind may meet his God! The friends that he was entangled with pushed his destruction forward, screening themselves behind his valuable character. God bless you! The ship is just sailing, and Henry puts this into the post at Holy-

head. Ever yours, L. C.'

Mr Moore has gathered a quantity of panegyric on Lord Edward from various sources; but the best praise of him, in his personal capacity, is to be found in the letters in which such fine proof-impressions of his character are contained. The emotions expressed by his kindred on his death, and which are preserved in a correspondence published by Mr Moore, quite confirm the view of his disposition, which is presented by his own letters. Every word written by his relatives gushes with anguish for his loss. They are indeed

'Epistles wet With tears that trickled down the writers' cheeks.'

All concur in representing the features of his private character as of the most perfect symmetry, and wrought by Nature out of her brightest and most polished materials. His biographer has drawn his character with that skill and delicacy of which he is known to be so eminent a master. 'Of his mind and 'heart,' says Mr Moore, 'simplicity was the predominant feature, pervading all his tastes, habits of thinking, affections, 'and pursuits; and it was in this simplicity, and the singleness

of purpose resulting from it, that the main strength of his ' manly character lay. Talents far more brilliant would, for want of the same clearness and concentration, have afforded 'a far less efficient light. It is Lord Bacon, I believe, who re-' marks, that the minds of some men resemble those ill-arranged 6 mansions, in which there are numerous small chambers, but no one spacious room. With Lord Edward the very reverse was ' the case—his mind being to the whole extent of its range thrown open, without either partitions or turnings, and a direct single-'ness as well of power as of aim being the actuating principle of his understanding and his will.' After observing, that 'another quality of his mind, both in action and in the counsels ' connected with it, which gave Lord Edward the advantage over 'men far beyond him in intellectual resources, was that disin-' terested and devoted courage, which, rendering self a mere 'cipher in his calculations, took from peril all power to influence 'his resolves, and left him free to pursue the right and the just, unembarrassed by a single regard to the consequences; -Mr Moore remarks, that the self-will which was mixed up in his disposition, and which had a tendency to settle into obstinacy, was counteracted by the natural gentleness of his disposition; but that while his sweetness and generosity of temper corrected this defect, the great efficacy of this quality in giving decision to the character was manifested by the perseverance with which, through all the disappointments and reverses of his cause, he continued not only to stand by it firmly himself, but what-despondingly as he must often have felt—was far more trying, to set an example of confidence in its ultimate success for the encouragement of others.

'We have seen,' says Mr Moore, 'how unshrinking was the patience, how unabated the cheerfulness, with which he was able to persevere under the continued frustration of all his plans and wishes. The disappointment, time after time, of his hopes of foreign succour, might, from the jealousy with which he regarded such aid, have been easily surmounted by him, had he but found a readiness, on the part of his colleagues, to second him in an appeal to native strength. But, while the elements baffled all his projects from without, irresolution and timid counsels robbed him of his chosen moment of action within; till, at last,-confirmatory of all his own warnings as to the danger of delay,—came that treachery by which the whole conspiracy was virtually broken up, their designs all laid open, and himself left, a fugitive and a wanderer, to trust to the precarious fidelity of persons trembling for their own safety, and tempted by the successful perfidy of others, -with hardly one of those colleagues remaining by his side on whose sagacity he could rely for help through his difficulties.

Still, as we have seen, he persevered, not only firmly but cheerfully, conceiving his responsibility to the cause to be but increased by the

defection or loss of its other defenders. After the appearance of the proclamation against him, some of his friends, seeing the imminent peril of his position, had provided some trusty boatmen (like those through whose means Hamilton Rowan had escaped) who undertook to convey him safely to the coast of France. But Lord Edward would not hear of it;—his part was already taken. Submitting with heroic good-humour to a series of stratagems, disguises and escapes, far more formidable to a frank spirit like his than the most decided danger, he reserved himself calmly for the great struggle to which his life was pledged, and which he had now to encounter, weakened, but not dismayed,—" animatus meliùs" (as Cicero says of another brave champion of a desperate cause) " quam paratus."

'While such were the stronger, and, as they may be called, public features of his character, of the attaching nature of his social qualities there exist so many memorials and proofs, both in the records of his life and, still more convincingly, in those bursts of sympathy and sorrow which his last melancholy moments called forth, that to expatiate

any further on the topic would be superfluous.

Among those traits of character which adorned him as a member of social life, there is one which, on every account, is far too important not to be brought prominently forward in any professed picture of him, and this was the strong and pure sense which he entertained of religion. So much is it the custom of those who would bring discredit upon freedom of thought in politics, to represent it as connected invariably with lax opinions upon religion, that it is of no small importance to be able to refer to two such instances as Lord Edward Fitzgerald and the younger Emmet, in both of whom the freest range of what are called revolutionary principles was combined with a warm and steady belief in the doctrines of Christianity.

'Thus far the task of rendering justice to the fine qualities of this noble person has been safe and easy,—the voice of political enemies, no less than of friends, concurring cordially in the tribute. In coming to consider, however, some of the uses to which these high qualities were applied by him, and more particularly the great object to which, in the latter years of his life, he devoted all their energies, a far different tone of temper and opinion is to be counted on; nor are we, even yet, perhaps, at a sufficient distance from the vortex of that struggle to have either the courage or the impartiality requisite towards judging

fairly of the actors in it.'

Mr Moore discusses, with singular ability, the right which belongs to suffering to offer resistance to oppression; and endcavours to define the boundaries at which endurance not only ceases to be a duty, but degenerates into degradation. We do not think it necessary to follow him in this somewhat intricate investigation of the prerogatives which appertain to the people. These knotty disputations receive in practice their prompt solution from the sword, which furnishes a ready process of demonstration to those who, having once engaged in such an enterprise as that recorded by Mr Moore, seldom give much reflection

to the problems in morality, by which their proceedings are vindicated or condemned. The work before us ought to be perused with a view very different from that which a mere theorist in rebellion might be disposed to take. It contains facts far more admonitory and instructive, than the very ingenious reasonings and eloquent expatiations which are interwoven, with great skill, in the texture of the narrative; and instead of supplying mere ruminations to an essayist on the abstractions of obedience, suggests a series of solemn anticipations, and gives rise to many an awful thought on the present condition and future destinies of Ireland.

We shut these volumes, and ask ourselves what have we seen? -Almost an entire nation involved in a conspiracy against its government, and with men of high station, daring intrepidity, great abilities, and unalterable resolution, at its head. A plot was framed and carried on without detection, until it had embraced countless thousands in its compass. A secrecy unexampled in the annals of silence was preserved; and a purpose, familiar to the thoughts of millions, did not, for a considerable period, reach the knowledge, and scarcely awoke the suspicions of those to whose vigilance the public safety had been committed. whole machinery of insurrection was ready; and had a few days more elapsed, armies would have started up in every province, the peasantry would have risen to a man, the capital would have been seized, and the entire government, with all the institutions that sustain it, would in all likelihood have been overthrown. It was then that chance, operating upon baseness, communicated information, which rendered-what might otherwise have been a revolution—a rash and hopeless insurrection. blow was struck at the heart of the gigantic confederacy, which laid it prostrate, and the remaining struggles were no more than its expiring convulsions. The chiefs of the enterprise,—all the men of talent and of influence—had been swept away; and the subsequent display of wild and unavailing courage which was made by a tumultuous peasantry, answered no other end, than to suggest how much they might have effected if under the control of genius, and aided by a foreign power. Many think, that, if these half-armed rebels, who were sometimes on the point of victory, (for example, at New-Ross,) had won a single battle, the consequences might not have been limited to a larger effusion of blood,—that a portion of the gentry would then have manifested feelings, which they had the prudence to conceal, and that a very different result might have ensued. We think it, however, clear, that the lips of Reynolds had sealed the fortunes of Ireland. But it was scarcely more than casualty that opened them, -nor was this the only instance in which a large obligation was due

by England, to causes which are to be regarded as fortuitous. Had we stood upon the beach, when the mighty armament which Wolfe Tone had persuaded the Republican government to equip for Ireland, sailed from the port of Brest, and seen it dropping from the horizon, in which not a single English sail appeared, what would have been our calculations of probability; and how highly should we now appreciate that propitious tempest, which, in her hour of dreadful need, became the auxiliary of England? We cannot look back to these events without awe. It makes us dizzy to contemplate the gulf on whose verge we stood, and into which it was mere accident that saved us from irretrievable precipitation. But if that retrospect be so fearful, let us bear in mind that our onward progress (and it becomes us to look forward) may lie through passes not less dangerous and slippery, and where chances equally fortunate may not supply us with a hold.

Turning from the past to the present state of Ireland, we cannot disguise from ourselves, that there are still to be found in that country materials on which the spirit of adventure may find an opportunity to work. The settlement of the Catholic question has, indeed, removed the chief ground of just complaint from the national mind; but in the fierce struggle which Ireland made for liberty, what a deep and black deposit of inveterate antipathy and of pernicious passion was made in the national character, and how much time must elapse, and how judicious ought to be the measures devised for its removal! If the people of Ireland were organized in 1798 for the forcible extortion of their demands, it should be recollected, that since then another and a still more extensive and compact organization has been, for upwards of thirty years, in progress, in that country of confederacies; and that while the former carried in itself the materials of its ready dissolution, (for the league was one of oaths,) the latter, which is the result of habits, and has grown up out of events, and not out of sworn compacts, has a far deeper and more lasting foundation. True it is, that the Roman Catholic legislature (the strange and unexampled association) is no longer in bodily existence, but its spirit is not extinct, and its effects have not passed away. The precedent remains; and the people remember, what a government may be apt to forget, that they are in a great measure indebted for success to themselves. They feel that their rights were wrenched from the hand that so long withheld them; and they recollect the engine by which they forced domination to let them go. There is now, indeed, no regular society to minister the weekly excitement to the craving of the national mind; but there is a press as active and as ably wielded as it was before; there are

everywhere occasional meetings, where the functions of agitation are faithfully discharged; there is a great intellectual corporation, the Catholic priesthood, left unconnected and unconciliated; there is in every parish a man of great influence, who has no motive to exercise it for the maintenance of the established order of things; there is a strong, but, we are convinced, an unfounded suspicion, in the minds of the great majority of the nation, that an undue preference is to be exercised in favour of one sect, and that the ancient ascendency is to be still

maintained in its monopoly.

We have mentioned some of the evils incidental to the condition of Ireland, and which, it should be remembered, are the result of a long misgovernment;—and it may be naturally asked, what remedies we propose for their removal. We have no specific. The disease which has got, by an injudicious treatment, into the constitution, can only yield to moral alteratives of a gradual and perhaps a slow operation. Occasional tentative measures of local and isolated improvement, will effect little, if any thing, for the general national amelioration; and nothing largely and permanently useful will be accomplished, except by a comprehensive system, to be applied, without irregularity or deviation, not only for the management of affairs, but the miti-

gation of passions.

Wide as that plan which embraces the welfare of millions must of necessity be, its outlines may be sketched in a short sentence. Adapt the institutions of Ireland to the character, the habits, the feelings, and, we will even add, the prejudices, of the Irish people. Are those institutions at this moment in that state of fortunate conformity? We might go through a variety of details, but there is a little word, (an epitome in itself,) which will save much expatiation. It is a word of small compass, but of ample meaning,—it drops in a single syllable from the tongue, but suggests a long train of thought to the mind. That cabalistic word, the *Church*, is one which must ere long be frequently heard in the House of Commons; and we may here set it down, as connected beyond every other, with those anomalies, whose continuance is incompatible with the happiness of Ireland. would not touch the sacred foundations of the Establishment, but we would reduce its golden pinnacles, else they may fall in. To other topics, we do not think it necessary at present to advert. Ireland stands in need of no ordinary remedies; but it is better to submit to the incommodities, and even risks, by which they may be attended, than, by perseverance in a system which must be admitted to be unnatural, expose ourselves to the greater perils, of which the shadows may be found in 'the Life and Death of Lord Edward Fitzgerald.

ART. VII.—Natural Theology; or, Essays on the Existence of Deity and of Providence, on the Immateriality of the Soul, and a Future State. By the Rev. Alexander Crombie, LL.D., F.R.S. 2 vols. 8vo. London: 1829.

PALEY'S well-known and admirable work, though perfectly satisfactory and conclusive as far as it goes, is yet defective in this, that it does not attempt to disprove the atheistical doctrines of those whom the author opposed. His edifice, however stately and solid, is somewhat obscured by the rubbish which has been permitted to exist around it. To give complete satisfaction to a student of any system, it is not only essential that the doctrines advocated should be ably supported, but that every opposing doctrine should be shown to be untrue. The great merit of the work before us, consists in its containing an acute and satisfactory examination of the doctrines alluded to, combined with many forcible illustrations of the line of argument adopted by Paley; and in its presenting a comprehensive view of the whole province of Natural Theology.

In every philosophical discussion, it is of importance to ascertain the nature of the evidence of which the question is susceptible. Raymond Lully invented a machine, consisting of various concentric and movable circles, by means of which every question in physical and metaphysical science might, as he fancied, be satisfactorily solved. Nothing more was necessary than a little manual labour. We laugh at a conception so irrational and so ridiculous. Absurd, however, as is the notion of solving philosophical problems by mechanical inventions, it is scarcely less absurd to apply to any subject of disquisition a species of evidence of which it is incapable. We might as reasonably apply the laws of sound to explain the phenomena of sight; or, as Brown, in his refutation of Shaftesbury, says, take a candle to a sundial to see how the night passes. Dr Crombie, therefore, after unfolding the causes of atheism, and examining the absurd hypotheses which have been offered to explain the construction of the universe without the intervention of intelligence, has prefaced his argument with a view of the various kinds of evidence, and the subjects to which they are severally applicable; in order that the enquiry may be thus placed on its only proper and solid basis.

The question of Deity being a question of fact, and all metaphysical reasoning, in his sense of the term, being confined to the immutable relations of our abstract ideas, he contends, as a necessary consequence, that metaphysical evidence is wholly foreign to the subject. His views upon this point will be understood by attending to his observations on the reasonings of Dr Clarke.

The proposition of the atheist is, that there is no first cause, but that the universe is an infinite succession of causes and effects. Clarke endeavoured to prove, by metaphysical arguments, that an infinite succession of causes and effects is impossible and absurd. He reasoned thus: 'If we consider the endless 'progression as one series of dependent beings, it is plain, 1st, that it has no cause of its existence ab extra, because the series 'contains within itself every thing that ever was; and, 2dly, 'that it has no cause of existence within itself, because not one 'individual of this series is self-existent or necessary. And 'where no part is necessary, the whole cannot be necessary.

'Therefore, it is without any cause of its existence.'

That this series has no cause of its existence ab extra, is evident, because nothing exterior to it exists. Is it equally clear, that because no one term of the series is self-existent, the series cannot exist? Is self-existence in any of the terms necessary to the being of such series? If so, by what argument is this demonstrated? Though there is no self-existent term, is not every term necessarily existent as necessarily resulting from the term preceding?* And let us travel backward through myriads of terms, we shall be still as remote from a limit, or a beginning, as when we set out. An opponent may admit, that there is no self-existence in respect to form, in any of the terms; nay, he will deny that there can be any; but he denies, at the same time, that the series is impossible, because this self-existence is excluded; and he may call on the theist to disprove its possibility by any argument which does not proceed on a petito principii.

It will not escape the observation of the attentive reader, that Dr Clarke speaks of the series, as a whole, and on this conception, chiefly, his argument hinges. But is this allowable? Does not the term whole imply limits? And can that have any boundary, which is acknowledged to be infinite? Will the adversary admit, that an infinite series, of which all the terms are of equal magnitude, can be considered, as a whole? A mathematical series, decreasing ad infinitum, may be regarded as a whole,—being equal to a definite quantity; each descending term of the series approaching nearer to pure nihility than the preceding

^{*} The atheist maintains the eternity of matter. The argument, therefore, refers to a series of changes and forms.

term; but in a series of equal magnitude, this comprehension under one whole is inadmissible. Eternity cannot be compassed.

There is another view of this argument. Self-existence may be considered in two lights: 1st, in respect to matter; and, 2dly, in respect to form. The atheist, as has been already remarked, admits that there is no self-existence in respect to form. He allows that no animal, no vegetable, no plant, no system, could have come into existence per se, but that they derive their formal being from pre-existing causes; and he contends that this succession of forms, has extended backwards through the immeasurable ages of eternity. But he maintains that the elements of matter are self-existent; and that the selfexistence of matter is a sufficient foundation for an infinite succession of formal existents. If it be contended, that every one of the terms is dependent, and therefore the whole dependent; it is answered as before, first, that an infinite series of equal magnitudes cannot be comprehended under a whole; and next, that what may be predicated of every individual term of such a series, may not be predicable of the series itself. Man, as an individual, is mortal; but there is no absurdity, it may be maintained, in supposing that the race is immortal. Each generation, itself preceded by numberless other generations, produces, before it becomes extinct, another generation; and thus the species may be continued through eternity. Every term of the series is an effect, and therefore dependent on a preceding cause, and yet the series may not be caused. from a present cause may arise an infinitude of effects ad post, so there may have been an infinity of causes ab ante, preceding the present effect. Each term must be an effect; and each term had for its cause an antecedent term. 'Accordingly,' says Dr Clarke, 'to the supposition of an infinite succession ' of dependent beings, there is nothing in the universe necessary, ' or self-existing. And if so, it was originally equally impossible that from eternity there should nothing have existed. 'Then what determined the existence, rather than the non-'existence, of the universe? Nothing-which is absurd.'

Now, it may be asked, with what propriety does Dr Clarke suppose any origin or beginning, when by the hypothesis of the adversary, there was no beginning? The latter will not permit him to presume an origin; and he will ask, what he means when he speaks of a thing, as 'originally possible from 'eternity.' Does not this notion involve a palpable contradiction? How is an origin reconcilable with eternity—that, which can have neither beginning nor end? If, in order to escape from this absurdity, it should be said, that the term origin

is intended to refer to a period prior to the world's existence; the adversary will reply, that to assume that there was a time when the world, either in its chaotic, or digested form, did not exist, is to beg the question. The atheist denies that there ever was such a time; and maintains, that matter being self-existent, nothing was necessary to determine its existence.

The argument is instituted to prove, that a series of causes and effects, infinite *ab ante*, is impossible; and sets out with assuming, that the series had a beginning, or that there was a time, when it did not exist. This is surely a palpable instance

of reasoning in a circle.

'An infinite chain,' says Paley, 'can no more support itself, 'than a finite chain.' 'An opponent,' says Dr Crombie, 'would 'assent to this proposition, but might he not deny, that the 'cases are analogous?' A chain cannot support itself, because it is acted upon by a power exterior to itself; it obeys the law of gravitation. But there is no external power, by which the supposed infinite chain of causes and effects can be moved or disturbed. The very notion, that it requires support, 'implies the absurdity of an effect without a cause. The 'analogy is clearly false, and the argument inconclusive.'

Dismissing, then, all such arguments, which, as Cudworth observes, beget more of doubtful disputation and scepticism, than of clear conviction and satisfaction; the question may be rested on the moral and physical phenomena of nature:-the eternity of the world is irreconcilable with facts. We have, in the motions of the heavenly bodies, sufficient evidence, that our system is not framed for an eternal duration. Whether we assume that the planetary motions are ascribable to the impulse of particles filling all space, or to an ethereal fluid, or to any other material medium, it is undeniable that these motions must suffer a gradual retardation; and the destruction of the system inevitably follows. It is acknowledged by La Place, that light alone, if there were no other fluid, must, by reason of its continual resistance, together with the gradual but incessant diminution of the solar mass, whence this fluid is perpetually issuing, in time destroy the planetary arrangements. And, in utter inconsistency with his own sceptical hypothesis, he states, that a reform, which implies a reformer, will, at some period or other, be necessary in our system. Now, if it thus appears that our system must come to a termination, it necessarily follows that it had a beginning. For, as a system which has been from eternity, must, in its essence and construction, be everlasting, so, a system which must come to an end, must have had a commencement. If there be causes now in operation

which must ultimately derange our globe, with all its vegetable and animal beings, it is evident that these must have had an origin; and as no cause, purely mechanical or chemical (the only causes which could operate before the production of organized forms), could produce an organized being, their origin cannot be referred to the agency of an unintelligent principle.

The author, in the prosecution of his argument, lays down two propositions. Whenever we find order and regularity ' obtaining, either uniformly, or in a vast majority of instances, where the possibilities of disorder are infinitely numerous, we are justified in inferring from this fact, an intelligent 'cause.' 'It may be asked,' says Dr Crombie, 'What is the 'ground of this belief? Why do we infer intelligence from order 'and regularity? Is the conclusion founded in reason, or is it the result of experience—the inference is immediate and irresistible; the perception is as clear, and the conviction as strong, as that 'a less number cannot be equal to a greater; certainly, in many cases, as strong, as an immeasurable preponderance of evidence can produce. It is intuitively obvious, that, out of any given ' number of equally possible results, the chance of one taking ' place in exclusion of the rest, must be as one to the number of others. Our belief, therefore, that a given one will not take ' place by accident, must be more or less strong, as the others are 6 more or less numerous; and, where an indefinite number on one side is opposed to unity on the other, to believe that unity ' will, not only in one instance, but in an indefinite number of 'similar instances, be accidentally the result, is much the same 'as to believe that unity is equal to infinity.' The ground which Mr Hume assigns for our belief in such cases, and the hypothesis of Spinoza, advocated by Sir William Drummond, that order and disorder have no real existence, are here examined with candour and acuteness. Dr Crombie's second proposition is thus stated:- 'Wherever we find numerous occurrences of ' means, various and complicated, towards the production of 'effects, we are justified in inferring an intelligent cause. These 'furnish conclusive evidence of design; and design necessarily 'implies the existence of intelligence.' 'Whether this inference of skill and design from such occurrences of means to ends, 'all necessary and all contributing to the effect, be a deduction from experience, as some have supposed, or be the result of reasoning, as others have maintained, or is to be considered 'as a first principle, originating in what has been termed intelbigence, or common sense, it is in theory, as well as in the 6 conduct of common life, universally admitted. The sceptic himself does not venture to controvert it.'

The evidences of a powerful and intelligent cause, exhibited in the works of physical nature, are so numerous and so impressive, that the difficulty is, not where to discover them, but where to make the most interesting and striking selection. They may be drawn from the planetary system, from the construction of our globe, from the structure and instincts of animals, from the mutual adaptation of these to the circumstances in which they are placed, and from the complicated modes in which they are furnished with air, water, and the appropriate aliments, and the means provided for the continuation and separation of the

several species.

Among the most striking proofs of concurrences of means to ends, may be specified the atmospheric fluid, so essential to the existence of every organized being. In order to fit it for the purpose of vegetable and animal life, it must possess the following qualities:—1st, It must have gravity. 2d, Elasticity. 3d, The elasticity must be perfect. 4th, The elasticity must 5th, The fluid must be invisible. be unalterable. must be compressible. 7th, Incondensible by any cold into a liquid state. 8th, The two gases, oxygen and nitrogen, of which it is composed, must constantly bear the same ratio to each other. 9th, There must be a continual supply; in other words, what is vitiated by respiration, and other causes, must be purified and restored. 10th, It must be universally present. Here, then, are ten indispensable requisites. That all these should concur by chance, by a blind necessity, or any unintelligent cause whatever, is morally impossible.

The structure of the human frame, considered merely as a piece of mechanism—its complicated organization—the delicate constitution of its internal frame—its external protection, by a close integument against the noxious influence of the atmosphere on the naked muscle—its power of producing its like—its ability to renovate itself, every particle being removed, and replaced several hundred times in the course of an ordinary life—the provision of certain automatic powers, constantly in action for our preservation, whether asleep or awake, and the existence of voluntary powers which act only when required—its capacity of repairing its own injuries, and its self-motive power, present such adaptations of means to ends, that it seems impossible for a rational mind to draw any other than one conclusion, too ob-

vious to require to be stated.

Our natural instincts, and our intellectual constitution, comprehending our perceptive, rational and active powers, whether viewed in detail, or as constituting a whole, by which Man is sustained, and by which he arrives at Science and Philosophy, afford evidence, if not so obvious and striking as that which his organization presents, yet, certainly, not less conclusive, of a designing cause. This branch of the argument is supported in a manner at once clear and forcible.

1. In the infant, three senses of the five are only requisite at first, and these three are from the first developed;—the senses of sight and hearing, by which an adult animal discerns distant objects and avoids distant enemies, would be useless to a child which could not remove itself from approaching injuries. Surely, it can only be the result of design, that the senses which are immediately necessary at birth are then bestowed, while the others, which would at that time be of no utility, are delayed. Is it the characteristic of chance to consult utility, or of unintelligence to discriminate between things requisite and things superfluous?

2. Through the medium of the senses we are made susceptible of all impressions of pleasure and pain; but this is not sufficient for our safety; for unless we had the power of avoiding evil, and pursuing good, our senses would make us only the passive and helpless subjects of surrounding contingencies. To prevent this, we are endowed with the faculty of perception, by which we distinguish the causes of our sensations, and thus learn

what to shun and what to seek.

3. But to perceive sensations and their causes would avail us little, if the impressions produced vanished immediately with the objects causing them. All our pleasures would be momentary, all our pains unavoidable. At each instant, we should be surprised by some accident, or overwhelmed by some evil which we could not avoid. We need a power which shall store up the past for the benefit of the future; and with the necessity, we find the remedy, in the faculty of memory. Without this wonderful aid, life would not only be unsafe but a torment. the endearing sympathies of kindred, of love and friendship, would be momentary. The parent would be a stranger to his child—the husband to the wife—the 'old familiar faces,'—the household hearts, once our own, would be to us as those visions of the fantasy which are seen and forgotten in an hour, and man would look in vain for comfort in this gloom of solitude. Our existence is confined to the present moment-memory The operations of memory are connects it with the past. so common, that the miraculousness of the power is lost in its familiarity: where does the idea of a past sensation or perception remain which, for years, has vanished from the mind? Surely the capacity of travelling back through the years we have left behind us, and to bring them in combination with the

moments now present, is a power so wonderful, that to suppose it to be the production of senseless matter, seems a moral absur-

dity.

4. In order to make the faculty of memory as perfect as possible, it is aided in its functions by two other powers;—Curiosity, by which we are stimulated to acquire knowledge; and Attention, by which memory is strengthened. Here, then, we have a combination of means to ends totally inexplicable on the

hypothesis of the atheist.

5. The remembrance of the past is of value, chiefly as affording some insight into the future. Something more than memory is wanting to render that faculty really useful to man. Memory may record the past faithfully, and we may feel fully assured, that, in the same actual circumstances, the same effect has uniformly been produced; but how do we know, that the same regularity will continue to obtain?—that an object which has hitherto imparted pleasure, will still be accompanied with a similar sensation, and not by pain. Experience can only apply to the past; and reason, in our early years, cannot come to our aid, if reason could solve the question. Our mental constitution would be imperfect were we not guarded against the uncertainty of the future from a mere knowledge of the past. By a salutary provision in his very nature, man instinctively associates one and the same cause with one and the same effect, and irresistibly is forced to believe that in all times the same antecedents will be followed by similar consequents. Thus, there is a principle within him which gives value to his experience by rendering it conducive to his safety and his happiness. That this principle is an instinctive one, independent of experience, and forming a part of our nature, is evident from the fact, that the infant, nay, the animal, act upon it; both believing that the same object will produce the same sensations. It requires no inductive process in the child to shun those objects which once caused pain, and seek others which once afforded delight. If all difficulties and changes were to be met by a syllogism, and avoided by reason alone, the proverbial uncertainty and shortness of human life would be a mockery; mankind would be lost before they arrived at the age of reason but for the existence of this principle.

6. So numberless are the impressions made upon our senses, that the mind would be overwhelmed with their infinite variety, unless it were provided with some means of collecting and classifying them. Here, as elsewhere, there is the same attention to supply the want by the faculty of generalization; individual impressions are classed according to their similarity or dissimi-

larity; and the largest quantum of that experience, so necessary to our very existence, is thus attained by a mental compendium. It is only associated with this power, that the capacity of speech is of such vast utility to man; and it is by the combination of the bodily organs with the intellectual faculty that man ascends from individual facts to the sublimest conclusions of science and

philosophy.

7. With these powers is man guarded against external enemies, but what shall preserve him from himself? how scrutinize his own heart, investigate the secret springs of his actions, examine his governing motives, learn his predominant propensities, discover where he is vulnerable, and where he is strong-in a word, how shall he acquire the most important of all knowledge, that of himself? If our senses are so many defences to guard us from the ten thousand dangers without us, there is within us a marvellous faculty-reflection-by which the mind takes cognizance of its own states, and is as indispensable to our innocence, our virtue, and our happiness, as the sensation of pain is to our safety. To crown all, the power of reason, or the discursive faculty, is bestowed on us for the acquisition of knowledge of superlative importance to the happiness of the individual, and the progressive improvement of the race. Whatever truths or facts perception communicates, consciousness discloses, testimony establishes, memory records, or common sense teaches, form the subject of our individual judgments; and from these judgments the discursive faculty deduces general truths, and enlarges the sphere of human knowledge.

8. If we direct our attention to the active powers of the mind, they present us with the same evidence of design and intelligence as those faculties already mentioned. The very existence of powers which impel us to action, when superadded to others which procure knowledge, is an argument for their being derived from an intelligent cause. Knowledge, unaccompanied with action, or its application to useful purposes, would be of no value. To desire good is a law of our nature; and to know wherein that good consists, and how to attain it, we have the rational faculty to direct our judgments. Passion and appetite are eager for gratification; reason controls their impetuosity, and tempers their ardour; directing them to those objects, and restraining them within those bounds, which are necessary to real and permanent enjoyment. The adjustment of a regulating to a moving power, in the construction of a machine, does not more clearly demonstrate intelligence and design, than the aptitude of reason to govern the movements of passion and appetite, which would blindly urge us to detrimental pursuits and excessive in-

dulgence. The soul of man is the subject of hopes and fears, of pains and pleasures, desires and aversions: these are not only natural to him but essential, coming in aid of his intellectual faculties, sweetening life when duly regulated, criminal only when excessive. Memory records past pleasures. This is not sufficient; we possess therefore the desire to re-enjoy them, for what would be the use of a perception of pleasure if there were no desire to seek it? The object capable to impart it would exist in vain. We might have been so framed that the perception of pleasure should have been unaccompanied by any desire to seek it; nay, had a blind necessity been the cause of existence, so far from there being any pleasurable emotions, each object might have impressed our organization with agony;—the light might have burned the eyes, sound have made the ear ache, each sense might have been an inlet to pain, and each feeling of the soul burdensome to life. Why is it not so? How happens it that the atheist's blind necessity should have acted so that by our very nature we avoid pain and pursue pleasure? There is, says Dr Crombie, a wonderful luck in the chance of the atheist, and a surprising method in his omnipotent necessity.

Our desires are as numerous as the objects which yield us pleasure are multiplied; and each is so manifestly adapted to the well-being of man in his individual and social character, that it is impossible to avoid shutting our eyes to this wise and benevolent adjustment of means to ends exhibited in us. The desire of life is necessary to the continuance of our being-the desire of knowledge to our advancement in art and science. The love of fame, of superiority, of wealth, are in themselves neither virtuous nor vicious; under due regulation they promote individual enjoyment, and the common good. Even hatred and resentment are natural, and necessary to man in some stages of barbarism. The solitary savage is protected by these passions from the tyranny of his kind. Hatred to vice is an auxiliary to virtue; indignation is natural, and is virtuous when turned against hypocrisy, villainy, and tyranny. To enquire why such affections are given us, is vain; it is sufficient to show that they tend to good when not abused. They exhibit no anomaly, and our mental constitution is in perfect accordance with the plan of physical nature; both are sustained by a succession or combination of contrarieties, and physical commotions and moral perturbations

alike tend to settle into an equilibrium.

If we examine the benevolent affections of our nature, they strongly proclaim their origin from a good and intelligent source. Man, as a solitary being, would never attain either knowledge or virtue. It is by associating with his fellows that

he arrives at wisdom, and power, and moral perfection. But without the social and sympathetic affections, society could not exist. To fit him for communion with his fellow men, he possesses these affections; and, as a motive to cultivate them, their exercise is accompanied with one of the most gratifying pleasures of which our nature it susceptible. Without this motive the instinct might be less active; without the affections society could not exist; without society knowledge and virtue would be unattainable; and without these acquirements man would be a wretched and pitiable creature. This chain of dependent and connected circumstances furnishes evidence of design. A review of the active principles of our nature leads us to the same important conclusion: We are gifted with no instinct, endowed with no passion, born with no appetite, which is not necessary to our individual preservation, our moral improvement, or our social enjoyment. And while, like conflicting principles in the physical world, they necessarily jar one with another, and produce commotion,-feeling being opposed to feeling, passion to passion, and reason striving to direct and control their energies, yet by an established law, which can be ascribed to nothing but wisdom and design, and to which all the discordant elements of nature are subjected, these perturbations, evidently exceptions to the general rule, are made to issue in that equilibrium, in which consists the tranquillity and harmony of the system.

The next division of the subject is that embracing the enquiry as to the existence of a presiding power. This is a subject in which the consistent theologian can find little or no difficulty. The notion entertained by some of the ancient sages, that the concerns of man are too insignificant for the notice of the eternal and exalted Sovereign of the universe, he dismisses as irrational. Whatever it was not beneath the dignity of the Divine Being to create, it cannot derogate from his dignity to preserve. The notion, too, of a Providence embracing only the more important concerns of the system, he rejects as inconsistent with the attributes of benevolence and omnipresence. The omniscience of the Deity implies a universal superintendence; and whether the system be governed by laws established at its formation, or by the continued agency of the Creator, we must conclude, unless we assent to a contradiction, that no evil can take place unseen by an Omniscient eye. To attribute an imperfect providence to an all-perfect being, would be an absurdity. The occasional anomalies and seeming frustrations of the Divine counsels which led Cudworth to adopt the doctrine of a plastic nature, can be regarded by the rational and consistent theist in no other light than as varieties ordained by the same wisdom

by which the usual course of nature is sustained. The exceptions, as well as the conformities to the general law, are equally the appointments of the Supreme Being. Such is the outline

of Dr Crombie's view of the doctrine of Providence.

The question respecting the nature of man as a being purely material, or as constructed of two distinct substances—one material, and the other not material-is next discussed at great length, and closed with the following passage, which presents a clear and striking summary of the author's conclusions:- 'Man 6 in every stage and condition of his being, is occupied with sen-'sible objects. These at all times engage his chief attention. In 'his earliest and rudest state of existence, he thinks of nothing but providing for the necessities of corporeal nature. Of his ' mental constitution he is profoundly ignorant. Seeing nothing ' around him but matter, and its changing forms, he has no con-' ception of the possibility of any other than material substance. 'If surrounding phenomena should impress him with the belief 6 that there are beings superior to himself, he imagines them to be corporeal. He entertains no apprehension of any existent, ' which is not visible or tangible. He is a materialist. As his 'experience, however, extends, he becomes more and more 'acquainted with the qualities and properties of physical ob-' jects. Ages elapse before he proceeds beyond the limits pre-'scribed by external sense. But, as he advances in knowledge, ' his curiosity is proportionably excited; and, acquiring in the ad-' vancement of society, more leisure for reflection, he begins to 'look inward to his own mind, and mark with attention what ' passes there. When he becomes acquainted with its various faculties, and what they are capable of accomplishing, observing 'also the subserviency of the body to the government of the will, he perceives that his mental powers are so unlike to the qualities and properties of gross matter, that they must belong, he con-'cludes, to something of a more refined character than brute ' material substance. Unable, however, to divest himself of the 6 notion that nothing can exist which may not be seen or touch-'ed, he forms a conception of some attenuated matter, some 'aerial being, by whatever name it may be called, whether 'soul, or breath, or spirit, which lives and thinks within him. 'It is still, however, material; and he perceives, on reflection, 'that the difficulty, though apparently diminished, is not re-'moved. He is thence led to proceed one step farther, and to ' conclude, that the simple indivisible being, which he believes ' himself to be, can have no resemblance to matter, which is ' composed of parts. 'Immaterialism, then, it would seem, is not the doctrine of

a rude and uncultivated mind. It is the result of examination and reflection. It can obtain only when philosophy has shed her light over the constitution of man as an intelligent being; and wherever it does obtain, it is an infallible evidence of considerable progress in metaphysical science.

'The hypothesis of materialism is what man, guided by sense only, naturally adopts—a hypothesis, which his continual communication with material objects, has a natural tendency

' to suggest and to recommend.

'It is its inadequacy, however, to explain the phenomena of Mind, that reduces the philosopher to the necessity of maintaining that they cannot belong to a material substance. He feels the difficulties which attend the adoption of this alternative; but they are the difficulties arising from the limitation of his perceptions to sensible objects. He presumes not to say what the soul is; but he is persuaded that it is not material. He denies it to be a property or an effect, and affirms it to be a substance and a cause, imperceptible indeed by corporeal organs, but known, through internal sense and reflection, by its powers and properties, as matter is known through external sense, by its sensible qualities. Of neither substance, in abstract, can we form any conception.'—Vol. II. p. 451.

The last chapter is devoted to the Doctrine of a Future State; but we cannot afford room for any abstract of it. We beg, in conclusion, to recommend the work, as presenting a useful course of instruction on the all important subject to which it is

devoted.

ART. VIII.—The Life and Writings of Henry Fuseli, M.A.R.A. The former Written, and the latter Edited by John Knowles, F.R.S. 3 vols. 8vo. London: 1831.

life was certainly not an eventful one, nor has the biographer done much towards supplying the place of that source of interest by tracing very minutely the progress of his mind, the gradual formation of his views, and those triumphs over the difficulties of his art, which are to the painter what the struggles of active life are to other men. Indeed, it does not appear that many materials exist which could have been available for such a task. His literary correspondence was not extensive; nor does he seem to have indulged much in the description of his own feelings and impressions, which, considering his natural frankness and exuberant self-esteem, rather surprises us. But though the

account of his life will not add much to our acquaintance with his inner man, still it contributes something, and that plainly and perspicuously enough, towards our picture of his outward presence and habits; and we are glad to think, that one who, for nearly half a century, has exercised an influence over British art, both by precept and example, will not sink into the grave without a more enduring record than the passing echo of news-

paper criticism.

Henry Fuseli or Fuëssli (for such was his family name. though, in deference to English ears, he altered it when he came to England) was born at Zurich in 1741, and was destined by his father for the church. He manifested very early a predilection for drawing and also for entomology, but his passion for drawing his father did every thing in his power to repress, conceiving that his chance of success in the church depended on his exclusive attention being devoted to his theological and classical studies. But 'there is no armour against fate:'—the studies which young Fuseli did not venture to pursue openly, he indulged in secretly, purchasing with his small allowance of pocket-money, candles, pencils, and paper, in order to make drawings when his parents believed him to be in bed, which he afterwards disposed of to his companions. Nay, sometimes he had the boldness while his father was reading to him in the evenings the sermons of Götz or Saurin, to employ his pencil at the other end of the table, concealing his drawing with his hand. The more effectually to disguise his employment, he learned to use his left hand for the purpose, and the practice rendered him ambidextrous during his life. Even at this early age his sketches, many of which are still preserved, indicate the bent of his mind. They are chiefly on classical and mythological subjects of an extraordinary character, or occasionally scenes of broad humour and caricature. The models to which he principally looked, the sketches of Christopher Maurin, Ringli, Ammann, and other masters of Zurich, although displaying freedom of hand, were not likely to give him very exalted notions of form, and accordingly a general clumsiness pervades the figures in his earlier sketches, which, however, in other respects display an inventive fancy, and much skill in telling the story which it is his object to represent.

His theological studies, which, though not altogether congenial to his views, he continued to pursue, introduced him into the society of Lavater, and many other men afterwards eminent in German literature. Having acquired a considerable knowledge of English, French, and Italian, he read much and on all subjects. From the novels of Richardson and the passionate reveries of Rousseau, he passed to the infinite variety of Shak-

speare, and the gloomy and majestic visions of Dante. In reading the Scriptures, which he did diligently, the classics, or the modern historians, his attention was always most attracted by incidents or expressions out of the ordinary course, and these, while they took root in his imagination, were soon embodied by his pencil. For the abstract sciences, however, he had always an utter distaste: 'Were the angel Gabriel,' he would say, 'sent' to teach me mathematics, he would fail in his mission.'

In due time Fuseli entered into holy orders. Pulpit oratory was not at that time in a very palmy state in Zurich: the field of theological instruction being pretty equally apportioned between scholastic and dogmatic discussions, the mystic language of Moravianism, and the vulgar effusions of those who courted popularity by a mélange of religion, anecdote, and grimace. The efforts of Klopstock, Bodmer, Zimmerman, and others, to introduce a better style of preaching, had produced but little effect. Accordingly, Fuseli's opening discourse, which was modelled on the sermons of Saurin, but with something of the more inflated language of Klopstock, though it pleased his literary friends, who predicted his future success, seemed to have been

coldly enough received by the Zurich public.

An incident which shortly afterwards occurred, in which Fuseli displayed more of the zeal of a youthful reformer, than the prudence and caution which was expected from the profession he had chosen, prevented those anticipations from being fulfilled, if, indeed, they were ever likely to be so. Indignant at the conduct of the high land-bailiff, Grebel, to whom many acts of tyranny and oppression were ascribed, on what Fuseli considered to be good authority, he, after addressing him without effect on the subject in an anonymous letter, wrote a pamphlet, in conjunction with his friend, Lavater, entitled, the 'Un-' just Magistrate, or the Complaint of a Patriot;' in which they exposed, in glowing terms, the acts of oppression of which he had been guilty. The Council of Zurich, struck with its manliness of tone, and with the facts which it detailed, intimated, that if the author would avow himself, the matter should receive immediate attention. On this Fuseli and Lavater immediately stepped forward, acknowledged the pamphlet, and courted enquiry. The result of the investigation was to establish the charges to the full extent; and the guilty magistrate only escaped punishment by absconding from Zurich. But, though by this spirited act, Fuseli and the physiognomist were for a time abundantly popular, the powerful family of the accused evinced great irritation against them; and their friends, thinking it prudent, even in this free city, to allow the matter to blow over,

rather than bid defiance to their hostility, suggested that they should for a time retire from Zurich.

Accompanied by Professor Sulzer, a name well known in the literature of Germany, they successively visited Augsburg, Leipzic, and Berlin. The colossal figure of St Michael (the work of a Bavarian sculptor, Reichel) over the gateway of the arsenal at Augsburg, produced a remarkable effect on the mind of Fuseli, and became for a time his standard of taste, superseding the clumsy forms which he had been accustomed to delineate, after the Swiss masters. The change appears evidently in the designs, which, while at Berlin, he made for his friend Bodmer's poem of 'Noah,' many of which display a considerable improvement in style, though still greatly deficient in correctness of drawing. The English ambassador at the Court of Berlin, Sir Andrew Mitchell, struck with the abilities of Fuseli, who had been introduced to him, proposed that he should accompany him to England; offering him his interest and assistance in a project which had for some time engaged the attention of Sulzer, and other literary men of Germany, namely, the establishment of a regular channel of literary communication between that country and England. Fuseli embraced his offer, and arrived in England in 1763.

His avocations were at first entirely literary. He was extensively engaged in translation; and, by great industry in labouring for the booksellers, contrived to maintain himself respectably, without the necessity of availing himself of the pecuniary assistance which his friends were ready to offer. His leisure hours only were devoted to drawing and etching. The even tenor of these pursuits was only for a short time interrupted by his undertaking the situation of travelling tutor to the son of Lord Waldegrave, who was about to visit the Continent. This connexion, however, did not subsist long. Some demonstrations of obstinacy and disobedience on the part of the pupil, provoked the tutor to visit the delinquency with a blow; and perceiving, of course, that after this his instructions were not likely to be of much service to the young nobleman, he immediately resigned the situation, and returned to England. He used afterwards to observe to his friends, 'The noble family of Waldegrave took

'me for a bear-leader, but they found me the bear.'

On his return to England, the formation of the Royal Academy, and the general impression as to the patronage and encouragement likely to be bestowed on art, awakened more vehemently than ever his wish to become a painter. An interview which he soon afterwards had with Sir Joshua Reynolds, decided his wavering views. Having shown him a portfolio of

drawings, and some small etchings from the Bible, with one on a large scale from Plutarch, 'Dion seeing a female spectre 'sweep his hall,' Sir Joshua, struck with the style, grandeur, and original conception of his works, asked him how long he had been from Italy, and on learning from him that he had never been there, expressed his surprise and admiration at his progress. He concluded by remarking, that 'were he at Fuseli's age, and endowed with the ability of producing such 'works, if any one were to offer him a thousand pounds a-year, on condition of being any thing but a painter, he would not 'hesitate to reject the offer.'

Thus flattered and encouraged, Fuseli applied himself earnestly to drawing, and, by Sir Joshua's recommendation, afterwards tried oil colours. His first picture, 'Joseph interpreting 'the dreams of Pharaoh's butler and baker,' drew from Reynolds the observation, that he might, if he pleased, be a colourist as well as a draughtsman. After some assiduous preparation in England, Fuseli resolved to visit Rome, which he did in 1770. Dr Armstrong, then in indifferent health, had at first intended to be his companion; but however well he may have been acquainted with the art of preserving health, that of preserving temper was equally unknown to himself and Fuseli; their sea voyage to Geneva was a scene of altercation, and they finally quarrelled about the pronunciation of an English word, and parted; Fuseli pertinaciously maintaining that a Swiss had as good a right to judge of the correct pronunciation of English as a Scotchman.

At Rome his course of study somewhat differed from the one usually pursued. He copied comparatively little, though he studied carefully the paintings of Raphael, and other great masters of Italian art, and still more carefully the works of Michael Angelo, and the remains of antiquity. Yet he did not dream away his time, like Barry, in mere speculation on their principles; his hand as well as his head were constantly occupied; his practical power increased with the refinement of his taste, and the settlement of his principles; so that, before he left Rome, the boldness and grandeur of his drawings struck the Italian artists with astonishment.

A nervous fever interrupted his studies, and led him to revisit his native country before his return to England. When he arrived, he found West in possession of perhaps the highest reputation as an historical painter. At no time of his life did Fuseli admire West; for though he admitted his mechanical skill in composition, the cold laboured character of his pictures, his deficiency in invention, and timidity in drawing,

revolted him; nor could be ever bring himself to think or speak of him as a great artist. Fuseli's first pictures after his return,-'Ezzelin,' 'Satan starting from the touch of Ithuriel's lance,' and 'Jason appearing before Pelias, to whom the sight of a man ' with a single sandal had been predicted fatal,' at once raised him, in the opinion of the best judges, to the highest rank in the art. They were shortly afterwards followed by the celebrated picture of the Nightmare, one of his most popular and most characteristic efforts, which, when exhibited in 1782, at once aroused public attention. We need not describe a subject, so generally known from the prints, (by the sale of which alone Fuseli admitted he had made upwards of L.500,) and by the verses of Darwin. These paintings were rapidly followed by two pictures from Macbeth, the Weird Sisters, and Lady Macbeth walking in her sleep, both most favourable specimens of his manner; impressive and dignified, but without that taint of exaggeration which deforms too many of his paintings. The Shakspeare Gallery, for which he executed eight large pictures, on subjects the most dissimilar, raised his character for versatility of powers. The public could not but admire the rich variety of fancy which could pass with such facility and success from grave to gay, from broad farce to sublimity and terror; now bringing before us the spells of Prospero, the airy grace of Ariel, the grotesque hideousness of Caliban; and now the still more evanescent beauties of the Midsummer Night's Dream, transparent, and almost impalpable as that moonlight ray which enlightens so many of its scenes; -- anon transporting us to the blasted heath with Macbeth, or to the platform of Elsineur with Hamlet and the buried majesty of Denmark;—to the court of Lear, where Cordelia receives her sentence of exile from her father's lips, or to the wild revelries of Eastcheap with Henry and Falstaff.

Nor was his attention during this period of exertion confined to his own art. He contributed many valuable suggestions and critical remarks on Cowper's Iliad—many reviews of works on historical or poetical subjects to the Analytical Review—corrected and superintended the publication of his friend Lavater's physiognomical work—translated his Aphorisms on Man—cultivated the acquaintance of men of letters and science:—married, and kept up a strange Platonic flirtation with Mary Woolstoncroft, whose attentions, by the way, became at last so obtrusive, that she had the boldness to visit Mrs Fuseli, and to announce her wish to become an inmate in her family; and the fact that she could not live without the satisfaction of seeing and conversing daily with her husband. This candid but alarming confession,

it may easily be imagined, immediately led to a total suspen-

sion of all intercourse between the parties.

In 1790, he became a member of the Academy, and projected the magnificent scheme of a Gallery of Pictures from Milton, resembling the Shakspeare Gallery, but with this difference, that all the paintings were to be executed by himself. His expectations of success from this enterprise were high; much higher, in fact, than those of his friends, or than was justified by the issue. While this gigantic undertaking was proceeding, he painted the well-known picture of Catiline's Conspiracy for Mr Seward, and four pictures for Woodmason's Illustrations of Shakspeare; two from the Midsummer Night's Dream, and two from Macbeth; of which the latter, Macbeth with the Witches at the Caldron, appears to have been his favourite. In speaking of it to Mr Knowles, who became the purchaser of it, he observed, 'Here you have one of my best ' poetical conceptions. When Macbeth meets with the witches on the heath, it is terrible, because he did not expect the super-'natural visitation; but when he goes to the cave to ascertain 'his fate, it is no longer a subject of terror; hence, I have 'endeavoured to supply what is deficient in the poetry. To say 'nothing of the general arrangement of my picture, which, in 'composition, is altogether triangular, (and the triangle is a 'mystical figure,) I have endeavoured to show a colossal head 'rising out of the abyss, and that head Macbeth's likeness. 'What, I would ask, would be a greater object of terror to you 6 if, some night, on going home, you were to find yourself sit-'ting at your own table, either writing, reading, or otherwise 'employed? Would not this make a powerful impression on 'your mind?' With the sources of terror, indeed, and particularly of the supernatural, Fuseli was well acquainted, and his observations on such objects, are invariably appropriate, and often profound.

Alone and unassisted, (save by the pecuniary advances of six of his friends,* who were to receive repayment in pictures; or from the proceeds of the exhibition,) he completed the Milton Gallery in 1799. It consisted, at first, of forty pictures, to which six others were afterwards added, many of them of the largest size, and embracing equally, like those of the Shakspeare Gallery, scenes of human and supernatural interest, of beauty, tenderness, and grandeur. As a whole, it will always remain the proudest monument of Fuseli's genius; for though indivi-

^{*} Messrs Coutts, Lock, Roscoe, G. Thoms, Seward, and Johnson.

dual compositions were liable to the charge of exaggeration and distortion, and the female forms of his pictures were pretty generally assailed as voluptuous, rather than dignified and graceful, vet the union of epic majesty in the general design, with dramatic spirit in the details, the power of drawing and variety of composition which it displayed, left, on the whole, a more powerful, certainly a far more unmixed impression, of ability on the mind, than the strange blending of excellence, mediocrity, and positive wretchedness, which had been exhibited by the Shakespeare gallery. What artist in Great Britain, at the time, save Fuseli, would have attempted, and with success, such subjects as Death and Sin bridging Chaos, the Vision of the Lazar-house, or the fine conception of Melancholy, in the very title of which, as given in the descriptive catalogue, there is Poetry: 'Melancholy, with the attendant genii of Grief and 'Terror at her feet, and behind her the shadow of Ugolino and 'his Dead Son. The whole dimly illuminated by a moonbeam.' Yet these conceptions, instinct as they were with genius, could not render the exhibition popular. Shakspeare is the poet of all ranks; the theatre has familiarized us with the creatures of his fancy; we see them again on canvass, as old acquaintances, and delight to compare the ideas of the artist with our own; but Milton is the poet of the scholar, and the man of refinement, to many almost unknown, familiar only to very few. appeals too little to ordinary sympathies, and confines himself too exclusively to the elevated and the terrible to be the favourite of the crowd. If Fuseli had been fortunate enough to anticipate Boydell and Macklin in the idea of a series of representations from Shakspeare, the result of the exhibition might have been very different. As it was, 'laudatur et alget' might have been written over the door of his gallery in Pall-Mall. He was praised on all hands, specially patronised by the Royal Academy, but the proceeds of the exhibition did not defray its expenses.

Over the remainder of his life we must hurry rapidly. In 1801, he delivered his first three lectures at the Academy, with very general approbation; his energy and originality being well calculated to attract attention, though their effect was not a little impeded by the defects of his broad German pronunciation. In 1802, he took advantage of the peace of Amiens to visit Paris, and to examine the treasures of art which Bonaparte had carried off from the countries which he had overrun. Fuseli, who had viewed many of these in their original situations, was struck with the inferiority of their effect, when seen by the staring cross lights of the Louvre, and particularly after the process of cleaning, to which they had been subjected by the rude hands of picture-restorers. He made many obser-

vations on the collection, during his stay, of which he afterwards availed himself in his lectures. The recommencement of hostilities soon obliged him to return to England. In 1803, (being now 64 years of age,) he was elected Keeper of the Royal Academy, on which occasion, his old acquaintances, Northcote and Opie, both voted against him. 'But being conscience-stricken,' says Mr Knowles, 'not on account of his abilities, but from having received favours at his hands, they considered it right to call upon him the day after the election, to explain their motives.' After having heard them, (and in their explanation they in some degree blamed each other,) he answered in his usual sarcastic manner: 'I am sorry you have taken this trouble, because I shall lose my character in this neighbourhood. When you entered my house, the one must have been taken for a little Jew creditor, the other for a bum-

' bailiff,—so, good morning.'

To the British Institution, which was opened in 1806, he contributed some pictures, though his displeasure at the conduct of the members who had hesitated to exhibit his great picture of the Lazar-house, determined him never again to exhibit there. His Ugolino, as superior to Sir Joshua's in point of drawing and truth of nature, as the latter excels it in colour and manual dexterity, was finished in 1806, and naturally excited more praise and censure than almost any of his works. The death of Opie, in 1807, and the resignation of Mr Tresham, who had succeeded him in 1810, having left a vacancy in the professorship of painting, Fuseli was unanimously elected to the office, while he was allowed to retain that of Keeper of the Academy; a law of the institution, which prohibits the union of offices in one individual being expressly waved in his favour. From this period, till his death, he continued his active and devoted attention to his art; constantly exhibiting at the Royal Academy, and displaying all the vigour and power of his very earliest days. The last picture exhibited by him in 1825, (Comus,) executed in the winter before his death, at the advanced age of 85, might be taken for one of the best performances in the vigour of life. year 1821, his health, formerly good, had begun to suffer; friends who had long accompanied him on the journey of life, were rapidly disappearing from his side; and these successive strokes occasionally saddened and preyed upon his mind. they dropped off one by one, he would exclaim, 'It is my turn 'next,' and would advise his acquaintances to cultivate the friendship of men younger than themselves, that they might not be left without friends in their old age. He writes to the Countess

of Guildford, long a kind and sympathizing friend,) in 1821,) alluding to his journey back from Brighton,

" Taciti, soli, e senza compagnia,"-

We jogged on, though at a swifter pace than Dante and his guides, sympathizing (one at least) with autumn's deciduous

beauty, and whispering to every leaf the eye caught falling,

'Soon shall I follow thee! Indeed, were it not for those I should

'leave behind, I would not care, if now.'

That moment, however, did not arrive till 1825, during the early part of which he had lectured as usual, though with some abatement of his wonted energy, and had prepared some paintings for the ensuing exhibition. In the beginning of April, he had gone to visit the Countess of Guildford at Putney Hill. While walking on the lawn with the Ladies North in the evening, and looking at the stars, which shone with great brightness, he said, (probably from some feeling of approaching illness), 'I shall 'soon be among them.' Next day he complained of indisposition, which increased so rapidly, that he found it impossible to remove to town, and in six days afterwards he expired; his last moments being soothed by every comfort which the most attentive and unremitting kindness from the family of his noble hostess, or the most anxious sympathy on the part of his other friends, could

impart.

Fuseli had the advantage of making his appearance at a time when English art, though not at its very lowest level, had but partially emerged from the degradation into which it had sunk, when the stimulus which had been imparted to it by Rubens and Vandyke had lost its power. Portrait painting, which, after becoming more and more feeble and affected in the hands successively of Lely, Kneller, and Richardson, and reaching apparently its lowest deep in those of Hudson, had again been raised to comparative splendour by the fine taste and persevering study of Reynolds. Landscape, now the glory of the British school, had sprung up from absolute insignificance into a sudden yet not premature maturity in the classical, Claudelike compositions of Wilson,—the vigorous natural transcripts of Gainsborough, redolent of the woods and glades of Suffolk, which had been his academy,-and the powerful moonlights and sunrises of Wright of Derby. But historical painting, notwithstanding a few respectable specimens from Sir Joshua's pencil, apparently executed rather with a view to show that he was not ignorant of that higher branch of the art, than from any genuine preference or enthusiasm for its grandeur and beauty, remained an almost untrodden field. Much.

undoubtedly, might have been expected from the genius and vigorous execution of Mortimer, had they been regulated by taste, or directed into any better channel than that of a sketchy and superficial dexterity, and a boldness of drawing, in a certain class of subjects, which, when he attempted to transfer it to any other, might have been more justly characterised as impudence. But seduced at first by the wild and dashing ease of Salvator's robber groups, his success in imitating his manner induced him to rest satisfied with this most imperfect and limited model; while his inability to resort to nature as a standard of truth on such subjects, speedily and inevitably led to the most confirmed mannerism. Salvator, living for months among the wilds of the Abruzzi, the very haunts where robbers 'most do congregate,' had no difficulty in correcting his sketches from the life; while, in the more orderly and civilized region of Middlesex, where the intercourse between the artist and the highwayman had not been placed on so familiar a footing, the English painter, obliged to patch up his assassins from imagination and the contents of his painting room, often produces groups which look like mere copies of starveling models, dressed up in fragments of armour, or overhung with the tattered rags and lumber of his pictorial wardrobe. And, at all events, for the quieter, deeper, less popular, but more essential qualities of historical painting, Mortimer had but little feeling, nor has he left behind him any compositions of that class which indicate more than mere ease of outline, and a certain savage grace in the general composition.

A perfect contrast in all respects to Mortimer, was the methodical, correct, well-informed, and clever, but spiritless, West. With a respectable knowledge of all the branches of his art—a good draughtsman, a tolerable colourist—with much skill in the mechanique of composition—as persevering and business-like as the other was wavering and disorderly, we should yet be inclined to rank him, as a man of genius, below his predecessor. A deadly coldness seems to be the characteristic of his compositions; as Dogberry says of the deportment of the Watch, they are all very tolerable, and not to be endured. Breadth of space is vainly resorted to, to give grandeur; numbers are multiplied to give an appearance (for it is nothing more) of variety; for still one air, almost one physiognomy, pervades all his personages, human and divine, as if (as a caustic, but, in this instance, judicious critic observed) a few favourite domestics had been the

saints and demons of his necessities.

What Reynolds, Mortimer, and West wanted, was exactly what Fuseli possessed; a mind in all things aspiring only after the highest excellence, rich, inventive, original, stored with the

loftiest conceptions, though bordering on the overstrained and gigantic. 'I do not wish to build a cottage,' he had written when young in the album of a friend, 'but to erect a pyramid;' and his life was a constant struggle to realize the aspirations of his youth. Considering painting as the material organ by which the mind was to be raised, elevated, and shaken, not as the humbler instrument of delighting and fascinating the eye, grandeur was the foundation on which he reared his style, and to which all other requisites were regarded as subordinate. The province of the supernatural—heaven and hell, angels, demons, the gorgeous scenes of ancient mythology, the grotesque revels of fairy land, the darker orgies of witchcraft and sorcery—every thing, in short, which, by its influence over our secret sympathy with the invisible and spiritual, was calculated powerfully to impress the mind with terror or pity, were the favourite subjects of his pencil. Hence he expatiated with delight among the gloomy creations of Dante, the sublime visions of Milton, the magic phantasmagoria of Shakspeare, in every thing which passes the bounds of the visible diurnal sphere. Ugolino starving and apparently frozen into stone among his dying sons in the Tower of Hunger; Paolo and Francesco of Rimini tossed by the infernal blasts of the second circle; Satan rising from the sea of flame, or spreading his sail-broad vans for flight; Death and Sin bridging chaos; the vision of the Lazar-house; the Deluge; the meeting with the Weird Sisters on the Blasted Heath; Richard starting from the apparitions of his victims; the sweeping Spectre which shook the mind of Dion after the assassination of Heraclides; the ghastly Chase in the Pine Forest of Pisa, immortalized by Boccaccio, Dryden, and Byron; the Nightmare;—those scenes, in short, from which cautious mediocrity retires in terror, were precisely those to which he was attracted, as by a spell.

In the treatment of such subjects, he adhered firmly to the practice of pitching every thing on an ideal scale, somewhat more vast and expanded than that of reality. The principle, that a certain degree of exaggeration was a requisite element in the loftier branches of historical composition, he appeared to have imbibed from the moment he first contemplated the St Michael of the Arsenal at Augsburg; it had been confirmed by his assiduous study of Michael Angelo's Patriarchs, Prophets, and Sibyls in the Sistine Chapel; of the colossal groups in the Last Judgment; and of the celebrated marble statues on Monte Cavallo, which, when at Rome, he used often to contemplate in the evening, relieved against a murky sky, or illuminated by lightning. Questionable as the principle may be,

as one of general application, its truth, in reference to those scenes in which he chiefly dealt, must be admitted by all who have examined his pictures. In depicting beings of an ideal world, and scenes of supernatural terror, exaggeration loses its repulsive effect; the gigantic forms which move or stalk across his hazy and lurid skies, seem the fit inhabitants of the scene, and look only as if their forms were dilated by the magic

atmosphere with which they are surrounded.

His great command of hand, and facility of drawing, which enabled him, even in the minutest details, to do justice to his conceptions,* make the story of his pictures always clear and intelligible when it can be told on canvass; nor does mere facility of hand seduce him to supply deficiencies in invention, by crowding figures without meaning into his pictures, like Bassan, Paolo Veronese, and Pietro da Cortona, merely to afford scope for ornamental painting, the display of masses, or of brilliant combinations of colour. To tell the story distinctly and forcibly is with him the primary, almost the sole requisite; and his strong judgment enabled him in general to perceive, with almost intuitive accuracy, what was the precise and most significant moment of action to choose, and when all circumstances would best combine to raise to its height the particular emotion which it was his object to create. This tact equally pervaded his own practice, and his judgments on that of others. Speaking, for instance, of Northcote's well-known picture of Hubert and Arthur, in which the young prince is represented kneeling at Hubert's feet, while the latter stands with his hand pressed on his brow, evidently irresolute, and on the point of yielding to compassion, he observed, 'Northcote has chosen the wrong 6 moment, for whoever looks at that hesitating Hubert, must see ' that the boy is safe, the danger past, and the interest gone. 6 He should have chosen the moment when Hubert stamps with 'his foot, and cries "Come forth-do as I bid you;" and two ' ruffians should have appeared rushing in with red-hot irons. Then the scene would have been such as it ought to be-'terrible.'

^{*} Fuseli had a great contempt for the practice of disguising the extremities of figures—a practice too common among artists more familiar with colouring than with drawing. Speaking of a historical picture of which some one at table was expressing his admiration, he observed, that he wondered how any one could talk of a man as a painter, who had crammed fifteen figures, besides a horse, into his canvass, and had given only three legs among them.

It must be admitted, however, that in many of his pictures there is a distortion and wildness in the attitudes, which is less defensible than his mere exaggeration of form. Size may give grandeur; but violence of action, in scenes such as those with which his pencil was chiefly conversant, uniformly destroys that impression;—calmness, simplicity, severity of gesture, are their natural accompaniments. Legs and arms, which not only go sprawling off into infinitude, but are twisted into monstrous convolutions, or jerked out in the most abrupt and singular angles, and trunks bent into attitudes which rather resemble the caricatures of Spranger and Golzius, than the 'terribil via' of Buonarroti, become doubly repulsive amidst the solemnity of the scenes in which they occur. A spirit in a bustle, an angel in an attitude, a demon who manifests the smallest anxiety about his person, are incongruities which the mind cannot pardon; and instances of such errors, it cannot be denied, may be produced from his illustrations both of Milton and Shakspeare. It would be most unjust, however, to set this down as an invariable characteristic of Fuseli's compositions; his best pictures are free of it; and that he could occasionally produce the most impressive poetical effects by the simplest means, his picture of the Ghost scene in Hamlet abundantly proves. Itis as superior to Retsch's outline on the same subject, as Retsch's illustrations generally are to the average run of the pictures in Boydell's gallery. The figure of the Ghost-colossal, shadowy, yet instinct, as it were, with an inward and phosphoric gleam; the beard, 'sable-sil-' vered,' which streams on the night air, like that of Michael Angelo's Moses; his stalk—strange, uncouth, ghostlike, bordering on extravagance, but not impinging on it—is finely contrasted with the violent, but natural, action of Hamlet, as he struggles to follow the armed form which waves him on towards the walls. The dark sky above, here and there broken up by a faint shadow of uncertain light' from the severing clouds. which mingles with the supernatural and misty halo that emanates from the figure of the king; the neighbouring sea, which is seen breaking and boiling behind the platform-all concur to give a most overpowering effect to this picture. Scarcely less striking is the scene on the blasted heath, where the withered hags, all with arms extended in one straight line, and with the same grinning ferocity, are pointing with their skinny and unmoving fingers at Macbeth; or the scene before the cell of Prospero, where Caliban, a conception of extraordinary power, with his arm convulsively extended, and his eyes gleaming with mingled hatred and terror, is writhing in anticipation of the rheums and aches with which Prospero is threatening him. It is the perfect simplicity, as well as originality of these compositions, which gives them so powerful a hold on the mind; it is the want of this quality, which in some even of the best of the Milton gallery impairs their general effect. Connected with this occasional distortion of attitude, is the undue prominence of anatomical display in his forms, which, like those of the Tuscan artist, are too indiscriminately swelled out into cord-like ridges, or deepened into furrows; while, from the slight attention which he paid to drawing from the living model, his anatomy, when he has occasion to place his figures in attitudes with which he had not familiarized himself, either in the antique statues, or in the works of his Italian prototype, is not always strictly correct.

Though he carried the terrible to its utmost limits, the purity of his taste prevents his deviating into the field of the horrible and disgusting—an error from which even Raphael and Poussin, and still more, many of the other Italian masters, are far from exempt. The atrocities which deform Raphael's-picture of the martyrdom of St Feliciatas, and the loathsomeness of the Morbetto, in which, instead of the moral effects of the plague, he has merely rendered palpable, as it were, the effluvia of putrefaction—the similar mistake of Poussin, in his plague of the Philistines—the martyrdoms and scenes of torture in which Domenichino and others too often indulge—he views with disgust. Even in his Lazar-house, where he necessarily treads on the

very verge of the revolting, among

'Numbers of all diseased; all maladies, Demoniac frenzy, moping melancholy, And moon-struck madness, pining atrophy, Marasmus, and wide-wasting pestilence,'—

he evades with such dexterity the dangerous or disgusting features of the scene, by exhibiting, not the loathsomeness of the hospital, but the loftier aspects of pain, madness, and mental agony, while obscurity rests on those distant recesses in which the more revolting forms of disease may be supposed to be concealed, that we confess we participate the surprise of the artist himself, when the British Institution at first hesitated to admit it into their exhibition, on the ground of the hideous nature of the scene which it portrayed.

It was not indeed likely that such an objection could be applied with justice to the works of one, who, in his own rough way, lays it down as one of his aphorisms—'When Spenser dragged into 'light the entrails of the serpent slain by the Red Cross Knight,' he dreamt a butcher's dream, and not a poet's; and Fletcher, or

'his partner, when rummaging the surgeon's box of cataplasms 'and trusses to assuage hunger,* solicited only the grunt of an 'applauding sty.' The acuteness of his views—the soundness of his taste—and, at the same time, the clearness of his descriptions on the subject of expression—its true field, its legitimate means and limits, are well displayed in a passage of his lectures, where he compares the different modes in which the subject of Samson and Delilah has been treated by three artists, the most dissimilar in taste and manner—Julio Romano, Vandyke, and Rembrandt.

'The gradations of expression within, close to, and beyond its limits, cannot perhaps be elucidated with greater perspicuity than by comparison; and the different moments which Julio Romano, Vandyke, and Rembrandt, have selected to represent the subject of Samson betrayed by Delilah, offers one of the fairest specimens furnished by art. Considering it as a drama, we may say that Julio forms the plot, Vandyke unravels it, and Rembrandt shows the extreme of the

catastrophe.

'In the composition of Julio, Samson, satiated with pleasure, plunged into sleep, and stretched on the ground, rests his head and presses with his arm the thigh of Delilah on one side, whilst on the other a nimble minion busily, but with timorous caution, fingers and clips his locks; such is his fear, that, to be firm, he rests one knee on a footstool, tremblingly watching the sleeper, and ready to escape at his least motion. Delilah, seated between both, fixed by the weight of Samson, warily turns her head toward a troop of warriors in the background; with the left arm stretched out she beckons their leader, with the finger of the right hand she presses her lip to enjoin silence and noiseless approach. The Herculean make, and lion port of Samson, his perturbed, though ponderous sleep, the quivering agility of the curled favourite employed, the harlot graces and meretricious elegance contrasted by equal firmness and sense of danger in Delilah, the attitude and look of the grim veteran who heads the ambush, whilst they give us the clue to all that followed, keep us in anxious suspense, we palpitate in breathless expectation: this is the plot.

'The terrors which Julio made us forebode, Vandyke summons to our eyes. The mysterious lock is cut; the dreaded victim is roused from the lap of the harlot-priestess. Starting unconscious of his departed power, he attempts to spring forward, and with one effort of his mighty breast and expanded arms, to dash his foes to the ground, and fling the alarmed traitress from him—in vain; shorn of his strength, he is borne down by the weight of the mailed chief that throws himself upon him, and overpowered by a throng of infuriate satellites. But though overpowered, less aghast than indignant, his eye flashes reproach on the perfidious female, whose wheelling

caresses drew the fatal secret from his breast; the plot is unfolded, and what succeeds, too horrible for the sense, is left to fancy to brood

upon, or drop it.

' This moment of horror the gigantic but barbarous genius of Rembrandt chose, and, without a metaphor, executed a subject, which humanity, judgment, and taste taught his rivals only to treat; he displays a scene which no eye but that of Domitian or Nero could wish or bear to see. Samson, stretched on the ground, is held by one Philistine under him, whilst another chains his right arm, and a third, clenching his beard with one, drives a dagger into his eye with the other hand. The pain that blasts him, darts expression from the contortions of the mouth and his gnashing teeth, to the crampy convulsions of the leg dashed high into the air. Some fiend-like features glare through the gloomy light which discovers Delilah, her work now done, sliding off, the shears in her left, the locks of Samson in her right hand. If her figure, elegant, attractive, such as Rembrandt never conceived before or after, deserve our wonder rather than our praise, no words can do justice to the expression that animates her face, and shows her less shrinking from the horrid scene than exulting in being its cause. Such is the work whose magic of colour, tone, and chiaroscuro irresistibly entrap the eye, whilst we detest the brutal choice of the moment.

With all his bias towards the elevated and the terrible, Fuseli had a strong conception of the ludicrous, and frequently excelled nearly as much in the playful as the solemn; it was only the field of ordinary life from which he felt himself excluded, or from which he voluntarily withdrew. In caricature, he excelled from his earliest years; while the grotesque humour of his fairy scenes,—a humour not arising, like the grotesque diablerie of Teniers, from mere monstrosity, but from the real exhibition of character-the endless variety of the pranks and gambols of Peaseblossom, Cobweb, and the other small infantry of the Midsummer-Night's Dream—the intensely comic expression which he has infused into some of their countenances—the appropriate air and employment which he has assigned to each, evince his mastery over the gayer, as well as the more gloomy, regions of the imagination. His Puck, however, we think an extravagance; the lubber-fiend has nothing of the sly humour of Robin Goodfellow about him; while, in his picture of Falstaff and Doll Tearsheet, the humour is lost in the vulgarity of the scene.

As a colourist, in the strict sense of the word, his claims to distinction are but slight. More conversant from the first with form and composition, and confirmed in his preference by the too exclusive study of Michael Angelo at Rome, though he felt the magic of the Venetian school of colouring, he did not attempt

to master the principles on which it was based, or to make them his own, as he had done the vigorous drawing and daring inventions of Buonarroti. He was contented in his own practice if he could attain a subdued tone more analogous to fresco than to oil painting; such as, without attracting admiration, or even attention, should harmonize with that solemn breadth of light and shadow, on which he chiefly relied for the effect of his compositions. In this department he was undoubtedly a great master; though he neither attempts to emulate the alternations of dazzling light, and almost infernal gloom of Rembrandt, nor the subtile and melting gradations of Correggio, his unity of tone, the vague and mystic chiaroscuro in which he wraps his pictures, entitle him to a very high rank in British art. Hence we know no artist whose pictures, to use the technical word, engrave better than Fuseli's. Could he have added a little more of clearness to his tones, the effect of his pictures would have closely resembled the sober and veiled splendour, the air of devotional and monastic meditation, which seems breathed over, rather than mechanically imparted to, the better pictures of Ludovico Caracci in the cloisters of San Michele, in Bosco, the labours at the hermitage, the homage of Totila, the nocturnal conflagration of Monte Cassino, or the exquisite St John preaching in the chapel of the Certosa, whose lights seem 'embrowned by a golden veil, and by the shadowy gleam of Vallombrosa. Even in the department of colouring, strictly so called, he is occasionally successful. The back of the female figure (Sin) in the bridging of Chaos, the Child in the Lapland Witches, and the figure of Sin in the picture of Sin pursued by Death, are instanced by Mr Knowles as proofs. But these are accidental effects, rather than the result of any system or prin-All men who paint much must occasionally stumble on a happy combination of colour; but Fuseli must have felt, that, however anxious he might be to repeat the same effect, he could have no assurance that he would be able to do so. was, in truth, utterly regardless of the mechanique of oil-painting, not only as regarded the selection of particular colours, but their use, a consequence probably of his not having attempted oil till he was twenty-five years of age. To set a palette, as artists usually do, was an operation he never thought of; his tints were dashed down over it 'in most admired disorder;' some he used in a dry powdered state, rubbing them up merely with his pencil, either with oil, which he used largely, or with the addition of a little turpentine or gold size, regardless of the quantity of either, or their general smoothness, when laid on, and depending rather on accident for the effect they might produce, than on any nice distinction of tints in the admixture or

application of his materials.

We have said, that, however little the fact might be obvious from the examination of his own compositions, Fuseli had the liveliest feeling of the beauty and importance of colour: And fortunate it was for him that this was the case; for, otherwise, the result of his primitive, and altogether chaotic manner of working, where all the mechanical aids to harmony were utterly neglected, must have been the most intolerable and offensive crudity. But the correctness of his eye, and of his feeling of colour, though it could not direct him to the mechanical means by which the finest and purest tints and effects might be produced, generally enabled him, with sufficient accuracy, to detect any harsh or discordant effects which resulted from his empirical process; and, by the introduction of balancing or corrective tints, or the deepening of his shadows, to neutralize most of what was revolting to the eye. Yet the necessary imperfections of a manner so uncertain and accidental, the vexation which he must frequently have experienced when some of his best conceptions were marred or shorn of their beams by his imperfect command of the mechanical resources of his art, seem to have deeply convinced him of the value of this department, and of the necessity of impressing strongly its importance on the students of the Academy. It is, indeed, somewhat singular to see Reynolds himself, the greatest colourist of his time, inculcating an almost exclusive attention to design, and deprecating his own peculiar excellence; and Fuseli, on the other hand, whose strength lay chiefly in drawing and composition, scarcely less anxious to elevate the department in which he felt his deficiency. He courted colour, to use his own expression, 'as a lover courts 'a disdainful mistress;' but he did not, in consequence of her coldness, turn round and revile the object of his attentions. On the contrary, all his observations on the subject are written almost with a feeling of enthusiasm. Titian is thus characterised:—

'Tiziano laboured first to make fac-similes of the stuffs he copied, before he changed them into drapery, and gave them local value and a place. He learnt first to distinguish tint from tint, and give the skeleton of colour, before he emboldened himself to take the greatest quantity of colour in an object for the whole; to paint flesh which abounded in demi-tints, entirely in demi-tints, and to deprive of all, that which had but a few. It was in the school of Deception he learnt the difference of diaphanous and opaque, of firm and juicy colour; that this refracts, and that absorbs the light, and hence their place; those that cut and come forward first, and those which more or less partake of the surrounding medium in various degrees of distance. It

was here he learnt the contrast of the tints, of what is called warm and cold, and by their balance, diffusion, echo, to poise a whole. His eye, as musical, if I may be allowed the metaphor, as his ear, abstracted here, that colour acts, affects, delights, like sound; that stern and deep-toned tints rouse, determine, invigorate the eye, as warlike sound, or a deep bass, the ear; and that bland, rosy, grey, and ver-

nal tints soothe, charm, and melt like a sweet melody.

'Such were the principles whose gradual evolution produced that coloured imitation which, far beyond the fascination of Giorgione, irresistibly entranced every eye that approached the magic of Tiziano To no colourist before or after him, did Nature unveil herself with that dignified familiarity in which she appeared to Tiziano. His organ, universal and equally fit for all her exhibitions, rendered her simplest to her most compound appearances, with equal purity and truth. He penetrated the essence and the general principle of the substances before him, and on these established his theory of colour. He invented that breadth of local tint which no imitation has attained, and first expressed the negative nature of shade; his are the charms of glazing, and the mystery of reflexes, by which he detached, rounded, corrected, or enriched his objects. His harmony is less indebted to the force of light and shade, or the artifices of contrast, than to a due balance of colour equally remote from monotony and spots. His tone springs out of his subject, solemn, grave, gay, minacions, or soothing; his eye tinged Nature with gold without impairing her freshness; she dictated his scenery. Landscape, whether it be considered as the transcript of a spot, or the rich combination of congenial objects, or as the scene of a phenomenon, as subject and as background, dates its origin from him. He is the father of portraitpainting, of resemblance with form, character with dignity, and costume with subordination.'

The principles of Titian are next contrasted with those of his favourite Michael Angelo, and of Raphael, in the following passage, which we think admirable for its discrimination and truth:—

'The tones fit for poetic painting are like its styles of design, generic or characteristic. The former is called negative, or composed of little more than chiaroscuro; the second admits, though not ambitiously, a greater variety and subdivision of tint. The first is the tone of M. Agnolo, the second that of Raffaello. The sovereign instrument of both is undoubtedly the simple, broad, pure, fresh, and limpid vehicle of Fresco. Fresco, which does not admit of that refined variety of tints that are the privilege of oil painting, and from the rapidity with which the earths, its chief materials, are absorbed, requires nearly immediate termination, is, for those very reasons, the immediate minister, and the aptest vehicle of a great design. Its element is purity and breadth of tint. In no other style of painting could the generic forms of M. Agnolo have been divided, like night and day, into that breadth of light and shade which stamps their character. The silver purity of Correggio, is the offspring of Fresco; his oil paintings are faint and tainted emanations of the freshness and "lim-

pidezza" in his Frescoes. Oil, which rounds and conglutinates, spreads less than the sheety medium of Fresco, and, if stretched into breadth beyond its natural tone, as the spirits which are used to extenuate its glue escape, returns upon itself, and, oftener forms surfaces of dough, or wood, or crust, than fleshy fibre. Oil impeded the breadth even of the elemental colours of Tiziano, in the Salute. The minute process inseparable from oil, is the reason why M. Agnolo declared oil painting to be a woman's method, or of idle men. The master of the colour we see in the Sistina, could have no other; for though colour be the least considerable of that constellation of powers that blaze in its compartments, it is not the last, or least accomplishment of the work. The flesh of the academic figures on the frames of the ceiling, is a flesh even now superior to all the flesh of Annibale Carracci, in the Farnese, generally pale, though not cold, and never bricky, though sometimes sanguine. The Jeremiah among the Prophets, glows with the glow of Tiziano, but in a breadth unknown to Giorgione, and to him. The Eve under the Tree has the bland pearly harmony of Correggio; and some of the bodies in air on the lower part of the Last Judgment, less impaired by time or accident than the rest, for juice and warmth may still defy all competition. His colour sometimes even borders on characteristic variety, as in the composition of the Brazen Serpent. That a man who mastered his materials with such power, did reject the certain impediments and the precarious and inferior beauties of oil, which Sebastian del Piombo proposed for the execution of the Last Judgment, and who punished him for the proposal with his disdain for life, cannot be wondered at. If I have mentioned particular beauties of colour, it was more for others, than to express what strikes me most. The parts, in the process of every man's work, are always marked with more or less felicity; and, great as the beauties of those which I distinguished are, they would not be beauties in my eye, if obtained by a principle discordant from the rest.

'The object of my admiration in M. Agnolo's colour, is the tone, that comprehensive union of tint and hue spread over the whole, which seems less the effect of successive labour than a sudden and instantaneous exhalation, one principle of light, local colour, demi-tint, and shade. Even the colours of the draperies, though perhaps too distinct, and oftener gayer than the gravity of their wearers or the subject allowed, are absorbed by the general tone, and appear so only

on repeated inspection or separation from the rest.

'Raffaello did not come to his great work with the finished system, the absolute power over the materials, and the conscious authority of M. Agnolo. Though the august plan which his mind had conceived, admitted of lyric and allegoric ornament, it was, upon the whole, a drama, and characteristic: he could not therefore apply to its mass the generic colour of the Sistina. Hence we see him struggling at the onset between the elements of that tone which the delineation of subdivided character and passions demanded, and the long imbibed habits and shackles of his master. But one great picture decided the struggle. This is evident from the difference of the upper and lower part of the Dispute on the Sacrament. The upper is the

summit of Pietro Perugino's style, dignified and enlarged; the lower is his own. Every feature, limb, motion, the draperies, the lights and shades of the lower part, are toned and varied by character. florid bloom of youth tinged with the glow of eagerness and impatience to be admitted; the sterner and more vigorous tint of long initiated and authoritative manhood; the inflamed suffusion of disputative zeal; the sickly hue of cloistered meditation; the brown and sun-tinged hermit, and the pale decrepit elder, contrast each other; but contrasted as they are, their whole action and colour remain subordinate to the general hue diffused by the serene solemnity of the surrounding medium, which is itself tinctured by the effulgence from above. A sufficient balance of light and shade maintains the whole, though more attention be paid to individual discrimination than masses. In the economy of the detail we find the lights no longer so white, the local colour no longer so crude, the passages to the demi-tints not so much spotted with red, nor the demi-tints themselves of so green a cast as in the four Symbolic Pictures on golden grounds of the ceiling.

'It appears to me upon the whole, that for a general characteristic tone, Raffaello has never exceeded the purity of this picture. If in the School of Athens he has excelled it in individual tints, in tints that rival less than challenge the glow and juice of Titian, they are scattered more in fragments than in masses, and at the expense or with neglect of general unison, if we except the central and connecting figure of Epictetus. The predominance of tender flesh, and white or tinted drapery on the foreground, whilst the more distant groups are embrowned by masculine tints and draperies of deeper hue, prove, that if Raffaello could command individual colour, he had not pene-

trated its general principle.

'The Parnassus in the same room has a ruling tone, but not the tone of a poetic fancy. Aërial freshness was his aim, and he is only frigid. Its principal actors are ideals of divine nature, and ought to move in a celestial medium, and Raffaello had no more an adequate colour than adequate forms for either. But whatever is characteristic, from the sublimity of Homer to the submissive affable courtesy of Horace, and the directing finger of Pindar, is inimitable and in tune.

'The ultimate powers of Raffaello, and, as far as I can judge, of Fresco, appear to me collected in the astonishing picture of the Heliodorus. This is not the place to dwell on the loftiness of conception, the mighty style of design, the refined and appropriate choice of character, the terror, fears, hopes, palpitation of expression, and the far more than Corregiesque graces of female forms; the Colour only, considered as a whole or in subordination, is our object. Though by the choice of the composition the background, which is the sanctuary of the temple, embrowned with gold, diffuses a warmer gleam than the scenery of the foreground, its open area, yet by the dexterous management of opposing to its glazed cast a mass of vigorous and cruder flesh tints, a fiercer ebullition of impassioned hues,—the flash of steel and iron armour, and draperies of indigo, deep black, and glowing crimson, the foreground maintains its place, and all is harmony.

'Manifold as the subdivisions of character are, angelic, devout, authoritative, violent, brutal, vigorous, helpless, delicate; and various as the tints of the passions that sway them appear, elevated, warmed, inflamed, depressed, appalled, aghast, they are all united by the general tone that diffuses itself from the interior repose of the sanctuary, smoothens the whirlwind that fluctuates on the foreground, and gives

an air of temperance to the whole.'

We have little to say as to Fuseli's claims as a man of literature and a scholar, on which, we are inclined to think, Mr Knowles has said more than enough. He was well acquainted with Latin and Greek, as his elaborate criticisms on Cowper's Iliad prove; but, tormented with the wish to dazzle and overpower, he often tasked his learning in conversation beyond its real depth,—and while he awed the timid into silence, incurred the scorn of the better informed. Horne Tooke, it is said, delighted extremely to mistify him in such discussions. Exuberant and ingenious on most subjects, but in few profound or correct, he was constantly endeavouring to shine by argument, or where that failed, by assertion, sarcasm, and rudeness. The specimens of his conversational powers, and his talent for repartee, which are quoted by Mr Knowles, only satisfy us that neither the artist nor the biographer seem to have any clear perception of the boundaries which separate impudence from wit, or audacious dogmatism from dialectic power. When Fuseli had the insolence to tell Northcote, whose powers as a painter of animals are well known, in allusion to his picture of Balaam and his ass, that he was an angel at an ass, but an ass at an angel, the wit was of that kind, which may be attained by any one who can reconcile his mind to the easy sacrifice of good taste, good feeling, and the decencies of society.

But in his criticisms on works of art, where he had studied and thought profoundly; -where, instead of the paltry aim of astonishing the company by the boldness of his paradoxes, or the personality of his sarcasm, he proposed to himself the worthier aim of refining the taste, and directing the energies of his hearers,—he goes to work in another and better spirit. lectures, it is true, are far from complete; nor, in the circumstances under which they were produced, was that to be expected. They are less methodical than those of Reynolds—less full and practical, perhaps, than those of the arrogant and conceited Barry, who, with an utter incapacity of execution, has, in his lectures, frequently displayed no ordinary degree of theoretical acuteness and discriminating criticism; but they are eminently calculated to arrest attention; there is nothing in them hackneyed, feeble, or commonplace; full, even to overflowing, with his subject, he pours out his ideas with too little regard to sequence or arrangement, but so energetically, so graphically, and often with

such strong and common-sense views of the subject, that we know none more likely to awaken the faculties of the youthful student, and to lead him, which is the most important lesson to be acquired from any lectures, to think, to meditate, and to decide for himself. The style, undoubtedly, as may have been seen from some of our quotations, is not always English; for Fuseli stood in this peculiar predicament, that though he wrote German, French, English, and Italian, with nearly equal facility, he could scarcely claim any of them as his own language; * but even in its singular combinations, and daring expressions, the language employed by Fuseli has a certain picturesque, rugged, and original character, which fully compensates for its want of pliancy or idiomatic freedom. His clearness and decision, too, is not the mere clearness arising from superficial acquaintance with the subject, which seizes on some individual specimen, and, shutting its eyes to all anomalies, thereon establishes a theory; but that of one who, having examined his subject on all sides, and accurately ascertained what are the exceptions and limitations to which his views may be subjected, states the final result with the certainty and confidence which arises from a deliberate conviction. Considering the decided nature of his character, and the peculiarities in some respects of his practice, it is wonderful, on the whole, how little disposition to paradox or affected originality they exhibit. With the exception of Michael Angelo, he scarcely avows a decided predilection for any artist, but for all a catholic spirit of admiration in every thing which deserves it. In short, we may say of him, that, as a man, with some great errors in manner, though few in heart; some most brilliant and original qualities as an artist, with one or two striking and almost irremediable defects; with force, energy, and graphic ability as a writer, though sometimes deformed by affectation and turgidity,-Fuseli was in all respects estimable, as an artist, even eminent. Without echoing the unmeaning complaints against the indifference of the public to historical painting, we are satisfied that the example of such a man, devoting himself through a long life to the highest branch of the art, affords a useful and an honourable example and model, at a time when professional ability is too often contented to follow, instead of leading the public taste, and to prefer the immediate results which arise from the exercise of mechanical talent, to the consciousness of having cultivated to the utmost, and employed to their best ability and judgment, the genius which nature has given them.

^{*} The German spoken at his birth-place, Zurich, is a patois.

Arr. IX.—Traitè de Droit Penal. Par M. P. Rossi, Professeur de Droit Romain à l'Academie de Genêve. 3 Tom. 8vo. Paris: 1829.

LORD KAMES, in his Historical Law Tracts, observes that criminal law is universally of much later growth than civil. Blackstone, in one of the few censorial passages admitted into his Commentaries, allows that, up to the period at which he wrote, it continued in every country of Europe to be more rude and imperfect. The humanity of the fifty years which have since elapsed, has not materially changed these proportions. reference to the glance which, in the volumes now before us, the learned Professor of Geneva throws over the criminal legislation of the principal states of Europe, will afford too conclusive evidence of this painful and discreditable fact. instances, the government is evidently and violently keeping back the penal code in arrear of the spirit and intelligence of the people. In others, the people seem no wiser than their rulers. His acquaintance with the comparative state of public opinion on this point in different nations, enabled M. Rossi to prophesy, that the next considerable step in the improvement of criminal law which was to be made in Europe, would be made by France. This prediction has been quickly verified; for among the earliest and most wholesome results of the 'three days,' we hail the fact, that the present popular administration of that country has already once more thrown this important subject into the cruci-

It will scarcely be thought uncharitable to attribute to Napoleon the errors of a penal code drawn up under his immediate auspices, in contradiction to the feelings of those whose conduct it was to rule. He brought from the cabinet and the field of battle too bad an opinion of human nature to give himself much trouble about, or to be really qualified for, this task. It is one towards the due performance of which a sympathy with, is at least as necessary as a knowledge of, mankind. America, as far as we are aware, one vigorous and independent effort only has been made. We mean the Code of Louisiana. The reluctance with which the higher and legislating class undertakes any enquiry into, or innovation upon, this point, cannot be more strongly exemplified than in the little attention which, amid the variety and extent of her manufacture of law, America has paid to this gaoler-department of the science. Such tardiness may be in a good measure accounted for by a traditional presumption in favour of the English system, as it was originally transplanted across the Atlantic; and by the authority of such a precedent as that of Jefferson and his colleagues, who seem to have acted on the assumption, that a little simplification and consolidation was all which that system could possibly require. A freer spirit of criticism than professional lawyers are usually inclined to exercise on these venerable materials, and a comparison of our books of practice with the more general principles of a philosophical jurisprudence, as cultivated on the continent of Europe, would show that a sort of amended Index, for the greater convenience of practitioners, was not the only alteration

which might be successfully introduced.

If the French did not accomplish all that they could and ought to have accomplished in the former reformation of their criminal law, the substitution of the will and intelligence of one man for the will and intelligence of the nation, appears to have been mainly responsible for this error. The corresponding deficiencies of America can scarcely be referred to any cause but to a want of sufficient national zeal, and of sufficiently extensive information. The contemporary ignorance and indifference manifested by the great body of the English people, (in which they have been encouraged by the Cleon of our periodical literature, under the popular sophism that he feels no sympathy for felons,) entitles them to no higher complaint against their government, than that it has taken good care not to disturb this darkness. The criminal law has been in the meantime left with the qualities rather of a snare for our feet, than of a guide and lantern. M. Rossi only repeats the opinion, prevalent among all foreigners who have observed upon our national character, when he states that we are more fitted for practice and affairs, than for philosophical investigations. The lawyers of England, like those of Rome, whose system was developed in the same manner as our own, (by a slow national creation,) are said to show less talent for the invention of general theories, than in the application of their peculiar principles. If we get a book upon the theory of Jurisprudence, (we have but Mr Bentham's,) not one person in a hundred can be induced to read it. Unprofessional people have long abandoned, in all its parts, the intractable matter of the legal rule of civil conduct in despair. There is as little temptation for professional students. To be supposed to have any taste or knowledge of this sort, would be about as bad a reputation as a lawyer could desire, whose object was, (that with which alone such a system as the English can be ever really studied,) the making of money by his profession. The censure passed upon our books of law by M. Rossi as being meagre, and amounting to little more than books of practice, as also the general reproach that our penal code is not marching abreast with our present civilisation, are better founded than the particular objection that ancient individual privileges are still actually in force. The main defect of our law, both civil and criminal, is, its extreme technicality and irregularity. Whilst it is the boast of conveyancers that the law of real property is as artificial as a Sanscrit grammar, the existence of such a textbook as Coke upon Littleton, for instance, in the nineteenth century, is a national disgrace. The people can know nothing of the law but by the result. Now that their attention is beginning to be drawn to it, how little satisfactory in this view of it is the penal code, the petitions which have lately appeared against it are convincing proofs. The first House of Commons summoned under the Reform Bill, will show what proportion of our previous inertness is to be put down to the present constitution of the British Parliament, under M. Rossi's description of 'a compact and invariable mass, through which 'a new idea takes a century in working.' At all events, there is progress enough making to move Sir Robert Peel from the silly pedestal which flattery and imbecility subscribed to raise for him, and which he was weak enough to mount as the great law reformer of his age. The truth is, he had got just as much in advance of Lord Eldon on the necessity of a reform in the law, as it appears he is at present in advance of the Duke of Wellington on the necessity of a reform in Parliament. In both cases, it is alike clear that we have seen the last of Bassetlawing; that is, of voting against great towns and great principles, but having no objection to keeping up the appearance of candour by letting in the small ones. The little* which has been done

^{*} M. Rossi observes that the whip resounds throughout Sir Robert Peel's acts as in a sugar plantation. 'On la retrouve si souvent 'qu'en lisant ces statuts on croit presque approcher d'une plantation 'de sucre: on entend claquer les fouets.' He considers flagellation as a punishment essentially immoral; and that exemplariness is almost the only merit which it possesses. The difficulty of secondary punishments is much increased by observing that there is not a form of punishment which is not liable to some objections, whilst the force of real objections has been so exaggerated, that, had every writer on the subject leave to strike out of this list a punishment apiece, society would run the risk of not having a single punishment left at its command. The 7 and 8 Geo. IV. c. 30, s. 2, contains a clause, concerning the demerit of which there can be less difference of opinion. There is scarcely a possible species of building which that statute does not make it a capital felony to set fire to, provided the act be done with

under his official superintendence, has, however, the merit of having been done well. The direction, method, and execution, are all good. This little consists of the consolidation of some of the principal chapters of our criminal statutory law, carefully collated and judiciously compressed by Mr Gregson. A much more delicate and important labour is behind, in the revisal of our common law, and its hundred anomalies. But, instead of a real survey of the whole system, an examination of its several principles, an analysis, comparison, and arrangement of its several parts, this partial redaction has, up to 1831, answered the idea of perfect criminal legislation on the part of English statesmen, and almost of the English public.

intent to injure or defraud any person. But a bigoted and most anomalous exception withdraws the protection from dissenting chapels, wherever they may happen to be not 'duly registered or recorded.' The policy, as well as morality, of the rule by which a party, wherever the subject-matter of a wrong is tainted with illegality, loses his civil remedy even against a mere wrong-doer, has been and is seriously questioned. But that in such a case society also should lose its remedy for one of the most alarming of all possible outrages on the public safety, is a gratuitous and most mischievous refinement. The injustice of this is aggravated by comparing the original offence with that which it thus covers with impunity. The law has a right to make its own conditions, and in case they are not complied with, to enforce a penalty on the omission, besides depriving the party of the civil privileges, to which, by a compliance with the conditions, he would have become entitled, The omission may be punished; but it is the law which ought to keep the punishment in its own hands, and not transfer it to an incendiary. A government has no right to disorganize society, by offering the encouragement of impunity to a Sacheverell and his mob, or to any malignant ruffian in the parish, who may be wicked enough to act on the permission or excitement of so scandalous an exception. A thief who was to clear Carlisle's shop-window, could not, when indicted for the larceny, plead the tendency of the writings. A purist who should set fire to a brothel, could not save his neck by proving, through its degraded and captive priestesses, the worship to which the premises were dedicated. But a scoundrel who applies the torch of fanaticism or of malice to a chapel, whose minister has accidentally (there can be no other assignable cause in our times) omitted to register it, is entitled to plead this new sort of 'benefit of clergy' in his behalf. The omission to register a schismatical conventicle, is an offence of that atrocity, that Sir Robert Peel cannot wait for the ordinary course of justice. The terms on which its warfare against murderers and high. waymen is carried on, the commercia belli of criminal law, within which even nominal outlaws are included, must be superseded. Every one may take out for himself, upon the spot, immediate and personal

M. Rossi is no friend to wholesale codification. At the same time, he considers the criminal law to be a division in which codification, proceeding piecemeal by successive statutes, might, where it was required, be easily and advantageously pursued. However, the only instances in which it is surmised that this will ever actually take place, are those where either there happens to be no criminal law at all, or where it is thoroughly and irremediably bad. England is placed by him under the latter of these predicaments, in honourable companionship with Piedmont and part of Switzerland. Therefore, with whatever truth the co-operation of a popular assembly and of a jury may be stated to be indispensable conditions to a sound state of this branch of the law in any country, according to this supposition, these two institutions may exist without producing so desirable a result. The successful division on the Forgery Bill, where Sir Robert Peel displayed so much peevish zeal for the continuance of a capital felony on the statute-book, after it had become clear that public opinion, whether wisely or unwisely, had, at all events, made it impossible to enforce it, was the first hint given by the House of Commons, that an enlarged view of its duties on this subject, might comprise something more than simple registration of the edicts of the Home Office. But Parliament must look farther than the people have yet had the means of looking. It cannot stop with feeling here and there a scruple at the extreme severity of the specific punishment for this or that offence, or with an exclamation of disgust at the folly and inequality of a system which, on a clerical error in an indictment, from time to time turns loose a murderer on society.

An attempt to collect materials for forming a comprehensive estimate of the different points contained in the public duty of a legislature on this solemn and intricate question, will be a

vengeance for so irreparable and unpardonable a wrong. A disgrace-ful and demoralizing alliance with Swing himself, is a less evil than that of an unregistered and unrecorded meeting-house amenable only to the law. Before a chapel, under c. 29, s. 10, can acquire the marginal protection of 'sacrilege,' so that it will be a capital felony to break, and enter, and steal thereout any chattel, must it be one similarly consecrated by registration? Protestant zeal is here again extravagant. Roman Catholic legislation confined the notion of sacrilege to 'vessels consecrated to religious uses.' See the point in Matthæus de Criminibus, as to whether it be sacrilege to steal the parish bell. It is but a word, to be sure, in this case; but why give delusion, and mystification, and bigotry, the benefit even of a word?

matter at first of some embarrassment and surprise. The experiments carried on over extensive periods and regions are within our reach; and an application of something like the comparative anatomy of legislation, may be expected to arise in a science of which the subjects are property, liberty, and life. Such numerous and important variances will be found to exist in the different laws of different countries, as must demand a patient consideration, in order to warrant a choice between them. What is the ordinary course and everyday practice of one place, is looked upon as the height of injustice in another. Acts which the law of one country undertakes to repress with exemplary severity, are allowed to be committed by its next door neighbour with complete impunity. A still more extravagant, and apparently wanton inconsistency, obtains in the nature and degree of punishments inflicted for offences otherwise re-Again, in some states no discretion cognised as the same. whatever is left with the judge; in others, he is scarcely subjected to the least control. In above half Europe, criminal proceedings are conducted by writings, in secret, and without a full and free defence. On consulting the text writers and criminalists of different nations, their pages swarm with similar contra-If statesmen differ among each other concerning what they make the law of life and liberty, jurisconsults are in noways more agreed on what it ought to be. In all this, there is something surely very unreasonable, or worse.

The real want of the present times, a growing sense and conviction of this want, and such strange confusion in the senates and the lecture-rooms of civilized empires on a point of deep and common interest, seem to show that there is yet room for such a book on criminal law as would be a blessing to mankind. That its author would appear perhaps little better than a visionary mystic in the eyes of an Old Bailey lawyer, is no presumption against the possibility (some day or other) of this Avater descending in Europe, and even among ourselves. The presumption, indeed, must be veering round from day to day more in this direction, when we think of what the administration of criminal justice ought to be, both in fact and in opinion, and see what it is in both. In proportion as neither our judges nor our juries are responsible for this result, would it seem probable that the time is come for asking whether the blame lies not in the thing itself. Criminal justice, as carried on among us at that her most celebrated temple, has contrived to work so disastrous an impression on the public mind, by the combined influence of its creed, ceremonies, sacrifices and assistants, that a name which ought to describe a priesthood, dedicated to the joint guardianship of innocence, misfortune, and public order, has become the lowest by-word of scandal and reproach. Something more, however, is required to constitute the book which we are in quest of, than that it should be a matter of astonishment at the Old Bailey; otherwise, we certainly could want nothing beyond the present volumes. Unfortunately, it is not only by the purity and clevation of the spirit with which they glow, or by the great variety of useful, and still greater variety of ingenious remarks with which they abound, that these volumes are calculated to astonish. They are written on a scheme which would most undoubtedly, as we have heard boasted, work a thorough revolution in the science; at the same time, we see no reason, from so much of the scheme as is developed in the portion of it now published, that it would effect any change at all, much less any change for the better, in the art. The theory will not more startle Mr Bentham in his closet, than any attempt to carry it into practice would convert, as it appears to us, legislative assemblies and courts of justice into so many labyrinths of interminable confusion. And all for no ultimate public benefit. Since, when we had toiled to, and elaborated out as pure a result as the process seems capable of giving, the best thing which we can possibly hope is, that the result should agree (as we believe it would) with that obtained from the theory which it is its object to explode.

Two metaphysical assumptions furnish, in the shape of axioms, the basis of the system now evulgated by M. Rossi. It is assumed, first, that there is a moral order pre-existing to all things, immutable and eternal. Next, that as a part of, and for the maintenance of, this moral order, absolute justice has fixed in exact proportion the retribution of evil for evil. It is further declared to be a fact, (the proof of which by appropriate evidence, is, we perceive, deferred,) that the revelations of conscience are our sole but ample guarantee for the discovery in all cases of this exact proportion. The practical corollary from these assertions is delivered with all the eloquence and zeal attendant on the conviction, that in it is announced a new gospel of jurisprudence to mankind. Whatever may be the demands of public peace and safety, unless every party individually concerned in the creation, interpretation, and execution of the law, has satisfied himself that this proportion is observed, we be to him! He is only playing at the game of 'who is the most cunning and the most strong.' M. Rossi justly enumerates among the obstacles which have been hitherto opposed, 'à la conquête de cet ideal dans la justice hu-' maine,' a generally imperfect civilisation, partial political systems, and the real difficulties of the science. At a period when

a prospect is opening upon us, that the opposition from the two first causes may be possibly reduced within manageable limits, men of genius are called upon to be doubly cautious not to aggravate the inherent difficulties of the science. It is urged that we must apply to questions of criminal law, some constant and universal principle, purer and loftier than the nature and necessities of society. A principle cannot be called constant and universal, which is to be applied by individuals, and which must vary with the character and condition of the individual. Now, conscience is no compass—the same in all hands—but that fabled girdle, whose operation principally depended on the qualities of the Before the indispensableness of any such principle is insisted on, it should be clear that such a principle exists; before any thing is selected as complying with these conditions, proof of the fact ought to be forthcoming; otherwise, the cause of truth is not advanced by the eloquence of personal conviction, which pours indeed a brilliant hue over every subject that it touches. This sort of Claude-colouring is levely in a landscape for a looker-on; but the beautiful haze has all the consequences of a fog for the traveller who has a journey before him, and is seeking for the road.

The more striking the natural and acquired endowments of our author, the deeper becomes the disappointment which every page leaves upon the mind. We feel that we are on board a gallant vessel, admirably appointed, but beating about from reef to shallow; and all through the Quixotic confidence of the pilot in a hypothetical chart of his own constructing. Regrets in such a case are useless. There is no country to which we should have more gratefully acknowledged the obligation of a new light in jurisprudence, than the country of Filangieri and Beccaria. It is the obligation which Europe owes* it in almost

^{*} The mines of thought which have been worked in Italian literature, even for the purposes of this science, (for the study of which one should think the density of the actual political atmosphere of Italy offered little opportunity and encouragement,) may be judged of by two facts. M. Rossi has come forward with what we in this country should consider a new theory—that of criminal jurisprudence being founded upon conscience; not indeed as its end, but as its measure, strictly definable and defined. Forti, in his review of this work, in the Artologia Italiana, refers the student to Instituzioni di Diritto Criminale del Carmignani. The first book contains M. Rossi's principle, except the chapter on objective and subjective evil. There have been six Pisan and one Roman editions of it. All the jurisconsult world is well acquainted with Mr Bentham's labours, as comprehending the

every art and science. Nor is there any hand from which we should have more prized the gift, than that of M. Rossi—distinguished as he is among brothers in exile—the humblest of whom we never think of but with honour. Would to God that we may yet live to see, in the termination of that exile, some assurance that they are destined to be the last of far too long a

list of martyrs in the cause of Italy and of freedom!

During our perusal of this work we have often asked ourselves the question, whether the period would ever come, when the sciences which have human nature, or at least as much of it as relates to human conduct, for their subject, should cease to consist of systems built upon arbitrary assumptions only? An hypothesis, for instance, like the present, can have no better title to be received than fifty others. As yet we see no glimpse of such a period. It is true that philosophy, both natural and moral, lay in one and the same confusion, and had lain so, as far as there now exist any traces of the intermediate labours of the human understanding, from the creation till the birth of Bacon and Galileo. But before we can indulge a hope that the sciences relating to human conduct are likely to make up even a small portion of the way which they are now behind, we must be able

most systematic and rigid application of the doctrine of utility to these subjects. The latter half of his treatise, Theorie des Peines et des Recompenses, was certainly, and indeed is still, a novelty in an English law library. It is curious that he should have been anticipated nearly half a century by a Neapolitan advocate. As we have never seen Dragonetti's essay, we cannot youch for the degree of resemblance between the two works. That Mr Bentham knew nothing of it, will be readily presumed by all, who, however they may agree with his naïve proposition, (that it was more important that other people should know what he thinks, than that he should know what other people think,) have, like ourselves, lamented the extravagance to which his ignorance and disdain of the writings and understandings of the greatest of his predecessors has been pushed. The following paragraph is from the preface to Gioja's work, Del Merito et delle Ricompense. 'L'argomento fu presentato per la prima volta all'attenzione del publico da un Italiano, nel 1765, Giacinto Dragonetti mandò alla luce uno scritto intitolato, Delle virtu e dei premj. Quest' opusculo di poche pagine è piuttosto un desiderio che un Trattato.' Diderot published an intermediate essay, sur le Merite et la Vertu. 'Nel 1811, Bentham alla teoria delle pene uni quella delle recompense. Sequendo ed ampliando le idee dello scrittore Italiano, senza citarlo, lo scrittore Inglese esaminò la trentesima parte dell'argomento e o'innesto varj errori che verranno confutati nella 2ª parte di questo scritto.'

to form some idea of the instrument or process by which this most blessed end is expected to be brought about. The reader of those admirable Discourses, with which two great Masters of their respective sciences have so recently done service and honour to our times, must rise from them with sentiments of equal gratitude to both writers. But he will rise with very different feelings concerning the nature of our actual knowledge, and still more different expectations concerning the extent and richness of the land of promise shadowed out in the

distance in each department.

The philosophy of mind generally, and that of morals, strictly so called, are concerned with, and depend on, two distinct classes of internal facts. It is not impossible, and perhaps not improbable, that observation and experiment may, when dealing with the first, enable us to mount to some comprehensive law or principle of human nature. A careful collection and analysis of this class of phenomena, will help us to the laws on which depends man's actual conduct—what he actually does. The facts are clearly not identical with those to which we must have recourse, when our object is the discovery of his perfect conduct-what he ought to do. In the first case, there is no dispute about the means which we must use, and the way in which we must proceed. The single question (and that is one of degree only) is, whether the effects are not too complicated and mixed up together for our present instruments, to make between them a separation sufficiently precise and certain, so that we can be justified in assuming, in any particular instance, the correctness of our induction of particulars, and the consequent truth of our expression of their supposed common character and cause. In the second case, the metaphysicians of morals, and consequently of philosophical jurisprudence, are yet debating on what are the proper means and method. Their very enquiry is grounded on the supposition that there are, or may be, two sets of facts-some which ought to be done; some which ought not to be done. But the difficulty is in discovering what facts (since the whole facts are out of the question) are to be selected from the chaos of human actions, for the purpose of forming out of them our principle and rule. It is evident, that instead of moral philosophers, in the first instance, having derived their principles from their facts, the greater part of the principles of every system has hitherto been previously assumed in the very choice of the respective facts, internal and external, on which different schools of philosophy have proceeded to establish their respective theories of morals.

We have no doubt but there will arise within a few months

appropriate occasion (if it be worth while) for enlarging on these considerations. It is a subject over whose surface some new theory or other, or at least some old one, with a little variation in its outline or colouring, is for ever floating. Man, in the meantime, appears to be proof against systems. A sort of common sense, corresponding to the instinct of self-preservation, seems to tell him that they are meant for talk only, and not for action. So he treats them accordingly. In case any one chance to meet awhile with what passes for success, it is soon more than counteracted by a theory formed apparently on the very principle of reaction. The contemporaneous mischief from erroneous reasonings in morals, is limited within narrow bounds. For, there is a vis medicatrix contained in, and circulating through nature, which heals rapidly the wounds it may seem here and there occasionally to receive in the skirmishes of Sophists, from those scythes with which certain minds are fitted up, like mere intellectual machines, to mow their way clear and smooth over every argument. The similarity of the results, which (under the latitude of construction necessary to give plausibility to any of these exclusive systems) it is contrived by a little management to deduce from almost all of them, whilst it enables practical people to safely dispense with their perusal, imposes an additional difficulty in the way of the ambitious students of the science. It prevents them from verifying any one of such several hypotheses, by applying to them the crucial experiment. There are some systems, however, and those favourite ones too, which are free from at least this objection. Extremes from time to time arise, where the facts which are excluded, and the results which are admitted, furnish a startling exception to the moderate limits within which these differences ordinarily exist. Such, certainly, is the case, when we meet with a philosopher, one of whose historical facts is, the circumstance that the ancients paid little regard to the distinction between voluntary and involuntary actions; and that such a distinction is an invention of modern divinity. Metaphysical facts also appear to be dealt as freely with, when what is called a treatise upon human nature, professedly compiled from observation in a course analogous to that pursued in physics, is brought to a conclusion, with, on the one hand, the omission of the element of conscience altogether, and, on the other, with the averment that the tendency of a moral proposition can have nothing whatever to do with its truth. The most exceptionable part of the systems ordinarily composed in the opposite direction, is not in the omissions which are made of authoritative facts, or in the consequences finally deduced. It consists

in the arbitrary assumptions with which they start. Thus rules have been made for us without end. As we read human nature in our bosoms, look out into life, and think over all that we know of the history of our fellow-creatures, past and present, we see a great deal irreconcilable with the rules which philosophical ingenuity has provided with such picturesque and benevolent diversity, for every taste. Neither conscience, nor moral sentiment, nor the relation of things, nor abstract reasoning, nor any faculty, supposition, or device of the kind, have been in any way proved to be a rule in fact; neither has it been yet shown how any of them is capable of being made so. Concurrent with, and auxiliary to the result of human conduct, they may one or more be important, nay, sometimes indispensable elements, in the process by which we work out our way to our duty in a given instance. But they cannot dispense with or supersede the necessity of taking that result into consideration, and of looking for our rule in that hateful word, Utility. Much less, if reason is not to be hustled and hooted down by her colleagues in the council-room, can they be allowed to contradict whatever practical result is consecrated as beneficial to mankind. terrors of superstition upset all principles. Out of that inexplicable circle, there is no fear, when we come to act, of a mere metaphysical dogma, unproved and unprovable, forcing any person in his senses upon behaviour which he sees to be inconsistent with the public good.

It is very unlikely that the dissensions of metaphysicians, on the problematical parts of this most interesting question, shall be set to rest. The Chillingworths of morals will still keep digging about the roots of the tree of knowledge. Where one thinks that he has found the tap-root, another will see nothing more than fibres. But much of the confusion which pervades books and conversation might be avoided, and more than a mouthful (if not a bellyful) of its sound and wholesome fruit may be secured, for most purposes of practice, if not of disputation, provided every body would keep separate, in moral considerations, the motive of the agent and the tendency of the act. The ultimate sanction, the immediate and intermediate motive, and the guiding rule, are distinct in their nature, but will in Taken alone, every complete character be practically blended. Butler's triumphant exposition of the supremacy of Conscience over the whole system of our personal nature, in the last resort, may often have too peremptory and individualizing an effect. The great commandment, Do unto others, &c., so beautifully illustrated in the Theory of Moral Sentiments, by making us to be

constantly changing places with an impartial spectator, at once brings into play the whole sympathies of our frame. But, in proportion as a man is a reasonable creature, and as he attends to the experience of his nature and position as they are exemplified in life, he will be convinced that no motive, -neither conscience, nor sympathy, nor self-love, can be relied on as certain guides. However sure he may be of his motives, there can be no assurance for the act, that is, for the direction in, and objects upon which, they may impel him, except by passing it in review before his understanding, and applying the practical consequences to the circumstances of every case. This process is necessary, in order to finally correct the best possible motives into accordance with the rule of tendency—the happiness of mankind. Taylor, Sanderson, and Placete, reconsidering the divisions and subdivisions of their rules for (rather than of) conscience,—the voluminous Roman Catholic compilers of books of casuistry, (the law reports of morals,) would alike smile at the summary confidence with which our author substitutes one short phrase, ' the revelations of conscience,' for all their labours.

Many able men have tried their hand on visionary speculations concerning the form and essence of virtue—a right and a wrong in the nature of things-an absolute justice independent of circumstances and facts, (elle est parcequ'elle est, says M. Rossi, by way of information to us)—an abstract standard, the same in all times and places. So numerous have been the adventurers who started with brilliant promises for the shore of this mysterious ocean, whilst not one of them has brought us back any thing better than sea-weeds and cockle-shells as insignia of his triumph, that he must be credulous indeed who can expect any real addition to our knowledge from similar attempts. We lament more than we admire the enthusiasm under which, in this branch of metaphysical faith, a succession of missionaries is always found ready to volunteer on so hopeless an enterprise. As the reasonings of many religious writers proceed in some most important subjects on the supposition that God will not permit a sincere believer to be deceived; so some moralists (M. Rossi for example) seem to think that little more can be wanted to secure a successful issue to this experiment, than to interrogate the consciences of men. It is not necessary to subject this agreeable delusion to the destructive test of history. The mere metaphysical biography of conscience itself is far too obscure for any positive conviction of this description. The most careful observers of its origin and growth are divided in opinion, as a matter of ontology, whether it is natural or acqui-

To the axiom, that nothing was in the understanding which had not been previously in the senses, Leibnitz put the limit-except the understanding itself. We are disposed in this case also to believe that nothing is in the conscience which is not derived aliunde except the mere faculty itself. It teaches little, but there is nothing apparently of good or of evil which it cannot learn. The exclamation of Mirabeau to his opponents, 'Conscience!-chacun fait sa conscience,' to this extent, seems to us unfortunately the truth. Accordingly, in answer to those who have called the observations of Sir James Mackintosh on this magisterial faculty,—a receipt how to make a conscience,—we can wish them nothing better than that they in their turn should make a proper use of the instructions which that receipt implies. Conscience is more valuable as a solemn bell to warn us, that we pause and deliberate, than as an assurance of the truth of any particular emotions or suggestions which may arise under its appeal. It cannot be blindly consulted as an Urim and Thummim. For it acts more by superintendence than in revelations,—rather as a general than as a spe-

cial providence in our behalf.

In point of fact, there are a great variety of rules and directing principles which may be of excellent service up to a certain point. With small oscillations and irregularities, most of them may be so explained, as ultimately to coincide with and corroborate the standard of utility itself. However, dodge and recalcitrate as they may, and whatever circles they shall make, it is here that they must meet: like the hunted hare, they die at home There can be no end, and therefore there ought to be no beginning, of argument with any idiosyncrasist, who may have the misfortune to entertain so wild an idea of God or of conscience, as to believe that he is called upon by either one or other to act in plain and avowed opposition to this standard. In case it be admitted that the conduct which these different principles (when in a state of perfection) would require, must meet in one common line, and that the actual divergences in human conduct from this one line must decrease among men who are really acting upon principle at all, in proportion as their respective principles approximate to a perfect state, a natural question presents itself, and is entitled to a positive and practical answer. At this stage, the proper question is, (without prejudging or arbitrating between the superiority of the different motives and their sanctions,) where, - with reference to our faculties, to the material and moral circumstances which are the subject of our resolutions, and also to the comparative clearness

of the evidence obtainable under each principle,—a rule may be found or constructed and applied, the most likely to bring us the nearest and the soonest to this common line? It is almost impossible to imagine that any body should conceive that the method of trying to find out true utility by a sort of abstract consultation with God or conscience, is simpler and more certain than that of endeavouring to discover the will of God and the dictates of a rightly instructed conscience, by keeping one's eye fixed on utility, in a literal sense of the word, as the end, and looking anxiously on every side for the appropriate means of its There is something incomprehensible to us (except from the incautious and narrow language of some of its advocates) in the apprehension with which many excellent persons shrink from accepting the tendency of the act as the rule of life; that tendency being supported by the double guarantee of general rules and general consequences. The bad tendency of an argument or of an action (whatever Hume may say to the contrary), is conclusive in morals against the truth of any premises or assumption from which it is justly deduceable. Indeed it corresponds to the reductio ad absurdum in mathematics.

There can be no doubt but that the advocates of hypotheses and conclusions in admitted variance with the happiness of mankind, (and the question does not arise till the variance is admitted,) are in a state not to be reasoned with, but (as soon as they come to carry their tenets into practice on points of sufficient importance to merit the serious attention of society) to be shut up. Whether, with the Anabaptists, they preach the dominion of grace under the will of God; or the persecution of themselves or others under the inspiration of conscience, after the fashion of the religious orders, and sundry Protestant fanatics; or fraud and falsehood, on the authority of logical deductions from admitted truths, in company with the Peres Jesuites, whose reasoning powers outwitted their reason; or liberty, equality, and a division of property, on the principle of abstract rights, amid the shouts of most of the republican philosophers of ancient or modern times—the public is bound in every instance of the sort, one and all, to protect itself as against the invasion of a declared public enemy. Whether these conspirators be religionists, metaphysicians, or patriots,—and whether, on breaking out into action, they are shut up as lunatics or as criminals, will not much signify. Provided only that they are kept safe under lock and key, the result will be equally satisfactory to society, and about equally unsatisfactory to the gentlemen themselves. Doctrines of this kind are little better than

gilded snakes. If society goes to sleep in their presence, it will find them on the morrow twisted round its neck—if it receives them into its bosom, it is at its peril—they will be sure to sting.

Nations, as well as individuals, are more disposed during their infancy to yield to their impressions, than to reflect upon them. There is more of poetry than of metaphysics in the nursery. Youthful imagination blinds the subject of them on his entrance into life, as effectually as though he were brought on board a ship asleep. When he first wakes, or is old enough to look off from his playthings seriously upon himself and his companions, and seeks to catch the origin of those principles of conduct, in and by which, all are borne along together, he finds that the current has set in too strong, and that he is already too far down the stream to be able to retrack it to its source. A general solution of Pascal's problem, and the distinguishing of habit from second nature, and nature from first habit, are propositions, which, before we can understand the meaning of them, we have already lost the means of proving. Where, however, reason and history seem to show that a certain portion of our moral sentiment and mode of viewing things is local, and apparently stands on habit and tradition only, the question, as to so much of our moral constitution, 'how it came to assume its present form?' would appear to approach nearer to the possibility of an answer. Now, independent nations represent individuals in the supposed state of nature; and the law of (that is between) nations, is what morals would be among individuals meeting together, but not vet living under the roof and positive sanctions of a community. The actual condition in which this relation is left,—the subjectmatter which its nominal law partially comprises,—and the parties who are within or without its circle, are considerations which bring us back to the infancy of morals, in respect of justice at least, and other relative virtues. In this analogous case we are thus placed almost at the fountain head of a parallel stream to that in private life; on whose banks, we have observed, that we could only look as we were hurrying down its rapids. In point of fact, there can be no denying, that, in the morality of nations, those rules which we soon hope to hear called the conscience of mankind, have been formed, and are forming under the principle of a social feeling, and well understood common interest, on the part of all within their jurisdiction. The whole progress of the principle and of the rule, as in evidence before Europe,—the differences which exist in theory between extreme opinions of mitigation and of rigour, (as those of Vattel and of Bynkershook,)—the exceptions yet permitted in the general

practice of civilized nations to the rule of morality established among individuals in the corresponding cases, (whether the exceptions are universally recognised or partially disputed,)—all alike contradict the converse hypothesis, which should suppose that it is from the light of conscience, and by the responses of the God within us, that the morality of public or international law has been revealed. There are no acts so horrible that they may not be committed with impunity, as far as the conscience of nations is concerned, in cases where this sense of a common feeling and interest has not yet naturally arisen, or from which, by arbitrary distinctions, it has been artificially excluded. It would appear that it can exist in perfection, or circulate freely, only among creatures of the same species; and, indeed, among such of those only as stand in some probable relation to each other. Nothing demoralizes mankind so much as war; because nothing throws them so far asunder. Nothing has spread civilisation so wide, or brought morality so home, as commerce. It has united, and therefore moralized mankind, more than all the writings of all the philosophers who ever lived. A free trade in tea with China may be expected to do more, far more, in this respect, for the celestial empire, than Confucius has accomplished. If rights are nothing but rational securities for human happiness, paltry indeed has been the protection which they have derived from the shield of conscience, in all cases where this bond of social feeling and reciprocal interest is wanting, -on account of a darker skin, for example,—where it is thrown aside by any other insolent claim of superiority, or is broken by any unfortunate accident whatever. What has the shield of conscience (though they who fight from behind it, describe it as a sort of Vulcania arma brought to them from heaven) done in such a case for half mankind, which, under the constitution of slavery, has in every quarter of the world been shut out for ages from the title, and from the meanest immunities, of humanity? Read the account which Grotius has given of the motives under which he composed his immortal work—the most important contribution, perhaps, ever made by a single individual, towards the virtue and the happiness of his fellow-creatures, under, apparently, the most hopeless of all experiments. It has been a life-boat in the sea, -a safety-lamp in the mine of human passions. On the principle of the bond of society still subsisting, he has brought something of law,—some feeling of right even, into the field of battle; yet still a horrible latitude remains, in which conscience revels during war, even between neighbouring nations equally advanced in civilisation, and whose experience of each other in war has only increased their mutual respect."

How much more coolly, however, do nations enter on it, and with what far greater recklessness do those engaged in it conduct it, when the distance and alienation between the parties is made more complete by any imaginary supposition; as, for instance, inferiority of descent! More enlightened ages shudder at the aggravations which are recorded for our shame, and our instruction, in such campaigns as were unblushingly maintained against the native Indians of Mexico and Peru. It is civilisation which, under the general considerations of an enlarged philanthropy, by extending our sphere, and drawing the connexion closer, enables that which passes by the name of conscience to be at least in some degree available, or at least representable as a guide. Whenever an exception to this social feeling, and community of interest, is suffered to linger or to intrude,—there, and to that extent, a proportionate deduction must be made from the security which conscience is calculated to afford.

Now, if we suppose, (as is usually conceded,) that the same course, respecting which we have direct evidence in the case of independent nations, has taken place in the corresponding developement and tuition of the moral sense of individuals, (as far as regards their relation to others,) we shall perceive the manner in which our moral principle has acquired a great part of its knowledge; we can account for its different condition during successive periods of its formation, and may in some degree judge of the credit to which it is entitled as a revelation from God. If, on the one hand, no motive of action, however levely and of good repute, can be entitled to the name of moral, which has not, in some stage or other of its gradual formation, passed through the chamber where conscience holds her court; so, on the other, no trust whatever, beyond that of the good intention of the parties, can be placed in the simple certificate given by conscience. This certificate in no instance answers, or can answer, for more than the honesty, that is, than for the conscientiousness, of the persons and acts in question. Beyond this we shall see that its visa does not reach, if we will but read the document; beyond this, therefore, the effect of so limited an indorsement cannot be carried. The rest, thus far, is all in blank. It is a blank which must be filled up elsewhere; and further security for the solvency of the parties, -for their capacity, -for the reasonableness and feasibleness of the end, as well as for the suitableness of the means, must be given by a more intellectual, comprehensive, and far-sighted power.

The question, as we propose it, is, not whether any part of our mixed constitution is to be annihilated; but, in case of a

difference where every part can yet be bound by the decision of the whole, what part ought to have the casting vote in the character of a guide. Human nature, in its ordinary healthy state, is a system constituted of many parts. We admit that none of the parts of such a system left to themselves can do even their proper and peculiar work. When it is taken to pieces, and its mechanism and combination are destroyed, each separate piece will be as uscless as the disorganized fragments of a watch. We hear a great deal of heart-wisdom. A beautiful thing it is. Without it, man is a stone, or a Mephistopheles. With nothing else, he is a fool; and will rush forwards to his end-the gratification of his feelings-without ever thinking it necessary to enquire, whether the means which he proposes to employ (for instance, Irish poor laws) might not defeat his end, and make the last state of the object of his most just commiseration worse than the first. Isolate conscience in the same manner; you will have got a poor trembling nun, or a ferocious Dominic: for mere conscience is an electric cloud, against which baffled reason can set up no conductor to guide and divert its storm. A philosopher, with neither enjoyment nor capacity for any existence out of the circle of mere abstractions,—before the glass of whose understanding the human race were to pass in vision as only a thing to be reasoned about, and to whom the happiness of a nation was nothing more than the subject of an experiment in metaphysics,-would be as incapable of morals as the telescope in his hands, or the star which he was observing. But, on the supposition that our constitution remained any thing like a whole, and that its component parts exist in a state, and with powers approaching to their due and ordinary proportion, it appears to us that 'the touch of nature' which is to 'make the whole world 'kin,' and the principle of conduct to which the heart and the conscience will, when the result comes calmly to be examined, send in their adhesion, are to be found in that panopticon whence we can command in one common view and interest the family of mankind. It is not conscience apparently which has led, or by itself can lead us, in the still excepted cases to this magnificent position. Alone, it will furnish us with no rule, for the correction of those partialities by which, after men may have ceased to care less for the head of another man than for a single hair upon their own, they, nevertheless, feel little scruple in sacrificing the interests of others to those of their family, their clan, their rank, their nation-in short, to whichever of our concentric circles they have as yet learned to consider the outside limit of their little self-constructed world. It is not for want of conscience, but for want of an extended sphere of vision-from the incapacity

of looking beyond particulars to generals, that savages, children, and women, when meaning to decide right, would, in any of those questions in which nine-tenths of the disputed and difficult cases in morality arise, (the competition between particular and general consequences,) be certain of deciding wrong. We have hardly ever seen a lawsuit of any nicety of this sort, as on a will, for instance, tried in a county town, which every lady in court would not have disposed of, on the principle of the long coat and short coat case, reported in the Cyropædia. Of female authors even, Madame de Stael is among the few who is always above the reach

of this objection.

There have been ages in which Christians had no conscience but for Christians. Now, even, there are sectarians whose notions of justice and charity are confined to their own communion. Absolute power, when it raises a man above the sense of a connexion with, and dependence on his fellow-creatures, hardens the heart, and exhibits to the world a succession of monsters such as Rome indeed saw, but of which, in the comparative approximation of all ranks in modern times, we can at present form no It is, however, still, and always must be, the curse and misery of privileged orders, that, in a degree, their members necessarily suffer under the reproach of that great wielder of the scourge of an enlightened conscience, ferme est communis sensus in illo Censu. Hence come the laws of honour to constitute the morality of honourable men in a state of society divided into Virtue and wisdom may have an inspired prophet or two always upon earth. But, for the body of mankind, a certain approach to a recognised equality seems requisite as a guarantee for virtues, which are to be as extensive as mankind, instead of virtues limited to, and estimated by, their effect upon a particular class or order. The barons of Magna Charta stipulated only for the liber homo, and thought as little about the rights of a villain, as a Jamaica planter about codifying for negroes. It is only since the revolution that a Paris audience could shed tears at a tragedy of which kings were not the heroes; on the principle of the countryman who accounted for his not crying at a sermon, by the fact of his belonging to another parish. There is little check from ordinary consciences, wherever the want of a social feeling, and a common interest between the parties, fails to bring home to the bosoms of the principal in the transaction its general consequences to society. England continues to be in this sense much more aristocratical, than many European nations far behind it in general spirit and refinement. Only our line of aristocracy, and consequently of demarcation, falls far lower than the House of Peers; and thus, from want of being embo-

died in one uniform set of facts, or denounceable in one short denomination, it attracts less invidious attention. But the actual separation produces its natural effects. As strong instances as any in modern civilisation, of the perilous length to which exceptions from this cause may run, when once admitted into practice, exist in some anomalous proceedings long made compatible with the political morality of the gentlemen of England. Purchasers of game in London, they have had no remorse, in what goes by the name of their justice-room in the country, to send to jail their unknown accomplice—the wretched poacher whom perhaps their own money may have bribed—certainly their own participation had seduced—into the commission of the offence. A member of Parliament, sitting there by no title but that of corruption, does not feel the least scruple in joining in the recommendation of a committee, that the uttermost pennyworth of penalty under the bribery acts, should be enforced against some insignificant freeman, not a hundredth part as guilty as himself. The proceedings on committees for private bills, we will not enlarge on. Our observations might be a breach of the privileges of that honourable House. But we have heard a lawyer, as much employed in this line of practice as any man of his time, and afterwards upon the Bench, describe these committees as tribunals, where gentlemen of the same rank of life, met to compliment each other at the expense of the property of strangers. His picture was that of dens of injustice, where men—who in cases not under the protection of one of these artificial exceptions, would shrink from the suspicion of wrongare parties to transactions for which juries would have been attainted, their houses ploughed into the ground, and salt sown on the foundations, in ancient times.

The questionable part of human conduct, and the embarrassment which, in very different ways, both philosophy and the plainest village sense and feeling frequently experience, in coming to a decision in their own case, or that of others, arise from the mixture and imperfection of our individual nature, and that of the surrounding atmosphere, and circumstances through which our journey lies. Our motives and our rules must be equally displaced and imaginary in a nature otherwise composed and situated. It is evident that a being perfectly good, or perfectly bad, cannot be the subject of moral effort. There can, in such a case, be no struggle;—no call to sacrifice inferior or strictly personal to higher and more extended considerations. Even as man approaches to perfection, or, in more fitting language, as he becomes less imperfect, he has less of this mortifying but ennobling drudgery to undergo. In beings made up of either ex-

treme, there can be no conscience, and all the distinctions betwixt misfortune, error, and guilt-that is, betwixt pain, regret, and remorse-will disappear. Perfect wisdom, or invincible stupidity, can never have to deliberate or balance on the tendency of its actions. General rules, and a comparison of particular with general consequences, cannot be needed in one case, nor applied in the other. So, in respect of means for the attainment of its ends, omnipotence is driven to no compromises; whilst the most absolute mortal authority is bound down in every scheme of human legislation by its defect of power. Man cannot elude the necessity of looking at the means which alone he can command for the accomplishment of his purpose. In every stage of his enquiry and proceedings, he must consider the instruments he has to use, the intervening obstacles through which he will have to cut in order to reach his object, and the nature of the very subject itself on which he has to operate. Out of these considerations he must frame his balance sheet, and calculate the tax, which is an unavoidable condition of human justice, where it is least of an experiment, and in its most perfect form. Under the circumstances, both of our nature and our situation, obedience to the command, 'Know thyself,' which was supposed by the heathens to have descended from heaven, is no such easy matter. But it is in proportion as we can attain that knowledge, and ascertain, by short and decisive inferences, from the premises contained in it, what is the end of human life, and what are the means best calculated to promote that end, that a reasonable man can feel himself to be any thing but a straw floating backwards and forwards upon an eddy. A still higher proportion of evidence and of conviction may justly be expected, before we are prepared to take a further and more positive step, by prescribing rules of conduct for our fellow-creatures, and subjecting them to penalties for their disobedience.

Now, about one thing nobody disputes; that is, that man is born for society. We see no prospect at present of any agreement among philosophers concerning the principle of morals. Is it necessary that criminal law should be mixed up with these differences, and partake of the consequent uncertainty? Whatever else in our being and destiny is in shadow, the necessity of a state of society for man, is as clear as noonday sun can make it. A publicist or lawyer, therefore, is requesting us to abandon the known and proved for that which is unknown and unproved, when he requires that we should turn aside from this admitted end, in pursuit of an èlòdov, which has too often heretofore succeeded in drawing away from the real field of battle the doughtiest metaphysical polemics. An acknowledged and visible

end is here before us. Can it be intercepted or put back but by something else, at least as visible and as acknowledged? Until a bird in the hand ceases to be worth two in the bush, we must not forego our hold; nor consent to sacrifice to imaginary ends. such as abstract justice and abstract rights, (about which we can have no more precise idea than concerning an abstract Lord Mayor, or an abstract ell measure,) the appropriate means for the most successful attainment of so necessary an object. This point of view gives us at once clear and definite objects, as far as it extends. It embraces nearly all that part of the field of morals which relates to our conduct to others, as it allowedly embraces every inch of the field of human laws. Tucker has shown the advantage, nay, necessity of intermediate ends. Of these, society, in the lowest view of it, must at least be one. priate means, therefore, for the effectual maintenance of its institution, will be an approximation to any ulterior, and more conjectural, though possibly higher end, comprised in our nature and These means must be concurrent with, indispensable to, and, as far as we can perceive, actually identical with any end of that description, which can bear stating beyond the walls of a monastery, or except from off the pillar of a stylite.

In our opinion, legislation has nothing to do with man, his nature, and his destiny, except as a member of society. Its duty in this respect is also the measure of its right. that philosophy could be so humbled as to reduce its view of human law, and of that part of morals which borders on, and at times intermixes with it, within these limits! Under a consideration of the subject, thus restricted as to its ends, (and one should have thought, therefore, as to its means,) it would not seem visionary to hope that reasonable men might agree on some important points. For instance, on the circumstances which distinguish law and morals in parallel cases; on the matters which alone should be included within the sacred circle of natural law all the world over, and be thus privileged against the supposed wants and changes of occasional legislation; as also on the single point of view in which human legislators ought to concern themselves with the conduct of their citizens. only end, or ends, (whatever they may be,) which are recognised as justifying society in its interference with human conduct, must of course be the standard by which, in every case, the propriety and the degree of that interference is to be measured. Punishment is the means which the law has established, in the shape of legal penalty, for the purpose of repressing, under the character of legal offences, such acts as require this interposition in behalf of that portion of the elements of human happi-

ness which have been constituted legal rights. These different divisions of the law are all parts of the same case. They so dovetail into, and depend upon, each other, that it is difficult to conceive that any one should propose to separate them under different principles. Capital punishment involves some special considerations. But if the right of society to inflict punishment generally, is to be carried before any other tribunal than that of society legislating on the exclusive consideration of the public good, similar doubts may be raised against the sufficiency of that test, in the selection of the materials and circumstances out of which the legislature has to create offences, and also rights. It is not surprising that the ignorance of uncivilized ages prevented them from clearly ascertaining, that the principle of public interest was the just and sole foundation of criminal as well as of every other part of human law. The adaptation of means to ends is a matter of greater nicety. Everybody, therefore, will easily understand how a less degree of ignorance has often, in times of greater civilisation, been sufficient to prevent a community from ascertaining what regulations would be, under particular circumstances, the best method of carrying the principle Another case is also as little to be wondered at; namely, that, in point of fact, as many bad laws have proceeded from the passions of mankind as from their want of knowledge. Rulers, whether one or many, monarchs or republics, (for republics are as hot and fallible as any king-look, for instance, at their wars,) inflamed by passions of a hundred kinds, have refused to consult the compass, and have left their vessel at the mercy of the current and the gale. We cannot so readily account for the fact, that to so late an hour as the publication of M. Rossi's treatise, directly contrary principles continue to be insisted upon as truths of indispensable importance, by theorists whose professed vocation it is to find the makers of law with the philosophy of their science.

We have alluded to the subordinate and independent contest carrying on upon the continent concerning the right of the punishment of death. This question has not been taken up there by the Society of Friends only. The Duc de Broglie and M. Lucas have distinguished themselves in this solemn argument. M. Guizot has not gone farther than dispute the policy of it in political offences. But the great battle is fought on the field of criminal law on precise issues. These are, what is the end, and, consequently, what the measure of its jurisdiction, both in acts to be made offences, and in the means to be em-

ployed for their suppression.

Division of opinion has established four schools of criminal

law. Nothing can be more different than the object of these rival sects, nor than the spirit with which they wield the same instrument,—that of evil in the shape of punishment, to which the paucity of our means obliges all alike to have recourse. The first is, that of religion. Its spirit and letter are laid down infallible and immutable for ever, by the authority of a divinely inspired lawgiver. Of course, in such a case, there is nothing to consider but the command. The rest profess to be of human growth only; but the sanction of the two first is spoken of as being something so natural and innate, that it would be made in this manner to partake of the character almost of divine. Of these, the first system proceeds on the assertion, that retribution to the party injured is the true end of a penal code. This retribution consists in the infliction upon the offender of an amount of evil at least equivalent to that which the injured party has sustained from him. The rule by which the terms of this equation are to be ascertained, is the resentment of the party, according to the nature of the wrong committed; as assessed by the equitable adjudication of the community, in the character of an impartial spectator. The second system sees in the expiation of guilt the true end of a penal code. This expiation is to be obtained by the infliction upon the criminal of an amount of evil at least equivalent to his ill intention, when the ill intention has been sufficiently proved by facts. The rule by which the terms of this equation are to be ascertained is to be found in conscience, applied to the consideration of the degree of imputability,—that is, of the immorality of the agent as manifested in the act. The third principle, and it is the one for some time past almost universally proclaimed by the practice of the civilized world, assumes that the public good, as identified with the prevention of crime, is the only justifiable end of the criminal law. This end it is sought to compass by machinery calculated to reform, deter, or, at the worst, disable the wrong-doer. general object is, that of raising, by the punishment of criminals, an appropriate counteracting motive, sufficient to overbalance and hold in check the specific motive which has been the inducement to the crime. The rule by which we must for this purpose, in every instance, try the propriety of the penal means proposed for our adoption, can have a direct reference to no other test than that of their tendency to secure this difficult but most desirable result. Our success in solving this equation in any case, must depend on our knowledge of human nature generally, and of the circumstances of the particular society, individual, and transaction in question. After all, in a system arranged and applied with the most consummate wisdom, crimes will continue

to be committed, and with more or less impunity. There are some cases which the penal machinery of society cannot reach; others to which it cannot apply with sufficient precision; others where its application is possible indeed, but is withheld by enlarged considerations of the public good, founded upon a due estimate of humanity and reason. The observation need scarcely be interposed, that if punishment is a medicine, society is restricted to the least possible amount by which the disorder can be removed. Not only does the right terminate there, but the excess must reproduce disease. Still less can society in any case proceed at all when the scale has turned, and more evil is produced by the punishment than the evil which the punishment was intended to suppress. The relation of means to their end, being that of cause and effect, allows in strictness of no other rule than the one mentioned. But whatever there is of latent truth in the special theories of conscience and resentment, (and doubtless there is a great deal, or they could never have been countenanced by such eminent men,) will be taken due notice of, and fully appreciated and brought into account in any tolerably judicious interpretation of this system. Human nature will be very imperfectly comprehended if such important elements as these are not included as part of the case in the first The connexion between the means and the end to be attained, will be snapped asunder, instead of being wisely and closely linked, if, in going over the calculation, ample allowance is not made, on all occasions, for every modification which these elements may receive from the temper and opinions of contemporary society. It would not be more imprudent to take conscience and resentment as principles and guides qualified to constitute a rule, than it would be monstrous and revolting to neglect them as collateral conditions,—conditions which can only be roughly and popularly estimated, but which are still inseparable from any rule which can be reasonably conceived. In the character of conditions to our rule, they are implied in its terms. In that light they must always continue to be essential as long as laws will not execute themselves, but have to depend for their execution on human beings-connected with the prisoner by the compassionate sympathies of our common nature—with the prosecutor, by our indignation at the injury which he has personally suffered-and with society, by the deep sense of a common interest, identified in the fact, that in our moral and political union we form that very society for whose maintenance

Not a word further need be said, in England at least, in behalf of the principle of utility. It has friends enough. We

only wish that some of its friends would occasionally fight its battle with weapons of a finer temper, and on a more extended ground. As few words almost will serve, too, in respect of religious systems. At one time, their authority was exclusive, both in morals and in jurisprudence. Points of casuistry were ruled. little more than a hundred years ago, on the force of precedents from the Old Testament, in acknowledged contradiction to every conclusion from conscience and from reason. This subject is too serious for any one to be amused by its confusion; otherwise there might be found amusement enough out of Placete's account of the embarrassment into which, in so important a question as the obligation of an oath, made purely upon deception, Sanderson himself was thrown by the case of Joshua and the Gibeonites. Sir Edward Coke quotes the law of God as well as the statute of Edward VI., in the correction of his former servile error respecting two witnesses in treason. Liberavi animam meam. Grotius is for ever, and Blackstone from time to time, sending Christendom back into its house of bondage under the jurisprudence of the Jews. There is some difficulty in picking our path through the ambiguities of this appeal. Notwithstanding the conclusion drawn by Milton from the conduct of the Patriarchs, polygamy, we are told by others, was impliedly forbidden by the fact of Adam and Eve being created a single pair. Yet instead of accepting the same test of the lawfulness of the matrimonial connexion, exhibited in the practice of the next generation, (when their immediate children must have of necessity intermarried,) we are remitted to the Levitical degrees. Notwithstanding Milton's triumphant refutation of the Scriptural argument, and in spite of the practice of every other Protestant communion, our law of divorce is yet held in religious shackles, from which Roman Catholic France had the spirit to break free.

When the municipal law is once understood by a people to be actually revealed, and incorporated with their general religious creed in their sacred books, (as in the Koran and the Vedas,) there is nothing left for them but to become a stationary community—a pool of stagnant water—or to escape under one of two alternatives. Either the sword of a conqueror must emancipate them, by the exercise of an authority which is so liable to abuse that a beneficial result can scarcely justify it in any particular instance; or they must wait till after a long struggle between institutions and opinions, sanctified by reverential feelings on one side, and the irrepressible efforts of an advancing civilisation on the other, they force their way to civil rights through the destruction and anarchy of their religious belief.

We cannot imagine, that even in Germany there can have been of late years any serious grounds for the alarm with which Voss announced to Europe the existence of a mysterious party, whose literary leaders were resolved on the re-establishment of a Theocracy in Europe. Benjamin Constant had studied the politics of ecclesiastical corporations too zealously, not to be sure to take fright in time. Even the resuscitation of the canon law, and the reinvestment of spiritual courts with temporal jurisdiction, much more the subjection of the general rule of civil conduct to the dogmas of a supposed spiritual power, is a task which must baffle the most visionary antiquarian across the Rhine, with an army of the faith under Bonald, De Maître, and Le Mennais, in reserve. A Gregory or a Knox would find, that the earth had escaped from the domination of their churches at the present day, and might perhaps complain that, in the reaction, Cali plus justa parte is carried away from them besides. In our age, Deorum injuriæ diis curæ. We have learned to distinguish crimes from vices, and, still more emphatically, from sins.

The systems in which Resentment and Conscience are represented, the first as the foundation, the second as the limit of criminal law, have, at least among the laity, more numerous and more able retainers. They both appeal to human nature on evidence equally plausible, and, to a certain extent, with about equal truth. Some way is thus made for them at first, by their apparent accordance with our most universal and spontaneous impressions. The effect of this letter of introduction is, however, soon destroyed. The more we reflect upon them, instead of a more satisfied acquiescence, we find our conviction proportionally disappear. There is the less temptation to do violence in this case to our understandings, when, notwithstanding the promises of their advocates, we cannot for the life of us perceive (were their hypotheses to be adopted in any at all practicable shape) but that, after much additional scepticism and debate, the final practical results would be pretty much the same. The criminal laws of every civilized country, as far as we are acquainted with them, have let in too great a variety of clashing principles into their character and detail, to afford such a comparison between any two systems of actual legislation, as will afterwards justify a decisive inference either way, by contrasting their results. The respective results, as set down on paper by the theorists themselves, are not likely to give us much more light: Since our objection to the principle, for instance, of resentment and expiation, is more to the argument, and evidence, and useless complication connected with them, than to any direct inferences, probably affecting their respective theoretical

results. There is scarce a point, which beforehand it might have been thought would furnish a more immediate test of the different legal consequences which would proceed from the systems of Conscience and of Utility respectively, than the extent to which they should admit the plea of drunkenness in extenuation of an offence committed under its influence. In no case have lawgivers more widely differed. By the law of Greece, the fact of drunkenness was an aggravation. By that of Rome, (as it is generally understood,) it was a circumstance in mitigation. The law of England, and we believe of modern Europe, generally punishes the offence just the same as though the party had been sober. Now, in a case where lawgivers have thus embroiled the fray, the theorists might have been expected to darken this confusion. Instead, however, of the doctors disagreeing, Mr Bentham and M. Rossi, the champions of the two contending principles, are found to meet. Each, on his own specific grounds, reprobates the rule by which, in order to combine the elements necessary to constitute the crime imputed, (that is, an intention and an act,) the intention is transferred from the act to which it properly belongs, namely, intoxication, and put down to the account of the other act, (say a homicide,) committed in that state, and where no intention could, by the supposition, possibly exist. The social offence and the moral guilt thus appear to coincide, and may be fixed at Paley's estimatehow far the individual was aware, when he was getting drunk, that he should, when drunk, commit the act in question. Rossi has postponed the publication of his analysis of the proportions of the mal-moral and mal-materiel comprised in each different offence. We cannot, therefore, at present foresee in what respect this analysis may branch off from the evil of the first and second order, direct and indirect, illustrated by Mr No such discrepancy is observable in his classification of punishment, nor in his remarks on the necessity of promulgation. Nothing can be more judicious than the only chapters strictly relating to judicial practice in these volumes. These are, the different circumstances and gradations in which a supposed incapacity of crime exists—the different stages of design, preparatory acts, and attempts-the different modes and degrees of principal or accessorial participation. However, they contain nothing in result, as far as we remember, (whatever incidental taunt they may be enlivened with,) but what the stoutest advocate of the principle of prevention-of that and nothing else -might honestly and thankfully subscribe to.

The doctrine, that the resentment of injuries is the great principle of the criminal law, found, as late as the year 1807, a

strenuous advocate in the person of Lord Woodhouselee. disquisition appended to the Life of Lord Kames, he has laboured to recover for it, in the bosom of civilized life, as complete supremacy as it ever enjoyed among barbarians. The accomplishment of retributive justice is declared to be the primary object o teriminal law, in the avenging by proper punishment such crimes as have actually been committed. 'The prevention of future crimes is a secondary end, which in most cases will be best attained by a due attention to the primary.' The progress of society requires indeed the transfer from the private party to the public, of the call for revenge, and of the natural right of exacting it. This surrender became necessary, it is admitted, on many reasons, not only of expediency, but also (what seems a rather suspicious circumstance in such a theory) of justice. Still this transfer has been not the less a serious evil, if it has proved, as is stated, to have been the cause of most of the erroneous notions which have shaken the corner-stone of criminal jurisprudence. The displacing of the primary principle on this subject, to make way for the secondary, is censured (quite contrary to the fact) as a purely modern innovation. ' first deviation thus made from the path of truth, every step eleads us farther into error. The natural indignation consequent on the commission of crimes, instead of being, as it ought to be, the measure of the punishment, is, according to 6 certain writers, to be studiously excluded from the mind of the 'legislator, who is to look solely to the object of restraining simi-'lar crimes in future. Punishment, say they, is itself an evil; and to add punishment to crime, is only adding one evil to another; for if crimes could be repressed without the punish-' ment of any criminal, so much evil would be prevented as his ' punishment implies. Consequently, punishment, in the mind of a wise legislator and judge, ought to have no reference to 'the degree of moral turpitude in the criminal. Will it be believed, that such opinions have for their supporters Montesquien, Beccaria, Voltaire, and Priestley?' We readily agree that there is an offensiveness, and consequently an incorrectness, in such language as Priestley's, that 'punishment has no reference to the degree of moral turpitude in a criminal.' It is true, indeed, that it is not founded on it as its end; but it is not the less true, that, in order to reach its legitimate end, it must, upon its own grounds, constantly refer to it. The reason why an intention is as necessary to constitute a crime upon the principle of prevention, as on that of resentment or of conscience, will be shown afterwards. Lord Woodhouselee, however, opens to these writers a much broader mark for criticism and retort, in the picture

he draws of his own system. It is charged upon theirs, as one of its worst consequences, that it fosters a species of metaphysical sentiment, when it discountenances that just indignation which arises in every well-ordered mind upon the commission of an atrocious crime. In a hardened and incorrigible offender, Lord Woodhouselee sees the object of a 'feeling of resentment at 'once so deep and so universal, that it can be satisfied with no 'measure of vengeance short of his absolute extirpation.' The war-cry deduced by way of corollary from these premises, appears to us much more like the shout of a Mohawk chief, than the summing up of a British judge. 'Let the sword of Justice 'be unsheathed, and injured Nature have her full revenge.'

The confidence with which this theory is delivered, must have been heightened by the support which Lord Woodhouselee imagined that he found for it in the authority of Lord Kames and of Dr Adam Smith. Indeed, the point would appear to have been first suggested to him by Lord Kames's Essay on the History of Criminal Law; and to have been afterwards established in his mind by the application (we think ill-advised application) of sympathy in this instance, not merely as a fact, but as a principle, to Jurisprudence, in the Moral Sentiments. The support derived from the historical fact is apparent only; and the fallacy is one which is not chargeable on Lord Kames. That which is attempted to be obtained from the metaphysical argument, has the sanction of Dr Smith's concurrence to a greater extent than the short and general passage quoted by Lord Woodhouselee would have itself necessarily implied. Whether the support is real or fallacious only, will depend on a comparison between the view taken of resentment in the Moral Sentiments, and that taken by Dr Butler in his two sermons on this passion, and on the forgiveness of injuries.

Lord Woodhouselee observes, with unsuspecting and blind devotedness to his master, that Lord Kames, 'although he has 'with great ingenuity developed the true principle on which eriminal law is founded, and has traced it with precision through 'all its consequences, was not aware of the errors into which succeeding writers were to fall, in their speculations on this subject; otherwise, we cannot doubt that he would have bent his 'attention, in this essay, to counteract and refute opinions which tend to involve this great branch of jurisprudence in inextricable confusion, and to abolish the only true criterion for proportioning punishment to crimes. He survived, it is true, the 'publication of several of those writings to which I allude; but his attention was not attracted to them, being engaged by 'topics of a different nature. This seems to impose a duty on

'his biographer, who, however unequal in other respects, can boast at least of one requisite for the task,—the zeal of a dis-'ciple to defend the doctrines of his master.' Unfortunately, zeal is not sufficient. Nor is Lord Kames the last master whose truths are made extravagancies, and models turned into caricatures, in the hands of over sanguine and over credulous disciples. The history of mankind, neither in this nor on any other subject, will permit us to assume, that a principle must be the true one, because, historically, it was long the sole one. Nothing is gained by going back for correct rules of conduct to the cradle of mankind. We are not only different from, but, like Sarpedon, 'we boast to be much better than our fathers.' Thus the motives which led to the origin of civil government, and the principle upon which it was arranged in its earliest form, whether patriarchal or military, may vary from the motives and the principle on which half the governments on the earth were afterwards actually established. They may vary still more from those on which alone, if reason were properly consulted, government ought to rest. So of human conduct generally--and especially of as much of it as goes to the laying down rules of conduct for others in the shape of laws.

Dr Smith infers, from the existence of the passion of resentment as a metaphysical fact in our constitution, not only that it must, under the guarantee of popular sympathy, be capable of being modified into, but that it may be safely accepted, as a rule. 'The natural gratification of this passion tends of its own accord ' to produce all the political ends of punishment,—the correction ' of the criminal, and the example to the public.' In this respect, the negative virtue of justice is distinguished by him from the beneficent virtues. Its violation is stated (we need not stop to examine how far correctly stated,) to be alone 'the proper object 6 of resentment and of punishment, which is the natural conse-6 quence of resentment.' Apparently, also, it is understood by him to be alone the proper object of conscience and remorse. Retaliation is spoken of as 'the great law which seems dictated to us by nature.' It might be submitted that humanity, when well instructed, and a sense that punishment is required for the protection of the innocent and the happiness of our fellow-citizens, not to say of our species, would be a properer motive. Instead of this, 'there can be no proper motive,' (it is said,) 'for hurting our neighbour,—there can be no incitement to do evil to another, which mankind will go along with, except just indig-' nation for evil which that other has done to us.' There seems a particular inconsistency in this restriction, when, within a few pages, Dr Smith is obliged, on his own showing, to admit,

that the necessity frequently arises of reflecting, that mercy to the guilty is cruelty to the innocent. The existence of another and a nobler sentiment is thus immediately introduced, as co-operating in the same demand. A nature, the most incapable of participating in the indignation above required of us, is thus enabled to put down the weak compassion which it might feel for an individual, by the more generous and enlarged compassion which comprehends mankind. So soon does a hasty humanity, in a case of this kind, counteract resentment, and make it necessary to call in reason and utility as the arbiter betwixt two mere conflicting feelings, which have no directing principle about them beyond their own gratification. God, nature, in her wildest state, puts a hundred limits and exceptions upon 'her great law.' Take the hospitality of an Arab chief, who has eat salt with the murderer of his son. may not be repealed absolutely; but a refusal to execute it is practically the same. If Dr Smith had confined his criticism on the account commonly given of our approbation of the punishment of injustice, to the demonstration that it was ' not a regard ' to the preservation of society which originally interests us in 6 the punishment of crimes committed against individuals,' there would have been nothing to object; further than that we might have asked,—who ever supposed this to be the case? Reason comes latest into the field. A real man is more than a full-grown child. However, his assumption and line of argument not only go much further, but are altogether different. The idea, that the principle upon which human punishment ought to be enforced in this life, can be verified by any analogy to the hope (the word surely is a strong one) which nature teaches us to indulge, that injustice will be punished even in a life to come, confounds two cases, between which no possible analogy can exist. Too much credit also is given to the rationality of resentment, by the insinuation, that it is only when the want of natural and proper sentiments in licentious sophists makes us 'cast about' for other arguments to meet their case,—or when the operation of resentment is embarrassed by a 'weak and partial humanity,' or on some similar emergency, that, in a well constituted nature, thereflection of the public use of punishment is wanted in confirmation of our natural sense of its propriety. Necessitarians, for instance, who concur in approving of the fact of punishment, are certainly not aware of any such sense of its propriety. is one of the perplexities, in judging between moral systems, that they so run into each other, and admit of so many turns, and loopholes, and explanations, that from first to last, an opportunity of applying the crucial experiment may be watched for

in vain. But the correctness of the account which Dr Smith would substitute for the ordinary account of human punishment, affords this opportunity. Let a reader compare the two accounts together, and examine whether they agree in including all the cases,-and if not, let him adopt, according to the test of the crucial experiment, that which is most reconcilable with all. In the generality of bosoms, and on most occasions, both principles, it is admitted, will meet—the test can only be where they differ. Dr Smith mentions himself an instance—that of a sentinel who is condemned to death for sleeping on his watch. Less fanatically consistent in behalf of resentment than Lord Woodhouselee, who denies that any circumstance, even the frequency of the crime, can justify additional severity in the punishment of an individual case, or than M. Rossi would be on a similar dilemma in behalf of conscience, he consents that the sentinel must be offered up to the safety of numbers. He must have allowed, therefore, that the rule and measure of human punishment is not, and cannot be, taken from a passion of this description, but depends on a perfectly distinct principle. Lord Woodhouselee, consequently, seems left at last to defend, on the weight of his own authority and argument, the position, that 6 the measure of the punishment of crimes ought, in every case, ' to depend on the moral turpitude of the criminal; of which 'nature has furnished an infallible criterion in the indignation ' which arises in the impartial mind upon the commission of a ' crime, and which always keeps its just proportion to the mag-' nitude of the offence.' This reference to the moral turpitude or evil of the offender, as constituting the essence of his principle, instead of to the evil arising from the offence, shows that Lord Woodhouselee had ill comprehended the historical sketch presented by Lord Kames. Dr Smith combines the two, apparently, under no uniformity of definite proportions. There are passages which countenance the piacular judgments of antiquity, and would go far to confound the principle of resentment with that of expiation.

The following extracts from Butler strike the proper balance in this perplexed account. They are philosophically directed, not to the purpose of substituting such a passion for a guide;—their object, in answer to a directly opposite objection, is that of showing, that even its unruliness is not made a part of our constitution, without an aim, if in other respects we do but our duty by ourselves. In our partnership, it is a working member which is not to be wholly trusted, nor wholly got rid of and denounced. Since, therefore, it is necessary for the very subsistence of the world, that injury, injustice, and cruelty, should be punished;

' and since compassion, which is so natural to mankind, would ' render that execution of justice exceedingly difficult and uneasy; indignation against vice and wickedness is, and may be 'allowed to be, a balance to that weakness of pity, and also to 'any thing else which would prevent the necessary method of 'severity. The cool consideration of reason, that the security and peace of society requires examples of justice should be ' made, might indeed be sufficient to procure laws to be enacted, and sentence passed. But is it that cool reflection in the in-' jured person, which, for the most part, brings the offended to 'justice? Or is it not resentment and indignation against the 'injury and the author of it?' Having thus shown the use of this passion, Butler proceeds to exhibit the danger of its excess. On the other hand, put the case, that the law of retaliation ' was universally received, and allowed, as an innocent rule of 'life, by all; and the observance of it thought by many (and 'then it would soon come to be thought by all) a point of honour. 'Under the consequences which would inevitably follow, if we ' consider mankind, according to that fine allusion of St Paul, as 'one body, and every one members one of another, that resentment ' is, with respect to society, a painful remedy. Thus, then, it must ' be allowed, the very notion or idea of this passion, as a remedy or preventive of evil, and as in itself a painful means, plainly 'shows that it ought never to be made use of, but only in order 'to produce some greater good.' 'What justifies public execu-' tions is, not that the guilt or demerit of the criminal dispenses ' with the obligation of good-will, neither would this justify any ' severity; but, that his life is inconsistent with the quiet and 'happiness of the world; that is, a general and more enlarged 6 obligation necessarily destroys a particular and more confined one of the same kind, inconsistent with it. Guilt or injury, ' then, does not dispense with, or supersede the duty of, love and ' good-will.'

In the gradation by which Butler discriminates sudden anger from deliberate anger or resentment, he distinguishes the latter by its being inseparably connected with the sense of wrong and injustice, intention or design. This distinction was not necessary for Lord Kames's purpose; it had not been sufficiently attended to by Dr Smith in his details, although noticed by him in a general manner. When Butler denies to the latter, even under the dignity of this distinction, any thing of the quality of a sanction, or the illumination of a guide, he guards sufficiently against the possibility of this principle of our nature being confounded with that of conscience, or some equivalent power. This confusion is expressly created by Lord Woodhouse-

lee, when resentment is vested with the character of a criterion. The same effect is obtained covertly by Dr Smith, under the retinue and compliment of imposing epithets, to which plain, undisguised, unadorned resentment, can have no pretence. Satisfied with having explained the use of this passion to a certain extent, and in certain cases, Butler gives it no higher authority; whereas, in his second and third sermons, with some degree of hesitation, certainly, and subject to cautions, (the difficulty of applying which appears to us to be a serious objection to the fact so simply stated,) he considers that 'man has a rule of 'right within,' and that his 'inward frame,' or conscience, may be consulted as a 'quide in morals.' However, we conceive, although this should be true over a considerable part of morals, or at least should be so probable that we could consent to enforce the slight and reparable sanctions of the moral code upon the plausible supposition of its truth, it will by no means follow that we may not obtain, and therefore are not under the obligation of obtaining, a more precise and visible rule, for so much of morals as is brought within the severer penalties of positive jurisprudence. We never can believe, for instance, that Butler would have allowed his conscience to guide him to the equation of evil for evil, as the moral ground and limit of criminal law. Not even according to the modified system of M. Rossi, as being its measure, much less according to the broader hypothesis of others, as its end. Indeed the passages which we have just quoted from this great expositor of conscience, are a decisive proof that he did not consider its authority to be directly applicable to the administration of penal justice. It is singular, in the meantime, that M. Rossi should not mention the doctrine of resentment among the principles upon which the edifice of penal legislation has been occasionally raised. It was almost the only principle regarded by savage communities. It pervades, as taken out in kind, or with its equivalent compositions, the leges barbarorum. The skeleton waving on the gibbet was long intended, not to be so much a warning to other criminals, as a consolation to the relations of the deceased. Traces of this spirit linger in our law-books more even than in our manners. The law of Scotland still nominally affords the injured parties their recompense or assythement, independent of the vindicta publica; and the relations of the deceased were only within these few years deprived in England of their claim, under an appeal of murder. As late as the reign of Henry IV., they were entitled, under this proceeding, to drag the murderer to the place of execution with their own hands. However the Koran may deserve the compliments lavished upon its style, the substance of the criminal law contained in it is worthy only of a tribe of Arabs. The most important part of that law rests upon hisas, or retaliation only, mixed up with a general notion of expiation. Over the most civilized countries where the Mahomedan empire is established, this simple and vindictive standard regulates the protection of life and person. We should guess that this spirit is more vigorous on the banks of the Mississippi, than by the lake of Geneva. For in a preamble to the code of Louisiana, in which Mr Livingston proposes to sanction by a solemn legislative declaration the principle on which its several provisions were founded, this was the only erroneous principle which it was felt necessary to explicitly negative and denounce. 'Vengeance is unknown to the laws. The only object of punishment is to prevent the commission of offences.'

The language of the Traité de Legislation is often provoking, or more than provoking, to persons who have formed their principles in accordance with that distinction between our moral nature, our passions, and appetites, which harmonizes with what Hume calls the 'caprice of language' on this subject. There seems to be evidence in the volumes of M. Rossi, that we owe them to the provocation of these paradoxical contempts of the human heart. The author's intimate acquaintance with the intelligence and virtues of M. Dumont, would only make him probably more fearful of their consequences in less honest and less able hands. We heartily wish the reaction had not carried him antagonistically so far in the opposite direction. The horseman who, having drunk his stirrup-cup to the Virgin, found that he had vaulted on the other side instead of having alighted into the saddle, observed, that 'the Virgin had been too kind.' M. Rossi may make, we think, the same complaint. Half his journey would, as in John Gilpin's case, have been better than the whole.

Systems which find in conscience the foundation of human justice, or at least the limit of its punishment, on the ground of abstract right, acquire great plausibility and popular favour from the necessary course and language outwardly adopted by the criminal law, and also from the deference which, on its own specific grounds, it necessarily pays to popular feeling and opinion. The way may be cleared by a few observations on the distinct objects of civil and criminal law respectively; and on the different means by which alone each of these objects is to be attained. The most important consideration, however, arises out of the fact, that the intention with which the party has committed the wrong, can have no connexion with the object of a civil action, which is redress; whilst it is indispensable to a

criminal prosecution, as furnishing the only element upon which it can act, in order to obtain its peculiar and public object, which is prevention. It is apparently the necessity of this malus animus, or its intention, in public offences, which has led to the confusion, or at least confirmed it, which exists so much more visibly between morals and penal law, than between morals and Now, this distinction does not depend on any comparison between the moral consequences in the two cases; but exists in the very nature of a civil and a criminal proceeding, with reference to the supposed quality of the respective injury, and consequently that of the appropriate remedy for each. In a case of the first description, the direct injury sustained by the individual who is the personal object of it, consists in the loss or pain to which he has been subject. The specific remedy is restitution, compensation, or both. In this case, both the evil suffered, and the cure for it, although they may be circumstantially affected more or less by such intention, are nevertheless in substance independent of the intention of the causer of the evil. Whatever he might intend, the party is so much the loser at his hands, and is entitled, as between one individual and another, to look to him equally for redress. Suppose that it is sought to represent this act, or any other, as a crime, and to treat it accordingly-we have now to open an entirely different account in the quality of the injury, and necessarily of the remedy to be prescribed. The injury to the public is almost entirely indirect. There may be a few cases where, on the supposition that, although all possible consequences from the act are contained within the very act itself, yet the injury to the public arising from the single act, is such as to entitle even the public to amends. The public, in a case of this sort, stands precisely in the situation of an individual injured; and the proceeding for recovering effectual and direct redress for the past nuisance or obstruction, should be governed by the same consideration. The English doctrine of the civil injury and its remedy merging in the criminal, is verbal sophistry. They are in fact, and ought to be kept in law, distinct indeed, but compatible and concurrent. Such are injuries called misdemeanours; which differ rationally from felonies, in no other necessary legal quality than by the fact, that from their less alarming nature, the means of obtaining the private end and remedy of personal satisfaction, will generally comprise the public end and remedy of social prevention also. But the immense proportion of the evil contained in an ordinary crime, and for which society retains in its own power, and administers on its own responsibility, the proper remedy, is the indirect evil. This

consists in the alarm which society feels, lest order should continue to be disturbed by a repetition of the act. This alarm originates in the supposition that the offender, and people like him, have a disposition and intention, more or less developed, by which they may be induced to repeat it. It is against this supposed disposition and intention that punishment is directed. Disprove the intention—satisfy society that the doer of the act in question did it unintentionally, the alarm, and the right on the part of society, the cause and the effect, are at an end. Society, that is, can have no apprehension, in such a case, that he will be likely to repeat it; or that others, being aware that he was excused on the ground of absence of intention only, will be induced to repeat the act on account of an impunity, the ground of which they must know will not apply to them. The distinction, therefore, of the language, principle, and course of proceeding, in the two cases of civil and criminal law, has no reference to morals. It depends on the fact, that, for the object which criminal law has in view, intention is wanted as a motive. Otherwise, since disposition and intention are the only source from which we can raise counteracting motives, there would be nothing upon which punishment, as the means of prevention, could act, and therefore there could be no case made out to justify its infliction.

The legal criminal intention necessary in criminal law, is not identical in strictness with the evil intention imputable in mo-It is enough, that there exists an intention to do the act. It is not necessary that the party should know that the act is morally wrong. It makes no difference even if the party believe that the act is morally virtuous. In case the conclusion of law be true, which presumes that its prohibitions are known to every one whose intellect is not defective, wherever there exists a degree of understanding, capable of acquiring the knowledge that an act is forbidden by law, there exists that against which punishment can be brought to bear as a means of prevention. It is only necessary to convince the party that a specified amount of evil will be the consequence of the act. He may think it his duty, nevertheless, to perform the act. But if society think the act mischievous, and has declared so by a penal prohibition of it, it is the duty of society to seek to restrain and overpower this mistaken sense of duty by the motive raised from punishment: The law, from considerations of general consequences, will not admit proof (indeed proof of such an internal fact is almost impossible) that the party was not aware of the municipal prohibition. Otherwise, in case that fact could be proved, in the absence of all intention to violate the law, which was unknown, there exists by the supposition no motive for punishment to coun-

teract. Consequently the ground on which alone human punishment can proceed, as far as the individual is concerned, has failed. The party was ready to obey the law if he had known it: what could he more? and what can he do more if you punish him till Doomsday? In a case of this sort, punishment can only act on others, as a warning to use due diligence in learning the law, ignorance of which is so tragically shown to be no excuse. case like that of Martin the incendiary will illustrate the distinctions. There could be no pretence for his acquittal, supposing the jury were of opinion that he believed that it was morally or religiously right to burn York Minster, but knew, at the same time, that it was legally wrong. If they meant by their verdict to express that his understanding was too disturbed to be capable of knowing that it was legally wrong, the acquittal was correct. On the other hand, in case they thought his understanding, although fanatically perverted, nevertheless was capable of attaining this knowledge, but that in point of fact he had not attained it, the rule of public policy is understood in this case to intervene, and to require a verdict alike inconsistent with the mode by which alone punishment can effect its proper object, and with our moral feelings.

We willingly acknowledge that we are here upon ground which should be trod most tenderly. The rule still, in its severest form, furnishes no excuse for the flagrant prevarication with which English judges have so often turned questions of fact into questions of law. Wherever, and to the extent that this consideration of public policy does not interpose, it is clear that the law ought to direct, and joyfully would a jury co-operate with the law in the acquittal of a party, against whom the case supplies no evidence that the motive of penal restraint is called for in order to keep him in obedience to the law. Nobody proposes the hanging another by way of communicating a point on arson to the public (if that were all); or of enforcing on it the advantages of a general study of the criminal law. The law is a peremptory schoolmaster. But whether for learning its abstract lessons, or for preserving the evidence of a fact, the milder habits of our times are against the old practice of just whipping a lad at the boundary stone, in order that by infixing the spot in his memory by this simple process, he might be a more trusty wit-

ness of the same.

No doubt, where the rules of morals and of policy appear to clash, it requires not only a deliberate conviction of this policy in reality and in truth, but much time and consideration, to bring the mind round into harmony, or rather acquiescence with the law. It is well it is so. This fact is our security, that

wherever mitigating circumstances exist, which the law either could not foresee, or could not discreetly proclaim as a justification or an excuse, full credit will be allowed for them in the execution or remission of the sentence. The only question is, where the consideration of these circumstances should be lodged?—whether in the executive or in the judicial (and then in which

part of the judicial) department?

There is nothing gained by contending for a single case one way or the other, when the sacred principle upon which the objection rests must be driven to admit exceptions which are destructive, at least to ordinary understandings, of its paramount inviolability. Thus M. Rossi holds that a specific amount of moral evil intention is the element which punishment has to seek out, and which, like the action of an acid and an alkali, it has to neutralize in every crime. 'Ajouter quelquechose à cette ' peine? Ne fût ce qu'unc obole, cette portion du châtiment ne serait qu'un fait sans moralité; le condamnè ne serait plus 6 qu'un moyen entre les mains de la force, un pur instrument.' Yet M. Rossi denies to perversion of the will, (fonctions affectives,) and to monomanie the protection given to lunacy. Such a distinction can scarcely be maintained by the unauthenticated assertion, that a party under these circumstances retains a latent power of discrimination between right and wrong. An ignorance of the law, it is likewise admitted, can be no excuse. Yet, supposing in point of fact that the court is really satisfied of such ignorance, all proof of an evil intention to violate the law surely is removed. The substituted offence,—that of a want of due diligence to acquire a knowledge of the law, in the case in question, is one of an entirely different character and malignity. So, a party engaged in an unlawful act, is charged with the consequences of the act-not only those which he foresaw, (but, as M. Rossi admits,) also those which he ought to have foreseen. Here again the omission of the requisite degree of foresight, (if we are to separate the moral and social evil in an offence,) is perfectly distinct from a direct intention to commit it. fusion of these distinctions formerly condemned heretics to the stake, and still perplexes many men in their estimate of the degree of moral criminality attributable to the holding of this or that mischievous opinion.

M. Rossi states as broadly as the most rigid Utilitarian can desire, that social order is the end of society; and, accordingly, that society can make neither offences nor punishments, but with reference to that end. It is an incalculable advantage that conscience, as afterwards introduced into this system, can act negatively only, not positively;—not to create and enforce

human law, but to restrain and modify its severity by the check of its peculiar operation. After what we have said, it is evident that we do not object in one sense to conscience and ill-intention being conditions in the administration of justice. Our objection is only to the principle on which they are introduced, and to the supposed criterion and jurisdiction with which conscience is invested, for the express purpose of rehearing, and perhaps reversing, on a purely abstract speculation of some strict personal expiatory proportion, every penal sentence which a crimi-

nal may incur as a member of society.

Within the limited sphere of criminal law we cannot admit the existence of that separation between mal moral and mal social, on which the main part of M. Rossi's system is founded. It seems to us to be employing infinite art to split a hair, which it will take just the same trouble to reunite; whilst it is only when reunited that it can be of any service, or, indeed, can in most cases be made visible to ordinary eyesight. As to immutable justice, whether there be such a thing is beyond our reach. is an abstract standard in the hands of the invisible God. For us justice can have no reference but to man; -to human conduct. And that cannot be separated from circumstances and facts. It becomes under the attempt a nonentity. Whether in its application to man, the internal and external condition of its characteristics be evil for evil, is also what we cannot see. It may be so in another world, under God's dispensation. Natural justice evidently is not so administered in this, where the wicked often flourish like a green bay-tree. The wisest and the best men have felt their want of title, as well as their incompetency, to administer this delicate jurisdiction. The right, or possibility, or use in exercising it, are all distinct questions. The right to act on it, in this sense, must be made out by much stronger arguments than has yet been ever done. Next, the possibility of it must be shown, for nemo tenetur ad impossibilia. We must have some sort of security against mistakes, when we undertake to proceed on abstract and not social grounds. At best, too, it is but little that man can do to introduce and maintain this proportion. Our ignorance of the circumstances on which such a proportion must depend, is alone a sufficient answer to any declaration that we must apply it. Any argument which should disprove our right to punish, except within the limits of this proportion, would only tie up the hands of law, by disproving our right to punish altogether, unless it could give us the satisfactory means of ascertaining its imaginary terms. Now, who can tell all that goes to constitute the evil-in this sense, moral evil-contained in every, or in any human action? On the other

hand, who can tell the precise amount of evil which, by the infinite varieties of human character, constitution, and situation, any given punishment may inflict? Yet we are now on our right and title. The scales of Shylock are put into our handsa hair on the wrong side fixes us with the weight of blood. It is in vain that conscience—(contrary to all fact)—is assumed to be a sufficient guide for so minute a purpose. Public opinion, or the opinion of the majority, is wrong often even with reference to much more palpable propositions. The risk of error, in the fixation by it of moral proportions of this description. as a preliminary to human law, would make wild work. In case the construction of their moral thermometer is referred to the wisest man, who is to bell this cat? We should like to see the men, and afterwards to compare their notes on this subject, one with another, were each English county to elect (by ballot, if they liked it,) its supposed ablest metaphysician. A crisis compels a nation to submit its political existence to a Washington or a Napoleon. But in ordinary times the public seems disposed to judge of the wisdom of its lawgivers in a coarser way; and lets all other passions interfere, nay, often rule supreme, besides a passion for justice and for wisdom.

If we take a case, apparently the plainest, that of murder, diversities rise up, which will push aside the application of any abstract scale. It is in vain to allege that its moral and material evil are constant, and that it is only its social evil which changes. M. Rossi admits that assassination would be a greater crime in England than in Corsica. We cannot comprehend on what metaphysical evidence or distinction it can be made out that the crime, in this case, would not be greater morally as well as socially. So of infanticide, (which is made so light of in the Traité de Legislation altogether, and) which, notwithstanding our severest efforts, is now reviving in Cutch, we cannot feel that the moral evil is the same in a Rajpoot chieftain as it would be in an English peer. So, when it is allowed that adultery is a variable case, under the variations of mal relatif, according to the different opinions prevalent in different societies, it seems impossible that this variation should not tell again upon the mal moral. This distinction, upon which so much of the detail of M. Rossi's argument revolves, professes to keep open two distinct accounts of man, as it were-of man alone, or in a state of nature, and of man in society. We have never seen an attempt, by moralist or publicist, at reasoning out a system of ethics or ethical jurisprudence, from the hypothesis of a state of nature upwards, which has succeeded better than Condillac succeeded, with his statue or hypothetical man in metaphysics. There is

no logical method of giving back to the first the sociable disposition, which makes society a matter of necessity; nor to the last, the obligation of conscience. The break is too entire. To reason about man out of society, is to write the natural history of a fish out of water. M. Rossi changes the word right into duty in his definition, and seems to imagine that he gets a great deal by it. We do not see how. But his observations on the moral order of society, -that society, and the justice imposed by it, are a duty; that the not improving it, as far as lies in our power, is a breach of the moral law; that punishment is one link of a chain of means, whose final end is moral order -appear to us no less eloquent than true. Our difficulty is in conceiving where the difference can rest, or what, at the best, can be the possible use of it, beyond a needless opposition of epithets between this system and one of utility and order, founded upon the interest of society; having general rules, as feet to stand on, and general consequences, as our best substitute in cases not reducible to general rules. Our view of utility does not represent human nature as a blank sheet of paper, with a line drawn down the middle, debiting and crediting pains and pleasures on the two sides of it, without distinguishing what may be the different nature and quality of these pains and pleasures. We admit the moral element as a constituent part of man's nature. Like any other sense or faculty, some people are without it, and must supply the want as they best can. Many, whose reason is stronger than their passions, get on in this way apparently very well. But its just rights and character have, as is usually the case, suffered most from overstatements and unreasonable pretensions on its behalf. Many gainsayers would come in and go along with us to a certain point, if we were content to find in conscience a peculiar source of personal security, dignity, and satisfaction. The average difference, in this respect, between a conscientious and an unconscientious person, may show the value and use of conscience, when thus limited and circumscri-The further question is perfectly distinct, and depends, as a matter of evidence, on observation, and on a comparison of facts of another order; namely, whether taking counsel of utility or of conscience is the best means of getting at a rule of civil conduct, more especially in respect of the arduous rules connected with criminal jurisprudence.

In the remarks we are about to make upon a doctrine which seems to us to be most pernicious, we cannot charge it as an exclusive consequence on M. Rossi's principle. He need not be surprised that there should exist such a delightful harmony between mal materiel and mal moral. It is just what we should

expect. But we are surprised, and think that he ought to share in our astonishment, at finding that the advocates of utility are fighting with him under the same banner, in support of the motto, that legal perjury may be moral truth. It was with the most unfeigned sorrow and apprehension for the mischievousness of such tenets, that we have lately read the following passage, applied to capital punishments, in the leading article of so able a paper as the Examiner. We are as anxious as any body can be, that our system of capital punishments should be carefully revised; but dread that the propriety of this measure should be enforced by arguments which, compounded of Jesuitry and enthusiasm, must go to shake the foundations of society. ' As for giving verdicts against the evidence, whatever may be ' the enormity, a share must be borne by the judges, who, as 'Mr Bentham observes, were in the habit of directing juries to ' find the value of stolen property below the real and notorious ' value, in order to evade the capital punishment; and who, for ' quirks and quibbles of law, have, in more than one instance, ' directed juries to find verdicts of not guilty, after the prisoner ' has solemnly confessed his guilt.'- 'For forms, with whatever ' sanctity they are clothed, honest men will not sacrifice the object ' for which such forms were directed. The object of the juror's 'office is justice, and if the law endeavours to make him an 'instrument of legal murder, the paramount social principle ' releases him from his oath.' M. Rossi holds similar language. The particular application of the following paragraph refers to the case where the judge or jury (if there is one) are convinced that the reason and the will of the prisoner were not concurring in the physical act which he has committed. In this point of view, the main value of a jury seems in his opinion to be placed. For the jury is called the conscience of society, and it is on this rebellion of juries against the law, that he apparently relies for its progressive and compulsory improvement. Le juge qui, dans 'un tel cas, condamnerait l'accusé, trahirait sa conscience et se 'rendrait moralement coupable d'un crime. Nulle loi n'est ob-'ligatoire dans ce cas. Le législateur, en passant sous silence ' une cause de justification, a commis un oubli au détriment de 'l'innocence, ou il a voulu commander une iniquité. Dans le ' premier cas, on doit réparer son oubli; dans le second, on ne ' doit pas obéir.'—(Vol. iii. p. 291.)

Offences committed during intoxication fall immediately within this privilege; but of course the benefit of it must extend as far as the revelations of conscience on the part of a juror may carry him. There can be no intermediate point with substance enough about it to give footing to a single one of those thousand angels, who, it is said, can dance together on the point of Where a precise punishment neither more nor less is imposed by law, the same authority which releases a judge or juror from obedience, in order that he may reduce the moral equation to the proper standard, authorizes the same parties, one and all, in every prosecution, to question whether an act, which has been made an offence by the legislature, is or is not morally a crime. So every civil action may raise the point, whether any given legal right is or is not a right, by nature or in morals. It was matter of long and painful controversy to the casuistical doctors and civilians of former days, whether a judge was not bound by the evidence produced in court concerning the fact, although he might know of his own knowledge that the fact was otherwise. Monstrous as that doctrine is, it is not as an abdication of his duty over the fact, so extensively dangerous as this usurpation of authority over the law. The general consequence—the ultimate end—of such a system, is worthy of the means. A pupil of M. Rossi's, or of the Examiner's, upon a jury, will subject such of his colleagues as happen to have a scruple about their oaths, to rather unreasonable terms. Strange battles and compromises pass in a jurybox at present. But they must be flea-bites to the wounds which these new instruments of judiciary logic would inflict on the consciences of men and the interests of society. It would be in vain that the eleven half-starved jurors of the old school should represent that they were bound by their oath, and by their duty to society, to find according to the evidence. In vain would they submit that the two points, -sc. whether the fact were done, and with what intention it was done, -was as much of the case as they were commissioned to enter upon and decide. Vainly would they object to take advantage of the general form in which their verdict was returnable, in order to falsify their answer on the only points upon which their country had asked their opinion, and over which alone it intended to intrust them with its power. In respect of every thing beyond those points, they have no more right to condemn or to acquit than a stranger in the street. Notwithstanding all this, A has resolved never to bring in felo-de-se on suicide. B will never bring in guilty on a duel. C cannot agree to convict under the game laws. D objects to capital punishments in forgery; E to the number of shillings at which larceny rates the worth of the life of man. F has compassion for the concealment of the birth of a bastard child; G for the administering medicine to procure abortion. H belongs to a club who have agreed that they never will set aside a modus, or consent to turn out, what the clergy-hater, or rather the tithe-

hater, calls the black slug, to riot over an acre of English land. K feels that the right of an heir-at-law, or of children, to succeed to the family estate, is a natural right, and his sense of justice will not let him support a will by which they are disinherited. L, on the other hand, believes that the will of the testator or founder imposes a sacred obligation; his conscience, accordingly, will not allow him, on the ground of some technical objection, to be a party to setting aside an instrument in which that intention is conveyed. These diversities contain but a minute fraction of the discord and enormities which must attend the successful delivery of the doctrine, that the letter of the law, and the formality of an oath, are (in the language of predecessors, who are allies in principles, and wore only a different uniform) 'carnal ordinances'—dust in the scales of pure and essential justice. An open usurpation of this nature, of the greatest of all rights reserved by society to its legislature, is a much more dangerous 'accroachment' on national authority, on the part of every petty juryman who commits it, than our ancestors had ever occasion to contend against under that class

of arbitrary treasons.

We say not a word, and have not one to say, in behalf of legislators who wantonly place the law in a condition where a divergence between the legal and moral sanction may possibly arise. But there is less excuse for moralists who multiply the risks of this melancholy alternative, by carrying the principle of moral duty out of a circle so plain and definite as this, into vague and arbitrary regions. It is the bounden duty of a legislature to avoid raising a dilemma of this sort, where it is possible to do so, consistent with the public service. But the choice between the least of two evils, in several cases where persons of equal honesty and ability may differ in opinion which evil is the least, occurs in morals as well as in municipal law. It must take place as often as it is necessary to select between conflicting duties. If a man has been unfortunate enough to take an evidently unlawful oath, it is void, ipso facto, on the discovery of the unlawfulness. This is the least of two evils. In a great crisis, where the peace of a disunited kingdom is at stake, a reasonable king, when called upon by his two Houses of Parliament, will put a liberal and enlightened construction on his coronation oath. When a nation, for whom and to whom a particular promise has been made, requests its sovereign, by means of its legislature, that he will attend to their wishes and interest in the mode by which the promise shall be performed, such an interpretation of a promise can scarcely be represented as the least of two evils. Soldiers ordered to fire on their fellow-citizens, in support of an attack made by their sovereign on the charter, to the maintenance of which he himself had sworn, may well consider that an exception in behalf of an unforeseen indignity of this sort was implied in the engagement of military obedience, or that a contract, when violated on one side, ceases to be binding on the other. At all events, this again is the least of two evils. But can there be any such exception or comparison, in a case where, in considering the obligation of a judicial oath, the alternative is, whether a single juror shall make or shall administer the law?

Mr Bentham criticised long ago, with just severity, the unguarded passage in Blackstone's Commentaries, where, in a case of a supposed variance between the word of God and the law of man, the professor informed his students, in so many words, that the law was null, and that they were bound to disobey it. This contingency, from its nature, must be comparatively a rare one. But the present insurrectionary movement is directed against justice in its very camp and sanctuary. In the thousand differences of opinion, which rise up on points of this sort, it may occur almost every hour. The division between legislative and judicial duties, and the faithful observance of this division, have been long regarded as truths of the last importance, and therefore of the most indispensable obligation. The very definition and notion of law are otherwise ground to powder. Even the creation of judge-made law, under the latitude of construction which is almost an inevitable part of la jurisprudence des tribunaux, has been, in this sense, severely commented upon by Mr Bentham. He has reproached the judges with the extension of this necessity as for a great irregularity,—a violation of the strict line of duty, by which they were confined to a simple interpretation of the law. Every system deserving the name of a constitution has a proper division of its powers. The legislature makes, the courts interpret, and the executive executes the law. There can be no excuse for their interference, one with the other, in their respective duties. Each receives from society its express and limited department as a specific charge. Oath or no oath, it is an abuse of power,—a direct breach of the trust confided to them by their country, to trespass a single inch beyond the very task committed to them. If we think a moment of the sacredness of plain, above-board, unequivocating truth, from its very necessity to the most ordinary movement of the daily machinery of a community, the contempt of truth is a serious evil. In the shape of an oath, something must be added for the religious reverence, as well as for the magnitude of the stake which society intrusts, in judicial proceedings, under the

confidence of this sanction. These considerations cannot diminish, but must increase, the obligation of obedience to the criminal as well as civil law, bound, notwithstanding the sophistry of Sanchez, upon every enlightened conscience. As long as the legislature, representing the community, keeps the law in a certain state—that state must be understood still to represent the public opinion and the public will. When any individual puts his own private opinion (whether it turn out to be a truth or a crotchet) in opposition to the opinion of his country, as constitutionally expressed, it is no slight vanity in him to be over-positive that he is right. Parties who doubt the competence of the legislature on this subject, should have the manliness to bring forward their scruples at an earlier stage; and, as Sir M. Hale is said to have done during the Commonwealth, decline to sit in the criminal court at all. But to take a particular office, created for the discharge of a particular duty, to swear to perform that duty, and then proceed instantly to violate it, by remaking and unmaking the law at the party's pleasure, is a proceeding which argument will find some difficulty in defending; and over which a conscience must be tolerably well drugged and dormant before it can go satisfactorily to sleep. The only title on the part of a man appointed to be a judge, or of twelve men selected to serve upon a jury, on a single trial, is the same as that on which, from century to century, the whole judicial authority of the kingdom rests. legislature, representing the people, must draw the line between legislative and judicial duties. Among judicial duties, it must separate that which is vested in the judge from that which is appropriated to the jury. Whether the power of the jury might be advantageously extended beyond the power of merely finding the fact and the intention, is a question very fairly open to discussion. In case, at any future period, the jury should have the right given them by the legislature of turning law into morals, we are satisfied that the experiment will never answer. It was tried, and given up, in a court of civil equity. For the Court of Chancery began as a court of conscience; and was abandoned even for the present Chancery, as the least grievance of the two. The Star Chamber, or any other court of criminal equity, would be even a worse speculation. We should soon have speeches like those of Cicero's, in which the merits of the case, as guilt or innocence, would be the last thing thought of, but which would be solely directed to touch and to inflame. Appeals to the passions would become the popular oratory of courts of law; until we ended by having as little idea of justice as they had in ancient Rome. We trust there is no chance that any English legislative assembly should start on this wildgoose

errand, and ever outrun the public interest such lengths as these. Let that question, when some such legislator as Mr Sadler raises it, be tried on its own merits. In the meantime, and until the law has thrown open to a jury the door of an unlimited discretion, nothing ought to be more deprecated than the license of leaving jurors to scramble for whatever they like to seize, under the sounding names of conscience and of justice—a license which would disorganize society wherever it was practised, and

must demoralize the individual who indulges in it.

M. Rossi is prepared for a cold reception of his book in this country. In his classification of the philosophers of morals and jurisprudence into spiritualists and sensualists, he states that the latter have crept only very partially into Germany in a comparatively abstract form; that they divide France, but reign sole and supreme in England. However incorrect and incomplete their labours may hitherto have proved, yet the admission that every attempt at the reform of the criminal law, during the last fifty years, in Europe, has come out of the Utilitarian camp, is no inconsiderable honour. We are certainly not among the bigoted and out-and-out admirers of the extreme moral and political opinions of this school. They often seem to us to spoil a very good cause by their way of arguing it. But as far as they are right every man should rejoice to follow them; and where they have done good service by their ability, courage, and perseverance, as in behalf of rational jurisprudence, they are entitled to the gratitude of mankind. Our portion we pay with greater thankfulness than it will probably be received. Had the Traité de Legislation never appeared, we cannot but fear that the mal social would have made but a sorry figure alongside the mal moral in the present volumes. The consequence of confusion and of error in criminal law, may be so fatal, that the obligation cannot be too forcibly and repeatedly urged upon society, of going no farther in our reasonings upon it than we can clearly see our way. There may be in the background more refined and comprehensive principles; but as long as they are comparatively conjectural, they cannot answer so practical a purpose as that in hand. Any rational view of divinity and morality will, it is true, give to these sciences the same object as jurisprudence has in view. But a moment's reflection upon the different ways in which the sciences proceed to work when they really come to practise, comprises more than the difference of Pyrrho in his study, and Pyrrho opposite a waggon in the street.

The misery which a man may inflict upon himself and others, by diseasing and misleading the great sentiments of religion and of morals, by means of erroneous principles, is undoubtedly a consideration of deep interest and compassion. But society,

minding its own business, and keeping within the bounds of its just authority, has here nothing to command. It must be content (and to this extent it is bound to act) with an equal and steady protection, maintenance, and encouragement of the teachers of the people on these vital questions. But, finally, it must leave the specific truths in both these sciences to be crowned in the triumph of free discussion; and to be enforced under the simple sanction derived in each subject from its own peculiar sources. Thus guarded in deportment towards these great divisions of human opinion and conduct, society cannot be charged with doing any direct mischief; whilst it provides the best (and without we can consent in each case to beg the whole question in dispute, the only) possible means of whatever happiness is to result from the discovery of truth. In law, positive law, the whole scene is changed. Society has not the choice of standing by as a patron or a looker on. It must act and speak as master. Instead of exhortation and instruction, we have orders. Does the citizen fall into error or disobedience? In place of self-reproach, and the frowns of bystanders,—instead of the personal belief, or the mere representation of others, that he has incurred the divine displeasure, a man is met by chains and the gallows. A difference so important in the means pursued, makes it imperative on society to walk warily in this gloomy region. The teachers of religion and of morals may be left to wander over ransacked nature in search of their conjectural and debated principle; they may rise up into the clouds, penetrate into heaven itself, or descend into the depths of the human heart, and lose themselves in its long and dark recesses, ere they come out again into open day. They are searching after truth—truth, in one sense, of another and of a higher kind. The lawgiver assumes, by the very fact of his solemn undertaking, that he has found out the truth, within that limited sphere, and for the special purpose, in respect of which he presumes to act. There must be no room for doubt about the proper end, or the proper means, when it is plain that the peace of a community, on one hand, may depend on our decision, and, on the other, that the purchase-money may be the life and liberty of our fellow-beings. The responsibility otherwise would be too terrible.

The part which we take upon ourselves to act in this deep tragedy, is too serious for hypotheses, subtleties, and fictions. It will be sheer folly or hypocrisy to turn off with Blackstone to the Mosaic revelation, for a justificatory rule of our proceedings in one instance, if we do not mean to go through with the code in Deuteronomy for the rest. Nothing is more childish than tacit contracts applied to so practical a reality. Beccaria supposes that a criminal is born with the rights of a state of nature over

his own person, and that he transfers them by some secret deed of surrender to the community in which he resides. According to the deduction made by Lord Woodhouselee and others, from the progressive phases through which criminal law has historically passed, they conclude that the right of punishment, as lodged in society, strictly represents, nothing either more or less than the right of vengeance, which each individual would have exercised in his own behalf. This he is said, on becoming a member of society, to have handed over to the officer of the public. Others distinguish between natural and acquired rights. These contend that the latter are the only legitimate subject on which punishment can be brought to bear, since what society has given,

that alone is society entitled to take away; and so on.

The argument in the Traité de Legislation, proceeds on a calculation, (the well supported gravity of which looks like the refined irony of Swift,) that a man ought not to commit a murder, simply because, on the whole, he will get more pain than pleasure by such behaviour. The converse seems to follow; and the right of society to punish a murderer, will depend on our being satisfied that more pleasure would have to be deducted out of the greatest happiness of the greatest number, by suffering the particular act to be committed with impunity, (not merely than society loses from his trial and execution, but also) than the criminal can derive from the murder, on the supposition that he is left at large. Society can make its scale (and does) on a general average taken from human nature. But it neither does, nor can, nor ought to seek to settle a proportion of this sort in the case of every individual. The balance is as incapable of calculation as that proposed by M. Rossi, and infinitely more outrageous. The chance of making out a personal title to impunity as against society, rises with the degree of malignant and demoniac gratification connected with the commission of a crime. The theory which deifies revenge, and places it on the judgment-seat, assumes that an innate moral criterion decides on the right and measure of punishment on the part of society. The criterion, according to this system, exists in the degree of resentment which an injury excites, and in its unappeasableness except by an 'adequate revenge.' The theory of pure expiation, holds language more consistent with what we pay ourselves the otherwise very undeserved compliment of calling by the name of humanity. It asserts not only that it is distinct in its nature, but that the means exist of keeping it distinct in practice from impure vengeance. Society may stop within the limits of expiation, if the wants of public order can be satisfied with a punishment short of the full terms of the expiatory equation. At the same time, the moral satisfaction of the public

conscience must not be disregarded. But society can in no case, it is said, pass beyond this equation. Its right of punishment is restricted to la peine morale, or moyen expiatoire. The mode to be pursued is to fix the standard between some given crime and its proper amount of expiatory punishment. the truth of the equation in retaliation, as the punishment for murder, is called un fait de conscience. This proportion, therefore, being established in one case, the further difficulty simply consists in the application of this scale, when we pass downwards to inferior offences; and in making allowances for extenuating circumstances. Here is a ladder which we are called upon to climb, whose top is in the clouds, and more than half whose rounds are broken. Nothing of reformation of the criminal, nothing of redress for the party injured, nothing of prevention of future offences for society, is contained in this principe dirigeant of the limits of criminal jurisprudence. They come in only, by the by, under the social principle, we presume. Evil for evil-penance in whatever shape-maceration in a hair shirt-all would be as good as repentance itself; provided there was but the necessary proportion of suffering maintained, as far as this one principle is concerned.

Can reasonings like these satisfy any man who brings a sober and unbiassed understanding to the enquiry? The protest which we put in preliminary to our criticism on these several systems, assumes that it is not necessary to travel so far for an intelligible principle which is, at least to our minds, conclusive as to the right. It has the further advantage, that in no case whatever can one doubt of the possibility and the use of its application. Society is necessary to man-to man moral, intellectual, and physical. Certain acts are incompatible with the existence of society in any tolerable condition. Those acts can only be checked by punishment. This is assuredly sufficient for a foundation, as well as for a limit of the right. There can be no question concerning the awful responsibility under which society exercises this discretion; of the magnitude of the trust; and of the multiplicity of considerations which a due and patient discharge of it involves. Yet Lord Woodhouselee denies that this statement establishes a foundation for criminal law at all. M. Rossi admits that it states correctly the foundation, but he turns aside immediately, and seeks elsewhere its limit and its measure.

It is easy to see which of these rules of conduct is simple in application for the party using it, and most useful to society. The fact is, (and is acknowledged by the only way in which their systems can be so developed, as to be ever made to work,) that before conscience or resentment can be trusted with a decision, it must be conscience acting, not individually, but in legislative

assemblies;—it must be resentment, not as personally felt, but as shared by the impartial spectator. That is, it must be conscience and natural feeling corrected by the public for the public good. Imagination and passion, without taste and judgment, might be considered the sole qualifications for good writing, as reasonably as conscience and resentment supposed to furnish the necessary requisites for good conduct—to be all the securities which can be wanted either in making laws or in obeying them. The motive and the rule of human life must be kept distinct. Whatever power these principles may claim as motives, they never can be appealed to as a rule, except as far as they take the understanding to be their assessor, on whatever subjects man allows himself to remain a reasonable creature. In the same manner as the eye and judgment co-operate in producing the phenomena of vision, (there are intermediate rules which act as glasses in assistance of the naked sight,) so do conscience and the understanding co-operate in our insight into, and direction of, human conduct; and the last has no test but that of utility to appeal to. It is the same, indeed stronger, with resentment. Smith calls in the impartial spectator. Why is that necessary? How is he made a better judge than one's self in a cause, with whose results and bearings we must be more intimately acquainted than a stranger? Simply, in order to get rid of the exaggeration of self-love, and reduce the feeling within reasonable bounds. The arbitration of reason, in such a case, acts, by bringing about an approximation in a particular instance, with those effects which the happiness of society requires. As much reference to the elements of conscience and resentment is thus preserved. as it can be desirable should be ultimately allowed.

It is not pretended that the principle of Utility, or any other, can provide us with a complete security—such as shall prevent all errors in its administration, and all crime by its result. There is no such elixir in the materia medica, out of whose limited resources a remedy is to be sought for the diseases of society. A panacea of this kind is too inconsistent with the ignorance and infirmity of human nature for the boldest charlatan to advertise But the principle of utility is simple: it is intelligible to, and, as far as it goes, is comparatively manageable by all capacities, under the guidance of those general rules which represent the condensed experience of ages; it is specifically adapted to the complaint; lastly, it contains in itself no unknown element which may, in careless hands, or in certain constitutions, produce more evil than it is intended to remove. Unlike resentment, it raises no cry for victims; but sensible of the delicate ground over which it moves, and of all the unseen circumstances which may morally extenuate an offence, (when externally the most inju-

rious,) it is touched with a human compassion even for the criminals, whose condemnation is imperatively required by the severe necessity of public order. Unlike expiation, it shrinks from the infliction of evil on the score of evil. It knows that crimes carry with them their own punishments as necessarily as the form its shadow; and that the criminal has really done a much deeper injury to himself in his own nature, than it was within his possible power to do to society. Accordingly it must feel, that the terms of this supposed equation, (as far as it can presume to guess on so mysterious a subject,) are already amply and fearfully settled the other way. But though human justice decline to be personified by the Eumenides of Mythology, with snakes coiled around its brow, or by a confessor in his cell, who settles cases of conscience as a debt, and clears off moral guilt by the short balance of so much evil done by the per contra of so much evil to be suffered, it has a nobler and easier duty to per-

form in the preservation of the public peace.

Justice, identified with the happiness of the millions whom it governs, listens to no individual feeling-pursues no partial interest. It would abdicate its whole charge and dignity, were it to fall back from its public duty upon these comparatively private considerations. It cannot stoop to seek the gratification of malignant passion-nor waste its time and strength in hunting after a mystical proportion for the mere purpose of adding pain to pain. Its rational office is that of calmly watching over and advancing the happiness of mankind. It remembers that society is a great insurance company; the duty of which is to provide, as far as possible, individual redress for every member; and in such injuries as by their nature are likely to be repeated, to prevent them for the future. Accordingly, its punishments are directed, not with the view of doing evil to the party who has committed the injury, but of doing good to the party or community which has sustained it. Restitution, reparation, reformation, and example, are the real debts which it is its object to teach the criminal that he owes society. Aware, painfully aware, how little the best society has steadily attempted even, and how much less it has effected, towards the reduction of human offences to the lowest average which our nature and condition are likely to admit, by a preference of virtue to revenue, by measures of gentle but salutary precaution, by an interposition against the fluctuations and pressure of extreme want, by the light of education, by a humanizing and superintending intercourse between the different classes of society, which would bespeak a common interest in the recognition of a common nature -aware of all this, and of a great deal more, justice may well feel the deep responsibility of mercy, to which she is also conseerated by her office. Whilst, therefore, the only direct communication which, on the part of society, she has to make to that unfortunate class, out of which criminals for the most part are recruited, is one of rebuke and menace, solemnly will she take heed that the wellbeing of the great body of the people is the only consideration which she puts into her equal scales; and that the words of her mouth are—what alone in such a case become the representative of society—the words of humanity and reason.

- ART. X.—1. The State of Protestantism in Germany, being the Substance of Four Discourses preached before the University of Cambridge. By the Rev. Hugh James Rose, B.D. Second edition, enlarged. 8vo. London, 1829.
 - 2. An Historical Enquiry into the probable Causes of the Rationalist Character, lately predominant in the Theology of Germany. By E. B. Pusey, M.A. Regius Professor of Hebrew in the University of Oxford. 8vo. 1828.
 - 3. An Historical Enquiry, &c. Part the Second; containing an Explanation of the Views misconceived by Mr Rose, and further Illustrations. By E. B. Pusey. 1830.
 - 4. Six Sermons on the Study of the Holy Scriptures, preached before the University of Cambridge in the years 1827 and 1828; to which are annexed Two Dissertations; the first on the Reasonableness of the Orthodox Views of Christianity, as opposed to the Rationalism of Germany; the second on Prophecy, with an original Exposition of the Book of Revelation, showing that the whole of that remarkable Prophecy has long ago been fulfilled. By the Rev. S. Lee, B.D. D.D. Professor of Arabic in the University of Cambridge. 8vo. 1830.

It is, we think, high time for the well-paid champions of Orthodoxy in this country, to awake from the dignified slumbers in which it is their delight to indulge, and to take some notice of those incursions into their sacred territory, which the theologians of Germany have been so long permitted, without any repulse, to make. We are assured by Shakspeare, that

Make rich the ribs, but bankerout the wits;

nor could we ask a much more pregnant proof of this fact, than the striking contrast which exists between the poor, active, studious, and inquisitive theologians of Germany, and the sleek, somnolent, and satisfied divines of the Church of England. The priests of Egypt, we are told, abstained from drinking the water of the Nile, because they found it too fattening;—the Pactolus

of the Church also fattens, but it is not abstained from; and the consequence is, that our portly sentinels slumber on their posts, while the lean theologues of Halle and Gottingen carry away

all the glory of the field.

Among the lower ranks, indeed, of the English clergy, that sharpener of the wits, poverty, is not wanting. But so strict is the watch kept over their orthodoxy by their superiors, and so promptly does the episcopal eye, awake only to innovation,—mark out for reproof and punishment every movement of free enquiry by which the general compromise of belief throughout the church may be disturbed, that the few among those lower expectants of patronage, who have either learning or leisure for theological disquisitions, think it most prudent not to enter into them; and accordingly, on all the great questions agitated by the German Rationalists, a 'sacred silence,' like that which Basil and others of the Fathers tell us was maintained, respecting her dogmas, by the Primitive Church, reigns with almost equal profoundness throughout that hallowed domain which reposes

within the fence of the Thirty-nine Articles.

It is the opinion, indeed, of the Rev. Mr Rose, whose work on Rationalism is now before us, that to the want of a regular Episcopacy, like that of the English Church, as well as to the absence of those curbs upon the restiveness of private judgment, which a compulsory subscription of certain Articles of Faith imposes, the very erratic course into which German Theology has extravagated, is, in a great measure, to be attributed. this respect, he says, 'there is a marked difference between our 'Church and these Prostestant Churches.' We are inclined to doubt, however, whether that implicit acquiescence in a common symbol of faith which diffuses so halcyon a calm over the surface of our Church Establishment, has not been brought about by appeals to far more worldly feelings than Mr Rose would willingly admit to exist in his reverend brotherhood; and we find ourselves strengthened not a little in this view of the matter, by having observed that, in proportion as the Church has become more rich and powerful, less of the 'old leaven of 'innovations' has mixed perceptibly with the mass; so that, by a result which sounds more miraculous than it really is, our establishment has gone on improving in *Unity*, in proportion as it has more and more abounded in *Pluralities*.

With respect to the efficacy of Confessions of Faith in producing uniformity of belief, it may safely be asserted, that no formula of this nature has ever been constructed, out of which easy and pliant consciences could not find some plausible loophole of escape. Among the Germans themselves subscription has, we believe, been always required, to what they call the Sym-

bolic Books in the Lutheran Church, and to the Heidelburg Catechism in the Reformed Churches. In the former of these two professions of faith, an opening was indeed left, of which the free-thinking divines of Germany have most abundantly availed themselves, and to which Mr Rose imputes the blame of having been one of the main inlets through which the flood of heresy, that has, if we may so say, unchristianized their Church, found admission. Their Symbolic Books, hes ays, were subscribed 'only in as far as they agree with Scripture—a quali-'fication, which obviously bestows on the ministry the most ' perfect liberty of believing and teaching whatever their own 'fancy may suggest.' In attributing, however, to this elastic 'quatenus' in the creed of the Lutherans, so much of that perilous matter which has been introduced into their Church, the reverend gentleman must, we think, have forgotten the Sixth Article of those he himself has subscribed; sanctioning virtually, as it appears to us, the same latitude of interpretation and dissent: 'Holy Scripture,' says this article, 'contains all things 'necessary to salvation; so that whatever is not read therein, ' nor may be proved thereby, is not to be required of any man 6 to be believed as an article of faith, or to be thought requisite ' or necessary to salvation.'

It was, indeed, under the shelter of this commodious clause, that the Jortins, Claytons, Blackburnes, &c. of other times, when the Church of England was perhaps less afraid of the consequences of dissent, and certainly less furnished with the means of purchasing conformity, were left unmolested in their bishoprics, prebends, and rectories, to indulge in their own heterodox notions, and enjoy at once the comforts of preferment and luxuries of dissent.* Times are, however, in this respect much altered. We should like to see the actually existing Rector of St Dunstan in the East, who would so far risk his chance of a stall as to venture upon Jortin's rash avowal, that 'there are Propositions contained in our Liturgy and Articles, which no man of common sense among us believes.' Even that enigmatic production, (the work, it is said, of one Vigilius, a contentious bishop of Tapsus,) which passed under the name of the Athana-

^{*} It is thought that Jortin had somewhat more than a leaning towards Arianism. (See a Letter addressed to Gilbert Wakefield, inserted in his Memoirs, I. 376.) That he was, at all events, not orthodox on this subject, may be seen from a passage in his Tracts, where he goes so far as to declare, that they who uphold the orthodox doctrine respecting the Trinity, must be prepared to assert, 'that Jesus Christ 'is his own Father and his own Son.'—'The consequence will be so,' he adds, 'whether they 'like it, or whether they like it not.'

sian Creed, is to be included, if we may believe a late learned archbishop, in the same inviolable circle of reverential silence, by which all established and subscribed symbols are to be surrounded. The same tranquillizing effects which the power of patronage has so long produced in our political system, the hope of preferment has even more successfully accomplished in the ecclesiastical branch of our Constitution; and, as a hot and headlong loyalty has long been the sole title to any favours from the State, so a blind and unenquiring orthodoxy is the one 'narrow ' way' that leadeth to all good things in the Church. Woe unto the young divine who, like the accomplished author of the 'History of the Jews,' dares to reason, however unpretendingly and sensibly, upon matters of religious concernment!-on him will the Theological Reviews, monthly and quarterly, pour the vials of their wrath, and on him the golden gates of preferment will, as sure as he lives, be shut.

Very different from all this, and, it must be owned, bordering on the opposite extreme, is the state of such matters in Germany. The immediate effect of the Reformation upon the elergy of that country was to render them at once poor* and polemical,—to despoil them of their princely abbeys and bishoprics, and give them the choice of about fifty new creeds instead. The history of the Reformers themselves,—of the course of intolerance into which these assertors of the right of private judgment at once plunged,—the various standards of infallibility set up by them, substituting (as has been often remarked†) a plu-

^{*} Neither has time nor long possession improved their condition in this respect. 'The richest member of the Church of Hanover,' says a modern traveller, 'the Abbot of Loccum, who was formerly a Prince of the Empire, is said not to enjoy, including all his little privileges, ' (such as the inhabitants of Loccum being obliged to maintain his ' horses and wash his linen,) more than 6000 thalers, or L.1000 per 'year.' The same intelligent traveller gives the following account of the celebrated university of Gottingen: 'The whole expense of this ' university (and, compared with other German universities, it is mag-' nificently endowed) for books, salaries of professors, buildings, and 'all other expenses, is somewhat more than L.11,000 per year—a sum ' about equal, probably, to the incomes of four Heads of Houses at one of our universities.' Accordingly, as he adds, Gottingen has no ' good things to bribe its younger members to a continued adherence to taught opinions. There is no warm and well-lined stall of ortho-'doxy. They believe according as they discover truth, and not according to the prebends and fellowships which reward a particular ' faith.

[†] Luther himself, indeed, seems to have been the first utterer of this sarcasm. On stepping into the carriage with Pomeranus, who VOL. LIV. NO. CVII.

rality of Popes for the one whom they had renounced,—all this is but too freshly present to the memories of those who study the strange history of Human Faith. Nor can we conceive a much more curious chapter of that history, as illustrating the tendency there is in the human mind to oscillate from one extreme to another, than would be furnished by a full enquiry into the process by which the Church of Germany has been brought to its present state; by which a people who once carried their notions of inspiration so far as not only to maintain that every syllable of the Hebrew Bible, even to its vowel points, was inspired; but also to insist upon having it believed that their own Symbolic Books were every one of them dictated by the Holy Spirit; has been at length brought to entertain a system of theology, which discards inspiration from the Scriptures altogether—makes Reason the sole test and arbiter of Faith, and, by divesting Christianity of all claims to the supernatural and miraculous, robs her of the strong ground on which she has hitherto rested her lever.

The task of tracing the causes which led to this singular revolution, has, on a limited scale, been undertaken by Mr Pusey, in two of the volumes before us; and until he, or some other writer equally strong in German lore, but somewhat more gifted, it might be wished, with ease and lucidness of style, shall do full justice to the subject, we content ourselves thankfully with the sketch which he has so ably and with so truly a Chris-

tian spirit given us.

The fierce divisions of the German Reformers among themselves, and the polemical spirit which was thereby engendered, converting the zeal which ought to have actuated them, in defence of their common cause, into bitter and unmitigated virulence against each other, were, it cannot be doubted, (though Mr Pusey passes lightly over this true fountainhead of the mischief,) the original source of those abuses and corruptions of theology, which the warfare of neighbouring creeds is always sure to generate; and which, in this instance, by making Christianity subservient to the passions and purposes of party, had the effect of gradually lowering her divine character, and placing her on ground where she was within easy reach of her enemies. Among the causes to which this result is to be attributed, one of the most fatal, confessedly, was the erroneous view which the early Reformers took of the doctrine of inspiration,* and the forced

was about to introduce him to the Pope's nuncio, he said, laughingly, Here sit the Pope of Germany and Cardinal Pomeranus.'

^{*} That the warning, however, has been thrown away, is proved by such declarations as the following:— After all, the Bible is the in-

modes of interpreting the Scriptures to which it drove them. Having laid it down that every word and syllable of the text was dictated by the Holy Spirit, it became incumbent upon them, of course, to endeavour to reconcile with this unwise hypothesis all those inaccuracies in minor points of detail which might be remarked in the Sacred Volume; and which, under a more qualified theory of inspiration, might have been safely left without any such effort at defence. In thus claiming, however, for the least important parts of the text the same authority as for the most essential and vital, they rashly grounded both on the same evidence, and exposed their character for authenticity to one common risk.

During the desolating period of the Thirty Years' War, the 'Protestant party-spirit,' (as Mr Pusey styles it,) which had from the very first been sufficiently strong, increased in virulence, and while it prolonged the duration of that struggle, aggravated all its miseries. The only branches of theology then cultivated were those that ministered to the factious spirit of the day, till, at last, the page of Scripture was referred to but as a sort of armoury, from whence the weapons of the respective combatants were to be furnished. Hence arose a vain and verbal school of divinity-or, as one of their own better divines characterised it, 'an armed theology, pointed with mere thorns of logic,'to the utter neglect, both of Christian practice, and of the enlightened knowledge which should be the handmaid of Christian Ignorant of history, of sound Biblical criticism, of all those branches, in short, of learning from which a prepared champion of the Faith draws his resources of defence, the Divines of Germany were, on the first approaches of scepticism, taken by surprise; -those Scriptural proofs, founded chiefly upon scholastic subtleties, which they had found so potent against each other, fell powerless before the common foe, and they were at last compelled to submit to a compromise with the infidel even more ruinous than defeat.

As a counteraction to this cold, fleshly, and formal theology, a sect had arisen to which the appellation of Pietists was given, whose original object it was to re-awaken, throughout the Christian world, some of those moral and devotional feelings which the subtleties of the schools had nearly extinguished, and to call back Religion from the regions of the head to her own humble and natural home in the heart. But the system of these

^{&#}x27; spired word of God, and we do well to lean to the advocates of plen-

<sup>ary inspiration; for there is no end to latitude and incertitude, there
is no knowing where to stop if you once admit that a single particle</sup>

is uninspired. - Grant's English Church,

religionists, however amiable their professed doctrines, contained within itself, from the first, the seeds of abuse. Their devotional fervour soon abated into hypocrisy; their pretensions to internal illumination and divine impulses afforded a pretext to the fanatic for every license of heresy; and in the disgrace thus brought upon the professors of Pietism, the interests of genuine piety itself suffered. Among the practices which this seet held to be illicit, were laughing, card-playing, and dancing; and the remarks made by Mr Pusey upon this part of their creed, may be read, perhaps, with advantage by some of our modern Pietists.

'The degree of value, however, attached to the abstinence from amusements, whose character is derived solely from their influence upon each individual, (the so-called αδιαφὸξα,) became a source both of self-deception, and of breaches of Christian charity; a deflection invariably occurring as soon as the abstinence is regarded as being in itself a Christian duty. A legal yoke is then substituted for Christian freedom; and things, in the first instance acknowledged by the party itself to be of subordinate importance, become the tests of Christian progress. It thus became common to exclude from the communion persons known to have danced, or to have played at cards.* The great object, lastly, of the early school, the promotion of practical living Christianity around them, became a mere external duty, and being consequently pursued mechanically, alienated, too often, instead of winning to the Gospel.'—P. 105.

It will be perceived from what we have here stated, that it was by no means from any want of religious zeal, but from the wrong channels through which that zeal was directed, and the infinite varieties and whims of opinion into which the right of private judgment wantoned, that the public mind in Germany came, at last, to lose all standard of orthodoxy, and to be at the mercy of every 'wind of doctrine' by which poor human reason was ever yet 'carried about.' So entirely, indeed, had they exchanged the substance of Christianity for the shadow, that the Bible itself, the professed oracle of all, was in reality but rarely consulted by any. The orthodox teachers had substituted their own scholastic theology for that of the Scriptures; and 'many very 'diligent students of theology,' says Spener, 'who readily followed the guidance of their preceptors, and so were well versed in other portions of theology, and held diligently lectures on

^{*} It is an amusing instance of the excesses that arise on both sides, from the mutual reaction of two religious sects, that, on one occasion, when an edict excluding card-players from their communion was issued by the Pictists, a formula of prayer for Success at Cards, was immediately published by one of the orthodox preachers.

'Thetica, Antithetica, Polemica, and the like, had never in their 'life gone through a single book of the Bible.' Of the utter neglect, indeed, into which the study of the Bible had fallen, among this earliest Protestant people, towards the beginning of the eighteenth century, some idea may be formed from the fact, that, at the great fair of Leipsic, at that period, in not one of the booksellers' shops was either Bible or Testament to be found.

It is not wonderful that, in a country where religion was left thus wild and unfenced—intersected by so many various crossways of doctrine, and without any fixed frontier of faith, the inroads of sceptics should, on their first appearance, be successful, and at once 'win their easy way.' To the introduction and study of the works of the English freethinkers, Toland, Tindal, Collins, &c., Mr Pusey attributes the first strong impression that was made upon the already fragile outworks of German faith; and he might have added, that the title alone of Toland's famous book, Christianity not mysterious; a Treatise 'showing that there is nothing in the Gospel contrary to reason, or above it, and that no Christian doctrine can be properly called 'a Mystery'—contains within it the germ of all that system of Rationalism which the Germans afterwards adopted. The flattering reception, indeed, which this bold innovator met with at the Courts of Hanover and Berlin, after having been chased out of society, for his opinions, in his own country, affords a stronger proof, perhaps, than any that Mr Pusey has produced, of the state of ripeness for the reception of anti-christian doctrines, to which all classes of German society had at that period been quickened. This avowed author of a book which had, in England, undergone the singular criticism of being presented, as a public nuisance, by the Grand Jury of Middlesex, found himself, in Hanover, so honoured by the Electress Dowager and her family, as even to be presented by these illustrious persons with gold medals and pictures of themselves, on his departure; -and at Berlin, where the Queen noticed him with peculiar favour, he was allowed to hold a conference, in her Majesty's presence, with the learned Beausobre, the acknowledged object of which, on Toland's part, was to call in question the authenticity of the books of the New Testament.

To the still more direct encouragement, backed also by his own personal example, which the great Frederick held out to all apostles of infidelity, a more than due share of weight has been allotted among the causes that have concurred to bring the Protestantism of the land of Luther so low; the truth being, that such royal instances of irreverence and scepticism as were ex-

hibited by Frederick and his philosophical grandmother,* are to be classed rather among the results than the causes of this singular revolution, which had been in full progress long before either of them existed, and the real seeds of which are to be sought as far back as the Reformation itself. In the extreme opinions and doctrines to which that great outbreak of the human mind gave vent, and the strong reaction which, after a long course of intolerance, they provoked, lies the whole solution of the phenomena which the Church of Germany has exhibited, -the explanation of every phasis through which the 'incon-'stant moon' of her faith has passed. To this reaction alone was it owing that the busy spirit of strife and dogmatism among her sects, was succeeded by the dangerous calm of indifference and scepticism,—that the neglect and contempt of human learning, which had prevailed under the influence of Spener and his followers, was displaced by the over-fastidious Biblical criticism, and daring inquisitiveness, of the learned school of Michaelis; while (most fatal change of all) from the heights of that lofty theory of inspiration, which had led her divines to see the dictates of the Spirit in every syllable of the Old and New Testament, they descended at last to the opposite and deadly extreme, of rejecting inspiration from the Scriptures altogether. last mortal blow to the authority of the sacred volume was the result, it is evident, of a sort of compromise between Religion and Philosophy; in which the former, pressed by the reasonings of her adversary, and already half in his interests, consented to give up whatever there was of supernatural in the grounds on which she stood, for the sake of securing to herself his aid in the conservation of what remained; while, on the other hand, the philosopher, thus imprudently propitiated by the sacrifice of all that had shocked him in the popular faith, saw no longer any objection to assuming the name of Christian; but, on the contrary, rejoiced in having thus ready formed to his hand a grand scheme of moral instruction, by which, purified as it now appeared to him of all superfluous alloy, the true happiness of mankind, both here and hereafter, might be advantaged.

Such, as far as we have been able briefly to trace it, combining our own views with those of the writers before us, is the history of the rise, progress, and ultimate results of the system

^{*} This princess declined the offer of religious counsel in her last hours, saying 'Laissez moi mourir sans disputer.' It is also told of her, that on seeing one of her *Dames d'honneur* weeping by her bedside, she said, 'Ne me plaignez pas, car je vais à présent satisfaire 'ma curiosité sur les principes des choses que Leibnitz n'a jamais pu 'm'expliquer.'

called Rationalism in Germany. It is right to add that, in the opinion of Mr Pusey, and others conversant with the subject, this school of Theology has within these few years experienced a check, and is at present on the decline. How far this opinion may be correct, we know not; but, in a work published very lately at Altona, entitled 'Fortselzung der Reformation,' we perceive that the author, who is one of the Superintendents of the Lutheran Church in Hanover, still claims for the Rationalists, if not superiority of numbers, a decided preponderance in

intellectual force and literary acquirement.

Of the general objects and character of the school, some idea may be formed from the sketch we have given; but the different degrees and varieties of their heterodoxy, can only be learned by a perusal of their works. The fundamental principles of Rationalism we take to be these:—That human reason, or the reasoning faculty, is the sole arbiter as to what is to be received as truth, and what is to be rejected as error, by the human mind; that facts recognised by sense or consciousness form the materials on which the reasoning faculty is to be exercised; that human belief is then, and then only, reasonable, when the degree of assent given to any proposition is in exact proportion to the degree of evidence presented to the mind of the enquirer.

The Rationalist goes on to affirm that one of the most important among the facts to which experience bears its testimony, is this,—that the phenomena of nature are so linked to each other, that the whole, as presented before the human spectator, constitutes a series invariably uniform. Every phenomenon is found, if it can be examined, to be connected with something antecedent; every change indicates a previous change, and the precedent and the consequent are always seen to bear the same uniform and reciprocal relation. Hence the Rationalist concludes that the government of this world is conducted in every instance, not by an immediate, but by an intermediate agency; or at least by an agency of which the manifestations always appear to be intermediate, and to be regulated by the same unvarying laws.

In subscribing to this conclusion, the Rationalist considers that he is not acting an optional part; but merely listening with attention to what he deems the primary and indisputable revelation of nature and of God; to doubt which, he contends, would be an outrage against his own being, and an act of infidelity towards its author. When the history of a long extended series of miracles is placed before the Rationalist, he replies, that narratives of a similar kind are to be found among every people whose understandings are uninformed and uncultivated;—nay, that the existence and the belief of such narratives are the inse-

parable result of that state of mind in which the knowledge of the operations of nature is as yet limited and superficial; while, on the contrary, to one who is largely conversant with the facts and laws of the natural world, no fact adequately attested has ever yet been brought, in which these laws have been departed from; and further, that even if what might appear to be an instance of this kind could be adduced, of which the evidence might seem to be irrefragable, still, all analogy, and the history of past errors on this subject, would enforce the conclusion, that this apparent deviation was only apparent; and that the solution must be sought in our yet inadequate acquaintance with all the parts of the process, and our inability to detect the intermediate links of the chain by which such phenomenon is

united to the regular laws of the universe.

If, then, continues the Rationalist, I am required to receive as true a history of a series of miraculous interventions, suspending the accustomed laws of nature, and this on the attestation of men of uncultivated minds, I am required also, at the same time, to admit that there has been a strange subversion of the order of nature; that an incomprehensible change has taken place in the human mind, and a still more incomprehensible change in the divine government. I must believe that, whilst man was in knowledge and reason a child, he had attained to an accuracy of attention, a comprehensiveness of research, an extent of knowledge, which is now found to belong to the human mind only after it has been developed by a long series of education, and has appropriated to itself all that the observation of ages has accumulated. I must believe that man was competent to judge of variations before experience had taught him to expect uniformity; to become an acute observer, and a trustworthy witness of exceptions, before he had learned the rule. On the other hand, I must believe that God has changed his mode of governing the world; that his administration was not then, as now, intermediate, but immediate—that it was a succession of divine interventions; that it was a suspension of the natural, and a substitution of the supernatural. In a word, I must believe, that while the human mind was in a state of childhood, it had attained to more than the maturity of manhood, and that the government of God was then parallel to what are now the dreams of intellectual childhood.

It is easy to perceive that principles such as these, consistently pursued, would conduct to the total rejection of whatever is supernatural in the Judaical and Christian revelations; nor does the Rationalist evade this rejection; on the contrary, he attempts to defend it; and a very large proportion of the works already published by the advocates of the system, consist of observations,

philological, philosophical, historical, and critical, on the books of the Old and New Testament, evidently intended to diminish the reader's confidence in the inspiration of the sacred writers, in the miraculous events they relate, in their divine authority, and infallible truth.

Of the dangerous consequences of such an irruption into the pages of Holy Writ by a body of men learned and acute, sincerely honest, as of many of them it must be accorded, in this their bold chase after truth, but still unprepossessed with any of that feeling, as to the sacredness of their subject, which might ensure from them at least delicacy, if not reverence, in handling it, there requires but little reflection to bring before us the whole startling extent. In pursuance of their plan of rejecting all that is supernatural in the Christian history, they apply themselves, of course with peculiar diligence, to explaining away the miracles of the New Testament; and how familiarly and even coarsely some of them grapple with this task, may be seen from a specimen of the manner in which Paulus, one of their most celebrated theologians, has executed it. On the miracle of the tribute-money and fish, he says—' What sort of a miracle is it which is commonly ' found here? I will not say a miracle of about twelve or twenty 'groschen, (2s. 6d.) for the greatness of the value does not make ' the greatness of the miracle. But it may be observed, that as, 'first, Jesus received, in general, support from many persons, ' (Judas kept the stock, John xii. 6.) in the same way as the 'Rabbis frequently lived from such donations; as, secondly, so ' many pious women provided for the wants of Jesus; as, finally, 'the claim did not occur at any remote place, but at Capernaum, 'where Christ had friends, a miracle for about a dollar would ' certainly have been superfluous.' The miracle of Christ walking upon the water, the same theologian gets rid of by resolving it into a mistranslation of the words έπὶ τῆς θαλάσσης, which he asserts ought to be rendered, not 'on the sea,' but 'by, or near,

Among the modes of interpretation adopted by the Rationalists for the purpose of shaping to their own hypothesis the events and doctrines recorded in the Gospel, one of the most favourite, as being one of the most convenient, is the theory of Accommodation,—a theory which, in supposing Christ and his apostles to have adapted themselves, in much of what they said and did, to the religious and national prejudices of the persons whom they addressed, throws a commodious sort of ambiguity round their actions and sayings, under the cover of which any difficulty that stands in the way of any commentator may with ease be explained away. Against this hypothesis, as made use of by Semler and others, Mr Rose enters his protest with considerable

indignation; but we may be allowed to say, in passing, that by none of the German theologians,—not even by Professor Van Hemert, who seems to have escaped Mr Rose's multifarious research,—has this theory of Accommodation been ever carried to a much more astounding length than by the Right Reverend author of the 'Divine Legation,' in his view of the numerous compliances with popular prejudice and superstition to which the Almighty, as he thinks, condescended, when (to use the bishop's own extraordinary words,) 'it pleased the God of Heaven to take upon himself the office of Chief Magistrate of the

' Jewish Republic.'

But, whatever irreverence some of these rationalizing critics may have been guilty of, and however that most headlong of coursers, Hypothesis, may have carried them (as it does all who mount it) away, there seems to be but one opinion as to the unwearied industry, deep learning, and, we will add, conscientious purpose, of the greater number of these recluse and laborious scholars; nor does it appear to us to be denied, in any quarter, that, among the questions which they have raised relative to the divine character of Scripture,—some frivolous, some startling, some merely ingenious,—there have been also some which not only claim the earnest consideration of our own learned divines, but are well

worthy the attention of all reflecting Christians.

Among this latter class of their lucubrations, must be ranked the question respecting the origin of the three first Gospels-a question in which no less important a point is involved, than whether these three Evangelical narratives are really the composition of the writers whose names they bear; or whether they are not merely transcriptions or translations of some documents, relative to the life of Christ, which had previously existed. The remarkable instances that occur in them of close verbal agreement, not only in places relating to the discourses and Parables of Christ, but in passages containing no more than a mere narrative of facts, afford such strong proofs of the existence of an original document, - a πρωτευαγγέλλιον, either in Greek or Aramaic, -from which two, at least, out of the three Evangelists must have copied their details, that it is now, we believe, not even attempted to be denied that there must have existed some such source; and the main point of discussion, at present, is, whether it was from a Gospel composed by one of these Evangelists that the two others copied theirs; or whether, as the German critics suppose, all the three were alike indebted for their materials to some common documents, which they found already in circulation, and from which they compiled their narratives.

This discovery, for so it may be called, of the Biblical critics of Germany, was first made known in this country, some years since,

by a translation from the pen of the Bishop of Peterborough, of the elaborate work of Michaelis, in which the question was put That a discussion affecting, in its results, even the claims of the Gospels in question to inspiration, and supported, on the heterodox side, by such an array of erudition and criticism, should not have drawn forth from our beneficed theologians some counteracting effort, can only be accounted for by that spell of 'rich 'repose' which, as we have said, hangs over all; and renders them, as long as they can prevail upon Heterodoxy to keep the peace within their circle, indifferent as to what gambols she may indulge in out of it. It was, indeed, not without good reason that Boileau placed the dwelling of the Goddess of Sloth in the rich Abbaye of Citeaux, where the light of Réforme had never penetrated. The question of the three Gospels was again returned upon the hands of the hard-working and hard-named scholars of Germany - the Schleiermachers, Bretschneiders, &c.—and with the exception, if we recollect right, of Archdeacon Townson's Discourses on the Gospels, and a stray, contemptuous notice or two from the young candidates for livings that conduct some of the Theological Reviews, not a single response on the subject has breathed from any of those oracles to which we lay-readers of divinity are taught to look for instruction.

Nor has this arisen from any want of a taste for authorship among the members of the Episcopal bench, one of whom has been even engaged,-very innocently, we acknowledge,-in disturbing with his single voice that unanimity so dear to the Church, by upholding the 1 John, v. 7., which every body else rejects; and doubting the authenticity of Milton's 'Christian 'Doctrine,' which every body else believes. Another right reverend author, to whose enlightened candour, erudition, and literary tastes, we shall always be among the first to pay willing homage, has amused his classic leisure by composing two very interesting works on the writings of Tertullian and Justin Martyr; from the former of which our profane memories have carried away the following short and playful anecdote, related, as the bishop tells us, in Tertullian's Treatise, 'De Virginibus Ve-'landis:'—A female, who had somewhat too liberally displayed her person, was thus addressed by an angel in a dream, (cervices, quasi applauderet, verberans) 'Elegantes,' inquit, 'cervices et 'merito nudæ!'-This is all very well, and very harmless; but, in the mean time, while our bishops are thus culling flowers from the Fathers, such momentous questions as we have above alluded to, involving vitally, it cannot be denied, the nearest interests of Christianity,—as troubling with doubt the very springhead from which that 'Fount of Life' flows,-remain unsifted and almost untouched; while such humble enquirers after truth as ourselves, are left wholly at the mercy of these indefatigable Germans, (who will write, and whom we cannot help reading,) without any aid from our own established teachers of the truth, to enable us to detect their sophistries, or sound the shallows of

their learning.

The policy of silence, however inglorious, was no doubt sufficiently safe, as long as the ignorance of the German language, prevailing throughout this country, rendered the heresies of the Wegscheiders and Fritzhes a 'sealed fountain' to most readers. But this state of things no longer exists. The study of German is becoming universal; translations multiply upon us daily; and we may soon expect to see our literary market glutted with Rationalism. Nor is it only on the shelves of Theology we shall have to encounter its visitations; for it can take all shapes,—'mille habet ornatus.' It has, before now, lurked in a Fable of Lessing, won its way in the form of a Religious Essay by Schiller,* and glimmered doubtfully through the bright mist of the 'Allemagne' of Madame de Stael;—while a late rationalizing geologist among ourselves, has contrived to insinuate its poi-

son into a history of the primitive strata.

Among the very few works this subject has as yet called forth, are those which have been selected for the groundwork of this article, and whose contents we shall now proceed briefly to notice. We have already stated, that the chief object of Mr Rose's publication is to prove, that to the want of an Episcopal Church Establishment,—like that of which he is himself an aspiring minister,—the decline, and all but fall, of German Protestantism, is to be attributed. From this view of the matter, Mr Pusey ventures to differ. He thinks it possible that a Christian Church may exist without the constitution, liturgy, or articles of the Church of England, and does us the honour, among other examples, to cite the Church of Scotland. He is of opinion, that the superintendents in the Lutheran church are not very dissimilar from the bishops in the Church of England; and he believes, on sufficient grounds, that subscription to the Symbolic Books is universally required;—the qualification to which Mr Rose so much objects, being, he thinks, of comparatively recent introduction, and very partially adopted. He therefore, with a far more comprehensive view of his subject than could be expected from an eye long accustomed, like Mr Rose's, to rest upon the bench of bishops as its horizon, deduces the gradual deterioration of the Protestant spirit in Germany to causes, some of them even anterior to the formation of Protestant

^{* &#}x27;The Finding of Moses;'—a little Essay, full of eloquence and Rationalism.

communities into a Church, and most of them, we should ourselves add, too deep and strong for any form of church discipline whatever to have controlled. This use of his reasoning powers by the Oxford Professor, could not do otherwise than give mortal offence to Mr Rose,—both because he is himself (in more senses than one) an Anti-Rationalist, and because he foresaw danger therefrom to his own much-loved theory. Accordingly, without loss of time or anger, he sends forth a reply to Mr Pusey, which, for ill temper and unfairness, -for the prodigal use of what Warburton calls 'hard words and soft arguments,'-has few parallels that we know of in the range even of theological controversy. For lack of seemlier modes of warfare, he has even resorted to that cry of 'heresy!' in which the defeated champions of State doctrines have always a sure resource; and, in the face not only of declarations, but of sound proofs of Christian orthodoxy, on the part of Mr Pusey, more than intimates that the historian of Rationalism is himself a Rationalist. To this attack Mr Pusev has replied, in a second volume on the state of German Protestantism, and in which, with a style much improved, and stores of learning still unexhausted, he developes still further his own views of this important subject; and answers the cavils and insinuations of his angry assailant with a degree of dignity, firmness, and imperturbable urbanity, which cannot fail to inspire his readers with the sincerest admiration.

Of the thick octave volume of Professor Lee, the only portions that come within the scope of our present notice are his 'Dis'sertation on the Views and Principles of the Modern Ration'alists of Germany,' and his criticisms on two distinguished ornaments of that school—Bertholdt and Gesenius. That Professor Lee is a very learned person, we are not inclined to doubt; but he would make but a sorry figure, we suspect, in the hands of the theologians of Halle. For his Chaldaic we have, of course, infinite respect; but must confess, that were we to judge him by his English, it would be with some difficulty we should keep

out of our heads that unlucky French couplet-

'Peutêtre, en Latin, c'est un grand personnage, Mais, en Français, c'est un,' &c. &c.

In this gentleman's criticisms on the Christologia Judæorum of Bertholdt, it gives us no very promising notion of his familiarity with the works of the author whom he pretends to criticise, to find him avowing his inability to cite Bertholdt's interpretation of the fifty-second and fifty-third chapters of Isaiah; and this for the very simple and intelligible reason, that he did not know where to find it. Out of this difficulty we think it but charitable to help the learned Professor, by referring him as

well to a distinct essay of Bertholdt on the subject, as to the third part of this writer's Treatise, De Ortu Theologiæ Hebræorum, at the end of which Mr Lee will find the interpretation he seeks.

We have, however, a much graver charge than this of ignorance to bring against the Professor,—if, indeed, ignorance be not equally his excuse in both cases,—which is, that, in his strictures upon the Commentary of Dr Gesenius on Isaiah, he has, in one instance, totally misrepresented the opinions of that learned commentator; and this injustice is the less excusable, as, in the novelty and boldness of the German's theories, there may be found abundance of heterodox points to attack, without thus

falsely charging him with any others.

In his observations on the 52d and 53d chapters of Isaiah, Gesenius contends, in opposition to the general opinion of Christians of all ages, and of many among the Jews themselves, that these passages cannot be interpreted as a direct prophecy of the Messiah; and having proved, as he thinks, by a series of elaborate arguments, that the commonly received interpretation is to be rejected, he next enters into an enquiry as to the interpretation that ought to be substituted in its place. The conclusion he comes to at last is, that, in those passages where the Prophet speaks of the Servant of the Lord, he had in view not any one particular person, past, present, or future, but the body or aggregate of the prophets of the Lord collectively considered; -in other words, the Prophetic Order, which he thus personifies, describing their wrongs and their hopes as the wrongs and hopes of an individual, lamenting the long series of suffering, insult, and persecution they had endured, and looking forward with confidence to their future vindication and triumph.

With the arguments by which Dr Geschius endeavours to sustain this hypothesis, we have no concern at present,—except to say that they appear to us, on the whole, strained and unsatisfactory. Such, however, is his deliberate view of the prophecy, and he has declared it as explicitly as words can speak. In the face of all this, Professor Lee,—having taken pains, as he with much simplicity tells us, to 'ascertain' exactly the opinion of Gesenius,—comes forward and attributes to him an interpretation of the passage totally different from that which he has thus plainly and distinctly enounced. 'The Servant of the Lord here mentioned,' says Mr Lce, 'is, according to Gesenius's comment, 6 the Prophet Isaiah.' Now, not only is it the fact that this interpretation is not that of Geschius, but it will be seen that Gesenius himself has taken great pains to prove that the passage cannot be applied to Isaiah; and for proof of this, we refer to his work, where various interpretations of the passage, and its

applications to Uzziah, Hezekiah, Josiah, Isaiah, and Jeremiah, are successively examined and rejected, (Part Second, p. 171.)

We should be inclined to consider this misrepresentation as merely a blunder of ignorance, had not Mr Lee turned it to such triumphant account in taunting and exulting over his brother Doctor.* He pursues, indeed, his fancied triumph through several pages, talking of 'the marvellous inconsistency of Isaiah 'suffering death by martyrdom, and yet enjoying long life as a 'reward;' and exclaiming exultingly, 'I should like to know 'how this Servant of God could know that he was to become a 'martyr for the sins of the Jews.' This triumph of the Professor,—resembling, as it does, that of another valorous personage of whom we are told, 'He made the giants first, and then he 'killed them,'—would be merely ridiculous, were there not strong reasons for suspecting that there is full as much of unfair-

ness as of ignorance at the bottom of it.

We have already ventured to criticise the learned Chaldaist's English; we will now say a word about his German. In a passage immediately following that which we have above referred to, Gesenius says, 'Die Rede des Propheten wechselt mit ' der Rede des Jehova so ab dass. L11. 13-15 Jehova zu reden 'fortfahrt, wie in dem Vorgehenden: LIII. 1 Der Prophet redet, ' und zwar communicativ in Namen seines Standes.' The meaning of this, according to our humble apprehension, is as follows: - 'Jehovah and the Prophet speak here alternately. Thus, at ' the end of the fifty-second chapter, it is Jehovah who continues 'to speak, as in the foregoing verses; but, in the beginning of ' the fifty-third chapter, it is the Prophet who speaks, -commu-' nicatively indeed, (or in the manner of one who is holding com-'munication with others,) and in the name of his order.' We shall now give Mr Lee's translation of the passage:- 'The 'speaking of the Prophet is here so changed for that of Jehovah, 'that, Chapter Lii. 15, Jehovah continues to speak as in the ' preceding context: in LIII. 1, the Prophet communicates in 'the name proper for his own station.'

Having given these few specimens of Mr Lee's capacity for the task he has undertaken, we shall now dismiss him, with a sentence which he himself has applied to poets, the but which strikes us as not altogether inapplicable to some prosers:—'It' is greatly to be regretted that learned geniuses do not make

'themselves better informed on these subjects.'

^{*} Mr Lee, among his many titles, counts that of D.D. of the University of Halle, an honour for which, as he himself boasts, he was indebted to this very Dr Gesenius whom he thus disfigures.

† Note on Milman's History of the Jews, p. 146.

ART. XI.—What will the Lords do? Second Edition, 8vo: London, 1831.

Since we last addressed our readers upon the momentous question which still occupies the undivided thoughts of the whole people of these kingdoms, the Great Measure has been thoroughly discussed in Parliament, and has passed, after three months of constant debate, through the Lower House. delay-this lingering of the Bill in the Commons-has excited considerable discontent both within doors and without. 'Why,' it has been said, 'do not the King's Ministers take a higher 'tone? They have a great majority to back them; they have 'their Master's entire confidence; they have the whole coun-'try with them-then, let them feel their power, and show it. Let them, from the commanding position they occupy, dictate 'terms to their adversaries; and not irritate the country by 'eternal debatings that can end in nothing but long delay.' Such was the language at one time very generally prevailing among the friends of the government and of the measure; and we are neither inclined to wonder at nor to blame it. But we think it very far from well founded, and are convinced that they who used it are now satisfied they were wrong; and that the Ministers were altogether in the right when they resolved upon the dignified, and candid course which they chose, and steadily followed, unmoved alike by the clamours of their enemies and the impatience of their friends. As all that relates to this Great Measure, and its history, possesses a permanent interest, we shall stop for a little while to illustrate our position.

They are certainly thoughtless persons who conceive that it would have been either practicable or desirable to pass the Bill as it was framed and introduced, rapidly, by the mere force of numbers within doors, and acclamation without. It would have been impossible; for the ministerial majority, though pledged to support the whole Bill, were only bound to the whole of its fundamental principles, and free as to the details; they were men of reason and sense, inclined to think for themselves, not blindly to follow a leader; and the constituents who delegated them could only mean that they should be generally bound in favour of the principle and groundwork of the Measure, and not on all its me-Any Minister who should have been so impatient, and chanism. so ill advised as to dictate the very Bill of the former Session in all its particulars, in the new Parliament, would speedily have found himself deceived; and might have alienated from the government, and the cause of Reform, many of their most valued

supporters. But the measure itself was sure to gain by the long and full discussion. Let it for a moment be remembered that the Bill was no ordinary one. If the giving two new members to Yorkshire, and taking two from East Retford, took, the one half a session to succeed, the other as long time, and to fail, what shall we say of their thoughtlessness who would have a Bill hurried through in a fortnight, which disfranchised boroughs by the dozen, and added members to old counties, and gave them to new towns by the score? The Bill is a Code of Reform; each line is a new law. It was essentially necessary to have each word thoroughly sifted, and all the details behoved to receive a vigorous and searching scrutiny, if the representatives chose to do their bounden duty, and give the Great Measure a fair chance of being practically useful. No man, no twelve men even, can be found capable of framing a law so various in its provisions, so extensive in its scope, without the risk of many errors, the certainty of many important oversights. The same kind of men,-men actuated with a common feeling, holding like principles, and viewing matters in the same light, are certain to omit many considerations which are essential to the right framing of their own measure, and the effectual accomplishment of their common purpose. It is by free and enlarged discussion,—by bringing many different minds, habits of thinking, feelings, tastes, passions,—all to bear upon the details of the plan, that light of a useful clearness and intensity can be let in, so as to show all the flaws and defects of a scheme. This thorough sifting has the Bill now undergone. Nothing, in all likelihood, that any rational person can even think respecting it, has passed unspoken in the course of the last three months. Assuredly, nothing of any value remains still to be said. Many general views of the argument on both sides may doubtless be yet taken; felicitous illustrations of the necessity and advantages of Reform may strike other minds; the dangers of the experiment may be painted by a finer genius and with more of a master's hand. But to suggest much that shall be useful at once and new, on the adaptation or mal-conformation of the provisions, seems hardly within the power of any assembly. The Bill cannot now be said to have been hurried through the Commons, and to come unsifted, crude, and unformed, to the Lords' House of Parliament. This is a great advantage towards its success in that high and important quarter; and it is a great security for the good working of the measure, if it shall finally become a law.

And here we must stop to express the admiration which we feel, in common with all the country, for the distinguished individual who has represented the King's government during this

long and momentous struggle in the House of Commons. Lord Althorpe had long been endeared to his fellow-countrymen by the sterling virtues which sustain his honest, manly character; and had, by his statesmanlike talents, made for himself a reputation higher than any which the more brilliant accomplishments of the mere orator or debater can attain. He stood, moreover, in the position so rarely occupied by politicians, of not merely not seeking office, but of unaffectedly disliking it. The difficulty has always been to overcome his repugnance towards any place of power or profit; and all men, knowing well the plain and frank sincerity with which he had uniformly expressed his feelings of reluctance, were aware of the sacrifice which he made to a sense of duty, when he suffered his scruples to be overcome, and took upon himself the most thankless, and the most disagreeable office under the crown. Those high and rare titles to public confidence were now augmented by the extraordinary temper, firmness, and sagacity, with which he fought the fight of the government and the Reform. His conduct from first to last displays a singular union of those qualities. He was ably supported, it is true, by his distinguished colleagues, especially by Lord John Russell, the immediate manager of the Bill. But the chief praise will always be bestowed upon Lord Althorpe; and future times will look back with love and admiration upon the man who could carry through such a measure, amidst all the heats of jarring principles, and the turbulent conflict of opposing interests, without ever once abandoning a post which he ought in honour or prudence to have maintained, or making a stand for any point which he ought to have surrendered; -who, without the least attempt to court his adversaries, or a single sacrifice to please injudicious friends, retires from the contest, without losing one of the latter, and without leaving in the field one man who does not lament to rank himself among the former class.

A striking instance of the effect produced by such conduct, has been presented by the independent portion of the House of Commons. About 350 members, unconnected with the government, have presented an adddress to him and Lord John Russell, expressive of their admiration of the conduct which we have been feebly attempting to delincate, and inviting them and their colleagues to a banquet in the city of London. So extraordinary a testimony was never before borne to any Ministers; and, proceeding from affection as well as admiration and respect, it may very well console its favoured objects for the slanders which have disgraced some parts of the Press—the Sunday papers especially—which enjoy, at present, a monopoly of scandal, and espouse the ultra doctrines both of reform and antireform. The country, which begins now to enjoy the prospect

of having a Parliament that really represents their opinions and feelings, no longer looks with anxiety to the quarter we have referred to, as speaking its sense, and no longer permits itself to be urged by any efforts thence proceeding to injure public men in the public estimation. The testimony so nobly earned, has been given to the vigour and skill, as much as the admirable temper, of the statesmen who are its subjects. All men allow that Lord Althorpe, in the unparalleled difficulties of his situation, displayed, on all occasions, a sagacity and quickness almost intuitive, in deciding when to persist and when to yield. Nor is there a man among those who, at one time, were wont to assail him with abuse, which he heeded not, or weary him with complaints, which vexed him not, that does not now admit the extraordinary talent and judgment by which his temper was sustained, and his vigour made effectual.

The Bill has passed the Commons by a very large majority; and there remains the question, put in the front of the tract before us,—' What will the Lords do?' This is a question which every man in the three kingdoms is now asking his neighbour. On the answer he receives depend his hopes and his fears for his own lot, and the lot of his children; but on the answer which the Lords will give, depends the sum of our affairs, the continuance of our most valued institutions—the whole

safety of our state.

Let us only for an instant reflect on the first fortunes of this great measure, that we may be the better able to spell its coming fate.

The second reading of the Bill was carried in the last Parliament by the most narrow majority-by one vote. It was afterwards plain that the minority had gained strength, and a defeat, upon a subsequent division, proved the House of Commons not to be favourable to the measure. With prompt decision the Ministers appealed to the country; all the empire answered their call; everywhere the people returned reformers to the new Parliament; open counties as well as boroughs all but close, joined in speeding the common cause; freemen, whose disfranchisement was pronounced by the bill, vied with freeholders whose importance was enhanced by it; -nay, places about to be struck out, in whole or in part, from the representative system, were as anxious for the healing measure, as the cities which were about to receive, for the first time, the most precious rights of our free constitution. Nor was the general election marked by any one circumstance more striking, or more creditable for the people, than the abstinence of even the humbler classes from all selfish conduct, or unseemly distrust of their more favoured

brethren. Various attempts were made by the anti-reformers to obtain the alliance of those numerous bodies who received no elective rights from the Bill—in vain. Vain were the efforts of all candidates to act upon Sir R. Peel's hint, and obtain the aid of the multitude, by telling them they got nothing from the measure. Vain were the efforts of those who practised the doctrines preached by another member hostile to the government and the Bill, and, by a strange jumble of parties, co-operating with the honourable Baronet. All was in vain. The people indignantly rejected such offers of friendly aid, coming from

quarters so suspicious.

They said—at all events, the Bill promised them members openly and freely elected; answerable to a general constituency; and pledged in public to honest conduct, whoever might choose them; and they cared little whether themselves had a voice or no. Our fellow-townsmen distinguished themselves on this memorable occasion. Seven or eight thousand—probably ten or twelve, may have votes, and more than thrice as many will be excluded. What, then, said our citizens and their workmen? At least the old three-and-thirty will no longer choose the member for Edinburgh, and job the place. At least we shall be redeemed from the shame of a vast population standing by, while three-and-thirty delegate to a tool of their own the management of all their most important affairs. At least, and at length, said they, we shall have honest and free representatives chosen by thousands, and to those thousands responsible for the duties delegated to them; and, whether we ourselves may or may not happen to concur in the election, our interests are safe in their hands, and the hands of the electors. We cite our city as an honourable example of this wise and magnanimous conduct; but wheresoever the stratagem was tried, it met with the same fate; and even the rabble asked those who, all of a sudden, had become so careful of their claims to political power—Since when all this friendly anxiety had begun? The poor people were quite astonished to find, all of a sudden, what affectionate friends they had in high quarters; but it must be admitted, they met this friendly zeal with a moderate share of confidence,—the affection was very far from being reciprocal.

The results of the dissolution were soon perceived on the meeting of the new Parliament. The Bill, nearly in the same form, was again brought in, and the second reading passed by a majority of near 140. This was decisive of the whole question as regarded both the sense of the people, and the progress of the Bill through the Commons; decisive, if mere numbers be taken into consideration; but that is very far from being the whole

real amount of the majority. It comprehended almost the whole popular representation of the counties. Of eighty-two English counties, it comprised seventy-six; and it left the minority wholly composed of the members for close boroughs, nominees of peers, and purchasers of seats from corporations. Thus the whole House of Commons, as far as it is a real representation of the people, are devoted friends of the Bill. The country, with a rare unanimity, are its friends; and adversaries it has none, except those who are interested in resisting it, and those who, from ignorance of the true dangers of the country, are alarmed at the remedy, and shut their eyes to the mischief; or those who, from a desire to change the Ministry, would throw out a measure in which they suppose its existence is bound up.

But it is not only that the vast majority, both in the country and in the House of Commons, is for the Bill. The anxiety, the fervour—the unprecedented ardour with which the people regard a measure in which their whole hearts are embarked, renders the rejection, or even delay of its passing, a matter of

the most serious consideration.

The enemies of the Bill, however, have been flattering themselves that all this expression of public opinion proceeded only from a sudden and transient impulse. The people, it has been said, have been intoxicated by the agitation; they are now calmer and more sober; the storm of reform has passed over our heads, and no one will much grieve if the Bill be flung out in the Lords. Other things occupy the people; and the Great Measure, which a few months ago engrossed every man's thoughts

all the day, is already forgotten.

Never since the world began, we will venture to assert, was there a more gross deception, or a more grievous delusion: it is in some persons afraud—in others, a lamentable and inexcusable blunder. The people had not taken up reform hastily, and they will not lightly abandon it. For above forty years-near fifty, indeed-it has been slowly, but with an accelerated pace, gaining ground, till it has spread over the empire, and become the great wish of every one who thinks of state affairs. A sudden change in such a feeling was wholly impossible. The fact, indeed, of less being said, fewer meetings being held, fewer petitions presented, while the Bill was slowly making its way through the Commons, is undeniable; but then it proves absolutely nothing. The people were quiet, because they plainly saw that their favourite measure was safe-only because of this. They were a little impatient of the delays caused by so vexatious an opposition as it experienced; but the commanding majority in its favour silenced all fears, and the only question

was one of time. Had any thing like the vestige of a doubt appeared as to its passing, we venture to say all England and Scotland would have been thrown into immediate alarm and activity. So, now, the impression continues, that the passing the bill into a law, is a question only of time; but no thinking man can, without a great effort of distrust, bring himself to believe that the Lords will set themselves against all their fellow-citizens. Latterly it has been doubted whether or not this confidence in the wisdom and patriotism of the Upper House is altogether well founded. The interested feelings of some, the factious disposition of others, the honest alarms of a third class, though utterly groundless, and rather directed to the wrong point, had begun to operate, it was supposed, among the Peers, and the obstruction of the Bill to be expected.

Instantly the people awoke as from a trance, and we have no doubt that before these pages can see the light, they will have given a loud and universal answer to the silly persons who were pleased to think the reform feeling gone for ever. If any feeling less wide-spread and less vehement be found than that which ruled the general election, the difference can only be in the reluctance of men to believe the possibility of so fatal an error as the rejection of the Bill by the Peers. Should, unhappily, that consummation be in store for us, no man can foresee when the mischiefs will end, and no man can contemplate them

without dismay.

What will the Lords do? This is the question asked by all the people. Suppose their Lordships shall be aware that all the country is as anxious and determined for the measure as before, and that it is sent up by a great majority from the Commons, even as now constituted, but by an almost unanimous vote, if we regard those members who speak the sense of any part of the people at large,—will they venture upon so perilous an experi-

ment as to reject it?

We desire it to be understood in the outset, that we withdraw ourselves altogether from those reasoners, and those topics of argument, and of invective, which have represented the Upper House of Parliament as not entitled to exercise any free judgment upon this question. By the constitution of England, the Peers must concur in this, as in all other Bills, before it becomes a law. By the plain rules of common sense, the Peers must be allowed to exercise their free and unfettered judgment in accepting or rejecting any proposed change of the law. If not, the proceeding that affects to consult them is an insult, and their existence a mockery. But we, assuming them to have the power of free discussion, of accepting and rejecting the

Bill, appeal to their reason, and, in the existing state of things, we expect that reason to pronounce in favour of the Bill.

We take the principle to be this: If the Lords see the people to be in a state of temporary delusion, plainly acting against their own better judgments and true interests, they are bound to resist the perverting impulse, even though the representatives of the people in Parliament shall have partaken of the frenzy, and sanctioned the measure to which it has given birth. But then even here one qualification must be added. The delirium must be gross; the people must be plainly in the wrong; and the interposition of the Lords must be to save them from the violence of their own hands, as you would a patient in the paroxysm of a fever affecting his brain. For, after all, the Lords' House, as a branch of the government, exists, and is intrusted with a portion of the supreme legislative power, only with one view—the benefit of the people; and it is quite manifest, that if the people, all in one voice, and with sufficient deliberation, desire any change of government, they have a right to choose the course, though at their own cost and risk. Indeed, nothing which the whole community desires, with its eyes open, can be correctly said to be against its interests.

Suppose it were possible for the Lords to set up their own separate opinions and wishes against those of all the community,-then, as the Lords are irremovable, we should have a complete and pure aristocracy, or rather an oligarchy, for the much boasted government of this much boasting country. say an oligarchy, for a handful of peers, a few borough patrons, ex-ministers, and bishops, may be all that stand between the people and the object of their universal and ardent desires. Suppose all the country, and all the Commons, and the Executive Government and its Ministers, all anxious to terminate some long and costly war, but the Lords by a narrow majority are bent upon continuing it, -must the Crown refrain from making peace, because whoever ventures to advise it is sure to be censured by an address from the hereditary counsellors of the Crown? But why should we go out of the case before us? The supposition is extravagant, which would enable the Lords to set

amendment of the law, which all, save only themselves, demand. It must never be forgotten that the Lords stand in a peculiar position. If they differ with the Commons, an appeal to the people is resorted to, as in 1784. But suppose a new House of Commons is returned as much in conflict with the Lords as before—shall the whole government of the country be thereby paralyzed, and the constitution become an instrument, not of

themselves against all the rest of the community, and prevent an

good, but of evil? Yet the Peers cannot be dissolved—what then shall be done if they do not yield to their country's voice?

The increase of the numbers of the Peers, is no doubt the remedy which the constitution has provided for this state of things. Immovable and hereditary in their exalted station, if they forget its duties in the exercise of its powers, they may be controlled by the augmentation which the Crown has the unquestioned right to make of their numbers. This part of the prerogative has been exercised, and successfully, and without any recorded disapproval. Attempts have been made to restrain its use, and these have always failed. Nay, when the extraordinary crisis of the Regency produced all kinds of anomalies in the constitution, and exhibited the spectacle of an Act of Parliament passed without the royal assent, and then the Regent created by that phantom of a law giving his assent to another by which it was validated, the power of creating Peers was only restricted for twelve months. But Mr Pitt, whose precedent was then followed, expressly declared, that no such limitation could be thought of at a time when there was the least risk of a factious combination of the Peers to control the other estates of the realm, supported by the voice of the community;—an ample admission that the prerogative is vested in the Crown for the very purpose to which we are at present alluding. In truth, this check is absolutely necessary to prevent the government from degenerating into a pure aristocracy. A peerage irremovable and hereditary, having co-ordinate jurisdiction with the other estates, must needs become master of the state if not so controlled.

But though the right is undeniable, and though, in an extreme case, it must be exercised, and exercised without the least hesitation, and quite as a thing of course, there is as little doubt that an extreme case alone can justify the resort to so severe a remedy; and, as we heartily wish that no such necessity may ever arise, so do we most chiefly desire that it may not come in connexion with the measure which is to amend and perpetuate our popular constitution. For nothing is more plain than that the application of so violent a medicine, must leave behind it serious evils in the system. The Peers will be weakened in their authority incalculably, and at a time when the Commons are exceedingly strengthened; so that the just balance of the government will be shaken, if not destroyed. The country has a deep interest in avoiding this extremity, and of all the country the Peers have the deepest.

The question then is, will they disregard this consideration, and drive the other orders of the state to this as a necessary

expedient to avoid worse mischiefs? This is really the question; and we desire to know-not from a few silly individuals whom nature has endued with the faculty of speech, and whom the ignorance of their own palpable defects sets always upon making a display of their incapacity to think—but of the reflecting portion of the community, above all of the Peers, what means they can devise for avoiding such a fate, other than yielding to the united prayers of all their countrymen, and passing the Bill? This, we are well assured, is the only answer we can expect from those who reason and look before them; unless they labour under some delusion, and either suppose the love of the Measure less universal and less ardent than it is, or fancy that the authority of the Upper House, backed by the strong hand of power, can keep down the whole people of three kingdoms. But we will even appeal to another far less reputable class, and we believe, at the present moment, an inconsiderable one-those party men who, for the purpose of effecting a change of Ministry, would throw out the Bill. We allude to those who have lost their places, and failed to get their pensions, and, naturally enough, want such a change as shall restore the one and bestow the other. To them let a few words of admonition be offered; for even they would hardly desire to see all the mischiefs befall our country which all thinking men foresee in the rejection, if their own interest could not be in any way served by the convulsion. Now, we are quite certain, that they would be injured, nay, irretrievably ruined, by it. At present they stand in a very fair Their talents, past services, and experience in office, (an endowment much wanted by some of their successors,) place them in a position to render their future employment fit and desirable. All they have done of violent and factious against the Bill, will, after a little interval, especially when the people have carried their favourite measure, be forgotten: it was not to be expected that such a change in the constitution should be effected without vehement resistance in some quarters. formed Parliament would be far less under the domination of party spirit, far less a prey to the regular divisions of marshalled factions than the old legislature; composed, in great part, of men who only represented their patrons' interests, and their own money.

The return, therefore, of the class we speak of—that is, the better part of them—to a share of power, may be reckoned by no means improbable. It will be one of the benefits of a change which tends directly to put down oligarchical, and exclusive, and personal influences, and to give the state the benefit of all the

capacity and experience which lie within its reach. But, suppose the Measure flung out—let us see what chance these men have of succeeding in their present hardly avowed object, of

changing the Ministry for their own benefit?

Either the loss of the Bill in the Lords will lead to an immediate prorogation of Parliament for a short time, and a new attempt, pretty sure to succeed, in favour of the Bill; or it will produce the resignation of the present Ministers. In the former case, no man can doubt that the Ministers are far more sure of power than ever; and that the day of their adversaries' either supplanting them in office, or sharing it with them, will be indefinitely postponed. But, possibly, through want of consideration, they are reckoning on the latter event. We do not deem this very likely to happen. We can hardly fancy any personal feelings of disappointment provoking men of sense and integrity so far to forget their public duty, both to the Prince they serve and his People, as to throw up in disgust a situation which they fill with the entire approbation of the Crown, the Commons, and the Country. We do not deem the voice of a majority of the Peers, not wholly unbiassed by self-interest, of weight enough to make any rational man pursue so absurd and unaccountable a course. But be it so, for argument's sake, and that the Ministers resign. It requires little knowledge of the present state of parties in Parliament, suppose the country stands entirely neutral, to foresee that no other Ministry can be found which can last over a few months. Suppose a set of men are found thoughtless and reckless enough of consequences to the country and themselves, to try so hazardous an experiment. They have a numerical majority of the Lords for them, and that is literally all their strength; for even in the Lords, indeed far more there than elsewhere, all the powers of debate are, without any exception whatever, (the Duke of Wellington, strange to tell, being their best speaker,) arranged against them. Why, the new government could not carry on the public business for a single month, even in the House of Lords. In the Commons they would have to face an immense majority in mere numbers; but the new Opposition would, in fact, have all the best portion of the House—comprising all the county members, and all who represent the great townsit may be said, all who represent any constituents at all. dissolution may, no doubt, be tried—we may say it must be tried; for a vote of confidence in the Ministry we are supposing to have resigned, will assuredly have followed—possibly preceded -that act of theirs. A dissolution will then come-the third in a

year; not a very pleasing measure to the aristocracy, or to the enemies of Parliamentary Reform. But, will a general election mend the matter? Will the frightful convulsions of this scene -a scene difficult to contemplate with a firm mind, when we reflect on the exasperation towards the Peers and the new government by which it will be chequered, -will those convulsions so far alter the constitution of the present House of Commons, as to make a difference of fifty votes? We verily believe we have greatly over-rated the number in calling it so much. The new Ministry will have a large majority against them, and this is an utterly incurable defect in their title to administer the affairs of the state. The consequence will be, then, that after holding power during a few months—perhaps weeks—risking the public peace, making some promotions, granting some pensions—they will be driven out under a torrent of universal and violent indignation; and all their pensions will be at once rescinded, as the first act of a reformed Parliament; for the Reform Bill will then pass quickly enough; but it will pass in circumstances far, very far from being advantageous for its own working, or safe for the constitution of the country. Before attending to this view, we may observe, that the party men, whose speculations we have been examining, will plainly have lost all hold of the country and of Parliament. Their chance of ever again being suffered to touch the public offices, or to intermeddle in any manner of way with place—to inhale a single mouthful of the atmosphere they delight to breathe, will have become as nothing; for their profligate and factious conduct will have left an impression against them far too deep ever to be effaced. Some two or three men will have got their jobs done—as a step in the peerage—a translation to a see—a ribbon —a regiment. These can hardly be taken away; but the bulk of the party will rue for ever, in the bleak and cheerless regions of lasting darkness-in ever-during exclusion from office-the fatal blunder of driving out a popular government by means of the Peers alone, or rather a bare majority of the Peers, against the wishes of the King, Commons, and People.

Let it then be considered what must be the result of such a measure as the present Ministry being driven from the helm, or rather quitting it in disgust,—there being in truth no one to drive them. We verily think that such a sensation would be produced all over the country as no time has ever witnessed. The dismissal of Neckar in France would be a jest to it: his return in spite of the court on the 'people's shoulders,' pregnant as it was with fatal consequences to the monarchy, as somewhat of

a parallel passage, may serve by way of warning. The degree of favour personally enjoyed by the present Ministers is wholly beside the question; they may or may not be popular individually; they may or may not be popular collectively as a minis-With that we have nothing to do. They are judged by comparison with their adversaries; they are revered as the Ministers of reform; they are identified with the plan which the people have 'marked for their own:' and if this be their acceptation now, while in power, and exposed to all the inevitable objections that must needs lie against every actual Ministry, from unavoidable inadvertencies, errors inseparably connected with all human management, above all, disappointment of friends,-how infinitely would such favourable feelings be increased by their quitting office, and quitting it on account of the people's favourite plan, to which they should have sacrificed their own power? If they have made mistakes, these will all be forgotten; if they have incurred any odium, that will all be changed into love. The very men of their own adherents that have cavilled at them, will be the first and warmest of their devoted supporters; and but one spirit will lay waste the land with rage at their removal, and the fierce determination to restore them to supreme power. What will become of their carping antagonists? Confounded, astonished, dismayed, they and their few thoughtless flatterers—the little men of office, will be fain to hide themselves from the wrath of three kingdoms, and to leave the Ministers of the people to resume the King's service, and carry through at once the Reform.

But they will return to that service, they will carry that Reform, under other and less fortunate auspices. At present they govern constitutionally, with a due subordination to the established authorities of the realm, and possessing no more power than ministers ought to wield. At their restoration,-always, with Princes, the worst of revolutions, always, with Parties, the worst of changes,-they will stand, whether they like it or not, upon the ground of the highest popular excitement, which will have forced them back to power. They will be no longer masters of the course they are to take; they will be driven onwards from behind-pressed from all quarters, except in face; thus every shadow of resistance being annihilated, they will have a space free from even the right and natural obstacles to such advance; and over that space, travel they must, will they or not, and at the pace which may please other men, not at their own. 'The 'Bill,' which now satisfies and pleases all the people, will no longer content them. Other provisions and larger concessions

must be added, to signalize the triumph which the most shortsighted and the most self-interested of human kind will have compelled the people to win; and the enemies of the measure will cast many a wistful look back upon its principle and its details, and curse the day that saw them regret so safe, so mo-

derate, and so constitutional a plan.

Let not the Lords shut their eyes to these things. Let them rather tax their powers of reasoning to discover any other alternative,-to fix any point short of this at which the contemplated change can stop. Who can for an instant doubt that the certainty of the Measure being lost, would rouse the people altogether? and still more, who can doubt that the loss of the Bill for the present, coupled with the retreat of the Ministers, would at once open the eyes of the community to the utter ruin of their whole hopes, as long as the anti-reformers held power? Every thing else of the picture above drawn follows quite of course. For let no man be so stone-blind to all the signs of these times, and all experience of the past, as to flatter himself with the hope of measures of Reform being accepted from the anti-reformers. We verily believe that the factious and place-hunting part of the Opposition, who have been resisting the Bill upon the highest ground of anti-reform principles, would not be a week in office before they abandoned every one of their positions, and brought in a Reform Bill Nay, they would probably, after their first of their own. attempts had failed, adopt their adversaries' measure, and bring in this very Bill. At least they did this, and more than this, by the Catholic Question. But that same Reform would never satisfy the people; and if it for the moment did, swift destruction would follow, dealt out by the first reformed Parliament upon the heads of its base and unprincipled authors. persons cannot expect to be endured long, by any community of honest men, whose principles upon the most important subjects hang so loose about them, that they can, within four-andtwenty hours, shift their ground, and take to the tenets they have all their lives opposed, as the most absurd and the most pernicious; -thus dealing with opinions, not as sacred matters of conscientious conviction, but as common instruments of a craft, stock in trade, tools to work withal, for their individual profit and advancement. It will not do, thus to insult the common feelings of mankind. The people generally look to the end, and are regardless of the hands that minister to their advantage or gratification. But some appearance of decorum must be maintained; and assuredly they would be revolted by so abominable a spectacle as the present Opposition ejecting the honest Ministers

who have redeemed the pledges of a consistent life by propounding the Bill, and then adopting that very Bill as the means of maintaining a power thus obtained. It would be too outrageous an experiment, and too hazardous, upon the patient endurance and virtuous feelings of the world. There is a point beyond

which the community may not safely be insulted.

Our fixed opinion is, that the leaders of the anti-reform party in both Houses are wholly incapable of such vile projects as we have been contemplating; but our remarks are addressed to a considerable portion of their followers—men whose support is little credit to any party; such men, we mean, as those who, on the Catholic question, only required half an hour to turn right about, and vent their feelings in acclamations for the proposal of a measure which they had flocked to the chambers of Parliament for the purpose of hailing with curses and abjuration.

This leads us to cast our regards back on the conduct pursued by the House of Lords upon that memorable occasion. Not suddenly, but within a 'reasonable time,' that distinguished assembly greatly altered the view it had ever before taken of the Catholic question. July 1828 saw them by a vast majority 'throw out the Bill,' as destructive to the Church establishment, and subversive of all sound religion in the empire; saw them resolved not to be 'intimidated by menaces' -determined to be 'above listening to clamour'-fixed in the purpose of 'never yielding to factious associations.' Eight months passed away: the interval was filled up with increased agitation-more audacious threatenings-clamours a thousand times more loud than before. Indeed, the marvellous affair of the Clare election, which returned the chief of the Catholics to Parliament, took place during the summer; and next spring found all the Catholics more firmly fixed than ever in their attitude of defiance. Yet was this the moment when the Lords wisely, prudently, judicially, patriotically saved the Empire from confusion, by abandoning their previous errors; and adopting 'the Bill'-' the whole Bill', with an overwhelming majority of their Lordships' number. After conduct so worthy of admiration, shall we not do well if we expect them to follow the same course now ;-to do their duty to the country; yield their own prejudices; and despise the fools and the knaves who would inveigh against them for not sacrificing the peace of the Empire, and the stability of its institutions, to a senseless hankering after a hollow nominal consistency?

The position of the Lords may be summed up in a few words. There is no man of common understanding who now doubts the Bill must pass. Even its most violent opponents have openly

admitted long ago, that Schedules A and B are their inevitable fate, and that the reign of the rotten boroughs is at an end. Then, can human folly go farther than to postpone the period for a few months, and prolong the agitation into which the bare announcement of this delay would fling the community? Or, can any thing be more certain than that, when the people shall regain the mastery, it will no longer be the Bill, and nothing but the Bill, that will suffice? Half a year hence, it may be any thing but the Bill.

Our reasoning, we grant, would fail, if we supposed the handful of Peers, and other borough patrons, were able to cope with all the rest of the community. But this is so utterly out of the question, that we have no wish to disprove its possibility; nor

have we any adversary to meet upon such ground.

For the reasons above stated, our anxiety is extreme, that the Lords may pass the Bill, and protect themselves and the Constitution from the necessity, dangerous to both, of defending the rest of the state from the combination of Peers, by adding to their number; or from the other far more frightful alternative of setting up the hereditary branch of Parliament as an object of attack to all the rest of the country. But if there be any part of that House more than all the rest interested in the event we anticipate, it is the representatives of the Church established by law. If the Bill is lost, and if it does not most clearly appear to have met its fate without the aid of the Bishops, that Church may continue to be established by law, -in the hearts of the people it will no longer find either stability or even tolerance. Public opinion may be right, or it may be wrong; but that it is at this time far less favourable to the Anglican Church than it ever was since the grand rebellion, which swept away both the Mitre and the Crown, is a fact not to be denied. The course pursued by certain of the prelates, is a proof they deem their house in some jeopardy. They are busying themselves with Church Reform; two or three bills are already in Parliament introduced by their hands; and an enquiry into the amount of Ecclesiastical Revenues and Emoluments is carrying on under their auspices, with the avowed intention of pursuing means for their restriction and equalisation. Is this a season when any thing short of insanity could lead these Right Reverend Fathers to commit themselves in a struggle with the whole body of the people? Public indignation might be turned in the bitter disappointment of their hopes against the Lords' House generally; but the conduct of the Prelates alone can prevent a very disproportionate share of the tempest, and in the very first instance, from being poured upon the compartment of the mansion where the Fathers of the Church

dwell. From their wise regard for the best interests of that Church, we expect such conduct as will effectually throw the blame, should blame be incurred by the Peers at large, away

from the Bishops' bench.

The Lords in general will find themselves, beyond all powers of description, a more important branch of the legislature, and more beloved as well as respected in their individual capacities, after they shall have yielded to the universal desire of their country. We think not a word is wanted to demonstrate that proposition. But we entreat them, if they doubt it, to look at one or two plain facts. When, before, were the members of the King's family, with hardly any exception, not only able to show themselves to the people on all public occasions, without the least fear of insult, but received everywhere with an honest and hearty enthusiasm, such as no other nation showed, or ever can show? Every occasion of the King appearing, is like the coming forth of George the Third in 1788, after his first illness. Assuredly since that period, so nearly coinciding with the French Revolution, such royal popularity has been unknown, except to such branches of the illustrious family as chanced to be under a cloud at Court. Now, see how tranquil, nay cheerful and good-humoured, all classes of the people are in every part of the country! That such feelings may be as permanent as they are widely spread, and that the aristocracy may do nothing to forfeit the place they now hold in the hearts of their fellow-subjects, is our most earnest prayer.

The preceding pages have not been filled with any remarks upon the Pamphlet now before us. But it well deserves the attention of the noble persons to whom it is principally addressed. We have not often read an abler production;—at once most sensibly and clearly reasoned, and written with spirit and point. The author is said to be a military gentleman of the name of Rich: we hope this will not be the only effort of his pen. As a specimen of his work we subjoin a passage or two.

One more view of the question, and I have done. We have, hitherto, regarded the effect a rejection of the Bill would have upon the Ministers, on Parliament, and through Parliament on the people, upon what may be termed the legitimate and constitutional result of a rejection by the Lords. Let us now take a hasty glimpse of what might be its direct and immediate effect upon the people, upon what may be termed its unconstitutional and revolutionary effect. Let us see.

^{&#}x27;The Bill is sent up to the Lords-it is rejected; for important

modifications, or long adjournments of debate, will be considered by

the people as tantamount to rejection.

'It is rejected! I envy not the nightmare dreams, or the stolid sleep of each Noble Lord of that fatal Majority that shall throw out the Bill.

'It is rejected! The evil report will rapidly spread its dark wings from one end of the Isle to the other. It will cross over to Ireland. The black banner will carry the heavy tidings from Glasgow, to the

uttermost Highlands.

'It is rejected! Will the people of England sit patiently down? Will they hang up their harps on the willows of despair, till it is their Lords' good pleasure that the people's representatives should be the representatives of the people? I think not. Then, what will they do? Will they carry their favourite Bill, their Bill of Rights, by force of arms? No-the days of brute force are gone to sleep with the nights of ignorance; there are measures more consonant to the present times. Association, unanimity of design, resistance within legal bounds,these the people will employ, and, as with one voice, they will say, "The present House of Lords will not pass our Bill; but our Bill must be passed—our Commons desire it—our King sanctions it; and we are pledged to it. Another House of Lords-another third estate must be found, who will pass our Bill." Thus, and more dangerously, may they reason. Noble lords may start-may frown-may imprecate-may threaten; but the energies of this mighty empire are not to be put down by a sneer, or a vote; they may suddenly spring up, as in a night, and scatter their opponents, as mists from before the face of the morning. The people may ask, can there be men with intellects so dull, so inobservant, and so inexperienced, who, though born, and bred, and living in the light of this century, can yet see only with the twilight perception of the dark ages? Men, whose notions of revolutions are formed from the traditions of days, when the art of reading and writing was a distinction, a printing-press a curiosity, and a journey from York to London an epoch in life? Are there men, who, with the recent experience of the last twelve months, can read of Birmingham, and of Glasgow, and of a thousand and one other Unions—who can hear of the avidity with which the public papers are sought for in every corner of the kingdom, and who can witness the feverish excitement of the public mind, and yet, forsooth, loll upon their hereditary seats, and fancy a frown from a weak majority of the weakest portion of the State, can frighten the great mass of their fellow-subjects from the pursuit of their legitimate desires? If there be such men, an excited people may add, they are no longer fit to be our legislators; the House of Lords must be adapted to the present stage of civilisation. We will no longer-

'But, no—I will not further pursue this revolutionary picture; it is an ungrateful subject, such as one would not willingly contemplate, much less exhibit to the public gaze. But it imperatively behooves those Noble Lords who think of rejecting the Bill, to fill up this outline, and paint it with its brightest and most fearful colours—to finish it carefully—to look into its details—and then to place it opposite their own little vignette of a modified Reform;—the terrible Last

Judgment of Michael Angelo, against the last lithographic print of the day. These are the two extremes; the chances for the possible attainment of the one, are not greater than for the ruinous sequence of the other.'

After stating that the final and permanent loss of the Bill must be the resignation of the Ministry—he asks, who will take Earl Grey's place? He then proceeds with great spirit as follows:—

Who will be the British Polignac? He must be a bold man; for with a small declared majority in the weakest fraction of the State, whose construction is essentially defensive, he must be prepared for a contest with the offensive vigour and growing energies of the Commons, fresh from their elections; he must be prepared to find them backed by the angry enthusiasm of the people, supported by the mighty echoes of the press, and sanctioned by the approval of the most popular Monarch that has ever been seated on the British Throne.

' He must be a disloyal man; for he must contemplate approaching that royal ear with suggestions for a cowardly falsehood, in the shape

of an Anti-Reform message to Parliament.

'He must be a blind and prejudiced man; for he must fancy, that by dissolving the present House of Commons, he shall be able to obtain one of a less reforming disposition; as if the desire of a people, just baffled at the moment of gratification, should be more quiescent under such disappointment, than when checked, as it was in the spring, at its outset.

' He must be a rash man, and a bad man; for he must be willing to commit the coronets of the Peers, and the peace of the nation, to the

dangerous reaction of a second and third dissolution.

'Where then shall be found this bold, bad, blind, rash, prejudiced, disloyal person? Nowhere, I trust; and, least of all, in the House of Lords.

'And yet, if the Bill be thrown out, and Lord Grey resign, some one must take his place; and the first act of this Great Unknown must be a dissolution; for he, and his colleagues, could not possibly carry on the government for an hour with the present House of Commons. This is apparent to every one; and yet the chances of gaining an Anti-Reform majority in a new House, are infinitely small. I should say impossible; for that man must think lightly of his countrymen, who can imagine, that partial resistance from the Lords should frighten the electors of Great Britain from their consistency, should make them eat their own words, should make them desert their representatives, for having fulfilled those very pledges, which they themselves, not six months ago, drew from them on their hustings. The thing is impossible; but as the Tories have already shown themselves blind to public opinion, I will suppose it possible for them to make the attempt, and to succeed in making the constituency of this country traitors to themselves, and to their chosen advocates. In short, for argument's sake, I will suppose, for a moment, that they have gained a majority in their new House—what would be the result?—The defeat of the Reform Bill, such as it now is, but not of Reform itself; for they themselves

have confessed the necessity of conceding some measure of modified Reform, which shall satisfy the returning good sense of the people of England, when the present delusion will vanish, and an effectual bar be placed to all present and future innovations. All this is very smooth; but I contend, that by granting a Reform, less extensive than that which the people have been now led to expect, that the seeds of discontent will be sown, and a wide field opened to demagogues and agitators, rendered daring by the countenance they will receive from some few of the many Reformers now in the House, who, most assuredly, will find their way into the next, purified though it be. Thus, then, their dear-bought modified Reform will become the steppingstone for a series of other and more sweeping Reforms; and we shall have a bit-by-bit Reform with a vengeance. This I assert—this they deny-we are at issue: they may be right, and I may be wrong; but they cannot deny that there are grounds for questioning the final dispositions of this child of their old age, a modified Reform Bill. Thus, then, their greatest benefit—that for which they would risk the long odds of another dissolution, comes clogged with fears, and doubts, and suspicions; while, on the other hand, the consequences of a dissolution that should not correspond to their expectation, are clear enough. The spirit of the people would have been inflamed to intensity by a second contest, and a second victory; and then, perhaps, when the error of their calculation was become imminent, and evident even to themselves, they would come forward and talk of adopting the first, the original Bill. The Bill, the whole Bill, would be their cry. have no doubt it would. And why?—Because, for sooth, the people would, in the meantime, thanks to an irritating opposition, have risen largely in their demands. So should we have another, and another contest; and thus it is that these coy politicians act in times of excitement, as blisters on the public mind, and with notions the most adverse to revolution, they are, in practice, its most active exciters. coyness leads straight to the Penitentiary.'

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No. CVIII.

ART. I.—1. The Game Laws, including the new Game Bill, with Notes and Practical Directions. By P. B. Leigh, Esq. Barrister-at-Law. London: 1831.

2. Abridgement of the new Game Laws, with Observations and Suggestions for their Improvement; being an Appendix to the Sixth Edition of Instructions to Young Sportsmen. By Lieut.-Col. P. Hawker. London: 1831.

THE long debated Game Bill is at length the Law. The absurdity of our former system; the waste of time and breath before moralists and lawyers could obtain a hearing against it, even from the public; the reluctance with which Parliament, long after the public had been made thoroughly sensible of its mischievousness, consented to look for a remedy in the only direction where a remedy was to be found, are now matters of history. We are most desirous that the country should obtain, with the least possible deduction, the whole benefit which the lesson and the measure are both calculated to bestow.

It is indispensable to successful legislation that the principle which is applicable to the subject in hand should be correctly ascertained at setting out; that it should be clearly announced, in case doubts or misconceptions have previously prevailed; and that it should be faithfully pursued throughout by simple and appropriate details. As often as the true principle shall appear to have been the original principle of the law in former times, the readoption of it on any subsequent occasion is a restitution, and not an innovation. This consideration, judiciously enforced,

may tend to remove objections from the minds of many, whose co-operation it is, on all accounts, most desirable to obtain. Great obscurity and contrariety of opinions often linger over a subject, in the sort of twilight which the defective or temporary systems of former periods usually leave behind them when they disappear. It is doing something towards clearing the way for truth, to prove that the policy of these systems was, in the first instance, erroneous, or has subsequently become impracticable and obsolcte. On the supposition that any particular species or amount of evil can be traced to the prevalence of false principles, the practical connexion between these causes and their effects should be established by date and argument; and it should be shown in what manner the proposed amendments are

in their nature adapted to counteract the specific evils.

A contemporaneous commentary of this kind may not be always wanted for the cause of truth; but it must always serve as a valuable auxiliary towards securing conciliation and success. When a lawgiver and expounder has in this manner discharged his own peculiar office, he is entitled to suggest that his measures may possibly require a little time before the public can fairly judge of their policy and result. Prejudices and passions, in a question which has been long and thoroughly diseased, cannot be got rid of in a day. It will be as much as (and, for a season, more indeed than) the law can do, to heal the gangrene of former wounds. In the case of game and game laws, considerable difficulty is peculiar to and inherent in the subject. A certain portion of crime necessarily belongs to it. Whatever this may be, men will bear it the better when they can clearly perceive that it is not a malady brought upon themselves by mismanagement, but is the natural penalty of our condition—a degree of suffering which we have done nothing to create, but every thing to cure. Submission, in the one case, would be servile brutishness; in the other, it is the duty of a reasonable being.

The true principle of a legal title in game is that of qualified property, ratione soli. The interest thus created cannot be higher than a local and temporary one; nor ought it to be less. In the fact, that a property in game is derived entirely from the property in the soil on which the game is found, we have at once a natural test, both of its limit and extent. This principle is obscurely expressed in most systems of jurisprudence. Instead of being properly distinguished from them, it is usually mixed up with the other subordinate and excepted titles. Nevertheless, on investigation, it will be found to be the leading title upon the subject in the common law, both of England and of Scot-

land. Whatever objects of policy or fashion, at former times or in other countries, may have interfered with a uniform acknowledgment that the qualified property in game depends upon, and is evidenced by its connexion with the soil, no object of the sort exists, or can exist, among ourselves at present. The titles by claim of privilege on one side, or by that of occupancy on the other, are equally unsuited to the actual circumstances of the country and to the state of modern society. In a reform of the English Game Laws, the chief point to look to was a plain recognition of the rational title, ratione soli. This recognition would carry with it necessarily the abandonment of those extravagant statutes, by which the right of killing game was reserved as a privilege to proprietors of land of a certain value, and by which every species of sale of game, under any circumstances, and by any person, was made absolutely unlawful. The complete repeal of these absurd caprices is accordingly a prominent part of the recent statute. Without the removal of this unsound rubbish, it would have been impossible to obtain a firm foundation for any amendment of the law.

The statute is, to a certain extent, a compromise. On examining its several clauses, some little inconsistency may be expected to appear; and is, in truth, apparent in two or three of them.*

^{*} The inconsistencies are not so important as some protesters represent. The necessity of licenses has been objected to, it appears to us very superfluously. The object in requiring them is entirely an object of police. The particular interest, by which the precautionary control over public-houses becomes gradually perverted into a monopoly for brewers, does not apply in the present instance. The proper analogy is with pawnbrokers. The mischief anticipated in both these cases being the same—too ready facilities for the reception of stolen goods. On the contrary, we doubt whether experience has not already gone far to show, that, with this view, the amount of the license ought to be raised, or some further restrictive regulation introduced. The clause which gives the owners of land, whereon a sportsman is trespassing, the power of taking from him whatever game recently killed is in his possession, is another, which has been censured, not only as dangerous and impracticable, but as unjust. The prudence of acting upon the letter of the law, must depend upon the special circumstances of every case. Unjust it certainly is not. A smuggler seized in the act of smuggling goods of a particular description, is not entitled to complain of the presumption which he raises against whatever similar goods may be found at the time upon his person. It was time to put an end to the title of occupancy, too absurdly invented for the sake of poachers, who raised a covey in one man's field, and slaughtered it in his neighbour's. We cannot say the same of the facilities

Nothing, however, but what is mere matter of incidental criticism, with reference to the accomplishment of the great object of the statute. In case it is destined to fail, we are satisfied that no part of the discredit of the failure will be fairly attributable to any thing wrong, either in its principle or detail. But unfortunately this measure is one which, least of all, can exe-

provided for manorial trespassers. In the trespass clause, the lords of manors have hitched in for themselves and their keepers a distinction, by way of privilege, altogether inexcusable. They made no pretence to any thing of the sort even under the late system of usurpation: much more is it in utter variance with that equality in the right of property, and of protection to property, which it is the peculiar object of the present measure to establish. By section thirty-five, the lord and his keeper are expressly excepted within their manor from the penalty which the act imposes upon every other trespasser in pursuit of game. The freeholder is left in this case to the old and nugatory remedy of an action only. Nothing can be more unjust. They are perhaps the only trespassers who can never by any possibility be trespassing in ignorance. Somehow or other the English Parliament does not usually appear to advantage in its legislation between landlord and tenant. We are not therefore surprised to see that it grasps at too much, and grasps too coarsely in the present instance. Landlord and tenant should have been allowed to settle their respective interests in game, as well as in other things, after their own way. In case the landlord kept the right of sporting in his own hands, they might agree to fix the penalties for encroachment on the landlord's right, by a scale of liquidated damages, ascending up to a forfeiture of the lease. statutory fines, which are suspended over a tenant by section twelve, are far too unreasonable for a general provision. In whatever instance a landlord were insane enough to gratify a pique by enforcing them, he would sign the death-warrant of every head of game upon the farm, and at once throw the farmer back into the arms of the poacher. The extravagance of the fine becomes a flagrant injustice in the case of those tenants who, by the legal effect of their leases, had already a vested interest in the game upon their farms. This was the fact, wherever the landlord had omitted to reserve the exclusive right of sporting to himself. It happens that the English rule in this respect was more liberal to the tenant than that of either France or Scotland. By an arrêt of 1812, the court of Paris held that 'le bail d'un domaine' did not carry with it the right of sporting, unless it were expressly granted by the proprietor. So, by Scottish decisions of 1804 and 1808, it is a privilege, for the exercise of which a tenant must have the landlord's direct permission, and from the exercise of which over his farm he cannot exclude his landlord. The English law, on the contrary, gave the tenant the benefit of the presumption, where the lease was silent. It is true, that, under the late state of statutory restraints, the right thus bestowed upon the tenant, would be, in most cases, a cute itself. It is dependent for its success on the aid of many of those who have received it with a bitterness and distrust which may seem to prognosticate its fate. Unless the great game proprietors can be prevailed on to make some apparent sacrifice (for the sacrifice would be apparent only), and can be induced to relinquish so much of their exclusive prejudices and amusements as may be necessary, in order to bring to market a sufficient supply of unpoached game on reasonable terms, their shortsightedness and selfishness will be mainly answerable for the disappointment of our hopes. It will be no satisfaction to us, we most honestly assure them, to think that the worst consequences of this failure they or their descendants will have principally to bear.

Two causes have combined to keep the principle, that property in game arises ratione soli, too much in the background in

nominal one only. The sentence of deprivation passed upon an unqualified tenant, under the statute of Charles II., operated in favour of the landlord, as efficiently as an express prohibitory clause inserted in the lease. In the case of a qualified tenant even, as long as amusement only, and not profit, was to be had in game, the landlord, on one hand, might not apprehend any abuse of the power of sporting; whilst, on the other hand, the qualified tenant, and much more the unqualified one, could not feel that the landlords were obtaining a pecuniary advantage at their expense. The effect of the bill, as it was prepared by Ministers, would have, in some cases, undoubtedly worked a great change in the future relative position of the parties under these circumstances. But the only question is, whether there is any thing in the nature of the present measure sufficiently peculiar to take it out of the ordinary rule? The ordinary rule is, (as, in the case of pecuniary contracts, to whatever degree they may be affected by an alteration in the currency,) parties take their chance according to the new character which the public law may impress on their private engagements. The present measure furnishes, as far as we can see, no ground of reasonable distinction. At all events, their former right ought to have been preserved to all tenants who were already qualified according to the old law, or who might become so during the currency of their lease. It is instructive to observe (notwithstanding all their declamation in behalf of vested rights, political, municipal, or ecclesiastical) the conduct of the House of Lords. The bill, as sent up by the Commons, left landlord and tenant in respective possession of their legal rights. That assembly of noble landlords introduced and insisted on a confiscation of private interests, derived from and guaranteed by their own leases, (very different interests, be it observed, from political franchises held in trust only for the state,) as the purchase-money of their consent to the suppression of an acknowledged public evil.

books of law. In the first place, it has not been so exclusively at all periods the only principle which reason could countenance, as it is at present. Next, other principles, in point of fact, have been made supreme, by the positive legislation of some states, and have been admitted to a greater or less participation perhaps in all. In most feudal kingdoms, the sovereign, partly in the character of chief and ultimate proprietor, partly in that of trustee for the public, was honoured with a prerogative authority over the chase. This branch of royalty introduced the doctrine of privilege and franchise. On the other hand, the rule of the Institutes is occupancy;—as of things which, at the first general appropriation, were left, and still remained, in common. Occupanti conceditur: nec interest quod ad feras bestias et volucres attinet utrum in suo fundo, aliquis capiat an in alieno. The consecration of this barbarous title in the imperial code, gives one but a sorry idea of the agriculture of the Lower Empire. But no wonder that the comparative barbarians of the middle ages, finding it there, conveyed it reverentially into their own piecemeal jurisprudence; without enquiring very curiously, how far it was founded in reason, or whether it harmonized with the corresponding portion of their indigenous policy.

Most European systems continue to be embarrassed by apparent contradictions between these ill defined and clashing titles. The German jurists have wisely limited the absolute occupancy of the Institutes in fundo alieno, by the condition modo non prohibeamur ingressu fundi à domino. (Heineccius Elem. Jur. Civ., and also Pand.) Now this can scarcely be called right of occupancy; since it assumes a precedent, although latent power of property ratione soli, incompatible with the strict notion of res nullius. This limitation leaves the public nothing beyond the benefit of a primâ facie presumption, by which, in intendment of law, the owner of the soil, as long as he is silent,

is understood not to insist upon his right.

The attempt to transmit the traditional language, and to transfer, in some degree, the principle of occupancy from the civil law into a code, which, upon similar, and even in the self-same subjects, recognises the principle and the consequences of property, has plunged this part of the French law in a state of inextricable confusion. Toullier complains (and the remedy for the evil is only to be found in the adoption of a consistency in their rule) of the uncertainty which pervades the French regulations concerning goods without an owner. By the notes subjoined to the Code de la chasse et de la pëche, it appears that the right of sporting, being now nothing but a right of property, may be so far separated from the entire ownership as to be

leased out, and become a servitude reelle. The dread of falling back into divided rights, as embarrassing as their old feudal claims, has induced them to take the precaution of providing that this severance shall be temporary only. With this view, the right of sporting is so far identified with, and made inherent in the land, that it cannot be permanently alienated to another, without alienating the soil also. Nevertheless, the fruits of this right, the game itself, are refused the name and protection of property in the plainest of all cases. From the silence of the penal law concerning game, the poacher is allowed to acquire, by occupation, the ownership of it to all intents and purposes.

In case the picture as drawn by Mr Justice Blackstone, and copied by most succeeding writers, had been a true representation of it, the English law would be in a still worse condition. According to his account, it originally collected prerogative, occupancy, and the right ratione soli into one heterogeneous and undistinguished mass of title. This was the sort of heap, upon and over which its modern disqualification statutes have been supposed to sit umpire, and, like chaos, to complete and embroil the fray. The English public, it must be admitted, has on this subject considerable excuse for the diversity of opinions, which branch off, according to the supposed interest of the parties, into so many heretical articles of faith. It ought to have been uniformly told that the common law recognised a general property in game ratione soli; and that any other title could arise as a peculiarity only, either by way of privileged franchise in certain places and persons, or by way of occupancy, on some contingency, where the right ratione soli might happen technically to fail. Instead of this, these peculiarities and exceptions have been frequently stated to be simultaneous portions of a common rule. Mr Leigh, we perceive, makes no attempt to reconcile the inconsistency of his general expressions, by these or similar distinctions. His first page informs the reader that the title to game, by the common law, is occupancy; the twelfth, that it is solely derived from franchise; the third and fifteenth, that in private grounds it is an incident to the soil. This indiscriminate confusion, transferred from our earlier law books to essays prepared for the current shooting season, might have answered the purpose of mystification, so often imputed to the profession of the law. But the country gentlemen had little to gain by mere absurdity. A new and stronger ingredient, that of injustice, was wanting in their behalf. With this view, legislators from time to time brought into play further and yet more startling anomalics of their own. The notion that game was not property, became a favourite pretext in support

of statutes, by which the man who otherwise must have been admitted to be the owner of it, had been forbid either to kill or sell it. These anomalies contradicted every principle and feeling which made property in other subjects sacred. Their effect could not but be most disastrous. They have been mysterious enough to perplex the understandings, and, at the same time, so palpably extravagant as to revolt the consciences, of the

middling and lower orders.

Amidst all this contrariety of nominal authority, the reason of the thing directs us to property ratione soli, as to the natural and proper title. All that is really important in the line of argument, by which the necessity of private property in land is supposed to be established, applies pro tanto to an article like game. The things which the common interest of mankind requires to be left in common, are such things only as appear to be in their nature inexhaustible; -such things as live at no man's cost; in which, after every man has taken what he wants, enough and as good remains for those who come behind. Whilst one nation prohibits another from sharing in the fisheries on its coast, an individual proprietor may well insist, that the occupation-jurist should distinguish the case of a stubble-field from that of salt water, and a covey of partridges from a shoal of herrings. From the moment it is acknowledged that private property ought to be recognised in game, it will, by a similar train of reasoning, follow, that the property in it ought to be concurrent and identified with the property in the soil. To vest it in a third person, is to establish the partnership of the drone and the bee, and to quarter an idle partner on the labour of an industrious one. Such an exception tends to undo, or disappoint, the institution of private property in land to the whole extent of the exception.

Fortunately common sense was on this point also common law. We can only spare a sentence to the crotchet, which some writers have invented, and upon which some visionary squires still plume themselves, under the dream of privilege. When this dream is put to flight, it will leave our heads clear for the separate consideration of the only remaining observations of a strictly technical nature, on which an English reader can want the opinion of his lawyer. That is, what has been really the paramount title concerning game, under the common law of England; and how it has happened that there ever came to be

a difference of opinion upon the point.

The only prerogative over game as a matter of personal enjoyment ever exercised by a King of England, arose under the Forest Law. However obsolete, and limited within narrow

bounds, it still exists. The only privilege, of which game is the object, which a sovereign could ever convey to a subject, was that comprised in the franchises of Chase Park and Warren. It was not a privilege to kill, but to preserve. A Lord of the Manor, as such, had anciently and originally nothing more to do with game than the humblest possessioner within the lordship. Any claim of this sort has been the encroachment of comparatively modern times. The notion of a superior title on the part of the lord of the manor, came in under the supposition (true probably at the time) that he was also the principal landowner. He was, therefore, supposed to be the person principally interested in preventing the destruction of game by common poachers. In this point of view, his gamekeeper answered to the French garde champêtre. To this extent, under these circumstances, it might have been worth the while of all parties, if the question had been left to reason for its adjustment, to agree to the statutable arrangement. He, who was alone to pay, might bargain for a monopoly in the appointment

of the police-officer of the plantation and the stubble.

As regards the dormant prerogative of the Forest Laws, it would be as well if their cumbrous learning were repealed at once. Short of that, two hints deserve the attention of a retrenching and equitable government in the management of the woods and forests. First, we do not see why the public should pay somewhere about L.50 for every buck which comes as a present into the public offices. Next, a similar arrangement to that by which Lord Rivers turned into money the mischievous rights to which he was entitled as owner of Cranbourne Chase, ought to be immediately entered into by the Crown, in the case of its forest privileges of the same description. The privileges in question do not bring in a shilling of advantage or pleasure to any one; but they breed ill-will, and are injurious to the progress of cultivation, as far as they extend. They are, in their nature, so prejudicial and irritating to the individual who is exposed to them, that he would be too happy to buy them up at a sum, the interest of which would considerably exceed his yearly loss. Cranbourne Chase, from its vast extent, was a public nuisance to more than one western county. At a late meeting at Waltham, some farmers complained bitterly of the damage—to the amount, in some instances, of L.50 a-year-which they suffered individually from the deer.

The exception which was thus inserted in the body of the old common law, whether it was one of forest prerogative or of baronial franchise, amounted to nothing more than an exception. It existed in certain isolated places only. The common law reigned undisputed and unqualified every where besides; that is, over almost the whole country. Our next position is, that this old common law was nothing else than the simple principle to which we are now brought back by the new measure.

The title of qualified property on the part of the owner of the soil—that is, the recognition of a property contemporary and coextensive with the bona fide continuance of game upon the land, -(to commence and cease as it comes and goes)-is the principle, to which, after a long and painful struggle, we are at length reverting. This principle, so far from being an augmentation or alteration of the ancient rights included under the humblest view of proprietorship, is simply a restoration of them. That this was the case in Saxon times, appears in Turner, and was allowed by Blackstone. 'Every one might hunt in his 'own woods and fields, but was not to interfere with the hunt-'ing-grounds of the King.' (Wilk. Leg. Sax. 130, 146.) never met with any colour of authority in law, beyond an inconsistent phrase or two, and we know of no instance whatever in point of fact, to raise a presumption that this prior general right was invaded at or after the Norman Conquest. In the entire absence of all denial of this right, there has been little room for the learning of our text-books, or the determination of our Courts. The preamble of the 11 Henry VII., however, under such circumstances, has all the weight of a declaratory law: and is conclusive as to the opinion and the authority of a Tudor Parliament upon the point.

The accident of a prerogative illustration in the great case of monopolies in the time of Elizabeth, gives us the further sanction of a Court of Justice. This celebrated judgment affirmed unanimously, in that not unaristocratical age, the right at common law of every proprietor to take the game on his own soil. 'For hawking, hunting, &c., every one may, in his own land, 'use them at his pleasure, without any restraint to be made 'unless by Parliament, as appears by the statutes of 11th 'Henry VII. c. 17; 23d Elizabeth, c. 10; 3d James I. c. 13.' As if, however, to show that nothing was too absurd for legal argument, in the 9th William III. (1697), the crotchet found an advocate in Serjeant Gould; when it was solemnly adjudged after verdict (Lord Raymond, 250) that the close or soil gives a possessory property. Lord Holt said that to rebut the title arising from the soil, the party must have admitted himself to be out of possession, even were the question to arise on demurrer. Evidence that a general previously existing right had been retained upon alienating the land, or evidence that, in the immediate occasion, a right was previously acquired by having driven in the game from the adjoining land, were alone considered to be competent (the latter most improperly so) to displace the primâ facie presumption accompanying the soil. It is singular that Blackstone should have incidentally quoted this case, and that it should not have opened his eyes to the fallacy of his imaginary prerogative. The principle of ratione soli, when correctly expressed, and limited according to its distinctions, is conclusive wherever it can be applied. It is the rule; not one of many. The rest are nothing but exceptions. The principle of ratione impotentiae, which narrowly distinguishes eggs and callow young from grown-up birds, was intelligible, although not reasonable, in the Roman law; since that law gave a sportsman the game which he started and killed upon the land of another man. In the English law, which secures to the owner of the soil whatever game is found upon it, the distinction supposes a difference where none exists. Like casual poor, they properly belong to the parish where they chance to be.

The property in such animals as are strictly confined, or as are so far reclaimed as to have the animum revertendi, is subject to no limitation of place. In cases of this description, the advantage and the disadvantage ought to be reciprocal. Where the custom of returning enables their owner to identify them, it authorizes him to recover them, although they may have strayed from home. On the other hand, the higher degree of title, by which their persons are protected whilst out of bounds, should make him, under all circumstances, liable for their conduct. The reverse applies to the case of animals not domesticated. The landholder out of whose fields game may trespass on the adjoining land, can only, in justice, be relieved from being responsible for the injury, on condition that from the moment his hares have passed the boundary, his interest in them is considered to have expired. This was the old English rule. It furnishes in practice an equitable adjustment sufficiently precise. It is absurd to suppose that there is any metaphysical or practical difficulty in creating or carrying into effect, with all the minuteness necessary either for private enjoyment or for public peace, the principle of a qualified possessory interest in game. There is not any peculiar subtlety in the interest which is thus fostered in their behalf. The exclusive right granted by free fishery over a public river, cannot confer a more direct and available power of appropriation than what, without any grant, belongs to the proprietors of a private stream or a private field. Yet Blackstone (vol. ii. p. 39) admits, that by the exclusive right in a free fishery, 'a man has a property in the fish before they

' are caught.' If (ib. 395) air and water can be the objects of a qualified property, although they are so vague and fugitive that ' the property in them ceases the instant they are out of possession,' much more may the principle and practice extend also to game, the instant of possession in regard to them being identical with that of their commorancy on the soil. Notwithstanding the every thing but universality with which this title must apply in a country where it is adopted, from the moment that land becomes private property, the degree of ambiguity which has gathered over the subject, in consequence of lawyers having classed this leading principle along with the other subordinate ones, may be judged of by the following circumstance: The Americans, as they have no franchises of chase, and no game laws by which one animal has heraldic precedence given to it over another, would naturally proceed to settle the property in every species of feræ naturæ on one and the same principle that of the original English common law. Strange to say, we do not perceive that the right ratione soli is once mentioned in the excellent commentaries upon American law by Chancellor Kent, when he is discussing the origin of qualified property. The word game indeed nowhere occurs; but actions for killing and taking a fox, for a swarm of bees, and on the right in fish, are referred to; in respect of which, the same principles apply. In the case of water, it is laid down justly, that the exclusive right of fishing in an unnavigable river belongs to the owner, each on his own side; whilst on land, it seems that the actual occupier of bees found on the ground of another, acquires them by the fact of occupation. It is nevertheless true, that the English rule to the contrary is as old as the forest charter. There is even a case in the Year Book of Edward III., denying that the title of occupancy can supersede the title ratione soli.

Under these circumstances, the difficulty is to find the place on which, in the realm of England, the title by occupancy can accrue, and to account for the prominence given to it in English law books. Every yard of land within the four seas is private property, and the right to the game thereon attaches ratione soli. The want of all previous ownership, therefore, (and this was the supposition on which the right of occupancy was admitted to arise in the captors of wild animals by the Roman law,) can never occur in England but by some rare exception. Blackstone, with extreme inaccuracy, classes under the head of occupancy in the English law, the natural right to animals fera natura, 'by the original grant of the Creator.' He might have affirmed the same of land with equal truth. In pursuance of the same truism, this right is declared still to continue in every ndividual, unless where restrained by the civil laws of the

country. The general right in any of the King's subjects to take and appropriate animals not otherwise excepted 'upon 'their own territories,' is afterwards mentioned as an instance of it. So little had he learned to distinguish in a point on which, nevertheless, he meant to be novel and elaborate, between the title by occupancy, and the title accruing by custom from annexation to the soil. The real cases of occupancy under the English law are very rare. By way of premium to the finder, an exception is permitted, in the instance of goods casually lost and found upon the surface of the ground. In two or three other instances the crown is made a sort of special occupant, or a trustee for the public, under the name of prero-The chief perplexity, however, in this branch, seems to have arisen from breaking in on the simple application of the general rule by scholastic distinctions. For example, it would not have mattered whether a property in the game was given to the owner of the soil on which it was raised, or on which it was killed, where they did not happen to be the same person. But the trespasser ought never to have been rewarded by the spoil under the conceit of occupancy, for no more substantial reason than that he had committed two trespasses instead of one. The new law deprives the double trespasser of this absurd advantage. It affirms the title ratione soli, when it gives game recently killed to the person who has the right of killing it on the land where the trespasser is found with it in his possession. There are loose passages scattered up and down the books, which at first sight suggest the notion, that the title by occupancy was at some former period recognised in our law to a greater extent. This error would derive further countenance from indulgent usages. The practice of tolerated trespass in the case of gleaning as well as fox-hunting, had, by long connivance, so far assumed the colour of a legal right, as to yield to nothing but the positive condemnation of a court of justice in our own days. Bracton's discordant attempt to dovetail the license of sporting in alieno fundo, as allowed by the civil law, upon our intractable and opposing maxim, is probably the origin of some vague incidental language to the same effect in the Doctor and Student, in Manwood, and in the obiter dictum of a judge or two. There is only one method by which these careless expressions can be reconciled with the plain concurrent law; -that is, by reducing their application to some anomalous occasion; as, for instance, one in which property ratione soli not being able to exist, room is made for the secondary title by occupancy to step in.

The English law had not transplanted the inconsistency of the Roman. It does not tempt the sportsman, by telling him,

that the property in animals, whilst in their natural state, will, wherever found, belong to him as the occupier of them; and then seek to pacify the occupier of the land by the assurance that he has a cross action for the trespass, in case the stranger shall set foot upon his ground. The possibility of an equivalent misconception could never have arisen in our vernacular jurisprudence, but for the prudery of the courts. For a long time it was occasionally deemed below their capricious dignity, to try actions for things only of pleasure, which were scandalized under the name of things of "base property." The Traite de Legislation has properly stigmatized the ridicule which some French journals had sought to throw upon an action for a canary bird. We have, as usual, good Black Letter authority both ways. judges, as far back as the reign of James the First, supported an action for sixty musk cats, sixty monkeys, and parrots at discretion—" for they be merchandise, and valuable." No pretext can be assigned why property, when it is of a nature to be once recognised as the legitimate subject of an action, should not from that moment become the subject of an indictment. There are objects in the criminal law of greater importance than the dread of breaking in upon the narrow definition of larceny, by including in it deer; although, as realty, they may go to the heir and not to the executor. The punishment ought, of course, to be in proportion to the injury and to the alarm. The effect of this superficial clemency has been actual cruelty to the body of the people, whom it has only tended to mystify and deceive. By doubtful and variable language, by contemptuous epithets, by refusing the aid of the criminal law in its ordinary course, our technical latitudinarianism has tended to mislead the many who are the slaves of words, on a subject naturally too pregnant with popular temptations. They became indignant when a claim, denied the consistent character of property, rose up in the more odious form of qualifications; and when, instead of the King's impartial judges, local, and in a great measure, secret tribunals were created. The law was invidious; the tribunals were invidious. In such a jurisdiction, however purely it might be administered, it was impossible to avoid the suspicion of personal feelings, and consequently of personal injustice. Our actual return to the old doctrine of property ratione soli, will be the most effectual discourager of the notion of any right of occupancy. The natural claim, asserted by the poacher, appears of late to have received its principal countenance from the fact, that the legislature foolishly put forward an artificial privilegepretension, equally absurd in itself, and equally unwarranted by our former law.

If an enactment, by which every landowner is authorized to take the game upon his own land, be only a restoration of the common law, still more clearly is this the case in regard to the right of disposing of game by way of sale. Many of the present generation of squires can scarcely be expected to be cordially reconciled to the spectacle of long-tailed pheasants hanging over from the poulterer's windows into the street. The mystery and superstition of our contrary practice, (however recent the innovation,) has become too cherished and too established an article of faith. We can make more allowances for the lamentations which we have heard sighed over the destruction of one more of the courtesies of life. But whilst venison, and fruit, and books, make very pretty presents, there is no reason why game should be erased out of the list. The first legislative attempt to restrain the sale of game was made in the reign of Henry VIII. It was evidently meant as an experiment; since it was passed for one Parliament only. It was felt to be an unsuccessful experiment; for it was not renewed. A general prohibition of sale was afterwards imposed by a statute of James I. In time-serving conformity to this instance of his master's kingcraft, Bacon discovered that game was meant for the King's pleasure, -for exercise, sport, and courtesy,-not for gluttony and sale victual. This prohibition, however, was from the first incapable of being executed; and was soon too obsolete, to be thought worth the compliment of repealing. It remained in the great lumber-room of the statute-book. When statutes of only partial prohibition were afterwards enacted in the reigns of William III. and Anne, the sale of game continued to be the common usage of society. The merchant and fundholder of Pope's acquaintance had the pleasure of purchasing, as they wanted them, the luxuries which it was the pride and occupation of the great proprietors, as wholesale producers, to supply:

> 'All Worldly's hens, nay, partridge sold to town, His venison too, a guinea makes your own.'

In another passage, the poet represents it as one of the traits of a miser and his wife to 'sell their presented partridges and 'fruits.' No distinction seems to have been thought of betwixt game, or the ordinary produce of the poultry-yard and of the garden; nor any incompatibility to have been found in their being sold at the shops, and sent as presents. The first statute under which our late system appears to have really come into action, dates only from 1755. It was passed in consequence of a judicial decision to the contrary that very year. The judges had declared

that highers alone were the subjects of the former acts; for 'that a resident poulterer could never be within the intention of the legislature.' Under the policy of the bribery acts, we have not yet got to the equality of exacting the oath from the man who buys the vote, as well as from him who sells it. The Game Laws took the same distinction. A penalty on the buyer of game has no further connexion with the 'wisdom of our ancestors,' than what can be derived from the character of the senator by whom

it was introduced. It is no older than the year 1818.

The above statement ought to remove the imputation of singularity, and of a levelling, not to say, revolutionary, character, which is charged on the new law by some of its avowed, and by more of its concealed opponents. It so happens, that we were not merely at liberty to enter on whatever arrangement the actual interests of the country might require, unshackled by such apprehensions; we might be said to be positively invited by a consideration of our original law to return to its true principles. As concerns the taking of game, it is clear that no personal right was at any period admitted, wherever such claim came in contact or competition with that of private property in the soil. None, therefore, can be now by possibility displaced. Further, the preambles of the principal statutes, by which innovating restraints, whether in respect of qualification or of sale, were from time to time niched into the statute-book, will show the objects with which they were severally introduced. objects were invariably of a public nature. In retracing our steps, the more narrowly these restraints are examined, the less pretence does there appear to be for dealing with any part of the question except on public grounds. Some of the objects were, from the immediate occasion, temporary only; others, by the inventions of modern times, as well as by a change in our policy, and in our national habits, have become obsolete. In respect of those views of policy, which were of a more general and permanent character, the means pursued have notoriously failed. The end is not accomplished. The evil, which was to be remedied, has gone on rapidly increasing. Nor is that all. No reasonable man in England, after enquiring into the subject, can doubt but that its worst and most aggravated symptoms are to be put down to the direct account of our obstinate perseverance in the false remedies so long legislatively applied.

Whatever arguments have been suggested in behalf of the institution of private property, exist protanto in the case of game, when considered as belonging to the soil. It will be seen, that other titles are, at best, temporary; they are also, for the most

part, arbitrary and fictitious.

Among the reasons assigned for Game Laws, one which must even originally have been grossly exaggerated, and which has long been utterly defunct, is that which pronounces the chase to be a school of necessary education, as well as a scene of necessary refreshment for certain classes. The hunting which Xenophon and Cicero praise as the best discipline for forming great generals, from its being war in miniature, must have been something very unlike pheasant-shooting. The wolves and boars of French forests may have helped to countenance, if they could not justify, similar tirades in the Ordonnances of Francis I. In this point of view also, some colour might be given to their roturier exclusions, as long as French policy professed to confine military spirit and distinctions to the noblesse. Neither of these pretexts ever got a place in the law or practice of England.

The disarming a slave-population, and the prohibition of martial exercises among them, may have been a measure of precaution, whilst the Norman lords were encamped among their Saxon serfs, like the Turk in Greece. But from the time of Henry II., commissions of array required every citizen to have armour according to his condition. Contrary to the actual law of France respecting the port d'armes, the right to the possession of arms is expressly recognised under the Bill of Rights. As for sports, if Wyndham found it difficult to say what ought to constitute, we may admit the difficulty of saying what actually does constitute, an unlawful game. But clearly it is not in distinctions between different classes of the community, nor in the supposed suppression of manly strength and spirit in the people, that we shall find the appropriate principle of the

English law.

These distinctions never really travelled beyond complimentary expressions, by which soothers of consciences, and writers of panegyrical dedications for the rich and idle, undertook to satisfy the great that the vices of the lower orders became, in their case, exercises of taste, or even of virtue. Our Grand Falconer, or a Judge in the Fabliaux, could scarcely exceed Sir E. Coke's eloquence, 'in respect of the noble and generous nature and 'courage of falcons, serving ob solatium vitæ of princes, and of ' noble and generous persons, to make them fitter for great em-'ployments.' Modern students would not profit much by Pliny's advice, that a man of letters ought to take his tablets out a-hunting, since he is as likely to meet the Muses there as Diana. The canon law, on account of the precedent of Esau, and upon the authority of St Jerome, who had never read of a saint that was a sportsman, interdicted clergymen from this amusement. However, the indulgence of our municipal law created one of its fictions in their behalf. Blackstone informs

us, that 'spiritual persons were allowed, by the common law, to 'hunt for their recreation, in order to render them fitter for the 'performance of their duty.' If we remember rightly, it was the monks of St Denis who got leave to hunt, in order to obtain skins for the binding of their books. A reason, apparently, will not be long wanting for the pastimes of soldier or of priest. As new orders have arisen in the state, and new duties, the soldier and the priest must consent to let as many of us, as are otherwise entitled to it, share in this relaxation from our labours.

Some of the earlier regulations were evidently passed in contemplation of immediate insurrection. The taking away from artificers and labourers any pretext, 'under colour of which they 'make their assemblies, conferences, and conspiracies, for to rise 'and disobey their allegiance,' is the preamble of the oldest nominal disqualification act, A.D. 1391. The recollection of Wat Tyler's demand of a general liberty of hunting, in the Jacquerie of A.D. 1381; and the contemporary dangers of any single year throughout the reign of Richard II., may account for such an enactment. The statute of 1st Henry VII., against unlawful hunting, was probably designed for the political protection of his new government, quite as much as for the purposes of the chase. But, for centuries, there has been no object of the sort sufficient to justify the having kept these, or similar provisions, unrepealed.

Gunpowder made its way slowly in England, both in its application to the art of war and to field-sports. The word gun, like that of coal, deceives careless readers into anachronisms. Its original signification was that of any engine. The use of great guns appears to have been taught us sooner by the French. But the first regiment of musketeers, regularly armed and trained, which had been ever seen in England, is said to have returned home in the time of Elizabeth, under the command of Colonel Thomas, by whom it had been formed in the Low Countries. By one of his vivid anachronisms, Shakspeare transfers from his own time to that of Hotspur and Justice Shallow, the dread of saltpetre among cuphuist courtiers, and the practice of the musket exercise by recruits. At a much later period, however, it was the bow, and not the gun, which, when he was weary of the Muses, amused the country solitude of Wyatt—the poet, to whom Milton, at least, (if not English poetry in general,) owes more than even to Surry.

> 'This maketh me at home to hunt and hawk, And in foul weather at my book to sit, In frost and snow—then with my bow to stalk.'

From Henry VIII. to James I. inclusive, the encouragement of the long-bow and the hawk, and the discouragement of cross-

bow, hand-gun and hail-shot, were the objects to which were directed, by its original framers, the chief portion of this part of our legislation. There is method in the madness by which it has been since misunderstood and misapplied, by successors who cared only for the collateral consequences of the prohibitions. Whatever might be the wisdom of the debates which, during that period, prevailed concerning the comparative merits of the long-bow and the hawk on one side, or of the musket and fowlingpiece on the other, it is worse than ridiculous to have left in force, until the nineteenth century, penalties on whosoever should shoot a hare or a partridge. The principal object in fieldsports probably consisted from the first in the animation of the pursuit and the vanity of the distinction; but the produce of the chase was necessarily always a subject of some importance. This must have been especially the case, before the introduction of turnip husbandry, when for seven months out of the twelve, game was the only species of fresh meat. It would be in vain, under those circumstances, for the French, or any other law, to declare 'que la chasse n'est pas in fructu.' Yet Louis XIV., in his ordinance of 1669, gave leave even to his nobles, only 'chasser noblement,' and forbade the use of shooting flying, and of pointers. These, in distinction from a 'chasse d'honneur,' were regarded as a 'chasse purement cuisiniere.' Among ourselves, a century and a half earlier, 'the profit and avayl' for housekeeping is recited in the rational statute of 11th Henry VII., among the lawful objects, with respect to the sole enjoyment of his game, in which the possessioner of land had a right to expect to be protected by the law. We were then on the eve of a great movement in society, which was about infallibly to create a customer and a competitor. In case there had been purchasers of the waters of the Choaspes, the King of Persia could not have kept that royal beverage to himself. In our times, dead bodies are become a necessary of life. The prohibition of a legal supply has generated a new and atrocious crime. They whose trade it is mischievously to pander to the honest prejudices of the people on this subject, have much to answer for. It is thus Tom Paine's body-snatcher has been doing the work of crimp to Burke and Bishop. The principle is the same, by which, in all instances of this kind, is determined the different character between a legal and an illegal supply of an article which society will have.

The first appearance of commerce in England brought naturally with it purchasers of game. Henry VIII. looked no farther than securing the supply of his own table. As other trades flourished, the trade in game began. It is worth the while of

all lawmakers, who think their work is done when they have passed a prohibitory act of Parliament, to watch, in this instance, the progress of the battle between the force of circumstances and the law. The course of action and reaction is very striking. The preamble of the 1st James I., c. 29, complains that game is more excessively and outrageously spoiled than in former ages; especially by the vulgar making a trade and a living of the same, who are not of a sufficiency to pay damages; whereby few suits. Seven years later, base persons of bad and mean condition are said to carry game by night to cities and market-towns to be sold. The 22d Charles II., c. 25, recites the damage arising to the realm, and to individuals, from divers disorderly persons laying aside their lawful trades, &c. It appears by these recitals, that up to this period, the grievance was confined to the civil inconvenience of poaching. The 22d Charles II., may be fairly considered as practically the first real disqualification statute. It is here also that we open upon a new era and character in the offence. The next preamble, (that of the 4th and 5th William and Mary,) as if to mark the point whence the demoralizing reaction against an unjust system had taken its spring, carries us a step farther into guilt. It brings us into contact with 'idle persons who 'afterwards betake themselves to robberies and other like of-'fences.' As yet, however, poaching is described as the nursery only, where offenders are schooled for greater enormities. The absurdity and indignity of the law, as it was persevered in and darkened throughout the next hundred years, could not fail to produce bitterer fruits. By the year 1800, poaching had become itself directly identified with the greatest of all crimes. The preamble of 40th George III., introduces us to poachers 'guilty of great violence, by shooting, maining, and 'beating.' Sixteen years more pass,—and these practices (it is quietly recited in the 56th Geo. III.,) 'are found by experience to lead to the commission of felonies and murders.' Such, up to this date, is the terrible race maintained between the new wants of society and the mongrel feudalism of modern squires. The accelerated speed of a vindictive system, radically unreasonable and unjust, was distanced out of sight by the growth, and still more by the darker shades and more atrocious character, of the offences nurtured under it. The parliamentary inference from this comparison unfortunately long continued to be, a cry for additional restraints, and for sharper punishments. The law became impossible to execute. It was almost impunity to the poacher. Sir S. Romilly and Lord Wharncliffe reduced a little the severity of the Night Act.

But it was not until the year 1831 that the English legislature was prepared to permit a general revision of the Game Laws. The failure of the former system was too palpable, and too clearly traceable, to leave a doubt concerning the method to be pursued. The Night Act, it is true, has been reserved by the Lords for further consideration. It is a great deal, however, to have removed the provocations arising from the unjust exclusion of small proprietors; the temptation arising from a market which the poacher only could supply; the scandal and depravation arising from the example of a whole community, from the highest to the lowest, banded against the law.

Deeply as every good citizen must deplore the means by which these disqualification acts were trodden under foot, there is a lesson contained in so signal a discomfiture, which, it is to be hoped, injustice never will forget. on the part of lords of manors, was to get for them and theirs the game which properly belonged to the persons whom they disqualified. The result has been, that they lost tenfold the amount out of that game, which, according to all reason, was and ought to have been looked upon as their own. They desired to give to game the dignity of a privilege; they took from it the sanctity of property. They grudged the neighbouring farmer a day's coursing; they gave the operative and the labourer a larger share in their preserves, than they could keep for themselves. They sought to put down the snare and the net of the lurking village-poacher; they called up into open fight the bludgeon and the carabine, till their keepers were defeated and slaughtered in pitched battles; they themselves bearded in their plantations, and their winter's shooting spoiled before their face. Finally, they hoped to stop the sale of a single feather; -they glutted every market.

The first object with a reasonable government must be the removal of such fearful evils. They consist of many heads, both immediate and prospective. There is the injury to the rights of the proprietor of the soil. There is the disturbance of the public peace from the outrageous character which the offence has recently assumed. There is a mine worked below the very foundations of society in the scorn and demoralization which must ensue, when the body of the people is habituated to the example of successful combination in opposition to the law. The quantity of misery incurred in direct suffering, on the part of convicted poachers and that of their families, is in itself a serious consideration. It becomes more serious when we perceive that the suffering is only so much pain endured. All the bad, and

none of the good effects of punishment belong to it. From the increased quantity of game with which the market has been supplied, it is evident that the convictions (so far from suppressing the offence) have gone on for some years, representing a less and less per centage on the real amount of crime. The extent to which public confidence and opinion have been affected by the spectacle which our law has long presented on this subject, is an abyss which nobody can fathom. In one of its most practical departments, the law of England has been kept longer than any one living can remember, in a shape too irrational to bear an argument in its defence. It has, consequently, been notoriously violated alike by all ranks. have had younger sons shooting without a qualification; gentlemen shooting without certificates; noblemen exchanging game with their fishmonger for fish; Peers of Parliament, and members of Committees upon the Game Laws, ordering plenty of partridges for dinner at Ascot races, before the lawful season. Yet all along, the violation of the law has been only attempted to be punished in the persons of the poor. A universal impression of unfairness could not but gather strength. The people began to murmur against the parliamentary makers of such a law. Its administrators, their immediate superiors and neighbours, suffered from the suspicious unpopularity of an almost personal jurisdiction. Game became a question on which, justly or unjustly, an idea got abroad, that the twelve Judges and the Quarter Sessions are very different tribunals. A pernicious sympathy arose on behalf of the worst of all examples;—the example of an exception, on the part of witnesses and juries, to the respect due from them to the law and to their oath. In the fluctuations to which our manufacturing population is exposed, and in the depression to which the peasantry, especially that of the south of England, (mainly through the mismanagement of the poor laws,) has been so unfortunately reduced, it would have been madness to have left outstanding throughout the present winter such a monstrous, and at the same time so gratuitous, an element of discontent.

Such being the evils of the offence, the degree to which, in its present inflamed state, it is under the control of legislation, must depend on the causes which lead to its commission. From the Nimrod passion of our nature, the amusement of the sport has to answer for a good deal. Something too must be allowed for the spirit of adventure. There are grown up persons, like truant schoolboys, who feel a pleasure in being hunted as well as hunting. Indignation from a sense of the supposed injustice of the law, especially whilst it was encouraged by the

prospect of impunity on account of popular connivance, may, in many instances, have turned the imagination of an incipient offender in this direction. But all other causes are slight when compared with the profit to be obtained by the disposal

of the spoil.

Now, on comparing the disadvantages which have been experienced under the former system, with any possible inconvenience which may continue or may arise under the new one, it is some security, that the mischiefs experienced of late do not appear to admit of aggravation. The novelty of an open sale will make a greater show; and, for the first season, perhaps, a little more excitement. But poaching, in whatever point of view we look at it, whether of private wrong, general alarm, the sufferings of the offenders, or ultimate danger from public demoralization and discontent, had reached its maximum. No change of the law can strengthen any of the causes of the offence. The pleasure depends on personal disposition. The blind feeling of resentment or of enterprise may be lessened, but cannot be increased. The poacher's trade has been hitherto a monopoly. They undersold each other in it by a competition which must have been ruinous, except that they could afford to sell for little what had cost them nothing but the risk of liberty and life. On the supposition that the poachers should retain their monopoly, things could be no worsethey would be the same only as before. But even on this supposition, the injury to the proprietors of game has been greater under the irregularity of an unlawful supply, than what it would be, in all probability, under an open and lawful sale. The supply and demand, during the system of concealment, could not be calculated and accommodated to each other. Thus, it is on evidence, by the testimony of the most respectable London poulterers, that the late supply did not simply and adequately cover the consumption of the metropolis. Over and above, and after the most liberal consumption, there was a surplus for waste far beyond what is known in other articles. If the market is so far enlarged as to carry off what was formerly lost by waste, it is as great an increase in the demand as is likely permanently to take place. The new customers, who formerly made it a point of conscience not to buy game, constitute, we fear, no serious proportion on the whole.

If legislation cannot make the matter worse, the question is, which way must it turn with the view of making it better? The specific amendments of the law ought, as far as is possible, to be brought to bear against the very causes of the crime. Whatever depends on individual temperament, or is inherent in

the nature of the case, (and there is no denying that too much of this sort of temptation will remain,) lies beyond our reach. Some people gratify a passion at all risks. But all the motives which have been thrown into the scale from a sentiment of injustice, and almost of village martyrdom, may be withdrawn. The trade of the poacher may be taken from him. If he cannot be positively undersold, he may be run down to such low profits as to make it not worth even his while to continue in the profession; and by that discouragement of suspected dealers which common decency demands of us, the market may in time be substantially closed against him; for the poacher will not stand in the same position as the smuggler. No revenue is to be raised for government by a tax on partridges, so as to make it the interest of a respectable poulterer, now that he can get otherwise supplied, to put himself in the power of an informer. Directed to these objects, the present measure has the merit at least of great simplicity. It consists wholly of the repeal of two classes of statutory prohibitions; -those by which the proprietor of game was disqualified both from sporting and from sale. Whilst it cannot possibly (for no alteration could) increase the evils, the remedy is applied to the specific causes contained in those statutory prohibitions. Evils which the law had certainly aggravated, if not created, it is to be hoped that the law in great measure also may remove.

We are encouraged to think that this hope may be realized, from looking at the contrast which is exhibited by the otherwise analogous cases of wildfowl and fish, and by observing the positive interests which are peaceably maintained in decoys and fisheries. All the natural causes which lead to fraud and violence exist in the shape of teal and widgeon, of trout and salmon, quite as strongly as in their colleagues, who have been raised by an unfortunate distinction to the privilege of game. To take the instance of fish only. A salmon trout comes and goes as quick as a partridge; it is not more easily identified; it has not made even as much of an advance to the vulgar origin of notions of property, by being fed, or tamed, or counted by its claimant. Whatever difference exists between the two cases, is primâ facie to the disadvantage of the fish. In case nobody not worth L.100 a-year in land could fish even in his own stream; -still more, in case some aristocratical member of the finny tribe were selected which nobody might sell,—our brooks, as well as our plantations, would ere this have been stained with human blood. The sea (by the title of the King's waste) and navigable rivers, by reason of an ownership in the soil over which they flow, belong to the Crown, as representing the

public. This water prerogative is more extensive than there was room for in the case of land. The more valuable fisheries in public waters are royal piscaries, corresponding to royal forests. When they were granted out, they became a sort of aquatic chase in the hands of subjects. Public waters, on which no royal fishery was erected, were left open to all mankind. Every one had the right of passing over them without being liable to trespass, and might appropriate to himself whatever he could catch therein. No property in fish ratione soli could arise, where the soil covered with water was by prescription abandoned to the public. But there is not a foot of dry land which answers to this condition; for the soil even in the King's highway is vested in the proprietors of either side respectively. In this point a highway resembles the case of rivers not navigable, and private streams; in which, accordingly, the exclusive right of fishing ad filum aquæ, belongs to the respective owners of the adjoining banks ratione soli. On comparing the fisher's and the hunter's vocabulary, the piscatory art appears to have been neglected, as too tranquil an amusement, and its spoil as too insipid, or too ecclesiastical a food. The Norman barons disdained to trouble themselves with the scientific nomenclature either of catching or cooking fish. The law was left both in its letter and its practice to its Saxon simplicity; and, as far as fishing or fish are concerned, was undisturbed by any attempt at franchise beyond that which we have mentioned. Notwithstanding a nominal but unexercised prerogative, occupancy existed in the sea and in the open rivers. Otherwise and elsewhere, the right of private property was alone recognised. It is one of those exclusive rights, which (as formerly in the case of all hunting, and still in that of fox-hunting) has not in general been ungraciously enforced. The prohibitions of 3d and 4th William III, even against angling, have been comparatively a dead letter. Such, too, we hope their re-enactment by Sir Robert Peel may yet usually remain. It is but rarely that the disciple of Walton has to complain, 'that there are some cove-' tous rigid persons, whose souls hold no sympathy with those of the innocent anglers, having either got to be lords of 'royalty, or owners of land adjoining to rivers; and these do by some apted clownish nature and education, for the pur-'pose, insult and domineer over the innocent angler, beating 'him, breaking his rod, or at least taking it from him, and ' sometimes imprisoning his person, as he was a felon; where-'as a true-bred gentleman scorns those spider-like attempts, and will rather refresh a civil stranger at his table, than

warn him from coming on his ground on so innocent an occasion.

On a review of our statement, the New Game Law appears to be, in point of fact, only a recurrence to the precedent of the common law. Of the motives which originally led to a departure from our ancient principles, some are seen to be obsoletethe rest and more important ones to have been wofully defeated by the result. The evils which have progressively grown up to their present malignant height, under the very statutes passed for their suppression, are such, that there is nothing to be risked by any experiment whatever. At the same time, a consideration of the causes which have inflamed these evils, and a reference to the comparatively harmless state of the subjects, whose circumstances resemble that of game in every respect, except that they have not been cursed by the unnatural protection of similar legislation, may justify some confidence in the healing nature of the present measure. But were all these grounds of reliance wanting, and were no trust to be placed in common sense and justice, it would be not the less true, that a change has taken place which leaves us no alternative. We must legislate for our own times. The condition of the country, its cultivation and enclosures, the introduction of a new species of property and of purchasers, the growth of a powerful middle class, a complete alteration in the mode of preserving as well as of sporting, are things all in their several natures irreconcilable with the spirit and execution of the former law.

The period which was chosen to enforce our late system was singularly ill timed. It might have suited earlier ages, when it was nevertheless unknown; whilst it could not possibly exist, unless very partially and reluctantly, and by compromise, in that in which it was introduced. Two or three centuries ago, the practice undoubtedly would be the same all over England, as it was in great part of such a county as Lincolnshire for instance, and in Scotland also, within the recollection of the last generation; such as in great measure it is in Ireland now, and as Stiernhook describes it to be in the North of Europe. Any body might have shot his way over the whole country, nor have feared an action of trespass, or any interruption except in the immediate neighbourhood of a house or some protected spot. The language of the statute of 1707, and the laxity of prior usage, encouraged a sportsman, as late as the year 1790, to contend in a court of law in Scotland, that his qualification entitled him to hunt on the property of another. Thus Stiernhook says of Sweden-'Sed hæ leges, quamvis sæpius tot 'regum edictis munitæ, raro tamen observantur, ubi libertatis ' quisque pristinæ memor, et tenax suo se jure uti putat.' Notwithstanding the present enclosed aspect of English cultivation. (and it was one of its early characteristics,) yet park and warren were evidently for some time its principal actual enclosures. Afterwards, as late as the reign of Henry VIII. and his immediate successors, when the great cry was raised against enclosures, their first effect would not bear hard upon trespassers, since the immediate object of those enclosures was to turn tillage land into pasture land, and replace the ploughboy by the shepherd and his dog. The centuries which it took pheasants to travel from the south to the north of England, so that they crossed the Trent in the memory of man, are a proof of the obstacles which the forlorn and naked state of the intermediate country interposed. From the following proclamation by Henry VIII. (and it was renewed in the reigns of Edward VI. and Mary,) the open character of the suburbs even of the metropolis, much more of our provincial towns, may be naturally inferred. In 1536 he issued a proclamation, reciting his great desire 'to preserve the partridges, pheasants, and herons, from his palace at Westminster, to St Gyles's in the Fields, from thence to Islington, Hamstead, Highgate, and Hornsey Park; ' and that, if any person, of any rank or quality, presumed to 'kill any of these birds, they were to be imprisoned, as also suffer such other punishment as to his highness should seem ' meet.' Under the circumstances of that period, the ordinary state of cultivation could not be such as to make the amount of produce destroyed by game an object, or the intrusion by a trespassing sportsman any nuisance. The quantity of game would hardly tempt a poacher to the pursuit. It was pigeons, and not hares, whose maintenance Hartlib grudges, when he calculates the number of bushels of corn which they consumed in England. But what is worth all the other distinctions put together, and which lies indeed at the bottom of the whole question, is the fact, that in those days there would comparatively be no purchaser to bribe the poacher to take up the trade.

Did the insolence of feudality induce men to make absurd and incongruous laws concerning the chase, even in such a period? As far as the greater part of the country and of the population were concerned, they must remain altogether inefficient. Whatever might be enacted in behalf of privilege, the right of occupancy would bear it down, and continue to be the ordinary practice in that stage of society. We are no friends to privilege. At all times it is on such a subject an absurd and inapplicable title. But it is not less true, that the title of occupancy must in course of time always become as unreasonable; and that it would, in the actual state of things in England, be even more mischievous and unjust. When game begins to live mainly on the produce of human labour, and when a regular demand for it attracts it to the shops, it is henceforward nothing but a wild sort of poultry fed in a random way. In the eye of reason, it has then all the characters of property. It ought under these circumstances to acquire at once the sanction of property in the eye also of the law. This is the only way in which sound opinions on the subject can be formed; and the same respect be gradually conciliated towards this as towards other kinds of property among the body of the people.

A Scythian or Arab tribe would shrink from the threat of being confined to a stationary property in land; yet the institution of landed property is a necessary preliminary to civilisation. Wild horses and wild cattle are left to the first catcher in South America at present. Yet as South American society advances, this barbarous right must be gradually superseded. The same progress takes place with what happens to be called game, (for this is different in different countries,) and other creatures feræ naturæ. The law of a country, scarcely half appropriated, and much less than half cultivated, cannot on such subjects be the same as the law of a wealthy, agricultural, manufacturing, commercial, professional, and fundholding community, residing upon a thickly peopled, hermetically enclosed, and highly cultivated The notion, on one hand, that the gentry of the most humane and polished society on earth must be provided with battues; on the other, that the body of the people have a claim to be indulged in the wild and hunter passion of unrestricted chase, are prejudices equally at variance with the history and the nature of mankind. An imaginary right on the part of the senators and the mob of Rome to an amphitheatre and to gladiators, as being amusements pre-eminently national and Roman, was not more so.

There is a vulgar saying about the public object with which ambassadors are sent abroad. Lord Strangford was informed, not long ago, that this privilege of diplomacy is construed strictly, and is limited to their intercourse with foreign courts. But it is the nature of immoral exceptions to encroach. Thus the reserve and dissimulation which official life may frequently make a duty even at home, and within the walls of Parliament, sometimes proceed to lengths which it is difficult to reconcile with the confidence which it is so desirable we should feel that we may place in the declarations of public men. In 1829, Sir Robert Peel told us, that, as early as 1825, he tendered his resignation to Lord

Liverpool, from a conviction that the time was come when Catholic Emancipation ought to be conceded. Nevertheless, in 1827, he was found heading, in the House of Commons, a bitter opposition against Mr Canning, and protesting all the while that his refusal to serve under him was entirely grounded on the fact, that Mr Canning was known to be favourable to concessions. The unlimited denouncement of Parliamentary Reform with which the Duke of Wellington may be said to have broken up his administration, was explained, a few weeks afterwards, to be the opinion of the Duke of Wellington, not as a Peer of Parliament, but only of the Duke of Wellington as Minister of the Crown. In the debates upon the Game Bill, the Duke undertook to give the public the benefit of his honourable experience of foreign countries, by asserting that the authority of revolutionary France was the only European precedent for the course which we were pursuing. A singularity of the sort would not have been fatal, were it true. But, in point of fact, there exists no such uniformity of opposite legislation as is here assumed. If it were intended to apply the observation to the sale of game, we are not aware that this is any where prohibited. Even in times when the privilege of the chase was most strictly royal and seignorial in France, game was sold just like other fowl. It used to be taken generally in nets, as being more saleable when so taken. It may be admitted that the Crown in most feudal monarchies subjected the right of sporting, when exercised by a simple proprietor even on his own soil, to the necessity of a license, or some other qualification. This was the case certainly in France and Holland. It was introduced by the Norman conquerors into Sicily and the South of Italy. Nevertheless, in the Considerazioni sopra la storia di Sicilia, Gregorio gives the diploma whereby King Roger granted the citizens the liberty of hunting and fishing on their farms; and the Norman Barons were made to swear to the Emperor Lothario that they would give similar rights to the citizens of Beneventum. The inhabitants of the towns in those days, it is clear, were not meant to be excluded on the continent, more than the citizens of London. The privilege of free chase occurs in most of the earlier charters of the city of London, and the liberty of hunting over Middlesex is said to have been frequently confirmed to them. This ought to be understood, probably, of immunities similar to that which all the free tenants of the county of Middlesex acquired under the charter by which the warren of Staines was unwarrened. The interest which the citizens had in this question, has conferred upon this document the dignity of being entitled the fifth charter of Henry III. to the city of London. The change of fashions has since turned

the city officer called the "Common Hunt," into a master of

the ceremonies to the Lady Mayoress.

However magnificent and universal may have been the language of silvan prerogative on the continent, it was a right which even absolute monarchs could not practically enforce. Fabian mentions in his Chronicle, that 'Louis XI., imme-' diately on being crowned, by consent of his council, made a 'law, that no man, of what degree that he were, should use 'hunting or hawking without speciall license, and specially for ' chasing or hunting of wolvys, nor to keep with him any houndys, 'or other instruments whereby the game might be destroyed.' It would have been as well if he had gone on to mention that this innovation, however, was a principal cause of the conspiracy raised against him by the princes of the kingdom. There is nothing encouraging in the example of ancient France on this point, even when we give it credit for the modifications which from time to time its government introduced. By an ordinance as far back as 1355, King John put a stop to the increase of warrens, that is of preserves, as injurious to agriculture. In 1396 Charles VI. professed to restrain the right of sporting to the nobles: yet he had the discretion to insert amid the mandates of barbarous feudalism, exceptions much wiser than the spirit of our qualification acts long afterwards allowed. ' De laquelle prohibition etoient exceptès les bourgeois vivans 'de leurs possessions et rentes.' Notwithstanding these mitigations, the eagerness with which the National Assembly, in 1791, united in the proscription of the former offensive system, is a convincing proof that the amount of hostile feeling which it had provoked, was much beyond the apparent importance of the privilege itself. Poaching has not been done away with certainly by the change of the law in France. But all parties are perfectly satisfied with the actual regulations; the effect of which, in spite of considerable inconsistency, both in the language and in the remedy, is to make the interest in the game an incident to the ownership of the soil. Even in case the Duke of Wellington had not hunted long enough in Spain to have learned its provisions concerning the chase, he might, as a grandee of that kingdom, have been expected to know, that in that country, which was never suspected of revolutionary propensities, this part of its law is more popular than our own will become even under the present bill. beasts, &c., are the property of him who takes them; and they 'can be taken not only on one's own property, but on that of 'another unless the owner forbid the entry thereon.'-Institutes of Spain, 99. This is the same limitation, which, according to

Heineccius, the good sense of Germany has also put upon the rude maxim of the civil law. Not a word here of qualification; nor of the confusion which has long pervaded the English law, owing to Bracton's unexplained exceptions of nisi consuetudo aut privilegium se habeat in contrarium. But the Duke need have travelled no further than to Scotland for the actual existence of the old common law principle, the restoration of which seemed such a novelty to his Grace. 'The right of hunting, fowling, and fishing within one's own ground, naturally arises 'from the property in the lands.' (Erskine's Institute.) He will find there no nonsense about franchise or lords of manors; whilst the only subsisting qualification, (that of 1621,) is comparatively nugatory and forgotten. The truth is, that the usage on this subject varies according to the state of cultivation and of society, whatever may be the law. If the law is to represent the wants of mankind, and to be obeyed, it must attend to these circumstances. To perceive the folly of supposing that one practice and one rule must be equally applicable to all countries, we need only look at contemporary periods, as contained in the history, past or present, of our own three kingdoms. The connexion between property in the soil, and property in the game which is upon it, is so reasonable a rule that it ought to be adopted by the law, long before a liberal proprietor will be likely in an ordinary case to stand strictly upon his right. The respective conditions of England, Scotland, and Ireland, have strong marks of the several progressive stages, through which, in reference probably to the creation, but certainly to the enforcement of this right, improving countries must almost necessarily pass. Game is one of the few matters of quarrel and misgovernment which has never been an Irish grievance. The Scotch cases of 1809 show to how late a day important points were left unraised in Scotland; and consequently within how recent a period the rule of the Scotch law came to be investigated and applied.

Legislation, when it does its best, can only offer a people the effectual means of promoting their happiness. Whether they will avail themselves of the means, must, after all, depend upon themselves. This is particularly the case with measures like the present, and like that of Parliamentary Reform. The state of the former laws on both subjects was long left so scandalously defective, that the temptations to infringement and to vice were more than the average degree of human virtue could be expected to resist. However intelligible, and, to a certain extent, however excusable may be this result, the consequences to public morality have not been the less mischievous. A scrious inroad has been made on that respectful feeling towards the

law, which, as it is the soundest symptom, so is it one of the most ennobling characteristics that a nation can possess. The effect of inveterate prejudices and habits are not capable of being repealed at a word. Yet every class of the community ought to be made aware that the amended state of the law will leave them without excuse for a continuance in their former practices. It is only in proportion as they shall be prepared accordingly to put their conduct in harmony with the law, when it is thus amended, that the country can, in either case, reap the

benefit of an improved system, however good.

Parliamentary Reform promises to arm us as effectually against the jobber and the corruptionist, as the reform in our game laws arms us against the out-of-doors poacher. In case it ultimately fails in its great object, that of supplying their place with public-spirited men, we shall only have ourselves to blame. So, in the present instance, the machinery put into our hands, properly managed, will enable us to drive the poacher out of the field. But honest men must combine in order to give the experiment its due chance of success. The object is of sufficient importance to demand, on the part of every member of society, the most faithful observance of the part which his station assigns to him in the necessary arrangements. If the poor are to respect the law, the rich must set them the example, and every violation of it must be enforced against all alike. If a sentiment of honour cannot be created in every gentleman on this subject, it should be considered by his neighbours as a question not of private compliment or interest, but as one of public prosperity and peace. The penalties are to go to the county The certificates in every county ought to be learned off by heart by the collectors of taxes, and the penalty by way of surcharge should be most rigidly watched for and exacted by them. This principle of considering that collectors of taxes and excise officers are informers retained on the part of the public, should be carried into execution throughout, wherever a penalty is leviable under the act. We have heard very lately at Leeds, of poulterers, against whom their honester brethren did not venture to inform; yet their partridges were all netted, and their pheasants shot by an air-gun. There should be no distinction whether it is the case of sportsman, poulterer, or consumer—of the individual who kills, who sells, or who buys the game. By degrees a proper public feeling may be created. When that is the case, it will do away with the demand for extraordinary vigilance and official superintendence. After the melancholy importance which the subject has acquired, nobody can be ignorant of the evils which he wantonly and cruelly encourages by participating in, or inducing a violation of the law. Now that game can be brought to market legally and honestly, no mercy should be shown to offenders in any stage of the offence. The public ought to agree to denounce, expose, and punish, such reckless indifference or selfishness, wherever it may exist. Not to do so, is to be an accessary to the mischief, and almost to the immorality. A vigorous prosecution of crimes apparently much more serious, is not half so important at this moment.

There are other subordinate and auxiliary arrangements besides, and beyond the possible provision of the law. Whilst they are indispensable to the complete success of the present plan, we are necessarily entirely dependent on the good nature and enlightened self-interest of the principal landed proprietors for their adoption. As a question of policy, it is most desirable that the landlord should let the tenant into a kind of partnership in the game, in order to identify the interest of landlord and tenant on this, as on every other subject connected with the management of a farm. We are aware it must take a little time to accustom squires to the sight of a gun in the hands of a farmer, and still longer to keep their nerves quiet when they hear it popping in an adjoining stubble. But, by the end of the season, Mr Littleton and Sir Robert Wilmot will be no losers when they and their narrower-minded neighbours compare even their respective heads of game. But surely good neighbourhood and kind feeling ought to count for something. This concession will turn the farmer (the great sufferer by, and consequently principal destroyer of, supernumerary game at present) into the best of all preservers. The village poacher will find him a more active garde champêtre than any keeper. But the secret and formidable combinations which by their numbers resist, and by their common purse make light of the terrors of the law, can be only put down by taking the market out of their hands, and by transferring it to that of the landed proprietors, to whom it properly belongs. For this purpose, the very ally we want volunteers his services. The poulterer is the natural middle man between the game producer and the consumer. The experience of the last thirty years has proved beyond all controversy that game is a species of goods which, in the actual state of society, will find its way into the market. Squires may lament the fact; but so it is. Hitherto the law has compelled the poulterer to be the receiver of stolen goods. This is now no longer made necessary by law. We hope the raisers of game will not make it necessary in fact. To obviate this disgraceful necessity, (and it is a scandal, of which the poulterers VOL. LIV. NO. CVIII.

have bitterly complained,) country gentlemen must contrive to supply the market to a sufficient extent on reasonable terms.* In this case it will be so clearly the interest of the poulterer not to run the risk of detection for so trifling an advantage as may attend the purchasing from a poacher, that we think (with, of course, some few exceptions) his interest will be a security for his honesty. The London poulterers have seemed to us entitled to the greatest credit for their conduct on this question. Their evidence before the committees was direct and manly. Their late meeting and advertisement is a straightforward and necessary call on the preservers of game, and on the public, for assistance in executing the law. We hope that every county in England will follow the example set by Lord Jermyn and the gentlemen round Bury; by Mr B. Thomson, near York; by Lord Yarborough, &c. It never must be forgotten that the farmer and the poulterer are indispensable coadjutors in this measure. We have no doubt they will do their duty if a just confidence is placed in them. Without their help, the whole is vanity and vexation of spirit.

In the meantime, we have one request to make of the specta-

^{*} We have the authority of the first poulterer in Leadenhall market for the opinion, that poaching can be put down in no other way. Poachers will otherwise keep possession of the market, and the honest poulterer will retire from a line of business in which he is not properly supported by either the producer or the consumer. The demand in both years is said to be about the same: but the average prices of game were,

	Hare.	Br. Pheas.	Br. Part.
Last year, This year,	3s. 6d	. 7s. 0d.	4s. 0d.
This year,	4s. 6d	. 8s.	4s. 6d.

The deficiency of the supply, in consequence of his ceasing to deal with poachers' agents, whilst gentlemen hold back, has raised the price to the fair trader. In the meantime, there have sprung up depôts for poached game, in various parts of the town, (especially at the west end,) and dealers who were unknown to trade in it before. In this way poached game is now selling at one-third less than game fairly obtained. This disproportion must be reduced. The consequence is, that Mr Stevens is at present losing a guinea a-day by the operation of the new bill; and unless some alteration takes place, intends, at the expiration of his present license, to cease to deal in it. If gentlemen had rather one by one be plundered by the poacher, than agree on principle systematically to outbid him, and drive him from the market, they must take the consequences of their choice.

tor part of the public, -especially of those who have most loudly lamented the aberrations of the law, and most vehemently insisted on its correction. Our request is, that they will not injure the ultimate success of the experiment by expecting too much at once, and by disheartening themselves and others by precipitate despair. It is not likely that poaching should immediately disappear. The legislator has no fairy wand at his command. The character and habits of a people are beyond his direct control as much as the quality of the soil. All that he can do is to aid and develope the resources of a country, whether physical or moral,—to restrain, by such discouragements as are within his reach, evil habits, -and to endeavour, by alteratives, gradually to superinduce feelings and principles of a higher order. The law can no more prevent stealing pheasants than stealing sheep. It is enough, if it is so framed as not to confound the just principles of right and wrong upon this subject any more than upon any other. Some pains must be taken to talk sense to the people upon it, and impress on their minds the true distinctions;—an example of obedience to this part of the law must be set by the other classes of the community; and time must be allowed for old habits and errors to die away. When this is done, there is no reason to apprehend but that a calm application of proportionate penalties by unsuspected tribunals will accomplish whatever the peace of society requires, and as much as on such a subject can be reasonably expected of acts of Parliament. At all events, whatever happens, it will then not be the law, but the selfish squire and as selfish consumer,—the privateering poacher and his dishonest agent, who will be to blame; nor, in our opinion, in very different proportions. Under the former system, the salesman could purchase, early in the season, both in town and country, any number of partridges at a shilling a-piece, and make his profit. Should this, under the amended system, still continue to be the case, it is plain, unless some efficient, but as yet unsuggested, improvement in the machinery of the regulations can be devised, that there is no help for it. We shall see clearly, however, where the evil lies. Many schoolboys are brought up in the faith that occupancy is the true doctrine in an orchard or a duckpond. If grown-up men will act on the same principle in so serious a question as the present, and proceed as though the subject of so much deliberation were, after all, only what is called fair game, instead of a substantial interest, ratione soli, we know of no means by which an unconscientious and unreasonable public can be made to execute an honest and reasonable law.

ART. II.—The Life of Archbishop Cranmer. By the Rev. Henry John Todd, M.A. Chaplain in Ordinary to his Majesty, Prebendary of York, and Rector of Settrington, County of York. 2 vols. 8vo: London, 1831.

THE present century, which has now passed its first eventful quarter, and of which the remaining three are probably destined to exhibit deep and essential changes in the general aspect of human affairs, has produced various biographies of English prelates, written with various degrees of talent and learning, but all bearing one conspicuous mark of resemblance, in the zeal and pertinacity with which they recommend to the admiration or acquiescence of mankind all that has been done, and taught, and established by, the Church. The Church of Rome is infallible, and the Church of England never errs; which, if not in the abstract, at least in the concrete, amounts to nearly the same thing. According to the sentiments of some of those writers to whom we now allude, Laud was an excellent prelate. As admiration is apt to engender imitation, it might perhaps be proposed as a reasonable question, whether those who admire the character and conduct of Archbishop Laud might not, according to their opportunities, feel a secret inclination to imitate the vigour and decision with which he strove to check the deviations of unauthorized opinion. attempting to crop the ears or slit the noses of those who advanced any 'plea against prelacy,' they might devise other modes of persecution, less abhorrent to the spirit of the age in which they themselves seem to have been misplaced. The wide current of improvement, which bears so many along with the general stream, must always throw others aside, and leave them entangled among the rank weeds. If Dr Lingard were to undertake the lives of Bonner and Gardiner, there can be little or no doubt that he would cast a friendly shade over their worst actions, and represent them to the world as a couple of excellent prelates.

Of this disposition to praise, or at least to defend, whatever has touched the garment of his own church, Mr Todd has furnished us with many examples. But the subsequent passage, which relates to the first Service-Book of Edward the Sixth, may in some measure enable the reader to discern the spirit of his book:—'By others of their opinion, the service, as might be expected, was much censured; by multitudes, however, on the other hand, it was received with approbation, joy, and thankfulness. But an especial cavil against the act for the unifor-

' mity of divine service, which now gave the book to the public, ' was raised, on account of the assertion in it, that the book was ' framed by the aid of the Holy Ghost. The expression was main-' tained as just. It was to be understood not as if the compilers ' had been inspired by extraordinary assistance, for then there ' had been no room for any correction of what was now done; ' but in the sense of every good motion and consultation being ' directed, or assisted, by the secret influences of divine grace, ' which, even in their imperfect actions, often help the virtu-While Romanists, down to the present day, appear to ' consure this expression, they are silent as to the confident de-'claration of one whom they often exalt to undue respect, ' Bishop Stephen Gardiner, who, writing to the vice-chancellor ' of Cambridge a few days before the publication of the Neces-' sary Erudition, said, "that the King's Majesty, by the inspira-'tion of the Holy Ghost, hath componed all matters of religion."' -Vol. II. p. 65. Instead of condemning the gross indecency of this pretence to divine inspiration, he has mustered a very incompetent defence; and apparently distrusting the efficacy of his own arguments, he finally endeavours to justify one absurd-

ity by another.

Thomas Cranmer, the first Protestant archbishop of Canterbury, was a man of great merits and of great defects; and, in order to display his genuine character, it will be necessary to exhibit a general outline of his history. Descended of an ancient family, he was born on the second of July 1489, at Aslacton, in the county of Nottingham, being the second son of Thomas Cranmer and of his wife Agnes Hatfield. He received what was then considered as a suitable education for a gentleman; nor did he neglect the recreations of hunting and hawking, and the use of the bow. After his father's death, and when he himself was only fourteen years of age, he was sent to Jesus Colledge, Cambridge, and about the year 1510 he was elected to a fellowship. Erasmus, one of the great restorers of solid and elegant learning, had already contributed his powerful aid in rescuing this university from scholastic jargon and monkish barbarism. The rectitude of Cranmer's understanding enabled him to give a beneficial tendency to his academical studies: not satisfied with the antiquated course, he likewise devoted a portion of his time to the acquisition of the Greek and Hebrew languages; and if he never became celebrated for the purity or elegance of Latinity, it must be recollected that his chief attention was devoted to higher objects. Before he had reached the twenty-third year of his age, he vacated his fellowship by marriage. His wife, who in reality appears to have been the daughter of a gentleman, some Catholic writers of his own time have industriously represented as a woman of low condition; and were we even to admit the accuracy of their representations, it is not easy to perceive that he would thus be curtailed of any portion of his moral dignity. He was now employed as a reader or lecturer in Magdalen, or, as it was then called, Buckingham College; and, says John Fox, 'for that he would with more diligence apply that 'his office of reading, placed his said wife in an inn called the 'Dolphin, the wife of the house being of affinity to her. reason whereof, and of his open resort unto his wife at that inn, he was much marked of some Popish merchants; where-' upon rose the slanderous noise and report against him after he was preferred to the archbishopric of Canterbury, raised up by the malicious disdain of certain malignant adversaries to Christ and his truth, bruiting abroad everywhere, that he was but a 'hostler, and therefore without all good learning.' His wife died about twelve months after their marriage; and it is an obvious proof of the estimation in which he was held, that he was immediately restored to the fellowship which he had vacated. He pursued his studies with renewed ardour; and adhering to the plan of reading with a pen in his hand, he now prepared a stock of materials which he found of no small value in his future controversies; or, to adopt the sufficiently quaint phraseology of his biographer, 'the abundant references he was thus accustomed to 'make, readily served him, in the days of controversy, for excellent ' defence, or easily led him on to absolute conquest.'

In the year 1524 he declined the offer of a fellowship in the college which Wolsey had founded at Oxford. About the same period he took the degree of D.D., and was appointed to the lectureship in that faculty by his own college. In 1526 he was nominated one of the public examiners in divinity; and in this situation he appears to have been instrumental in scattering the seeds of reformation. 'His examinations of those who wished 'to proceed in divinity were therefore not in the sentences of ' the schoolmen, as was the custom of former days, but in the sacred pages. To none who were not well acquainted with these, would be allow the degree required; and by many, in 'after-days, he was ingenuously thanked for his conscientious 'determination, which bade them "aspire unto better know-'ledge" than the sophistry they had hitherto studied.' He had been intrusted with the education of the two sons of a gentleman named Cressy, who resided in the parish of Waltham-Abbey, and county of Essex, and whose wife was related to Cranmer. Being driven from Cambridge by an epidemic distemper, the preceptor and his pupils retired to Cressy's house; nor does it

clearly appear that he afterwards resided in the university. The king had made an excursion to the neighbourhood; and two of his attendants, Dr Gardiner, afterwards bishop of Winchester, and Dr Fox, afterwards bishop of Hereford, having met Cranmer at Waltham, began to discuss with him the momentous question of the king's divorce from Catherine of Aragon. This princess had been married to Arthur, the elder brother of Henry, but, according to her own solemn averment, their nuptials had never been consummated. For the second marriage, a papal dispensation had been obtained in due form; nor does the king appear to have been accessible to any compunctious visitings, till he found this marriage an impediment to his union with Anne Boleyn. He then exerted all his influence with the pope to procure a sentence, declaring the nullity of a marriage contracted with his brother's widow; but although his holiness might otherwise have been disposed to lend a willing ear to such a suitor, he was restrained by the consideration that Catherine was the aunt of the Emperor Charles the Fifth. Many intrigues had been employed, and much delay had intervened, when this casual discussion took place at Waltham, and when Dr Cranmer suggested the expediency of 'trying the question out of the word of God, and thereupon to 'proceed to a final sentence.' He strongly urged the propriety of continuing the appeal to canonists and divines, for the faculties of various universities had already been solicited to deliver a formal opinion;* but it is clear that the peculiar merit of his advice must be resolved into a hint, more or less direct, respecting the necessity of deciding the question without the authority of the pope. This controversy, originating, not in the king's scruples of conscience, but in feelings of a very different nature, contributed in no small degree to the elevation of Cranmer, and to the downfall of the church. When Fox, who was then the royal almoner, communicated this plan of effecting a divorce, Henry 'swore by the Mother of God, that man hath the right

^{*} The consultation of the foreign universities was followed by a curious publication, which bears the subsequent title: "Gravissimæ atque exactissimæ illustrissimarum totius Italiæ et Galliæ Academiarum Censuræ, efficacissimis etiam quorundam doctissimorum Uirorum Argumentationibus explicatæ, de Ueritate illius Propositionis, videlicet, quod ducere Relictam Fratris mortui sine libris ita sit de Iure diuino et naturali prohibitum, ut nullus Pontifex super hujusmodi Matrimoniis contractis siue contrahendis dispensare possit."—Lond. 1530, 4to.

'sow by the ear.' His attendance at court was immediately required; and at their first interview, the king enjoined him to lay aside all other avocations, and to bend his faculties to the furtherance of this important device. In the meantime, he commended him to the hospitality of the Earl of Wiltshire, father to Anne Boleyn. It is evident that Dr Lingard has very erroneously described him as 'a dependant on the family of the 'king's mistress;' for this appears to have been the true origin of his connexion with the family, and his real dependence was first on the hopes, and afterwards on the gratitude, of the king himself. Henry appointed him archdeacon of Taunton, and one of his chaplains; he likewise bestowed upon him some parochial

benefice, of which the name is not ascertained.

Unwilling to hazard an open rupture with the visible head of the church, the king again had recourse to negotiation, and Cranmer was conjoined in a mission to the court of Rome, where he saw 'many things contrary to God's honour.' During the following year, 1531, he was commissioned as sole ambassador to the emperor. He resided for several months in Germany; and there, about the beginning of the year 1532, he married the niece of Osiander, an eminent pastor of Nürnberg. At the period of his first marriage he was a layman; but as he was now in priest's orders, he plainly disregarded the authority of the church. His residence in this country is supposed, and with great probability, to have had the effect of bringing him much nearer to the sentiments of the Protestants: here he must have enjoyed many opportunities of becoming acquainted with their views and feelings; nor could his soundness of understanding and honesty of purpose be unprofitably exercised, in a situation so well calculated to second the impulse which his mind had already received. From the gross error of the real presence he only extricated himself by slow degrees. The human understanding had for many centuries been so stultified by this portentous doctrine, that it seemed incapable of regaining a sound and healthful state; and, in this article of belief, the progress of Luther and his followers was only from one absurdity to another; by rejecting transubstantiation, and adopting consubstantiation, they introduced a change of scholastic and unscriptural terms, leaving their ideas involved in the ancient maze of Popish errors.

Archbishop Warham, the patron of Erasmus, died in the month of August 1532, and Dr Cranmer was immediately tecalled from Germany to fill the vacant see of Canterbury. This sudden and high preferment he is said to have accepted with no small reluctance; and one of the difficulties which

presented themselves, is supposed to have been connected with the peculiarity of his situation as a married priest.* During the preceding reign, as Mr Todd states, it had been decided by the courts of law that the marriage of a priest was voidable, but not void; and consequently that his issue, born in wedlock, was entitled to inherit. But such a marriage was not reconcilable with the principles of the canon law, and much was to be apprehended from the capricious ferocity of the king. wife was never publicly acknowledged; and, after the promulgation of the six articles in 1539, he found it expedient to send her to her native country. When he was afterwards charged with having thus entered into the state of matrimony, he admitted the fact, but at the same time affirmed 'that it was better for him to have his own, than do like other priests, ' holding and keeping other men's wives.' Before he took the oath of episcopal obedience to the pope, he adopted the expedient of making a formal protest, that he only took it in such a sense as was consistent with the laws of God, with the rights of the king and his realm, and with the liberty of declaring his own sentiments in matters of religion, even when they might be in opposition to the authority of the pope himself. How far this protest was privately interposed or publicly divulged, has been much and eagerly disputed between Protestants and Catholics, but it appears to be a question of very little importance. While we are ready to admit that Mr Todd has refuted various allegations of the Popish historians, we still retain a strong conviction that the character of Cranmer is not

^{*} When Cranmer had fallen from his high estate, an elaborate book against the marriage of priests was published by Dr Martin, a lawyer who was employed against him in the inquisitorial proceedings at Oxford. "A Traictise, declarying and plainly pronying that the pretensed Marriage of Priestes and professed Persones is no Marriage, but altogether vnlawful, and in all ages, and all countreies of Christendome, bothe forbidden and also punyshed. Herewith is comprised, in the later chapitres, a full Confutation of Doctour Poynette's boke, entitled a Defense for the Marriage of Priestes. By Thomas Martin, Doctour of the Civile Lawes." Lond. 1554, 4to. This book is said, probably without due foundation, to have been chiefly written by Bishop Gardiner and Dr Smith. Of the reputed author, Bishop Ponet averred that he was a person who 'could put off all shame, and put on all impudence. But Martin, whatever else he might be, appears to have been a man of ability; and some of the arguments with which he pressed the unfortunate archbishop, were very acute and cogent.

materially benefited by his zealous defence. To entitle the archbishop elect to receive the bulls from the pope, it was necessary for him to take a prescribed oath: the authority which imposed this oath manifestly left no room for private interpretation; nor can we regard such an expedient in any other light than that of a mere subterfuge. 'It was,' says Mr Todd, 'the pleasure of his sovereign, but his own aversion, we 'have seen, that these forms should yet be followed. But 'instead of engaging himself to the oath, he declared to the king, that without the liberty of opposing it he would decline 6 the honour that was proffered. Of this conduct he never afterwards repented.' Vol. I. p. 68.—But is not this a most lame and impotent conclusion? When swearing is not a mere act of profanity, it is in its very essence the act of a man engaging himself by his oath; and if Cranmer thus reserved to himself the liberty of opposing an oath, which he yet consented to take, he was openly swearing to perform what he secretly considered as unlawful. What his biographer subjoins is not more satisfactory. 'Thus much for the notoriety of the protest. It has been wished that he had taken the papal oath, as his predecessor Warham had taken it, without reserve or explana-'tion, and then proceeded quietly in opposition to the pontiff, as that prelate is believed to have done by submitting, not long before, to the regal supremacy, and thus advancing a decisive step towards a reformation. The clamour against Cranmer, as to disingenuousness, might then, it has been thought, have been 'comparatively little, or none. But Cranmer was sincere, and Warham the reverse.' Casuists may suggest divers expedients and salvos, but an honest man has only one method of taking an oath.

That Cranmer's elevation is chiefly to be referred to the aptitude which he had discovered for promoting the dissolution of the royal marriage, is a fact which cannot well be doubted. Soon after his consecration he addressed to the king a letter, in which he zealously urged the necessity of bringing this important question to a determination; and as the pious monarch had already been declared the head of the church of England, he had no hesitation in returning an answer, which, says the biographer, was in perfect accordance with the primate's suggestion; in which he forgot not to maintain the supremacy he had lately recovered. Of the origin and progress of the anomalous, and, we will venture to add, very absurd maxim, that the king is the head of the church, this may be considered as rather a curious account; for in what sense could Henry the Eighth be said to recover a right or prerogative which had never been possessed

by him or any of his predecessors?* The Queen of England was cited to appear before the archbishop at Dunstable, within a few miles of Ampthill, the place of her residence; and on the 8th of May 1533, he opened his new court, assisted by the bishop of Lincoln as his assessor. Catherine having failed to make her appearance before this irregular tribunal, was, after the expiration of fifteen days, declared contumacions; and the marriage was adjudged to be null and void from the beginning, as having been contracted in defiance of the divine prohibition. In the month of January, Henry had privately married Anne Boleyn, after having cohabited with her for several years; but it seems to have been asserted without foundation that Cranmer was present at their scandalous nuptials. It is well known that she did not long retain the king's affections. Ardent love, in so ferocious a breast, was easily converted into deadly hatred; and Anne, when supplanted by a new favourite, was accused of various acts of infidelity, of which it is not certain that she was guilty.+ The archbishop was again required to exercise his divorcing faculty. 'The trial and condemnation of the queen,' says Mr Todd, 'almost immediately followed. Not content with this result, the king resolved on further vengeance; and after two days more, the afflicted archbishop was obliged judicially 6 to declare her marriage invalid, and her offspring illegitimate. Vol. I. p. 157. But how was the archbishop obliged to perform an act which is tacitly admitted to have been wrong? The reader must bear in mind that this sentence could have no reference to the queen's alleged adultery; for, according to the canon law, marriage, which is one of the seven sacraments, cannot be dissolved by any course of judicial procedure; and we may here remark, in passing, that although the modern law of England does not professedly adhere to this notion of a sacrament, it is not completely disentangled from the ancient superstition: the ecclesiastical courts may declare a marriage to have been invalid from the beginning, but they cannot dissolve the

† See Dr Lingard's Hist. of England, vol. iv. p. 239, and Mr Turner's Hist. of the Reign of Henry the Eighth, vol. ii. p. 458.

^{*} Dr Martin, when counsel against the archbishop, reduced him to the necessity of admitting that, according to his principles, Nero was the head of the Christian church at Rome, and the Turk at Constantinople. 'Then,' rejoined the civilian, 'he that beheaded the 'heads of the church, and crucified the apostles, was head of Christ's 'church; and he that was never member of the church, is head of the 'church, by your new-found understanding of God's word.' Vol. ii. p. 441.

sacred bond of matrimony. We order these things better in Scotland, where marriage is considered as a civil contract, although it is generally accompanied with a religious sanction. Cranmer was now obliged to declare invalid from the beginning a marriage, which he had formerly pronounced good and valid; and there is too much justice in the remark of Dr Lingard, ' Never perhaps was there a more solemn mockery of the forms of justice, than in the pretended trial of this extraordinary 'cause.' Nor is this the last case of divorce to be mentioned. After the death of Jane Seymour, the king married Anne of Cleves; and as he did not find her person agreeable to his taste, he again had recourse to the agency of the dutiful archbishop. 'The sentence of invalidity was then confirmed by the seal of 'Cranmer. I wish I could have said that the primate had not 'concurred in this unworthy measure.' Vol. I. p. 289. The next consort of this atrocious tyrant, whom Cranmer has described as 'a most godly prince, of famous memory,' was Catharine Howard, who was beheaded without being divorced.*

In all these transactions the archbishop of Canterbury appears to little advantage; nor is it easy to believe that he did not act against the clearest conviction of his own conscience. All or most that can be urged in palliation of his conduct is, that he had fallen in evil days, and that to resist the commands of such a master was certain death. In other respects, he was too much tainted with the errors of the time; but, if he was not exempted from the spirit of persecution, he was subject to an error which, however hideous it may appear to us, extended to nearly all his contemporaries. The execution of Servetus for his theological opinions, was formally approved by Melanchthon,† who is universally regarded as one of the mildest of the early reformers. Soon after his elevation to the primacy, Cranmer

^{*} Her crime was incontinency before her marriage. A modern civilian has laboriously discussed the question, 'Utrum quis mulierem 'pro Virgine ductam possit repudiare, si postea comperiat, eam jam 'antea ab alio fuisse devirginatam?' (J. F. W. Pagenstecheri Jurisprudentia Polemica, p. 59. Hardervici, 1730, 4to.) He maintains the affirmative, for this among other reasons: 'quoniam error circa 'virginitatem continet errorem circa substantiam, cum persona, tum 'matrimonii.' Among other edifying questions which this professor propounded to the law-students of the university of Harderwick, was the following: 'Utrum meretrix promissam pro coitu mercedem 'possit exigere?' This question he learnedly decides in the negative. + Calvini Epistolarum et Responsorum editio secunda, p. 306. Lausannæ, 1576, 8vo.

acted as one of the inquisitors who condemned John Frith, for denying the doctrine of transubstantiation. 'His said opinion 'is of such nature,' he states in a private letter, 'that he thought it not necessary to be believed as an article of our faith, that there is the very corporal presence of Christ within the host ' and sacrament of the altar, and holdeth of this point most after the opinion of Oecolampadius. And surely I myself sent for him iij. or iiij. times to persuade him to leave that his imagi-'nation; but for all that we could do therein, he would not ap-'ply to any counsel, notwithstanding now he is at a final end with all examinations; for my Lord of London hath given sen-' tence, and delivered him to the secular powers, where he look-'eth every day to go unto the fire. And there is also condemned with him one Andrew, a tailor of London, for the said self-'same opinion. And thus fare you well. From my manor of 'Croydon.' Vol. I. p. 86. Is not this a cool contemplation of such an inhuman act as the burning of his fellow-creatures? It was Andrew Hewet who, honouring Frith and adhering to his doctrines, was thus condemned to the same cruel death; and, after the lapse of a few years, Cranmer, following the dictates of common sense, adopted the very opinion for which his brethren had been doomed 'to go unto the fire.' These holy butcheries were followed by many others. The persecutions which commenced in the reign of the unrelenting father, were not discontinued in that of the milder son; but the case of Joan Bocher, commonly called Joan of Kent, deserves a more particular notice. The charge against her was to this effect: 'That you believe 'that the Word was made flesh in the Virgin's belly; but that ' Christ took flesh of the Virgin you believe not, because the 'flesh of the Virgin being the outward man, was sinfully gotten 'and born in sin; but the Word, by the consent of the inward 6 man of the Virgin, was made flesh.'* For persisting in her refusal to recant this unhappy jargon, the poor creature was committed to the flames. When Cranmer excommunicated her as a heretic, and, in the true inquisitorial style, ordered her to be delivered to the secular arm, she exclaimed, 'It was not long 'ago that you burned Anne Askew for a piece of bread, and yet ' came yourself soon after to believe and profess the same doc-'trine for which you burned her.' The young king was extremely reluctant to imbrue his hands in the blood of such a victim, and a year elapsed before she was ordered for execution.

^{*} Strype's Memorials of Thomas Crammer, Archbishop of Canterbury, p. 181. Lond. 1694, fol.

It is plainly stated by the martyrologist that his scruples were at length overcome, or his resolution shaken, by the urgency of the archbishop. About the same period, George van Paris, a Dutch surgeon residing in London, was burnt for denying the divinity of Christ; nor does it appear that, in any of the various cases which have been recorded, the archbishop felt, or professed to feel, the slightest doubt or misgiving as to the perfect propriety of committing such atrocious murders, under the sanction

of law and religion.

Another unequivocal proof of his having deeply imbibed the spirit of persecution, is to be found in the book entitled Reformatio Legum Ecclesiasticarum. The plan of this book had originated in the reign of Henry; and in that of his son, Cranmer was placed at the head of eight commissioners, who were enjoined to prepare it for the inspection of a much larger committee, and afterwards for that of the privy council. It is supposed to have been translated into Latin by Sir John Cheke, the king's preceptor, and by Dr Haddon, master of Trinity Hall at Cambridge, both of whom were eminent for their classical learning, but the latter was a greater master of Latinity. Mr Todd informs his readers that 'it was distributed into fifty-one 'titles, to bring it near to the number of those in Justinian's celebrated digest of the Roman civil law; besides an appendix, · De Regulis Juris, in imitation of the same addition to printed 'copies of the Pandects.' Vol. II. p. 328. When an English writer ventures to speak of the Pandects, he not unusually finds himself upon slippery ground. This great digest of the civil law is divided, not into fifty titles, but into fifty books, and those fifty books contain many hundred titles; that De diversis Regulis Juris antiqui being, not an appendix or addition, but the last title of the fiftieth book. It is not to be regretted that this code of ecclesiastical law never obtained any public sanction. Much of the responsibility evidently belongs to Cranmer; and his biographer assures us that an abler canonist was not easily to be found within the realm. The title respecting the mode of proceeding in cases of heresy, contains a chapter De contumacibus Hæreticis, which must not be dismissed without a brief commentary.

" Qui vero nec admonitionem, nec doctrinam ulla ratione admittunt, sed in hæresi prorsus induraverunt, primum hæretici pronuncientur, a judice deinde legitimo feriantur excommunicationis supplicio. Quæ sententia cum lata fuerit, si infra spatium sexdecim dierum ab hæresi recesserint, primum exhibeant publice manifesta pænitentiæ indicia; deinde solemniter jurent in illa se nunquam hæresi rursus versaturos; tertio contraria doctrina publice satisfaciant, ac his omnibus impletis

absolvantur; sed illis seria prius et vehemens adhibeatur exhortatio, ut post illud tempus, cum a præsenti errore, tum etiam ab omnibus aliis hæresibus se longissime disjungant: cum vero sic penitus insederit error, et tam alte radices egerit, ut nec sententia quidem excommunicationis ad veritatem reus inflecti possit, tum, consumptis omnibus aliis remediis, ad extremum ad civiles magistratus ablegetur puniendus."*

The conclusion of this chapter has been the subject of much controversy, but it seems to admit of an easy exposition; and we must first of all ascend to the impure source from which the doctrine is obviously derived. What is the language of the canonists when they deliver to the secular arm those unfortunate beings whom they describe as heretics? Lancelottus expresses himself in the following terms: 'Sæcularis relinquentur arbitrio potestatis, animadversione debita puniendi.' Canisius thus delivers the same doctrine: 'Relinquantur judici sæcu-' lari debita animadversione puniendi.' And Gravina, a more recent writer, conveys the same meaning in these words: 'Sæ-'cularis judicis punitioni traduntur.' To these three examples of such phraseology it would not be difficult to add ninety-seven more; and the direful import of such expressions in the mouth of a canonist, can only be doubtful to those who are unacquainted with the history of the Inquisition. | In point of form, the

^{*} Reformatio Legum Ecclesiasticarum, p. 23. edit. Lond. 1640, 4to.—In one clause of this chapter, the syntax is evidently defective; and instead of 'contraria doctrina publice satisfaciant,' we must read 'contraria doctrina,' or 'in contraria doctrina publice satisfaciant.'

[†] Lancelotti Institutiones Juris Canonici, lib. iv. tit. iv. § 3. ‡ Canisii Summa Juris Canonici, lib. iii. tit. xv. § 3. Opera quæ de Jure Canonico reliquit, p. 997. Lovanii, 1649, 4to.

[§] Gravinæ Institutiones Canonicæ, p. 218. August. Taurin. 1742, 8vo.

We cannot omit this opportunity of directing the reader's attention to two very elaborate and valuable works of Dr M'Crie. "History of the Progress and Suppression of the Reformation in Italy in the sixteenth Century: including a Sketch of the History of the Reformation in the Grisons." Edinb. 1827, 8vo. "History of the Progress and Suppression of the Reformation in Spain in the sixteenth century." Edinb. 1829, 8vo. Here the learned and truly respectable author's acuteness of intellect, perseverance of research, and rectitude of purpose, are not less conspicuously displayed than in those earlier publications which have reflected so much light on the ecclesiastical and literary history of his native country.

^{&#}x27;On the most impartial inquiry,' say's Dr Campbell, 'I do not ima-'gine it will be found that any species of idolatry ever tended so di-'rectly to extirpate humanity, gratitude, natural affection, equity,

hands of churchmen must not be stained with blood; but the sentence of the ecclesiastical judge, when it awards a cruel and ignominious death, or any inferior degree of corporal punishment, must be inflicted under the sanction of the civil power. Mr Hallam has remarked, that 'infamy and civil disability seem to be the only punishments intended to be kept up, except in 'case of the denial of the Christian religion; for if a heretic 6 were, as a matter of course, to be burned, it seems needless to ' provide, as in this chapter, that he should be incapable of being 'a witness, or of making a will.' But the Spanish inquisition did not punish with fire and fagot every offence against the Catholic faith; and when, in a subsequent chapter, Cranmer and his associates contemplate the possibility of a heretic avoiding extreme punishment, they do not necessarily disown the fellowship of their brother inquisitors. This bloody text seems to admit of another mode of illustration equally legitimate. The practice of the archbishop was in perfect conformity with the principles which we have here explained: in the reign of Henry he was accessory to the death of several individuals who denied the Catholic doctrine of transubstantiation, and in the reign of Edward he was accessory to the death of others who denied articles of the creed to which he then adhered. What meaning he himself attached to the expression of delivering a heretic to the civil magistrate, we have already ascertained in the case of Frith; in reference to whom he states, 'my Lord of London hath given sentence, and delivered him to the secular powers, ' where he looketh every day to go unto the fire.'

Such errors as these are too glaring to be easily concealed; but it is equally certain that his character was adorned by many private virtues, and that the great body of his countrymen cannot fail to regard him in the light of a public benefactor. Under his influence, books of religious instruction were circulated among the people, * and, what was of inestimable benefit, the Bible was

^{&#}x27;mutual confidence, good faith, and every amiable and generous 'principle from the human breast, as that gross perversion of the

Christian religion which is established in Spain. It might easily be

^{&#}x27;shown that the human sacrifices offered by heathers had not half the

^{&#}x27; tendency to corrupt the heart, and consequently deserve not to be ' viewed with half the horror, as those celebrated among the Spani-

^{&#}x27;ards, with so much pomp and barbarous festivity, at an auto-da-fe.' (Dissertation on Miracles, p. 170.)

^{*} Of the book which passes under the name of Cranmer's Catechism, an edition, begun by Bishop Lloyd, was lately published by Dr Burton. "A short Instruction into Christian Religion; being a

opened to every man capable of reading his mother tongue. It was in a great measure owing to his exertions that the reformation of the Church of England was nearly advanced to that point where it still rests. That this reformation should then have been left so incomplete, is less surprising than that it should scarcely have been resumed for 250 years. The most essential trappings of a proud popish prelacy were left uncurtailed, nor was the church sufficiently purified from popish devices and obser-The papists enumerate seven sacraments, namely, baptism, confirmation, the eucharist, penance, extreme unction,. holy order, and matrimony. Of these the Church of England has nominally retained two; but some others still linger under the shade of ancient superstition. Marriage, instead of being considered as a civil contract, retains a great portion of its former veneration as one of the seven; and confirmation, a popish and unscriptural rite, is still in fresh observance, although no longer described as a sacrament. Cranmer has expressed an opinion that 'a bishop may make a priest by the Scripture, and 'so may princes and governors also, and that by the authority of God committed to them, and the people also by their elec-'tion: for, as we read that bishops have done it, so Christian 'emperors and princes usually have done it; and the people, before Christian princes were, commonly did elect their bishops 'and priests.' Vol. I. p. 305. Mr Todd, as in duty bound, has taken some pains to show that he must afterwards have abandoned this opinion, and proceeds to utter some of the traditionary jargon about the apostolical institution of episcopacy. any book written by the apostles, or during the apostolical age, he can point out a passage which, either directly or by implication, sanctions the government of the church by archbishops and bishops, deans and chapters, archdeacons and chancellors, we shall then be ready to admit that the two archbishops and the twenty-four bishops driving with their stately equipages to Westminster, and, by virtue of their temporal baronies, taking their seats in the House of Lords, are the legitimate successors and representatives of those men, lowly in their outward form, but full of the Holy Ghost, who received the divine commission to go and teach all nations. According to this superannuated

Catechism set forth by Archbishop Cranmer in M.D.XLVIII.: together with the same in Latin, translated from the German by Justus Jonas in M.D.XXXIX." Oxford, 1829, 8vo. Mr Todd had previously published, in modernized orthography, the Archbishop's "Defence of the true and Catholick Doctrine of the Sacrament of the Body and Blood of our Saviour Christ." London, 1825, 8vo.

bigotry, a church without bishops is no church. If all presbyters had been denominated bishops, would this substitution of one name for another have removed the impediment? The doctrine of the Apostolicals is, that there has been a perpetual succession of bishops from the time of the apostles to that of their representatives in Spain, England, Ireland, and other favoured countries; and that the influence of the Holy Ghost has thus been transmitted from one array of bishops to another, through all the vicissitudes of eighteen centuries. The foul and polluted channel through which this divine influence must so long have continued to flow, seems to occasion as little difficulty to the English as to the Spanish Apostolicals. This is but one degree better than transubstantiation; and to a man of sound understanding, unsubdued by early prejudice, it is just as easy to believe that the bishop of Rome is the lawful successor of St Peter. So absurd a doctrine must lead to a thousand vagaries; but we shall at present content ourselves with mentioning one of the speculations of Henry Dodwell, a writer of much learning, and of little judgment. The human soul, according to his conception, is a principle naturally mortal, but is immortalized by the pleasure of God to punishment or to reward, by its union with the divine baptismal spirit; and 'none have the power of giving this 6 divine immortalizing spirit, since the apostles, but only the BISHOPS.'* Some men of talents, one of whom was Dr Clarke, condescended to expose this delirious learning. It is not by arrogating to themselves the divine favour, and excluding other churches from all participation of it, that the champions of the English hierarchy will best consult the credit and advantage of their own establishment; in which the idle splendour of one class of ecclesiastics is placed in so indecent a contrast with the laborious poverty of another. As the taste for describing their church as apostolical seems to have been recently revived, we will venture to suggest that, in the present state of public sentiment, the practice can be attended with no possible benefit. In Spain, the direful tribunal of the Inquisition was regularly described as apostolical, and we hear of such a public functionary as the Inquisidor Apostolico de Aragon; but in Spain there were no dissenters from the established church, and no newspapers or reviews that deserved the name.

^{*} Dodwell's Epistolary Discourse, proving, from the Scriptures and the first Fathers, that the Soul is a Principle naturally Mortal: sec. edit. Lond. 1706, 8vo. He afterwards published a work entitled "The natural Mortality of humane Souls clearly demonstrated." Lond. 1708, 8vo.

Of the manliness of his sentiments, Cranmer exhibited another proof in regulating the grammar-school of Canterbury. It was proposed that this seminary should only be open to the sons of gentlemen; but, interposed the archbishop, 'I think it 'not just so to order the matter; for poor men's children are 'many times endued with more singular gifts of nature, which 'are also the gifts of God, as eloquence, memory, apt pronunciation, sobriety, and such like, and also commonly more apt to apply their study, than is the gentleman's son delicately 'educated.' Vol. I. p. 313.

Of the lenity with which he exercised his power, at a period when lenity was little known and seldom expected, the following anecdote affords an amusing illustration, and at the same time exhibits a curious picture of clerical learning. About the same period, some of the Scottish ecclesiastics were sunk in such deplorable ignorance, that they believed Luther to be the author

of a dangerous book called the New Testament.*

'A priest, in the north of England, hearing the commendations of the archbishop that now reached the remotest parts of the kingdom, observed to others who were delighted with them, "Why make ye so much of him? He was but a hostler, and hath as much learning as the goslings of the green that go yonder." To Cromwell these words were reported by those who resented them. The priest, in consequence, was summoned before the council in London, but not at the suit, nor, at the time, with the knowledge of the archbishop. He had to ponder upon his folly some weeks in the prison of the Fleet; and then he besought Cranmer to release him from his confinement, and the charges occasioned by it, not without acknowledging his sorrow for the unjust language he had used. Cranmer therefore sent for him, and the dialogue commenced. " Did you ever see me before this day?" said the archbishop. "No," the priest replied. "Why, then, did you mean to deface me among your neighbours, by calling me a hostler, and reporting that I have no more learning than a gosling?" The priest answered, "that he was overseen with drink."—"Well then," continued Cranmer, "oppose me now to know what learning I have: begin in grammar, if you will, or else in philosophy, or other sciences, or divinity." "Pardon me," said the bewildered ecclesiastic, "I have no manner of learning in the Latin tongue, but merely in English." "Then allow me," replied Cranmer, "if you will not oppose

^{* &#}x27;Taodunum inde profecti, ipsi se prædicabant ad pænas de Novi Testamenti lectoribus ire sumendas. Nam, illa tempestate, id inter gravissima crimina numerabatur; tantaque erat cæcitas, ut sacerdotum plerique, novitatis nomine offensi, contenderent, eum librum nuper a Martino Luthero fuisse scriptum, ac Vetus Testamentum reposcerent.' (Buchanan, Rerum Scotic. Hist, lib. xy. p. 291. edit. Ruddiman.)

me, to oppose you. You read the Bible?"—" Yes, daily."—" Then who was David's father?"—"I cannot surely tell your Grace."—"Then if you cannot tell me that, yet tell me who was Solomon's father?"—"I am nothing at all seeu in these genealogies," the priest finally replied. Cranmer now reminded him of the crew to which he belonged, "who knew nothing, and would know nothing, but sit on an ale bench, and slander all honest and learned men." He dismissed him to his cure, bidding him learn to be an honest, or at least a reasonable man; and not to suppose his sovereign so absurd as to have sent a hostler on an embassy to an emperor and to the bishop of Rome.'—Vol. i. p. 201.

After the accession of Queen Mary, many of the Protestants were subjected to the extreme tortures which they had felt too little compunction in applying to others. Cranmer, Ridley, and Latimer, were first committed to the Tower, and were afterwards removed to Oxford, where they were confined in the common prison called Bocardo, and were at length condemned as obstinate heretics. A long interval elapsed before their execution. Ridley, who had been Bishop of London, and Latimer of Worcester, suffered with that noble resolution which became martyrs of the truth; but the mind of Cranmer recoiled under so great a trial of human fortitude; the vain and delusive hope of life impelling him to deny his faith, and to sign no fewer than six recantations. The tender mercies of the wicked are cruel: his offences were not to be pardoned by such a sovereign under the influence of such counsellors; and on the 21st of May 1556, this learned, venerable, and aged man was committed to the flames. Rejecting his unfortunate recantations, he died in the pious profession of the Protestant faith, and suffered the cruel torture of the fire with an undaunted resolution, which his recent conduct had not encouraged his friends to expect. It is not for us, who are placed beyond the reach of such fiery trials, to condemn the weakness for which he made this atonement.

Cranmer was a person of a vigorous understanding, improved by extensive learning. His travels and studies, we are informed, had rendered him as familiar with the French, Italian, and German, as with the Latin, Greek, and Hebrew languages. In theology and the canon law he appears to have been deeply skilled; and, possessing an acute intellect and a clear head, he was capable of applying his various stores of knowledge to the most useful and practical purposes. His works, of which this biographer has given an account neither ample nor satisfactory, afford a very favourable specimen of the English style of that period; and we are glad to be informed that a complete edition is speedily to issue from the univer-

sity press of Oxford. With his intellectual endowments he united many of the amiable virtues of private life: his natural disposition was mild and conciliating, and he was distinguished by the engaging affability of his manners. He was however capable of being roused to fierce indignation; for we learn from unquestionable authority, that, on a certain occasion, he offered single combat to the Duke of Northumberland. He was a zealous encourager of learning, and eminently practised the virtues of charity and hospitality. But his character, as we have already seen, was not without glaring defects. His compliances with the unhallowed wishes of the king, are partly to be ascribed to his want of that invincible firmness which could alone have sustained him under the frowns of so unrelenting a tyrant; and much influence must doubtless be ascribed to the prevailing notion of the time, that the will of a sovereign prince is not to be resisted by any of his subjects. Compliance in almost every possible case seems to have been regarded as an act of duty; nor is it easy, on any other hypothesis, to account for the long and abject submission of the English nobility and gentry to the tyranny and caprice of the house of Tudor. Although this consideration does not increase our respect for the archbishop's character, it is nevertheless obvious that the pliancy of his disposition, by enabling him to retain the favour of the king, enabled him to become a more powerful instrument in promoting the cause of learning and religion. For his deep participation in the bloody persecutions of two successive reigns, we must likewise endeavour to find some apology in the current maxims of the age to which he belonged. His own nature was far from being ungentle; but his intellect was bewildered by the doctrines, and his heart hardened by the practices, of the church in which he had been educated.

Such was the very distinguished individual whose life and character Mr Todd has laudably undertaken to delineate. Towards the close of the seventeenth century, the same subject exercised the industrious and faithful pen of Strype, to whom the ecclesiastical history of England has so many obligations. The life of Archbishop Cranmer has been written in a great variety of forms; and not many years ago Mr Gilpin endeavoured to comprise it in a popular abridgement. Much was still left for the present biographer to accomplish: although we do not participate in all his sentiments, and are not satisfied with the structure of all his sentences, we feel much kindness for the man, and are grateful to him for the opportunity which he has thus afforded us of reverting to an interesting period of history. He has for many years been an assiduous and meritorious labourer

in the province of English literature; and we are happy to perceive that his claims have not been entirely overlooked by the dispensers of ecclesiastical preferment.

ART. III.—Statements, Calculations, and Explanations, submitted to the Board of Trade, relative to the State of the British West India Colonies. Printed by order of the House of Commons. 7th of February, 1831.

Papers laid before the Finance Committee. Printed by order of

the Committee. 1828.

TE have long been of opinion that the whole scheme of our Colonial policy required to be carefully revised, and, in many respects, materially modified. Hitherto, however, circumstances of more immediate interest have attracted so much of the public attention, that the subject of the Colonies, though of primary importance, has been, in a great measure, neglected. But the difficulties, or rather, we should say, the bankruptcy and ruin, which threaten to overwhelm every one in any degree connected with our sugar Colonies, make it impossible much longer to defer the consideration of such measures as may appear best calculated to arrest the undesirable consummation that is so rapidly approaching. A committee of the House of Commons was appointed to investigate the causes of the existing distress, previously to the late prorogation, and will, no doubt, erelong resume its labours. But it does not appear that those who have attended to the subject can have much difficulty in tracing the sources of the present depression-how much soever they may differ as to the measures that ought to be proposed for its relief. Even with respect to the latter, there is not really so much room for differences of opinion as is generally supposed. And as the subject is of vital importance, and must occupy the early attention of the legislature, we think we shall not be doing an unacceptable service in embracing this opportunity to offer some remarks upon it.

It is not necessary that we should introduce our remarks by any observations with respect either to the value of Colonial possessions in general, or those of the West Indies in particular. Our opinions upon both points are well known; and we believe that the number of those by whom they are approved is every day becoming greater. But whether we originally did right or wrong in colonizing and monopolizing the trade of those islands, is no longer the question. The sugar Colonics exist at this

moment as integral portions of the British empire; 150 millions of capital, belonging to Englishmen, is supposed to be vested in them; the owners of this capital—that is, the planters, merchants and mortgagees, shipowners, &c., connected with the Colonies, resident in this country—form a very numerous and important class; and though neither their interests, nor those of any class, are to be promoted by the adoption of measures inconsistent with the public prosperity, they may fairly expect, and should receive, whatever relief may be afforded to them, without touching on this fundamental principle.

The immediate cause of the distresses of the West India planters is, the low price of all articles of Colonial produce, coffee only excepted, which has risen considerably within the last six months. During the last ten or twelve years, the prices of the great staple, sugar, have been constantly declining, particularly within the last two or three years; and they are now admitted on all hands to be so low as to be totally inadequate to afford the planters any thing like profit, or even to indemnify those in unfavourable circumstances for the expenses of culti-

vation.

Such being the undoubted cause of the distresses of the planters and merchants, it is necessary, first of all, to inquire whether there be any prospect of a diminution of the supply of sugar, or of the consumption being so much increased, as to occasion any material rise of price. We have no hesitation in saying, that we look upon all expectations of any considerable relief in either of the ways now stated, as altogether It is true, that the fall in the price of sugar has, notwithstanding the heavy duties with which it is every where loaded, led to an extraordinary increase of its consumption, both here, on the continent, and in America. In Great Britain, the consumption has increased from about 100,000 tons in 1800, to about 180,000 tons at this moment; and bad the duty not been so exceedingly oppressive, we have no doubt the consumption would now have amounted to at least 250,000 tons. following table shows the whole imports of sugar into Great Britain, the deliveries for export and home consumption, and the stocks on hand, in the three years ending with 1830.

	Imports				Stocks			
	into	Great Bri	tain.	in Great	Freat Britain, 31st Dec.			
	1828.	1829.	1830.	1828.	1829.	1830.		
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.		
British Plantation,	198,400		185,660	42,220	53,110	43,390		
Mauritius,	18,570		23,740	1,400	1,350	2,320		
Bengal,	6,635		10,180	2,150	3,000	5,850		
Siam, Manilla, &c.	1,175	1,600	5,600	1,525	600	2,500		
Havannah,	1,900			100	2,050	3,120		
Brazil,	4,940		5,480	2,200		1,000		
Molasses equal to					•			
Bastard,	13,010	9,950	5,620	4,040	4,430	2,020		
Total Tons,	244,630	240,040	242,340	53,635	65,325	60,200		
		Exports.		Home Consumption.				
		of Raw S			es of Raw Sugar from			
	the Port	s for Exp	ortation.		the Ports.			
	1828.	1829.	1830.	1828.	1829.	1830.		
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.		
British Plantation,			1,485	191,005	182,350			
Mauritius,	5,900	2,620	2,930		12,020	20,240		
Bengal,	2,100							
Siam, Manilla, &c.	1,200	2,000	2,835		150	85		
Havannah,	3,050	3,000	4,450		10	300		
Brazil,	3,770	5,000	2,995	75	150	1,150		
Molasses equal to			Í					
Bastard,	_	60	_	10,360	9,350	8,030		
Total Tons,				218,410	210,090	229,270		
Deduct Export of	Refined	Sugar,	reduced					
into Raw,	38,830	40,420	47.650					
Do. of Bastard Suga	r, 1,700	0 1,000	2,350					
				40,530	41,420	50,000		
Actual Consumption, including Bastards								
made from Molasses, Tons, 177,880 168,670 179,270								
It is not nearly to the								

It is not possible to give any accurate statement of the progress of consumption on the Continent; but the following account of the importations during the last four years, has been drawn up by the first mercantile authority, and may be regarded as sufficiently correct for all practical purposes:

_		1827.	1828.	1829.	1830.
France,	Tons,	76,000	93,500	102,500	100,000
Germany and Baltic, .		46,000	57,000	70,000	80,000
Netherlands and Holland,	•	35,500	35,000	44,000	33,000
Mediterranean,	•	25,600	19,000	23,500	28,000
Tons,		183,100	204,500	240,000	241,000

In the United States, the consumption is increasing much

faster than in any European country.

But, while the demand for sugar has been thus rapidly extending, the supply has been augmented in a still greater ratio, so that prices have been progressively falling. And though there may be temporary rallies, we look upon it as utterly visionary to expect that prices should ever regain their old level; and are not inclined to believe that they have as yet touched their lowest point. This result is partly to be ascribed to the breaking up of the old Colonial system, and to the consequent extension of cultivation in Cuba, Porto-Rico, Brazil, Java, &c.; and partly to its extension in Louisiana, Demerara, the Mauritius, &c. The exports from Cuba only have increased since 1800, from about 100,000,000 lbs. to about 200,000,000 lbs.; and the increase in the exports from Brazil has been equally great. In Louisiana, where little or no sugar was produced twenty years ago, the crop is now estimated at about 50,000 tons, or 112,000,000 lbs. The exports from the Mauritius have increased from 4,630 tons in 1825, to 23,740 tons in 1830: There is also an increased importation from Bengal, Siam, the Philippines, &c. And yet, notwithstanding this extraordinary increase, it may be truly said, looking at the vast extent and boundless fertility of Cuba, Brazil, Java, and the other countries that are now becoming the great marts for sugar, that its cultivation may be indefinitely extended; and that, though there were a demand for ten times the present quantity, it might be furnished without any material advance of price.

In whatever degree this state of things may prejudice the West Indians, no candid man can hesitate to admit, that it must prove in the highest degree advantageous to the British public, and the world in general. Sugar is become an important necessary of life; and few things could have happened calculated more materially to advance the interests and comforts of all classes, than the fall in the price of this and other Colonial

articles.

It is to no purpose, therefore, for the West Indians, or their advocates in Parliament, to attempt to procure relief from temporary expedients. The present low prices do not originate in circumstances of an accidental or contingent character; so that, supposing distillation from grain were prohibited, or that the exploded quackery of bounties on exportation were again revived, no real benefit would accrue to the planters, at the same time that much injury would be inflicted upon the rest of the community. Those who would lead the West Indians to expect relief from such means, are not their friends, but their

worst enemics. They are amusing them with expectations that cannot possibly be realized; and are withdrawing their attention from those really practicable modes of procuring relief, that would not be more beneficial to them than to the public.

The notion that the condition of the West Indians is unsusceptible of improvement, otherwise than by a considerable rise of prices, though very prevalent, is most certainly without foundation. A planter will be quite as much benefited, if he succeed in saving 5s. or 10s. a cwt. upon the cost of producing his sugar and bringing it to market, as if a corresponding rise were to take place in its price. And so long as he attempts to benefit himself in this way, he is labouring to promote the public advantage, and is entitled to claim, and ought to receive, every assistance in the power of government to bestow. But the moment he sets about contriving means artificially to elevate prices, he is labouring to promote his own ends at the expense of others; and, instead of meeting with public sympathy or support, ought to encounter universal opposition. Both these courses were open to the West Indians, who have, for the most part, unfortunately selected the latter. They have wasted their energies in futile attempts unnaturally to raise prices, and to bolster up their own interests, regardless of the injury they might occasion to their neighbours. As might have been expected, their efforts have not been more successful than those of the worthy Dame Partington. Foreign competition has continued to press them closer every day; and, since they are wholly without the means of sheltering themselves from its effects, would they not do well to set about trying to prepare for withstanding its keen but invigorating breeze?

This is the course that common sense would point out; and if the West Indians will but adopt it, they will not be long in perceiving the advantage of the change. There is really nothing in their situation to lead to the belief that their distresses are incurable. The natural advantages of Demerara and Berbice are not exceeded by those of any other colony; and even our older colonies have nothing to fear, were they placed under nearly similar circumstances, from the competition of Cuba and Brazil. But the truth is, that the Colonies have been made the victims of an erroneous system of policy. Their depressed condition is not a consequence of the flourishing condition of others, but of their being excluded from the cheapest markets for their food and lumber, and of the exorbitant duties laid on

their products when brought to England.

Jamaica, and our other West India Colonies, may be viewed

as immense sugar, rum, and coffee manufactories, which, though situated at a distance from England, belong to Englishmen, and are carried on by English capital. But to promote the prosperity of any manufacture, without injuring that of others, there are no means at once so obvious and effectual, as to give those engaged in it every facility for supplying themselves with the materials necessary for its prosecution at the lowest price, and to keep the duties on its produce as low as possible. This is the sound and obvious principle that ought to have been kept steadily in view in legislating for the Colonies; but, we regret to say, it has been totally lost sight of. The planters in all the West India islands have found it most profitable to employ themselves in the production of articles fitted for the European market; and to import flour, beef, and other articles of provision, as well as stores and lumber, from America. Previously to the American war, our sugar colonics were entirely supplied with these indispensable articles from the United States, where they are much cheaper, and more abundant, than in Canada, and from which the voyage, and, consequently, the freight, to Jamaica, Barbadoes, Grenada, &c., is much less. A traffic of this sort was in the highest degree advantageous to all parties, but particularly to the islands. After pointing out its influence in promoting the prosperity of the latter, Mr Bryan Edwards observes,- From this account of the exports from the British West Indies to America, it appears that the latter, besides 'affording an inexhaustible source of supply, was also a sure 6 market for the disposal of the planter's surplus productions, such, I mean, for which there was no sufficient vent in Europe, especially rum; the whole importation of that article into Great Britain and Ireland having been little more than half the quantity consumed in America. On whatever side, there-' fore, this trade is considered, it will be found that Great Bri-'tain ultimately received the chief benefits resulting from it; for the sugar planters, by being cheaply and regularly supplied with horses, provisions, and lumber, were enabled to adopt the system of management not only most advantageous to themselves, but also to the mother country. Much of that land which otherwise must have been applied to the cultivation of ' provisions for the maintenance of their negroes, and the raising 6 of cattle, was appropriated to the cultivation of sugar. these means the quantity of sugar and rum, (the most profit-'able of their staples,) was increased to a surprising degree, and 6 the British revenues, navigation, and general commerce, were 'proportionally augmented, aggrandized, and extended.'-(Hist. of West Indies, Vol. II. p. 489. Ed. 1819.)

But no sooner had the United States achieved their independence than an end was put to this mutually beneficial intercourse. In order partly to force a market for Canada flour and lumber, and partly to afford employment for a few thousand additional tons of shipping, the produce of the United States was excluded from the West India islands, except on the condition, to which it was well known the Americans would not agree, that the imports were made exclusively in British Petitions, complaints, and remonstrances against the measure, were presented from every island of the West Indies, but without effect. It is hardly, perhaps, necessary to add, that the reasonings in support of the measure were the most sophistical and delusive that can be imagined. Those, indeed, by whom it was defended, would have had quite as much of reason and justice on their side, had they advocated the expediency of laying a heavy burden on Kent for the sake of Sussex. It has been doubted by some whether the measure has really been productive of any material advantage to Canada and the shipping interest; and it admits of demonstration that it has not benefited them in any thing approaching to the degree that it has injured the West Indians. But though the former had gained all that the latter have lost, it would be no apology for a measure so glaringly subversive of every principle of sound policy, as well as of impartial justice. Sugar has become one of the necessaries of life; and as it enters largely into the consumption of almost every individual, it is of the greatest importance that every facility should be given to its production; but the exclusion of the produce of the United States from the West Indies was not intended to reduce, but to increase the cost of producing sugar—to advance the interests of the Canada merchants and shipowners, by sacrificing those of the planters and of the whole British public.

It is due to Mr Pitt to state, that he was not only sensible of the injustice of this measure, and aware of the pernicious operation it would have on our West India Colonies, but that he actually introduced a bill for replacing the trade between the islands and the United States on the footing on which it stood previously to the war; but the exaggerated representations of the ability of the Canadas to furnish supplies of provisions and lumber, the influence of the shipowners, who denounced the proposal for admitting a free intercourse between America and the islands, as subversive of all those principles by which Great Britain had risen to distinction as a naval power, coupled with the animosity towards the Americans generated by the events of the war, gave a preponderating influence to the Anti-colonial

party. The West Indians were accused of having abetted the rebellion of the Americans; their complaints and remonstrances were ascribed to factious motives; and their apprehensions of a deficient supply and an increased price of provisions, were held up to ridicule and contempt. And so completely was Parliament and the public deceived and misled by the misrepresentations of those whose interest and object it was to delude them, that Mr Pitt was forced to withdraw his bill, and to introduce in its stead that system of regulation and constraint which has continued down to the present moment, and has unquestionably been the source of the greater part of the distress in which the

colonies have long been involved.

The ravages occasioned by hurricanes in the West Indies are familiar to all our readers; but there are some circumstances connected with the history of these dreadful scourges that are not quite so well known as they ought to be. The destruction which they cause, seldom fails to produce a scarcity, and sometimes even a famine. While the intercourse with America was free, the moment it was learned in the States that any island had been visited by a hurricane, fast-sailing vessels, laden with provisions, were immediately dispatched from all the nearest ports, in the expectation of meeting with a profitable and ready market for their cargoes; so that the extreme pressure of distress was most commonly prevented. Such, however, was not the case after the suppression of the direct intercourse with the All supplies had then to come from Canada United States. and Nova Scotia, by a voyage three or four times as long as from Carolina or Virginia; and when a hurricane happened to occur about the period of the shutting of the St Lawrence, an interval of about six months had to elapse before a ship could be dispatched to the relief of the sufferers. We are unwilling to believe that the possibility of such a calamitous contingency occurring ever entered into the consideration of the framers of the restraining system. But it was very soon realized to a frightful extent. From 1780 to 1787, Jamaica was visited by a series of the most dreadful hurricanes; the distress and mortality thence arising were so very great, that the House of Assembly state that 15,000 negroes perished of diseases originating in the scarcity and bad quality of food. And, incredible as it may seem, the fact is not to be denied, that this mortality was materially aggravated by a refusal on the part of the lieutenantgovernor of the island, though entreated by the Assembly, to admit provisions direct from the United States. 'Such,' says Mr Bryan Edwards, 'without including the loss of negroes in the other islands, and the consequent diminution in their

6 cultivation and returns, was the price at which Great Britain 6 thought proper to retain her exclusive right of supplying her 6 sugar islands with food and necessaries. Common charity 6 must compel us to believe, (as I verily do believe,) that this 6 dreadful proscription of so many thousand innocent people, the 6 poor unoffending negroes, was neither intended nor foreseen 6 by those who recommended the measures that produced it.'—

(Vol. II. p. 515.)

But though the violence of party spirit in 1783, the ignorance of sound principle, and the craft of those who prevailed on the Parliament and the public to pander to their selfishness, may account for the first introduction of the measure, how are we to explain the fact of its having been persevered in, and permitted to reproduce the same horrors for about half a century? It is a remark of Hobbes, that if men had conceived their interests would be promoted by it, they would not have hesitated to deny the equality of things that are each equal to the same thing. And yet, one would think that those who can defend a course of policy productive of the results now stated, would not only require to have a pretty extensive interest in the Canada lumber trade, but a pretty thorough contempt for the understanding and humanity of their readers. But instead of feeling abashed, the abettors of such systems assume the garb of philanthropists, and stigmatize the advocates of their repeal as ' hard-6 hearted economists!'

It is material, too, to observe, that these appalling sacrifices have been forced upon the West Indies,—not that the trade between them and the United States might be totally suppressed, but that it might be turned into an indirect, in preference to a direct channel. It became evident to every one, almost as soon as the restraining act had been passed, that Canada and Nova Scotia could not supply the islands; and they therefore obtained leave to import provisions from the United States, that were afterwards shipped for the West Indies. The whole scheme was thus, in fact, neither more nor less than a clumsy device for forcing the employment of ships, and putting money into the pockets of the shipowners. Were every coal vessel from Newcastle obliged to touch at Gibraltar before coming to London, the cost and absurdity would be of the same description, but

less in degree!

Mr Bryan Edwards, and those who opposed the introduction of this system, did not suppose that it could acquire any permanent footing. They said, 'the question will come forward 'again and again, and haunt administration in a thousand hideous shapes, until a more liberal policy shall take place; for

'no folly can possibly exceed the notion, that any measures pur-' sued by Great Britain will prevent the American states from having, some time or other, a commercial intercourse with our West Indian territories on their own terms. With a chain of coast of twenty degrees of latitude, possessing the finest 6 harbours for the purpose in the world, all lying so near the sugar colonies and the track to Europe, with a country abound-' ing in every thing the islands have occasion for, and which they ' can obtain no where else; all these circumstances necessarily and naturally lead to a commercial intercourse between our 'islands and the United States. It is true, we may ruin our 'sugar colonies, and ourselves also, in the attempt to pre-'vent it; but it is an experiment which God and nature have ' marked out as impossible to succeed. The present restraining 'system is forbidding men to help each other; men who by 'their necessities, their climate, and their productions, are standing in perpetual need of mutual assistance, and able to

'supply it.'—(Hist. of West Indies, pref. to 2d ed.)

We incline to think that, but for the occurrence of the negro insurrection in St Domingo, and the devastation which it occasioned, the restrictions on the trade of the colonies would have been long since abolished. But these events, by shutting up the principal source whence supplies of sugar had previously been derived, led to so extraordinary a rise of prices, that the planters of Jamaica, and the other islands, were enabled to overlook the effects of the restraining system, and realized for a while enormous profits. And after the rapid extension of the sugar cultivation had once more equalized the supply with the demand, and prices had sunk in 1806 to their old level, the planters, instead of attempting to relieve themselves from their burdens, endeavoured to throw them on others, by forcing up prices; an object in which they partly succeeded for a while, in consequence of the substitution of sugar for corn in the distilleries. But this resource having ceased with the war, the complaints of the planters were renewed with greater bitterness and better reason than ever. Still, however, nothing was done to afford them any real relief. There was, indeed, some miserable juggling about custom-house regulations, and other quackery of the sort; but no attempt was made to enable the colonists to come into fair competition with the Brazilians and Cubans, by relieving them from that monopoly system which had so long paralyzed their energies. On the contrary, it was maintained with as much resolution as if the existence of the empire had depended upon its being preserved inviolate. In October, 1817, a tremendous hurricane swept over several of the islands. At St Lucia the governor and most of the military perished in its destructive violence; and in Dominica the mischief was nowise inferior. But even this dreadful visitation, and the recollection of what had occurred in Jamaica in 1787, were not powerful enough to induce the authorities to consent to the admission of provisions from America. The Assembly of Dominica having petitioned the governor to that effect, met with a refusal; but not discouraged by this repulse, they again addressed him, renewing their entreaties, and stating that it was the only means by which the horrors of famine could be averted. But though personally inclined to accede to their request, the governor was inexorable; vindicating his refusal on the ground that his orders to the contrary were imperative, and that the necessity was not so extreme as to warrant him in violating instructions of so peremptory a character! We do not pretend to be very well read in the history of Spanish colonization, or Algerine policy, but we are bold to say, that no more disgraceful incident is to be found either in the one or the other.

Four years after this occurrence, Ministers appear to have begun, for the first time, to doubt the policy of this system: and Mr Robinson (now Lord Goderich) brought in a bill, by which it was in some degree relaxed. In 1825, Mr Huskisson resumed the subject; and if we might judge from the speech which he made in introducing his act (6 Geo. IV. cap. 114) for the regulation of the Colonial trade, we should conclude, that it had, in this respect at least, effectually redressed the grievances of the planters. Nothing can be more sound and liberal than many of the principles laid down by Mr Huskisson on the occasion referred to. 'I come,' said he, 'clearly to the conclusion, that so far as the colonies themselves are concerned, their prospe-'rity has been cramped and impeded by the system of exclusion 'and monopoly; and I feel myself warranted in my next in-' ference, that whatever tends to increase the prosperity of the colonies, cannot fail, in the long run, to advance in an equal ' degree, the general interests of the parent state.' Founding upon this unassailable principle, Mr Huskisson said: With the exception of some articles, which it will be necessary to prohibit, such as firearms and ammunition of war 'generally, and sugar and rum, &c., in the sugar colonies, I ' propose to admit a free intercourse between all our colonies and other countries, either in British ships, or in the ships of 'those countries; allowing the latter to import all articles, the ' growth, produce, or manufacture of the country to which the 'ship belongs, and to export from such colonies all articles 'whatever of their growth, produce, or manufacture, either to 'the country from which such ship came, or to any other 'part of the world, the United Kingdom, and all its depend'encies, excepted.' Adam Smith could not have desired more. There was, indeed, an ominous intimation about the imposition of duties; but then it was said, that their produce was to be carried to the account of the colonies, and applied for their benefit; so that there seemed to be no real room for jealousy on this head.

We acquit Mr Huskisson of all intention to deceive. feel assured that had he imagined he could have carried a bill through Parliament, founded on the principles he had so ably expounded, he would have framed it in accordance with them. But the ignorant prejudices of some, and the selfishness of others, obliged him to sacrifice his own better judgment. There is not, perhaps, another instance in the history of Parliament, in which the measure brought in was so little in accordance with the speech by which it was prefaced. Prohibition, it is true, was for the most part (though not entirely) abolished in name, but it was kept up in fact; and the real effect of the act was to continue under different regulations every abuse which Mr Huskisson had denounced; -to give, in so far as that was possible, a monopoly of the supply of the sugar colonies with wheat and lumber to Canada; to exclude foreign beef, pork, and herrings, that the planters might be obliged to buy those of Great Britain and Ireland, and to continue the shipowners' monopoly. That such was the fact, will be shown by what follows.

Table of Duties imposed by 6 Geo. IV. c. 114, on certain articles of Provision, and of Wood and Lumber, not being the Growth, Production, or Manufacture of the United Kingdom, nor of any British Possession, imported or brought into the British Possessions on the Continent of South America, or in the West Indies, the Bahama and Bermuda Islands included.

PROVISIONS, VIZ.								
Wheat, the bushel,	$\mathbf{L}.0$	1	0					
Wheat flour, the barrel,	0	5	0					
Bread or biscuit, the cwt	0	1	6					
Flour or meal, not of wheat, the barrel,	0	2	6					
Peas, beans, rye, calavances, oats, barley, Indian corn,								
the bushel,	0	0	7					
Rice, the 1,000 lbs. net weight,	0	2	6					
Live stock 10 per cent.								
Lumber, viz.								
Shingles, not being more than 12 inches in length, the								

STAVES	AND .	$\mathbf{H}_{\mathbf{E} I}$	DINGS	, viz	Z.			
Red oak, the 1,000,						L.0	14	0
White oak, the 1,000,						0	12	6
Wood hoops, the 1,000						0	5	3
White, yellow, and pitch	pine	lur	nber,	the	1,000 f	eet		
	-		•			1	1	0
Other wood and lumber, ti	he 1,0	00 f	eet of	one	inch thi	ck, 1	8	0
Fish, beef, pork, prohibit								

Now it appears from the official accounts, that these enormous duties, the revenue derived from which, according to Mr Huskisson, was to be applied to the benefit of the colonies, produced in 1829 (the latest period to which the accounts are made up) L.75,340. Had the planters received the whole of this petty sum, it would have been a wretched compensation for the injury done them by the continuance of the monopoly through the agency of the duties. But instead of receiving the whole sum, the accounts laid before Parliament show that the expenses of its collection amounted to no less than 90 per cent of the produce, or to L.68,028; leaving the contemptible pittance of L.7,312 of net revenue. Most certainly no tax ever accorded less with the sound maxim of taking out of the pockets of the people as little as possible over and above what comes into the public treasury.

The influence of the duties in adding to the price of all the principal articles required for the supply of the sugar colonies,

may be seen in the following statement:-

Herrings (Danish) at the Island of St Thomas, the bar	rel, I	1.1	0	0
Ditto (British) in the colonies, the barrel,	•	1	11	0
Mess beef, in Hamburgh, the barrel,		3	0	0
Ditto in the United Kingdom, ditto,		4	0	0
Pork, in Hamburgh, the barrel,		2	6	0
Ditto, in the United Kingdom, ditto,		3	5	0
Red oak staves, in the United States, per 1,000,		4	0	0
Ditto, at Quebec, per ditto,	•	7	8	4
White oak staves, in the United States, per ditto,		6	10	2
Ditto, at Quebec, per ditto,		10	6	2
Flour in the United States, the barrel,		1	1	0
Ditto at Quebec, ditto,		1	5	5
Shingles, in the United States, per 1,000,		0	14	0
Ditto, in Canada, per ditto,		-0	18	0
, ,				

The Americans, resenting the imposition of such duties, which they, not without good reason, conceived were levelled at their trade with the West Indies, refused to consent to the conditions as to reciprocity, on which alone the ports in the islands were to be opened to them. But neither this circumstance, nor the

magnitude of the duties, could materially benefit Canada. The islands continued to be principally dependent on supplies from the United States; but instead of getting them direct from the States, the ships of the latter carried them to St Thomas's, or some of the other neutral islands, where they were put on board British ships, and conveyed to Jamaica, &c., loaded with heavy duties, the expense of a double voyage, and of transhipment! Nothing, as Sir Henry Parnell has truly stated, (Financial Reform, 3d ed. p. 239,) more conclusively proves the absurdity of those who either praise or blame Mr Huskisson for having established a free system of Colonial intercourse. The act of the 6th Geo. IV. cap. 114, would not appear to much advantage, were it contrasted with the worst parts of the old Spanish system; and may be regarded as the epitome of all that is objectionable in principle, and destructive in practice, when compared with the system under which Cuba and Porto Rico are now placed.

The planters and West India merchants estimate the amount of the pecuniary injury they sustain by the operation of the monopoly, in forcing up the price of the articles they are obliged to import, and in increasing the cost of freight, &c., at L.1,400,000 a-year; from which there has, of course, to be deducted the revenue accruing to the colonies, of L.7,312, leaving a balance against them of L.1,392,688. (Parl. Paper, No. 120, p. 72. Sess. 1831.) Perhaps there may be some exaggeration in this estimate; though we have been assured by the first mercantile authority in London, that the sacrifice imposed on the West Indies by the existing system, is not less, but greater, than is here represented. But taking it at only a million, can any one, acquainted with the present prices of West Indian produce, wonder at the distress in which the planters and merchants are involved? The only rational ground of surprise is, that it is not

much greater.

The fact, therefore, is, that we have but one alternative either the monopoly system must be utterly abolished, or the sugar colonies must be abandoned. There is no middle course. We hold it to be a good deal worse than absurd to look for relief from any scheme for forcing up prices. 'It is absolutely neces-'sary that these enactments should be repealed, as the only true ' and direct mode of giving relief to the planters, and as the first 'step for such a reform of the whole Colonial system as may, in the end, diminish the burdens of the British public, with respect to the great expense now incurred in the civil govern-'ment and expense of the colonies.' (Parnell on Financial Reform, 3d ed. p. 239.)

The present Ministers, we are glad to say, have acknowledged the justice of this statement, by the modifications introduced by the recent act, I Will. IV. cap. 24. This act repeals the duties on importation from foreign countries into Canada, Nova Scotia, &c.; and on articles brought from them to the West Indies. But in order to prevent the bill from being thrown out by the same faction which threw out the Timber bill, the duties on provisions, lumber, &c., when imported into the West Indies from foreign countries, (which, in this case, means principally the United States,) are still kept up. So far as respects the American colonies, this act is a most material improvement; but as respects the West Indies, which alone were in a distressed condition, it is comparatively nugatory. If the produce of the United States come direct to the islands, it is loaded with the former high duties; and if it be carried, in the first place, to Canada, and then to the islands, it is burdened with double or treble freights, and a host of other charges. It is clear, therefore, that this measure must be extended. 'If the planters of our colonies are ever to carry on a successful competition with 'foreigners in supplying foreign countries with sugar, it is abso-' lutely necessary that the existing restrictions on their importation ' of food, lumber, &c., should be done away.' (Parnell, loc. cit.)

The shipowners say that the present measure has been eminently successful,—that instead of the provisions and lumber of the United States, destined for the West Indies, being sent down the Hudson to New York, they are sent down the St Lawrence to Montreal and Quebec, and then shipped in British bottoms. This is the same cuckoo ditty that has been dinned in our ears from 1784 downwards. If the reader will but take the trouble to look into a map of North America and the West Indies, he will see that the voyage from Quebec to New York, or to the parallel of latitude in which New York is situated, is not much less than the voyage from New York to Jamaica. To whatever extent, therefore, the shipowners may be benefited by the existing law, they are benefited at the expense of the West Indians. And, what are all arguments to show the advantage of setting one set of fellow-subjects to prey upon some other set, than wretched sophisms, that might, with a little dexterity, be made use of to palliate robbery and plunder?

But although Quebec were at the same distance from the West Indies as New York, it would be immaterial. The public are not ignorant of the fact, that the St Lawrence is unnavigable for about six months every year. To get supplies from it, then, is impossible; so that whenever a hurricane, or other calamity, comes upon the West Indies, during the period when the

St Lawrence is shut, either the horrors of 1787 and 1817 must be repeated, or the planters be subjected to the high duties.

But it will not do to argue this question as if there were no other port in the United States to trade with the West Indies than New York. There is such a place as New Orleans; and, by consulting the map, it will be found that the distance from New Orleans to Jamaica, is very little greater than the distance from Montreal or Quebec to the parallel of Halifax. New Orleans, and not New York, is the natural market for the supply of the West Indies with all articles of provision and lumber; which are brought down by the Misissippi in the greatest profusion, and at a fourth part of the expense for which they can be sent from Lake Ontario or Lake Erie to Quebec. Take the case of Havannah—now one of the most important commercial cities in the world. Her merchants and planters supply themselves with those articles, wherever they are to be met with, that are best and cheapest; and we have yet to learn that even a single bushel of Canada wheat, or a single stick of Canada timber, has found its way to Cuba. Even with New York the dealings of the Cuba merchants are comparatively limited. New Orleans is the nearest and best market to which they can resort; and their imports from the latter are immense. It is principally, indeed, to be ascribed to this circumstance, that the value of the native American produce exported from New Orleans, is believed to exceed that exported from New York. During the year ended 30th Sept., the last for which we have the official accounts, the value of the American articles exported from the former was 10,898,183 dollars, and from the latter, 12,036,561.

To lament the distress of the West Indians, and at the same time to continue to subject their intercourse with America and other foreign countries to the existing trammels, is mere hypocritical affectation, that can deceive no one. If their ruin is to be completed, that a few thousand pounds may be put into the pockets of the shipowners, the present system is as good as can be devised. But if it be intended to place them in a condition to withstand the competition of the planters of Brazil and Cuba, every vestige of it must be destroyed. The policy that should be adopted is obvious and simple. It consists merely in opening the ports of the West Indies, without distinctions of any sort, to all sorts of produce, (except sugar, rum, and coffee,) and to all sorts of ships, on payment of the same moderate ad valorem duties. By confining the trade between Great Britain and the colonies to British ships, a material advantage will be secured to our shipowners. By attempting to grasp at more, they will ultimately get less. When the sugar colonies are destroyed, as

they will be by persisting in the present system, what will be the value of the direct trade between them and England?

The people of England should look to their interests in this affair; they are of greater magnitude than most persons are aware of. An enormous expense is incurred on account of the colonies; and until the present oppressive restrictions on their trade be abolished, no abatement need be looked for on this head. The evidence of Lord Palmerston before the Finance Committee, as to this point, is explicit and decisive. 'Attempts,' said his Lordship, 'have been made in all the West India islands ' to induce them to contribute to the expenses of the establish-' ments; and they have always represented that their means of doing so were crippled by the commercial arrangements of the ' mother country; they have said, If you will let us trade as we ' like, and collect our own custom duties, and so on, we will do it.' (Evidence, p. 146.) 'The means, therefore,' as Sir Henry Parnell has truly stated, 'of effecting a very great retrenchment in our present expenditure, is entirely in the hands of the legislature, at no greater trouble than that of now doing what it was ' the declared intention of the law of 1825 to do, namely, to 'establish, thoroughly and sincerely, a free colonial trade.' (Financial Reform, 3d ed. p. 243.)

After repealing the restrictions on their trade, the next best thing that could be done for the relief of the West Indians, would be to reduce the duties on sugar, and several other articles of Colonial produce. This reduction, too, is required not merely by a regard to their interests, but to those of the community. Sugar occupies a very prominent place among the necessaries of life; and its cost forms an important item in the expenses of most families. And yet while the duties on the consumption of most of the great articles have been reduced from 30 to 50 per cent, and some wholly repealed, the sugar duties were kept at the war level till last year, and since then, only reduced from 27s. to 24s. a cwt. Even this ineffectual reduction has occasioned an increase in the consumption of the half year ending 5th July, 1831, as compared with the half year ending 5th July, 1830, of no less than 303,000 cwts., or 33,936,000 lbs. Had Mr Grant's motion, in 1829, for reducing the duties on sugar to 20s. a cwt., been acceded to, the increase would have been much greater; though we believe, that in proposing 20s. Mr Grant gave way to the fears of those who were apprehensive of a diminution of revenue, and that he would have preferred a reduction of the duty to 16s. or 18s. By fixing the duty at 16s., a very great boon would be confer-

red on the people of England, while it admits of demonstration that the revenue would not lose a single shilling. Mr Huskisson made the following statement, which we know to be as applicable at this moment, in the debate on Mr Grant's motion: - In consequence of the present enormous duty on sugar, the ' poor working man with a large family, to whom pence were a 'serious consideration, was denied the use of that commodity; 'and he believed that he did not go too far when he stated, that 'TWO-THIRDS of the poorer consumers of coffee drank that beve-' rage without sugar. If, then, the price of sugar were reduced, 'it would become an article of his consumption, like many other articles, woollens, for instance, which he now used, from ' their cheap price, and which he formerly was unable to pur-'chase. This was the principle which regulated the amount 'and extent of consumption of any article, not placed by its 'natural cost beyond the reach of the working-classes, the 'large majority of the people.' The same views were supported by Mr Poulett Thompson, both in the debate on Mr Grant's motion, and in his very able speech on the 30th March, 1830 .- ' No one, surely,' said the right honourable gentleman, 'will be found to deny, that if, without any sacrifice of 'revenue, we can assist that very suffering interest, the great 'body of West India proprietors, it is our duty to do so. But 'when, in addition to that, we can benefit so essentially the ' great body of the people of this country, who, more or less, all ' consume sugars, I really cannot express my astonishment that 'some reduction of the duty should not already have taken ' place.'

A farther reduction ought also to be made of the duties on coffee. Our readers are well acquainted with the effects that have followed from the reduction of the exorbitant duties on coffee in 1807 and 1825-reductions which have increased the consumption from 1,100,000 lbs. a-year, to above 22,000,000 lbs., and the revenue from L.160,000, to L.600,000. Still, however, the duty is 56s. a-cwt.; being equal to 100 per cent upon the price of good coffee, and to full 150 per cent upon the price of the inferior sorts. We have not the slightest doubt, that, were the duty reduced to 28s. a-cwt., or 3d. a lb., we should have a repetition of the same magical effects that have resulted from the former reductions. When principle and experience concur in showing that duties may be diminished not only without injury, but with vast advantage to the revenue, and when the distress of the planters will be lessened, and the comforts of the public materially increased by such reductions,

why should we hesitate about making them?

It is the opinion of Sir Henry Parnell—an opinion in which we wholly concur—that, besides reducing the duties on sugar and coffee, those on all other articles brought from the West Indies, with the exception of rum and molasses, ought to be entirely repealed. The loss to the revenue would be inconsiderable—the advantage to the colonies great. Cocoa is one of the most valuable productions of the West Indies and Central America; and M. Humboldt calculates, that in 1806 and 1807, about 46,000,000 lbs., or 23,000,000 lbs. a-year, were made use of on the continent. At one time plantations of cocoa abounded in Jamaica, but they have entirely disappeared from that island, having withered, as Mr Bryan Edwards states, under ' the heavy hand of ministerial exaction;' and, unaccountable as it may seem, this pressure has not been materially abated since. At this moment, Trinidad and Grenada cocoa are worth, in bond, from 24s. to 65s. a-cwt., while the duty is no less than 56s.; being nearly 100 per cent upon the finer qualities, and no less than 230 per cent upon the inferior. The duty of L.7 a-cwt. on foreign cocoa, is, of course, completely prohibitory. If these duties were intended to discourage the production and consumption of cocoa, they have had the desired effect; but if they were intended to produce revenue, their failure has been signal and complete. The cocoa imported for home consumption does not, at an average, amount to 400,000 lbs. ayear, and the revenue is under L.10,000!

The same is the case with pimento, and a variety of what we now call small articles, but which would speedily become very important articles were the duties repealed, and freedom given

to their production and sale.

Supposing, however, that those measures now suggested for lessening the pressure on the West Indians, and adding to the comfort of all classes at home, were adopted, still they would Parliament must apply itself to fix some cernot be enough. tain and definite rules with respect to the treatment of the slaves. To prepare those who have been brutalized by ages of slavery, for performing the part of free citizens, must, under any circumstances, be an exceedingly difficult task, and especially so in the West Indies, where the slaves form so great a majority of the population; but, while any thing like precipitation in a matter of such extreme delicacy, cannot be too strongly deprecated, there should not, on the other hand, be the least delay in adopting some consistent and uniform system to ensure the gradual extinction of slavery, with advantage to both slaves and masters. The obstacles in the way of such a consummation are, no doubt, very formidable; but they must be grappled with, and may be overcome. It would be gross injustice to identify the larger and more respectable portion of the West Indians, with that loathsome trash that is poured forth weekly and monthly by those who call themselves the advocates of the West Indian interest, but who are its bitterest enemies. Can they be so besotted as to suppose that their abusive ribaldry will prevail on the people of England to waver in their fixed determination to purify every spot of their dominion from the abomination of slavery? It is not in the nature of things that the present constitution of society should be maintained in the West Indies. The question of emancipation is now merely one of time; and those among the planters who have a just sense of their own real interests, will join cordially in devising measures for making that transition which must take place, as little

dangerous as possible.

The constant agitation of the question of emancipation, here and in the colonies, is in the highest degree detrimental to the planters, who are, in fact, deprived of that security so essential to the success of all undertakings. Surely, then, it is for their interest that the question should be decided; and decided it can only be in one of two ways—either by the immediate, or the gradual emancipation of the slaves. It would be easy to showand is indeed generally admitted—that the first plan would be destructive not only of the interests of the planters, but also of those of the slaves. Let then some plan of gradual emancipation be devised; and the animosities that now exist will be allayed; an end will be put to those intemperate discussions that are productive of so much mischief; and confidence and security will again revive. The better way, we believe, would be to oblige the planters to emancipate a certain portion, as two per cent of their slaves each year, making the arrangements such, that the planters should find it for their interest to make emancipation a reward for good conduct. Some of those most deeply interested in the question, agree with us in thinking, that by means of some measure of this sort, the transition from bondage to freedom may be effected without any violent convulsion; and that all classes, masters as well as slaves, would be benefited by its adoption.

It is said by some that the distress of the West Indians cannot be so serious as is represented; for that if it were, it would occasion such a falling off in the imports, as would speedily, by lessening the supply of sugar below the demand, raise its price. In point of fact, however, a diminution has recently taken place in the production of sugar; the import from the West

Indies being, in 1828, 198,400 tons; in 1829, 195,230; and in 1830, 185,660. It should also be recollected, that it is no easy matter for a planter to turn his capital and industry into new channels. The registry acts oppose a serious obstacle to this. They hinder the transfer of slaves from one island to another, or to the continent; so that, though a planter might be able to employ his slaves profitably in Demerara or Berbice, while in Tortola, and some of the islands, he is hardly able to employ them at all, he is not permitted to carry them to the place where their labour is in demand. There is no such regulation in the United States; and it is difficult to discover any good grounds for its rigid enforcement. Should it, however, be relaxed, care should be taken to enact such provisions as may be deemed proper for promoting the interests of the slaves; and, supposing these provisions not so onerous upon the master as to defeat the purpose of the relaxation, or to hinder transferences entirely, they might be made a means of accelerating the period of emancipation; while, as it would be optional to the masters either to transfer their slaves or not, they could not object to the grant of the liberty to transfer being accompanied by any reasonable conditions.

The planters are naturally extremely anxious that the importation of fresh negroes into Cuba, Brazil, and the foreign states, should, if possible, be put an end to. Their anxiety in this respect is not greater, certainly, than that of the government; but we are not entitled to dictate to other countries, and if we are to succeed, we must proceed by negotiation. It is, however, to be hoped, that more accurate and enlarged views of their own interest will, at no distant period, induce all foreign nations to abolish this infamous traffic in fact as well as in name, by mutually conceding the right of search, and treating those engaged in it as pirates. Nothing short of this will be found effectual; and we trust that a measure of this sort may be universally agreed to.

On the whole, therefore, it is abundantly certain, that the distresses of the West Indians may be effectually relieved; and that this relief may be accomplished, not only without imposing any fresh burdens on the people of England—which we should be the first to oppose—but with a material diminution of those now existing. Let the West Indians be treated justly and impartially; let them enjoy what cannot be withheld from them without injustice and oppression—the power to supply themselves with whatever they require, in the cheapest markets; let the exorbitant duties that now attach to articles of West India produce brought to England, be adequately reduced; and

let fixed and judicious rules be established for guiding the progress of emancipation to a safe termination. Let these things be done, and we venture to say, that the distresses of the West Indians will speedily cease to be heard of; and while the people of England will gain by the reduction of the duties, they will also gain by the reduced expenditure that will henceforth be required for the protection and government of the islands. At all events, nothing whatever can be lost, while much will most probably be gained, by adopting the measures now suggestedmeasures which have been sanctioned by all our greatest statesmen, and which are founded on the obvious principles of impartial justice. If opposition is to be made to these measures, it must proceed, either directly or indirectly, from a small minority of the shipowners, and the Canada merchants; and these gentlemen would do well to recollect, that forbearance has its limits. They have achieved a pretty considerable triumph in compelling us, for their sakes, to innoculate our ships and houses with dry-rot, and to pay L.1,500,000 a-year of enhanced price, for a comparatively worthless article. But though John Bull be good-natured enough to tolerate this inroad on his own pockets, we hardly think that his love of justice will allow the same freedom to be used with the pockets of the West Indians.

ART. IV.—1. An Essay on the Origin and Prospects of Man. By THOMAS HOPE. 3 vols. 8vo. London: 1831.

HE healthy know not of their health, but only the sick: this is the Physician's Aphorism; and applicable in a far wider sense than he gives it. We may say, it holds no less in moral, intellectual, political, poetical, than in merely corporeal therapeutics; that wherever, or in what shape soever, powers of the sort which can be named vital are at work, herein lies the test of their working right or working wrong.

^{2.} Philosophische Vorlesungen, insbesondere über Philosophie der Sprache und des Wortes. Geschrieben und vorgetragen zu Dresden im December 1828, und in den ersten Tagen des Januars 1829. (Philosophical Lectures, especially on the Philosophy of Language and the Gift of Speech. Written and delivered at Dresden in December 1828, and the early days of January 1829.) By FRIEDRICH VON SCHLEGEL. 8vo. Vienna: 1830.

In the Body, for example, as all doctors are agreed, the first condition of complete health is, that each organ perform its function unconsciously, unheeded; let but any organ announce its separate existence, were it even boastfully, and for pleasure, not for pain, then already has one of those unfortunate 'false ' centres of sensibility' established itself, already is derangement The perfection of bodily wellbeing is, that the collective bodily activities seem one; and be manifested, moreover, not in themselves, but in the action they accomplish. If a Dr Kitchener boast that his system is in high order, Dietetic Philosophy may indeed take credit; but the true Peptician was that Countryman who answered that, 'for his part, he had no sys-'tem.' In fact, unity, agreement, is always silent, or softvoiced; it is only discord that loudly proclaims itself. So long as the several elements of Life, all fitly adjusted, can pour forth their movement like harmonious tuned strings, it is a melody and unison; Life, from its mysterious fountains, flows out as in celestial music and diapason, - which also, like that other music of the spheres, even because it is perennial and complete, without interruption and without imperfection, might be fabled to escape the ear. Thus, too, in some languages, is the state of health well denoted by a term expressing unity; when we feel ourselves as we wish to be, we say that we are whole.

Few mortals, it is to be feared, are permanently blessed with that felicity of 'having no system:' nevertheless, most of us,looking back on young years, may remember seasons of a light, aerial translucency and elasticity, and perfect freedom; the body had not yet become the prison-house of the soul, but was its vehicle and implement, like a creature of the thought, and altogether pliant to its bidding. We knew not that we had limbs, we only lifted, hurled, and leapt; through eye and ear, and all avenues of sense, came clear unimpeded tidings from without, and from within issued clear victorious force; we stood as in the centre of Nature, giving and receiving, in harmony with it all; unlike Virgil's Husbandmen, 'too happy because we did not 'know our blessedness.' In those days, health and sickness were foreign traditions that did not concern us; our whole being was as yet One, the whole man like an incorporated Will. Such, were Rest or ever-successful Labour the human lot, might our life continue to be: a pure, perpetual, unregarded music; a beam of perfect white light, rendering all things visible, but itself unseen, even because it was of that perfect whiteness, and no irregular obstruction had yet broken it into colours. The beginning of Inquiry is Disease: all Science, if we consider well, as it must

have originated in the feeling of something being wrong, so it is and continues to be but Division, Dismemberment, and partial healing of the wrong. Thus, as was of old written, the Tree of Knowledge springs from a root of evil, and bears fruits of good and evil. Had Adam remained in Paradise, there had been no

Anatomy and no Metaphysics.

But, alas, as the Philosopher declares, 'Life itself is a disease; 'a working incited by suffering;' action from passion! The memory of that first state of Freedom and paradisiac Unconsciousness has faded away into an ideal poetic dream. We stand here too conscious of many things: with Knowledge, the symptom of Derangement, we must even do our best to restore a little Order. Life is, in few instances, and at rare intervals, the diapason of a heavenly melody; oftenest the fierce jar of disruptions and convulsions, which, do what we will, there is no disregarding. Nevertheless such is still the wish of Nature on our behalf; in all vital action, her manifest purpose and effort is, that we should be unconscious of it, and, like the peptic Countryman, never know that we 'have a system.' For indeed vital action every where is emphatically a means, not an end; Life is not given us for the mere sake of Living, but always with an ulterior external Aim: neither is it on the process, on the means, but rather on the result, that Nature, in any of her doings, is wont to intrust us with insight and volition. Boundless as is the domain of man, it is but a small fractional proportion of it that he rules with Consciousness and by Forethought: what he can contrive, nay, what he can altogether know and comprehend, is essentially the mechanical, small; the great is ever, in one sense or other, the vital, it is essentially the mysterious, and only the surface of it can be understood. But Nature, it might seem, strives, like a kind mother, to hide from us even this, that she is a mystery: she will have us rest on her beautiful and awful bosom as if it were our secure home; on the bottomless boundless Deep, whereon all human things fearfully and wonderfully swim, she will have us walk and build, as if the film which supported us there (which any scratch of a bare bodkin will rend asunder, any sputter of a pistol-shot instantaneously burn up) were no film, but a solid rock-foundation. For ever in the neighbourhood of an inevitable Death, man can forget that he is born to die; of his Life, which, strictly meditated, contains in it an Immensity and an Eternity, he can conceive lightly, as of a simple implement wherewith to do day-labour and earn wages. So cunningly does Nature, the mother of all highest Art, which only apes her from afar, 'body forth the Finite from the Infinite;' and guide

man safe on his wondrous path, not more by endowing him with vision, than, at the right place, with blindness! Under all her works, chiefly under her noblest work, Life, lies a basis of Darkness, which she benignantly conceals; in Life, too, the roots and inward circulations which stretch down fearfully to the regions of Death and Night, shall not hint of their existence, and only the fair stem with its leaves and flowers, shone on by

the fair sun, disclose itself, and joyfully grow.

However, without venturing into the abstruse, or too eagerly asking Why and How, in things where our answer must needs prove, in great part, an echo of the question, let us be content to remark farther, in the merely historical way, how that Aphorism of the bodily Physician holds good in quite other departments. Of the Soul, with her activities, we shall find it no less true than of the Body: nay, cry the Spiritualists, is not that very division of the unity, Man, into a dualism of Soul and Body, itself the symptom of disease; as, perhaps, your frightful theory of Materialism, of his being but a Body, and therefore, at least, once more a unity, may be the paroxysm which was critical, and the beginning of cure! But omitting this, we observe, with confidence enough, that the truly strong mind, view it as Intellect, as Morality, or under any other aspect, is nowise the mind acquainted with its strength; that here as before the sign of health is Unconsciousness. In our inward, as in our outward world, what is mechanical lies open to us; not what is dynamical and has vitality. Of our Thinking, we might say, it is but the mere upper surface that we shape into articulate Thoughts; -- underneath the region of argument and conscious discourse, lies the region of meditation; here, in its quiet mysterious depths, dwells what vital force is in us; here, if aught is to be created, and not merely manufactured and communicated, must the work go on. Manufacture is intelligible, but trivial; Creation is great, and cannot be understood. Thus, if the Debater and Demonstrator, whom we may rank as the lowest of true thinkers, knows what he has done, and how he did it, the Artist, whom we rank as the highest, knows not; must speak of Inspiration, and in one or the other dialect, call his work the gift of a divinity.

But, on the whole, 'genius is ever a secret to itself;' of this old truth we have, on all sides, daily evidence. The Shakspeare takes no airs for writing *Hamlet* and the *Tempest*, understands not that it is any thing surprising: Milton, again, is more conscious of his faculty, which accordingly is an inferior one. On the other hand, what cackling and strutting must we not often

hear and see, when, in some shape of academical prolusion, maiden speech, review article, this or the other well-fledged goose has produced its goose-egg, of quite measurable value, were it the pink of its whole kind; and wonders why all mor-

tals do not wonder!

Foolish enough, too, was the College Tutor's surprise at Walter Shandy: how, though unread in Aristotle, he could nevertheless argue; and not knowing the name of any dialectic tool, handled them all to perfection. Is it the skilfullest Anatomist that cuts the best figure at Sadler's Wells? or does the Boxer hit better for knowing that he has a flexor longus and a flexor brevis? But, indeed, as in the higher ease of the Poet, so here in that of the Speaker and Inquirer, the true force is an unconscious one. The healthy Understanding, we should say, is not the Logical, argumentative, but the Intuitive; for the end of Understanding is not to prove, and find reasons, but to know and believe. Of Logic, and its limits, and uses and abuses, there were much to be said and examined; one fact, however, which chiefly concerns us here, has long been familiar: that the man of logic and the man of insight; the Reasoner and the Discoverer, or even Knower, are quite separable,-indeed, for most part, quite separate characters. In practical matters, for example, has it not become almost proverbial that the man of logic cannot prosper? This is he whom business people call Systematic and Theorizer and Word-monger; his vital intellectual force lies dormant or extinct, his whole force is mechanical, conscious: of such a one it is foreseen that, when once confronted with the infinite complexities of the real world, his little compact theorem of the world will be found wanting; that unless he can throw it overboard, and become a new creature, he will necessarily founder. Nay, in mere Speculation itself, the most ineffectual of all characters, generally speaking, is your dialectic man-at-arms; were he armed cap-a-pie in syllogistic mail of proof, and perfect master of logic-fence, how little does it avail him! Consider the old Schoolmen, and their pilgrimage towards Truth: the faithfullest endeavour, incessant unwearied motion, often great natural vigour; only no progress: nothing but antic feats of one limb poised against the other; there they balanced, somersetted, and made postures; at best gyrated swiftly, with some pleasure, like Spinning Dervishes, and ended where they began. So is it, so will it always be, with all System-makers and builders of logical card-castles; of which class a certain remnant must, in every age, as they do in our own, survive and build. Logic is good, but it is not the best. The Irrefragable Doctor, with his

chains of induction, his corollaries, dilemmas, and other cunning logical diagrams and apparatus, will cast you a beautiful horoscope, and speak reasonable things; nevertheless your stolen jewel, which you wanted him to find you, is not forthcoming. Often by some winged word, winged as the thunderbolt is, of a Luther, a Napoleon, a Goethe, shall we see the difficulty split asunder, and its secret laid bare; while the Irrefragable, with all his logical roots, hews at it, and hovers round it, and finds it on all hands too hard for him.

Again, in the difference between Oratory and Rhetoric, as indeed every where in that superiority of what is called the Natural over the Artificial, we find a similar illustration. Orator persuades and carries all with him, he knows not how; the Rhetorician can prove that he ought to have persuaded and carried all with him: the one is in a state of healthy unconsciousness, as if he 'had no system;' the other, in virtue of regimen and dietetic punctuality, feels at best that 'his system 'is in high order.' So stands it, in short, with all forms of Intellect, whether as directed to the finding of Truth, or to the fit imparting thereof; to Poetry, to Eloquence, to depth of Insight, which is the basis of both these; always the characteristic of right performance is a certain spontaniety, an unconsciousness; 'the healthy know not of their health, but only the 'sick.' So that the old precept of the critic, as crabbed as it looked to his ambitious disciple, might contain in it a most fundamental truth, applicable to us all, and in much else than Literature: 'Whenever you have written any sentence that 'looks particularly excellent, be sure to blot it out.' In like manner, under milder phraseology, and with a meaning purposely much wider, a living Thinker has taught us: 'Of the Wrong we are always conscious, of the Right never.'

But if such is the law with regard to Speculation and the Intellectual power of man, much more is it with regard to Conduct, and the power, manifested chiefly therein, which we name Moral. 'Let not thy left hand know what thy right hand 'doeth:' whisper not to thy own heart, How worthy is this action; for then it is already becoming worthless. The good man is he who works continually in well-doing; to whom well-doing is as his natural existence, awakening no astonishment, requiring no commentary; but there, like a thing of course, and as if it could not but be so. Self-contemplation, on the other hand, is infallibly the symptom of disease, be it or be it not the sign of cure: an unhealthy Virtue is one that consumes itself to leanness in repenting and anxiety; or, still worse, that

inflates itself into dropsical boastfulness and vain glory: either way, it is a self-seeking; an unprofitable looking behind us to measure the way we have made: whereas the sole concern is to walk continually forward, and make more way. If in any sphere of Man's Life, then in the moral sphere, as the inmost and most vital of all, it is good that there be wholeness; that there be unconsciousness, which is the evidence of this. Let the free reasonable Will, which dwells in us, as in our Holy of Holies, be indeed free, and obeyed like a Divinity, as is its right and its effort: the perfect obedience will be the silent one. Such perhaps were the sense of that maxim, enunciating, as is usual, but the half of a truth: 'To say that we have a clear' conscience is to utter a solecism; had we never sinned, wo 'should have had no conscience.' Were defeat unknown, neither would victory be celebrated by songs of triumph.

This, true enough, is an ideal, impossible state of being; yet ever the goal towards which our actual state of being strives; which it is the more perfect the nearer it can approach. Nor, in our actual world, where Labour must often prove ineffectual, and thus in all senses Light alternate with Darkness, and the nature of an ideal Morality be much modified, is the case, thus far, materially different. It is a fact which escapes no one, that, generally speaking, whose is acquainted with his worth has but a little stock to cultivate acquaintance with. Above all, the public acknowledgment of such acquaintance, indicating that it has reached quite an intimate footing, bodes ill. Already, to the popular judgment, he who talks much about Virtue in the abstract, begins to be suspicious; it is shrewdly guessed that where there is great preaching, there will be little almsgiving. Or again, on a wider scale, we can remark that ages of Heroism are not ages of Moral Philosophy; Virtue, when it can be philosophized of, has become aware of itself, is sickly, and beginning to decline. A spontaneous habitual all-pervading spirit of Chivalrous Valour shrinks together, and perks itself up into shriveled Points of Honour; humane Courtesy and Nobleness of mind dwindle into punctilious Politeness, 'avoiding meats;' 'pay-'ing tithe of mint and anise, neglecting the weightier matters of the law.' Goodness, which was a rule to itself, must appeal to Precept, and seek strength from Sanctions; the Freewill no longer reigns unquestioned and by divine right, but like a mere earthly sovereign, by expediency, by Rewards and Punishments: or rather, let us say, the Freewill, so far as may be, has abdicated and withdrawn into the dark, and a spectral nightmare of a Necessity usurps its throne; for now that mysterious Self-impulse of the whole man, heaven-inspired and in all senses partaking of the Infinite, being captiously questioned in a finite dialect, and answering, as it needs must, by silence,—is conceived as non-extant, and only the outward Mechanism of it remains acknowledged: of Volition, except as the synonym of Desire, we hear nothing; of 'Motives,' without any Mover, more than

enough.

So, too, when the generous Affections have become wellnigh paralytic, we have the reign of Sentimentality. The greatness, the profitableness, at any rate the extremely ornamental nature of high feeling, and the luxury of doing good; charity, love, selfforgetfulness, devotedness, and all manner of godlike magnanimity, are every where insisted on, and pressingly inculcated in speech and writing, in prose and verse; Socinian Preachers proclaim 'Benevolence' to all the four winds, and have TRUTH engraved on their watch-seals: unhappily with little or no effect. Were the Limbs in right walking order, why so much demonstrating of Motion? The barrenest of all mortals is the Sentimentalist. Granting even that he were sincere, and did not wilfully deceive us, or without first deceiving himself, what good is in him? Does he not lie there as a perpetual lesson of despair, and type of bedrid valetudinarian impotence? emphatically a Virtue that has become, through every fibre, conscious of itself; it is all sick, and feels as if it were made of glass, and durst not touch or be touched: in the shape of work, it can do nothing; at the utmost, by incessant nursing and caudling, keep itself alive. As the last stage of all, when Virtue, properly so called, has ceased to be practised, and become extinct, and a mere remembrance, we have the era of Sophists, descanting of its existence, proving it, denying it, mechanically 'accounting' for it;—as dissectors and demonstrators cannot operate till once the body be dead.

Thus is true Moral genius, like true Intellectual, which indeed is but a lower phasis thereof, 'ever a secret to itself.' The healthy moral nature loves Goodness, and without wonder wholly lives in it: the unhealthy makes love to it, and would fain get to live in it; or, finding such courtship fruitless, turns round, and not without contempt abandons it. These curious relations of the Voluntary and Conscious to the Involuntary and Unconscious, and the small proportion which, in all departments of our life, the former bears to the latter,—might lead us into deep questions of Psychology and Physiology: such, however, belong not to our present object. Enough, if the fact itself become apparent, that Nature so meant it with us; that in this

wise we are made. We may now say, that view man's individual Existence under what aspect we will, under the highest Spiritual, as under the merely Animal aspect, every where the grand vital energy, while in its sound state, is an unseen unconscious one; or, in the words of our old Aphorism, 'the healthy

'know not of their health, but only the sick.'

To understand man, however, we must look beyond the individual man and his actions or interests, and view him in combination with his fellows. It is in Society that man first feels what he is; first becomes what he can be. In Society an altogether new set of spiritual activities are evolved in him, and the old immeasurably quickened and strengthened. Society is the genial element wherein his nature first lives and grows; the solitary man were but a small portion of himself, and must continue for ever folded in, stunted, and only half alive. 'Already,' says a deep Thinker, with more meaning than will disclose itself at once, 'my opinion, my conviction, gains infinitely in strength and sureness, the moment a second mind has adopted it.' Such, even in its simplest form, is association; so wondrous the communion of soul with soul as directed to the mere act of Knowing! In other higher acts, the wonder is still more manifest; as in that portion of our being which we name the Moral: for properly, indeed, all communion is of a moral sort, whereof such intellectual communion (in the act of knowing) is itself an example. But with regard to Morals strictly so called, it is in Society, we might almost say, that Morality begins; here at least it takes an altogether new form, and on every side, as in living growth, expands itself. The Duties of Man to himself, to what is Highest in himself, make but the First Table of the Law: to the First Table is now superadded a Second, with the Duties of Man to his Neighbour; whereby also the significance of the First now assumes its true importance. Man has joined himself with man; soul acts and reacts on soul; a mystic miraculous unfathomable Union establishes itself; Life, in all its elements, has become intensated, consecrated. The lightning-spark of Thought, generated, or say rather heaven-kindled, in the solitary mind, awakens its express likeness in another mind, in a thousand other minds, and all blaze up together in combined fire; reverberated from mind to mind, fed also with fresh fuel in each, it acquires incalculable new Light as Thought, incalculable new Heat as converted into Action. By and by, a common store of Thought can accumulate, and be transmitted as an everlasting possession: Literature, whether as preserved in the memory of Bards, in Runes

and Hieroglyphs engraved on stone, or in Books of written or printed paper, comes into existence, and begins to play its wondrous part. Polities are formed; the weak submitting to the strong; with a willing loyalty, giving obedience that he may receive guidance: or say rather, in honour of our nature, the ignorant submitting to the wise; for so it is in all even the rudest communities, man never yields himself wholly to brute Force, but always to moral Greatness; thus the universal title of respect, from the Oriental Scheik, from the Sachem of the red Indians, down to our English Sir, implies only that he whom we mean to honour is our senior. Last, as the crown and all-supporting keystone of the fabric, Religion arises. The devout Meditation of the isolated man, which flitted through his soul, like a transient tone of Love and Awe from unknown lands, acquires certainty, continuance, when it is shared in by his brother men. 'Where two or three are gathered to-' gether' in the name of the Highest, then first does the Highest, as it is written, 'appear among them to bless them;' then first does an Altar and act of united Worship open a way from Earth to Heaven; whereon, were it but a simple Jacob's-ladder, the heavenly Messengers will travel, with glad tidings and unspeakable gifts for men. Such is Society, the vital articulation of many individuals into a new collective individual: greatly the most important of man's attainments on this earth; that in which, and by virtue of which, all his other attainments and attempts find their arena, and have their value. Considered well, Society is the standing wonder of our existence; a true region of the Supernatural; as it were, a second all-embracing Life, wherein our first individual Life becomes doubly and trebly alive, and whatever of Infinitude was in us bodies itself forth, and becomes visible and active.

To figure Society as endowed with Life is scarcely a metaphor; but rather the statement of a fact by such imperfect methods as language affords. Look at it closely, that mystic Union, Nature's highest work with man, wherein man's volition plays an indispensable yet so subordinate a part, and the small Mechanical grows so mysteriously and indissolubly out of the infinite Dynamical, like Body out of Spirit,—is truly enough vital, what we can call vital, and bears the distinguishing character of life. In the same style also, we can say that Society has its periods of sickness and vigour, of youth, manhood, decrepitude, dissolution, and new-birth; in one or other of which stages we may, in all times, and all places where men inhabit, discern it; and do ourselves, in this time and place, whether as co-operating or as

contending, as healthy members or as diseased ones, to our joy and sorrow, form part of it. The question, What is the actual condition of Society? has in these days unhappily become important enough. No one of us is unconcerned in that question; but for the majority of thinking men a true answer to it, such is the state of matters, appears almost as the one thing needful. Meanwhile as the true answer, that is to say, the complete and fundamental answer and settlement, often as it has been demanded, is nowhere forthcoming, and indeed by its nature is impossible, any honest approximation towards such is not without value. The feeblest light, or even so much as a more precise recognition of the darkness, which is the first step to attain-

ment of light, will be welcome.

This once understood, let it not seem idle if we remark that here too our old Aphorism holds; that again in the Body Politic, as in the animal body, the sign of right performance is Unconsciousness. Such indeed is virtually the meaning of that phrase 'artificial state of Society,' as contrasted with the natural state, and indicating something so inferior to it. For, in all vital things, men distinguish an Artificial and a Natural; founding on some dim perception or sentiment of the very truth we here insist on: the Artificial is the conscious, mechanical; the Natural is the unconscious, dynamical. as we have an artificial Poetry, and prize only the natural; so likewise we have an artificial Morality, an artificial Wisdom, an artificial Society. The artificial Society is precisely one that knows its own structure, its own internal functions; not in watching, not in knowing which, but in working outwardly to the fulfilment of its aim, does the wellbeing of a Society consist. Every Society, every Polity, has a spiritual principle; is the embodyment, tentative, and more or less complete, of an Idea: all its tendencies of endeavour, specialities of custom, its laws, politics, and whole procedure (as the glance of some Montesquieu across innumerable superficial entanglements can partly decipher) are prescribed by an Idea, and flow naturally from it, as movements from the living source of motion. This Idea, be it of devotion to a Man or class of Men, to a Creed, to an Institution, or even, as in more ancient times, to a piece of Land, is ever a true Loyalty; has in it something of a religious, paramount, quite infinite character; it is properly the Soul of the State, its Life; mysterious as other forms of Life, and like these working secretly, and in a depth beyond that of con-

Accordingly, it is not in the vigorous ages of a Roman Republic that Treatises of the Commonwealth are written; while the Decii

are rushing with devoted bodies on the enemies of Rome, what need of preaching Patriotism? The virtue of Patriotism has already sunk from its pristine, all-transcendent condition, before it has received a name. So long as the Commonwealth continues rightly athletic, it cares not to dabble in anatomy. Why teach Obedience to the sovereign; why so much as admire it, or separately recognise it, while a divine idea of Obedience perennially inspires all men? Loyalty, like Patriotism, of which it is a form, was not praised till it had begun to decline; the Preux Chevaliers first became rightly admirable, when 'dying for their king,' had ceased to be a habit with chevaliers. For if the mystic significance of the State, let this be what it may, dwells vitally in every heart, encircles every life as with a second higher life, how should it stand self-questioning? It must rush outward, and express itself by works. Besides, if perfect, it is there as by necessity, and does not excite inquiry: it is also by nature, infinite, has no limits; therefore can be circumscribed by no conditions and definitions; cannot be reasoned of; except musically, or in the

language of Poetry, cannot yet so much as be spoken of.

In those days, Society was what we name healthy, sound at heart. Not, indeed, without suffering enough; not without perplexities, difficulty on every side: for such is the appointment of man; his highest and sole blessedness is, that he toil, and know what to toil at: not in ease, but in united victorious labour, which is at once evil and the victory over evil, does his Freedom lie. often, looking no deeper than such superficial perplexities of the early Time, historians have taught us that it was all one mass of contradiction and disease; and in the antique Republic, or feudal Monarchy, have seen only the confused chaotic quarry, not the robust labourer, or the stately edifice he was building of it. If Society, in such ages, had its difficulty, it had also its strength; if sorrowful masses of rubbish so encumbered it, the tough sinews to hurl them aside, with indomitable heart, were not wanting. Society went along without complaint; did not stop to scrutinize itself, to say, How well I perform, or, Alas, how ill! Men did not yet feel themselves to be 'the envy of surrounding nations;' and were enviable on that very account. Society was what we can call whole, in both senses of the word. The individual man was in himself a whole, or complete union; and could combine with his fellows as the living member of a greater whole. For all men, through their life, were animated by one great Idea; thus all efforts pointed one way, every where there was wholeness. Opinion and Action had not yet become disunited; but the former could still produce the latter, or attempt to produce it, as the

stamp does its impression while the wax is not hardened. Thought, and the Voice of thought, were also a unison; thus, instead of Speculation we had Poetry; Literature, in its rude utterance, was as yet a heroic Song, perhaps, too, a devotional Anthem. Religion was every where; Philosophy lay hid under it, peacefully included in it. Herein, as in the life-centre of all, lay the true health and oneness. Only at a later era must Religion split itself into Philosophies; and thereby the vital union of Thought being lost, disunion and mutual collision in all provinces of Speech and of Action more and more prevail. For if the Poet, or Priest, or by whatever title the inspired thinker may be named, is the sign of vigour and wellbeing; so likewise is the Logician, or uninspired thinker, the sign of disease, probably of decrepitude and decay. Thus, not to mention other instances, one of them much nearer hand,—so soon as Prophecy among the Hebrews had ceased, then did the reign of Argumentation begin; and the ancient Theocracy, in its Sadduceeisms and Phariseeisms, and vain jangling of sects and doctors, give token that the soul of it had fled, and that the body itself, by natural dissolution, 'with the old forces still at work, but working in reverse order,' was on the road to final disappearance.

We might pursue this question into innumerable other ramifications; and every where, under new shapes, find the same truth, which we here so imperfectly enunciate, disclosed: that throughout the whole world of man, in all manifestations and performances of his nature, outward and inward, personal and social, the Perfect, the Great is a mystery to itself, knows not itself; whatsoever does know itself is already little, and more or less imperfect. Or otherwise, we may say, Unconsciousness belongs to pure unmixed Life; Consciousness to a diseased mixture and conflict of Life and Death: Unconsciousness is the sign of Creation; Consciousness at best, that of Manufacture. So deep, in this existence of ours, is the significance of Mystery. Well might the Ancients make Silence a god; for it is the element of all godhood, infinitude, or transcendental greatness; at once the source and the ocean wherein all such begins and ends. In the same sense too, have Poets sung 'Hymns to the Night;' as if Night were nobler than Day; as if Day were but a small motleycoloured veil spread transiently over the infinite bosom of Night, and did but deform and hide from us its purely transparent, eternal deeps. So likewise have they spoken and sung as if Silence were the grand epitome and complete sum-total of all

Harmony; and Death, what mortals call Death, properly the beginning of Life. Under such figures, since except in figures there is no speaking of the Invisible, have men endeavoured to express a great Truth;—a Truth, in our times, as nearly as is perhaps possible, forgotten by the most; which nevertheless continues for ever true, for ever all-important, and will one day, under new figures, be again brought home to the bosoms of all.

But, indeed, in a far lower sense, the rudest mind has still some intimation of the greatness there is in Mystery. If Silence was made a god of by the Ancients, he still continues a government clerk among us Moderns. To all Quacks, moreover, of what sort soever, the effect of Mystery is well known: here and there some Cagliostro, even in latter days, turns it to notable account: the Blockhead also, who is ambitious, and has no talent, finds sometimes in 'the talent of silence,' a kind of succedaneum. Or again, looking on the opposite side of the matter, do we not see, in the common understanding of mankind, a certain distrust, a certain contempt of what is altogether self-conscious and mechanical? As nothing that is wholly seen through has other than a trivial character; so any thing professing to be great, and yet wholly to see through itself, is already known to be false, and a failure. The evil repute your 'theoretical men' stand in, the acknowledged inefficiency of 'Paper Constitutions', and all that class of objects, are instances of this. Experience often repeated, and perhaps a certain instinct of something far deeper that lies under such experiences, has taught men so much. They know, beforehand, that the loud is generally the insignificant, the empty. Whatsoever can proclaim itself from the housetops may be fit for the hawker, and for those multitudes that must needs buy of him; but for any deeper use, might as well continue unproclaimed. Observe, too, how the converse of the proposition holds; how the insignificant, the empty, is usually the loud; and, after the manner of a drum, is loud even because of its emptiness. The uses of some Patent Dinner Calefactor can be bruited abroad over the whole world in the course of the first winter; those of the Printing Press are not so well seen into for the first three centuries: the passing of the Select Vestries Bill raises more noise and hopeful expectancy among mankind, than did the promulgation of the Christian Religion. Again, and again, we say, the great, the creative and enduring, is ever a secret to itself; only the small, the barren and transient, is otherwise.

If we now, with a practical medical view, examine, by this same test of Unconsciousness, the Condition of our own Era, and

of man's Life therein, the diagnosis we arrive at is nowise of a flattering sort. The state of Society, in our days, is of all possible states the least an unconscious one: this is specially the Era when all manner of Inquiries into what was once the unfelt, involuntary sphere of man's existence, find their place, and as it were occupy the whole domain of thought. What, for example, is all this that we hear, for the last generation or two, about the Improvement of the Age, the Spirit of the Age, Destruction of Prejudice, Progress of the Species, and the March of Intellect, but an unhealthy state of self-sentience, self-survey; the precursor and prognostic of still worse health? That Intellect do march, if possible at double-quick time, is very desirable; nevertheless why should she turn round at every stride, and cry: See you what a stride I have taken! Such a marching of Intellect is distinctly of the spavined kind; what the Jockeys call 'all 'action and no go.' Or at best, if we examine well, it is the marching of that gouty Patient, whom his Doctors had clapt on a metal floor artificially heated to the searing point, so that he was obliged to march, and marched with a vengeance-nowhither. Intellect did not awaken for the first time yesterday; but has been under way from Noah's Flood downwards: greatly her best progress, moreover, was in the old times, when she said nothing about it. In those same 'dark ages,' Intellect (metaphorically as well as literally) could invent glass, which now she has enough ado to grind into spectacles. Intellect built not only Churches, but a Church, the Church, based on this firm Earth, yet reaching up, and leading up, as high as Heaven; and now it is all she can do to keep its doors bolted, that there be no tearing of the Surplices, no robbery of the Alms-box. She built a Senate-house likewise, glorious in its kind; and now it costs her a wellnigh mortal effort to sweep it clear of vermin, and get the roof made rain-tight.

But the truth is, with Intellect, as with most other things, we are now passing from that first or boastful stage of Self-sentience into the second or painful one: out of these often asseverated declarations that 'our system is in high order,' we come now, by natural sequence, to the melancholy conviction that it is altogether the reverse. Thus, for instance, in the matter of Government, the period of the 'Invaluable Constitution' must be followed by a Reform Bill; to laudatory De Lolmes succeed objurgatory Benthams. At any rate, what Treatises on the Social Contract, on the Elective Franchise, the Rights of Man, the Rights of Property, Codifications, Institutions, Constitutions, have we not, for long years, groaned under! Or again, with a

wider survey, consider those Essays on Man, Thoughts on Man, Inquiries concerning Man; not to mention Evidences of the Christian Faith, Theories of Poetry, Considerations on the Origin of Evil, which during the last century have accumulated on us to a frightful extent. Never since the beginning of Time, was there, that we hear or read of, so intensely self-conscious a Society. Our whole relations to the Universe and to our fellow man have become an Inquiry, a Doubt: nothing will go on of its own accord, and do its function quietly; but all things must be probed into, the whole working of man's world be anatomically studied. Alas, anatomically studied, that it may be medically aided! Till at length, indeed, we have come to such a pass, that except in this same Medicine, with its artifices and appliances, few can so much as imagine any strength or hope to remain for us. The whole Life of Society must now be carried on by drugs: doctor after doctor appears with his nostrum, of Co-operative Societies, Universal Suffrage, Cottage-and-Cow systems, Repression of Population, Vote by Ballot. To such height has the dyspepsia of Society reached; as indeed the constant grinding internal pain, or from time to time the mad spasmodic throes, of all Society do otherwise too mournfully indicate.

Far be it from us to attribute, as some unwise persons do, the disease itself to this unhappy sensation that there is a disease! The Encyclopedists did not produce the troubles of France; but the troubles of France produced the Encyclopedists, and much else. The Self-consciousness is the symptom merely; nay, it is also the attempt towards cure. We record the fact, without special censure; not wondering that Society should feel itself, and in all ways complain of aches and twinges, for it has suffered enough. Napoleon was but a Job's-comforter, when he told his wounded Staff-officer, twice unhorsed by cannon balls, and with half his

limbs blown to pieces: Vous vous écoutez trop!

On the outward, or as it were Physical diseases of Society, it were beside our purpose to insist here. These are diseases which he who runs may read; and sorrow over, with or without hope. Wealth has accumulated itself into masses; and Poverty, also in accumulation enough, lies impassably separated from it; opposed, uncommunicating, like forces in positive and negative poles. The gods of this lower world sit aloft on glittering thrones, less happy than Epicurus' gods, but as indolent, as impotent; while the boundless living chaos of Ignorance and Hunger welters terrific, in its dark fury, under their feet. How much among us might be likened to a whited sepulchre; outwardly all Pomp and Strength; but inwardly full of horror and despair and dead men's bones! Iron highways, with their wains fire-

winged, are uniting all ends of the firm Land; quays and moles, with their innumerable stately fleets, tame the Ocean into our pliant bearer of burdens; Labour's thousand arms, of sinew and of metal, all-conquering, every where, from the tops of the mountain down to the depths of the mine and the caverns of the sea, ply unweariedly for the service of man: Yet man remains unserved. He has subdued this Planet, his habitation and inheritance, yet reaps no profit from the victory. Sad to look upon, in the highest stage of civilisation, nine-tenths of mankind must struggle in the lowest battle of savage or even animal man, the battle against Famine. Countries are rich, prosperous in all manner of increase, beyond example: but the Men of those countries are poor, needier than ever of all sustenance outward and inward; of Belief, of Knowledge, of Money, of Food. The rule Sic vos non vobis, never altogether to be got rid of in men's Industry, now presses with such incubus weight, that Industry must shake it off, or utterly be strangled under it; and, alas, can as yet but gasp and rave, and aimlessly struggle, like one in the final deliration. Thus Change, or the inevitable approach of Change, is manifest every where. In one Country we have seen lava-torrents of fever-frenzy envelope all things: Government succeed Government, like the fantasms of a dying brain: in another Country, we can even now see, in maddest alternation, the Peasant governed by such guidance as this: To labour earnestly one month in raising wheat, and the next month labour earnestly in burning it. So that Society, were it not by nature immortal, and its death ever a new-birth, might appear, as it does in the eyes of some, to be sick to dissolution, and even now writhing in its last agony. Sick enough we must admit it to be, with disease enough, a whole nosology of diseases; wherein he perhaps is happiest that is not called to prescribe as physician; -wherein, however, one small piece of policy, that of summoning the Wisest in the Commonwealth, by the sole method yet known or thought of, to come together and with their whole soul consult for it, might, but for late tedious experiences, have seemed unquestionable enough.

But leaving this, let us rather look within, into the Spiritual condition of Society, and see what aspects and prospects offer themselves there. For, after all, it is there properly that the secret and origin of the whole is to be sought: the Physical derangements of Society are but the image and impress of its Spiritual; while the heart continues sound, all other sickness is superficial, and temporary. False Action is the fruit of false Speculation; let the spirit of Society be free and strong, that is to say, let true Principles inspire the members of Society, then

neither can disorders accumulate in its Practice; each disorder will be promptly, faithfully inquired into, and remedied as it arises. But alas, with us the Spiritual condition of Society is no less sickly than the Physical. Examine man's internal world, in any of its social relations and performances, here too all seems diseased self-consciousness, collision, and mutually-destructive struggle. Nothing acts from within outwards in undivided healthy force; every thing lies impotent, lamed, its force

turned inwards, and painfully 'listens to itself.'

To begin with our highest Spiritual function, with Religion, we might ask, whither has Religion now fled? Of Churches and their establishments we here say nothing; nor of the unhappy domains of Unbelief, and how innumerable men, blinded in their minds, must 'live without God in the world:' but, taking the fairest side of the matter, we ask, What is the nature of that same Religion, which still lingers in the hearts of the few who are called, and call themselves, specially the Religious? Is it a healthy Religion, vital, unconscious of itself; that shines forth spontaneously in doing of the Work, or even in preaching of the Word? Unhappily, no. Instead of heroic martyr Conduct, and inspired and soul-inspiring Eloquence, whereby Religion itself were brought home to our living bosoms, to live and reign there, we have 'Discourses on the Evidences,' endeavouring, with smallest result, to make it probable that such a thing as Religion exists. The most enthusiastic Evangelicals do not preach a Gospel, but keep describing how it should and might be preached; to awaken the sacred fire of Faith, as by a sacred contagion, is not their endeavour; but, at most, to describe how Faith shows and acts, and scientifically distinguish true Faith from false. Religion, like all else, is conscious of itself, listens to itself; it becomes less and less creative, vital; more and more mechanical. Considered as a whole, the Christian Religion, of late ages, has been continually dissipating itself into Metaphysics; and threatens now to disappear, as some rivers do, in deserts of barren sand.

Of Literature, and its deep-seated, wide-spread maladies, why speak? Literature is but a branch of Religion, and always participates in its character: However, in our time, it is the only branch that still shows any greenness; and, as some think, must one day become the main stem. Now, apart from the subterranean and tartarean regions of Literature;—leaving out of view the frightful, scandalous statistics of Puffing, the mystery of Slander, Falsehood, Hatred, and other convulsion-work of rabid Imbecility, and all that has rendered Literature on that side a perfect 'Babylon the mother of Abominations,' in very deed, making the world 'drunk' with the wine of her iniquity;—

forgetting all this, let us look only to the regions of the upper air; to such Literature as can be said to have some attempt towards truth in it, some tone of music, and if it be not poetical. to hold of the poetical. Among other characteristics, is not this manifest enough: that it knows itself? Spontaneous devotedness to the object, being wholly possessed by the object, what we can call Inspiration, has wellnigh ceased to appear in Literature. Which melodious Singer forgets that he is singing melodiously? We have not the love of greatness, but the love of the love of Hence infinite Affectations, Distractions; in every case inevitable Error. Consider, for one example, this peculiarity of modern Literature, the sin that has been named Viewhunting. In our elder writers, there are no paintings of scenery for its own sake; no euphuistic gallantries with Nature, but a constant heart-love for her, a constant dwelling in communion with her. View-hunting, with so much else that is of kin to it, first came decisively into action through the Sorrows of Werter; which wonderful Performance, indeed, may in many senses be regarded as the progenitor of all that has since become popular in Literature; whereof, in so far as concerns spirit and tendency, it still offers the most instructive image; for nowhere, except in its own country, above all in the mind of its illustrious Author, has it yet fallen wholly obsolete. Scarcely ever, till that late epoch, did any worshipper of Nature become entirely aware that he was worshipping, much to his own credit, and think of saying to himself: Come let us make a description! Intolerable enough: when every puny whipster draws out his pencil, and insists on painting you a scene; so that the instant you discern such a thing as 'wavy outline,' 'mirror of the lake,' 'stern ' headland,' or the like, in any Book, you must timorously hasten on; and scarcely the Author of Waverley himself can tempt you not to skip.

Nay, is not the diseased self-conscious state of Literature disclosed in this one fact, which lies so near us here, the prevalence of Reviewing! Sterne's wish for a reader 'that would give up 'the reins of his imagination into his author's hands, and be 'pleased he knew not why, and cared not wherefore,' might lead him a long journey now. Indeed, for our best class of readers, the chief pleasure, a very stinted one, is this same knowing of the Why; which many a Kames and Bossu has been, ineffectually enough, endeavouring to teach us: till at last these also have laid down their trade; and now your Reviewer is a mere taster; who tastes, and says, by the evidence of such palate, such tongue, as he has got—It is good; it is bad. Was it thus that the French carried out certain inferior creatures on their Algerine Expedition,

to taste the wells for them, and try whether they were poisoned? Far be it from us to disparage our own craft, whereby we have our living! Only we must note these things: that Reviewing spreads with strange vigour; that such a man as Byron reckons the Reviewer and the Poet equal; that, at the last Leipsic Fair, there was advertised a Review of Reviews. By and by it will be found that 'all Literature has become one boundless self-de'vouring Review; and as in London routs, we have to do no'thing, but only to see others do nothing.'—Thus does Literature also, like a sick thing, superabundantly 'listen to itself.'

No less is this unhealthy symptom manifest, if we cast a glance on our Philosophy, on the character of our speculative Thinking. Nay already, as above hinted, the mere existence and necessity of a Philosophy is an evil. Man is sent hither not to question, but to work: 'the end of man,' it was long ago written, 'is an 'Action, not a Thought.' In the perfect state, all Thought were but the Picture and inspiring Symbol of Action; Philosophy, except as Poetry and Religion, had no being. And yet how, in this imperfect state, can it be avoided, can it be dispensed with? Man stands as in the centre of Nature; his fraction of Time encircled by Eternity, his handbreadth of Space encircled by Infinitude: how shall he forbear asking himself, What am I; and Whence; and Whither? How too, except in slight partial hints, in kind asseverations and assurances such as a mother quiets her fretfully inquisitive child with, shall he get answer to such inquiries?

The disease of Metaphysics, accordingly, is a perennial one. In all ages, those questions of Death and Immortality, Origin of Evil, Freedom and Necessity, must, under new forms, anew make their appearance; ever, from time to time, must the attempt to shape for ourselves some Theorem of the Universe be And ever unsuccessfully: for what Theorem of the Infinite can the Finite render complete? We, the whole species of Mankind, and our whole existence and history, are but a floating speck in the illimitable ocean of the All; yet in that ocean; indissoluble portion thereof; partaking of its infinite tendencies; borne this way and that by its deep-swelling tides, and grand ocean currents; -of which what faintest chance is there that we should ever exhaust the significance, ascertain the goings and comings? A region of Doubt, therefore, hovers for ever in the background; in Action alone can we have certainty. properly Doubt is the indispensable, inexhaustible material whereon Action works, which Action has to fashion into Certainty and Reality; only on a canvass of Darkness, such is man's

way of being, could the many-coloured picture of our Life paint itself and shine.

Thus if our oldest system of Metaphysics is as old as the Book of Genesis, our latest is that of Mr Thomas Hope, published only within the current year. It is a chronic malady that of Metaphysics, as we said, and perpetually recurs on us. At the utmost, there is a better and a worse in it; a stage of convalescence, and a stage of relapse with new sickness: these for ever succeed each other, as is the nature of all Life-movement here below. The first, or convalescent stage, we might also name that of Dogmatical or Constructive Metaphysics; when the mind constructively endeavours to scheme out, and assert for itself an actual Theorem of the Universe, and therewith for a time rests satisfied. The second or sick stage might be called that of Sceptical or Inquisitory Metaphysics; when the mind having widened its sphere of vision, the existing Theorem of the Universe no longer answers the phenomena, no longer yields contentment; but must be torn in pieces, and certainty anew sought for in the endless realms of Denial. All Theologies and sacred Cosmogonies belong, in some measure, to the first class: in all Pyrrhonism from Pyrrho down to Hume and the innumerable disciples of Hume, we have instances enough of the second. In the former, so far as it affords satisfaction, a temporary anodyne to Doubt, an arena for wholesome Action, there may be much good; indeed, in this case, it holds rather of Poetry than of Metaphysics, might be called Inspiration rather than Speculation. The latter is Metaphysics proper; a pure, unmixed, though from time to time a necessary evil.

For truly, if we look into it, there is no more fruitless endeavour than this same, which the Metaphysician proper toils in: to educe Conviction out of Negation. How, by merely testing and rejecting what is not, shall we ever attain knowledge of what is? Metaphysical Speculation, as it begins in No or Nothingness, so it must needs end in Nothingness; circulates and must circulate in endless vortices; creating, swallowingitself. Our being is made up of Light and Darkness, the Light resting on the Darkness, and balancing it; every where there is Dualism, Equipoise; a perpetual Contradiction dwells in us: 'where shall I place myself to escape from my own shadow?' Consider it well, Metaphysics is the attempt of the mind to rise above the mind; to environ, and shut in, or as we say, comprehend the mind. Hopeless struggle, for the wisest, as for the foolishest! What strength of sinew, or athletic skill, will enable the stoutest athlete to fold his own body in his arms, and, by lifting, lift up himself? The Irish Saint swam the Channel 'car'rying his head in his teeth:' but the feat has never been imitated.

That this is the age of Metaphysics, in the proper, or sceptical Inquisitory sense; that there was a necessity for its being such an age, we regard as our indubitable misfortune. From many causes, the arena of free Activity has long been narrowing, that of sceptical Inquiry becoming more and more universal, more and more perplexing. The Thought conducts not to the Deed; but in boundless chaos, self-devouring, engenders monstrosities, fantasms, fire-breathing chimeras. Profitable Speculation were this: What is to be done; and How is it to be done? But with us not so much as the What can be got sight of. For some generations, all Philosophy has been a painful, captious, hostile question towards every thing in the Heaven above, in the Earth beneath: Why art thou there? Till at length it has come to pass that the worth and authenticity of all things seems dubitable or deniable: our best effort must be unproductively spent not in working, but in ascertaining our mere Whereabout, and so much as whether we are to work at all. Doubt, which, as was said, ever hangs in the background of our world, has now become our middle-ground and foreground; whereon, for the time, no fair Life-picture can be painted, but only the dark aircanvass itself flow round us, bewildering and benighting.

Nevertheless, doubt as we will, man is actually Here; not to ask questions, but to do work: in this time, as in all times, it must be the heaviest evil for him, if his faculty of Action lie dormant, and only that of sceptical Inquiry exert itself. ingly, whoever looks abroad upon the world, comparing the Past with the Present, may find that the practical condition of man, in these days, is one of the saddest; burdened with miseries which are in a considerable degree peculiar. In no time was man's life what he calls a happy one; in no time can it be so. A perpetual dream there has been of Paradises, and some luxurious Lubberland, where the brooks should run wine, and the trees bend with ready-baked viands; but it was a dream merely, an impossible dream. Suffering, Contradiction, Error, have their quite perennial, and even indispensable, abode in this Earth. Is not Labour the inheritance of man? And what Labour for the present is joyous, and not grievous? Labour, Effort, is the very interruption of that Ease, which man foolishly enough fancies to be his Happiness: and yet without Labour there were no Ease, no Rest, so much as conceivable. Thus Evil, what we call Evil, must ever exist while man exists: Evil, in the widest sense we can give it, is precisely the dark, disordered material out of which man's Freewill has to create an edifice of order,

and Good. Ever must Pain urge us to Labour; and only in free

Effort can any blessedness be imagined for us.

But if man has, in all ages, had enough to encounter, there has, in most civilized ages, been an inward force vouchsafed him, whereby the pressure of things outward might be withstood. Obstruction abounded; but Faith also was not wanting. It is by Faith that man removes mountains: while he had Faith, his limbs might be wearied with toiling, his back galled with bearing; but the heart within him was peaceable and resolved. the thickest gloom there burnt a lamp to guide him. If he struggled and suffered, he felt that it even should be so; knew for what he was suffering and struggling. Faith gave him an inward Willingness; a world of Strength wherewith to front a world of Difficulty. The true wretchedness lies here: that the Difficulty remain and the Strength be lost; that Pain cannot relieve itself in free Effort; that we have the Labour, and want the Willingness. Faith strengthens us, enlightens us, for all endeavours and endurances; with Faith we can do all, and dare all, and life itself has a thousand times been joyfully given away. But the sum of man's misery is even this, that he feel himself crushed under the Juggernaut wheels, and know that Juggernaut is no divinity, but a dead mechanical idol.

Now this is specially the misery which has fallen on man in our Era. Belief, Faith has wellnigh vanished from the world. The youth on awakening in this wondrous Universe, no longer finds a competent theory of its wonders. Time was, when if he asked himself: What is man; what are the duties of man? the answer stood ready written for him. But now the ancient 'ground-' plan of the All' belies itself when brought into contact with reality; Mother Church has, to the most, become a superannuated Stepmother, whose lessons go disregarded; or are spurned at, and scornfully gainsayed. For young Valour and thirst of Action no ideal Chivalry invites to heroism, prescribes what is heroic: the old ideal of Manhood has grown obsolete, and the new is still invisible to us, and we grope after it in darkness, one clutching this phantom, another that; Werterism, Byronism, even Brummelism, each has its day. For Contemplation and love of Wisdom no Cloister now opens its religious shades; the Thinker must, in all senses, wander homeless, too often aimless, looking up to a Heaven which is dead for him, round to an Earth which is deaf. Action, in those old days, was easy, was voluntary, for the divine worth of human things lay acknowledged; Speculation was wholesome, for it ranged itself as the handmaid of Action; what could not so range itself died out by its natural death, by neglect. Loyalty still hallowed obedi-~ VOL. LIV. NO. CVIII.

ence, and made rule noble; there was still something to be loyal to: the Godlike stood embodied under many a symbol in men's interests and business; the Finite shadowed forth the Infinite; Eternity looked through Time. The Life of man was encompassed and overcanopied by a glory of Heaven, even as

his dwelling-place by the azure vault.

How changed in these new days! Truly may it be said, the Divinity has withdrawn from the Earth; or veils himself in that wide-wasting Whirlwind of a departing Era, wherein the fewest can discern his goings. Not Godhood, but an iron, ignoble circle of Necessity embraces all things; binds the youth of these times into a sluggish thrall, or else exasperates him into a rebel. Heroic Action is paralysed; for what worth now remains unquestionable with him? At the fervid period when his whole nature cries aloud for Action, there is nothing sacred under whose banner he can act; the course and kind and conditions of free Action are all but undiscoverable. Doubt storms in on him through every avenue; inquiries of the deepest, painfullest sort must be engaged with; and the invincible energy of young years waste itself in sceptical, suicidal cavillings; in passionate questionings of Destiny, whereto no answer will be returned.

For men, in whom the old perennial principal of Hunger (be it Hunger of the poor Day-drudge who stills it with eighteenpence a-day, or of the ambitious Place-hunter who can nowise still it with so little) suffices to fill up existence, the case is bad; but not the worst. These men have an aim, such as it is; and can steer towards it, with chagrin enough truly; yet, as their hands are kept full, without desperation. Unhappier arethey to whom a higher instinct has been given; who struggle to be persons, not machines; to whom the Universe is not a warchouse, or at best fancy-bazaar, but a mystic temple and hall of doom. For such men there lie properly two courses open. The lower, yet still an estimable class, take up with worn-out Symbols of the Godlike; keep trimming and trucking between these and Hypocrisy, purblindly enough, miserably enough. A numerous intermediate class end in Denial; and form a theory that there is no theory; that nothing is certain in the world, except this fact of Pleasure being pleasant; so they try to realize what trifling modicum of Pleasure they can come at, and to live contented therewith, winking hard. Of these we speak not here; but only of the second nobler class, who also have dared to say No, and cannot yet say Yea; but feel that in the No they dwell as in a Golgotha, where life enters not, where peace is not appointed them. Hard, for most part, is the fate of such men; the harder the nobler they are. In dim forecastings, wrestles within them

the 'Divine Idea of the World,' yet will nowhere visibly reveal itself. They have to realise a Worship for themselves, or live unworshipping. The Godlike has vanished from the world; and they, by the strong cry of their soul's agony, like true wonder-workers, must again evoke its presence. miracle is their appointed task; which they must accomplish, or die wretchedly: this miracle has been accomplished by such; but not in our land; our land yet knows not of it. Beholda Byron, in melodious tones, 'cursing his day:' he mistakes earth-born passionate Desire for heaven-inspired Freewill; without heavenly loadstar, rushes madly into the dance of meteoric lights that hover on the mad Mahlstrom; and goes down among its eddies. Hear a Shelley filling the earth with inarticulate wail; like the infinite, inarticulate grief and weeping of forsaken infants. A noble Friedrich Schlegel, stupified in that fearful loneliness, as of a silenced battle-field, flies back to Catholicism; as a child might to its slain mother's bosom, and cling there. In lower regions, how many a poor Hazlitt must wander on God's verdant earth, like the Unblest on burning deserts; passionately dig wells, and draw up only the dry quicksand; believe that he is seeking Truth, yet only wrestle among endless Sophisms, doing desperate battle as with spectre-hosts; and die and make no sign!

To the better order of such minds any mad joy of Denial has long since ceased: the problem is not now to deny, but to ascertain and perform. Once in destroying the False, there was a certain inspiration; but now the genius of Destruction has done its work, there is now nothing more to destroy. The doom of the Old has long been pronounced, and irrevocable; the Old has passed away: but, alas, the New appears not in its stead; the Time is still in pangs of travail with the New. Man has walked by the light of conflagrations, and amid the sound of falling cities; and now there is darkness, and long watching till it be morning. The voice even of the faithful can but exclaim: 'As yet struggles the twelfth hour of the Night: birds of darkness are on the wing, spectres uproar, the dead walk, the living dream. '—Thou, Eternal Providence, wilt cause the day to dawn!'*

Such being the condition, temporal and spiritual, of the world at our Epoch, can we wonder that the world 'listens to itself,' and struggles and writhes, every where externally and internally, like a thing in pain? Nay, is not even this unhealthy action of the world's Organization, if the symptom of universal disease, yet also the symptom and sole means of restoration and cure?

The effort of Nature, exerting her medicative force to cast out foreign impediments, and once more become One, become whole? In Practice, still more in Opinion, which is the precursor and prototype of Practice, there must needs be collision, convulsion; much has to be ground away. Thought must needs be Doubt and Inquiry, before it can again be Affirmation and Sacred Precept. Innumerable 'Philosophies of Man,' contending in boundless hubbub, must annihilate each other, before an inspired Poesy and Faith for Man can fashion itself together.

From this stunning hubbub, a true Babylonish confusion of tongues, we have here selected two Voices; less as objects of praise or condemnation, than as signs how far the confusion has reached, what prospect there is of its abating. Friedrich Schlegel's Lectures, delivered at Dresden, and Mr Hope's Essay, published in London, are the latest utterances of European Speculation: far asunder in external place, they stand at a still wider distance in inward purport; are, indeed, so opposite and yet so cognate that they may, in many senses, represent the two Extremes of our whole modern system of Thought; and be said to include between them all the Metaphysical Philosophies, so often alluded to here, which, of late times, from France, Germany, England, have agitated and almost overwhelmed us. Both in regard to matter and to form, the relation of these two Works is significant enough.

Speaking first of their cognate qualities, let us remark, not without emotion, one quite extraneous point of agreement; the fact that the Writers of both have departed from this world; they have now finished their search, and had all doubts resolved: while we listen to the voice, the tongue that uttered it has gone silent for ever. But the fundamental, all-pervading similarity lies in this circumstance, well worthy of being noted, that both these Philosophies are of the Dogmatic, or Constructive sort: each in its way is a kind of Genesis; an endeavour to bring the Phenomena of man's Universe once more under some theoretic Scheme: in both there is a decided principle of unity; they strive after a result which shall be positive; their aim is not to question, but to establish. This, especially if we consider with what comprehensive concentrated force it is here exhibited, forms

a new feature in such works.

Under all other aspects, there is the most irreconcilable opposition; a staring contrariety, such as might provoke contrasts were there far fewer points of comparison. If Schlegel's Work is the apotheosis of Spiritualism; Hope's again is the apotheosis of Materialism: in the one, all Matter is evaporated into a Phenomenon, and terrestrial Life itself, with its whole doings

and showings, held out as a Disturbance (Zerrüttung) produced by the Zeitgeist (Spirit of Time); in the other, Matter is distilled and sublimated into some semblance of Divinity: the one regards Space and Time as mere forms of man's mind, and without external existence or reality; the other supposes Space and Time to be 'incessantly created,' and rayed in upon us like a sort of 'gravitation.' Such is their difference in respect of purport; no less striking is it in respect of manner, talent, success, and all outward characteristics. Thus, if in Schlegel we have to admire the power of Words, in Hope we stand astonished, it might almost be said, at the want of an articulate Language. To Schlegel his Philosophic Speech is obedient, dexterous, exact, like a promptly-ministering genius; his names are so clear, so precise and vivid, that they almost (sometimes altogether) become things for him: with Hope there is no Philosophical Speech; but a painful, confused, stammering, and struggling after such; or the tongue, as in dotish forgetfulness, maunders low, longwinded, and speaks not the word intended, but another; so that here the scarcely intelligible, in these endless convolutions, becomes the wholly unreadable; and often we could ask, as that mad pupil did of his tutor in Philosophy, 'But whether is Virtue a fluid, 'then, or a gas?' If the fact, that Schlegel, in the city of Dresden, could find audience for such high discourse, may excite our envy; this other fact, that a person of strong powers, skilled in English Thought and master of its Dialect, could write the Origin and Prospects of Man, may painfully remind us of the reproach, 'that England has now no language for Meditation; that England, the most Calculative, is the least Meditative, of all 'civilized countries.'

It is not our purpose to offer any criticism of Schlegel's Book; in such limits as were possible here, we should despair of communicating even the faintest image of its significance. To the mass of readers, indeed, both among the Germans themselves, and still more elsewhere, it nowise addresses itself, and may lie for ever sealed. We point it out as a remarkable document of the Time and of the Man; can recommend it, moreover, to all earnest Thinkers, as a work deserving their best regard; a work full of deep meditation, wherein the infinite mystery of Life, if not represented, is decisively recognised. Of Schlegel, himself and his character, and spiritual history, we can profess no thorough or final understanding; yet enough to make us view him with admiration and pity, nowise with harsh contemptuous censure; and must say, with clearest persuasion, that the outcry of his being 'a renegade,' and so forth, is but like other such outcries, a judgment where there was neither jury, nor evidence, nor judge. The candid reader, in this Book itself, to say nothing of all the rest, will find traces of a high, far-seeing, earnest spirit, to whom 'Austrian Pensions,' and the Kaiser's crown, and Austria altogether, were but a light matter to the finding and vitally appropriating of Truth. Let us respect the sacred mystery of a Person; rush not irreverently into man's Holy of Holies! Were the lost little one, as we said already, found 'sucking its dead mother, on the field of carnage,' could it be other than a spectacle for tears? A solemn mournful feeling comes over us when we see this last Work of Friedrich Schlegel, the unwearied seeker, end abruptly in the middle; and, as if he had not yet found, as if emblematically of much, end with an 'Aber-,' with a 'But-!' This was the last word that came from the Pen of Friedrich Schlegel: about eleven at night he wrote it down, and there paused sick; at one in the morning, Time for him had merged itself in Eternity; he was, as we say, no more.

Still less can we attempt any criticism of Mr Hope's new Indeed, under any circumstances, criticism Book of Genesis. of it were now impossible. Such an utterance could only be responded to in peals of laughter; and laughter sounds hollow and hideous through the vaults of the dead. Of this monstrous Anomaly, where all sciences are heaped and huddled together, and the principles of all are, with a childlike innocence, plied hither and thither, or wholly abolished in case of need; where the First Cause is figured as a huge Circle, with nothing to do but radiate 'gravitation' towards its centre; and so construct a Universe, wherein all, from the lowest cucumber with its coolness, up to the highest scraph with his love, were but 'gravitation,' direct or reflex, 'in more or less central globes,'—what can we say, except, with sorrow and shame, that it could have originated nowhere save in England? It is a general agglomerate of all facts, notions, whims, and observations, as they lie in the brain of an English gentleman; as an English gentleman, of unusual thinking power, is led to fashion them, in his schools and in his world: all these thrown into the crucible, and if not fused, yet soldered or conglutinated with boundless patience; and now tumbled out here, heterogeneous, amorphous, unspeakable, a world's wonder. Most melancholy must we name the whole business; full of long-continued thought, earnestness, loftiness of mind; not without glances into the Deepest, a constant fearless endeavour after truth; and with all this nothing accomplished, but the perhaps absurdest Book written in our century by a thinking man. A shameful Abortion; which, however, need not now be smothered or mangled, for it is already dead; only, in our love and sorrowing reverence for the writer of Anastasius, and the heroic seeker of Light, though not bringer thereof, let it be buried and forgotten.

For ourselves, the loud discord which jars in these two Works, in innumerable works of the like import, and generally in all the Thought and Action of this period, does not any longer utterly confuse us. Unhappy who, in such a time, felt not, at all conjunctures, ineradicably in his heart the knowledge that a God made this Universe, and a Demon not! And shall Evil always prosper, then? Out of all Evil comes Good; and no Good that is possible but shall one day be real. Deep and sad as is our feeling that we stand yet in the bodeful Night; equally deep, indestructible is our assurance that the Morning also will not fail. Nay, already, as we look round, streaks of a dayspring are in the east: it is dawning; when the time shall be fulfilled, it will be day. The progress of man towards higher and nobler Developements of whatever is highest and noblest in him, lies not only prophesied to Faith, but now written to the eye of Observation,

so that he who runs may read.

One great step of progress, for example, we should say, in actual circumstances, was this same; the clear ascertainment that we are in progress. About the grand Course of Providence, and his final Purposes with us, we can know nothing, or almost nothing: man begins in darkness, ends in darkness; mystery is every where around us and in us, under our feet, among our hands. Nevertheless so much has become evident to every one, that this wondrous Mankind is advancing somewhither; that at least all human things are, have been, and for ever will be, in Movement and Change; -as, indeed, for beings that exist in Time, by virtue of Time, and are made of Time, might have been long since understood. In some provinces, it is true, as in Experimental Science, this discovery is an old one; but in most others it belongs wholly to these latter days. How often, in former ages, by eternal Creeds, eternal Forms of Government, and the like, has it been attempted, fiercely enough, and with destructive violence, to chain the Future under the Past; and say to the Providence, whose ways with man are mysterious, and through the great Deep: Hitherto shalt thou come, but no farther! A wholly insane attempt; and for man himself, could it prosper, the frightfullest of all enchantments, a very Life-in-Death. task here below, the destiny of every individual man, is to be in turns Apprentice and Workman; or say rather, Scholar, Teacher, Discoverer: by nature he has a strength for learning, for imitaing; but also a strength for acting, for knowing on his own account. Are we not in a World seen to be Infinite; the relations lying closest together modified by those latest-discovered, and lying farthest asunder? Could you ever spell-bind man into a Scholar merely, so that he had nothing to discover, to correct; could you ever establish a Theory of the Universe that were entire, unimprovable, and which needed only to be got by heart; man then were spiritually defunct, the species We now name Man had ceased to exist. But the gods, kinder to us than we are to ourselves, have forbidden such suicidal acts. As Phlogiston is displaced by Oxygen, and the Epicycles of Ptolemy by the Ellipses of Kepler; so does Paganism give place to Catholicism, Tyranny to Monarchy, and Feudalism to Representative Government,—where also the process does not stop. Perfection of Practice, like completeness of Opinion, is always approaching, never arrived; Truth, in the words of Schiller, immer wird, nie ist; never is, always is a-being.

Sad, truly, were our condition did we know but this, that Change is universal and inevitable. Launched into a dark shoreless sea of Pyrrhonism, what would remain for us but to sail aimless, hopeless; or make madly merry, while the devouring Death had not yet engulfed us? As, indeed, we have seen many, and still see many do. Nevertheless so stands it not. The venerator of the Past (and to what pure heart is the Past, in that ' moonlight of memory,' other than sad and holy?) sorrows not over its departure, as one utterly bereaved. The true Past departs not, nothing that was worthy in the Past departs; no Truth or Goodness realized by man ever dies, or can die; but is all still here, and, recognised or not, lives and works through endless changes. If all things, to speak in the German dialect, are discerned by us, and exist for us, in an element of Time, and therefore of Mortality and Mutability; yet Time itself reposes on Eternity: the truly Great and Transcendental has its basis and substance in Eternity; stands revealed to us as Eternity in a vesture of Time. Thus in all Poetry, Worship, Art, Society, as one form passes into another, nothing is lost: it is but the superficial, as it were the body only, that grows obsolete and dies; under the mortal body lies a soul that is immortal; that anew incarnates itself in fairer revelation; and the Present is the living sum-total of the whole Past.

In Change, therefore, there is nothing terrible, nothing supernatural: on the contrary, it lies in the very essence of our lot, and life in this world. To-day is not yesterday: we ourselves change; how can our Works and Thoughts, if they are always to be the fittest, continue always the same? Change, indeed, is painful; yet ever needful: and if Memory have its force and worth, so also has Hope. Nay, if we look well to it, what is all Derangement, and necessity of great Change, in itself such an evil, but the product simply of increased resources which the old methods can no longer administer; of new wealth which the old coffers will no longer contain? What is it, for example, that in our own day bursts as under the bonds of ancient Political Systems,

and perplexes all Europe with the fear of Change, but even this: the increase of social resources, which the old social methods will no longer sufficiently administer? The new omnipotence of the Steam-engine is hewing asunder quite other mountains than the physical. Have not our economical distresses, those barnyard Conflagrations themselves, the frightfullest madness of our mad epoch, their rise also in what is a real increase: increase of Men; of human Force; properly, in such a Planet as ours, the most precious of all increases? It is true again, the ancient methods of administration will no longer suffice. Must the indomitable millions, full of old Saxon energy and fire, lie cooped up in this Western Nook, choking one another, as in a Blackhole of Calcutta, while a whole fertile untenanted Earth, desolate for want of the ploughshare, cries: Come and till me, come and reap me? If the ancient Captains can no longer yield guidance, new must be sought after: for the difficulty lies not in nature, but in artifice: the European Calcutta-Blackhole has no walls but air ones, and paper ones.—So too, Scepticism itself, with its innumerable mischiefs, what is it but the sour fruit of a most blessed increase, that of Knowledge; a fruit, too, that will not always continue sour?

In fact, much as we have said and mourned about the unproductive prevalence of Metaphysics, it was not without some insight into the use that lies in them. Metaphysical Speculation, if a necessary evil, is the forerunner of much good. The fever of Scepticism must needs burn itself out, and burn out thereby the Impurities that caused it; then again will there be clearness, health. The principle of Life, which now struggles painfully, in the outer, thin, and barren domain of the Conscious or Mechanical, may then withdraw into its inner Sanctuaries, its abysses of mystery and miracle; withdraw deeper than ever into that domain of the Unconscious, by nature infinite and inexhaustible; and creatively work there. From that mystic region, and from that alone, all wonders, all Poesies, and Religions, and Social Systems have proceeded: the like wonders, and greater and higher, lie slumbering there; and, brooded on by the spirit of the waters, will evolve themselves, and rise like exhalations from the Deep.

Of our modern Metaphysics, accordingly, may not this already be said, that if they have produced no Affirmation, they have destroyed much Negation? It is a disease expelling a disease: the fire of Doubt, as above hinted, consuming away the Doubtful; that so the Certain come to light, and again lie visible on the surface. English or French Metaphysics, in reference to this last stage of the speculative process, are not what we allude to here; but only the Metaphysics of the Germans. In France or England, since the days of Diderot and Hume, though all

thought has been of a sceptico-metaphysical texture, so far as there were any Thought,-we have seen no Metaphysics; but only more or less ineffectual questionings whether such could be. In the Pyrrhonism of Hume and the Materialism of Diderot, Logic had, as it were, overshot itself, over-Now, though the athlete, to use our old figure, cannot, by much lifting, lift up his own body, he may shift it out of a laming posture, and get to stand in a free one. Such a service have German Metaphysics done for man's mind. second sickness of Speculation has abolished both itself and the Friedrich Schlegel complains much of the fruitlessness, the tumult and transiency of German as of all Metaphysics; and with reason: yet in that wide-spreading, deep-whirling vortex of Kantism, so soon metamorphosed into Fichteism, Schellingism, and then as Hegelism, and Cousinlism, perhaps finally evaporated, is not this issue visible enough, that Pyrrhonism and Materialism, themselves necessary phenomena in European culture, have disappeared; and a Faith in Religion has again become possible and inevitable for the scientific mind; and the word Free-thinker no longer means the Denier or Caviller, but the Believer, or the Ready to believe? Nay, in the higher Literature of Germany, there already lies, for him that can read it, the beginning of a new revelation of the Godlike; as yet unrecognised by the mass of the world; but waiting there for recognition, and sure to find it when the fit hour comes. This age also is not wholly without its Prophets.

Again, under another aspect, if Utilitarianism, or Radicalism, or the Mechanical Philosophy, or by whatever name it is called, has still its long task to do; nevertheless we can now see through it and beyond it: in the better heads, even among us English, it has become obsolete; as in other countries, it has been, in such heads, for some forty or even fifty years. What sound mind among the French, for example, now fancies that men can be governed by 'Constitutions;' by the never so cunning mechanizing of Self-interests, and all conceivable adjustments of checking and balancing; in a word, by the best possible solution of this quite insoluble and impossible problem, Given a world of Knaves, to produce an Honesty from their united action? Were not experiments enough of this kind tried before all Europe, and found wanting, when, in that doomsday of France, the infinite gulf of human Passion shivered asunder the thin rinds of Habit; and burst forth all-devouring, as in seas of Nether Fire? Which cunningly-devised 'Constitution,' constitutional, republican, democratic, sans-cullotic, could bind that raging chasm together? Were they not all burnt up, like Paper as they were, in its molten eddies; and still the fire-sea raged fiercer than be-It is not by Mechanism, but by Religion; not by Selfinterest, but by Loyalty, that men are governed or governable.

Remarkable it is, truly, how every where the eternal fact begins again to be recognised, that there is a Godlike in human affairs; that God not only made us and beholds us, but is in us and around us; that the Age of Miracles, as it ever was, now is. Such recognition we discern on all hands, and in all countries: in each country after its own fashion. In France, among the younger nobler minds, strangely enough; where, in their loud contention with the Actual and Conscious, the Ideal or Unconscious is, for the time, without exponent; where Religion means not the parent of Polity, as of all that is highest, but Polity itself; and this and the other earnest man has not been wanting, who could whisper audibly: 'Go to, I will make a Religion.' In England still more strangely; as in all things, worthy England will have its way: by the shricking of hysterical women, casting out of devils, and other 'gifts of the Holy Ghost.' Well might Jean Paul say, in this his twelfth hour of the Night, 'the living dream;' well might he say, 'the dead walk.' Meanwhile let us rejoice rather that so much has been seen into, were it through never so diffracting media, and never so madly distorted; that in all dialects, though but half-articulately, this high Gospel begins to be preached: 'Man is still Man.' The genius of Mechanism, as was once before predicted, will not always sit like a choking incubus on our soul; but at length when by a new magic Word the old spell is broken, become our slave, and as familiar-spirit do all our bidding. 'We are near 'awakening when we dream that we dream.'

He that has an eye and a heart can even now say: Why should I falter? Light has come into the world; to such as love Light, so as Light must be loved, with a boundless all-doing, all-enduring love. For the rest, let that vain struggle to read the mystery of the Infinite cease to harass us. It is a mystery which, through all ages, we shall only read here a line of, there another line of. Do we not already know that the name of the Infinite is Good, is God? Here on Earth we are as Soldiers, fighting in a foreign land; that understand not the plan of the campaign, and have no need to understand it; seeing well what is at our hand to be done. Let us do it like Soldiers, with submission, with courage, with a heroic joy. 'Whatsoever 'thy hand findeth to do, do it with all thy might.' Behind us, behind each one of us, lie Six Thousand Years of human effort, human conquest: before us is the boundless Time, with its as yet uncreated and unconquered Continents and Eldorados, which we, even we, have to conquer, to create; and from the

bosom of Eternity shine for us celestial guiding stars.

^{&#}x27; My inheritance how wide and fair! Time is my fair seed-field, of Time I'm heir.'

ART. V.—Tour in England, Ireland, and France, in the years 1828 and 1829: with Remarks on the Manners and Customs of the Inhabitants, and Anecdotes of distinguished Public Characters. In a series of Letters. By a German Prince. Two vols. 8vo. London: 1831.

PRAVELS undertaken for the purposes of science or of art, require a specific sort of knowledge. Travels of discovery or adventure gratify either an intelligent curiosity or a spirit of romantic excitement, by the narrative of strange incidents, enterprise, and endurance. But neither does the Public nor the Traveller's Club insist on these hard conditions. The reader of the most ordinary tour readily metamorphoses himself into a complaisant companion for the journey. We at once become travellers. Our minds and spirits are stirred up by the delusion of a cheap and easy locomotion. Nor does it so much matter whither, as might be at first expected. We all like occasionally to get from home, even if it be only into the next street, among people of whom we know too much already, and with whom one

should be very loth to live.

A considerable part of the pleasure of a landscape or of an 'in-'terior,' arises from its taking us for the moment out of ourselves, and transporting the imagination to other scenes. Descriptive writers have a similar advantage. The representation of places and persons, whether we are well acquainted with, or strangers to them, is sure to be attractive. In the one case, it is pleasant to renew our own impressions, or compare them with those of others. In the other, we welcome any opportunity of extending our knowledge of nature and of mankind; where, if it be at secondhand, it is however at the charge of a third person. As long as people who live in the world, or out of it, are found looking for their newspaper, with equal, although different interest, a tour in England may be the subject of very natural attention, -no less in England, than abroad. Natives seldom publish their travels. Indeed there are great advantages on the side of a foreigner, which almost counterbalance the imperfection of his information. The reviving air of youth again breathes over us, from the new points of view, and in the freshness of emotion, under which he regards objects which have been long as indifferent to us as the clothes we wear. It is not novelty only; curiosity co-operates with rea-Great communities and private persons are often equally inquisitive to know what their neighbours say of them. philosophical alien could acquire sufficient local knowledge concerning any given country, he might present a livelier and more

piquant contrast between its provincial manners and the general reason of mankind, than enlivens the Persian Letters, those of Espriella, or of Gulliver himself. Occasions also may possibly arise, of reaping a still higher and more moral use out of observations coming from such a quarter. One of the great benefits of foreign travel to individuals, consists in its tendency to remove the film of vulgar and local prejudices from their eyes. A whole nation, unfortunately, cannot migrate. But the visit of an enlightened and impartial stranger may, in this respect, be quite as effectual; provided the nation will give a patient hearing to his criticisms on its institutions and its manners.

The work before us has met with great success on the continent. It has been honoured by a very favourable notice in the Berliner Jahrbuch, from the universal Göthe. The good fortune which attends its introduction to the English public, is still more remarkable; it is indeed almost unique for a German book. It has been so perfectly translated, that from the beginning to the end there is not a turn of expression, by which an Englishman can be made aware that he is not reading a spirited original.

A few words will explain the class to which these travels be-Whatever else the German Prince affects, he makes no pretension to any tincture of science in himself, or of scientific object in his tour. It never appears to occur to him that he is making any discoveries, beyond what the guide-book and a postboy, or at most a mountain boy, could have shown him; and his adventures, even with the sex, are not much out of the common His sphere of vision extends only to two points, scenery and society. With regard to the first of these, the spirit in which he observes and describes the works, both of nature and of art, occasionally seems to indicate a more educated taste than belongs to our every-day wanderers after occupation and the picturesque. The book of nature lies tolerably open, in spite of park palings. It is very different with mankind, especially with that class by which the character of every people ought to be determined. We see feeble signs of any intercourse with this class, except what was to be snatched up on the top of a coach, by the counter of a shop, or in the coffee-room of an inn. The exceptions appear to have been enough only for the purposes of gossip and caricature, but by no means enough for a real insight into principles of action, or modes of life. Of course, for this purpose, London drawing-rooms (with which we do not doubt his intimacy) are worse There are some good general observations upon than nothing. life scattered about; but little particularly refined or new. The chief novelty consists in the extreme personality of many of the People seem to think on these occasions that they get

at the truth of life by being admitted behind the scenes. truth is, in the meantime, that there is no error to which, under these circumstances, we are more liable, than that of drawing too extensive inferences from a few instances. We are thus led to compromise whole bodies of men, by the conduct of individuals, who, after all, represent only themselves. The pruriency of scandal, as well as a desire to get together the moral statistics of a nation, combine to make works of this kind popular. eagerness with which we might probably have perused similar communications, of which Germany was the subject, of course answers to the pleasure which Germany may have received from these relations; a great part of which, however, has no other merit than being an act of individual treachery against the hospitalities of private life. As far, however, as there is either general or particular truth in these exposures, it will be our own fault if we have the discredit of them only. We ought to have sense enough to get the 'sweet uses' out of what Madame de Sevignè would call ces vilaines confidences, by extracting the profitable instruction which, so considered, some of them may per-

haps afford.

Nothing, if we look at our mob of tourists, can be so easy as to write a passable book of travels; yet few things, by the same test, should be more difficult than to write a good one. It is to the credit of our author that he has scrupulously excluded from his journal the collateral learning of the road-books. Much also of what appears to us trivial, may (considering the extreme ignorance in which the continent always has been, and still continues wrapped concerning England) be suitable enough in a work intended for foreign readers. Justice compels us, at the expense of too many of our garrulous countrymen, to make a further and more serious admission. The desire of avoiding commonplace occurrences, may have contributed to his overcommunicativeness upon scenes and conversations of a purely personal and private nature. This is a sin, however, against which English travellers unluckily are, of all others, the least entitled to exclaim. If the Roman Catholic clergy of Cashel should not be thankful for the publication of their symposie, and their confessions after dinner, the Abbé Recupero, it must be remembered, was brought into more serious trouble by Brydone's Sicilian Tour. In the event of Lady Morgan feeling somewhat scandalized at her friend for having taken the liberty of throwing a ridiculous colour over their interviews, it is a point, on which, after her publication of Denon's letter addressed to her, as mon dröle du corps, he might reasonably conclude that she was not extremely sensitive. At all events, our sympathy on her account is much abated, when we

remember how often, as her countrymen, we shrunk in Italy from the reproach of the persecutions to which the unpardonable indiscretion of her travels had exposed the friends of Italian freedom. It is only retribution arte perire sua. This is a case, however, in which the misconduct of third persons can grant no privilege of general reprisals. M. Simond, and the Baron de Stael, who have written by far the best foreign commentaries upon England, had much greater facilities for domestic talebearing; but such facilities are a trust which they were too honourable to abuse. In the present ubiquity of the European press, a foreigner is not a whit more excusable than a fellow-citizen for repaying hospitality by printing notes of what may have fallen from a host at dinner. Yet who, on being entertained by a family as one of its members, in his own country, durst ever publish to the world, histories of the foolish freedom with which its daughters received him, of the barbarian ignorance with which the sons bored him, and the religious politics of the females of the house? We should like to be present at the next reception of this gentleman, (we refer him to his own definition of the word,) in Galway or Kerry. A few more examples of the kind would close every door against an uncertificated foreigner, (even though he were a titular Prince,) and turn the line of abstract suspicion—of which he was made aware—into one of direct quarantine prohibition. Publications, after the fashion of Peter's Letters, whether in English, French, or German, are equally reprehensible. Their mischief does not depend on their truth or falsehood. In either case, they are alike destructive of the confidence and sanctity of familiar life. There is an implied promise to the contrary in the understanding which pervades the intercourse of all honourable men. No visitor made welcome on the faith of this presumption, can afterwards reveal a syllable of what he has so heard or seen, beyond what he has reason to believe that the parties would sanction, were they present to be consulted. In every other instance, notwithstanding the vulgar eavesdropping and babbling license of the Jackals, who haunt tea-tables and club-windows, and pander for Sunday newspapers, Pope's malediction applies to all of them-the well-dressed spies,

> 'Who tell whate'er you think, whate'er you say, And, if they lie not, must at least betray.'

These volumes are the fruits of a visit to England two years ago, by an actually existent German nobleman; the Prince Pückler Muskau. The mask of his incognito was evidently never intended to be held over more than a fraction of his face—for a little

novel-like effect. From his station, and an ill concealed vanity therein, which is mixed up with highly liberal opinions, both in politics and religion, the neglect, which we have been observing upon, of the rights of good breeding and of humanity, has the more surprised us. His translator, in the good taste and good feeling which has guided her pen, has done all that was in her power towards the removal of this blemish. Every omission has been made, which was conceived to be consistent with the

duty and with the terms of a translation.

Our author's quality as a Prince, is of less consequence to a reader than his qualities as a man. Every account of individuals or of countries must depend for its contents quite as much on the disposition and discrimination of the observer as upon the things observed. This is particularly the case, when the narration is so mixed up with personal feelings as to become almost a piece of autobiography for the time to which it relates. On the authority of a chance traveller, with whom he passed a morning at the inn at Mitchelstown, the Prince unrolls the scandalous chronicle of a noble family for two generations, and then exclaims, 'here is a picture of the manners of the great and noble of the eightcenth century.' The point is not whether the particular story is true or false; but whether its reporter has taken the proper pains to ascertain its truth. Does he think the German Prince, who travelled in England in 1828, so impeccable that no scandal got whispered abroad concerning him? On equally good authority, it would have been easy to mention various stories to his discredit. But we prefer taking him on his own showing; although he has mystified himself into a sort of sphynx, whose riddle it is difficult satisfactorily to solve.

Whilst some people go through life travelling in their own dust, others carry along with them a certain atmosphere which changes the colour of every ray before it reaches them. The form adopted in the present instance is very favourable to the exhalation of this sort of sentimental vapour. It is a Journal, addressed as Letters to a real or imaginary Julia. A love-letter of two volumes opens a charming field for egotism to strut and sun itself in, and hawk about the complacent changes of self-flattery and self-reproach in a way which would be otherwise unbearable in a grown-up man of some forty years of age. The result, unfortunately, is any thing but self-respect, simplicity, and truth. It would be great injustice to take this exhibition as a specimen of the German character. We agree that it is not 'acht deutsch' nothing like it. We do not, however, at all admit, when, on returning to France, he calls it his 'half-

'native soil;' that the practical shrewdness of those great masters of social life is responsible for the hues, now pink, and now sombre as a bat's wing, with which the milk-and-water part of

these lucubrations is variously stained.

What is one to make of a writer, who marks the stages through which the nature of man has to pass by Göthe's three works-Werther, Wilhelm Meister, and Faust? We have got beyond the Werther age, it seems. The Faust period we have not reached: it is the one which man is never to outgrow. After so bewildering a finale for the human race in general, no great light probably would have been thrown on his own case, if, in his resolution to be the hero of his book, he had, instead of a hundred bits of characters, condescended to fix on the one which he would perform. His nominal incognito appears to have been taken up for the mere masquerade amusement of assuming it at one moment, and laying it aside the next. But his travelling domino does not sit more loosely upon him than his prevailing He parades an ultra-Byronism. The restlessness, misanthropism, and morbid mind of 'a care-worn and melan-'choly' Childe Harold, forms a fantastic groundwork, into which he would fain shade the mysticism of Manfred, and the lighter graces of a volatile Don Juan. The ambition of imagining himself more original, and blown about by the storm of more violent contradictions in feeling and in fortune, than other people, produces the very monotony which is so dreaded. For what is more monotonous than the mere shifting of scenes and phrases-all about nothing? There is no reason, as far as we can see, why the dregs of a London season should lie particularly heavy on his stomach; nor any grounds for his paradoxical superiority to the pursuits in which he is engaged, or the people with whom he is living, whether fox-hunters or dandies. His perpetual abuse of the cake, which he still goes on eating, at last resembles the caprices of a spoiled and wayward child. It sounds ludicrous in the mouth of a middle-aged man who tells you that he has gone up in a balloon, danced a season at Almack's, and served a campaign against the French. falseness is thus spread over the whole, till it is impossible not to explain a good deal of his moral mysteries (although they puzzle him as much as Hamlet) by a summary solution. It is the same which alone disposes of the marvel by which in one page he is seeking for the plaintive interest of a confirmed valetudinarian, whilst in the next his rides are performances, and almost events. 'A man of my character..... Uniformity of the good even soon tires 'me.....Nothing falls out as I wish it.....Danger and difficulty 2 c VOL. LIV. NO. CVIII.

'are my kindred elements.....You know that my determina'tions are often of a very sudden nature: my pistol-shots as you
'used to call them. I have just discharged one.....I waded, with
'a great feeling of satisfaction, through the streams, throwing
'myself into the pleasurable state of mind of a duck. Nothing
'of that kind is, as you know, impossible to my mobile fancy.
'.....Worldly wisdom is as decidedly denied to my nature, as to
'the swan the power of running races with the sledges on the
'frozen lake. However, his time, too, comes, when he cleaves
'his free and beautiful element. Then he is himself again.'
Whether he is right in imagining himself to be really too swanlike, truth-telling, and ethereal for this wicked world, admits of
much more doubt than his representation of his childishness and
his Christmas-day delight in trifles. The last we can readily
believe.

This outline is true or false: either the man, as he is, or the beau-ideal of what he is desirous of being thought. It would be difficult to combine real moral and intellectual force with such a character. Yet in this manner alone could it be strengthened, and its discordant elements amalgamated into an efficient whole. There are no facts to justify this supposition. The consequence is a nondescript and patchwork assemblage of vagaries. journal of no member of the haughty English aristocracy, could contain more frequent and ill-timed allusions to his rank. makes a boast of the omnipotence of his title to open to him every door. With this he forced his way to the ladies of Llangollen. The child of nature cannot resist informing two Capel Cerig eagles, as they sweep over him, of his title, and addressing them as the armorial birds and faithful guardians of his house! It is his happiness to escape from the jargon of Babylon, and from the embarrassments of wealth, to the freedom of the hills. But he takes good care that the reader shall never lose sight for long together of his carriage, his people, the Saxon servant who leaves him because he cannot get soup at dinner, his Englishman whom he dismisses on quitting Ireland, and 'the faithful Irishman' whom he takes home with him, -we take for granted as a show. It is surprising that the residence of so remarkable a personage among us did not produce a greater sensation. His familiarity with Almack's, and with dandies, is far too popular a topic with him, to be consistent with his scornful protests against the imbecility of fashionable exclusives. company, to be sure, would not be much in the way, apparently, of his inspired soliloquies. Since, notwithstanding the presence of a dandy and a coarsish Irishman in the boat with him at Killarney, the bugle and the moonlight enabled him to interrogate

the romantic half of his unintelligible nature in heroics: 'Whence ' comes it,' thought I, 'that a heart so loving is not social? That 'men are generally of so little worth to you?' His indignant philosophy looks down contemptuously on the blasé man of the Yet he is proud of adopting all his foibles. No coxcomb can more affect a perverse and trifling view of life; can take a greater license of intruding into whatever company he may fancy to amuse himself with, whether it is Brummell's or O'Connell's; or indemnify his disappointed sensibilities by attributing a more degrading importance to the sensual science of the gourmand. No inconsiderable part of the attractions of the Waverley Novels is derived, he says, from their masterly pictures of eating. 'I am really not in joke when I assure you, that ' when I have lost my appetite, I often read an hour or two in 'the works of the Great Unknown, and find it completely re-'stored.' If this recipe for an appetite should not be a privilege, personal to the inventor of it, circulating libraries may safely calculate on a glorious addition to the reading public. new view of the influence of literature.

In Italy, every thing with a susceptible mind turns readily into poetry and to the arts. The transition, it is true, from a ball at Torlonia's to 'Santa Maria degli Angeli,' would be rather rapid; and the universality of the nightly proposition startled But great allowances are to be made for an Italian sky, and for that dominion over the mid air which is assigned to Germans. 'In Italy, I scarcely ever went to rest without visit-'ing one of the churches, and giving myself up to the wondrous 'effect produced in the stillness of night by the red fantastic ' light thrown on the vaulted roof by the few scattered lamps,' &c. Drowning is one of the fashionable modes of suicide at Paris. A guardian of the Morne informed our traveller, (so great is the influence of physical temperature even in the wrench of nature which tears away life itself,) that there were two-thirds fewer deaths by drowning during the winter than during the summer months. His own passion for the strong emotions of sudden contrasts was not, however, so easily turned aside. At Bath, of all places in the world, and on the 22d of December, Prince Pückler Muskau, rushed out of 'Melpomene's desecrated temple,' (that is, out of the Bath playhouse,) and knocked up the clerk of the Abbey Church, (who must remember the night well,) for a moonlight musing in it. 'As soon as he had let me in, I dismissed him; and, wandering like a solitary ghost among the pillars and tombs, I called up the more solemn tragedy of life amid the 'awful stillness of night and death!' Gall assuredly would accept

this promenade as ample comment on the organ of veneration discovered at Paris in the Prince's skull. It is to be hoped, that he had the New Bath Guide in his pocket. The Bath misses would be scarcely more astonished at finding him in the Abbey at such a time, than at the result of part of his Irish researches. The magnanimity of many Irish families of great antiquity, he observes, is marked by this distinctive trait. have not degraded their blood by misalliances, after the example of the fortune-hunting nobility of France and England. enthusiasm obligé of his ascent of Snowdon; the invigorating recollection of their pet lamb at home when he saw the mountain sheep; the ceremony of drinking a bottle of Champagne to his mistress on the mountain-top, in the midst of a fearful storm,—are not made less absurd to English ears by his manner of recounting them. The libation, the rencontre with his own wraith as he went up, the almost personal collision with a large bird of prey as he came down, the instantaneous unveiling of a pretty lamb before him at the moment of the sacrifice, the gilded and quickly redarkened earth, in which he recognised the emblem of his destiny,—form a group of as romantic imagery as traveller need desire. The coincidence is not more extraordinary than the fact, that an ascent up Snowdon, in weather so tempestuous as to be dangerous, was the happy day which restored to him 'the elastic enjoyment of walking and running, unknown ' for years!'

This is searcely the style of an accurate observer and reporter, or of the man of sense, whose opinion is entitled to much value. In matters of general information, his assertions are so far in advance of his knowledge, that it is no wonder that duodecimo encyclopedias appeared to him to be among f the great conve-' niences' of our times. He acquaints his fair correspondent that the English liturgy consists of 'an endless repetition of anti-'quated and contradictory prayers. These form a perfect course of English history. Henry VIII.'s ecclesiastical revolution, ' Elizabeth's policy, and Cromwell's puritanical exaggerations, ' meet and shake hands.' Indeed! So much for English history. In another passage, his statement of the present state of English property is equally valuable and precise. 'In England 'almost the whole soil belongs either to the government, the 'church, or the powerful aristocracy; and, therefore, can be 'seldom purchased in fee.' His knowledge of Scottish annals is apparently limited to the French song of Marie Stuart. least we have no other clue to the ecstasies into which, when he is expatiating on a 'splendid portrait' of her at the Irish Castle Howard, our connoisseur wanders, about her ' truly

'French face,' and about the 'barroque' style of her dress, which instantly convinced him that 'she was not less skilled in 'the arts of the toilet than her countrywomen of the present

' day.'

His incidental criticisms on the arts evince considerable spirit and intelligence. The bias in favour of melodrames, and the Romantic School in general, is not more than is perhaps proper Yet even here, some of the judgments which he delivers are excusable on no other supposition than that he had not been at the pains of collecting and collating the facts on which alone any thing fit to be called a judgment can be formed. After having mentioned that modern French pictures produced on him the effect of caricatures, he exclaims—'how still more de-' plorable is the fate of painting in England!' and expresses his fears 'that the most precious secrets of the art are already irre-'coverably lost.' Surely our nationality need not be apprehensive of the comparison, in case a competent judge had to decide upon the question-Who among French portrait-painters is superior to Lawrence? or, What are the French landscapes, to which those of Turner and Callcott are so inferior? fortune of statuary is contrasted with that of painting; and Thorwaldsen, Rauch, Danneker, and Canova, are selected as rivalling the antique. Did he never think it worth his while to enquire after the works of Flaxman and of Chantrey? natural effect of some clever remarks on a bust of Alexander in the Louvre, is refined into vagueness by aiming at too much. The time is inconceivably short, in which, by a succession of vivid changes, the human countenance can tell its master's story. It is, on the contrary, a single look to which the painter and the statuary are confined. From among every variety in its character and expression, it is true that the artist may take his choice; but when he chooses, it is once for all. The comparative flexibility, and the light and shade of colours, cannot escape from this necessity; much less the uniformity of marble. The arts have nothing to gain from compliments which suppose them to accomplish more than the nature of the case allows of. The same pretension of seeing deeper into a millstone than other men, turns our author's opinions on music into a conceit. The Italians, it seems, cannot sing their song in a strange land; their fire and humour die in crossing the Alps. In Italy, the opera is nature and necessity; in France, England, and Germany, it is a way of killing time. His note on Malibran Garcia is a masterpiece of exquisite analogy. 'She has married an American; and her ' style of singing appeared to me quite American,-that is, free, 'daring, and republican.' In architecture, he rushes in the same manner to precipitate, if not ignorant, conclusions. The impression produced by Gothic architecture, naturally suggests the inference that this style arose in an imaginative and meditative age. This character probably belongs more truly to the Germans of the present day than to any contemporary people. We should, therefore, make no objection to call this species of architecture, so considered, 'true German; the offspring of their peculiar ' spirit, and fashion of mind.' But the fact, whether it began in Germany, or grew up at once in different parts of Europe, under the influence of a common feeling, is a very different question. It is found so widely spread in Italy and France, as well as in Germany and England, with local modifications only, that it is most probably in truth corrupted Roman. Our traveller, in architecture, as in other subjects, will not wait for straw to make his bricks. Notwithstanding his criticisms on this art, and his sentimental promenades in churches, we grievously suspect that his controversial learning does not extend to the elementary distinction between the rounded and the pointed arch. he possibly mean by asserting as a general proposition, that the 'old Saxon style arose in the time of the emperors of the Saxon ' line?' Supposing that to be the case in Germany, what would this have to do with the introduction of the style into England? In order to show 'that we falsely ascribe its introduction into England to the Anglo-Saxons,' he ought to be able to state what was the style of architecture among the Anglo-Saxons, and in what respect it differed from that of which some remains are still existing, contemporary with the Norman Conquest. origin of the style, the date of its introduction into England, and the date of any existing remains among us, are distinct questions. Mr Rickman will scarcely correct the next edition of his 'Attempt ' to discriminate the styles of architecture in England,' by assuming that the Saxon emperors are the point from which, in tracing the date of our 'numerous Saxon remains,' an antiquarian must begin. Canterbury is certainly very handsome and picturesque; but when it is called 'the most beautiful' cathedral in England, the absence of the screen, (considering the beauty of many of the screens themselves,) and the richness of the monuments, (in which Winchester surpasses it,) are hardly sufficient reasons. Did he ever see Durham? the tower of Gloucester? the façade at Peterborough? the interior of Lincoln, or of

An acquaintance with national character and manners does not come instinctively. On the supposition that our traveller possessed the necessary qualifications, is there reason to believe that he obtained the necessary 'knowledge?' Consistent in his

ambition for inconsistency, he has transposed the natural order of his Journal, and has given us in the present volumes the conclusion of his tour. There is no sign in them that he saw much of English society, beyond a London 'at home.' The fatigue of this he rather underrates, by putting it at a fourth of the heat and exhaustion of a fox-chase. But, unless knowledge is taken in by contact, any amount of fashionable friction thus endured, brings along with it no more insight into English character than a squeeze into the pit at Covent Garden. With one or two exceptions, (unfortunate enough for the parties,) his intercourse with the real gentry and middling classes consists of accidental meetings, when he changes his carriage for the public coaches, or during meals, in the silent juxtaposition of a coffee-room. Of this latter unsociable scene he gives, by the way, a very droll description. His observations on the education of English women, (a subject far from being one of the mysteries of a nation,) may be referred to as a tolerable sample of his competence to administer national judgments to the right hand and to the left. 'The English, like true Turks, keep the intellects of 'their wives and daughters in as narrow bounds as possible, ' with a view of securing their absolute and exclusive property 'in them as much as possible; and, in general, their success is ' perfect.' We recommend his translator's note upon this passage to the attention of his Julia. The ignorance and the audacity of it, (from a German, too, of all people,) are inconceivable. It is elsewhere declared, that the character of our girls is cramped by their not 'coming out' earlier into the world; and that the genius of our married women is exhausted in the embellishment of their gardens. His acquaintance with the English language, no less than with the people, was, we suspect, too imperfect to enable him to understand correctly good part of what he reports so boldly. The ladies will be disposed, perhaps, to bear more patiently his reproach upon the narrowness of their intellects, when they find him enforcing the untranslatableness of the words 'gentle' and 'good temper,' by informing his friend that gentleness belongs in perfection to the male, and good temper to the female character. After this, one is not surprised to find him selecting Pope's Cockney couplet about 'pleased 'Vaga,' as an instance of untranslatable grace. But the selfcomplacency and candour with which he undertakes, by the help of such a smattering of the language, and of a sweeping national imputation, to marshal anew the precedence of English poets, become the more ludicrously absurd. This profound linguist has discovered that the only reason why the English people will not place Byron next to Shakspeare, and before

Milton, is, 'because he ridiculed their pedantry; because he 'could not adapt himself to the manners and usages of their 'little nook, nor share in their cold superstition; because their 'insipidity was sickening to him, and because he denounced

' their arrogance and hypocrisy.'

A rant of this kind does not promise much for the exercise of the powers of discrimination, (be they great or small,) which its author may possess. Unfortunately, the successful decomposition and delineation of those elements, of which national character is the singular result, require not only a correct and complete vision, but a steady and faithful hand. From the society in which he principally moved, he brought away, (and naturally enough,) the notion that fashion is omnipotent throughout England. This notion is one which, up to a certain point, it is impossible to overcharge. But there is not probability enough, even for satire, in a representation which implies that every rank of life, and every possible subject, has its Code and its Brummell-and that, as far as circumstances admit, they are the same. The originality and diversity of individual humour, for which the English nation was at one time so distinguished, have been reduced of late, we believe, within much narrower bounds. This consequence necessarily results from our being brought so close together; from the rapid circulation of habits and opinions, through a highly condensed and organized system; and from the extravagant tendency which prevails in the outermost of our concentric circles, to adopt, in appearance at least, the conventional spirit and technical arrangements of the great primum mobile within. But we are not quite the flock of sheep which we often seem to be,-and are, indeed, more when we are abroad than whilst at home. It is a great mistake to suppose, that this imitative uniformity descends from the surface to the heart; that every thing is made to consist with us in reputation or appearances; and that there is a peculiar appropriateness in the fact, that character means in English, not what a man is, but what is said of him. The growing tendency to sameness and artificialness, no reasonable Englishman will deny: there is the less object in exaggerating the principle, or in imagining inapplicable instances of it. What credit does a writer expect to obtain, by declaring that the tyranny of English female education leaves not a chance for naturalness, except on the part of some young lady whom he can nickname the Wild Irish Girl? In religion, is the piety of an Englishman as much a matter of party and custom, as the rule that fish is not to be eat with a knife, or that a man may read during breakfast, but not during dinner? In politics, is it 'a settled point, that there is no truth

'in a speech from the throne;' and that an Englishman sees only with the eyes of his party? Can nothing else account for the fact, that he found no tourists on the Wye in December, but that it 'probably never entered into the methodical head of an Englishman to make a tour in winter?' Does it necessarily follow, because we crowd in admiration after inferior beauties to other countries, that we overlook the beauties of our own? The childishness of such generalizations disqualifies the author

of them for the office of accuser or of judge.

In his boundless suspicion of the dishonesty of the English, the Prince charged the innkeeper and waiter at Monmouth with having stolen his purse. He afterwards found it on his own person. The discovery of the unwarrantableness of the suspicion, in this instance, might have been expected to have operated somewhat in mitigation of his general conclusions. It must have done so with any generous nature. But let us see. He had before lost his pocketbook in Wicklow. It had been found, and brought to him at his inn. The national remark which this incident suggested to him, was as follows:-- 'In ' England I should hardly have had the good fortune to see my ' pocketbook again. Even if a "gentleman" had found it, he 'would probably have let it lie in peace-or kept it.' This sneer is not meant as a stroke of humour. For not only is it preserved as the peg for his character of a 'gentleman,' but he almost closes his tour with the following summary view of modern civilized society-differing, apparently, only in courage from the robbery and piracy of modern Greece :- 'Cheating in 'every kind of sport, is as completely in the common order of ' things in England, amongst the highest classes, as well as the 'lowest, as false play was in the time of the Count de Gram-'mont. It is no uncommon thing to hear "Gentlemen" boast ' of it almost openly; and I never found that those who are re-' garded as "the most knowing ones," had suffered in their re-'putation in consequence; -- "au contraire," they pass for cleverer ' than their neighbours; and you are only now and then warned, with a smile, to take care what you are about with them. Some of the highest members of the aristocracy are quite no-' torious for their achievements of this description. I heard, ' from good authority, that the father of a nobleman of sporting 'celebrity, to whom some one was expressing his solicitude lest 'his son should be cheated by "Blacklegs," answered, "I am ' much more afraid for the Blacklegs than for my son." To 'every country its customs.' A writer, who gives such a story the title of a custom of the country, is guilty of an outrageous

calumny: that there should be a colour for any part of it, is,

we admit, a national disgrace.

Among the less atrocious defects of our social or anti-social system, the following meannesses are most frequently and most seriously brought forward. An adoration of mere rank—on the part, however, only of the middling classes. 'The common people in England care little about rank-about foreign 'rank nothing. It is only the middle classes that are servile: 'they are delighted to talk to a foreign nobleman, because they 'cannot get at their own haughty aristocracy. The English 'nobleman, even the least of the Lords, in the bottom of his ' heart, thinks himself a greater man than the King of France.' The necessity of money, (and much money,) even for the clergy and for the nobility, as much as for simple merit, to ensure consideration, struck him as another unfavourable national characteristic: not less, the shabbiness with which (for instance in the Duke of Beaufort's castle, at Chepstow, and in most of our churches) the owners and officers make rents or perquisites out of the sixpences of a visitor; and the still greater 'illiberality of ' the present race, who shut their parks and gardens more closely 'than Germans do their sitting-rooms.' One cannot wonder that a disappointed foreigner, on returning to his inn, should transfer to his note-book his spleen at this exclusiveness; especially on experiencing the universality of its adoption on the continental festival of a Sunday. His rebuff at Lord Powerscourt's and Lord Meath's has not made him retract his compliment to Irish manners: 'In this, also, Ireland resembles the ' continent, where every proprietor, from the King to the humble ' country gentleman, enhances his own enjoyment, by sharing 'it with the public.' The contrast in favour of the business part of our population is more strongly expressed. An improvement was not long ago introduced into the copper foundery at the Paris mines. This, one should have thought, would have been a matter more jealously watched than the prospect from a park, or the monopoly of the pleasure of looking at a picture. The Russians, who, in matters of trade and manufacture, suf-' fer nothing to pass neglected, soon sent a traveller hither to ' make himself master of the process. It was not in the slightest 'degree conceated from him-indeed it is but justice to say, that 'the masters of all commercial and manufacturing establish-'ments in England are in general very liberal.'

The private anecdotes, or rather sketches, in which the Prince occasionally indulges, (were they otherwise worth extracting,) would require authenticating by some other means, before we

could honestly adopt them in our pages. Few professed storytellers can resist the temptation of completing from their imagination the picturesqueness of a scene, or the poignancy of a satire. According to his own account of his latitudinarianism, we have no security for his veracity, in case an adequate motive for deviation from it comes across him. Lord Pembroke possibly may allow that 'the inhumanity of English manners' excuses the stratagem, by which, under the mask of a Russian relative of the family, he made his way into Wilton. The master of the ceremonies at Cheltenham, is placed in a more awkward point of view. In our opinion, he is fully entitled to the presumption, that the admitted falsehood, at the conclusion of the anecdote of which he is made the hero, is not confined to the conclusion. At the same time there is such a fund of ignorance, softness, and rashness, about the Prince, that we recur to the explanation of falsehood only in the last resort. It is apparently all in good faith, when he confuses legend with history, as in the journey of the coronation-stone; relates Lord Plunkett's jest at dinner as a deliberate opinion; and takes a hoax by a Dublin gownsman, for the serious exhibition of Ossian's harp, and Archimedes's burning-glass, in the University Museum. The man who observed 'a slight shudder' in a student, whilst pointing out to him 'a Spanish organ built for the 'Grand Armada,' is a likely person also to have seen, at the gymnastic academy, a youth, the arch of whose breast had increased seven inches, and his muscles to three times their volume in three months. If Colonel White really turned out the 'wild ' bull' which his guest so innocently swallows, the Colonel must be amused at the success of his story, and can do nothing less than affect, in return, to believe the manœuvre by which the Prince blindfolded his restive horse, and forced him backwards down a steep. For ourselves, we believe in the fact of an Irish peasant dancing in the streets of Dublin, like a Mahomedan dervise, till he fell down amid the cheers of the populace, exhausted by the dance, and not from whisky, just as much as that the Prince met there, in 1828, a dandy newly come over (unknown to Joseph Hume) to pocket L.2000 a-year, with nothing more to do for it, than reside pro forma, and abuse 'the 'horrid place.' That Galway (which has more than one printing-press, and publishes either two or three newspapers) should be without a bookseller's shop, is as probable as that a description of Limerick, its Gothic churches, and its several antique bridges, (such as might have been written from the rude views of the Pacata Hibernia,) represents the new town, with its

streets, shops, and warehouses, inferior to Liverpool alone. O'Connell will have more difficulty in recognising his mansion at Derrinane, and its tower clock, than himself, from the picture drawn of each. The gossip about Lord Hawarden, which, he says, he picked up in the neighbourhood, and the publication of which is the amiable return made to Lord Hawarden's civility. is all untrue. Lord Powerscourt, on whom he fires off a tirade, as a certain Saint and a possible Absentee, was in 1828 about twelve years old. Some of these things are slight in themselves; but they are straws which may turn the scale when we are weighing the judgment or credit of the narrator in more serious improbabilities. In the case of Ireland, the Prince seems to be scarcely aware of any distinction, in either its government or condition, between the past and present. As at present informed, we do not believe one word of the atrocity set down to the account of Mr Baker the magistrate, and related as the provocation to his murder. We cannot credit that Roman Catholic neighbours, whether laymen or ecclesiastics, with whom the Prince describes himself to have been living, repeated to him as a fact, circumstances which the best informed Irishmen have never heard of, even as a rumour. Neither is it likely, although it is implied, that his view of the Protestant Church in Ireland is obtained from the same authority. The simple truth unfortunately in this case is all that wanted stating: the most literal representation would be more effectual than overcharging its

anomalies, or than a fourfold exaggeration of its revenues. On points of any nicety in statistics or politics, we could not venture to trust our traveller. But his prejudices, such as they are, are certainly not those of Anglomanianism. Besides, on the following, one of the first and most important points, the eye alone sees its way so far that the judgment cannot go egregiously wrong. We are glad in the opportunity of quoting his evidence—and the more the people of England are aware of the fact, the better-in favour of the superior degree of comfort, which our population has almost universally attained, than is unfortunately the case in other countries. 'A larger mass of varied ' and manifold enjoyments may certainly be found in England, 'than it is possible to procure with us. Not in vain have wise insti-' tutions long prevailed here. What especially soothes and glad-' dens the philanthropist, is the spectacle of the superior comfort ' and more elevated condition in the scale of existence, univer-'sally prevailing. What with us are called luxuries are here 'looked upon as necessaries, and are diffused over all classes.'

The following extract exactly coincides with the result of a

comparison lately made by M. Comte, with reference to the electoral lists of the two countries, between the number of persons in France possessed of an income of 1200 francs, and in England, of one of L.100 a-year: 'Nothing can be more ridiculous than the declamation of German writers concerning the poverty which reigns in England, where, according to them, there are only a few enormously rich, and crowds of extremely indigent. It is precisely the extraordinary number of people of competent fortune, and the ease with which the poorest can earn, not only what is strictly necessary, but even some luxuries, if he chooses to work vigorously, which make England independent and happy. One must not, indeed, repeat after

' the opposition newspapers.'

After expatiating on the enjoyments of the middling classes, (whom, in another place, he truly calls the privileged classes of the present day,) especially in England, he adds-' When we reflect on this, we must confess that England, though not a ' perfect country, is a most fortunate one. We ought not, there-' fore, to be much offended at Englishmen, of feeling strongly ' the contrast between their own country and most others; they can never, whatever be their courtesy and kindness, get over the distance which separates them from foreigners. Their feel-'ing of self-respect, which is perfectly just, is so powerful, that they involuntarily look upon us as an inferior race; just as we, for example, in spite of all our German heartiness, should find it difficult to fraternize with a Sandwich Islander. In some 'centuries we shall perhaps change places; but at present, 'unhappily, we are a long way from that.' So much for Germany. Now for France. He jumped back upon his ' half-native soil, almost with the feeling of a man escaped ' from a long imprisonment.' Nevertheless, the climate, the cheapness, the table, and sociability of his 'beloved France,' did not hinder him from acknowledging that the first contrast was little to its advantage. A confiscation of great masses of property throughout a nation among smaller proprietors, and the continual further subdivision of that property, by the abolition of the privilege of primogeniture, and by a restraint on the exercise of testamentary partiality, are not infallible rules for determining the scale of national prosperity. 'country, and even its metropolis, certainly appear somewhat ' dead, miserable, and dirty, after the rolling torrent of business, the splendour and the neatness of England. When you look 'at the grotesque machine in which you are seated, you think 'you are transported a thousand miles in a dream. The bad ' roads, the miserable and dirty towns, awaken the same feeling.'

London appeared to the Prince to be the foyer of European aristocracy; whose pension-lists and sinecures ought to be the envy of the nobility of surrounding nations. Here, again, truth would answer a reformer's purpose much better than all the exaggeration in the world. We should say the same both of the Church Establishment, and of the sort of religious feeling and character most ostensibly professed in England. The room for rational improvement is so great, that any person, really master of the case, would know, that much must be lost, whilst nothing was to be gained, by running off into extravagant misrepresentations or conclusions. This applies to his observations on family prayer in a serious household, as well as his sneers upon the unedifying 'mummery' of the English liturgy-on the 'disgustingly hypocritical' weepings of four young divines at their ordination at Tuam-and on the directly inverse proportion between episcopal residence and revenues. The merit of a Bishop is not fairly measured by the number of sermons which he delivers in his cathedral; any more than is the haunting of watering-places, or the spending 'of fifteen thousand a-year, ' with as much good taste as it has pleased God to bestow upon 'him,' a precise description of the life of Bishop Burgess. is some comfort to find that religion, separated from great wealth and from state-alliance, put on, in his experience of it, not only a more moral and practical, but a more charitable and amiable form. The following reproachful ejaculation, if it has the misfortune to be true, is at least much to the honour of the individual, who is reported to have made it—the Roman Catholic Dean of Cashel. Believe me, (said he,) this country is de-'voted to misfortune. We have scarcely such a thing as a 6 Christian among us: Catholics and Protestants have one com-'mon religion,-that of hatred.' We hardly know what to make of his report of the jovial dinners and 'the national songs, ' with no pretension to sanctity,' and of the philosophical liberality of the Roman Catholic Archbishop of Cashel, and sixteen of his clergymen. Nor should we think Father L'Estrange, whom he calls the real founder of the Catholic Association, or the Agitator himself, will thank their admiring visitor for his compliments to the philosophy of their Catholicism. O'Connell's public profession of faith to the Association, is afterwards explained by him to be one of those 'pious tirades which, on 'the orator's rostrum, as on the tub,—on the throne, as in 6 the puppet-show booth, are necessary claptraps.'

The Prince has some descriptive talent. It is the more remarkable that he should land at Dublin without observing the beauty of the Bay. When this extraordinary oversight is contrasted with his diffuseness upon other occasions, it is perhaps only characteristic. In the like manner, he takes no notice of the library of Trinity College, but devotes three elaborate pages to a peristrephic panorama of Navarino. His remarks on the art of landscape gardening, are among the most favourable specimens of his taste in scenery. The narrative of two night journeys in Ireland-those to Glengariff and Derrinane-must have considerable merit; for, in bits, they reminded us of Scott himself. But the real cleverness of our author lies in another line. He catches very happily the coarse outlines of personal or national physiognomy, and his dramatis personæ are grouped with considerable scenical effect—the best when they are most inclining to the burlesque. His pictures of the Bath market-of the English mail-coach joining in a fox-chase-of the French Conducteur on the journey from Paris to Londonand of the Paris showman exhibiting the death of Prince Poniatowski, are all very good in their way. The knack of hitting off most successfully features which are strongly marked, makes his Irish descriptions the most amusing to us. The fairy legend of O'Donoghue was of a higher key: accordingly, he has sadly marred it. On the other hand, although Miss Edgeworth, and the Irish novelists who have followed her, have left only the gleanings for a stranger, we looked on with great interest at the fairs at Donnybrook and Kenmare, the horse-races at Galway, and the carousals in Tipperary. The following scene, as he passed in the mail-cart between Tuam and Galway, is very characteristic.

' We saw a number of labourers sitting by the road-side on heaps of stone, which they were breaking. My companion said, "Those are conquerors; their whole business is to break in pieces and destroy, and they rise on the ruins they make." Meanwhile, our driver blew his horn to announce the post, for which, as with us, every thing must make way; the tone, however, came forth with such difficulty, and sounded so piteously, that we all laughed. A pretty boy, of about twelve, looking like a personification of happiness and joy, though half-naked, was sitting on a heap of stones, hammering. He shouted with mischievous glee, and called out to the angry driver, "Oh, ho, friend, your trumpet has caught cold; it is as hoarse as my old grandmother: cure it directly with a glass of potheen, or it will die of a consumption before you reach Galway!" A loud laugh from all the labourers followed as chorus. "There," said my companion, "there you see our people,—starvation and laughter,—that is their lot. Would you believe that, from the number of labourers, and the scarcity of labour, not one of these men earn enough to buy sufficient food; and yet every one of them will spare something to his priest, and if you go into his cabin, will give you half of his last potatoe, and a joke into the bargain."'

Without much help from his own bragging and self-importance, Irish ingenuity would easily manufacture the Prince of Moskwa and a natural son of Napoleon out of Prince Pückler Muskau. It is, nevertheless, a singular instance of the excitement of the autumn of 1828, and of the electrical and almost ubiquitous rapidity, with which at that period intelligence of the slightest movement was conveyed, that out of this blunder, combined with the success of a strolling invitation which he gave himself to O'Connell's country-house, rumours darkened, and the ordinary preparations for conspiracy and revolt assumed the imaginary shape of negotiations between O'Connell and the King of France. The reader must turn back and perform for himself the journey over the preceding pages, to fully understand the pleasure with which the Prince dismounted at Derri-A low and vulgar white house has been metamorphosed, by his enthusiasm, into a tower-clocked castle of romance. The following portrait is the result of his observations upon its master.

'The next day I had fuller opportunity of observing O'Connell. On the whole, he exceeded my expectations. He is about fifty years old, and in excellent preservation, though his youth was rather wild and riotous. His exterior is attractive, and the expression of intelligent good-nature, united with determination and prudence, which marks his countenance, is extremely winning. He has perhaps more of persuasiveness than of genuine large and lofty eloquence; and one frequently perceives too much design and manner in his words. Nevertheless, it is impossible not to follow his powerful arguments with interest, to view the martial dignity of his carriage without pleasure, or to refrain from laughing at his wit. It is very certain that he looks much more like a general of Napoleon's than a Dublin advocate. His desire for celebrity seemed to me boundless; and if he should succeed in obtaining emancipation, of which I have no doubt, his career, so far from being closed, will, I think, then only properly begin. He has received from nature an invaluable gift for a party leader, a magnificent voice, united to good lungs and a strong constitution. His understanding is sharp and quick, and his acquirements, out of his profession, not inconsiderable. His manners are winning and popular; although somewhat of the actor is perceivable in them, they do not conceal his very high opinion of himself; and are occasionally tinged by what an Englishman would call "vulgarity." Derrinane Abbey, (to which O'Connell's house is only an appendix,) stands on an adjoining island. It is to be repaired by the family, probably when some of their hopes are fulfilled.

The malicious mischief of the allusion which closes their parting scene, appears a little out of keeping with the Prince's general compliments and prognostics. Does the Liberator accept the omen?

'O'Connell pointed out an island, on which he told me that he had ordered an ox to be landed that he might fatten on the rich and undisturbed herbage. After some days the animal took such decided possession of the island, that he was furious if any body attempted to land on it, and attacked and drove away even the fishermen who used to dry their nets on the shore. He was often seen, like Jupiter under his transformation, with uplifted tail and glaring eyes, bounding furiously along to reconnoitre the bounds of his domain, and to see if any intruder dared to approach. The emancipated ox at last became so troublesome and dangerous, that they were obliged to shoot him. This appeared to me a good satire on the love of liberty, which, as soon as it has gained the power it seeks, degenerates into violence and tyranny; and the association of ideas brought many comical images involuntarily before my mind.'

We acknowledge the charm of the Irish character even in its It is a charm which the vices of the higher classes, and the crimes of the lower, cannot destroy. We excuse a stranger also for confounding together the past grievances and the actual miseries of Ireland. In this respect, the Prince's sympathies are right, even when his facts are most unfounded, and his reasoning most absurd. The present state of that divided country-the destitution and passions of its multitudinous pauper population—the indifference, selfishness, and intractableness of too many of their superiors—the still more unprincipled exercise of a more than rival power on the part of the popular apostles of perpetual agitation—constitute as difficult a problem as was ever submitted to the discretion of a government. Were either of the extreme parties, as represented by Lord Farnham and O'Connell, to become ascendant, they would rush from opposite points to opposite objects-but would arrive at the same result—the ruin of their country. A wise and honest government can side with neither, and must therefore be unpopular with both. As long as Irish rents are payable to an Aristocracy chiefly resident in England, and Irish tithe is levied to maintain a Protestant church, the Prince sees no hope for a better state of things. The cry for a local legislature, and for the havoc which poor-laws in such a community must make of the property of the rich, of the industry of the poor, and of the resources of a nation, completes the chorus. When such projects-all of difficult—some of impossible—application, are a few of the only remedies for accumulated disorders, it seems to be one of the strangest visions of our Prince, that on becoming a capitalist, he is bent on settling as a landed proprietor, and leading a patriarchal life in Ireland. The execution of this project would, we fear, tend grievously to disturb the frame of mind which the following reflections so gracefully express. There is about

them a soundness, a charitableness, and cheerfulness, which, if the feeling is genuine—and we see no reason to conclude it to be otherwise—will assuredly some day or other rectify most of his defects of understanding; replace his thoughtless ill-nature by a more uniform and kindly consideration of others; and give a concentration and dignity to those scattered and feeble elements, which seem floating up and down his character at present irresolutely enough. There is much in them of the great redeeming qualities, of the straight-forwardness, the real freshness and heartiness, by which the noble portion of German literature is so generously contrasted with the French.

'What has often and bitterly vexed me, is to hear people lament the wretchedness of this life, and call the world a vale of sorrows. This is not only the most crying ingratitude (humanly speaking), but the true sin against the Holy Ghost. Is not enjoyment and wellbeing manifestly throughout the world the positive natural state of animated beings? Is not suffering, evil, organic imperfection or distortion, the negative shadow of this general brightness? Is not creation a continual festival to the healthy eye, the contemplation of which, and of its splendour and beauty, fills the heart with adoration and delight? And were it only the daily sight of the enkindling sun, and the glittering stars, the green of the trees, and the gay and delicate beauty of flowers, the joyous song of birds, and the luxuriant abundance and rich animal enjoyment of all living things,-it would give us good cause to rejoice in life. But how much still more wondrous wealth is unfolded in the treasures of our own minds? What mines are laid open by love, art, science, the observation and history of our own race, and, in the deepest deep of our souls, the pious reverential sentiment of God and his universal work? Truly we were less ungrateful were we less happy; and but too often we stand in need of suffering to make us conscious of this. A cheerful grateful disposition is a sort of sixth sense, by which we perceive and recognise happiness. He who is fully persuaded of its existence, may, like other unthinking children, break out into occasional complaints, but will sooner return to reason; for the deep and intense feeling of the happiness of living, lies like a rose-coloured ground in his inmost heart, and shines softly through the darkest figures which fate can draw upon it.'

The praise of Göthe, and the uncommon excellence of the translation, have induced us to take more notice of this work than it would otherwise have deserved. The author appears in it injudicious, precipitate, and theatrical—of fickle character, and sickly sentiment—but with some taste in the arts, and with considerable talent for sketching off dramatic, at least buffa, scenes. The most objectionable part of the book, after all, is its personality. Yet this, we fear, is the very part to which it

has been most indebted for its success. So much the worse for the miserable spirit of the public—of the class, at least, which forms the great body of indolent consumers, to whom our ephemeral literature is daily bread. The translator of the present volumes has been long desirous of devoting her singular accomplishments to the honourable object of naturalizing in our kindred idiom some of the classical and elevating works with which the literature of Germany abounds. But, alas for our vitiated taste, or rather appetite! Booksellers, like the managers of theatres, are obliged to consult their customers. Shakspeare, accordingly, makes way for Martin and his beasts. The masterpieces of Schiller and Göthe continue untranslated, whilst the Tour of Prince Pückler Muskau has been bought up in a month.

Ar the close of the war in 1814, Portugal was left rich in military glory, but poor in all those blessings which constitute the happiness and prosperity of a nation. Her king, and many of her nobles, were absentees, forming a court in one of those many dependencies which, in the days of her splendour, she had scarcely considered as the most important of her posses-Her agriculture had been nearly destroyed by the desolating presence of contending armies, that had torn up her groves of oranges, her vineyards, and her olive grounds—that had trampled down her corn-fields, and by too frequently depriving the husbandman of the ripening fruits of his labour, had driven him in despair to join the ranks of war, while his tenantless farm and barren fields were left to await the return of peace. The opening of the ports of South America, though a measure just in itself, dried up the last remaining peculiar source that fed the slender commerce of Lisbon. The few manufactories that had existed before the war, were destroyed or deserted. Education was less attended to, and the control of the laws even less effi-

Art. VI.—1. Speech of Viscount Palmerston on the Affairs of Portugal: May 1, 1829.

^{2.} Speech of Hyde Villiers, Esq., M. P., on the Commercial Relations of England and Portugal: 15th June, 1830.

^{3.} Exposé des Droits de sa Majesté tres Fidèle Dona Maria II., et de la question Portugaise; avec des pièces justificatives, et documens. Paris: 1830.

^{4.} Papers relative to Portugal, and to the British and French demands upon the Government of that Country. Printed by order of the House of Commons: 1831.

cient than before the struggle, while the restraints of social and domestic intercourse were paralysed or disregarded. Meanwhile, too, many of the frank, hospitable, loyal peasantry of the country had, by the exercise or the sufferings of war, become hardened, sanguinary, profligate, and unsettled in their habits and dispositions. Such are the cankerous and fearful scars that war, glorious war, leaves on the faces of those countries on which it inflicts its visitations. Happy in our insular position, our acquaintance with this badge of the world's curse consists only in a superficial notion of daring achievements, brilliant illuminations, a few tears, and a memorable load of debt.

In Portugal, the melancholy knowledge was far deeper and more intimate; but while there was much of misery, still there was something of good. If evil passions had been let loose, counteracting ennobling sentiments had been implanted. There was the national self-applause of a flagitious invasion nobly repelled; there were sown the hardy seeds of valour, endurance, self-possession, and discipline; there was the individual proud consciousness of having deserved well of one's country; and, if it seem not like prejudice and arrogance for Englishmen to say it, we may add, there were the benefits of many years close connexion and co-operation with English armies and English officers,—with English probity, judgment, honour, and independence.

The kings of the continent, when at length they warred successfully against Bonaparte, banded together in the name of freedom; their conquering cry was national independence, coupled with the promise of free constitutions in the place of des-With these wings they flew onwards from Dresden to the capital of their enemy. He was deposed, and, after a second struggle, sent to perish on a rock in the Atlantic. Qualified charters of liberty were bestowed on France and the Netherlands; a few, still more restricted, were dealt out with a niggard hand to one or two of the German states; while others, as that of Poland, were proclaimed only to be infringed ere the ink which wrote them was dry; and many were withheld altogether. These evasions, infractions, and denials of royal pledges, caused troubles in every part of the continent. There was deepseated, though little active discontent in Germany. lively temperaments of the south broke forth into rebellion, and successively proclaimed the free constitutions of Naples, Turin, Spain, and Portugal.

In 1820, Portugal followed the example of Spain. She was ripe for revolt. The minds of the more intelligent portion of the nation had, at the close of the war, looked forward, if not to a change, at

least to a less corrupt administration of the institutions of their country; while those whose fortunes and estates had suffered by the war, regarded peace as the harbinger of reviving prosperity. Both parties were miserably disappointed. Meanwhile those whose fortunes had been made, and whose early life had been spent amidst the changes and peculations of war, anticipated from a revolution a rich harvest for their evil propensi-There was no restraining power save the clergy. Regency was despised, and justly. The absent court and nobles were known only by the rents and dues which they drained from their parent country, to feed the ill-considered splendour of Rio. The peasantry were poor and oppressed; the idlers of the large towns were vicious, and without employment; the judges were corrupt; and men's minds universally unsettled. And thus, without morals, without a court, with a despised ministry and an absentee nobility, Portugal was found listening to the approaching surges of revolution, restrained only by her bigoted church: For the discipline and affections of that glorious army which had repelled the invader were lost; and that which would have been the rallying point, around which the scattered elements of order might have been formed, became the very axis of anarchy. No one can deny the benefits which Marshal Beresford conferred on the Portuguese army, by the high state of discipline to which he brought that gallant body of men, who, when they were first placed under his command, were little better than a brave and ill-armed mob. But his love of discipline carried him too far. In peace the Portuguese regiments never quit their peculiar districts; they become in fact little more than constantly embodied local militia. Lord Beresford sought to change this national system; and by rigidly enforcing a new code of discipline, unfitted to the habits, and a successive change of quarters, ruinous to the finances of the ill and unpunctually paid men and officers, rendered himself particularly unpopular. His fellow-countrymen zealously seconded his orders. But this zeal separated them from their Portuguese comrades, their companions in many a hard-fought field and nightly bivouac.

The attempt utterly failed; for Lord Beresford succeeded only in making his army factious, and throwing down the one sole remaining pillar, the only well organized and efficient branch of Portuguese authority; and, by rendering himself and his countrymen extremely unpopular, he deprived Portugal of the benefit she might have received during the coming events from their probity and experience. We have been reluctantly compelled to mark this fatal error of Lord Beresford's, because

this Penelopean disorganization of his army,—that back-bone of a demoralized state, affords the only satisfactory clue to the labyrinth of revolutions under which Portugal has since ground.

Affairs could not long go on thus. The neighbouring despotisms were fast falling. Lord Beresford saw the danger when too late. He sailed for Rio, to obtain that reform which had been too long delayed; it was now approaching as 'an armed man.' The train was laid, a spark ignited it. On the 23d August, 1820, a colonel and a few officers raised the constitutional cry at Oporto, which was instantly seconded by the whole city, and a junta forthwith appointed. The Regency at Lisbon made some faint show of resistance; and, aware of the unpopularity which Lord Beresford had brought upon himself and the English officers, removed them from the service. But this was of no avail; the dispositions of the army were as much changed as its discipline; and on the 18th September, within three short weeks of the first breaking out of the insurrection at Oporto, a subaltern marched his detachment into the principal square of Lisbon, and quietly proclaimed the constitution. The cry was taken up with enthusiasm. The new form of government was carried by acclamation; and in a few hours the Regency had ceased to exist. No real resistance was attempted, nor was there a life lost.

The Cortes assembled, and, having promulgated an impracticable constitution, pursued a course of folly and misgovernment that quickly alienated all parties. The revolution meanwhile crossed the Atlantic. The overthrow of his authority in Europe, conveyed no instruction to the ears of John VI. The Count Palmella in vain exhorted him to meet the coming demands for reform with concession and temper. The wretched old man resolved to be firm; and accordingly a second revolution swept him across the seas from Rio, a dependent upon the uninstructed insolence of the Cortes. On his arrival at Lisbon, he affected or felt a new found zeal for liberality, and gave way to all the absurd excesses of the Cortes, who treated him with a want of respect as impolitic as it was ungenerous.

The insults offered to their King roused the indignation of the proverbially loyal Portuguese. Their Queen had scornfully rejected the constitution of the Cortes, who, after heaping obloquy on her fame, had voted her mad, and confined her accordingly. This was one of the many indignities which the poor old King bore probably with the greatest patience; for his virago Queen, a worthy sister of Ferdinand the Beloved, fomented discord and misery in his family, and had just accused him to this brother of that madness, under the imputation of which she now

suffered. Affairs trailed on thus till 1823, when the overthrow of the constitutional party in Spain by the French, afforded an example which was soon followed by the Portuguese under Dom Miguel and the Queen. The Cortes fell as they rose, without

a struggle.

Two parties contributed to their overthrow—the King's and the Queen's - the royalists and the ultra-royalists; the one headed by the Count Palmella, the noted Pamplona, Count of Subserra, and the unfortunate Marquis of Loulé; the other was directed by the Queen, her son Dom Miguel, (of whom we shall now not lose sight,) and by the Marquisses of Chaves and Abrantes. These last formed the Apostolic or Spanish faction, while the other received some support from England. Pamplona party gained the ascendency; some order was established, and the light of liberty was not lost sight of; for two distinct decrees in favour of a representative government were deliberately issued by the king, some time after his triumph over the Cortes. The power of the ministry became each day more strong; and had not some unknown influence prevented Lord Beresford from joining them, although earnestly solicited to do so, both by the old King and by the British Ambassador, it is probable much future misery might even yet have been avoided.

Pamplona acquired the magic power of a strong mind over the weak intellect of the King, while his connexion with the powerful family of the Marquis of Loulé, gave him weight in the country. The Queen and her ultra-tory party were alarmed; and therefore, with a ruthless ambition, resolved on a desperate attempt to carry the ascendency. Her son Dom Miguel, to say

the least of him, was worthy of his mother.

The King, attended by his court, and the Marquis of Loulé as chamberlain, went to hunt at Salva-terra. Dom Miguel, his friend the Marquis of Abrantes, and their two assistants, Leonardo Cordeiro, and Jose Verissimo,* accompanied them. On the second morning after their arrival, the Marquis of Loulé was found lying dead on a heap of rubbish, in the full courtdress in which he had attended at the King's supper on the preceding night. Dom Miguel and his friends asserted that he had fallen from a window, and so killed himself; but, on examination, it was discovered that some sharp instrument had been intro-

^{*} Both now two most active and insolent agents of police at Lisbon, who were publicly dismissed in May last, at the demand of this country, for their outrage on British subjects.

duced into his mouth, by which he had been covertly stabled to the brain. Secret examinations were taken, and nothing positive then transpired; but on the publication of the general amnesty which followed the exile of Dom Miguel, his associates Verissimo, Cordeiro, and the Marquis of Abrantes, were specially excepted from pardon. The plot, however, failed for the time; for the King returned to Lisbon in dismay, and his affectionate subjects rallied round him; but the army, which had never recovered from the disaffection produced by Lord Beresford's disciplinarian experiments, now supported Dom Miguel, who, after some preliminary intrigues, openly put himself at its head, and declared 'death to those thunderbolts of Masonic impiety, who ' would burst forth and consume the House of Braganza, and 'reduce to ashes the most beautiful country in the world.'* In accordance with these humane and grandiloquent sentiments, he decreed the absolute power of the King, 'whose sublime virtues' his proclamation declared 'to exceed the imagination;' but whom he nevertheless placed under restraint, while his mutinous soldiery took possession of the palace. Orders also were issued by this dutiful son for the arrest of all the attendants, ministers, and domestics, of his beloved father, together with that of no less than 18,000 other persons.

Fortunately, the foreign ambassadors followed the advice of Sir Edward Thornton, and steadily opposed this rebellious assumption of power; but the army adhered not the less firmly to Dom Miguel, while the Queen, aided by the intrigues of Spain,

openly supported him.

The timid old King, afraid to recur to strong measures of defence, fled for refuge to the British flag; and, having escaped from his palace to the Windsor Castle, then anchored in the Tagus, he succeeded in entrapping his rebellious son on board also. Dom Miguel, on being ushered into the royal presence, found the King surrounded by many of his officers, and all the foreign ministers. The suffering father addressed his unnatural son in words of strong and touching reproach;—he alluded to the pardon which had already been granted to him for the affair of the Marquis of Loulé; and concluded his address by commanding him to remain on board the Windsor Castle until further orders. Those further orders pronounced his banishment, and he was forthwith sent to Vienna; while the Queen was at the same time publicly removed from court. The King and his ministers resumed their wonted functions, and all those persons

^{*} Letter of Dom Miguel to his father.

who had been arrested by the command of Dom Miguel were released.

There was now a hope for the tranquillity of Portugal; but the British Ambassador, by whose able assistance that country had been enabled to weather these rough and dangerous storms, was superseded, when he might have been most useful in supporting the well disposed, and setting the seal of exclusion on the irreclaimable ultra party of the Queen and her hopeful son. Sir Edward Thornton was succeeded by a minister well known in Europe as the attendant genius at the extinction of liberty in Naples and Spain; one, in short, well acquainted with the mysteries of the Holy Alliance. The ministry of Pamplona and Palmella soon fell before the wand of this deeply initiated British ambassador. At a subsequent period, during the same ambassador's residence, a like fate attended the liberal ministers Barrados and Lacerda. Not another word was heard in favour of the representative charter, whose defeat became the openly avowed object of the ministers of the Holy Alliance assembled at Lisbon, while its support, we presume, was the object of the British minister. But we regret to say, that his secret efforts were as remarkably unsuccessful here, as they had been both at Naples and Madrid. The discomfited ultras took courage, and, as birds of ill omen, once more hovered along the Spanish frontier.

In the midst of these difficulties, the old King died. A more unhappy course through life than that of this royal personage can scarcely be pointed out. The weak son of a mad mother, the despised husband of a wicked wife, the hapless father of a rebellious son, the powerless tenant of an absolute sceptre, a fugitive from his long-descended dominions in Europe, and an outcast from his adopted throne in America, he lived a life of bodily suffering, mental imbecility, and domestic misery; and died, leaving his friends, his family, and his country, the prey

of civil strife and foreign interference.

The death of John brought new elements of strife into the complicated tissue of Portuguese politics. Sir Charles Stuart had ably completed the separation of the two rival courts of Rio and Lisbon. The Brazils had been erected into an empire under the rule of Dom Pedro, to whom was also preserved the succession to the kingdom of Portugal and the Algarves, &c. Meanwhile the old King was soothed with the titular dignity of Emperor of Brazil. Within a few months after this vain assumption, death removed all crowns and cares from his brow. His eldest son, the Emperor Dom Pedro, by every right of birth, treaty, and reason, succeeded to the dominions of his father.

He did so succeed, and was so recognised by his subjects of both and all his realms, by all the members of his family, and by the courts of Europe and America. Thus far is undoubted. But the separation between the two states of Portugal and Brazil was of that force, that they could not continue under the same Dom Pedro had to make his choice in due time between Europe and America. He gave the preference to the new land that had adopted him; and, with a straight-forward and loyal consistency, proceeded to abdicate his European dominions, the old Braganza inheritance, to his eldest daughter, Dona Maria, the heiress and representative of that royal house, next in succession to her brother Dom Sebastian, for whom was reserved the American empire of his father. This abdication was coupled with two conditions, meant to heal the vet open wounds of Portugal, viz. the adoption of a constitutional charter, and the marriage of the young Queen with his penitent brother Dom Miguel. What feelings of affection or policy dictated this last proviso, it is vain to enquire. We only know that this act of brotherly kindness, or compromising policy, has been the chief cause of the miseries under which Portugal has groaned for these last six years. Still, a brother may be pardoned for not believing in an utter depravity, the extent and depth of which seems to have deceived even the experienced Chancellor of Aus-

The accession of Dom Pedro was greeted in Portugal more warmly than his constitutional charter, which, however, met with the joyful acceptance of a vast majority of the enlightened portion of the nation. Its wise and temperate provisions certainly disappointed the wild reveries of the fanatics of freedom; while its liberal principles offended the absolute dogmas of the Queen's party. The hostility of these two extremes is its praise. It was sworn to by all the authorities, and by none more fully than by the present ruler of the kingdom, who was then a free agent at Vienna. But now appeared the fruits of that error of our ambassador, (to call it by its gentlest name,) which aided the re-establishment of the Queen's party after their outrageous conduct in 1824. They possessed much local influence in the country, and received unremitting support from Spain and the Holy Alliance, many of whose representatives at Lisbon had refused to be present at the ceremony of swearing to the constitutional charter of Dom Pedro. This faction resorted to every possible intrigue to defeat its establishment; they declared that it was the same as that of the Cortes; and to substantiate their calumny, they did not hesitate to falsify many of its clauses, thus paying an indirect compliment to its merits. This forgery

was sedulously distributed as the king's decree—the old anti-Cortes cry was thus revived—people doubted, drew back, and deserted.

The Marquisses of Chaves and Abrantes, those worthy accomplices of Dom Miguel, well understood the sincerity of their exiled chief's professions of loyalty; and they accordingly raised the standard of revolt, the one in the north and the other in the They even established a regency at Tavira in the name of King Miguel. Cordoba was despatched from Paris, by the French government, to further the attempt; but the rebels were speedily driven for refuge within the Spanish frontiers; while Spain, proud of the foreign and domestic chains she wore, gave them her unabashed support. And in the same degenerate spirit, after, in October, promising our ambassador at Madrid to abstain from all intrigues, and to withdraw these Portuguese rebels, who were then assembled in arms along her frontiers, far into the interior, she, before the end of November, again poured two fresh columns of attack into the north and south of Portugal. This roused the patience of the English Lion,—fortunately in the keeping of Mr Canning. An English army was embarked once more for the defence of Portugal. But happily the Portugese themselves, in spite of all the intrigues and machinations that had been put in practice to disgust them with their new charter, had sufficient discernment to appreciate its merits, and sufficient courage to defend its existence. Before the arrival of the British troops, they had for the fourth time beaten back the traiterous ultra faction into Spain. Still the affairs of Portugal were in a most precarious state. The old Queen, and the apostolic lovers of things as they are-Dom Miguel, the army, and the mob-and the revolutionary ultra freemasons-formed three parties, whose only bond of union was hatred to the rational charter of Dom Pedro. The sober part of the community, assisted by their regent, had to contend against these enemies of order. England lent her assistance to the one side; the Holy Alliance to the other,

The landing of a British force at Lisbon struck terror into the councils of the ultras and their patron saint of Spain. It inspired the friends of freedom with hope and confidence. But confidence doubted, and faction took heart, when it seemed that the British troops had landed only to parade about the streets of Lisbon. Another irruption from Spain was the consequence. General Stubbs actually resigned his English commission, in order to be allowed to beat back this attack. But at length our troops did advance upon Coimbra, when the country was immediately cleared, and the rebels, for the sixth time, retired

within their lurking-places in Spain. Thus once more was tranquillity restored to this unhappy country. The ratification of Dom Pedro's final abdication, and the completion of the conditions he attached to it, were in the course of fulfilment; while the rights of Dona Maria were fully acknowledged; and the charter,—a rational charter, deliberately granted by a legitimate monarch, and legally accepted by his subjects, was in full operation. And now old men hoped, and young men believed, that by patience, justice, and firmness, Portugal might attain, through the unremitting assistance of her fast and ancient ally, the blessings of peace and happiness, together with their best guarantee, rational liberty. Such aspirations were to be again blasted. Mr Canning died—the ministry in England became unsettled. Dom Miguel returned to Lisbon, and the Holy

Alliance triumphed.

Dom Miguel landed at Lisbon on 22d February, 1828, full of protestations of loyalty; but in less than two months he had usurped all power, and had been declared King, Absolute King. This royal road to a crown is worth tracing. We have already noticed the defeat of the Cortes—the murder of the Marquis of Loulé—the seizure of his King and father—and the order for the arrest of 18,000 Portuguese, in a few days, by this worthy youth, when at the age of scarcely one-and-twenty. Great expectations were raised from so precocious an exhibition of legitimate principles. We have seen the youth banished from Lisbon in May 1824, and sent to complete his education at Vienna. In 1825, we hear little of him-he was probably immersed in studies befitting the full development of his talents. These were soon called into play by the death of his father; for we find him, in April 1826,* writing a most dutiful and affectionate letter to his sister, the Regent Dona Maria Isabella, expressing his single-hearted desires for the tranquillity of Portugal; his confidence in the approved loyalty of the Portuguese to their lawful sovereigns, and particularly to that lawful heir and successor, his dear brother the Emperor of Brazil; and with all this. his fears lest some false and mischievous person should presume to make use of his name, forsooth, in order to screen their own wicked designs to create troubles in the country. To guard against which evil, he begs her to make public this letter, the sentiments of which are the spontaneous dictates of his heart. This loyal epistle is dated from Vienna, only twenty-six days after the decease of his father at Lisbon, and therefore must

^{*} Exposé—Pièces Justificatives et Documens, page 14.

have been written almost immediately upon the receipt of the intelligence. This is followed by another of the 14th of June, 1826,* thanking his sister, the Regent, for having published the above manifestation of his sentiments, and appending thereto an edifying homily upon the dangers of ambition, and repeating his submission to whatever measures his lawful sovereign and

dear brother may think fit to adopt.

Also, in May of the same year, twe have another dutiful and affectionate letter to this dear brother Dom Pedro. On the 4th of October, the takes a solemn and public oath to observe and maintain the constitutional charter conferred on Portugal by his august brother and King Dom Pedro. And on the 29th of October, he contracts a solemn affiance with Dona Maria the Second, Queen of Portugal, in the presence of the Austrian court. The Chamber of Peers at Lisbon vote him a congratulatory address on this loyal betrothment, to which he forthwith returns a gracious reply; stating his determination to fulfil the

paternal views of his august brother and King.

Thus far goes this first scene of Dom Miguel's loyalty, which seems to have so won the heart and charmed the understanding of the British Ambassador at Vienna, that he consented to Prince Metternich's proposal of changing, without any authority whatever, the title of Lord Lieutenant in Portugal, which Dom Pedro had conferred on his brother, into that of Regent. But now, when all these formalities had been duly executed, and when this loyal and prudent Prince was expected to set forth to assume his delegated authority at Lisbon, it was discovered that he felt a reluctance to return. Was it that power had no charms for him? Or was it that he knew that his correspondents and accomplices, the Marquisses of Abrantes and Chaves, were at that moment in open rebellion, and had organized the junta at Tavira, which proclaimed him the Absolute King of Portugal? And was it in concert with this rebellion that he was instructed by the Holy Alliance to gain time for the intrigues which France, Spain, Russia, and Prussia, were then actively carrying on to transfer the crown of Portugal to his head at the stipulated price of the object of their hatred—the constitutional charter?

But this direct attempt was abandoned; probably in consequence of the liberal character of the English Cabinet formed after the death of Mr Canning. For we learn that this re-

^{*} Exposé-Pièces Justificatives et Documens, page 15.

pugnance of Dom Miguel's was overcome in a secret conference with Prince Metternich; who, unfortunately, happened to be so ill that no one could be present except Monsieur de Bombelles, who had been Dom Miguel's Chamberlain since his arrival at Vienna; and who, now a second Mentor, was destined to attend this Telemachus as Ambassador to Lisbon, where we shall find him supporting Dom Miguel in his refusal to issue, on his arrival, that proclamation, declaratory of his loyalty and obedience, which had formed part of his engagements at Vienna, and to which this Monsieur de Bombelles had been a party. All other conferences had failed; even the Emperor had spoken to this young prince in vain. Nothing, it seemed, would induce him to return forthwith to Portugal, and to pass through England. And yet this indomitable resolution melted in the warm atmosphere of Monsieur de Metternich's secret cabinet. For we learn that, after some conversation, Dom Miguel's manner changed, his heart opened, he spoke freely, his objections ceased; and then the Austrian Chancellor, this experienced teacher of liberal opinions, tells us that Dom Miguel* "commença ensuite spon-' tanément à me parler avec chaleur de la ligne de conduite qu'il ' se proposait de suivre à son arrivée à Lisbonne, et je fus surpris, ' je l'avoue, de la rectitude des principes et de la sagesse des vues qu'il me développa avec un ordre et une clarté remarquables. La manière dont l'infant s'est expliqué vis à vis de moi dans 6 cette circonstance, ne me permet pas de douter qu'il est dans eles meilleurs dispositions, et qu'il est non seulement fermement 'résolu á maintenir la Charte, mais qu'il en sent même l'imo portance et la nécessite." The liberal world loses by its ignorance of the arcana of this happy conference; how many other Dom Miguels might it not convert?+ The protocol following this conference shows us Prince Metternich most anxious to accelerate the definitive abdication of Dom Pedro; and in it we find the official acceptation of the Regency by Dom Miguel, and his first letter to George the Fourth, expressive of his determination to govern according to his brother's charter ;‡ and also a letter to his sister, containing like sentiments, which he again begs her to make public. These letters, together with another to the King of Spain, of requesting that he will, in his high wisdom, take measures to restrain the Marquis of Chaves, and the rebellious

§ Depêche, Prince Metternich au Prince Esterhazy.

^{*} Depêche de S. A. M. le Prince Metternich, a S. A. M. le Prince Esterhazy. Vienna, 18th Oct. 1827.

[†] Exposé—Pièces Justificatives et Documens, page 45. ‡ Ibid. 51.

Portuguese under his command, were the last acts of Dom Miguel at Vienna.

He came straight to England; and here having pledged his honour to our late King to maintain the free institutions of Portugal, he proceeded to gather some of that fruit of this country for which all parties, however much they may differ in the sincerity of their professions in favour of liberty, entertain an unfeigned regard. He raised two hundred thousand pounds; and adroitly persuaded Lord Dudley to hasten the final resignation of Dom Pedro, and to rescind the orders already issued for the return of our troops from Lisbon. These requests were unfortunately granted; but we cannot blame an English nobleman and gentleman for having been deceived by this arch hypocrite. All was complete; and this reformed and reforming prince now set forth, armed with the wisdom of Austria, and the money, ships and troops of England, to take possession of his lieutenancy, and to shelter, nourish, and defend the young liberties of Portugal. Who could doubt success?-not even Prince Metternich; and yet, within a very few days after the auspicious landing of Dom Miguel, our ambassador, Sir F. Lamb, did so doubt the loyal intentions of 'this well disposed prince, ' who was so resolved to maintain the Constitutional Charter,' that he withheld from him the money that had been raised for him in England. Thus was one error rectified by the manly decision of our high-minded Minister; but a far more serious injury to the Portuguese liberties was left unredressed.

The British troops that Mr Canning sent to defend the freedom of Portugal from the irruptions from Spain, under the Marquis of Chaves, were suffered, by Lord Dudley, to remain for the protection of Dom Miguel, while he and this very Marquis of Chaves, now recalled with his companions from Spain, were openly engaged in effecting the usurpation of the crown. The rebels of Tavira and of the North, against whom our troops had lately marched, were now parading Lisbon by their side, and insulting those loyal Portuguese who had weakly believed England to be the fast friend of their charter and their Queen. Day by day the barriers of liberty were broken down, and despatch by despatch did our ambassador send off, warning his government of the imputed countenance the presence of himself and of the British troops afforded to the machinations and assertions of the

traitors. He was unheeded till too late.

The ready despot saw that there was no time to lose; he therefore hastened to confirm his power, while our troops, those hapless auxiliaries of the Holy Alliance, were at hand. 'Under the cover of their protecting shelter he dismissed his constitu-

' tional ministers, removed his constitutional officers, changed 6 his constitutional magistrates, and prepared the dissolution of 6 his constitutional chambers; and thus, all those means of re-'sistance were paralyzed, which, had our troops been out of the ' way, the existing institutions of Portugal would have opposed 'to his projects.'* We also happen to know that a large body of loyal and brave Portuguese were prepared to rise in arms against the usurpation of Dom Miguel; but before proceeding to extremities, they wisely ascertained the nature of the instructions of the commanding officer of the British troops. To their dismay, they learnt that the personal protection of the usurper formed a principal part of these. We need not add, that they, in consequence, resigned the enterprise in despair. From the second day of his landing, the press, the pulpit, and Dom Miguel himself in his proclamations, employed the most violent language against the supporters of the charter; while the mob insulted and attacked those who did not join in the treasonable cry of Long live King Miguel. There could be no doubt of the designs of Prince Metternich's regent. Our ambassador, Sir Frederick Lamb, repeatedly and strongly represented them to Lord Dudley; who, unfortunately confiding in the graces of his pen, poured forth to the ministers of Dom Miguel a most classic and inestimable exercise of diplomatic remonstrance, which is to be studied in six closely printed quarto pages of the Exposé of the Rights of Dona Maria the Second, which we have prefixed to this article. Two short unepigrammatic lines, commanding the recall of our troops and of our ambassador, might have been more availing; for this elaborate despatch was not completed till the 22d of April; and, before it reached the charmed ears of Dom Miguel, Sir F. Lamb informs us, on the 26th of the same month,+ that this loyal lieutenant had graciously received addresses from several packed assemblies, calling upon him to assume the crown. Terror had long been the order of the day; and bold and self-devoted were those Portuguese who dared refuse their signature to these faithful addresses, -as Dom Miguel described them in a gracious reply, in which he first used the royal style.

The constitutional Chambers had been illegally dissolved, and the ancient Cortes of the country convoked by a royal circular, which ordered the different electoral presidents ‡ 'to 'refuse the votes, and consider as perjured all persons who

^{*} Lord Palmerston's speech, p. 15.

[†] Exposé—Pièces Justificatives et Documeus, page 83. ‡ Circular of Dom Miguel's minister, May 17, 1828.

'should tender their suffrages for those who, by their political 'opinions, might be considered enemies of the true principles 'of legitimacy, and admirers of new institutions;' while, on the other hand, the presidents were commanded 'to permit the 'election of those only who had in view the service of God and of the throne.'* The so elected Cortes were quickly assembled; and, as might be expected, resolved, that God and the throne would be best served by the usurpation of Dom Miguel. The regent could not possibly resist so strong an appeal to his duty; and accordingly accepted that crown he had sworn to maintain for another.

Thus was accomplished a course of perhaps the most barefaced royal perjury and hypocrisy on record. The foreign ministers forthwith renounced all intercourse with the disgraced Court of Lisbon; and to the honour of Europe, this 'cruel, base, 'cowardly, false, and treacherous prince' (we quote from the reported speech of the last noble Ex-secretary for Foreign Affairs) remains under the ban of the civilized world.

It would be time thrown away to examine the vain arguments alleged in support of Dom Miguel's claim to the throne. They are utterly groundless, and are clearly shown to be so by the able exposition of the rights of Dona Maria, to which we strongly recommend those who have any doubts on the subject, to refer.

A crown thus attained would probably be worn with like moderation. We have seen a mock election carried by the destitution of the loyal, the intimidation of the weak, and by the votes of a despotic faction backed by a ferocious mob. same measures have been resorted to for the maintenance of this ill-acquired authority. All officers, from the highest to the lowest, whatever may be their appointments, whether civil, military, judicial, or financial, held and hold their situations upon the one sole tenure of long live King Miguel the absolute. The mob, the army, and the law, became his ready instruments. Denouncement, proscription, imprisonment, confiscation, exile, transportation, and death, have been the fitly employed supporters of his throne. Those who dared not rise against the tyrant when protected by British bayonets, found their power, influence, and liberties, sacrificed before they were withdrawn. But at length our troops, having by their unfortunate presence enabled Dom Miguel to consolidate his power, did retire at a time when their continued presence might have been some check upon the organized plan of plunder, intimidation, and tyranny, that was about to be exer-

^{*} Circular of Dom Miguel, May 6, 1828.
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cised on the faithful adherents to their lawful sovereign. To earry these intimidating projects into effect, a royal volunteer corps of police, spies, and satellites, was organized throughout the whole country. This corps amounts to some 30,000 men, and is composed of the very lowest orders. They serve only in their own districts, and for the special protection of Dom Miguel and religion. They are armed and clothed by government, but fed at their own expense. They receive no pay, but are left to earn the wages of iniquity—the price of blood and tears.

Mr Matthews, the British consul, in his Report of December 1828, says, 'that were he to describe the system of extortion ' practised by these police agents throughout all Portugal, by 'ransoming the most opulent classes of their districts, he should 'hardly be credited;' and he adds, 'that the instances of inex-' plicable persecution, the daily arrests in Lisbon, and the para-' lysis of all trade, afford a subject of wonder how such a degree of oppression can be borne.'* In fact, these royalist volunteers hold in their hands the real power of the country; any one, however respectable or unimpeachable, whom any two of these little unpaid choose to denounce, is at their mercy; for if he soothe them not by bribes he is committed forthwith to the common jail, on their making oath that they suspect him of constitutional or free-mason tendencies. In this prison the unfortunate victim, if he be poor, may starve; for there is no allowance made to the prisoners for food or raiment; their only indulgence is the privilege of being daily paraded about the streets by a party of soldiers, when an opportunity for begging is afforded; and—woe be to him who relieves them! If they be unsuccessful, they are brought back to starve, or to share, if there be any, the surplus of the food spared for them by the hospitals of the town, or wrung from the compassion of their more wealthy fellow prisoners. All are herded together in a filthy court; thieves murderers—prostitutes—and constitutionalists—and these last are too often insulted by the former, as a means of winning favour with the authorities. Money and interest will sometimes purchase the enjoyment of what is called a separate apartment, which consists of one large room, in which all these favoured persons are not the less mixed together. As an instance, two respectable ladies, (whose names we suppress, for obvious reasons,) the wife and sister of a Portuguese gentleman, now in this country, are, at this moment, upon the mere denun-

^{*} Parliamentary Papers, A, page 50, Mr Matthews' Correspondence.

ciation, without a shadow of proof, of two royalist volunteers, confined in one of these, so called, separate apartments, in company with two common prostitutes and others, who make it a part of their diversion to insult and outrage them. They have endured these indignities for months. Another respectable merchant, the owner of several ships, at St Ubes, was imprisoned for five months, because two of his servants chose to swear that they saw him every night at twelve o'clock scourge and trample on an image of our Saviour. He was at length released by the active intercession of his friends; but hearing of a second denunciation preparing for him, he wisely fled to Ireland, glad to escape with the confiscation of his property. These are two instances taken at hazard amongst thousands. Now, these confiscations feed the coffers of Dom Miguel, and increase his natural appetite for denunciation. There are at this moment about 50,000 Portuguese wandering over Europe—some exiles, some fugitives, all miserable—and all exposed to the loss of their property; upon which Dom Miguel fastens, by appointing as special administrators any favourites, who, while they replenish his coffers from the property of their countrymen, do not neglect to fill their own. While many are thus herded in the common jails, or its select apartments, some are indeed separated in solitary damp dungeons, far under ground, where death often releases them from their troubles: others again are removed to distant fortresses, while the place of their confinement and even their very existence remains concealed from their friends and relations. Thus are imprisoned, and thus are treated, for assumed political offences, at this moment, in the light of the civilisation of the nineteenth century, some 7 or 8000 unfortunate Portuguese; while there are nearly half that number of fugitives wandering about their native country, unable or unwilling to quit it. They are either concealed by their friends at the greatest risk, or lie hidden in caves or forests, or steal about sheltcred by disguise; all rising in the morning with the miserable fear lest the day should close on them in a dungeon. To these miserable men we may add some 20,000, who are denounced as suspected persons, and who are in consequence exposed to daily obloquy and insult; while upon the slightest offence to any of the royalist volunteers or other Miguelites. they are exposed to the yawning doors of the loathsome jail. Then there are some 3000 sufferers who have been transported to the pestilential climates of Africa; the greater part of whom, if not already dead, are now, whatever may have been their previous situation in life, working as felons, or as colonial servants and soldiers. We have thus a sad total of about 80 or

90,000 victims; and, if to this long roll of misery we add the tears and ruin of those whom these thousands might have made happy, good, and prosperous, we shall have some cause to doubt the virtues of this Dom Miguel, whom Lord Londonderry's correspondent* speaks of as more sinned against than sinning,one full of 'gentleness and kindness;'-a plain man, forsooth, addicted to sports of the field and farming, and not sufficiently alive to a sense of his own preservation! That dormant sense of self-preservation, or rather vicious defence of stolen power, has, nevertheless, consigned some hundred victims to the scaffold, and harrowed the feelings of treble that number of friends and relatives, whom with a feline mercy it has sent barefooted and wrapped in the same fatal San Benito to the verge of the scaffold, to witness the agonies of their companions. These executions occupy the whole day. The sad procession sets off from the common prisons at about eight o'clock in the morning, and each prisoner is led out barefooted, and attended by two monks, who continually exhort him to confess the justice of his sentence. The distance from the prisons to the place of execution is considerable; and as the prisoners are compelled to stop before each Oratory that they pass on their melancholy way, it is generally mid-day before the work of death begins. One by one they are strangled, shot, or hanged. An hour intervenes between the execution of each individual. During this time the shivering successor stands watching in speechless torture the mutilation of his hapless predecessor. As time wears away, the frightful mass of dead bodies and severed heads accumulates; meanwhile the pardoned parents and companions are obliged to look on; and if they turn away their eyes, or hold down their heads, they are struck under the chin by the officers' swords, and compelled, at the peril of their own execution, to gaze upon the last agonies of their condemned associates and relatives. Mr Matthews+ in describing some of these executions to Lord Dunglass, in March 1829, says, 'the following five individuals were hung yesterday, ' and their heads are still sticking upon spikes, in one of the ' most public squares of the town, to the terror of the inhabi-'tants-Brigadier-General Moreira, Lieutenant Ferreira Braga, 'Lieutenant Vellez Barreiros alias Perestrello, Cadet Scarni-'chie, and midshipman Chaby. The son of Brigadier Moreira ' was made to be present at the execution, and to see his father's

† Parliamentary Papers, A, page 71.

' head stuck on the spike, also to walk three times round it.

^{*} Brigadier-General Sir John Campbell to Lord Londonderry-Parliamentary Papers, A, page 14.

'His mother has since expired with grief; and the father of one of the sufferers, who was a youth of bare sixteen years of 'age, has since destroyed himself.' Many of these pardoned men return to their thinned prisons with their senses stunned; and, with those scenes of death yet swimming before their eyes, awake from their stupor to find themselves chained and crowded in the hold of a ship, conveying them as transported felons to the pestilential shores of Africa. These are the pardoning mercies,—'the gentleness and kindness' of this mocker of the world's affections; and these the means by which he has kept down or divided the energies of his opponents. Many of the nobles, from servility, or from a desire of preserving their lives and estates, have yielded to his sway. The judges are intimidated, corrupted, or removed; the more honest lawyers dare not perform their duties; but the harpies of the law, the corrupt scriveners, and low attorneys, are fattening upon the miseries of the land,—upon the denunciations and imprisonments of their countrymen, and the sequestration or confiscation of their properties. In such a state the middle orders have only to endure, and patiently to await for the hour of retribution. Let us hope it may not be long delayed.

Such has been the internal state of Portugal under the usurper. Let us now examine its external relations, and, more particularly, with this country. Before Dom Miguel had consummated the usurpation of his brother's throne, that brother had loyally completed, at the instance of the British Government, an act of abdication in favour of his daughter. This daughter, now Queen Dona Maria II., was on her way to Europe; fortunately she did not fall within the grasp of her remorseless uncle. She came to England, and was received with royal honours. Meanwhile, after our troops were withdrawn from Lisbon, the loyal Portuguese did make an effort to shake off the usurper's heavy yoke. Oporto fell into their hands and formed their rallying point. They had an army on foot, but a withering change had taken place in the councils of England; the more liberal members of her cabinet had been compelled to resign, and Dom Miguel, well aware of the Holy Alliance tendencies of the new Ministry, proclaimed the blockade of Oporto. His naval force was utterly inadequate to enforce it; and he was an usurper of only four weeks' standing, whose flagitious conduct had compelled all the foreign ministers to quit his court. Moreover, he was contending against the legitimate authorities of his country, assembled at Oporto, and acting in the name of their recognised queen. These considerations were sufficient to induce the

British naval officer, commanding the station, to reject his paper blockade. But Lord Aberdeen's notions of what was due to Dom Miguel were widely different; and he hastened to recognise this blockade by the destroyer of the charter. The constitutionalists were as much surprised as dismayed; and their unfortunate expedition failed, much more from the effects of this neutrality of Lord Aberdeen's, and from disunion among themselves, than from any effort of the Miguelites. A considerable portion (some 3000) of their force escaped from the vengeance of Dom Miguel, and sought protection at Plymouth. And now the Duke of Wellington's administration permitted the residence of an accepted, though not accredited, ambassador from Dom Miguel, while they despatched as special envoy to the Brazils, a noble peer, the accuracy of whose former despatches from Lisbon was then a subject of litigation in our courts of law, and whose defence by their attorney-general, was of such a nature as to call for a reprimand from the independent judge who presided on the bench. The object of this mission was to ' yield up to him, ' who had attempted to embrue his hands in a sister's blood, that 'infant Queen, whose life was the sole barrier between him and ' the throne he coveted;' for the successive rights of Dona Maria's younger sisters were totally* forgotten, while she herself (a second charter) was to be consigned to the approved loyalty and affectionate arms of her faithful uncle and future husband! It could not be expected that the preservation of the constitutional charter should be mentioned during the conciliatory conferences of this high-minded barter of royal rights and persons, but the benefits of an education at Vienna were so apparent in the conduct of Dom Miguel, that the same advantages were sought for Dona Maria. Happily this mission utterly failed.

Meanwhile, Terceira and some of the Western isles acknowledged the authority of Dona Maria; on which occasion, strange though it sound, the British Government allowed Dom Miguel to fit out an armament for their attack; while at the same time, in the name of neutrality, it forcibly prevented the

Queen's subjects from going to defend them.

The Duke of Wellington commanded those Portuguese who, having escaped from Oporto, fled for refuge to Plymouth, either to distribute themselves in cantonments, like prisoners of war, or to quit the country. The Count Palmella, in consequence, announced their intention to return to Rio; but on learning, three days later, that Terceira had declared for Dona Maria, he

^{*} Lord Palmerston's Speech, page 6.

forthwith altered their destination; and after apprizing the British Cabinet of this change, he despatched some 300 of his comrades to repair, as in duty bound, to the dominions of their lawful sovereign. Our Government made difficulties; but those unfortunate men were, nevertheless, embarked, and proceeded on their voyage. They went weak and unarmed; they were fugitives from their country; they were sufferers for the cause which England had professed to espouse,—and yet, in this state of helplessness, it is with shame we confess that the arm of England was raised against them. British men-of-war pursued, overtook, and, within sight of their now sole remaining country, fired on these defenceless men, and drove them back across the Atlantic to the shores of France, who, less inhospitable than

England, received and protected them.

Such a systematic protection encouraged Dom Miguel, who, trusting to his friends in the English Cabinet, and, beguiled by success, believed that he might commit outrages upon English commerce and English subjects with the same impunity that had hitherto attended his experiments on his Portuguese victims. Accordingly, Sir John Milly Doyle, who had defended Portugal in her hour of need at the point of his sword, was suddenly, and without offence, thrown into prison; and we find our Consul-General, Mr Matthews, complaining to Viscount Santarem, on the 7th July, 1828, 'that Sir J. M. Doyle, after twenty days' ' confinement in a secret dungeon, is still detained in prison; as are also other British subjects, without any charge being brought 'against them; the privileges established by our treaties having been overlooked.'* On the 30th August, six weeks later, we find Mr Matthews still unsuccessful in his applications for the release of Sir John Doyle and those other British subjects; for he informs Lord Dunglass, Lord Aberdeen's under secretary, that there is a rooted hatred in the party that now governs 6 Portugal against every thing Protestant and British, and that 'no judge dare act in opposition to the desires of the govern-'ment.'+ Therefore it is not surprising that Sir John Doyle, after a grievous imprisonment of three months, was conducted as a prisoner on board a British packet, and compelled, under a heavy bond, to engage never to re-enter Portugal. Thr Young, too, an officer in the British waggon train, after a still longer imprisonment, and as many disregarded remonstrances in his favour on the part of Mr Matthews, met with the like treatment

^{*} Parliamentary Papers, A, page 2. † Ibid. page 9. † Ibid. page 9.

on the same false accusations; for no crime could, even by Portuguese witnesses, be attached to him. With the same contempt Mr Hargraves Cobham and Mr Rospigliosi* were, at different times, insulted by lawless mobs and thrown into prison, from whence they did not escape without great difficulty; and the latter not without a confinement of more than four months. So was Sir Augustus West publicly insulted, wounded, knocked off his horse, and beaten till his ribs were broken, by a field officer and party of the police, who were all maintained in authority, utterly unreproved,—in spite of any remonstrances, either by Mr Matthews or by Lord Aberdeen, who, inflexibly neutral while British subjects were thus falsely and peremptorily detained in the dungeons of Portugal, would not allow such conduct of the usurper's to delay the recognition of his fictitious

blockade of Oporto.

This neutrality led Dom Miguel and his agents to persevere in their outrages; and accordingly, in September, 1828, we learn from Mr Matthews, 'that Mr Marcos Ascoli, a British ' subject, established in Lisbon, having taken out his passports 'in due order, was proceeding to Gibraltar on private family 'business, in a Portuguese vessel, when at Belem, he was taken 'from the vessel and imprisoned.'t It was in vain that Mr Matthews repeatedly demanded his release; in vain did Lord Aberdeen (on the 1st October) convey to Viscount Santarem the resolution, 'that his Majesty's Government would not per-' mit British subjects to be injured with impunity, and that, ' if both satisfaction and compensation were not speedily afford-'ed, orders would be given to exact by force that satisfaction ' which the Portuguese government refused to repeated remonstrances.' The unfortunate Marcos Ascoli did not the less remain immured in a dungeon. In a letter (October 18th) which he at length found means of sending to Mr Matthews, he writes,- 'Having no crimes to fear, and never having med-'dled with the political affairs of Portugal, I imagined my per-'son, my property, and the inviolability of my letters, guaran-' teed by our treaties. For that reason, I determined to take my 'passage for Gibraltar, on board a Portuguese ship; but, un-' fortunately, I have been the dupe of this. Now I am in prison, 'and having been thirty-four days in secret confinement, it was ' impossible for me to address you, to inform you of the details of ' what has occurred since the moment of my arrest. On Sunday,

^{*} Parliamentary Papers, page 3.

[‡] Ibid. page 14.

⁺ Ibid. page 7.

^{||} Ibid. page 20.

' the 14th September, the police came on board, and took me, with 'my baggage, to the house of the minister at Belem. He desired ' me to give up all my correspondence to him. I did so; and it ' contained several letters of recommendation that I had received ' for English merchants at Gibraltar, and I am very sure that 'nothing was said in them relating to politics. Having been ' undressed, I was searched even to my boots, and the same was ' done with my boxes and my chests; in short, my clothes and ' mattresses were unstitched, and every thing overhauled. After ' that thorough search, a small parcel was found, shut and sealed, ' the contents of which I knew not. On opening it, I perceived 'a small collection of masonic ornaments, which I had received ' from M. Angelo Marty, master of short-hand, to take to Gib-'raltar; and he, as I have learned, was the very person who ' denounced me to the Intendant of Police. The minister, ha-' ving seen the ornaments, made it a pretext for committing me ' to prison. I gave him to understand that it was an arbitrary 'act, and that the power of force, not any crimes, kept me in 'prison.'* At length, on the 20th October, this wretched man was released from his underground dungeon, and sent—where? -to the common jail. Meanwhile Mr Matthews makes many more ineffectual representations; and, after a second month's patience, Lord Aberdeen discharges another remonstrance. He declares 'that he cannot comprehend the motives which can in-'duce the Portuguese government to persevere in their neglect ' of our repeated and urgent remonstrances against their infrac-'tion of treaties, as well as their violation of the dictates of ' common justice and humanity; but, be their motives what they ' may, the British government can no longer submit to such in-'dignities,' &c. &c. 'I will not,' he says, 'particularize the 'various instances of oppression which have formed the subject ' of my previous despatches; but the case of Marcos Ascoli has ' been attended with the most flagrant injustice. I do not enter ' into a consideration of the charge itself, although it would ap-' pear to have been made under circumstances of gross disho-'nesty and corruption. I instruct you, therefore, to demand his ' immediate liberation, as well as full compensation for the wrongs 'which he has endured. You will require, also, that the In-' tendant of Police be made publicly responsible for this wilful 'oppression of a subject of his Majesty's.'+ These strong demands were followed up by an alternative too tempting for Dom Miguel's flesh and blood to resist. Lord Aberdeen farther instructs Mr Matthews, 'that should these representations remain for

^{*} Parliamentary Papers, page 20. + Ibid. A, page 34.

thirty days not complied with, you will then'-do what? Quit Lisbon? No.—Order the British ships to make reprisals? No. -Declare war? No.-What then? 'Report to me!!' need not add, that poor Marcos Ascoli remained in prison for these thirty days, during which time we find Mr Matthews continuing his course of disregarded representations in favour of him and other British subjects. And now, at the end of another month, Lord Aberdeen issues a last arrow from his quiver of useless remonstrances. He declares, 'that as his Majesty's Govern-' ment have selected a particular case respecting which you were 'instructed to make a specific demand, it is absolutely necessary 'that this demand should be complied with. The cruel and ille-'gal imprisonment of Marcos Ascoli renders his immediate libe-' ration indispensable, even if he should be found guilty of the ' trifling offence which is laid to his charge; and the conduct of 'the Intendant of Police must be publicly censured.'* sober thirty days' consideration which were afforded to the Portuguese government by the former monthly despatch, and which had already been exceeded, were now added three more, 'at the 'expiration of which time Mr Matthews was required to report ' (again to report!!) to Lord Aberdeen the answer to these de-' mands, which the British government were determined to en-'force.' This determination, so resolutely expressed in October, in November, and in December, was nevertheless unheeded; for Mr Matthews, on the 13th December, tells Lord Dunglass that this prisoner, 'whose immediate liberation was indispensable,'+ was put on a pretended trial; that the advocate who rashly undertook his defence was in consequence sent to jail; that the British judge conservator, from whom some show of justice might have been expected, was, when the trial was nearly concluded, compelled to withdraw, when a substitute was appointed to act for him,—that substitute being one of the judges of the very state commission instituted to obey the mandates of the government. And, in lieu of liberation, 'Mr Ascoli was by this judge con-'demned to costs, whereby his establishment is ruined, and mi-'sery entailed upon his wife, five children, and her relations, because, on his leaving this for Gibraltar, with due passports, 'some masonic insignia were found in his luggage, placed there ' by a Spaniard, a spy of this police, hired at thirty-four milrees 'per month, and having taken out a certificate as such, that it ' might serve as a recommendation to him in Spain, whither he has repaired; and who has, by the evidence and trial, boasted

^{*} Parliamentary Papers, A, page 48.

of being revenged on Marcos Ascoli, by getting him into 'trouble, in return for his refusal to lend him more money. 'Upon these futile grounds the government of this country 'thought it expedient to follow up the system of persecution 'against an industrious British subject, and has, in the face of ' the dignified remonstrances of his Majesty's government, or-' dained a tissue of duplicity, upon which a colouring of judicial ' proceedings would appear to be purposely thrown, that the de-' mand for his immediate liberation may be evaded with seeming 'right, and refused; and that, by bringing him in guilty, all ' grounds for censure on the conduct of the Intendant of Police ' may be done away with.' Thus did the Portuguese government answer Lord Aberdeen's three months' remonstrances. But, harsh and ruinous as this sentence might be, it was not yet to be carried into effect—it was another insolent evasion; for, on the 1st January, Mr Matthews informs Lord Aberdeen, 'that ' Marcos Ascoli remains in jail at this hour, without any inti-' mation whatsoever having been made to him since that of his 'sentence.'* But on the 17th of the same month, this most rightful judgment, with additional penalties, was at length enforced; for Mr Matthews informs Lord Dunglass, 'that Marcos 'Ascoli's banishment is confirmed, and that he is condemned to 'additional costs. Thus,' he continues, 'have vanished all the hopes I ventured to express; and the principle laid down by 6 this government, from the beginning of this case, has not been ' diverged from, notwithstanding the urgent remonstrances and ' considerate proceedings of his Majesty's Government, and the ' evident absence of crime. M. Ascoli states to me, in a recent 'letter, that his confinement of four months in prison having ' completely paralysed his mercantile business, he has exhausted, 'in the maintenance of a large family, and in the unavoidable 'expenses of the law, all the ready money he had by him, and that nothing remains to him now but goods or merchandise, ' which he must part with at a great loss, to support his family. 'He is therefore quite a ruined man, and is about to apply to 'the benevolence of the British residents here to raise a moderate ' sum to enable him to pay the costs, and leave this country for 'England by an early opportunity.'+

And so closed the case of the unfortunate Marcos Ascoli, who at length escapes with fine and banishment, after more than four months' imprisonment, thirty-four days of which were passed in a noisome solitary dungeon, and the remainder in a com-

^{*} Parliamentary Papers, A, page 55.

mon jail. Now, what is the redress with which a British minister is satisfied? What is the indemnification for 'the fla-' grant injustice' which in November led that minister, in no measured terms, to call for the immediate and unconditional liberation of its victim, and for the public censure of those who had inflicted it? What is it? Why-that he should submit to the iniquitous sentence pronounced on him; that he should pay his costs and his extra costs, and go his way into exile, to the ruin of his mercantile interests; having first duly sent in a bill to his jailers of some sixteen shillings per diem, for the pleasure they had enjoyed in shutting him up in a dungeon, and laughing at the British Government. This seems incredible; and yet Mr Matthews, on the 7th February 1829, tells Viscount Santarem, 'that the British Government are not prepared to ' dispute the justice of the sentence which has been passed on 'Marcos Ascoli: ALL that they have ever contended for was, 'that he should have a fair trial before a legal tribunal, accord-'ing to the forms secured to British subjects by treaty, and this 'appears by my despatch to have been granted!!!'* Mr Matthews (we pity him) was compelled to write thus, in flat contradiction to his despatch of the 23d December, descriptive of this fair trial before a legal tribunal, which he then called 'a colour-'ing of judicial proceedings.' Thus the same British Government which in November insisted that a reprimand should be conveyed to the intendant of police, who arrested Ascoli in a manner so public as unequivocally to manifest the disavowal of the Miguelite government, was reduced to the humiliation of testifying its satisfaction with an order of which Mr Matthews, at the time of its publication, spoke so slightingly as to say, 'I presume it is meant as the reprimand to the in-'tendant of police demanded by his Majesty's Government.'+ And so also that which in November was a flagrant injustice, became in February, by a perseverance in wrong, an exercise of right; and that which in one month was by the British consul shown to be a tyrannous, and iniquitous perversion of justice, is called in the next, by the same British officers and British Government, a fair trial. Marcos Ascoli must rejoice in the name of British subject, after having been thus honourably rescued from oppression; which, besides other injuries, reduced him to the bitter necessity of applying to the eleemosynary aid of his fellow-merchants at Lisbon. He must remember also, to his eternal gratitude, the British Government not only not defending

^{*} Parliamentary Papers, A, page 64.

his innocence, but deliberately confirming the unjust sentence of his oppressors, while it nobly weighed the miseries of thirty-four days confinement in the dark dungeon of Belem against so many dollars. The remaining equally iniquitous imprisonment of three months in a common jail goes for nothing; that is to be counted as one of the common accidents of a British subject's life. But Lord Aberdeen is resolved, he tells us, 'to maintain 'the rights of his fellow-subjects;' and therefore considers thirty-four days in a damp dungeon to be worth some L.27 sterling; and with an order for this equivalent, the unfortunate man is, with his helpless family, turned out of Lisbon, exiled, ruined,

-and protected!

This is the case of an individual, unknown indeed, but not the less entitled to the protection of his government. We have dwelt on it as illustrative of the policy pursued by the late ministers towards Dom Miguel. Ever beginning with loud remonstrances and pretensions, they gradually lower their tone as they meet with difficulties; and end by expressing an affected satisfaction with evasive apologies and insultingly inadequate indemnification. We call attention to this unhappy proceeding the more strongly, because the sequel will show its proper punishment in the increasing outrages it tempted the Portuguese authorities to commit. Ascoli's is no solitary case of oppression; he is one amongst a disgracefully long list. We might as easily have selected from the official correspondence, the cases of the iniquitous confiscation of the property of a most respectable merchant, Mr Hatt Noble, at Oporto, and the six months' false imprisonment of his son, a youth under age. We might have dwelt on the two months' imprisonment of Mr O'Brien; the outrageous seizure of Mr Macrohon; the eight months' confinement of the British consul of Tavira; or the fifteen months' secret confinement of Joseph Fragoas, an overseer of the fortifications of Gibraltar; or the cruel seizure of Mrs Story; -these last three victims having been so effectually immured in their dungeons, that they could not, the one for a year, and the others for six months, find any means of conveying a report of their seizure to the British consul.

While this course was pursued by Dom Miguel and his ministers, insults, blows, and wounds were liberally bestowed on British subjects at Lisbon, and throughout Portugal, by his rabble of royalist volunteers and policemen. Mr Kenna and Mr Munroe were seriously wounded, and the vice-consul of St Ubes, and many other English subjects there, were literally blockaded in their houses by these ruffians. But now, no longer satisfied with violence to individuals, Dom Miguel pro-

ceeded to attack the general interests of England, and boldly broke through the essential clauses of our much vaunted Commercial Treaty. He doubled the duties upon all English manufactures imported in foreign bottoms; and, at the same time, granted partial licenses in favour of those Portuguese merchants whom he conceived to be favourable to his usurpation.

These personal, national, and commercial insults, were still patiently borne by Lord Aberdeen and the Duke of Wellington, who contented themselves with retaliating upon the supporters of Dona Maria the injuries they received from Dom Miguel, whom, with the overweening fondness of a mother for a petted truant boy, they lured on by impunity to the commission of even greater offences. His insults, and his false imprisonment of our subjects, had won for him the friendly recognition of his paper blockade of Oporto; -the greater and more pertinacious outrages upon our subjects, and the infraction of our commercial treaty, had been requited by the tarnishing before Terceira of the honour of our flag. What might not be expected from more bold aggressions? Even the recognition of his usurpation. Confident, then, in hope, and emboldened by impunity, this petty despot proceeded in his career of humbling the unrecognising pride of 'his ancient and faithful ally.' In the midst of these outrages, Mr Matthews was superseded by Mr Mackenzie. Before we proceed further with this ungrateful subject, we must express our thanks to that gentleman for the readiness and spirit with which he endeavoured to defend his countrymen from the attacks of the Portuguese government; and we congratulate him upon his escape from a position where his endeavours were so ill supported by his superiors in England.

Mr Mackenzie's first instructions from Lord Aberdeen declare, 'that the honour of his Majesty's crown would be compro'mised by the want of that full and efficient protection which his
'Majesty's subjects are entitled to expect in foreign states, and
'which they (his Majesty's government) are determined to af'ford to the utmost extent which may be authorized by the law of
'nations, or by the special provisions of any treaty.'* We regret
to be obliged to add, that a further examination of the official
papers relating to Portugal, from which we have already so liberally extracted, will not support these lofty pretensions. For, four
months later, we find Mr Mackenzie reporting to Lord Dunglass
'that he has in vain renewed his entreaties to bring the unfor'tunate cases of Fragoas and Mrs Story to trial.'+ And also, in

^{*} Parl. Papers, A, page 1. Mr Mackenzie's Correspondence. † Ibid. page 2.

the same month, 'protesting most formally in the name of his 'government, against such a violation of promises as have been 'made to him, and such a protracted, if not intentional refusal, 'of the privileges secured by treaty.'* The secret confinement of Fragoas had been discovered by Mr Matthews about a month before his supercession; and the sixteen months' consulship of his successor, Mr Mackenzie, left the 'unlucky man,' as he pleasantly calls him, where it found him—in a prison. These, with many other instances too tedious to cite, might be adduced as illustrative of the protection afforded to the persons of British subjects by Lord Aberdeen's interference.

Dom Miguel's notion of the value of this protection, led him to proceed from these imprisonments of our subjects, and confiscations of their property, to the seizure of our merchant vessels and their cargoes; and thence onwards to the carrying off our

commissioned packets.

On the 16th May, the British schooner 'Ninus,' laden with salt for Newfoundland, and furnished with all proper papers and clearances, was captured and sent into the Western Isles by a Portuguese brig-of-war, on the frivolous pretence of her tend-ency to break the blockade of Terceira. The Portuguese Admiralty-courts declared her to be no lawful prize; but she was not the less sent to Lisbon, where her cargo was ruined, and her captain and her crew turned adrift. This capture was followed, as Mr Mackenzie informs Viscount Santarem, by the seizure, on the same absurd pretences, 'of five other British 'ships, whose crews, registers, and papers, were in perfect order, proving their lawful pursuits and distant destination 'from Terceira, but which were not the less arrested, ill-treated, and partly plundered.'† Then came the seizure of the St Helena packet, under the command of Lieutenant Warren, R. N. 'They were met,' (says Mr Consul-General Harding Read, in his official report of 31st July, 1830, to John Backhouse, Esq.) 'by the Portuguese frigate Diana, who fired 'at them, and brought them to, treating them with every in-'dignity, calling them pirates, taking from the officers their 'swords and pistols, and putting them all under arrest, on sus-'picion that they were bound to Terceira, which Lieutenant Warren solemnly declares he had not the smallest intention of ' going to: the sick seamen were sent on board the frigate from ' under the care of Mr Neill, late surgeon of the Primrose, and ' are still detained there under a scanty allowance of provisions.' ‡

^{*} Parl. Papers, page 3. Mr Mackenzie's Correspondence. † Ibid. page 25. ‡ Ibid. page 10.

The officers and crews of these vessels fancied, on their arrival at Lisbon, that the name of England and the protection of their consul would release them at once; but they were quickly undeceived; they had to submit to the glaringly false evasions of the Portuguese government;* and to see, as Mr Mackenzie informs Count Santarem, 'their vessels dismantled, their cargoes ' (worth half a million) injured, their anchors and cables lost, ' their sails cut in pieces and sold, their cordage damaged, them-'selves cast ashore, and their papers taken from them.' These outrages produced, as usual, divers spirited remonstrances from Lord Aberdeen, who demanded the immediate restitution of the ships, a full indemnification for the losses incurred, 'and the 'public dismissal of the commanding-officer of the Diana frigate, 'as a just punishment for his cruel and unmanly treatment of the individuals on board the St Helena packet, and the auda-'city with which he has thought proper to regard officers and 'invalided seamen in his Majesty's service as pirates.' This was on the 3d August; and yet, in November, when his Lordship relieved the country from his services, we shall find, that even not all these pirated ships were restored; that no indemnification had been made; and that the captain of the Diana walked about the streets of Lisbon in his uniform, as careless of Lord Aberdeen's remonstrances as Dom Miguel himself.

And now the reward of this pertinacious oppressor was glittering before his eyes. We had in vain sought, by patient submission, to mitigate the wrath of 'this destroyer of consti-'tutional freedom, this breaker of solemn oaths, this faithless ' usurper, this enslaver of his country, this trampler upon public law, this violator of private rights, this attempter of the life of helpless and defenceless woman.' For two dishonouring years our ministers had lent themselves to many covert and one flagrant act of hostility, which chance or authority enabled them to practise against those loyal Portuguese who continued true to their Queen and their charter, and yet was the usurper unsoothed: for two long years they had submitted to insults and outrages on the property, the persons, and the commerce of British subjects, and yet was the oppressor unsatiated. He had an ulterior object in view; and his cumulative course of insults and oppressions, confiscations and imprisonments, infractions of treaties, and seizure of ships, narrowly escaped success. He had worn out the resistance of England's late Ministers. They

^{*} Parliamentary Papers, A, page 32 and 36. † Ibid, page 9. † Page 5, Lord Palmerston's Printed Speech on 1st May, 1829.

were beaten. This defenceless country had been so roughly handled by Dom Miguel for not recognising his authority, that, to save ourselves from the future effects of his wrath, we had nothing left but to submit-and to call him lawful King and Lord. This act our late Ministers were about to perform for us; and, with insults unredressed, our subjects imprisoned, our plundered merchants unindemnified, and, with the Ninus and her crew rotting at Lisbon, they seized on the happy conciliatory moment to negotiate the recognition of the offending usurper. Nor was a crowning characteristic instance of our high-minded diplomacy wanting on the occasion; for, after having commenced, as usual, by insisting upon an amnesty for those loyal Portuguese whose fortunes and lives had been compromised by our wavering policy, we were about to accept, for the sake of the parliamentary effect of a promise, a promise from Dom Miguel to grant one, upon the most fitting occasion. This was to have been the faithful price of our recognition. But, happily, the good genius of England interfered; for ere this foul recognition was consummated, the Wellington Administration had run its course.

A different line of conduct was now about to be adopted towards Dom Miguel, whose recognition fell, it is to be hoped, into far abeyance. Mr Hoppner, the new consul, was instructed by Lord Palmerston, 'to inculcate upon all British subjects in Portu-'gal, the necessity of abstaining from all interference in its ' political dissensions, while at the same time he was directed, in any instance in which the rights of British subjects might ' be violated, forthwith to make a prompt and energetic demand of redress, giving the Portuguese government to understand ' that his Majesty's government would not permit such acts to ' be committed with impunity; and if redress should be denied 'or delayed, to transmit, without loss of time, a statement of ' the facts for the consideration of his Majesty's Government."* Dom Miguel doubted either the sincerity or the stability of the new administration; or, with the reckless blindness of a well educated tyrant, cared not for consequences. Decrees were, indeed, issued for the protection of British rights and interests; but the dismissal of the captain of the Diana was evaded; and every delay thrown in the way of the restoration of the Ninus, and of the pecuniary indemnification to the British merchants for the injury sustained by their vessels and cargoes. A harassing persecution of English rights and privileges had risen

^{*} Parliamentary Papers, A. Mr Hoppner's Correspondence.

to full vigour during the consulship of Mr Mackenzie; but this was now, if possible, increased. We have already, we fear, wearied our readers with details of the insults and oppressions endured by the English in Portugal; we will therefore now say no more, than that the merchants became so alarmed, that in March they assembled and addressed a memorial to Mr Hoppner,* begging him to forward to England the expression of their apprehensions for the safety of themselves and their property.

Lord Palmerston did not swerve from his promise of protection; and, finding his remonstrances thus disregarded, he, on the 15th April,+ demanded the unqualified and public dismissal of the captain of the Diana, full compensation to the owners of the illegally detained vessels, the abolition of the double duties exacted upon our merchandise contrary to treaty, and reparation for the different insults offered to British subjects, together with the punishment of the offenders, and the public declaration of the cause of such punishment. These demands were embodied in seven distinct articles, to which a categorical answer, affirmative or negative, was required within ten days; and M. de Santarem was further informed, that if unmodified satisfaction was not afforded within the given time, the naval commander of his Majesty's ships off the Tagus, had received orders to make reprisals. M. de Santarem, as usual, endeavoured to evade; but the British consul, now strengthened by the consistent support of his superiors, would relax in no one point, and accordingly M. de Santarem, after much chicanery, gave full satisfaction on all. Thus was concluded in a few months this satisfactory appeal; and thus were honourably redressed wrongs, which a two years' stimulative alternation of remonstrance and concession had increased to a state bordering on The British merchants of Lisbon and Oporto united to express their gratitude to Mr Hoppner and to Lord Palmerston, for the efficacious protection thus afforded to their persons, rights, and properties. And the reflection of having been the able instrument of performing these meritorious services for his countrymen, will probably console Mr Hoppner for the animadversions of Lord Londonderry, and the aspersions of that Lisbon correspondent, who, writing from London, | places in the same book the atrocities of Dom Miguel, and the confinement, after a most patient trial, of some three or four of the Polignac ministry in Havre. Were bad ministers oftener made to feel that which they too often inflict, humanity might suffer less.

^{*} Parliamentary Papers, A, page 32. ‡ Ibid. page 61. § Ibid. pp. 68 and 71.

[†] Ibid. page 42. || Ibid. page 14.

The French were also compelled to exact the same satisfaction that England had so properly obtained. The arrival of the French squadron off the Tagus, caused much excitement at Lisbon, which, together with the indignation of the Miguelites at the unexpected firmness of the English cabinet, provoked the commission of some fresh outrages, against which Mr Hoppner most vigorously remonstrated. These fresh attacks attest the wretched state of police in Portugal, and the mob-supremacy under which Dom Miguel reigns. We will not quote from Mr Hoppner, lest he may, however unjustly, be considered as strongly biassed in his opinions; but Mr Matthews shall describe those individuals who, in an important seaport, (St Ubes,) within a few miles of the seat of government, are allowed to spread terror among the superior classes of the industrious inhabitants; and into whose hands the local authorities have abandoned the government of the town, under the strongest appearances of superior sanction. 'They are, sir,' he says, 'a Thonas de 'Aquiro, the workman of a shoemaker; Felicio, a barber; Pedro 'Jozi da Silva, a shoemaker, and some more of the same class; ' lately in penury and want, but now well protected and pro-'vided. These are supposed to be instigated by Vasco Manoel ' da Oliveira Banha, lieutenant-colonel of the Royalist Volun-' teers; * by Jon Jozi da Farea, a scrivener, and Joaquim Pedro 'Gomez da Oliveira, a clerk in the post-office; and the whole of 'these appear sanctioned by the Juiz de Fora, the immediate ' officer of the government.' These are the true ministers of the government; and, while they are permitted to exercise their lawless authority, it is not surprising that England and France should be compelled, at a considerable expense, to interfere for the protection of their injured subjects.

The proceedings of the French were similar to ours; except that they were ultimately obliged to resort to force, in consequence, probably, of the unadvised encouragement held forth to the Portuguese by certain parties in this country. The outrages which called for their interference, were, from the limited intercourse that subsists between the two nations, fewer in number, though more atrocious and insulting in quality. The repeated floggings of Mr Bonhomme on a most improbable charge, and the repetition of the infliction of this punishment by the special directions of Dom Miguel, on being told that a French brig-of-war was in the offing with despatches, claiming his liberation, coupled with the declaration, that 'they should have him

^{*} Parliamentary Papers, A 2, page 68.

'if they liked, but with his back well flayed,'* was not likely to conciliate a sensitive and offended nation. Still less so was the treatment of Mr Sauvinet, a French gentleman, who, upon the most frivolous pretence, was, 'at seventy-six years of age, thrust 'into a dungeon, where his food was carried to him in a bowl by a galley slave, and thrust before him on the ground, as if he 'were a dog: he was allowed neither knife nor fork to eat it, 'and although, on account of his feeble health, he found it exceeding painful to stoop to the ground to reach it, his request 'to be allowed a table was rejected.'† And at length, when the French force approached, Mr Matthews adds, 'he was, notwithstanding his advanced age, brutally beat, and exposed to other

' acts of wanton cruelty.'

Deeds such as these are scarcely fitted for the meridian of Algiers; and yet humane and honourable persons here have been so far blinded by party zeal as to blame our government for permitting the French to put an end to them. First their consul and then their admiral remonstrated; but, with its usual spirit, the Portuguese government insulted, bullied, evaded, and then had the effrontery to demand the protection of England; when not six weeks were elapsed since it had compelled that same England to adopt the same measures which France was now wisely employing! Our government answered the call for protection, by repeatedly and earnestly advising concession and a change of conduct. But Dom Miguel belongs to the school that neither knows how or when to concede with honour. He therefore waited for inevitable compulsion. It came; and, in consequence of his firmness, he lost many of his men-of-war, which fell lawful prizes to the French admiral, who was by this obstinacy compelled to force his passage up to Lisbon. Full satisfaction was then promised, and again evaded; when the French, rationally placing less reliance on Portuguese faith, insisted on more severe terms than they at first required. Then having secured these, their fleet quitted the Tagus; and Dom Miguel returned to wreak that vengeance on his own subjects, which the French and English governments would no longer permit him with impunity to extend to theirs. Probably he was buoyed up in this mad opposition to the French demands, by the state of politics in this country at the time: he looked to the English elections with the same eye of deceived expectancy as his anti-reform Tory friends here. Like them, he trusted in their return to power, and happily was deceived. But they have shown themselves not

^{*} Parl. Papers, B, p. 6.

insensible to this grateful and flattering remembrance; and Lord Aberdeen, the Duke of Wellington, and Lord Londonderry, have not shrunk from appearing before the public as his advocates.

It is painful and tiresome to recur to the cruelties and oppressions of this usurper. We have already shown that his power depends on the evil passions of an organized band of 30,000 selfconstituted defenders, calling themselves royalist volunteers. With these is associated an ominous confederacy of low atterneys, dishonest agents, and hungry policemen, whose machinations are supported by the brute force and hardened hearts of thousands of unpaid soldiers, discharged clerks, and starving labourers and manufacturers; all subject to the unholy influence of an ignorant and sanguinary priesthood, blinded by self-interest and bigotry. This is a fearful power, such as no arm can wield, and which, beyond doubt, has more real authority than the usurper himself. Many of its crimes and atrocities are committed without even his connivance. He is but its nominal leader; arbitrary and despotic, indeed, to do evil, but in many respects powerless to do good. He is in a false position, from whence there is no retreating, unless he descend from his crimepolluted seat, and hide his degraded head in obscurity and penitence. Were we inclined to give the rein to our imagination, we would picture Dom Miguel, some thirty years hence, a pale and attenuated monk in some lone Chartreux convent upon a mountain brow, -worn with fasts and vigils, and in the still hour of night, when all slept save the memory of his past evil deeds and present penitence, pouring out, in the full strain of Catholic devotion, thanksgivings for the mercy that hurled him from a But such anticipations are little likely to be realized. He is bound to the evil party, and they to him. They will stand or fall together; -they and he keep the rest of Portugal at bay. The wealthy, the timid, the old, the industrious, the interested, the time-serving, bow before them and tremble; and well may they. For they need only remember some of their many friends and relations amongst the 80 or 90,000 victims, who, in divers modes of misery, are bending beneath his and his associates' tyranny. Indeed, the present state of Portugal exhibits a terrible picture of a mob rule, exercised in the name of a king, and sanctioned by the bloodthirsty preaching of a fanatic priesthood. are we to think of a government, where the people are publicly called on by papers issued from the Royal press, 'to combat 'the freemasons,' (and in this is included every supposed opponent,) 'as the enemies of God; to exterminate them, as the wolves were exterminated in England, by a general hunt;

6 to practise a general shooting of them, and see their balls bringing them down, as the Jews in the desert saw clouds ' and clouds of quails falling to satisfy their hunger; to pray 6 to God to kill all those who tolerate freemasons; * and then, after reciting the slaughter of the Egyptians and the Assyrians by the Archangel Michael, blasphemously to say, 'This 'Archangel is not dead-he yet lives-and may God preserve 'him to put an end to all freemasons!'+ After reading such addresses, and after finding them justified by the minister, M. de Santarem, can we wonder at the barbarous and revolting acts daily committed 'by a force which is above the control of any magistrate;' and can any one be so prejudiced, or so deaf to reason, as to believe in the attachment of a people who are kept in subjection by such a force, and by such means? Meanwhile, internal trade and industry are fast failing; and the external commerce of the country has decreased fourfold within the

few years of this usurper's career.

How long such a state of things is to endure, what is to be the remedy, and how applied, is difficult to say. The abominable policy that permitted this usurpation, that assisted its consolidation, and paralysed the efforts of its opponents-that gave it all it dared to give, its moral support, and would have added, as a cheap recompense for its outrages, both internal and external, the hitherto honoured right hand of England, in token of recognition, has led Europe into a dilemma from whence the extrication is neither easy nor safe. The liberal courts of France and England might, indeed, in one short month, and probably without the loss of a single life, quietly dispossess the usurper, and place the young Queen Dona Maria upon that throne which all the powers of Europe have recognised as hers. They might thus easily expiate the wrongs they have done to Portugal; give her a stable government, and replant that constitutional charter which her lawful and acknowledged king bestowed on her; and to the maintenance of which all her constituted authorities deliberately swore, and for the restoration of which many thousands are now openly contending in arms, or sighing in secret. These courts might thus raise up an useful ally in the cause of constitutional freedom, and bid peace, industry, and happiness, succeed to misery, anarchy, and tyranny. These are tempting prospects; but yet, non-intervention is the keystone of the independence of states, and the best barrier against that worst of pestilences-war. It is true, that

^{*} Parl. Papers, A, p. 3.

this golden principle has almost invariably been transgressed. when the interests of a despotism have been at stake. may indeed be cases, both on the side of despotism and on the side of anarchy, which might justify its infringement. state of Portugal at the time of the profligate and tyrannous usurpation of Dom Miguel, combined with the recent intervention in Spain by the French, and in Italy by the Austrians, was a case in point. Our practical assistance had been called for: our troops were already landed for the defence of Portugal and its state; and we were in honour, if not in the letter of the law, parties to the Regency of Dom Miguel and the succession of Dona Maria. What would the brilliant statesman who sent those gallant troops to Portugal have said, had he lived to see his proffered shield of freedom converted into the dark cloak behind which it was to be stabbed? Would he, whose glorious apology is the emancipation of this country from the trammels of the Holy Alliance, have suffered this ' Portuguese Archangel' so contemptuously to trample on all those ties, laws, and treaties, which severally bind individuals, governments, and nations? Would he have allowed himself to be played upon and laughed at by that Holy Alliance? No: then, shall we? The question is trying, but the cases are different. Then, there were special and sufficient grounds for interference. Now, alas, time has confirmed the usurpation; and France and England could only interfere on the dangerous and crusading grounds of redressing ancient wrongs and patronising general liberty, at the expense of first principles.

Thus, then, as far as foreign powers are concerned, unfortunate Portugal can receive no active relief. The evil has been inflicted and confirmed; and she must rouse herself for the struggle, and be sufficient of herself to help herself. She will have, as she deserves, the pity, the good wishes, and the aid, in as far as the law will permit, of all generous minds. Nothing more, nothing less, should be given. But, on the other hand, no countenance whatever, beyond the mere commercial relationship of consuls, should be afforded to the usurper, by any one state that has any pretensions to a respect for honour and morality. Dom Miguel should remain an isolated memento of the world's abhorrence of tyranny, perjury, and murder. If the Portuguese suffer an organized and remorseless faction to impose this petty tyrant upon their necks, they may be pitied or contemned; but their dread of the royalist volunteers, and their associated priests and vagabonds, need not extend to us. We would be the last to advocate any squeamish hesitation in recognising a king de facto. But Dom Miguel is not a king de facto of the entire Braganza dominions. Insurrections frequently take place even in Portugal; and the Western Isles belong de facto to the de jure Queen of Portugal. His power never has been, and we trust never will be, consolidated. He has acquired an undue command by the commission of almost every crime; but there has ever been an appointed hour for oppression to have an end. And so will it be in Portugal-affairs cannot continue much longer in their present state. The day of retribution and of reckoning is at hand. It may come sooner, it may come later, but come it must; and, in as far as Portugal is concerned, the heavier for the delay. Injustice stalks through the land—an unpaid soldiery feed upon the vitals of industry. Commerce, trade, manufactures, and agriculture, are decaying in a frightfully progressive ratio. The rate of interest is ruinous, for both public and private credit are at the lowest ebb; and the ruinous and temporary expedients of forced loans and confiscations cannot last for ever. Thus, happily, oppression sows the seeds of its own destruction, whenever the sufferers have the fortitude to endure for a while; and then, when this dark day dawns,—when the hour of revolt arrives, the brave and good will stand forth; the timid and self-interested take heart; and those evil companions who have been battening on the miseries of their country, and who are now basking in the sunshine of the oppressor's smile, will desert him in his utmost need, and leave him naked to his enemies. Such an hour is now probably impending over his head; for Dona Maria still maintains her position in the Western Isles: around her are rallied the better spirits of her country. She possesses a considerable and well disciplined force, and, above all, a good cause, and there is a just Providence watching over her. Her father, Dom Pedro, is actively employed in strengthening her means and resources; and although the internal laws of England and France, and the international law of Europe, render this task difficult, still ships have been bought and fitted out for warlike operations, under able officers, and are now conveying hardy troops and gallant crews to the Western Isles. From thence a powerful descent may be made upon Portugal by the Queen in person, and then will the question of Portuguese freedom be tried. It would be idle to anticipate the issue—our wishes might misguide our judgment; but we cannot believe in that indifference to liberty, and blind hugging of tyranny, which we hear so harshly imputed to the Portuguese. The chilling indifference which was shown by our cabinet to the Constitutional cause, and the active hatred publicly avowed by every influential court in Europe, whose hostility was nevertheless exceeded by the neutral zeal of England, have thwarted many efforts of the Constitutionalists. But affairs are now changed in England. The Portuguese and the rest of Europe may at length believe in the sincerity of those conventional phrases in favour of liberty, which all Englishmen are bound to employ; but which the general policy of our government has, by some unaccountable fatality, for many a long year, found itself under the singular necessity of contradicting by its acts. We have seen the Portuguese, under the constitutional regency of Dona Maria, repel the irruptions from Spain before the arrival of British aid; and we therefore the more confidently expect to hear the same gallant persons practically contradict those sneers on Portuguese valour, and love of independence, which come with an ill grace from those who are generally considered to have been not a little instrumental in crushing it. At all events, be the result what it may, though our estimation of his subjects may vary, our opinion of Dom Miguel will remain unchanged. and the policy to be pursued towards him should be unalterable as his crimes. It will be time enough, when all struggles shall have ceased, should he, by any inscrutable provision of Providence, still come forth successfully from the trial, to consider what measures may be adopted towards him. But for the present, and for many a day after, 'all is hushed in grim re-'pose;' it would be treason to the cause of honour and liberty, as well as of morality and justice, to talk of recognising ' the 'usurper, who has held up his perjured and bloody hands so ' contemptuously in the face of the civilized world.'

Spain, fresh from the slaughter of her additional victims, will naturally feel a lively interest in these proceedings; but we have as little fear of her open aggression, as we have doubt of the tendency and activity of her intrigues. Indeed, the active interference of Spain would cause the deliverance of Portugal, for it would be a glad signal for the aid of England and of

France.

The interest of England evidently leans to the restoration of Dona Maria, as the only honourable means of re-opening that friendly and mutually beneficial intercourse that has subsisted between the two countries for centuries. It is a mere sophism (not to mention the baseness of the motive, supposing it true) that urges the value of this intercourse as a reason for recognising the usurper. Interests and institutions are so widely changed in Europe, that the liberal Portugal, which might be now a most serviceable ally to this country, would, under Dom Miguel, and with his institutions, be a heavy clog upon our policy. His usurpation is the bar that separates the long descend-

ed friendship of the two countries. There is a wide distinction to be made between Portugal and her tyrant. Had our past intercourse been less free with the one, were our desires for its intimate renewal less sincere, we might not recoil with such repugnance from the thoughts of the permanence of the authority of the other. But by as much as England is unwilling to contemplate a mere formal distant intercourse with her ancient ally, by so much does she loath the idea of recognising her dishonoured usurper. Her hostility to Dom Miguel is the test of

her regard for Portugal.

But in truth the commercial value of Portugal to this country lives upon tradition. When India was not ours-when a few hardy and enterprising colonists formed the acorn from whence the wide-spreading oak of the United States has grown; when Canada was French, and poor and thinly inhabited; and our West Indian trade comparatively trifling—then Portugal was flourishing; and in addition to her possessions in India and Africa and 'the Isles,' afforded the only channel through which British commerce could find its way to the Brazils, and other rich portions of South America. In those days the commerce of Portugal was indeed most important to this country; but now, and particularly at the present moment, it is but as the sandy bed of some broad river, whose springs have been dried up, and whose scanty waters creep unseen into the vast ocean of British wealth. That country, which in 1700 engaged one-seventh of the commerce of England, now participates in less than onehundredth part. But these at best are mercenary arguments; and Portugal possesses higher claims to the attention of this country than her mere commercial ability. She has the sacred tie of ancient friendship, and long conferred mutual benefits. From her position, too, she is the weight by which we may adjust the balance of French and Spanish politics; and her value as an ally, should England unfortunately be again engaged in a naval war, will be understood by a single glance at a map of the world. But, we repeat, the force of these considerations depends on the government which shall exist in Portugal; -upon that which now exists no reliance whatever can, or could ever be placed, until England found herself once more leagued with the Tory faction of Europe. We pray that such a day may be far distant. We have no wish to see this highly artificial, because highly civilized country, let loose the four winds of discord on the continent, and preach with a suicidal enthusiasm, license and anarchy, under the mask of liberty. We heartily deprecate any such attempts; and therefore, however earnestly we may look for the liberation of Portugal, we have no desire to witness, much less to counsel, any such system of Propagandism, on the part of this country. All we call for is fair play and good wishes; and we indulge the pleasing hope, that ere another year revolve, right will have conquered fraud, and the honoured crown of the House of Braganza be restored to the lawful brow: then may unhappy and now decaying Portugal find an abiding refuge from her many years of revolution and misery. She may re-enter the pale of European intercourse, and, with a constitution adapted to her wants and her intelligence, find peace and reviving prosperity. And then, also, those who accuse us of deserting the ancient allies of this country, may, with shame or with joy, according as party spirit or patriotism predominates in their minds, confess that his Majesty's present Ministers have been the best friends both of Portugal and of England.

We have now gone through the long history of the anarchy which has prevailed in Portugal for these last ten years. was necessary for a right comprehension of the subject; and for an exposition of that mistaken policy, which, with some few deviations, has been every where pursued by this country. Proud and boastful of the enjoyment of a rational liberty, superior to that of the rest of Europe, England has, nevertheless, with a perverse and contradictory spirit, chosen to ally herself with the despotic, instead of the liberal spirit of the age: (we use neither of the words with an evil interpretation.) She has acted as if, with an accusing conscience, she believed there was something dangerous in liberty, something safe in tyranny,—that the one had, after great exertions, only a claim for toleration, while the other had a constant right to be defended, -and that she must assist (if she ever did assist) liberty by stealth, and in the dark, as though she were committing an offence that required explanation in the eyes of Europe. And in truth so it did, so long as we chose to ally ourselves with those who were its declared The British Ministers who patronised this policy, had two contending feelings to reconcile,—the love of freedom, inherent in the breast of this country,—its hatred, as natural to the understandings of their imperial allies; they were therefore compelled to follow the crab-like diagonal policy, of which we have exposed a fair sample in the case of Portugal. The same oblique line may be traced in their other foreign relations. is as impossible that it should have been otherwise, so long as they pursued this contradictory policy, as it is in mechanics that a diagonal motion should not be the result of two diverse forces.

But a change has now taken place; and this country is no longer ashamed to declare, that while she respects all thrones, she prefers the right hand of freedom to the right or left hand, call it which you will, -of despotism. With the one she may have, with the other she never can have, a lasting unity of interests. England and France are at the head of the one; the shattered fragments of the Holy Alliance form the bond of the other party in Europe. There are many persons in this country, who, from prejudice, or from party feelings, or from want of reflection, entertain those dishonouring opinions concerning liberty which influenced the whole course of our late policy; and we are therefore not surprised at the evil eye with which they regard the growth and the striking of the roots of freedom in France. We can pardon them this; but we cannot so lightly pass over the sanguinary and unchristian spirit which seeks to place these two neighbours, and now companions,—these mighty leaders of the civilisation of the European world, in everlasting array against each other. Divide and rule, is an old adage; and we are prepared to expect the wily perseverance with which our late Holy Alliance associates will seek to embroil the two Their hatred of liberty is natural, for it saps the very foundations of their absolute power. They abominate it in England, but the evil here is irremediable; and they have hitherto borne with it on the tacit convention—upon, in as far as we are concerned, the cowardly understanding-that we shall abstain from all encouragement of its growth abroad; that we shall leave it to be reaped and garnered by the tender husbandry of their sanatory cordons and armies. Such Laybach provisions were for a while sufficient. But the Polignac ministry too eagerly commenced their harvest at home; and the rich corn they would have cut down escaped from their hands, and has produced seed an hundred-fold. The Metternich school are in consequence alarmed, and with reason. They were about to renew against France the days of Pilnitz, and to make a vigorous effort to crush the hydra in its infancy, when gallant, unhappy, devoted Poland,-that dismembered country which owes nothing to Europe but execrations, arose, as of old, in the hour of danger, and with her own ruin stayed the northern torrent. We owe much of our present peace to her. She gave time to France to rally her convulsed forces, and taught the enemies of liberty to reconsider their position. Now they dare not, however much they may desire, to undertake a general movement against their offending neighbour; -the internal state of their own dominions will not permit so dangerous an experiment. England, too, has deserted them. They cast many a longing lingering look

back to the days of her high Toryism; and their grey-headed elders evoke in vain the days when, with loans without number, she rushed into coalitions without thought. Those spendthrift days are past,-the Holy Alliance knows it, to its grief; but its members are not the less active in their exertions against the consolidation of liberty in France. Once firmly rooted there, they foresee a certain spreading of its branches; and therefore we shall see them, with the tenacity of persons contending for all they hold dear, put in practice every possible intrigue by which they may excite troubles in France; whether it be by the support of Carlists, or Bonapartists, or Republi-Nor will they rest satisfied with such attempts alone. We shall find them stirring up difficult and invidious questions in Belgium, in Holland, in Greece, in Portugal,-or wherever else they fancy some happy moot point may bring England and France in collision. That such a policy may be expected from many courts of Europe, and must be most carefully and temperately guarded against, it would be difficult to deny. But it is with shame and sorrow unfeigned, we add, that this wariness must be exercised not only against foreign courts, but against certain domestic politicians, who have hitherto allowed few opportunities of playing into the hands of the Holy Alliance to escape them.

But let his Majesty's present Ministers steadily pursue their straight-forward line of policy; -let them, in honesty and good faith, give the right hand of fellowship to that great nation, whose valour, whose intelligence, whose civilisation, whose freedom, and whose proximity, render her the most fit ally of this great country. Let them, in the conduct of public affairs, avoid that which all generous minds abhor in private life, the making friends and companions of the unworthy. In this manly spirit, let them cultivate the friendship and familiar alliance of France; let them rejoice over the restoration of liberty in Portugal; and while they place themselves in line with those countries whose institutions most accord with their own, let them at the same time honourably maintain their relations with all states, and discountenance every attempt at a proselyting spirit of liberalization. And then, when the friends of the Holy Alliance taunt them with truckling to France, they will tell them that England is too proud to be afraid to make any country, however powerful, her friend.

ART. VII.—The Pilgrim's Progress, with a Life of John Bunyan. By Robert Southey, Esq. LL.D. Poet-Laureate. Illustrated with Engravings, 8vo. London: 1830.

which well deserves all that the printer and the engraver can do for it. The Life of Bunyan is, of course, not a performance which can add much to the literary reputation of such a writer as Mr Southey. But it is written in excellent English, and, for the most part, in an excellent spirit. Mr Southey propounds, we need not say, many opinions from which we altogether dissent; and his attempts to excuse the odious persecution to which Bunyan was subjected, have sometimes moved our indignation. But we will avoid this topic. We are at present much more inclined to join in paying homage to the genius of a great man, than to engage in a controversy concerning church-

government and toleration.

We must not pass without notice the engravings with which this beautiful volume is decorated. Some of Mr Heath's woodcuts are admirably designed and executed. Mr Martin's illustrations do not please us quite so well. His Valley of the Shadow of Death is not that Valley of the Shadow of Death which Bunyan imagined. At all events, it is not that dark and horrible glen which has from childhood been in our mind's eye. The valley is a cavern: the quagmire is a lake: the straight path runs zigzag: and Christian appears like a speck in the darkness of the immense vault. We miss, too, those hideous forms which make so striking a part of the description of Bunyan, and which Salvator Rosa would have loved to draw. It is with unfeigned diffidence that we pronounce judgment on any question relating to the art of painting. But it appears to us that Mr Martin has not of late been fortunate in his choice of subjects. should never have attempted to illustrate the Paradise Lost. There can be no two manners more directly opposed to each other, than the manner of his painting and the manner of Milton's poetry. Those things which are mere accessories in the descriptions, become the principal objects in the pictures; and those figures which are most prominent in the descriptions can he detected in the pictures only by a very close scrutiny. Mr Martin has succeeded perfectly in representing the pillars and candelabras of Pandemonium. But he has forgotten that Milton's Pandemonium is merely the background to Satan.

the picture, the Archangel is scarcely visible amidst the endless colonnades of his infernal palace. Milton's Paradise, again, is merely the background to his Adam and Eve. But in Mr Martin's picture the landscape is every thing. Adam, Eve, and Raphael, attract much less notice than the lake and the mountains, the gigantic flowers, and the giraffes which feed upon them. We have read, we forget where, that James the Second sat to Verelst, the great flower-painter. When the performance was finished, his Majesty appeared in the midst of sunflowers and tulips, which completely drew away all attention from the central figure. All who looked at the portrait took it for a flowerpiece. Mr Martin, we think, introduces his immeasurable spaces. his innumerable multitudes, his gorgeous prodigies of architecture and landscape, almost as unseasonably as Verelst introduced his flower-pots and nosegays. If Mr Martin were to paint Lear in the storm, the blazing sky, the sheets of rain, the swollen torrents, and the tossing forest, would draw away all attention from the agonies of the insulted king and father. If he were to paint the death of Lear, the old man, asking the bystanders to undo his button, would be thrown into the shade by a vast blaze of pavilions, standards, armour, and heralds' coats. He would illustrate the Orlando Furioso well, -the Orlando Innamorato still better,—the Arabian Nights best of all. Fairy palaces and gardens, porticoes of agate, and groves flowering with emeralds and rubies, -inhabited by people for whom nobody cares,—these are his proper domain. He would succeed admirably in the enchanted ground of Alcina, or the mansion of Aladdin. But he should avoid Milton and Bunyan.

The characteristic peculiarity of the Pilgrim's Progress is. that it is the only work of its kind which possesses a strong human interest. Other allegories only amuse the fancy. The allegory of Bunyan has been read by many thousands with tears. There are some good allegories in Johnson's works, and some of still higher merit by Addison. In these performances there is, perhaps, as much wit and ingenuity as in the Pilgrim's Progress. But the pleasure which is produced by the Vision of Mirza, or the Vision of Theodore, the genealogy of Wit, or the contest between Rest and Labour, is exactly similar to the pleasure which we derive from one of Cowley's Odes, or from a Canto of Hudibras. It is a pleasure which belongs wholly to the understanding, and in which the feelings have no part whatever. Nay, even Spencer himself, though assuredly one of the greatest poets that ever lived, could not succeed in the attempt to make allegory interesting. It was in vain that he lavished the riches of his mind on the House of Pride, and the

House of Temperance. One unpardonable fault, the fault of tediousness, pervades the whole of the Fairy Queen. We become sick of Cardinal Virtues and Deadly Sins, and long for the society of plain men and women. Of the persons who read the first Canto, not one in ten reaches the end of the first Book, and not one in a hundred perseveres to the end of the poem. Very few and very weary are those who are in at the death of the Blatant Beast. If the last six books, which are said to have been destroyed in Ireland, had been preserved, we doubt whether any heart less stout than that of a commentator would

have held out to the end.

It is not so with the Pilgrim's Progress. That wonderful book, while it obtains admiration from the most fastidious critics, is loved by those who are too simple to admire it. Doctor Johnson, all whose studies were desultory, and who hated, as he said, to read books through, made an exception in favour of the Pilgrim's Progress. That work, he said, was one of the two or three works which he wished longer. It was by no common merit that the illiterate sectary extracted praise like this from the most pedantic of critics, and the most bigoted of Tories. In the wildest parts of Scotland the Pilgrim's Progress is the delight of the peasantry. In every nursery the Pilgrim's Progress is a greater favourite than Jack the Giant-Killer. Every reader knows the straight and narrow path as well as he knows a road in which he has gone backward and forward a hundred times. This is the highest miracle of genius,--that things which are not should be as though they were, -that the imaginations of one mind should become the personal recollections of another. And this miracle the tinker has wrought. There is no ascent, no declivity, no resting-place, no turn-stile, with which we are not perfectly acquainted. The wicket gate, and the desolate swamp which separates it from the City of Destruction,—the long line of road, as straight as a rule can make it,—the Interpreter's house, and all its fair shows,—the prisoner in the iron cage,-the palace, at the doors of which armed men kept guard, and on the battlements of which walked persons clothed all in gold,—the cross and the sepulchre,—the steep hill and the pleasant arbour,—the stately front of the House Beautiful by the wayside, - the low green valley of Humiliation, rich with grass and covered with flocks,—all are as well known to us as the sights of our own street. Then we come to the narrow place where Apollyon strode right across the whole breadth of the way, to stop the journey of Christian, and where afterwards the pillar was set up to testify how bravely the pilgrim had fought the good fight. As we advance,

the valley becomes deeper and deeper. The shade of the precipices on both sides falls blacker and blacker. The clouds gather overhead. Doleful voices, the clanking of chains, and the rushing of many feet to and fro, are heard through the darkness. The way, hardly discernible in gloom, runs close by the mouth of the burning pit, which sends forth its flames, its noisome smoke, and its hideous shapes, to terrify the adventurer. Thence he goes on, amidst the snares and pitfalls, with the mangled bodies of those who have perished lying in the ditch by his side. At the end of the long dark valley, he passes the dens in which the old giants dwelt, amidst the bones and ashes of those whom they had slain.

Then the road passes straight on through a waste moor, till at length the towers of a distant city appear before the traveller; and soon he is in the midst of the innumerable multitudes of Vanity Fair. There are the jugglers and the apes, the shops and the puppet-shows. There are Italian Row, and French Row, and Spanish Row, and Britain Row, with their crowds of buyers, sellers, and loungers, jabbering all the languages of the

earth.

Thence we go on by the little hill of the silver mine, and through the meadow of lilies, along the bank of that pleasant river which is bordered on both sides by fruit-trees. On the left side, branches off the path leading to that horrible castle, the court-yard of which is paved with the skulls of pilgrims; and right onward are the sheepfolds and orchards of the Delectable Mountains.

From the Delectable Mountains, the way lies through the fogs and briers of the Enchanted Ground, with here and there a bed of soft cushions spread under a green arbour. And beyond is the land of Beulah, where the flowers, the grapes, and the songs of birds never cease, and where the sun shines night and day. Thence are plainly seen the golden pavements and streets of pearl, on the other side of that black and cold river

over which there is no bridge.

All the stages of the journey,—all the forms which cross or overtake the pilgrims,—giants and hobgoblins, ill-favoured ones, and shining ones,—the tall, comely, swarthy Madam Bubble, with her great purse by her side, and her fingers playing with the money,—the black man in the bright vesture,—Mr Worldly-Wiseman, and my Lord Hategood,—Mr Talkative, and Mrs Timorous,—all are actually existing beings to us. We follow the travellers through their allegorical progress with interest not inferior to that with which we follow Elizabeth from Siberia to Moscow, or Jeanie Deans from Edinburgh to London.

Bunyan is almost the only writer that ever gave to the abstract the interest of the concrete. In the works of many celebrated authors, men are mere personifications. We have not an Othello, but jealousy; not an Iago, but perfidy; not a Brutus, but patriotism. The mind of Bunyan, on the contrary, was so imaginative, that personifications, when he dealt with them, became men. A dialogue between two qualities, in his dream, has more dramatic effect than a dialogue between two human beings in most plays. In this respect, the genius of Bunyan bore a great resemblance to that of a man who had very little else in common with him, Percy Bysshe Shelley. The strong imagination of Shelley made him an idolater in his own despite. Out of the most indefinite terms of a hard, cold, dark, metaphysical system, he made a gorgeous Pantheon, full of beautiful, majestic, and life-like forms. He turned atheism itself into a mythology, rich with visions as glorious as the gods that live in the marble of Phidias, or the virgin saints that smile on us from the canvass of Murillo. The Spirit of Beauty, the Principle of Good, the Principle of Evil, when he treated of them, ceased to be abstractions. They took shape and colour. They were no longer mere words; but 'intelligible forms;' 'fair humanities;' objects of love, of adoration, or of fear. As there can be no stronger sign of a mind destitute of the poetical faculty than that tendency which was so common among the writers of the French school to turn images into abstractions,—Venus, for example, into Love, Minerva into Wisdom, Mars into War, and Bacchus into Festivity,—so there can be no stronger sign of a mind truly poetical than a disposition to reverse this abstracting process, and to make individuals out of generalities. Some of the metaphysical and ethical theories of Shelley were certainly most absurd and pernicious. But we doubt whether any modern poet has possessed in an equal degree the highest qualities of the great ancient masters. The words bard and inspiration, which seem so cold and affected when applied to other modern writers, have a perfect propriety when applied to him. He was not an author, but His poetry seems not to have been an art, but an inspi-Had he lived to the full age of man, he might not improbably have given to the world some great work of the very highest rank in design and execution. But, alas!

> ό Δάφνις ἔβα ερουν ἔκλυσε δίνα τὸν Μώσαις φίλον ἄνδρα, τὸν ὁυ Νύμφαισιν ἀπεχθῆ.

But we must return to Bunyan. The Pilgrim's Progress undoubtedly is not a perfect allegory. The types are often inconsistent with each other; and sometimes the allegorical disguise is altogether thrown off. The river, for example, is emblematic

of death; and we are told that every human being must pass through the river. But Faithful does not pass through it. is martyred, not in shadow, but in reality, at Vanity Fair. Hopeful talks to Christian about Esau's birthright, and about his own convictions of sin, as Bunyan might have talked with one of his own congregation. The damsels at the House Beautiful catechise Christiana's boys, as any good ladies might catechise any boys at a Sunday School. But we do not believe, that any man, whatever might be his genius, and whatever his good luck, could long continue a figurative history without falling into many inconsistencies. We are sure that inconsistencies, scarcely less gross than the worst into which Bunyan has fallen, may be found in the shortest and most elaborate allegories of the Spectator and the Rambler. The Tale of a Tub and the History of John Bull swarm with similar errors, -if the name of error can be properly applied to that which is unavoidable. It is not easy to make a simile go on all-fours. But we believe that no human ingenuity could produce such a centipede as a long allegory, in which the correspondence between the outward sign and the thing signified should be exactly preserved. Certainly no writer, ancient or modern, has yet achieved the adventure. The best thing, on the whole, that an allegorist can do, is to present to his readers a succession of analogies, each of which may separately be striking and happy, without looking very nicely to see whether they harmonize with each other. This Bunyan has done; and, though a minute scrutiny may detect inconsistencies in every page of his Tale, the general effect which the tale produces on all persons, learned and unlearned, proves that he has done well. The passages which it is most difficult to defend, are those in which he altogether drops the allegory, and puts into the mouth of his pilgrims religious ejaculations and disquisitions, better suited to his own pulpit at Bedford or Reading, than to the Enchanted Ground or the Interpreter's Garden. Yet even these passages, though we will not undertake to defend them against the objections of critics, we feel that we could ill spare. We feel that the story owes much of its charm to these occasional glimpses of solemn and affecting subjects, which will not be hidden, which force themselves through the veil, and appear before us in their native aspect. The effect is not unlike that which is said to have been produced on the ancient stage, when the eyes of the actor were seen flaming through his mask, and giving life and expression to what would else have been an inanimate and uninteresting disguise.

It is very amusing and very instructive to compare the Pilgrim's Progress with the Grace Abounding. The latter work is indeed one of the most remarkable pieces of autobiography in the world. It is a full and open confession of the fancies which passed through the mind of an illiterate man, whose affections were warm, whose nerves were irritable, whose imagination was ungovernable, and who was under the influence of the strongest religious excitement. In whatever age Bunyan had lived, the history of his feelings would, in all probability, have been very curious. But the time in which his lot was cast, was the time of a great stirring of the human mind. A tremendous burst of public feeling, produced by the tyranny of the hierarchy, menaced the old ecclesiastical institutions with destruction. gloomy regularity of one intolerant Church had succeeded the license of innumerable sects, drunk with the sweet and heady must of their new liberty. Fanaticism, engendered by persecution, and destined to engender fresh persecution in turn, spread rapidly through society. Even the strongest and most commanding minds were not proof against this strange taint. Any time might have produced George Fox and James Naylor. But to one time alone belong the frantic delusions of such a statesman as Vane, and the hysterical tears of such a soldier as Cromwell.

The history of Bunyan is the history of a most excitable mind in an age of excitement. By most of his biographers he has been treated with gross injustice. They have understood in a popular sense all those strong terms of self-condemnation which he employed in a theological sense. They have, therefore, represented him as an abandoned wretch, reclaimed by means almost miraculous,-or, to use their favourite metaphor, 'as a brand ' plucked from the burning.' Mr Ivimey calls him the depraved Bunyan, and the wicked tinker of Elstow. Surely Mr Ivimey ought to have been too familiar with the bitter accusations which the most pious people are in the habit of bringing against themselves, to understand literally all the strong expressions which are to be found in the Grace Abounding. It is quite clear, as Mr Southey most justly remarks, that Bunyan never was a vicious man. He married very early; and he solemnly declares that he was strictly faithful to his wife. He does not appear to have been a drunkard. He owns, indeed, that, when a boy, he never spoke without an oath. But a single admonition cured him of this bad habit for life; and the cure must have been wrought early; for at eighteen he was in the army of the Parliament; and if he had carried the vice of profaneness into that service, he would doubtless have received something more than an admonition from Sergeant Bind-their-kings-in-chains, or Captain Hew-Agag-in-pieces-before-the-Lord. Bell-ringing, and playing at hockey on Sundays, seem to have been the worst vices

of this depraved tinker. They would have passed for virtues with Archbishop Laud. It is quite clear that, from a very early age, Bunyan was a man of a strict life, and of a tender conscience. 'He had been,' says Mr Southey, 'a blackguard.' Even this we think too hard a censure. Bunyan was not, we admit, so fine a gentleman as Lord Digby; but he was a blackguard no otherwise than as every tinker that ever lived has been a blackguard. Indeed Mr Southey acknowledges this: 'Such he might have 'been expected to be by his birth, breeding, and vocation. 'Scarcely indeed, by possibility, could he have been otherwise.' A man, whose manners and sentiments are decidedly below those of his class, deserves to be called a blackguard. But it is surely unfair to apply so strong a word of reproach to one who is only what the great mass of every community must inevita-

bly be.

Those horrible internal conflicts which Bunyan has described with so much power of language prove, not that he was a worse man than his neighbours, but that his mind was constantly occupied by religious considerations—that his fervour exceeded his knowledge-and that his imagination exercised despotic power over his body and mind. He heard voices from heaven: he saw strange visions of distant hills, pleasant and sunny as his own Delectable Mountains: from those seats he was shut out, and placed in a dark and horrible wilderness, where he wandered through ice and snow, striving to make his way into the happy region of light. At one time he was seized with an inclination to work miracles. At another time he thought himself actually possessed by the devil. He could distinguish the blasphemous whispers. He felt his infernal enemy pulling at his clothes behind him. He spurned with his feet, and struck with his hands at the destroyer. Sometimes he was tempted to sell his part in the salvation of mankind. Sometimes a violent impulse urged him to start up from his food, to fall on his knees, and to break forth into prayer. At length he fancied that he had committed the unpardonable sin. His agony convulsed his ro-He was, he says, as if his breastbone would split; bust frame. and this he took for a sign that he was destined to burst asunder like Judas. The agitation of his nerves made all his movements tremulous; and this trembling, he supposed, was a visible mark of his reprobation, like that which had been set on Cain. At one time, indeed, an encouraging voice seemed to rush in at the window, like the noise of wind, but very pleasant, and commanded, as he says, a great calm in his soul. At another time, a word of comfort 'was spoke loud unto him; -it showed 'a great word;—it seemed to be writ in great letters.'

these intervals of ease were short. His state, during two years and a half, was generally the most horrible that the human mind can imagine. 'I walked,' says he, with his own peculiar eloquence, 'to a neighbouring town; and sat down upon a settle 'in the street, and fell into a very deep pause about the most 'fearful state my sin had brought me to; and, after long musing, 'I lifted up my head; but methought I saw as if the sun that 'shineth in the heavens did grudge to give me light; and as if 'the very stones in the street, and tiles upon the houses, did band 'themselves against me. Methought that they all combined together to banish me out of the world! I was abhorred of them, 'and unfit to dwell among them, because I had sinned against the Saviour. Oh, how happy now was every creature over I! 'for they stood fast, and kept their station. But I was gone and 'lost.' Scarcely any madhouse could produce an instance of de-

lusion so strong, or of misery so acute.

It was through this Valley of the Shadow of Death, overhung by darkness, peopled with devils, resounding with blasphemy and lamentation, and passing amidst quagmires, snares, and pitfalls, close by the very mouth of hell, that Bunyan journeyed to that bright and fruitful land of Beulah, in which he sojourned during the latter days of his pilgrimage. The only trace which his cruel sufferings and temptations seem to have left behind them, was an affectionate compassion for those who were still in the state in which he had once been. Religion has scarcely ever worn a form so calm and soothing as in his allegory. The feeling which predominates through the whole book is a feeling of tenderness for weak, timid, and harassed minds. The character of Mr Fearing, of Mr Feeble-Mind, of Mr Despondency and his daughter Miss Muchafraid; the account of poor Littlefaith, who was robbed by the three thieves of his spending money; the description of Christian's terror in the dungeons of Giant Despair, and in his passage through the river, all clearly show how strong a sympathy Bunyan felt, after his own mind had become clear and cheerful, for persons afflicted with religious melancholy.

Mr Southey, who has no love for the Calvinists, admits that, if Calvinism had never worn a blacker appearance than in Bunyan's works, it would never have become a term of reproach. In fact, those works of Bunyan with which we are acquainted, are by no means more Calvinistic than the homilies of the Church of England. The moderation of his opinions on the subject of predestination, gave offence to some zealous persons. We have seen an absurd allegory, the heroine of which is named Hephzibah, written by some raving supralapsarian preacher,

who was dissatisfied with the mild theology of the Pilgrim's Progress. In this foolish book, if we recollect rightly, the Interpreter is called the Enlightener, and the House Beautiful is Castle Strength. Mr Southey tells us, that the Catholics had also their Pilgrim's Progress, without a Giant Pope, in which the Interpreter is the Director, and the House Beautiful Grace's Hall. It is surely a remarkable proof of the power of Bunyan's genius, that two religious parties, both of which regarded his opinions as heterodox, should have had recourse to him for assistance.

There are, we think, some characters and scenes in the Pilgrim's Progress, which can be fully comprehended and enjoyed only by persons familiar with the history of the times through which Bunyan lived. The character of Mr Greatheart, the guide, is an example. His fighting is, of course, allegorical; but the allegory is not strictly preserved. He delivers a sermon on imputed righteousness to his companions; and, soon after, he gives battle to Giant Grim, who had taken upon him to back the lions. He expounds the fifty-third chapter of Isaiah to the household and guests of Gaius; and then sallies out to attack Slaygood, who was of the nature of flesh-eaters, in his den. These are inconsistencies; but they are inconsistencies which add, we think, to the interest of the narrative. We have not the least doubt that Bunyan had in view some stout old Greatheart of Naseby and Worcester, who prayed with his men before he drilled them; who knew the spiritual state of every dragoon in his troop; and who, with the praises of God in his mouth, and a two-edged sword in his hand, had turned to flight, on many fields of battle, the swearing drunken bravoes of Rupert and Lunsford.

Every age produces such men as By-ends. But the middle of the seventeenth century was eminently prolific of such men. Mr Southey thinks that the satire was aimed at some particular individual; and this seems by no means improbable. At all events, Bunyan must have known many of those hypocrites who followed religion only when religion walked in silver slippers, when the sun shone, and when the people applauded. Indeed, he might have easily found all the kindred of By-ends among the public men of his time. He might have found among the peers, my Lord Turn-about, my Lord Time-server, and my Lord Fair-speech;—in the House of Commons, Mr Smooth-man, Mr Anything, and Mr Facing-both-ways; nor would 'the parson of the parish, Mr Two-tongues,' have been wanting. The town of Bedford probably contained more than one politician, who, after contriving to raise an estate by seeking the Lord du-

ring the reign of the saints, contrived to keep what he had got by persecuting the saints during the reign of the strumpets and more than one priest who, during repeated changes in the discipline and doctrines of the church, had remained constant

to nothing but his benefice.

One of the most remarkable passages in the Pilgrim's Progress, is that in which the proceedings against Faithful are described. It is impossible to doubt that Bunyan intended to satirize the mode in which state trials were conducted under Charles the Second. The license given to the witnesses for the prosecution, the shameless partiality and ferocious insolence of the judge, the precipitancy and the blind rancour of the jury, remind us of those odious mummeries which, from the Restoration to the Revolution, were merely forms preliminary to hanging, drawing, and quartering. Lord Hategood performs the office of counsel for the prisoners as well as Scroggs himself could have performed it.

"JUDGE. Thou runagate, heretic, and traitor, hast thou heard what these honest gentlemen have witnessed against thee?

"FAITHFUL. May I speak a few words in my own defence?

"JUDGE. Sirrah, sirrah! thou deservest to live no longer, but to be slain immediately upon the place; yet, that all men may see our gentleness to thee, let us hear what thou, vile runagate, hast to say."

No person who knows the state trials can be at a loss for parallel cases. Indeed, write what Bunyan would, the baseness and cruelty of the lawyers of those times 'sinned up to it still,' and even went beyond it. The imaginary trial of Faithful before a jury composed of personified vices, was just and merciful, when compared with the real trial of Lady Alice Lisle before that tribuual where all the vices sat in the person of Jeffries.

The style of Bunyan is delightful to every reader, and invaluable as a study to every person who wishes to obtain a wide command over the English language. The vocabulary is the vocabulary of the common people. There is not an expression, if we except a few technical terms of theology, which would puzzle the rudest peasant. We have observed several pages which do not contain a single word of more than two syllables. Yet no writer has said more exactly what he meant to say. For magnificence, for pathos, for vehement exhortation, for subtle disquisition, for every purpose of the poet, the orator, and the divine, this homely dialect—the dialect of plain working men—was perfectly sufficient. There is no book in our literature on which we would so readily stake the fame of the old unpolluted English language—no book which shows so well how rich that

language is in its own proper wealth, and how little it has been

improved by all that it has borrowed.

Cowper said, forty or fifty years ago, that he dared not name John Bunyan in his verse, for fear of moving a sneer. To our refined forefathers, we suppose, Lord Roscommon's Essay on Translated Verse, and the Duke of Buckinghamshire's Essay on Poetry, appeared to be compositions infinitely superior to the allegory of the preaching tinker. We live in better times; and we are not afraid to say, that, though there were many clever men in England during the latter half of the seventeenth century, there were only two great creative minds. One of those minds produced the Paradise Lost, the other the Pilgrim's Progress.

ART. VIII.—The Life and Correspondence of Sir Thomas Lawrence, Kt., LL.D., F.R.S., President of the Royal Academy. By D. E. Williams, Esq. 2 vols. 8vo. London: 1831.

THE cannot recollect ever having witnessed a more striking or interesting exhibition, than the collection of the principal works of the late President, in the British Institution, in 1830. It was at once the noblest and the most appropriate monument that could have been reared to his fame; for he had himself furnished the imperishable materials of which it was composed; and the genius of the painter might almost be supposed to linger with complacency about the spot thus illustrated by the varied and brilliant triumphs of his pencil. It had all the interest of an historical collection, and such, indeed, it was. 'This is true history,' said Fuseli, speaking of that most impressive portrait, by Titian, of Paul III. and his nephews, in which the characters of the trio seem written on the cauvass as legibly as in words. We feel the same sensation, generally, in contemplating the popes and cardinals of Raphael, or the doges, senators, and feudal nobles of Titian, Giorgione, and Tintoretto. Their stern, commanding, astute, or savage countenances, furrowed by passion, by mental or bodily toil, or wrinkled by habitual duplicity and cunning; their features, often so beautiful, but on which the evil spirit within has so visibly stamped its traces; their forms so majestic, and yet so natural; each 'in his habit as he lived,' and surrounded with the pomp and circumstance of his station-transport us back into the troubled times of Italian history—to Rome, with her conclaves and inquisitorial intrigues, -to Venice, with her sensual dissipation, and mysterious and cold-hearted policy, -and to the dark and blood-stained annals of the Medici and Visconti, with a more vivid feeling of reality than could be effected by histori-

cal painting, in the ordinary sense of the term.

Such also was the impression produced by the above collection. In it, the history of the nineteenth century was portrayed in the only way in which it can as yet admit of being transferred to canvass. When the dust of a few centuries has descended on the fashions and habiliments of the present age, and coats and pantaloons have been admitted into the legitimate wardrobe of romance—when Waterloo is seen almost in the same misty distance as Cressy and Agincourt—then, perhaps, the eventful scenes of this remarkable time, may, with some chance of suc-

cess, be made the subjects of historical painting.

To catch not the mere outward mask of the countenance, but to stamp on it the reflexion of the mind within—to make the soul speak audibly, as it were, through the combination of lines and colours—demands a tact and delicacy of observation, and a power of expression scarcely less than is required for historical composition itself. Portrait, in fact, when executed on right principles, runs into history, as history, to obtain variety, disdains not to avail herself of the assistance of portrait. No one, we are persuaded, can be a great portrait-painter without that imagination and that grasp of mind which could have led to excellence in the department of history. Wherein, in fact, does a group of portraits, such as Titian's picture of Aretine, and his master-at-arms, or Paul and his nephews; or Lawrence's beautiful groups of the Baring family, the children of Mr Calmady, and others, differ from those which are usually styled historical pictures, save in greater calmness of action, and the expression of habitual feelings, rather than of more temporary and passionate impressions? Is there less of a romantic and elevated beauty in his exquisite picture of young Lambton-in the gentle and visionary expression of which, seems to be written that sentence of an early fate—' Whom the gods love, die young,'—than in the St Cecilia of Domenichino, or the Madonnas of Guido? calm philosophy, and stoic evenness of soul which characterises his Cato, the impetuous spirit of his Coriolanus, and the melancholy and princely beauty of his Hamlet in the churchyard ;are these less imaginative or effective, because the outward form and features of John Kemble have furnished the model which his imagination has thus elevated and sublimed?

If the loftiest efforts of the art lie within the province of a great portrait-painter, and may be attained by him almost without diverging from his own particular path, the position in which he is otherwise placed would seem to be one of the most enviable. We speak at present of one, like Lawrence, whose

pre-eminent talent, in his own department, has raised him above competition, and, if it could not disarm the envy of others, has at least extruded from his own mind those feelings of rivalry and jealousy, which too often disturb the artist who sees, and at the same time cannot bear, a brother near the throne. In the first place, such a one alone, in the present condition of British art, can aspire to opulence; for vanity and good feeling-the love of contemplating our own features, or the wish to be remembered after death by those whom we have loved when alive-alike combine to smooth the way for him. Then, the most distinguished of all classes, the great, the beautiful, the brave, the wise, are his companions; he refines his taste and enlarges his knowledge by their society; and descends to posterity side by side with those whose images he has perpetuated. If to these advantages be added, health of body, and that equability of temper and ever-springing kindness of heart, which are the health of the mind, what element seems wanting to make up the complement of human happiness? Whose life should have glided on with a more lucid and tranquil current than that of Sir Thomas Lawrence? And so as a whole it did; -its brilliancy was indisputable, its real happiness, we believe, was great, and would have been much greater but for some imprudences;-for Lawrence, of careless father careless son,' was habitually inattentive to those 'minor morals' on which so much of the comfort of life depends.

We can only afford to glance at a few scattered scenes in the life of this great artist;—his rise, his meridian of fame, and his death,—not to follow out year by year the successive triumphs of his pencil. Nothing in fact can be less interesting, except to an artist, than to pursue the details of the life of a portrait-painter, after his popularity has once been established and his style formed. To this, in some degree, and also, in a great measure, to the absurdly periphrastic vein in which his biography is written, we must attribute the impression of tediousness which the volumes before us, with the exception of some beautiful letters by Sir Thomas, have left upon our minds. If the extent of the letters and of the text had only stood in an inverse ratio to each other, the interest of the work would have been very materially increased.

No English artist of eminence, with the exception of Morland, so decidedly evinced an almost infant genius for drawing as Lawrence. Morland's drawings, at the age of six, it is said, were fit to compete with those of the younger students of the Academy. When little more than five years old, young Lawrence had acquired the power of taking the most striking likenesses in pencil. At that early age he executed two drawings of Lord and

Lady Kenyon, who had spent a night in his father's Inn, with great accuracy and delicacy of effect, though, as might be expected, with some feebleness and indecision of contour. Some drawings of eyes, executed by him at a still earlier period, excited the admiration of Mr Prince Hoare; -a circumstance worthy of particular notice, because, throughout the whole course of his professional career, the painting of the eye was perhaps the point in which Lawrence most excelled his contemporaries. Fuseli, indeed, used to swear he painted eyes better than Titian. His talent for reading and recitation was not less surprising. At four years old he used to read the story of Joseph and his brethren with the most wonderful propriety of gesture and emphasis. So remarkable indeed was this turn, that at one time the theatre appeared likely to be his future destination. Garrick, who frequently stopped at his father's Inn in passing through Devizes, used generally to adjourn with the young orator to a small summerhouse in the garden, and listen with much pleasure to his recitations. At seven, the child had attracted so much attention by his personal beauty and his various accomplishments, that his picture was engraved by Sherwin. His appearance and precocity of talent at the age of nine, are described with some liveliness by Bernard, the actor, in his amusing Retrospections of the Stage.

'There was something about little Lawrence, however, which excited the surprise of the most casual observer. He was a perfect man in miniature. His confidence and self-possession smacked of one-andtwenty. Lawrence frequently brought his boy to the Green-room, and we would set him on a table and make him recite Hamlet's directions to the players. On one of these occasions, Henderson was present, and expressed much gratification. The little fellow, in return for our civilities and flatteries, was desirous to take our likenesses, the first time we came to Devizes, and Edwin and myself afforded him an opportunity soon after, on one of our non-play-day's excursions. After dinner, Lawrence proposed giving us a reading as usual, but Tom reminded him of our promise. The young artist collected his materials very quickly, and essayed my visage the first. In about ten minutes, he produced a faithful delineation in crayon, which for many years I kept as a curiosity. He next attempted Edwin's, who, startled at the boy's ability, resolved (in his usual way) to perplex him.

No man had a more flexible countenance than Edwin. It was not only well featured, but well muscled, if I may be allowed the expression, which enabled him to throw over its surface, as on a moral prism, all the colours of expression, minutely blending or powerfully contrasting. He accordingly commenced his sitting, by settling his face into a sober and rather serious aspect, and when the young artist had taken its outline and come to the eyes, he began gradually, but imperceptibly, to extend and change it, raising his brows, compressing his lips, and

widening his mouth, till his face wore the expression of brightness and gaiety. Tom no sooner perceived the change, than he started in supreme wonder, attributing it to a defect in his own vision. The first outline was accordingly abandoned, and a second commenced. Tom was now more particular, and watched him narrowly, but Edwin, feature by feature, and muscle by muscle, so completely ran, what might have been called the gamut of his countenance, (as the various components of its harmony,) that the boy drew and rubbed out, till his hand fell by his side, and he stood silently looking in Edwin's face, to discover, if possible, its true expression. Edwin could not long maintain his composure at his scrutiny, and revealed the hoax with a burst of merriment and mimic thunder.

'Little Tom could not take up Shakspeare or Milton and read at random. He had been instructed in particular speeches, and to those he referred. There was one in Milton (Satan's address to the sun) he had long wished to learn, but his father, from an apprehension that his mind was yet unequal to this grasp, had passed it over. Tom had listened, nevertheless, whenever the former had read it to a friend, and surprised his father not slightly with the news that he could imitate him. A family in Devizes, who were well known to Lawrence, giving a party one evening, requested the favour of his son's company for his readings; Lawrence consented, but on condition that Tom was not requested to select other than his own passages. He then cautioned his boy against attempting any thing in which he was not perfect, and particularly the Address of Satan. In the evening, Tom walked to

in to the company with the utmost attention.

'When the complimenting was over, he was asked what recitation he preferred in Milton. He replied, 'Satan's Address to the Sun;' but that his father would not permit him to give it. For that reason, they were particularly eager to hear it, as they wished to discover whether Tom was a mere parrot, or a prodigy. His dutiful scruples, however, were not to be overcome, till they had promised to obtain his father's forgiveness. He then turned to the forbidden page, and a written slip of paper dropped from it; a gentleman picked it up, and read it aloud,

the house, with Milton and Shakspeare under his arm, and was shown

" Tom, mind you don't touch Satan."

'My reader must conceive the effect which the wording of this caution produced on the hearers. Tom, however, did have dealings with Satan, and handled him, as I was informed, with great discretion.'

The genius of the young painter seemed at first likely to take the direction of historical painting. At the age of ten he essayed his pencil on three scriptural subjects; one of which, 'Peter denying Christ,' is spoken of in terms of the highest praise by Daines Barrington, in his *Miscellanies*. But his father soon found that his talents might be turned to more account in portrait-painting; and at the age of twelve we find the young artist the favourite of fashion in Bath;—copying with remarkable success some pictures from the old masters, and multiplying the

human face divine in crayon portraits, at a guinea and a half Already, too, his graceful and prepossessing deportment had procured him admission into the best society of the place. And this early introduction into life gave the requisite ease and self-possession to manners which Nature herself had polished and refined. It was not till his seventeenth year that he appears to have made any attempt at oil-painting; but this coup d'essai was sufficiently ambitious; being a wholelength of Christ bearing the Cross, on a canvass eight feet in size. What became of this gigantic production is not known. Already the feeling of his own powers, and an anxiety to display them on a wider field,—the 'What shall I do to be for ever known,' of Cowley,—begins to be obvious in the few fragments of his boyish correspondence which have been preserved. 'I shall now 'say,' (he observes in a letter to his mother, dated Sept. 1786,) 'what does not proceed from vanity, nor is it an impulse of the 6 moment, but what from my judgment I can warrant. Though 6 Mr P. Hoare's studies have been greater than any paintings I have seen from his pencil, mine is better. To any but my own ' family, I certainly should not say this, but excepting Sir Jo-'shua for the painting of a head, I would risk my reputation ' with any painter in London.'

The experiment, however, of removing from the certain patronage and popularity of Bath, to the vast but doubtful field of London, must have been attended with some beatings of the heart; and the nature of his first interview with Sir Joshua, the only one he had excepted from the list of those with whom he was ready to enter the lists, though on the whole satisfactory, must have been trying. He took with him an oil portrait of himself as a specimen of his powers. He found the attention of Sir Joshua bestowed upon another juvenile aspirant, who had evidently come on the same errand, and who was shortly afterwards dismissed with the negative encouragement—'Well, well—go on—go on.' He then turned to the portrait of Lawrence: 'He was evidently much struck with it, and discerned those marks of genius which foretold the future fame of the juve-

'nile artist. He bestowed upon the painting a very long scru-'tiny, in a manner which young Lawrence thought an alarming 'contrast to the more hasty glance with which he had dismissed 'the other. At last, turning to the boy with an air of seriousness, he

'addressed him, "Stop, young man, I must have some talk with you. Well, I suppose now you think this is very fine, and this

'colouring very natural, hey?' hey?" He then placed the painting before the astonished and trembling youth, and began to analyze

it, and to point out its numerous imperfections. Presently he

took it out with him from the gallery to his own painting-room, and young Lawrence knew not how to interpret this; but Sir Joshua, soon returning, addressed him kindly, and concluded by saying, "It is clear you have been looking at the old masters, but my advice to you is to study Nature—apply your talents to Nature." He then dismissed him with marked kindness, assuring him that he should be welcome whenever he chose to call.

We cannot pretend to trace his gradual progress to fame in London; nor to criticise any one of the numerous, we might almost say numberless, paintings, by which he again restored to the English School of Portrait-Painting that reputation which had been upon the wane since the death of Sir Joshua. Some general observations, however, upon his principles and the

character of his genius, may be permitted to us.

form the characteristics of his style.

The course of no artist in Great Britain offers any parallel to that of Lawrence in the rapidity with which he rose to fame; nor, at the same time, is it easy to conceive any education less likely to have fostered his talents. Defective instruction, incessant employment, without regular study, principles adopted by chance, the absurd counsels of a vain and thoughtless father, all conspired to repress the free developement of his genius; and, to us, the most inconceivable part of his character, and one on which, we are sorry to say, the present biography throws no light, is the course of self-education, by which these difficulties were surmounted, and the gradual adoption of those principles which

Though subsequent practice gave additional command of hand, and greater freedom and richness of effect, it is not difficult to trace in all Lawrence's pictures, as in those of every great master, the operation of certain leading views early adopted and steadily pursued. Tone, to use the technical expression,—in other words, the perfect combination of colour with light and shadow,was the great object of idolatry, when Lawrence made his appearance in London as an artist. It had been carried to perfection by Reynolds, who, by the magical depth and harmony of his colouring, had at once concealed his own defects in drawing,which, except in a very limited class of subjects, were great,and, by his practice, though not his precepts, rendered it a secondary consideration in the eyes of his followers and the pub-Precision of drawing was, indeed, unnecessary, when half the outlines were lost in the rich depth of the shadows, and only, perhaps, the face, or some prominent limb, exhibited under a strong and clear effect of light. In this dexterity of concealment, no artist ever surpassed Reynolds. His style, however, beautiful and seductive as it was, was an Italian, not an English

style; and the propriety of his whole principle of colouring, as applied to English nature, is more than doubtful. But such as it was, it had formed the general subject of imitation; each artist no doubt blending with it some peculiarities of his own; but all of them struggling after this captivating brilliancy of tone. Chance and reflection concurred to lead Lawrence into a different path. Not having, like Reynolds, had the fortune to visit Italy at an early age, and working after no particular school except that of nature, his style was formed without much reference to the colouring of the older masters, or the rich influences of an Italian clime. His subjects were English nature, exhibited, not under the mellow glow of a southern sun, but in the clear and generally cold light of our northern sky; and hence, instead of brilliant and golden tints, or shadows absorbing and blending all outlines together, he was taught from the first, and involuntarily, to rest more upon drawing, and distinct making out of his heads and figures, than upon the artifices of colour. What his situation had at first made a rule of practice, experience and reflection probably confirmed. A few early experiments of his own powers, in the manner of Sir Joshua and the Italian masters, probably satisfied him, that in this department the former was likely to remain without a rival; nay, that in that portion of the palace of art destined for the reception of the votaries of ' Tone,' every niche was already occupied by Sir Joshua's followers. But as the creator of a school of portrait-painting, more strictly English, by recurring to a more clear and pearly tone in the imitation of nature, and, as a consequence, also to a more distinct and careful outline, Lawrence perceived that the path to fame and originality was yet open to him; and this path, with his accustomed discernment and decision, he resolved to pursue. As compared with the style of Reynolds, that which he adopted is like mid-day beside the sunsets of evening: Reynolds is deep, sometimes indistinct, as if the light in his painting-room had reached him through the medium of a painted window; Lawrence gives to his portraits a clear, out-of-door look, bright and silvery as the Aurora of Guido; but sometimes degenerating into a chalkiness that seems the reflection of those grey skies and white cliffs with which his eye had been early familiar.

In the intellectual expression of his portraits, Sir Thomas completely realized that *ideal* which Burke drew of portrait-painting, in one of his admirable letters to the presumptuous Barry, who had thought it safest to sneer at a branch of the art in which he had been tried, and found wanting. 'That portrait-painting,' says Burke, 'which you affect so much to despise, is the best

'school that an artist can study in, provided he study it, as every ' man of genius will do, with a philosophic eye, not with a view merely to copy the face before him, but to learn the character of ' it, with a view to employ in more important works what is good of it, and to reject what is not.' In his male portraits, in general, Lawrence has been peculiarly fortunate in extracting this essence of the mind, and fixing on one passing aspect of the countenance something of the permanent character of the man. This tact and delicacy of observation is the result of refined judgment, and of an enlarged sympathy and sensibility for all the varied displays of intellect or energy of character. His women, however, much as they have been praised, we must consider as inferior to those of Reynolds. No portrait of a female by Lawrence will bear a comparison with Reynolds's picture of Mrs Siddons, as the Tragic Muse; and, generally speaking, they want that simplicity, that maiden or matron modesty, which, in Reynolds's female portraits, strike the eye with so unobtrusive but fascinating a spell. We should be sorry to think that the fault lay in the originals; but it appears to us that, in the majority of Sir Thomas's, though the expression is not immodest, it is of a more questionable kind than that of Sir Joshua's;—there is more of coquetry mingled with their beauty; more of matter and less of mind.

To pass from the general expression of his figures to their details, we would say, that the head and hands were the portions of the figure in which Sir Thomas excelled; and these he invariably designed with peculiar delicacy and truth. In the rest of the figure, probably from his long practice in painting heads and half lengths, he was for some time less perfect, but even this defect his unceasing industry enabled him to surmount. Only in his designs from the naked figure, an occasional want of drawing still remains perceptible. Fortunately for Sir Thomas he was not often called to exercise his talents in this department. Drapery is in painting what charity is in moralsit covers a multitude of sins; and Sir Thomas's knowledge of the anatomy of the human frame, though it might not have enabled him safely to venture on the delineation of naked, was sufficiently correct to enable him to give the requisite propriety and truth to the attitudes of draped figures. Howard, indeed, a competent judge, does not hesitate to give him the preference as a draughtsman to Vandyke and Velasquez; while, in the representations of infant nature, he maintains his superiority to Titian.

It is a singular circumstance, but one highly creditable to Sir Thomas, that as his fame advanced, and his command of all the VOL. LIV. NO. CVIII.

resources of his art became more perfect, he only grew the more careful and elaborate in his execution. The boy-painter of Bath, earning a livelihood for himself and his parents by incessant drudgery at a guinea and a half a-head, could not afford to be very critical in maturing his conceptions, or imparting them to Sufficient unto the day, at that time, was the evil the canvass. thereof. But the President of the Royal Academy, receiving six or seven hundred guineas for a whole-length painting, with the consciousness that he was at the head of his art in his own country, nay, that the influence of his talents might create a new era in portrait-painting in other countries,—as he could afford the labour requisite to perfection, so he never hesitated to bestow it. He trusted nothing to his facility of execution, nothing to the increased mastery of the resources of his profession, which long practice had bestowed-nothing to that popularity on which a less conscientious artist might have been tempted to draw so liberally; but continued to his death to exercise the same anxious study and deliberation on his compositions—the same careful minuteness in his finishing; so much so, that the increased pains he latterly took, arising from his improved perceptions and high sense of duty to himself and to his art, subjected him, towards the close of his life, to occasional charges of slowness,—him who had painted the admirable picture of Hamlet in the churchyard in the short space of a week. 'If it be a proof,' he writes, when in the very zenith of his fame, 'of a just claim to the charac-' ter of a great painter, that he is master of his art, that proof ' is denied to me; for I am perpetually mastered by it; and am 'as much the slave of the picture I am painting as if it had ' living personal existence, and chained me to it. How often in 'the progress of a picture have I said, "Well, I'll do no more;" 'and after laying down my palette and pencils, and washing my ' hands, whilst wiping them dry, I have seen the "little more" 'that has made me instantly take them up again.'

'I have a peculiar pleasure and pride in the pictures I send to remote countries, which are unacquainted with the higher works and principles of art. They might with security be deceived and slighted by me. The judgment, the difficulty, (if I may say it,) the science of the picture will be lost upon them; but after they have, perhaps, for years liked and admired it as a resemblance, and been satisfied that it is a fair specimen of my talent, some artist or true connoisseur may come among them, and then they will learn that in every part it is one of my most finished productions; that even for the monarch of my own country I could not have laboured with more skill and vigilance, than I have done for strangers whom I shall

'never see, and from whom neither praise might be expected nor censure feared.'

This principle of conscientious study and care extended to all the minutiæ and accessories of the picture, as well as to the main subject. So careless was Reynolds in such matters, that a story is told of his being asked upon one occasion to paint a portrait with the hat upon the head;—he did so; but, at the same time. sent home the portrait with another hat stuck, according to the mode of the day, beneath the arm. In Sir Thomas's pictures, on the contrary, more particularly his later pieces, (for in some of his earlier ones he was rather too apt to indulge in patchy and murky-looking backgrounds,) the still life and distances are painted with the most careful minuteness of detail;—at the same time dexterously harmonized with the general effect by the transparency of his shadows and glazing colours. The little gleams of landscape behind, often of an architectural nature an escritoire, a cabinet, a chair, a furred robe, a dog, or whatever else may be the accessories of the picture—are all painted as if the effect of the picture had been to depend upon them.

But let us turn from disquisition to narrative, and accompany the artist on his brilliant expedition to Aix la Chapelle. From 1787, when he came to London, down to 1818, his career had been one bright course of honour and success. Admitted, by the patronage of Geo. III., an associate of the Academy in 1790, he was soon left almost without a rival in his art. Gainsborough had died just about the time he came to London; Sir Joshua, in 1789; Romney, in 1802; Opie, (who, though elevated into extensive practice by the caprice of the public, could never, with his heavy hand and coarse colouring, long have maintained the struggle against the grace and freedom of Sir Thomas's manner,) in 1807. Hoppner alone remained, a powerful rival to the last; but he also disappeared from the scene in 1810. Though Sir Thomas's prices rose to L.600 for a full length, and L.700 for an extra full length, his time was incessantly occupied, and his labour as constant and unceasing as if he had been a working mechanic. For his beautiful picture of the Countess Gower and child, he received L.1500 guineas. He had exhibited some specimens of historical composition, -such as Satan calling his legions, -- a work of great power and grandeur, though not without a taint of exaggeration both in drawing and colouring; Homer reciting his poems to the Greeks; and one or two others; besides the masterly historical portraits of Kemble, in the characters of Cato, Rolla, and Hamlet. The patronage which he had received from George III. was continued and increased by George IV. When, in 1818, the Congress took place at Aix la Chapelle, he was selected by his late Majesty as the person best qualified to execute the portraits of the assembled Sovereigns; an idea which had been previously entertained during their visit to England, but which the shortness of their stay had at that time prevented from being carried into execution. Previous to his

setting out, he received the honour of knighthood.

At Aix he was accommodated with the use of the Hotel de Ville as a painting-room; and here his portraits of the Emperor of Russia, the King of Prussia, and one drawing of the Emperor of Austria, were executed. An alteration in the attitude became necessary, in his portrait of the first of these Sovereigns. 'I had to act,' said Lawrence, 'decidedly against his judgment and wishes, and to make a total alteration in the picture, 'changing entirely the action of the legs, and consequently of the trunk. You will readily imagine that, circumstanced as I am, I work with the utmost vigilance of eye; I never ex-'erted this with more certain effect than in drawing in that 'very action. The process was new to the Emperor, and the 'accuracy with which it was done surprised and pleased him. 'All seeing in it an unusual action of his majesty, gave it their ' unanimous approbation, and I, only on the day after, saw its de-

' fect, and at all hazards determined to amend it.

· He stands always resting on one leg, (you know what I mean, the other loose on the ground like the figures of the antique,) ' and he stands either with his hat in his hand, or with his hands ' closely knit before him. The first figure was thus. You per-' ceive that he here seems to be shrinking and retiring from the ' object of his contemplation, determining at the same time to ' preserve and hold fast one certain good from the enemy, what-'ever be the issue of the battle. These were my objections, and the vexatious thing was, that before an audience of his friends 'I was to commence the alteration by giving him four legs; and 'though gradually obliterating the two first, still their agreeable 'lines were remaining in most complicated confusion. 'I expected took place; during almost the whole of it, the at-' tendant generals complained, and the Emperor, though confi-'ding in my opinion, was still dissatisfied. However, I accom-'plished the alteration, and the vessel righted.' (Vol. II. p. 115.)

'-Tell all the ill-bred men of your acquaintance this anec-'dote of the Emperor of Russia. In the midst of the concert, ' while the first violin was playing, I saw his eye glancing to-' wards ladies at some short distance from him. When the ' close of a passage permitted it, he advanced with the greatest ' precaution, but perfect ease, and not the smallest sound of tread, ' to take a tea-cup from a lady, the wife of one of the aides-de' camp of Lord Wellington, (who had the good sense not to resist

'it,) returning to place it on the table.'

The Emperor of Austria's countenance he describes as 'ra'ther long and thin, and when grave, grave to melancholy; but
'when he speaks, benevolence itself lights it up with the most
'agreeable expression, making it the perfect image of a good
'mind.'

After completing the portraits of these sovereigns, each of whom sat to him seven times, with the exception of the King of Prussia, whose portrait was finished in six sittings, and those of Hardenberg, Metternich, Nesselrode, and the Duke de Richelieu, he set off to Vienna, to paint a second portrait of Francis, and that of Prince Schwartzenburg. In Vienna he mingled with the first circles, and seems to have formed an intimate acquaintance with Prince Metternich and his family, whom he afterwards met in Italy; whither he was next directed to repair, in order to paint the portrait of the Pope. The following extract from a letter descriptive of a visit to Tivoli, represents Metternich in a somewhat new character—that of a sentimentalist, and an amiable, kind-hearted father and friend.

'I have sustained very positive loss in the departure of my Vienna friends. I dined with Prince Metternich, whenever an engagement at the tables of the Cardinals, the Duchess and Duke of Devonshire, or Duke of Torlonia, would permit. With him, his daughter, and their suite, on eight different evenings, I visited the beautiful villas and places of interest round Rome. He was always on my arm when we arrived at them, and often took me in his chariot, with his daughter, (who constantly travels with him,) the only person here admitted to that honour -her husband, Comte Esterhazy, and Prince Kaunitz, the ambassador, following in other carriages. The last evening of their stay, I went with him in his barouche, in company with his daughter and Prince Kaunitz, to take a last look at St Peter's, and afterwards to view the sun setting on Rome from the Monte Mario. His daughter, though never in England, speaks English remarkably well, and is to him, in intellect and nature, and in their mutual affection, what Portia was to Cicero.* I do not compare a modern statesman to that father of Roman eloquence, (sanctified by all honours of history and time,) except in height of political importance, and in the certain existence of this sweet, domestic feeling. That you may know part of the link that binds me to him, besides his kindness, and the circumstances of fortune, see him with me at Tivoli, before the lower, tremendous cascade, which is out of view of the town, though, if you look up, you just catch the Sibyl's temple. We were standing alone and silent before it, just so far distant as not to be stunned by the noise-" And here," he said, "it flows

^{* &#}x27;It is unnecessary to point out the error of this classical allusion.'

on-always majestic, always great; not caring whether it has audience or not; with no feelings of rivalry for power! Here is no envy, no exertion for an effect. Content with its own grandeur, no vanity, no amour propre are here." If you were to tell this to our diplomacy or politicians, of the dexterous, ambitious, politic Metternich—of him who dared that audience of a day with Bonaparte, at Dresden, and is reproached by Lord Grey with having so entirely deceived him-of Prince Metternich in society—the gay, the quizzing Metternich—they would never believe, or would sagely ridicule the tale; but it is this Metternich that I love, who, when dressed for the ambassador's party, his equipage and attendants waiting, at half-past ten at night, on my sole call, at my suggestion could change his dress, take me to his daughter's room, where she was at her little supper, at her husband's bedside, who was ill with slight fever, persuade his "Marie" to put on her bonnet and cloak, and come with us to see the Colosseum, by the moonlight, that was then shining in purest lustre, where we staid till, on our stopping at the French ambassador's, he found it was twelve o'clock. He had then to make a slight change of dress, but I had none with me, and declined entering, and was therefore getting out of the carriage to return in my own, which had followed me with Edward. Prince Metternich, however, would not permit it, but desired me to remain with his daughter, and conduct her home, which I then did. One short anecdote of her, and I conclude this too long letter. On my one day expressing surprise at her preferring the Netherlands to any country she had seen, she said, "it is so cultivated-the peasantry are so happy. I know it has not rocks and waterfalls, but God made the country for man; and where he is not happy, ah! it is in vain that you tell me of rocks and waterfalls." This was said in a steady, even tone of voice, without raising her eyes from her work, as an inward and unheard sentiment.' (Vol. II. pp. 204, 5.)

Sir Thomas's portraits of the Pope, and of Cardinal Gonsalvi, were not less admired than those of the other great personages whose portraits were executed at Aix and Vienna. While painting the Pope, Sir Thomas expressed a sort of half wish that he had put upon his finger the ring he wore when elected; when the old man immediately sprung from the chair in which he was sitting, and rejecting the offer of assistance from two or three prelates who were in the room, hurried off and brought it. 'I 'may almost class this,' says Lawrence, 'with the Emperor of 'Russia, stooping to put the pegs into my easel, and then with 'me lifting the picture on it. This latter circumstance quite 'equals Charles the Fifth taking up the pencil for Titian; and 'the only trifling thing wanting to the parallel is, that I should 'be a Titian.'

Passing over many interesting reflections made by him on Rome and its neighbourhood, we must accompany him back to England. On the very day of Sir Thomas's return, he was elected

President of the Royal Academy, in room of Mr West, who had died during his absence. We are not inclined to rate very highly the occasional addresses or lectures which he delivered in the character of President; they indicate rather plain and practical good sense, than any originality of view or expression; in this respect contrasting poorly with those either of Reynolds, Opie, Barry, or Fuseli. Fuseli was in fact at that time in the possession of the professorial chair; and Sir Thomas probably thought that mere annual addresses were not the proper vehicle for conveying any systematic views of the art.

Though we have said we have no intention of describing the individual productions of his pencil, the circumstances attending the execution of his beautiful picture of the children of Mr Calmady are so interesting, that we are sure we shall confer a favour on our readers by the following extract.—Mr Lewis, the engraver, had suggested to Mrs Calmady that the children would form a beautiful group, and that he was certain that if Sir Thomas saw them, he would be glad to paint them on any terms.

'In July 1823, Sir Thomas saw the children. The terms, upon his card on his mantel-piece, descended from six hundred guineas to one hundred and fifty, which was the price of the smallest head size. Having two in one frame, increased the price by two-thirds, and thus the regular charge for the portraits would have been two hundred and fifty guineas.

'Sir Thomas, captivated by the loveliness of the children, and sympathizing with the feelings of the mother, asked only two hundred guineas.—"I suppose," says Mrs Calmady, "I must still have looked despairingly, for he immediately added, without my saying a word, 'Well, we must say one hundred and fifty pounds, for merely the two little heads in a circle, and some sky—and finish it at once."

'Sir Thomas commenced his task the next morning at half-past nine; and never did artist proceed with more increasing zeal and

pleasure.

'Upon the mother's expressing her delight at the chalk drawing, as soon as the two heads were sketched in, he replied, "that he would devote that day to doing a little more to it, and would beg her ac-

ceptance of it, as he would begin another."

'The public, in one sense, must be glad at this liberality; for a more free, masterly, and exquisitely beautiful sketch, was scarcely ever made. It may be doubted, however, whether, upon the whole, this circumstance is to be rejoiced in, for the sketch gave promise of even a more beautiful piece than that which he afterwards completed. Both of the faces were full, and that of the child now in profile was even more beautiful than the side face; and both were rich and lovely, and more soft and delicate in the sketch than in the finished picture.

'During the progress of the painting, Sir Thomas continually kept saying, that "it would be the best piece of the kind he had ever paint-

ed;" and not only would he detain the children many hours, with their father or mother, keeping them in good humour by reading stories to them, or otherwise amusing them, but on several occasions he detained them to dinner, that he might get another sitting that day. Mrs Calmady on one occasion, on her return to his house, after driving home for an hour to attend to her infant, found Sir Thomas, with the child on his knee, feeding it with mashed potatoes and mutton chops, whilst he was coaxing and caressing the other, who was fed by the servant. As frequently as he kept the children for the day, he would always feed them himself, and play with them with the simplicity of genuine fondness and delight; and when food and sport had recruited them, they were again placed in the chair, and the business of the portrait proceeded.

'At one sitting, he was interrupted by the arrival of a packet from the King of Denmark, which he opened and read to Mr and Mrs Calmady. It contained his election, in French, to the rank of Honorary Member of the Royal Academy of Denmark, and the King's letter was signed, "votre affectioné, Christian Frederick." Reading the flattering compliments paid to him by the King, Sir Thomas smiled and said, "The fact is, they have heard I am painting this

picture."

'The children caught his amiable humour, and played with him as with la bonne nourice; and at one long sitting, the little cherub, with her fat rosy cheeks, relieved her own ennui, and supplied him with a fund of laughter, by her nursery tales of "Dame Wiggins," and "Field Mice, and Raspberry Cream."

'Sir Joshua's delight at the gambols of children was equally in accordance with his amiable manners and kind heart; and to this we owe his exquisite paintings of infants and children, some of which

may survive his best historical or fancy pictures.

'At one sitting, after Sir Thomas Lawrence had had the shoe of little Emily Calmady often taken off, and had attempted to catch her playful attitudes and expressions, he could not help exclaiming, "How disheartening it is, when we have nature before us, to see how far—with our best efforts and all our study—how very far short we fall of her!" '—(II. pp. 336-40.)

When the painting was finished, Sir Thomas said, 'This is 'my best picture. I have no hesitation in saying so—my best picture of the kind quite—one of the few I should wish hereafter

' to be known by.'

Thus, admired and esteemed by his friends, and at the head of art in his own country, increasing, if that were possible, in popularity, apparently in possession of good health, and flattering himself, as he told a friend about this time, that from the regularity of his living he might attain old age, the news of his death, in January 1830, produced a most unexpected and deep sensation in the public mind. His favourite sister had been ill for some time; and he had been anxiously endeavouring to

make arrangements to leave town to visit her. . 'I am grieved 'to the soul,' he writes, December 17, 1829, 'that urgent ' circumstances keep me at this time from the comfort of seeing 'you; but in the next month I will certainly break away from 'all engagements to be with you.' About a week afterwards he writes, 'I have sacredly pledged myself to be with you, 'and to that all circumstances shall bend.' He wrote again -and for the last time-January 6th, 1830, 'I meant, my dearest Ann, to be with you by dinner time to-morrow; I ' have made exertions to do so, but it may not, cannot be !-'you must be content to see me to a late simple dinner on 'Friday.' But the 'late simple dinner' on Friday, among those he loved so deeply, with whom he longed so eagerly to be, he was not destined to enjoy. Pressing business detained him in town that day; on Saturday he was seized with a violent attack in the stomach, with great pain and difficulty of breathing, and

on the following Thursday he was no more.

To the few observations we have made on Sir Thomas's professional character, let us add a word or two on his nature as a Kindness, modesty, charity, regard for the feelings of others, seem to have been born with him. No man bore his faculties more meekly, or stood less upon his unrivalled reputa-Of his brother artists he invariably spoke with the truest feeling of their respective excellencies, and the liveliest desire to do justice to them. To rising merit he was a constant and unassuming patron; and, conscious as he must have been of his own anxiety to promote the welfare of his brother artists, he might well feel grieved to discover how vain had been all his efforts to escape the attacks of envy. Of his quiet and extensive charities the present work enumerates many instances. The chief defects in his character were a want of order and method in money matters, which involved him in frequent embarrassments, and exposed him, though unjustly, to the accusation of having injured himself by gaming. This he indignantly denies, in a letter addressed to one of his old and constant friends, Miss Lee: 'I have neither been extravagant nor pro-'fligate in the use of money; neither gaming, horses, curricle, expensive entertainments, nor secret sources of ruin, from vul-'gar licentiousness, have swept it from me. I am in every thing, but the effects of utter carelessness about money, the same being I was at Bath. The same delight in pure and simple ' pleasures, the same disdain of low enjoyments, the same relish for whatever is grand, however above me, the same admiration of what is beautiful in character, the same enthusiasm for ' what is exquisite in the productions, or generous in the passions

of the mind. I have met with duplicity, which I never practised, (for this is far removed from inconstancy of purpose,) and it has not changed my confidence in human nature, or my firm belief, that the good of it infinitely overbalances the bad. In moments of irritation, I may have held other language; but it has been the errata of the heart, and this is the perfect book, which I could offer, were my being now to end.

Considering the exceedingly defective nature of his education, (for he was removed from school when only eight years old,) the accomplishments and attainments of Sir Thomas, in general literature, were remarkable. With English literature, and particularly poetry, he was perfectly acquainted. His recitation is described as exquisitely beautiful; and though the critical observations, which are occasionally interspersed through his correspondence, do not possess any high character of originality, their truth and delicacy will be generally admitted. In conversation, he was graceful, full of matter,—blending with all he said or did the gentlest and easiest gaiety. With at least as much justice might it be said of him, as of Reynolds, that he was formed to improve us in every way;

' His pencil our faces, his manners our heart;'

and we trust that the principle of generous emulation—that feeling of rivalry without envy, which it was his anxious study to infuse into the practice of British art, and without which Academies are injurious rather than useful to the progress of painting—will long survive the amiable and accomplished artist, by whom, more than by any of his predecessors, it was advocated and practically exemplified.

ART. IX.—The Legality of the present Academical System of the University of Oxford, asserted against the new Calumnies of the Edinburgh Review. By A MEMBER OF CONVOCATION. 8vo. Oxford: 1831.

Na recent Number we took occasion to signalize one of the most remarkable abuses upon record. We allude to our article on the English Universities. Even in this country, hitherto the paradise of jobs, the lawless usurpation of which these venerable establishments have been the victims, from the magnitude of the evil, and the whole character of the circumstances under which it was consummated, stands pre-eminent and alone. With more immediate reference to Oxford, it is

distinguished, at once, for the extent to which the most important interests of the public have been sacrificed to private advantage,—for the unhallowed disregard, in its accomplishment, of every moral and religious bond,—for the sacred character of the agents through whom the unholy treason was perpetrated,—for the systematic perjury it has naturalized in this great seminary for religious education,—for the apathy with which the injustice has been tolerated by the State,—the impiety by the Church,*—nay, even for the unacquaintance, so universally manifested, with so flagrant a corruption. The history of the University of Oxford demonstrates by a memorable example—that bodies of men will unscrupulously carry through, what individuals would blush even to attempt; and that the clerical profession, the obligation of a trust, the sanctity of oaths, afford no security for the integrity of functionaries, able with impunity to violate their public duty, and with a private interest in its violation.

In being the first to denounce the illegality of the state of this great national school, and, in particular, to expose the heads of the Collegial interest as those by whom, and for whose ends, this calamitous revolution was effected, we were profoundly conscious of the gravity of the charge, and of the responsibility we incurred in making it. Nothing, indeed, could have engaged us in the cause, but the firmest conviction of the punctual accuracy of our statement,—with the strong, but disinterested, wish to co-operate in restoring this noble University to its natural pre-eminence, by relieving it from the vampire oppression under which it has pined so long in almost lifeless exhaustion.

But though without anxiety about attack, we should certainly have been surprised had there been no attempt at refutation. It is the remark of Hobbes, that 'if this proposition—the two 'angles of a triangle are equal to two right angles—had been 'opposed to the advantage of those in authority, it would long 'ago have been controverted or suppressed.' The opinions of men in general are only the lackeys of their interest; and with so many so deeply interested in its support, the present profit-

^{*} The Archbishop of Canterbury possesses, jure metropolitico, to say nothing of the inferior diocesans, the right of ordinary visitation of the two Universities, in all matters of heresy, schism, and, in general, of religious concernment. English Bishops have been always anti-reformers; and in the present instance they may have closed their eyes on its perjury, by finding that the illegal system, in bestowing on the College Fellows the monopoly of education, bestowed it exclusively on the Church. Before this usurpation the clergy only had their share of the University.

able system of corruption could not, in Oxford, find any scarcity of, at least, willing champions. At the same time it is always better, in speaking to the many, to say something, should it signify nothing, than to be found to say nothing at all. Add to this, that the partisans of the actual system had of late years shown themselves so prompt in repelling the most trivial objurgations, that silence when the authors of that system were accused of the weightiest offences, and the system itself articulately displayed as one glaring scheme of usurpation and absurdity, would have been tantamount to an overt confession of the allegation itself. If our incidental repetition of the old bye-word of 'Ox-'onian Latin' brought down on us more than one indignant refutation of the 'calumny;' our formal charge of Illegality, Treason, and Perjury could not remain unanswered, unless those who yesterday were so sensitive to the literary glory of Oxford, were to-day wholly careless not only of that, but even of its moral and religious respectability; - 'Diligentius studentes ' loqui quam vivere.'

But how was an answer to be made? This was either easy or impossible. If our statements were false, they could be at once triumphantly refuted, by contrasting them with a few short extracts from the statutes; and the favourable opinion of a respectable lawyer would have carried as general a persuasion of the legality of the actual system, as the want of it is sure to carry of its illegality. In these circumstances, satisfied that no lawyer could be found to pledge his reputation in support of the legality of so unambiguous a violation of every statute, and that, without such a professional opinion, every attempt, even at a plausible reply, would be necessarily futile; we hardly hoped that the advocates of the present order of things would be so illadvised as to attempt a defence, which could only terminate in corroborating the charge. We attributed to them a more wily

^{*} Julius Cæsar Scaliger De Subtilitate, Exerc. xvi. 2—'Loquar ergo meo more barbare, et ab Oxonio;' and honest Anthony admits that Oxoniensis loquendi mos was thus proverbially used.—Speaking of Scaliger and Oxford, we may notice that, from a passage in the same work, (Exerc. xcix.) it clearly appears that this transcendant genius may be claimed by Oxford as among her sons. 'Lutetiæ aut Oxonii modica induti togula hyemes non solum ferre, sed etiam frangere didicimus.' The importance of this curious discovery, unsuspected by Scioppius, and contradictory of what Joseph Scaliger and all others have asserted and believed of the early life of his father, will be appreciated by those interested in the mysterious biography of this (prince or impostor) illustrious philosopher and critic.

tactic. The sequel of our discussion (in which we proposed to consider in detail the comparative merits of the statutory and illegal systems, and to suggest some means of again elevating the University to what it ought to be) might be expected to afford a wider field for controversy; and we anticipated that the objection of illegality, now allowed to pass, would be ultimately slurred over, a reply to our whole argument being pretended

under covert of answering a part.

We were agreeably mistaken. The bulky pamphlet at the head of this article has recently appeared; and we have to tender our best acknowledgments to its author, for the aid he has so effectually afforded against the cause he ostensibly supports. This Assertion (the word is happily appropriate!) of the legality of the academical system of Oxford manifests two things: How unanswerable are our statements when the opponent, who comes forward professing to refute the 'new and unheard-of calumny,' never once ventures to look them in the face; and, How intensely felt by the Collegial interest must be the necessity of a reply—a reply at all hazards—when a Member of the Venerable House of Convocation could stoop to such an attempt at delu-

sion, as the present semblance of an answer exhibits.

It may sound like paradox to say, that this pamphlet is no answer to our paper, and yet that we are bound to accord it a reply. But so it is. Considered merely in reference to the points maintained by us, we have no interest in disproving its statements: for it is, in truth, no more a rejoinder to our reasoning, than to the Principia of Newton. Nay, less. For, in fact, our whole proof of the illegality of the present order of things in Oxford, and of the treachery of the College Heads, would be invalidated, were the single proposition, which our pretended antagonist so ostentatiously vindicates against us, not accurately true. We admit, that if we held what he refutes as ours, our positions would be not only false, but foolish; nay, that if we had not established the very converse, as the beginning, middle, and end of our whole argument, this argument would not only be unworthy of an elaborate answer, but of any serious consideration at all. It is a vulgar artifice to misrepresent an adversary, to gain the appearance of refuting him; but never was this contemptible manœuvre so impudently and systematically practised. In so far as it has any reference to our reasoning, the whole pamphlet is, from first to last, just a deliberate reversal of all our statements. Its sophistry (the word is too respectable) is not an ignoratio but a mutatio, elenchi; of which the lofty aim is to impose on the simplicity of those readers who may rely on the veracity of 'A Member of Con'vocation,' and are unacquainted with the paper, the arguments of which he professes to state and to refute. Under so creditable a name, never was there a more discreditable performance; for we are unable even to compliment the author's intentions at the expense of his talent. The plain scope of the publication is to defend perjury by imposture; and its contents are one tissue of disingenuous concealments, false assertions, forged quotations, and infuriate railing. In its way, certainly, it is unique; and we can safely recommend it to the curious as a bibliographical singularity, being perhaps the only example of a work, in which, from the first page to the last, it is impossible to find a sentence, not either irrelevant or untrue.

But though a reply on our part would thus be-not a Refutation but an Exposure; a reply, for that very reason, we consider imperative. It forms a principal feature of the Assertor's scheme of delusion to accuse us of deceit, (and deceit, amounting to knavery, must certainly adhere to one party or the other;) yet, though he has failed in convicting us even of the most unimportant error, many readers, we are aware, might be found to accord credence to averments so positively made, to set down to honest indignation the virulence of his abuse, and to mistake his effrontery for good faith. Were it also matter of reasoning in which the fallacy was attempted, we might leave its detection to the sagacity of the reader; but it is in matter of fact, of which we may presume him ignorant. Aggressors, too, in the attack, the present is not a controversy in which we can silently allow our accuracy, far less our intentions, to be impugned by any. To establish, likewise, the illegality and self-admitted incompetence of the present academical system, is to establish the preliminary of all improvement—the necessity of change. While happy, therefore, to avail ourselves of the occasion to add to our former demonstration of this all-important point; we are not, of course, averse from manifesting how impotent, at once, and desperate, are the efforts which have been made to invalidate its conclusions. These considerations have moved us to bestow on the subject of this pamphlet an attention we should not assuredly have accorded to its merits. And as our reply is nothing but a manifestation of the contrast between the statements actually made by us, and those refuted, as ours, by our opponent; we are thus compelled to recapitulate the principal momenta of our argument, of which we must not presume that our readers retain an adequate recollection. Necessity must, therefore, be our excuse for again returning on a discussion, not less irksome to ourselves than others; but we are reconciled to it by the consideration, that though we have no errors to correct, we have thus

the opportunity of supplying, on this important subject, some not

unimportant omissions.

Our former paper was intended to prove three great propositions:—I. That the present academical system of Oxford is illegal. II. That it was surreptitiously intruded into the University by the heads of the collegial interest, for private ends. III. That it is virtually acknowledged to be wholly inadequate to accomplish the purposes of a university, even by those through whose influence, and for whose advantage, it is maintained.

I. In illustration of the first proposition, we showed that the University of Oxford is a public instrument, privileged by the nation for the accomplishment of certain public purposes; and that, for the more secure and appropriate performance of its functions, a power of self-legislation is delegated to the great body of its graduates, composing the House of Convocation. The resolutions of this assembly alone, or with concurrence of the Crown, form the academical statutes, and the statutes exclusively determine the legal constitution of the University. The whole academical statutes now in force, (with one or two passed, we believe, since 1826,) are collected and published in the Corpus Statutorum with its Appendix, and in its Addenda; the subsequent statute, of course, explaining, modifying, or rescinding the preceding.

Looking, therefore, to the statutes, and the whole statutes, we showed, that there were two academical systems to be distin-

^{*} As not sanctioned by Convocation, the illegality of the present system is flagrant. But had it been so sanctioned, it would still be fundamentally illegal; as that body would have thus transcended its powers, by frustrating the ends, for the sake of which alone it was clothed with legislative authority at all. The public privileges accorded (by King or Parliament, it matters not) to the education and degrees of a University, are not granted for the private behoof of the individuals in whom the University is realized. They are granted solely for the public good, to the instruction of certain bodies organized under public authority, and to their certificate of proficiency, under conditions by that authority prescribed. If these bodies have obtained, to any extent, the right of self-legislation, it is only as delegates of the state; and this right could only be constitutionally exercised by them in subservience to the public good, for the interest of which alone the University was constituted and privileged, and this power of legislation itself delegated to its members. If an academical legislature abolish academical education, and academical trials of proficiency in the different faculties, it commits suicide, and as such, the act is, ipso facto, illegal. In the case of Oxford, Convocation is not thus felo de se.

guished in Oxford—a legal and an illegal; and that no two systems could be more universally and diametrically opposed.

In the former, the end, for the sake of which the University is privileged by the nation, and that consequently imporatively prescribed by the statutes, is to afford public education in the faculties of Theology, Law, Medicine, and Arts, (to say nothing of the science of Music,) and to certify—by the grant of a degree—that this education had in each of these faculties been effectually received. In the latter, degrees are still ostensibly accorded in all the faculties, but they are now empty, or rather delusive, distinctions; for the only education at present requisite for all degrees, is the private tuition afforded by the colleges in the elementary department of the lowest faculty alone. Of ten degrees still granted in Oxford, nine are in law and reason utterly worthless.

In the former, it is, of course, involved as a condition, that the candidate for a degree shall have spent a sufficient time in the university in prosecution of his public studies in that faculty in which he proposes to graduate. In the latter, when the statutory education in the higher faculties, and the higher department of the lowest, was no longer afforded, this relative condition was

converted into empty standing.

The former, as its principal mean, employs in every faculty a co-operative body of select Professors, publicly teaching in conformity to statutory regulation. The latter (in which the wretched remnant of professorial instruction is a mere hors d'œuvre) abandons the petty fragment of private education, it precariously affords, as a perquisite, to the incapacity of an in-

dividual, Fellow by chance, and Tutor by usurpation.

To conceive the full extent of the absurdity thus occasioned, it must be remembered, that no universities are so highly privileged by any country as the English; and that no country is now so completely defrauded of the benefits, for the sake of which academical privileges were ever granted, as England. England is the only christian country, where the Parson, if he reach the university at all, receives only the same minimum of Theological tuition as the Squire;—the only civilized country, where the degree, which confers on the Jurist a strict monopoly of practice, is conferred without either instruction or examination;—the only country in the world, where the Physician is turned loose upon society, with extraordinary and odious privileges, but without professional education, or even the slightest guarantee for his skill.*

^{*} We doubt extremely, whether the Fellows of the London College

II. In proof of the second proposition we showed,—how, in subordination to the university, the collegial interest arose;—how it became possessed of the means of superseding the organ of which it was the accident;—and what advantage it obtained in

accomplishing this usurpation.

We traced how Colleges, in general, as establishments for habitation, aliment, and subsidiary instruction, sprang up in connexion with almost all the older universities throughout Europe. The continental colleges were either so constituted, as to form, at last, an advantageous alliance with the university, under the control of which the whole system of collegial instruction always remained; or they declined and fell, so soon as they proved no longer useful in their subsidiary capacity. The English Colleges, on the other hand, were founded less for education than aliment; were not subjected to the regulation of the university, with which they were never able, and latterly unwilling, to cooperate effectually; and their fellowships were bestowed without the obligation of instructing, and for causes which had seldom a relation to literary desert. We showed how the colleges of Oxford, few in numbers, and limited in accommodation, for many centuries admitted only those who enjoyed the benefit of their foundations; while the great majority of the academical youth inhabited the Halls, (houses privileged and visited by the university,) under the superintendence of principals elected by themselves.

The crisis of the Reformation occasioned a temporary decline of the university, and a consequent suspension of the halls; the colleges, multiplied in numbers, were enabled to extend their circuit; though not the intention of the act, the restoration of the halls was frustrated by an arbitrary stretch of power; the colleges succeeded in collecting nearly the whole scholars of the university within their walls; and the fellows, in usurping from the other graduates the new, and then insignificant, office of tutor. At the same time, through the personal ambition of two all-powerful statesmen, the Chancellors Leicester and Laud, (with the view of subjecting the university to a body easily governed by themselves,) the Heads of Houses were elevated to a new and unconstitutional pre-eminence. By the former, in spite of every legitimate opposition, these creatures of accident and private favour were raised to the rank of a public academical

of Physicians could make good their privileges, if opposed on the ground that, by the statutes of the universities themselves, not one of them has legal right to a degree. A word to the wise.

body; and, along with the *Doctors* of the three higher faculties, and the two Proctors, constituted into an assembly, to which the initiative was conceded of all measures to be proposed in Convocation. By the latter, this initiative, with other important powers, was, by the exclusion of the Doctors, limited to the Heads and Proctors, a body which, from its weekly diets, has obtained the name of the Hebdomadal Meeting; and to obviate resistance to this arbitrary subjection of the university to this upstart and anomalous authority, the measure was forced upon the House of Convocation by royal statute. The College Heads were now the masters of the university. They were sworn, indeed, to guarantee the observance of the laws, and to provide for their progressive melioration. But, if content to violate their obligations, with their acquiescence every statute might be abrogated by neglect, and without their consent no

reform or improvement could be attempted.

Such a body was incapable of fulfilling—was even incapable of not violating-its public trust. Raised, in general, by accident to their situation, the Heads, as a body, had neither the lofty motives, nor the comprehensive views, which could enable them adequately to discharge their arduous duty to the university. They were irresponsible for their inability or bad faith, -for what they did or for what they did not perform; while public opinion was long too feeble to control so numerous a body, and too unenlightened to take cognizance of their unobtrusive usurpations. At the same time, their interests were placed in strong and direct hostility to their obligations. Personally they were interested in allowing no body in the university to transcend the level of their own mediocrity; and a body of able and efficient Professors would have at once mortified their self-importance, and occasioned their inevitable degradation from the unnatural eminence to which accident had raised them. Conceive the Oxford Heads predominating over a senate of Professors like those of Goëttingen or Berlin! Add to this, that the efficiency of the public instructors would have again occasioned a concourse of students far beyond the means of accommodation afforded by the Colleges; and either the Halls must be revived, and the authority of the Heads divided, or the principle of domestic superintendence be relaxed, on which their whole influence depended. As representatives of the collegial interest, they were also naturally hostile to the whole system of public instruction. If the standard of professorial competence were high in the faculty of arts, the standard of tutorial competence could never be reduced to the average capacity of the fellows; whose monopoly even of subsidiary education would thus be frustrated in the colleges. And if the

professorial system remained effective in the higher faculties, it would be impossible to supersede it in the lower department of the lowest, in which alone the tutorial discipline could supply its place; and the attempt of the colleges to raise their education from a subsidiary to a principal in the university, would thus be baffled. Again, if the University remained effective, and residence in all the faculties enforced, the colleges would be filled by a crowd of graduates, not only emancipated from tutorial discipline, but rivals even of the fellows in the office of tutor; while, at the same time, the restoration of the Halls could, in these circumstances, hardly be evaded. All these inconveniences and dangers would however be obviated, and profitably obviated, if standing on the college books were allowed to count for statutory residence in the university. By this expedient, not only could the professorships in all the faculties be converted into sinecures—the Colleges filled exclusively by students paying tutors' fees to the fellows-and the academical population reduced to the accommodation furnished by the existing houses; but (what we failed formerly to notice) a revenue of indefinite amount might be realized to the Colleges, by taxing standing on their books with the dues exigible from actual residence.*

Through the agency of its Heads, the collegial interest accomplished its usurpation. Public education in the four faculties was reduced to private instruction in the lower department of the lowest; and this, again, brought down to the individual incapacity of every fellow-tutor. The following we state in supplement of our more general exposition.

In the first place, this was effected by converting the professorial system of instruction, through which, as its necessary mean, the University legally accomplishes the ends prescribed to it by law, into an unimportant accident in the academical

constitution.

^{*} The last Oxford Calendar is before us. The number of under graduates is not given, and we have not patience to count them; but we shall be considerably above the mark in estimating them at 1548, i. e. the number given by the matriculations for the year multiplied by 4. The whole members on the books amount to 5258. Deducting the former from the latter, there remain of members not restricted to residence, 3710. Averaging the Battel dues paid by each at thirty shillings, there results an annual income from this source alone of L.5565, (and it is much more,) to be distributed among the houses, for the improvement of headships, fellowships, the purchase of livings, &c.

To this end, the professorial system was mutilated. Public instruction was more particularly obnoxious to the collegial interest in the Faculty of Arts; and four chairs, established by the university in that Faculty, were, without the consent of the university asked or obtained, abolished by the Hebdomadal Meeting. The salaries of the Professorships of Grammar, Rhetoric, Logic, and Metaphysic, thus illegally suppressed, were paid by the Proctors out of certain statutory exactions; and we shall state our reasons for suspecting that their acquiescence in this and other similar acts, was purchased by their colleagues, the Heads of Houses, allowing these functionaries to appropriate the salaries to themselves. The Proctors hung more loosely on the collegial interest than the other members of the Hebdomadal Meeting;* and as their advantage was less immediately involved in the suppression of the professorial system, it required, we may suppose, some positive inducement to secure their thorough-going subservience to the crooked policy of the Heads. We know also, that the emolument of their office, allowed by law, is just three pounds six shillings sterling money; while we also know, that its emolument, though not revealed in the calendar, is, in reality, sufficient to call up a wealthy incumbent from the country to the performance of its irksome duties. We have also the analogy of another chair which was certainly sequestrated for their profit. The history of this job is edifying. The professorship of Moral Philosophy was, in 1621, endowed by Dr Thomas White, under strict conditions for securing the efficiency of the chair, which were ratified by Convocation, and declared by law to be inviolable. And, ' that individuals every way competent (viros undequaque pares)

^{*} Before the Caroline statute of 1628, the Proctors were elected by, and out of, the whole body of full graduates in all the faculties of the university. The office was an object of the highest ambition; men only of some mark and talent had any chance of obtaining it; and its duties were paid, not by money, but distinction. By this statute all was changed; and another mean of accomplishing its usurpation bestowed on the collegial interest. The election was given, in a certain rotation, to one of the Colleges, (the Halls being excluded;) and in the elective college, elegibility was confined to the masters, and the masters between four and ten years' standing. The office was now filled only by persons more or less attached to the collegial interest, and these appointed in a great measure by accident; while, as it afforded no honour, its labours must be remunerated by emolument. And let the Proctors be adequately paid, only let this be done in an open and legal manner.

'to this readership may always be appointed,' he intrusted (fond man!) the election to these members of the Hebdomadal Meeting, the Vice-Chancellor, the Dean of Christ-Church, the Presidents of Magdalen and St John's, and the Proctors. What happened? The chair was converted into a sinecure; and one or other of the Proctors, by the very act of self-appointment, approved, undequaque par, to inculcate Morality by example, installed professor on every quinquennial vacancy.* What arrangement was made about the salary (L.100), we know not.—Five out of eleven odious chairs were thus disposed of; and

the co-operation of the Proctors secured.

To the same end, the remnant of the professorial system, not abolished, was paralysed. In our former paper, we showed how this system, as constituted by the Laudian statutes, though easily capable of high improvement, was extremely defective; partly from the incompetency or ill intention of the elective bodies; partly from the temporary nature of several of the chairs; but, above all, from the non-identity which subsisted between the interest of the Professor and his duty. The Heads, though sworn to the scholastic improvement of the university, not only proposed no remedy for these defects; they positively withheld the correctives they were bound to apply; and even did all that in them lay to enhance the evil. Through collegial influence, persons wholly incompetent were nominated Professors; and every provision, by which the University anxiously attempted to insure the diligence of the public teacher, was, by the academical executive, sedulously frustrated. The Professors, now also almost exclusively members of the collegial interest, were allowed to convert their chairs into sinecures; or to lecture, if they ultroneously taught, what, when, where, how, how long, to

^{*} This continued from 1673 till 1829. The patriotic exertions of the present Lord Chancellor, in the exposure of similar abuses in other public seminaries, had alarmed the Heads, and probably disposed them to listen to the suggestions of the more liberal members of their body. The job, too flagrant to escape notice or admit of justification, was discontinued. The Rev. Mr Mills, Fellow of Magdalen, was nominated Professor; and he has honourably signalized the reform, by continuing to deliver a course of lectures, which, we understand, have been (for Oxford) numerously attended. His introductory lecture, On the Theory of Moral Obligation, which is published, shows with what ability he could discharge its important duties, were the chair restored to that place in the academical system it has a right to hold.

whom, and under what conditions, they chose. The consummation devoutly wished was soon realized. The shreds of the professorial system are now little more than curious vestiges of antiquity; and the one essential mean of education in the legal system of Oxford, as in the practice of all other universities, is of no more necessity, in the actual system, than if it were not, and had never been.

As to the lectures of the graduates at large, these were soon so entirely quashed, that the right of lecturing itself—nay, the very meaning of the terms Regent and Non-Regent, were at last wholly forgotten in the English Universities.*

This grand object of their policy, the Hebdomadal Meeting was constrained to carry through, without even the pretext of

^{*} So long ago as the commencement of the last century, Sergeant Miller, the antagonist of Bentley, and who is praised by Dr Monk for his profound knowledge of academical affairs, once and again, in his Account of the University of Cambridge, (pp. 21-80,) assures us, that the terms 'regent' and 'non-regent' were then not understood; and the same ignorance at the present day is admitted by the recent historian of that University, Mr Dyer. (*Privileges*, &c. ii. p. cxxiii.) Before our late article appeared, we do not believe there was a member of the two English Universities who could have explained the principle of this distinction, on which, however, the constitution of these academical corporations fundamentally rests, or who was aware that every full graduate possesses, in virtue of his degree, the right of lecturing on any subject of his faculty in the public schools of the University. On this right, it may be proper to add a few words in addition to what we formerly stated. It is certain, that, before the Laudian Corpus, graduation both conferred the right, and imposed the obligation, of public teaching; the one for ever, the other during a certain time. In regard to the former, nothing was altered by this code. The form of a Bachelor's degree is, in fact, to this moment, that of a license to lecture on certain books within his faculty; and that of a Master's and Doctor's, a license to commence (incipere) all those solemn acts of teaching, disputation, &c., which belong to a perfect graduate, (T. ix.) In regard to the latter, the obligation of public teaching was declared not repealed, (T. iv. § 1;) and if the obligation could still be enforced, a majore, the right could still be exercised. It is only permitted to Congregation to dispense with the 'necessary regency,' if they, on the one hand, for a reasonable cause, think fit, and if the inceptor, on the other, choose to avail himself of this indulgence. (T. ix. S. iv. § 2. 21.) In point of fact, this right of lecturing continued to be exercised by the graduates for a considerable time after the ratification of the Corpus Statutorum.

law. There is neither statute nor dispensation to allege for the conduct of the Heads, or the conduct of the Professors.

In the second place, the obligation of attendance on the public lectures was no longer enforced. This violation of the statutes was correlative of the last; but in the present instance, it would appear, that the illegality has been committed under the sem-

blance of a legal act.

In our former article, as then uncertain touching the point of actual practice, we could only in general demonstrate, that no universal dispensation of attendance on the public lectures is conceded by statute, and that none such, therefore, could legally be passed either by Congregation or Convocation. have since ascertained, that a dispensation is pretended for this non-observance as obtained from Congregation, under the dispensing power conceded to that house, ' Pro minus dili-' genti publicorum Lectorum auditione,' (Corp. Stat., p. 86.); at least, such a dispensation is passed for all candidates, while no other relative to the observance in question is conceded. It will here be proper to prove more particularly, that the dispensation, in the present instance, actually accorded, and the dispensation necessarily required, have no mutual proportion. The dispensation required, in order to cover the violation, is one, -1. for an absolute non-attendance; 2. without the excuse of an unavoidable impediment; and, 3. to all candidates indifferently. The dispensation which Congregation can concedethe dispensation therefore actually conceded, is, 1. not granted for non-attendance absolutely, but only for the negation of its highest quality-a not altogether diligent attendance; 2. not granted without just reason shown; and, 3. consequently not granted to all, but only to certain individuals. It must be remembered, that every candidate for graduation was unconditionally bound by statute to have 'diligently heard' (diligenter audivisse) 'the public lectures' relative to his degree; the fulfilment of this condition in the same terms is sworn to in the oath he makes to the senior Proctor; and forms part of his supplication for a grace to the House of Congregation. But as no one could strictly aver that he had 'diligently heard' these lectures who was absent from their delivery, however seldom, (and the framers of the statutes were as rigid in their notions of perjury as the administrators have subsequently been lax,) while at the same time it would have been unjust to deprive a candidate of his degree for every slight and unavoidable non-performance of this condition; it was therefore thought equitable and expedient to qualify the oath to the extent of allowing, 'occasionally,' to certain persons,' for the reason of a 'just hinderance,' a dispensation 'for the non-fulfilment of every particular, in the mode 'and form required by statute,' and in special 'for the not com-'pletely regular (minus diligenti) attendance on the public read-'ers':—' Cum justa quandoque impedimenta interveniant, quo 'minus ea omnia, quæ ad Gradus et alia exercitia Universitatis 'requiruntur, modo et forma per Statuta requisitis, rite peragan-'tur; consuevit Congregatio Regentium in hujusmodi causis cum 'personis aliquibus in materia dispensabili aliquoties gratiose dis-'pensare.' (Corp. Stat. T. ix. S. 4, § 1, Add. p. 135.)—After this preamble, and governed by it, there follows the list of 'Dispensable Matters,' permitted to Congregation, of which the one

in question, and already quoted, is the fourth.

It is a general rule that all statutes and oaths are to be interpreted 'ad animum imponentis;' and the Oxford legislators expressly declare, that the academical statutes and oaths are violated if interpreted or taken in a sense different from that in which they were intended by them. (Epinomis.) Now, that it was intended by Convocation to convey to Congregation, by this clause, a general power of absolving all candidates from the performance of the one paramount condition of their degree, no one in his senses will honestly maintain. The supposition involves every imaginable absurdity. It is contrary to the plain meaning of the clause, considered either in itself or in reference to the obligation which it modifies; and contrary to its meaning, as shown by the practice of the University, at the period of its ratification, and long subsequent. It would stultify the whole purport of the academical laws,—make the University commit suicide, (for the University exists only through its public education,)-and suicide without a motive. It would suppose a statute ratified only to be repealed; and a dispensation intended to be co-extensive with a law. It would make the legislative House of Convocation to concede to the inferior House of Congregation, a power of dispensing with a performance infinitely more important than the most important of those in which it expressly prohibits this indulgence to itself; and all this, too, by a clause of six words shuffled in among a score of other dispensations too insignificant for mention.

The non-attendance of candidates on the public courses, as permitted by the Heads, is thus illegal; and perjury is the price

that must be paid by all for a degree.

In the third place, the residence in the University required by statute to qualify for all degrees above Bachelor of Arts was not enforced. This violation is also a corollary of the two former; and here likewise, but without success, it is attempted to evade the illegality.

The House of Convocation, i. e. the graduates, regent and

non-regent, of the University, though fully possessing the powers of legislation, found it necessary to limit their own capacity of suspending, in particular cases, the ordinary application of their statutes. If such a dispensing power were not strictly limited, the consequences are manifest. The project of an academical law, as a matter of general interest, obtains a grave deliberation, with a full attendance both of the advocates and opponents of the measure; and it is passed under the consciousness that it goes forth to the world to be canvassed at the bar of public opinion, if not to be reviewed by a higher positive tribunal. The risk is therefore comparatively small, that a statute will be ratified, glaringly contrary either to the aggregate interests of those who constitute the University, or to the public ends which the University, as an instrument privileged for the sake of the community, necessarily proposes to accomplish. All is different with a dispensation. Here the matter, as private and particular, attracts, in all likelihood, only those in favour of its concession; is treated lightly, as exciting no attention; or passed, as never to be known, or, if known, only to be forgot. The experience also of past abuses, had taught the academical legislators to limit strictly the license of dispensation permitted to themselves :- 'Quia ex nimia dispensandi licentia grave incommodum Universitati antehac obortum est (nec aliter 'fieri potuit:) statuit et decrevit Universitas, ne, in posterum, 'dispensationes ullatenus proponantur in casibus sequentibus.' (Corp. Stat. T. x. S. 2, § 5.) A list of matters is then given (described in our last paper) with which Convocation cannot dispense; the most important of which are, however, in actual practice violated without a dispensation. It is sufficient here to notice, that the matters declared indispensable, (those particulars, namely, in which this indulgence had formerly been abused,) to say nothing of the others declared dispensable, are the merest trifles compared with that under discussion. Under the heads, both of Dispensable and of Indispensable Matter, a general power is indeed cautiously left to the Chancellor, of allowing the Hebdomadal Meeting to propose a dispensation; but this only ' from some necessary and very urgent cause (ex neces-'saria et perurgente aliqua causa),' and this, too, under the former head, only 'in cases which are not repugnant to 'academical discipline, (qui disciplinæ Academicæ non re-'pugnant).' The legislature did not foresee that the very precautions thus anxiously adopted, to prevent the abuse of dis-pensation in time to come, without altogether surrendering its conveniencies, were soon to be employed as the especial means of carrying this abuse to an extent, compared with which all former abuses were as nothing. They did not foresee that the

Chancellor was soon to become a passive instrument in the hands of the Hebdomadal Meeting; that these appointed guardians of the law were soon themselves to become its betrayers; that the collegial bodies were soon to cherish interests at variance with those of the University; that nearly the whole resident graduates were soon to be exclusively of that interest, and soon, therefore, to constitute, almost alone, the ordinary meetings of the two Houses; and that in these ordinary meetings, under the illegal covert of dispensations, were all the fundamental statutes of the University to be soon absolutely annulled, in pursuance of the private policy of the Colleges.

Under the extraordinary dispensing power thus cautiously left to the Chancellor, Heads, and Convocation, a legal remission of the residence required by a statue is attempted; but in vain.

From his situation, the Chancellor is only the organ of the collegial heads. His acts are therefore to be considered as theirs. Chancellor's Letters are applied for and furnished, ready made, by the University Registrar, to all proceeding to degrees above Bachelor of Arts, permitting the Hebdomadal Meeting to propose in Convocation a dispensation in their favour for the residence required by statute. The dispensation is proposed, and, as a matter of routine, conceded by the members of the collegial interest met in an ordinary Convocation. But is this legal? Is this what was intended by the legislature? Manifestly not. The contingency in the eye of law, for which it permits a dispensation, and the case for which, under this permission, a dispensation is actually obtained, are not only different, but contrary. We shall not stop to argue that the dispensationed obtained is illegal, because 'repugnant to academical dis-'cipline;' for it is manifestly, as far as it goes, the very negation of academical discipline altogether. We shall take it upon the lowest ground. A dispensation of its very nature is relative to particular cases; and in allowing it to Convocation, the law contemplated a particular emergency arising from 'some 'necessary and very urgent cause,' not to be anticipated by statute, and for which, therefore, it provides a sudden and extraordinary remedy. But who will pretend that a perpetual remission of attendance to all could be comprehended under this category? Such a dispensation is universal, and therefore tantamount to a negation of the law. It thus violates the very notion of a dipensation. Then, it does not come under the conditions by which all dispensations, thus competent to Convocation, are governed. It is neither 'necessary' nor 'very urgent.' Not, certainly, at the commencement of the practice; for how, on any day, week, month, or year, could there have arisen a necessity, an urgency, for abolishing the term of residence quietly tolerated during five centuries, so imperative and sudden, that the matter could not be delayed (if a short delay were unavoidable) until brought into Convocation, and approved or rejected as a general measure? But if the 'cause' of dispensation were, in this case, so 'necessary' and so 'very urgent,' at first, that it could not brook the delay even of a week or month, how has this necessity and urgency been protracted for above a century? The present is not one of those particular and unimportant cases, with which, it might be said, that the statutes should not be incumbered, and which are therefore left to be quietly dealt with by dispensation. The case in question is of universal application, and of paramount importance; one, of all others, which it was the appointed duty of the Heads to have submitted without delay to the academical legislature, as the project of a law to be by Convocation rejected or approved. (Tit. xiii.)

The dispensation of residence is thus palpably illegal.

III. In evidence of the third proposition, we showed, as already proved,—that the present academical system is illegal, being one universal violation of another system, exclusively established by the statutes of the University; -that this illegal system is for the private behoof of the Colleges; -that this system, profitable to the Colleges, was intruded into the University by their Heads, who for this end violated, or permitted to be violated, the whole fundamental statutes they were appointed to protect;—that this conflict between a legal system suspended in fact, and an actual system non-existent in law, has been maintained solely by the Heads, who, while possessing the initiative of all statutes, have, however, hitherto declined submitting the actual system to Convocation, in order to obtain for it a legal authorization :- But all members of the University make oath to the faithful observance of the academical statutes; and the Heads, specially sworn to see that these are by all faithfully observed, are by statute branded as pre-eminently guilty of 'broken trust and perjury,' if even 'by their negligence, any '[unrepealed] statute whatever is allowed to fall into disuse: -Consequently, the Heads have, for themselves, voluntarily incurred the crime of 'broken trust and perjury,' in a degree infinitely higher than was ever anticipated as possible by the legislature; and, for others, have, for their interested purposes, necessitated the violation of their oaths by all members of the University.*

^{* &#}x27;He is guilty of perjury, who promiseth upon oath, what he is not morally and reasonably certain he shall be able to perform.'—TILLOTSON, Works, vol. i. p. 148. Sermon on the Lawfulness and Obligation of Oaths.

Now, taking it for granted that, without a motive, no body of magistrates would live, and make others live, in a systematic disregard of law—that no body of moral censors would exhibit the spectacle of their own betrayal of a great public trust—and that no body of religious guardians would hazard their own salvation, and the salvation of those confided to their care:*—on this ground we showed, that while every motive was manifestly against, no motive could possibly be assigned for, the conduct of the Heads, in so long exclusively maintaining their intrusive system, and never asking for it a legal sanction; except their consciousness, that it was too bad to hope for the solemn approval of a House of Convocation, albeit composed of members of the collegial interest, and too profitable not to be continued at

every sacrifice.

Rather indeed, we may now add, than hazard the continuance of this profitable system, by allowing its merits to be canvassed even by a body interested in its support, the Heads have violated not only their moral and religious obligations to the University and country, but, in a particular manner, their duty to the Church of England. By law, Oxford is not merely an establishment for the benefit of the English nation; it is an establishment for the benefit of those only in community with the English Church. But the Heads well knew that the man will subscribe thirty-nine articles which he cannot believe, who swears to do and to have done a hundred articles which he cannot, or does not, perform? † In this respect, private usurpation was for once more (perversely) liberal than public law. Under the illegal system, Oxford has ceased to be the seminary of a particular sect; its governors impartially excluding all religionists or none. Nor is this all. The inevitable tendency of the academical ordeal was to sear the conscience of the subject to every pious scruple; ‡ and the example of 'the accursed thing'

^{* &#}x27;Ille qui hominem provocat ad jurationem, et scit eum falsum juraturum esse, vicit homicidam: quia homicida corpus occisurus est, ille animam, immo duas animas; et ejus animam quem jurare provocavit, et suam.'—(Augustinus in Decollat. S. Joannis Baptistae et hab. 22. quaest. 5. Ille qui.)

[†] Nay, the oath for observance of the Statutes is, by the academical legislature, held a matter of far more serious obligation than the subscription of the Thirty-nine Articles. For by Statute (T. II. § 3.) the entrant is not allowed to take the oath until he reach the age of sixteen; whereas the subscription is lightly required even of boys matriculating at the tender age of twelve.

† 'Dico vobis non jurare omnino; ne scilicet jurando ad facilitatem

thus committed and enforced by the 'Priests in the high places,' extended its pernicious influence, from the Universities, throughout the land. England became the country in Europe proverbial for a disregard of oaths; and the English Church, in particular, was abandoned as a peculiar prey to the cupidity of men allured by its endowments, and educated to a contempt of all religious tests.

'They swore so many lies before,
That now, without remorse,
They take all oaths that can be made,
As only things of course.'*

No one will doubt the profound anxiety of the Heads to avert these lamentable consequences, and to withdraw themselves from a responsibility so appalling. We may therefore estimate at once the intensity of their attachment to the illegal system, as a private source of emolument and power, and the strength of their conviction of its utter worthlessness, as a public instrument for accomplishing the purposes of an University. Not only will the system, when examined, be found absurd; it is already admitted to be so: and all attempt at an apology by any individual, by any subordinate, member of the collegial interest, would be necessarily vain, while we can oppose to it the 'deep damna-'tion' reluctantly pronounced on their own act and deed by so many generations of the College Heads themselves.

It thus appears, that the downfall of the University has been the result, and the necessary result, of subjecting it to an influence jealous of its utility, and, though incompetent to its functions, ambitious to usurp its place. The College Heads have been, and will always be, the bane of the University, so long as they are suffered to retain the power of paralysing its effi-

jurandi veniatur, de facilitate ad consuetudinem, de consuetudine ad perjurium decidatur.'—(Augustinus De Mendacio.) 'In Novo Testamento dictum est, Ne omnino juremus: quod mihi quidem propterea dictum esse videtur, non quia jurare peccatum est, sed quia pejerare immane peccatum est, a quo longe nos esse voluit, qui omnino ne juremus commovit.'—(IDEM in Epist. ad Publicolam, et hab. 22. qu. 1. in novo.)

* Another annoying consequence of the illegal state of the English Universities may be mentioned. The Heads either durst not, under present circumstances, attempt, or would be inevitably baffled in attempting, to resist the communication to other seminaries of those academical privileges which they themselves have so disgracefully abused. The truth of this observation will probably soon be manifested by the event.

ciency: at least, if a radical reconstruction of the whole collegial system do not identify the interests of the public and the private corporations, and infuse into the common governors of both a higher spirit and a more general intelligence. We regret that our charges against the Heads have been so heavy; and would repeat, that our strictures have been applied to them not as individuals, but exclusively in their corporate capacity. We are even disposed altogether to exempt the recent members of this body from a reproach more serious than that of ignorance as to the nature and extent of their duty to the University; * while we freely acknowledge that they have inadequately felt the want, and partially commenced the work, of reformation, which we trust they may long live to see completed. We should be sorry indeed not to believe, that, among the present heads, there are individuals fully aware that Oxford is not what it ought to be, and prepared cordially to co-operate in restoring the University to its utility and rights. But it is not in the power of individuals to persuade a body of men in opposition to their interests: and even if the whole actual members of the Hebdomadal Meeting were satisfied of the dishonest character of the policy hitherto pursued, and personally anxious to reverse it; we can easily conceive that they might find it invidious to take upon themselves to condemn so deeply so many generations of their predecessors, and a matter of delicacy to surrender, on behalf of the collegial interest, but in opposition to its wishes, the valuable monopoly it has so long been permitted without molestation to enjoy. In this conflict of delicacy, interest, and duty, the Heads themselves ought to desire,—ought to invoke, the interposition of a higher authority. A Royal or Parliamentary Visitation is the easy and appropriate mode of solving the difficulty—a difficulty which, in fact, only arose from the intermission, for above the last century and a half, of that corrective, which, since the subjection of the University to the Colleges, remained the only remedy for abuses, and abuses determined by that subjection itself. vious to that event, though the Crown occasionally interposed to the same salutary end, still the University possessed within itself the ordinary means of reform; Convocation frequently appointing delegates to enquire into abuses, and to take counsel for the welfare and melioration of the establishment.

^{*} Any degree of such ignorance in the present Heads we can imagine possible, after that shown by the most intelligent individuals in Oxford, of the relation subsisting between the public and the private corporations. As we noticed in our last paper, the parasitic Fungus is there mistaken for the Oak; the Colleges are viewed as constituting the University.

bestowing on a private body, like the Heads, the exclusive guardianship of the statutes, and the initiative of every legal measure, Convocation was deprived of all power of active interference, and condemned to be the passive spectator of all that the want of wisdom, all that the self-seeking of the academical exe-

cutive might do, or leave undone.

Through the influence, and for the personal aggrandizement of an ambitious statesman, the Crown delivered over the reluctant University, bound hand and foot, into the custody of a private and irresponsible body, actuated by peculiar and counter interests; and, to consummate the absurdity, it never afterwards interfered, as heretofore, to alleviate the disastrous consequences of this its own imprudent act. And if the Heads had met, or even expected to meet, the occasional check of a disinterested and wiser body, they would probably never even have attempted the collegial monopoly of education they have established, in the extinction of all the faculties of the University. This neglect was unfair, even to the Heads themselves, who were thus exposed to a temptation, which, as a body, it was not in their nature to resist. Ovem lupo commisisti.' But it is not the wolf, who acts only after kind, it is they who confide the flock to his charge, that are bound to answer for the sheep. To the administrators of the State, rather than to the administrators of the University, is thus primarily to be attributed the corruptions of Oxford. To them, likewise, must we look for their removal. The Crown is, in fact, bound, in justice to the nation, to restore the University against the consequences of its own imprudence and neglect. And as it ought, so it is alone able. To expect, in opposition to all principle and all experience, that a body, like the Heads, either could conceive the plan of an adequate improvement, or would will its execution, is the very climax of folly.— It is from the State only, and the Crown in particular, that we can reasonably hope for an academical reformation worthy of the name.

' Et spes et ratio studiorum in Cæsare tantum.'

But with a patriot King, a reforming Ministry, and a reformed Parliament, we are confident that our expectations will not be vain. A general scholastic reform will be, in fact, one of the greatest blessings of the political renovation, and, perhaps, the surest test of its value. And on this great subject, could we presume personally to address his Majesty, as supreme Visitor of the Universities, we should humbly repeat to William the Fourth, in the present, the counsel which Locke, in the last great crisis of the constitution, solemnly tendered to William the Third:—' Sire, you have made a most glorious and happy

Revolution; but the good effects of it will soon be lost, if no 'care is taken to regulate the Universities.'* On the other hand, were we to address the Senators of England, as the reformers of all abuses both in church and state; though it needs, certainly, no wizard to expose the folly of waiting for our reformation of the English Universities from the very parties interested in their corruption; it would be impossible to do so in weightier or more appropriate words, than those in which the wise Cornelius Agrippa exhorts the Senators of Cologne, to take the work of reforming the University of that city exclusively into their own hands:—' Dicetis forte, quis nostrum ista faciet, 'si ipsi scholarum Rectores et Præsides id non faciunt? Certe 'si illis permittis reformationis hujus negotium, in eodem sem-' per luto hærebitis: cum unusquisque illorum talem gestiat for-'mare Academiam, in qua ipse maxime in pretio sit futurus, ut hactenus asinus inter asinos, porcus inter porcos. Vestra est 'Universitas, vestri in illa præcipue erudiuntur filii, vestrum enegotium agitur. Vestram ergo est omnia recte ordinare, ' prudenter statuere, sapienter disponere, sancte reformare, ut 'vestræ civitatis honor et utilitas suadent; nisi forte vultis ' filiis vestris ignavos, potius, quam eruditos, præesse Magis-' tros, atque in civitatem vestram competat, quod olim in Ephe-'sios;-Nemo apud nos fit frugi, si quis extiterit, in alio loco et apud alios fit ille. Quod si filios vestros, quos Reipub-' licæ vestræ profuturos genuistis, bonarum literarum gratia ad 'externas urbes et Universitates peregre mittitis erudiendos, cur in vestra urbe illos his studiis fraudatis? Cur artes et ' literas non recipitis peregrinas, qui filios vestros illarum gra-'tia emittitis ad peregrinos? - - - Quod si nunc prisci illi urbis 'vestræ Senatores sepulchris suis exirent, quid putatis illos dicturos, quod tam celebrem olim Universitatem vestram, magnis ' sumptibus, laboribus et precibus ab ipsis huic urbi comparatam, 'vos taliter cum obtenebrari patimini, tum funditus extingui ' sustineatis? Nemo certe negare potest, urbem vestram civesque 'vestros omnibus Germaniæ civitatibus rerum atque morum ' magnificentia anteponendam, si unus ille bonarum literarum 'splendor vobis non deesset. Polletis enim omnibus fortunæ

^{*} This anecdote is told by Sergeant Miller, in his Account of the University of Cambridge, (p. 188,) published in 1717. It is unknown, so far as we recollect, to all the biographers of Locke. And William, we may notice, probably thought, like Dr Parr, that the 'English 'Universities stood in need of a thorough reformation,' only, 'that as seminaries of the church, it was the wisest thing for Parliament to let them alone, and not raise a nest of hornets about their ears.'

' bonis et divitiis, nullius, ad vitæ et magnificentiæ usum egetis;

' sed hæc omnia apud vos mortua sunt, et velut in pariete picta: ' quoniam quibus hæc vivificari et animari debeant, anima care-

' tis, hoc est, bonis literis non polletis, in quibus solis honor, dig-

' nitas, et immortalis in longævam posteritatem gloria contine-

'tur.'—(Epist. L. vii. 26. Opera, II. p. 1042.)

The preceding statement will enable us to make brief work with our opponent. His whole argument turns on two cardinal propositions: the one of which, as maintained by us, he refutes; the other, as admitted by us, he assumes. Unfortunately, however, we maintain, as the very foundation of our case, the converse of the proposition he refutes as ours; and our case itself is the formal refutation of the very proposition he assumes as conceded.

The proposition refuted is, That the legitimate constitution of the University of Oxford was finally and exclusively determined by the Laudian Code, and that all change in that constitution,

by subsequent statute, is illegal.

The proposition assumed is, That the present academical system, though different from that established by the Laudian Code, is, however, ratified by subsequent statute.

(This refutation and assumption, taken together, imply the

conclusion, That the present system is legal.)

The former proposition, as we said, is not ours; we not only never conceiving that so extravagant an absurdity could be maintained, but expressly asserting or notoriously assuming the reverse in almost every page, nay establishing it even as the principal basis of our argument. If this proposition were true, our whole demonstration of the interested policy of the Heads would have been impossible. How could we have shown that the changes introduced by them were only for the advantage of themselves and of the collegial interest in general, unless we had been able to show that there existed in the University a capacity of legal change, and that the voluntary preference of illegal change by the Heads, argued that their novelties were such as, they themselves were satisfied, did not deserve the countenance of Convocation, that is, of the body legislating for the utility and honour of the University? If all change had been illegal, and, at the same time, change (as must be granted) unavoidable and expedient; the conduct of the Heads would have found an ample cloak in the folly—in the impossibility of the law. Yet the Venerable and Veracious Member coolly 'asserts' that this, as the position which we maintain, is the position which he writes his pamphlet to refute! With an effrontery, indeed, ludicrous from its extravagance, he even exults over our 'luck-'less admission,'-"that Convocation possesses the right of re"scinding old, and of ratifying new, laws," (p. 25); and (on the hypothesis, always, that we, like himself, had an intention of deceiving) actually charges it as 'one of our greatest blunders'—a blunder betraying a total want of 'common sense,'—'to 'have referred to the Appendix and Addenda to the Statute-'book,' (p. 86,) i. e. to the work we reviewed, to the documents on which our argument was immediately and principally founded!*

In regard to the latter proposition, it is quite true, that IF the former academical system has been repealed, and the present ratified by Convocation, the actual order of things in Oxford is legal, and the Heads stand guiltless in the sight of God and man. But, as this is just the matter in question, and as instead of the affirmative being granted by us, the whole nisus of our reasoning was to demonstrate the negative; we must hold, that since the assertor has adduced nothing to invalidate our statements on this point, he has left the controversy exactly as he found it. To take a single instance;—has he shown, or attempted to show, that by any subsequent act of Convocation those fundamental statutes which constitute and regulate the professorial system,

* It may amuse our readers to hear how our ingenuous disputant lays out his pamphlet, alias, his refutation of 'the Medish immutability of 'the Laudian digest.' This immutability he refutes by 'arguing

^{&#}x27; From the general principles of jurisprudence, as they relate to the 'mutability of human laws. (Sect. II.)-From the particular prin-'ciples of municipal incorporation, as they relate to the making of ' by-laws. (Sect. III.)-From the express words of the Corpus Sta-' tutorum. (Sect IV.) - From immemorial usage, that is, the constant ' practice of the University from 1234 to 1831. (Sect. V.)—From 'the principle of adaptation upon which the statutes of 1636 were 'compiled and digested. (Sect. VI.)—From Archbishop Laud's own ' declarations in respect of those statutes. (Sect. VII.)-From his 'instructions to Dr Frewin, in 1638, to submit to Convocation some ' amendments of the statute-book, after it had been finally ratified and ' confirmed. (Sect VIII.)-From the alterations made in the statute-' book after the death of the Archbishop, but during the lives of those ' who were his confidential friends, and had been his coadjutors in ' the work of reforming it. (Sect. IX.)-From the alterations made ' in the statute-book from time to time, since the death of the Arch-' bishop's coadjutors to the present day. (Sect. X.)-From the opi-' nion of counsel upon the legality of making and altering statutes, as 'delivered to the Vice-Chancellor, June 2, 1759. (Sect. XI.)-p. This elaborate parade of argument (the pamphlet extends to a hundred and fifty mortal pages) is literally answered in two words-Quis dubitavit?

as the one essential organ of all academical education, have been repealed ?-nay, that the statutes of the present century do not on this point recognise and enforce those of those preceding?-(Add. p. 129-133, pp. 187, 188, et passim.) If not, how on his own doctrine of the academic oath, (in which we fully coincide,) does he exempt the guardians of its statutes, to say nothing of the other members of the University, from perjury? 'It' (the academic oath) 'is, and will always be, taken and kept with a safe conscience, as long as the taker shall faithfully observe ' the academic code, in all its fundamental ordinances, and accord-'ing to their true meaning and intent. And with respect to other ' matters, it is safely taken, if taken according to the will of ' those who made the law, and who have the power to make or unmake, to dispense with or repeal, any, or any parts of any, ' laws educational of the University, and to sanction the admi-' nistration of the oath with larger or more limited relations, '[i. e.?] according to what Convocation may deem best and fittest for the ends it has to accomplish.'-P. 132. In the case adduced, the unobserved professorial system is a 'fundamental ordinance,' is exclusively 'according to the will of those who made, make, 'and unmake the law,' exclusively 'according to what Con-' vocation deems the best and fittest.' * Consequently, &c.

In the propositions we have now considered, the assertor's whole pamphlet is confuted. We shall however notice (what we cannot condescend to disprove) some of the subaltern statements which, with equal audacity, he holds out as maintained by us, and some of which he even goes so far as to support by fabricated quotations. Of these, one class contains assertions, not simply false, but precisely the reverse of the statements really made by us. Such, for instance—That we extolled the academic system of the Laudian code as perfect, (pp. 95, 96, 144, &c.);—That we admitted the actual system to be not inexpedient or insufficient, (p. 95); and, That this system was introduced in useful ac-

^{*}See Sanderson De Juramenti Obligatione, Prael. III. § 18.—too long to extract. The Assertor avers, but without quoting any authority, that Sanderson wrote the Epinomis of the Corpus Statutorum. If true, which we do not believe, the fact would be curious. It is unnoticed by Wood, in his Historia, Annals, or Athenæ—is unknown to Walton, or to any indeed of Sanderson's biographers. It is also otherwise improbable. Sanderson left the University in 1619, when he surrendered his fellowship, and only returned in 1642, when made Regius Professor of Divinity. The Statutes were compiled in the interval; and why should the Epinomis be written by any other than the delegates? We see the motive for the fiction;—it is too silly to be worth mentioning.

commodation to the changing circumstances of the age, (p. 95.) Another class includes those assertions that are simply false. For example—That we expressed a general approbation of the methods of the ancient University, and of the scholastic exercises and studies, beyond an incidental recognition of the utility of disputation, and that too in the circumstances of the middle ages; and we may state that the quotation repeatedly alleged in support of this assertion is a coinage of his own, (pp. 6, 11, 83, 96, 97, 138, 139); - That we reviled Oxford for merely deviating from her ancient institutions, (pp. 5, 11, 12, 95, &c.);— That we said a single word in delineation of the Chamberdeckyn at all, far less (what is pronounced 'one of the cleverest sleights ' of hand ever practised in the whole history of literary legerde-' main') 'transformed him into an amiable and interesting young ' gentleman, poor indeed in pocket, but abundantly rich in intel-' lectual energies, and in every principle that adorns and digni-' fies human nature!' (p. 113.) Regarding as we do the assertor only as a curious psychological monstrosity, we do not affect to feel towards him the indignation, with which, coming from any other quarter, we should repel the false and unsupported charges of 'depraving, corrupting, and mutilating our cited passages,' (p. 24);—of 'making fraudulent use of the names and authori-'ties of Dr Newton and Dr Wallace, of Lipsius, Crevier, and Du 'Boullay,' (p. 142); and to obtain the weight of his authority, of fathering on Lord Bacon an apophthegm of our own, though only alleging, without reference, one of the most familiar sentences of his most popular work. To complete our cursory dissection of this moral Lusus Naturæ, we shall only add that he quotes us just thirteen times; that of these quotations one is authentic; six are more or less altered; one is garbled, half a sentence being adduced to support what the whole would have overthrown, (p. 20); and five are fabrications to countenance opinions which the fabricator finds it convenient to impute to us, (pp. 9, 10, 11, 110, 141.)

We might add much more, but enough has now been said. We have proved that our positions stand unconfuted—uncontroverted—untouched; that to seem even to answer, our opponent has been constrained to reverse the very argument he attacked; and that the perfidious spirit in which he has conducted the controversy, significantly manifests his own consciousness of

the futility of his cause.

ART. X.—Some Memorials of John Hampden, his Party, and his Times. By LORD NUGENT. 2 volumes. 8vo. London: 1831.

WE have read this book with great pleasure, though not exactly with that kind of pleasure which we had expected. We had hoped that Lord Nugent would have been able to collect, from family papers and local traditions, much new and interesting information respecting the life and character of the renowned leader of the Long Parliament,—the first of those great English commoners whose plain addition of Mister has, to our ears, a more majestic sound than the proudest of the feudal titles. In this hope we have been disappointed; but assuredly not from any want of zeal or diligence on the part of the noble biographer. Even at Hampden, there are, it seems, no important papers relative to the most illustrious proprietor of that ancient domain. The most valuable memorials of him which still exist, belong to the family of his friend, Sir John Eliot. Lord Eliot has furnished the portrait which is engraved for this work, together with some very interesting letters. The portrait is undoubtedly an original, and probably the only original now in existence. The intellectual forehead, the mild penetration of the eye, and the inflexible resolution expressed by the lines of the mouth, sufficiently guarantee the likeness. shall probably make some extracts from the letters. contain almost all the new information that Lord Nugent has been able to procure respecting the private pursuits of the great man whose memory he worships with an enthusiastic, but not an extravagant, veneration.

The public life of Hampden is surrounded by no obscurity. His history, more particularly from the beginning of the year 1640 to his death, is the history of England. These Memoirs must be considered as Memoirs of the history of England; and, as such, they well deserve to be attentively perused. They contain some curious facts, which, to us at least, are new,—much spirited narrative, many judicious remarks, and much

eloquent declamation.

We are not sure that even the want of information respecting the private character of Hampden is not in itself a circumstance as strikingly characteristic as any which the most minute chronicler—O'Meara, Las Cases, Mrs Thrale, or Boswell himself—ever recorded concerning their heroes. The celebrated Puritan leader is an almost solitary instance of a great man who neither sought nor shunned greatness,—who found glory only because glory lay in the plain path of duty. During more than

forty years, he was known to his country neighbours as a gentleman of cultivated mind, of high principles, of polished address, happy in his family, and active in the discharge of local duties; -to political men, as an honest, industrious, and sensible member of Parliament, not eager to display his talents, stanch to his party, and attentive to the interests of his constituents. A great and terrible crisis came. A direct attack was made, by an arbitrary government, on a sacred right of Englishmen, -on a right which was the chief security for all their other rights. The nation looked round for a defender. Calmly and unostentatiously the plain Buckinghamshire Esquire placed himself at the head of his countrymen, and right before the face, and across the path, of tyranny. The times grew darker and more troubled. Public service, perilous, arduous, delicate, was required; and to every service, the intellect and the courage of this wonderful man were found fully equal. He became a debater of the first order, a most dexterous manager of the House of Commons, a negotiator, a soldier. He governed a fierce and turbulent assembly, abounding in able men, as easily as he had governed his family. He showed himself as competent to direct a campaign as to conduct the business of the petty sessions. We can scarcely express the admiration which we feel for a mind so great, and, at the same time, so healthful and so well proportioned,—so willingly contracting itself to the humblest duties—so easily expanding itself to the highest,—so contented in repose-so powerful in action. Almost every part of this virtuous and blameless life, which is not hidden from us in modest privacy, is a precious and splendid portion of our national history. Had the private conduct of Hampden afforded the slightest pretence for censure, he would have been assailed by the same blind malevolence which, in defiance of the clearest proofs, still continues to call Sir John Eliot an assassin. Had there been even any weak part in the character of Hampden, had his manners been in any respect open to ridicule, we may be sure that no mercy would have been shown to him by the writers of Charles's faction. Those writers have carefully preserved every little circumstance which could tend to make their opponents odious or contemptible. They have told us that Pym broke down in a speech, that Ireton had his nose pulled by Hollis, that the Earl of Northumberland cudgelled Henry Martin, that St John's manners were sullen, that Vane had an ugly face, that Cromwell had a red nose. They have made themselves merry with the canting phrases of injudicious zealots. But neither the artful Clarendon, nor the scurrilous Denham, could venture to throw the slightest imputation on

the morals or the manners of Hampden. What was the opinion entertained respecting him by the best men of his time, we learn from Baxter. That eminent person-eminent not only for his piety and his fervid devotional eloquence, but for his moderation, his knowledge of political affairs, and his skill in judging of characters—declared in the Saint's Rest, that one of the pleasures which he hoped to enjoy in Heaven was the society of Hampden. In the editions printed after the Restoration, the name of Hampden was omitted. 'But I must tell 'the reader,' says Baxter, 'that I did blot it out, not as changing 'my opinion of the person. . . . Mr John Hampden was one that friends and enemies acknowledged to be most eminent for ' prudence, piety, and peaceable counsels, having the most uni-'versal praise of any gentleman that I remember of that age. I ' remember a moderate, prudent, aged gentleman, far from him, but acquainted with him, whom I have heard saying, that if he ' might choose what person he would be then in the world, he 'would be John Hampden.' We cannot but regret that we have not fuller memorials of a man, who, after passing through the most severe temptations by which human virtue can be tried, -after acting a most conspicuous part in a revolution and a civil war, could yet deserve such praise as this from such authority. Yet the want of memorials is surely the best proof, that hatred itself could find no blemish on his memory.

He was the head of The story of his early life is soon told. a family which had been settled in Buckinghamshire before the Conquest. Part of the estate which he inherited had been bestowed by Edward the Confessor on Baldwyn de Hampden, whose name seems to indicate that he was one of the Norman favourites of the last Saxon king. During the contest between the houses of York and Lancaster, the Hampdens adhered to the party of the Red Rose, and were, consequently, persecuted by Edward the Fourth, and favoured by Henry the Seventh. Under the Tudors, the family was great and flourishing. Griffith Hampden, high sheriff of Buckinghamshire, entertained Elizabeth with great magnificence at his seat. His son, William Hampden, sate in the Parliament which that queen summoned in the year 1593. William married Elizabeth Cromwell, aunt of the celebrated man who afterwards governed the British islands with more than regal power; and from this marriage

sprang John Hampden.

He was born in 1594. In 1597 his father died, and left him heir to a very large estate. After passing some years at the grammar school of Thame, young Hampden was sent, at fifteen, to Magdalene College, in the University of Oxford. At nine-

teen, he was admitted a student of the Inner Temple, where he made himself master of the principles of the English law. In 1619, he married Elizabeth Symeon, a lady to whom he appears to have been fondly attached. In the following year, he was returned to parliament by a borough which has in our time obtained

a miserable celebrity, the borough of Grampound.

Of his private life during his early years, little is known beyond what Clarendon has told us. 'In his entrance into the 'world,' says that great historian, 'he indulged himself in all 'the license in sports, and exercises, and company, which were 'used by men of the most jolly conversation.' A remarkable change, however, passed in his character. 'On a sudden,' says Clarendon, 'from a life of great pleasure and license, he retired 'to extraordinary sobriety and strictness—to a more reserved 'and melancholy society.' It is probable that this change took place when Hampden was about twenty-five years old. At that age he was united to a woman whom he loved and esteemed. At that age he entered into political life. A mind so happily constituted as his would naturally, under such circumstances, relinquish the pleasures of dissipation for domestic enjoyments and public duties.

His enemies have allowed that he was a man in whom virtue showed itself in its mildest and least austere form. With the morals of a Puritan, he had the manners of an accomplished courtier. Even after the change in his habits, 'he preserved,' says Clarendon, 'his own natural cheerfulness and vivacity, and, 'above all, a flowing courtesy to all men.' These qualities distinguished him from most of the members of his sect and his party; and, in the great crisis in which he afterwards took a principal part, were of scarcely less service to the country than

his keen sagacity and his dauntless courage.

On the 30th of January, 1621, Hampden took his seat in the House of Commons. His mother was exceedingly desirous that her son should obtain a peerage. His family, his possessions, and his personal accomplishments, were such as would, in any age, have justified him in pretending to that honour. But, in the reign of James the First, there was one short cut to the House of Lords. It was but to ask, to pay, and to have. The sale of titles was carried on as openly as the sale of boroughs in our times. Hampden turned away with contempt from the degrading honours with which his family desired to see him invested, and attached himself to the party which was in opposition to the court.

It was about this time, as Lord Nugent has justly remarked, that parliamentary opposition began to take a regular form.

From a very early age, the English had enjoyed a far larger share of liberty than had fallen to the lot of any neighbouring people. How it chanced that a country conquered and enslaved by invaders,—a country of which the soil had been portioned out among foreign adventurers, and of which the laws were written in a foreign tongue, -a country given over to that worst tyranny, the tyranny of caste over caste, -should have become the seat of civil liberty, the object of the admiration and envy of surrounding states, is one of the most obscure problems in the philosophy of history. But the fact is certain. Within a century and a half after the Norman Conquest, the Great Charter was conceded. Within two centuries after the Conquest, the first House of Commons met. Froissart tells us, what indeed his whole narrative sufficiently proves, that of all the nations of the 14th century, the English were the least disposed to endure oppression. 'C'est le plus perilleux peuple qui soit au monde, 'et plus outrageux et orgueilleux.' The good Canon probably did not perceive, that all the prosperity and internal peace which this dangerous people enjoyed, were the fruits of the spirit which he designates as proud and outrageous. He has, however, borne ample testimony to the effect, though he was not sagacious enough to trace it to its cause. 'En le royaume d'Angleterre,' says he, 'toutes gens, laboureurs et marchands, ont appris de ' vivre en pays, et à mener leurs marchandises paisiblement, et 'les laboureurs labourer.' In the 15th century, though England was convulsed by the struggle between the two branches of the royal family, the physical and moral condition of the people continued to improve. Villanage almost wholly disappeared. The calamities of war were little felt, except by those who bore arms. The oppressions of the government were little felt, except by the aristocracy. The institutions of the country, when compared with the institutions of the neighbouring kingdoms, seem to have been not undeserving of the praises of Fortescue. The government of Edward the Fourth, though we call it cruel and arbitrary, was humane aud liberal, when compared with that of Louis the Eleventh, or that of Charles the Bold. Comines, who had lived amidst the wealthy cities of Flanders, and who had visited Florence and Venice, had never seen a people so well governed as the English. 'Or selon mon advis,' says he, 'entre toutes les seigneuries du monde, dont j'ay con-' noissance, ou la chose publique est mieux traitée, et ou regne ' moins de violence sur le peuple, et ou il n'y a nuls édifices 'abbatus n'y demolis pour guerre, c'est Angleterre; et tombe le ' sort et le malheur sur ceux qui font la guerre.'

About the close of the 15th, and the commencement of the

16th century, a great portion of the influence which the aristocracy had possessed passed to the crown. No English King has ever enjoyed such absolute power as Henry the Eighth. But while the royal prerogatives were acquiring strength at the expense of the nobility, two great revolutions took place, destined to be the parents of many revolutions,—the discovery of Print-

ing, and the reformation of the Church.

The immediate effect of the Reformation in England was by no means favourable to political liberty. The authority which had been exercised by the Popes, was transferred almost entire to the King. Two formidable powers which had often served to check each other, were united in a single despot. If the system on which the founders of the Church of England acted could have been permanent, the Reformation would have been, in a political sense, the greatest curse that ever fell on our country. But that system carried within it the seeds of its own death. It was possible to transfer the name of Head of the Church from Clement to Henry; but it was impossible to transfer to the new establishment the veneration which the old establishment had inspired. Mankind had not broken one yoke in pieces only in order to put on another. The supremacy of the Bishop of Rome had been for ages considered as a fundamental principle of Christianity. It had for it every thing that could make a prejudice deep and strong,-venerable antiquity, high authority, general consent. It had been taught in the first lessons of the nurse. was taken for granted in all the exhortations of the priest. remove it was to break innumerable associations, and to give a great and perilous shock to the mind. Yet this prejudice, strong as it was, could not stand in the great day of the deliverance of the human reason. And it was not to be expected that the public mind, just after freeing itself, by an unexampled effort, from a bondage which it had endured for ages, would patiently submit to a tyranny which could plead no ancient title. Rome had at least prescription on its side. But Protestant intolerance, despotism in an upstart sect, -infallibility claimed by guides who acknowledged that they had passed the greater part of their lives in error,-restraints imposed on the liberty of private judgment by rulers who could vindicate their own proceedings only by asserting the liberty of private judgment,-these things could not Those who had pulled down the crucifix could long be borne. not long continue to persecute for the surplice. It required no great sagacity to perceive the inconsistency and dishonesty of men who, dissenting from almost all Christendom, would suffer none to dissent from themselves; who demanded freedom of conscience, yet refused to grant it, -who execrated persecution, yet persecuted,—who urged reason against the authority of one opponent,

and authority against the reasons of another. Bonner at least acted in accordance with his own principles. Cranmer could vindicate himself from the charge of being a heretic, only by argu-

ments which made him out to be a murderer.

Thus the system on which the English Princes acted with respect to ecclesiastical affairs for some time after the Reformation. was a system too obviously unreasonable to be lasting. The public mind moved while the government moved; but would not stop where the government stopped. The same impulse which had carried millions away from the Church of Rome, continued to carry them forward in the same direction. As Catholics had become Protestants, Protestants became Puritans; and the Tudors and Stuarts were as unable to avert the latter change, as the Popes had been to avert the former. The dissenting party increased, and became strong under every kind of discouragement and oppression. They were a sect. The government persecuted them, and they became an opposition. The old constitution of England furnished to them the means of resisting the sovereign without breaking the laws. They were the majority of the House of Commons. They had the power of giving or withholding supplies; and, by a judicious exercise of this power, they might hope to take from the Church its usurped authority over the consciences of men; and from the Crown some part of the vast prerogative which it had recently acquired at the expense of the nobles and of the Pope.

The faint beginnings of this memorable contest may be discerned early in the reign of Elizabeth. The conduct of her last Parliament made it clear that one of those great revolutions which policy may guide but cannot stop, was in progress. It was on the question of monopolies that the House of Commons gained its first great victory over the Throne. The conduct of the extraordinary woman who then governed England, is an admirable study for politicians who live in unquiet times. It shows how thoroughly she understood the people whom she ruled, and the crisis in which she was called to act. What she held, she held firmly. What she gave, she gave graciously. She saw that it was necessary to make a concession to the nation; and she made it, not grudgingly, not tardily, not as a matter of bargain and sale, not, in a word, as Charles the First would have made it, but promptly and cordially. Before a bill could be framed or an address presented, she applied a remedy to the evil of which the nation complained. She expressed in the warmest terms her gratitude to her faithful Commons for detecting abuses which interested persons had concealed from her. If her successors had inherited her wisdom with her crown, Charles the First might

have died of old age, and James the Second would never have seen St Germains.

She died; and the kingdom passed to one who was, in his own opinion, the greatest master of king-craft that ever lived-who was, in truth, one of those kings whom God seems to send for the express purpose of hastening revolutions. Of all the enemies of liberty whom Britain has produced, he was at once the most harmless and the most provoking. His office resembled that of the man who, in a Spanish bull-fight, goads the torpid savage to fury, by shaking a red rag in the air, and now and then throwing a dart, sharp enough to sting, but too small to The policy of wise tyrants has always been to cover their violent acts with popular forms. James was always obtruding his despotic theories on his subjects without the slightest necessity. His foolish talk exasperated them infinitely more than forced loans or benevolences would have done. Yet, in practice, no king ever held his prerogatives less tenaciously. He neither gave way gracefully to the advancing spirit of liberty, nor took vigorous measures to stop it, but retreated before it with ludicrous haste, blustering and insulting as he retreated. The English people had been governed for nearly a hundred and fifty years by Princes who, whatever might be their frailties or their vices, had all possessed great force of character, and who, whether beloved or hated, had always been feared. Now, at length, for the first time since the day when the sceptre of Henry the Fourth dropped from the hand of his lethargic grandson, England had a king whom she despised.

The follies and vices of the man increased the contempt which was produced by the feeble policy of the sovereign. The indecorous gallantries of the Court,—the habits of gross intoxication in which even the ladies indulged,—were alone sufficient to disgust a people whose manners were beginning to be strongly tinctured with austerity. But these were trifles. Crimes of the most frightful kind had been discovered; others were suspected. The strange story of the Gowries was not forgotten. The ignominious fondness of the king for his minions,—the perjuries, the sorceries, the poisonings, which his chief favourites had planned within the walls of his palace,—the pardon which, in direct violation of his duty, and of his word, he had granted to the mysterious threats of a murderer, made him an object of loathing to many of his subjects. What opinion grave and moral persons residing at a distance from the Court entertained respecting him, we learn from Mrs Hutchinson's Memoirs. England was no place,—the seventeenth century no time, — for

Sporus and Locusta.

This was not all. The most ridiculous weaknesses seemed to meet in the wretched Solomon of Whitehall; pedantry, buffoonery, garrulity, low curiosity, the most contemptible personal cowardice. Nature and education had done their best to produce a finished specimen of all that a king ought not to be. His awkward figure, his rolling eye, his rickety walk, his nervous tremblings, his slobbering mouth, his broad Scotch accent, were imperfections which might have been found in the best and greatest man. Their effect, however, was to make James and his office objects of contempt; and to dissolve those associations which had been created by the noble bearing of preceding monarchs, and which were in themselves no inconsiderable fence

to royalty.

The sovereign whom James most resembled was, we think, Both had the same feeble and vacillating Claudius Cæsar. temper, the same childishness, the same coarseness, the same poltroonery. Both were men of learning; both wrote and spoke -not, indeed, well-but still in a manner in which it seems almost incredible that men so foolish should have written or spoken. The follies and indecencies of James are well described in the words which Suetonius uses respecting Claudius :- 'Multa ' talia, etiam privatis deformia, necdum principi, neque infacundo, ' neque indocto, immo etiam pertinaciter liberalibus studiis de-'dito.' The description given by Suetonius of the manner in which the Roman prince transacted business, exactly suits the Briton. ' In cognoscendo ac decernendo mira varietate animi fuit, modo ' circumspectus et sagax, modo inconsultus ac præceps, nonnun-' quam frivolus amentique similis.' Claudius was ruled successively by two bad women; James successively by two bad men. Even the description of the person of Claudius, which we find in the ancient memoirs, might, in many points, serve for that of James. 'Ceterum et ingredientem destituebant poplites minus ' firmi, et remisse quid vel serio agentem multa dehonestabant, ' risus indecens, via turpior, spumante rictu,-præterea linguæ 'titubantia.'

The Parliament which James had called soon after his accession had been refractory. His second Parliament, called in the spring of 1614, had been more refractory still. It had been dissolved after a session of two months; and during six years the king had governed without having recourse to the legislature. During those six years, melancholy and disgraceful events, at home and abroad, had followed one another in rapid succession;—the divorce of Lady Essex, the murder of Overbury, the elevation of Villiers, the pardon of Somerset, the disgrace of Coke, the execution of Raleigh, the battle of Prague, the invasion of

the Palatinate by Spinola, the ignominious flight of the son-inlaw of the English king, the depression of the Protestant interest all over the Continent. All the extraordinary modes by which James could venture to raise money had been tried. His necessities were greater than ever; and he was compelled to summon the Parliament in which Hampden made his first appearance as

a public man.

This Parliament lasted about twelve months. During that time it visited with deserved punishment several of those who, during the preceding six years, had enriched themselves by peculation and monopoly. Michell, one of those grasping patentees, who had purchased of the favourite the power of robbing the nation, was fined and imprisoned for life. Mompesson, the original, it is said, of Massinger's 'Overreach,' was outlawed and deprived of his ill-gotten wealth. Even Sir Edward Villiers, the brother of Buckingham, found it convenient to leave England. A greater name is to be added to the ignominious list. By this Parliament was brought to justice that illustrious philosopher, whose memory genius has half redeemed from the infamy due to servility, to ingratitude, and to corruption.

After redressing internal grievances, the Commons proceeded to take into consideration the state of Europe. The King flew into a rage with them for meddling with such matters, and, with characteristic judgment, drew them into a controversy about the origin of their House and of its privileges. When he found that he could not convince them, he dissolved them in a passion, and sent some of the leaders of the Opposition to ruminate on

his logic in prison.

During the time which elapsed between this dissolution and the meeting of the next Parliament, took place the celebrated negotiation respecting the Infanta. The would-be despot was unmercifully brow-beaten. The would-be Solomon was ridiculously overreached. 'Steenie,' in spite of the begging and sobbing of his dear 'dad and gossip,' earried off 'baby Charles' in triumph The sweet lads, as James called them, came back safe, but without their errand. The great master of king-craft, in looking for a Spanish match, found a Spanish war. In February 1624 a Parliament met, during the whole sitting of which James was a mere puppet in the hands of his 'baby,' and of his 'poor slave and dog.' The Commons were disposed to support the king in the vigorous policy which his son and his favourite urged him to adopt. But they were not disposed to place any confidence in their feeble sovereign and his dissolute courtiers, or to relax in their efforts to remove public grievances. They therefore lodged the money which they voted for the war in the hands of Parliamentary Commissioners. They impeached the treasurer, Lord Middlesex, for corruption, and they passed a bill by which patents of monopoly were declared illegal.

Hampden did not, during the reign of James, take any prominent part in public affairs. It is certain, however, that he paid great attention to the details of Parliamentary business, and to the local interests of his own county. It was in a great measure owing to his exertions, that Wendover and some other boroughs, on which the popular party could depend, recovered the elective

franchise, in spite of the opposition of the Court.

The health of the king had for some time been declining. On the 27th of March, 1625, he expired. Under his weak rule, the spirit of liberty had grown strong, and had become equal to a great The contest was brought on by the policy of his suc-Charles bore no resemblance to his father. He was not cessor. a driveller, or a pedant, or a buffoon, or a coward. It would be absurd to deny that he was a scholar and a gentleman, a man of exquisite taste in the fine arts, a man of strict morals in private life. His talents for business were respectable; his demeanour was kingly. But he was false, imperious, obstinate, narrowminded, ignorant of the temper of his people, unobservant of the signs of his times. The whole principle of his government was resistance to public opinion; nor did he make any real concession to that opinion till it mattered not whether he resisted or conceded,-till the nation, which had long ceased to love him or to trust him, had at last ceased to fear him.

His first Parliament met in June 1625. Hampden sat in it as burgess for Wendover. The king wished for money. The Commons wished for the redress of grievances. The war, however, could not be carried on without funds. The plan of the Opposition was, it should seem, to dole out supplies by small sums in order to prevent a speedy dissolution. They gave the king two subsidies only, and proceeded to complain that his ships had been employed against the Huguenots in France, and to petition in behalf of the Puritans who were persecuted in England. The king dissolved them, and raised money by Letters under his Privy Seal. The supply fell far short of what he needed; and, in the spring of 1626, he called together another Parliament. In this Parliament, Hampden again sat for Wend-

over.

The Commons resolved to grant a very liberal supply, but to defer the final passing of the act for that purpose till the grievances of the nation should be redressed. The struggle which followed, far exceeded in violence any that had yet taken place. The Commons impeached Buckingham. The king threw the

managers of the impeachment into prison. The Commons denied the right of the king to levy tonnage and poundage without their consent. The king dissolved them. They put forth a remonstrance. The king circulated a declaration vindicating his measures, and committed some of the most distinguished members of the Opposition to close custody. Money was raised by a forced loan, which was apportioned among the people according to the rate at which they had been respectively assessed to the last subsidy. On this occasion it was, that Hampden made his first stand for the fundamental principle of the English constitution. He positively refused to lend a farthing. He was required to give his reasons. He answered, 'that he could be content to lend 'as well as others, but feared to draw upon himself that curse 'in Magna Charta which should be read twice a-year against ' those who infringe it.' For this noble answer, the Privy Council committed him close prisoner to the Gate House. After some time, he was again brought up; but he persisted in his refusal, and was sent to a place of confinement in Hampshire.

The government went on, oppressing at home, and blundering in all its measures abroad. A war was foolishly undertaken against France, and more foolishly conducted. Buckingham led an expedition against Rhé, and failed ignominiously. meantime, soldiers were billeted on the people. Crimes, of which ordinary justice should have taken cognizance, were punished by martial law. Nearly eighty gentlemen were imprisoned for refusing to contribute to the forced loan. The lower people, who showed any signs of insubordination, were pressed into the fleet, or compelled to serve in the army. Money, however, came in slowly; and the king was compelled to summon another Parliament. In the hope of conciliating his subjects, he set at liberty the persons who had been imprisoned for refusing to comply with his unlawful demands. Hampden regained his freedom; and was immediately re-elected burgess for Wendover.

Early in 1628 the Parliament met. During its first session, the Commons prevailed on the king, after many delays and much equivocation, to give, in return for five subsidies, his full and solemn assent to that celebrated instrument—the second great charter of the liberties of England—known by the name of the Petition of Right. By agreeing to this act, the king bound himself to raise no taxes without the consent of Parliament, to imprison no man except by legal process, to billet no more soldiers on the people, and to leave the cognizance of offences to the ordinary tribunals.

In the summer, this memorable Parliament was prorogued.

It met again in January, 1629. Buckingham was no more. That weak, violent, and dissolute adventurer, who, with no talents or acquirements but those of a mere courtier, had, in a great crisis of foreign and domestic politics, ventured on the part of prime minister, had fallen, during the recess of Parliament, by the hand of an assassin. Both before and after his death, the war had been feebly and unsuccessfully conducted. The king had continued, in direct violation of the Petition of Right, to raise tonnage and poundage, without the consent of Parliament. The troops had again been billeted on the people; and it was clear to the Commons, that the five subsidies which they had given, as the price of the national liberties, had been

given in vain.

They met accordingly in no complying humour. They took into their most serious consideration the measures of the government concerning tonnage and poundage. They summoned the officers of the custom-house to their bar. They interrogated the barons of the exchequer. They committed one of the sheriffs of Sir John Eliot, a distinguished member of the Opposition, and an intimate friend of Hampden, proposed a resolution condemning the unconstitutional imposition. The speaker said, that the king had commanded him to put no such question to the vote. This decision produced the most violent burst of feeling ever seen within the walls of Parliament. Hayman remonstrated vehemently against the disgraceful language which had been heard from the chair. Eliot dashed the paper which contained his resolution on the floor of the House. Valentine and Hollis held the speaker down in his seat by main force, and read the motion amidst the loudest shouts. The door was locked -the key was laid on the table. Black Rod knocked for admittance in vain. After passing several strong resolutions, the House adjourned. On the day appointed for its meeting, it was dissolved by the king, and several of its most eminent members, among whom were Hollis and Sir John Eliot, were committed to prison.

Though Hampden had as yet taken little part in the debates of the House, he had been a member of many very important committees, and had read and written much concerning the law of Parliament. A manuscript volume of Parliamentary Cases, which is still in existence, contains many extracts from his

notes.

He now retired to the duties and pleasures of a rural life. During the eleven years which followed the dissolution of the Parliament of 1628, he resided at his seat in one of the most beautiful parts of the county of Buckingham. The house, you, liv, no, cyiii.

which has, since his time, been greatly altered, and which is now, we believe, almost entirely neglected, was then an old English mansion, built in the days of the Plantagenets and the Tudors. It stood on the brow of a hill which overlooks a narrow valley. The extensive woods which surround it were pierced by long avenues. One of those avenues the grandfather of the great statesman cut for the approach of Elizabeth; and the opening, which is still visible for many miles, retains the name of the Queen's Gap. In this delightful retreat Hampden passed several years, performing with great activity all the duties of a landed gentleman and a magistrate, and amusing himself with books and with field-sports.

He was not in his retirement unmindful of his persecuted friends. In particular, he kept up a close correspondence with Sir John Eliot, who was confined in the Tower. Lord Nugent has published several of the letters. We may perhaps be fanciful—but it seems to us that every one of them is an admirable illustration of some part of the character of Hampden which

Clarendon has drawn.

Part of the correspondence relates to the two sons of Sir John Eliot. These young men were wild and unsteady; and their father, who was now separated from them, was naturally anxious about their conduct. He at length resolved to send one of them to France, and the other to serve a campaign in the Low Countries. The letter which we subjoin, shows that Hampden, though rigorous towards himself, was not uncharitable towards others, and that his puritanism was perfectly compatible with the sentiments and the tastes of an accomplished gentleman. It also illustrates admirably what has been said of him by Clarendon: - 'He was of that rare affability and tem-' per in debate, and of that seeming humility and submission of 'judgment, as if he brought no opinion of his own with him, but a desire of information and instruction. Yet he had so ' subtle a way of interrogating, and, under cover of doubts, in-' sinuating his objections, that he infused his own opinions into 'those from whom he pretended to learn and receive them.'

The letter runs thus:— I am so perfectly acquainted with your clear insight into the dispositions of men, and ability to fit them with courses suitable, that, had you bestowed sons of mine as you have done your own, my judgment durst hardly have called it into question, especially when, in laying the design, you have prevented the objections to be made against it. For if Mr Richard Eliot will, in the intermissions of action, add study to practice, and adorn that lively spirit with flowers of contemplation, he will raise our expectations

of another Sir Edward Vere, that had this character-all 'summer in the field, all winter in his study-in whose fall ' fame makes this kingdom a great loser; and, having taken this resolution from counsel with the highest wisdom, as I ' doubt not you have, I hope and pray that the same power will 'crown it with a blessing answerable to our wish. The way 'you take with my other friend shows you to be none of the Bishop of Exeter's converts;* of whose mind neither am I 'superstitiously. But had my opinion been asked, I should, 'as vulgar conceits use to do, have showed my power rather to raise objections than to answer them. A temper + be-'tween France and Oxford, might have taken away his scru-'ples, with more advantage to his years. For although he be one of those that, if his age were looked for in no other book but that of the mind, would be found no ' ward if you should die to-morrow, yet it is a great hazard, 'methinks, to see so sweet a disposition guarded with no more, 'amongst a people whereof many make it their religion to be 'superstitious in impiety, and their behaviour to be affected in 'ill manners. But God, who only knoweth the periods of life and opportunities to come, hath designed him, I hope, for his own service betime, and stirred up your providence to husband him so early for great affairs. Then shall he be sure to 6 find Him in France that Abraham did in Sechem and Joseph 'in Egypt, under whose wing alone is perfect safety.'

Sir John Eliot employed himself, during his imprisonment, in writing a treatise on government, which he transmitted to his friend. Hampden's criticisms are strikingly characteristic. They are written with all that 'flowing courtesy' which is ascribed to him by Clarendon. The objections are insinuated with so much delicacy, that they could scarcely gall the most irritable author. We see, too, how highly Hampden valued in the writings of others that conciseness which was one of the most striking peculiarities of his own eloquence. Sir John Eliot's style was, it seems, too diffuse, and it is impossible not to admire the skill with which this is suggested. 'The piece,' says

^{*} Lord Nugent, we think, has misunderstood this passage. Hampden seems to allude to Bishop Hall's sixth satire, in which the custom of sending young men abroad is censured, and an academic life recommended. We have a general recollection that there is something to the same effect in Hall's prose works; but we have not time to search them.

^{† &#}x27;A middle course—a compromise.'

Hampden, 'is as complete an image of the pattern as can be 'drawn by lines,—a lively character of a large mind,—the sub'ject, method, and expression, excellent and homogenial, and to
'say truth, sweetheart, somewhat exceeding my commendations.
'My words cannot render them to the life. Yet—to show my
'ingenuity rather than wit—would not a less model have given
'a full representation of that subject,—not by diminution but
'by contraction of parts? I desire to learn. I dare not say.—
'The variations upon each particular seem many—all, I con'fess, excellent. The fountain was full, the channel narrow;
'that may be the cause; or that the author resembled Virgil,
'who made more verses by many than he intended to write. To
'extract a just number, had I seen all his, I could easily have
'bid him make fewer; but if he had bade me tell which he should
'have spared, I had been posed.'

This is evidently the writing, not only of a man of good sense and good taste, but of a man of literary habits. studies of Hampden little is known. But as it was at one time in contemplation to give him the charge of the education of the Prince of Wales, it cannot be doubted that his acquirements were considerable. Davila, it is said, was one of his The moderation of Davila's opinions, and favourite writers. the perspicuity and manliness of his style, could not but recommend him to so judicious a reader. It is not improbable that the parallel between France and England, the Huguenots and the Puritans, had struck the mind of Hampden, and that he already felt within himself powers not unequal to the lofty part of Coligni. While he was engaged in these pursuits, a heavy domestic calamity fell on him. His wife, who had born him nine children, died in the summer of 1634. She lies in the parish church of Hampden, close to the manor-house. tender and energetic language of her epitaph still attests the bitterness of her husband's sorrow, and the consolation which he found in a hope full of immortality.

In the meantime, the aspect of public affairs grew darker and darker. The health of Eliot had sunk under an unlawful imprisonment of several years. The brave sufferer refused to purchase liberty, though liberty would to him have been life, by recognising the authority which had confined him. In consequence of the representations of his physicians, the severity of restraint was somewhat relaxed. But it was in vain. He languished and expired a martyr to that good cause, for which his friend Hampden was destined to meet a more brilliant, but not

a more honourable death.

All the promises of the king were violated without scruple or

shame. The Petition of Right, to which he had, in consideration of monies duly numbered, given a solemn assent, was set at nought. Taxes were raised by the royal authority. Patents of monopoly were granted. The old usages of feudal times were made pretexts for harassing the people with exactions unknown during many years. The Puritans were persecuted with cruelty worthy of the Holy Office. They were forced to fly from the country. They were imprisoned. They were whipped. Their ears were cut off. Their noses were slit. Their cheeks were branded with redhot iron. But the cruelty of the oppressor could not tire out the fortitude of the victims. The mutilated defenders of liberty again defied the vengeance of the Star Chamber—came back with undiminished resolution to the place of their glorious infamy, and manfully presented the stumps of their ears to be grubbed out by the hangman's knife. The hardy sect grew up and flourished, in spite of every thing that seemed likely to stunt it-struck its roots deep into a barren soil, and spread its branches wide to an inclement sky. The multitude thronged round Prynne in the pillory with more respect than they paid to Mainwaring in the pulpit, and treasured up the rags which the blood of Burton had soaked, with a veneration such as rochets and surplices had ceased to inspire.

For the misgovernment of this disastrous period, Charles himself is principally responsible. After the death of Buckingham, he seems to have been his own prime minister. He had, however, two counsellors who seconded him, or went beyond him, in intolerance and lawless violence; the one a superstitious driveller, as honest as a vile temper would suffer him to be; the other a man of great valour and capacity, but licentious, faith-

less, corrupt, and cruel.

Never were faces more strikingly characteristic of the individuals to whom they belonged, than those of Laud and Strafford, as they still remain portrayed by the most skilful hand of that age. The mean forehead, the pinched features, the peering eyes, of the prelate, suit admirably with his disposition. They mark him out as a lower kind of Saint Dominic—differing from the fierce and gloomy enthusiast who founded the Inquisition, as we might imagine the familiar imp of a spiteful witch to differ from an archangel of darkness. When we read his judgments—when we read the report which he drew up, setting forth that he had sent some separatists to prison, and imploring the royal aid against others,—we feel a movement of indignation. We turn to his Diary, and we are at once as cool as contempt can make us. There we read how his picture fell down, and how fearful he was lest the fall should be an omen; how he

dreamed that the Duke of Buckingham came to bed to himthat King James walked past him—that he saw Thomas Flaxage in green garments, and the Bishop of Worcester with his shoulders wrapped in linen. In the early part of 1627, the sleep of this great ornament of the church seems to have been much disturbed. On the fifth of January, he saw a merry old man with a wrinkled countenance, named Grove, lying on the ground. On the fourteenth of the same memorable month, he saw the Bishop of Lincoln jump on a horse and ride away. A day or two after this, he dreamed that he gave the king drink in a silver cup, and that the king refused it, and called for glass. Then he dreamed that he had turned Papist—of all his dreams the only one, we suspect, which came through the gate of horn. But of these visions, our favourite is that which, as he has recorded, he enjoyed on the night of Friday the 9th of February, 1627. 'I dreamed,' says he, 'that I had the scurvy; and that ' forthwith all my teeth became loose. There was one in especial in my lower jaw, which I could scarcely keep in with my finger 'till I had called for help.' Here was a man to have the superintendence of the opinions of a great nation!

But Wentworth—who ever names him without thinking of those harsh dark features, ennobled by their expression into more than the majesty of an antique Jupiter—of that brow, that eye, that cheek, that lip, wherein, as in a chronicle, are written the events of many stormy and disastrous years—high enterprise accomplished, frightful dangers braved, power unsparingly exercised, suffering unshrinkingly borne-of that fixed look, so full of severity, of mournful anxiety, of deep thought, of dauntless resolution, which seems at once to forebode and defy a terrible fate, as it lowers on us from the living canvass of Vandyke? Even at this day the haughty earl overawes posterity as he overawed his contemporaries, and excites the same interest when arraigned before the tribunal of history, which he excited at the bar of the House of Lords. In spite of ourselves, we sometimes feel towards his memory a certain relenting, similar to that relenting which his defence, as Sir John Denham tells us, pro-

duced in Westminster Hall.

This great, brave, bad man entered the House of Commons at the same time with Hampden, and took the same side with Hampden. Both were among the richest and most powerful commoners in the kingdom. Both were equally distinguished by force of character, and by personal courage. Hampden had more judgment and sagacity than Wentworth. But no orator of that time equalled Wentworth in force and brilliancy of expression. In 1626, both these eminent men were committed to pri-

son by the King; Wentworth, who was among the leaders of the opposition, on account of his parliamentary conduct; Hampden, who had not as yet taken a prominent part in debate, for refu-

sing to pay taxes illegally imposed.

Here their paths separated. After the death of Buckingham, the king attempted to seduce some of the chiefs of the opposition from their party; and Wentworth was among those who yielded to the seduction. He abandoned his associates, and hated them ever after with the deadly hatred of a renegade. High titles and great employments were heaped upon him. He became Earl of Strafford, Lord-Lieutenant of Ireland, President of the Council of the North; and he employed all his power for the purpose of crushing those liberties of which he had been the most distinguished champion. His counsels respecting public affairs were fierce and arbitrary. His correspondence with Laud abundantly proves that government without parliaments, government by the sword, was his favourite scheme. He was unwilling even that the course of justice between man and man should be unrestrained by the royal prerogative. He grudged to the Courts of King's Bench and Common Pleas even that measure of liberty, which the most absolute of the Bourbons have allowed to the Parliaments of France.

In Ireland, where he stood in the place of the King, his practice was in strict accordance with his theory. He set up the authority of the executive government over that of the courts of law. He permitted no person to leave the island without his license. He established vast monopolies for his own private benefit. He imposed taxes arbitrarily. He levied them by military force. Some of his acts are described even by the partial Clarendon as powerful acts—acts which marked a nature excessively imperious—acts which caused dislike and terror in sober and dispassionate persons-high acts of oppression. Upon a most frivolous charge, he obtained a capital sentence from a court-martial against a man of high rank who had given him offence. He debauched the daughter-in-law of the Lord Chancellor of Ireland, and then commanded that nobleman to settle his estate according to the wishes of the lady. The Chancellor refused. The Lord-Lieutenant turned him out of office, and threw him into prison. When the violent acts of the Long Parliament are blamed, let it not be forgotten from what a tyranny they rescued the nation.

Among the humbler tools of Charles, were Chief-Justice Finch, and Noy, the Attorney-General. Noy had, like Wentworth, supported the cause of liberty in Parliament, and had, like

Wentworth, abandoned that cause for the sake of office. He devised, in conjunction with Finch, a scheme of exaction which made the alienation of the people from the throne complete. A writ was issued by the King, commanding the city of London to equip and man ships of war for his service. Similar writs were sent to the towns along the coast. These measures, though they were direct violations of the Petition of Right, had at least some show of precedent in their favour. But, after a time, the government took a step for which no precedent could be pleaded, and sent writs of ship-money to the inland counties. This was a stretch of power on which Elizabeth herself had not ventured, even at a time when all laws might with propriety have been made to bend to that highest law, the safety of the state. The inland counties had not been required to furnish ships, or money in the room of ships, even when the Armada was approaching our shores. It seemed intolerable that a prince, who, by assenting to the Petition of Right, had relinquished the power of levying ship-money even in the outports, should be the first to levy it on parts of the kingdom where it had been unknown, under the most absolute of his predecessors.

Clarendon distinctly admits that this tax was intended, not only for the support of the navy, but 'for a spring and magazine that should have no bottom, and for an everlasting supply of all occasions.' The nation well understood this; and from one end of England to the other, the public mind was strongly

excited.

Buckinghamshire was assessed at a ship of four hundred and fifty tons, or a sum of four thousand five hundred pounds. The share of the tax which fell to Hampden was very small; so small, indeed, that the sheriff was blamed for setting so wealthy a man at so low a rate. But though the sum demanded was a trifle, the principle of the demand was despotism. Hampden, after consulting the most eminent constitutional lawyers of the time, refused to pay the few shillings at which he was assessed; and determined to incur all the certain expense, and the probable danger, of bringing to a solemn hearing this great controversy between the people and the Crown. 'Till this time,' says Clarendon, 'he was rather of reputation in his own country than of public discourse or fame in the kingdom; but then he grew the argument of all tongues, every man enquiring who and what he was that durst, at his own charge, support the liberty 'and prosperity of the kingdom.'

Towards the close of the year 1636, this great cause came on in the Exchequer Chamber before all the judges of England. The leading counsel against the writ was the celebrated Oliver St John; a man whose temper was melaucholy, whose manners were reserved, and who was as yet little known in Westminster Hall; but whose great talents had not escaped the penetrating eye of Hampden. The Attorney-General and Solicitor-General

appeared for the Crown.

The arguments of the counsel occupied many days; and the Exchequer Chamber took a considerable time for deliberation. The opinion of the bench was divided. So clearly was the law in favour of Hampden, that though the judges held their situations only during the royal pleasure, the majority against him was the least possible. Four of the twelve pronounced decidedly in his favour; a fifth took a middle course. The remaining

seven gave their voices in favour of the writ.

The only effect of this decision was to make the public indignation stronger and deeper. 'The judgment,' says Clarendon, 'proved of more advantage and credit to the gentleman con-'demned than to the King's service.' The courage which Hampden had shown on this occasion, as the same historian tells us, 'raised his reputation to a great height generally throughout the 'kingdom.' Even courtiers and crown-lawyers spoke respectfully of him. 'His carriage,' says Clarendon, 'throughout that ' agitation, was with that rare temper and modesty, that they who ' watched him narrowly to find some advantage against his per-'son, to make him less resolute in his cause, were compelled to 'give him a just testimony.' But his demeanour, though it impressed Lord Falkland with the deepest respect,-though it drew forth the praises of Solicitor-General Herbert,—only kindled into a fiercer flame the ever-burning hatred of Strafford. That minister, in his letters to Laud, murmured against the lenity with which Hampden was treated. 'In good faith,' he wrote, ' were such men rightly served, they should be whipped 'into their right wits.' Again he says, 'I still wish Mr ' Hampden, and others to his likeness, were well whipped into their right senses. And if the rod be so used that it smart not, 'I am the more sorry.'

The person of Hampden was now scarcely safe. His prudence and moderation had hitherto disappointed those who would gladly have had a pretence for sending him to the prison of Eliot. But he knew that the eye of a tyrant was on him. In the year 1637, misgovernment had reached its height. Eight years had passed without a Parliament. The decision of the Exchequer-Chamber had placed at the disposal of the Crown the whole property of the English people. About the time at which that decision was pronounced, Prynne, Bastwick, and

Burton, were mutilated by the sentence of the Star Chamber, and sent to rot in remote dungeons. The estate and the person of every man who had opposed the Court, were at its mercy.

Hampden determined to leave England. Beyond the Atlantic Ocean, a few of the persecuted Puritans had formed, in the wilderness of Connecticut, a settlement which has since become a prosperous commonwealth; and which, in spite of the lapse of time, and of the change of government, still retains something of the character given to it by its first founders. Lord Saye and Lord Brooke were the original projectors of this scheme of emigration. Hampden had been early consulted respecting it. He was now, it appears, desirous to withdraw himself beyond the reach of oppressors, who, as he probably suspected, and as we know, were bent on punishing his manful resistance to their tyranny. He was accompanied by his kinsman Oliver Cromwell, over whom he possessed great influence, and in whom he alone had discovered, under an exterior appearance of coarseness and extravagance, those great and commanding talents which were afterwards the admiration and the dread of Europe.

The cousins took their passage in a vessel which lay in the Thames, bound for North America. They were actually on board, when an order of Council appeared, by which the ship was prohibited from sailing. Seven other ships, filled with

emigrants, were stopped at the same time.

Hampden and Cromwell remained; and with them remained the Evil Genius of the House of Stuart. The tide of public affairs was even now on the turn. The King had resolved to change the ecclesiastical constitution of Scotland, and to introduce into the public worship of that kingdom ceremonies which the great body of the Scots regarded as popish. This absurd attempt produced, first discontents, then riots, and at length open rebellion. A provisional government was established at Edinburgh, and its authority was obeyed throughout the kingdom. This government raised an army, appointed a general, and called a General Assembly of the Kirk. The famous instrument, called the Covenant, was put forth at this time, and was eagerly subscribed by the people.

The beginnings of this formidable insurrection were strangely neglected by the king and his advisers. But towards the close of the year 1638 the danger became pressing. An army was raised; and early in the following spring Charles marched northward, at the head of a force sufficient, as it seemed, to reduce

the Covenanters to submission.

But Charles acted, at this conjuncture, as he acted at every important conjuncture throughout his life. After oppressing,

threatening, and blustering, he hesitated and failed. He was bold in the wrong place, and timid in the wrong place. He would have shown his wisdom by being afraid before the liturgy was read in St Giles's church. He put off his fear till he had reached the Scottish border with his troops. Then, after a feeble campaign, he concluded a treaty with the insurgents, and withdrew his army. But the terms of the pacification were not observed. Each party charged the other with foul play. The Scots refused to disarm. The King found great difficulty in re-assembling his forces. His late expedition had drained his treasury. The revenues of the next year had been anticipated. At another time, he might have attempted to make up the deficiency by illegal expedients; but such a course would clearly have been dangerous when part of the island was in rebellion. It was necessary to call a Parliament. After eleven years of suffering, the voice of the nation was to be heard once more.

In April 1640 the Parliament met; and the King had another chance of conciliating his people. The new House of Commons was, beyond all comparison, the least refractory House of Commons that had been known for many years. Indeed, we have never been able to understand how, after so long a period of misgovernment, the representatives of the nation should have shewn so moderate and so loyal a disposition. Clarendon speaks with admiration of their dutiful temper. 'The House generally,' says he, 'was exceedingly disposed to please the King, and to 'do him service.'—'It could never be hoped,' he observes elsewhere, 'that more sober or dispassionate men would ever meet 'together in that place, or fewer who brought ill purposes with

'them.'

In this Parliament Hampden took his seat as member for Buckinghamshire; and thenceforward, till the day of his death, gave himself up, with scarcely any intermission, to public af-He took lodgings in Gray's Inn Lane, near the house occupied by Pym, with whom he lived in habits of the closest intimacy. He was now decidedly the most popular man in England. The Opposition looked to him as their leader. servants of the king treated him with marked respect. Charles requested the Parliament to vote an immediate supply, and pledged his word, that if they would gratify him in this request, he would afterwards give them time to represent their grievances to him. The grievances under which the nation suffered were so serious, and the royal word had been so shamefully violated, that the Commons could hardly be expected to comply with this request. During the first week of the session, the minutes of the proceedings against Hampden were laid on the table by

Oliver St John, and the committee reported that the case was matter of grievance. The king sent a message to the Commons, offering, if they would vote him twelve subsidies, to give up the prerogative of ship-money. Many years before, he had received five subsidies in consideration of his assent to the Petition of Right. By assenting to that petition, he had given up the right of levying ship-money, if he ever possessed it. How he had observed the promises made to his third Parliament, all England knew; and it was not strange that the Commons should be somewhat unwilling to buy from him, over and over again, their own ancient and undoubted inheritance.

His message, however, was not unfavourably received. The Commons were ready to give a large supply; but they were not disposed to give it in exchange for a prerogative of which they altogether denied the existence. If they acceded to the proposal of the King, they recognised the legality of the writs of ship-

money.

Hampden, who was a greater master of parliamentary tactics than any man of his time, saw that this was the prevailing feeling, and availed himself of it with great dexterity. He moved, that the question should be put, 'Whether the House would 'consent to the proposition made by the king, as contained in 'the message.' Hyde interfered, and proposed that the question should be divided;—that the sense of the House should be taken merely on the point, 'Supply, or no supply?' and that the manner and the amount should be left for subsequent consideration.

The majority of the House was for granting a supply; but against granting it in the manner proposed by the king. If the House had divided on Hampden's question, the court would have sustained a defeat; if on Hyde's, the court would have gained an apparent victory. Some members called for Hyde's motion—others for Hampden's. In the midst of the uproar, the secretary of state, Sir Harry Vane, rose, and stated, that the supply would not be accepted unless it were voted according to the tenor of the message. Vane was supported by Herbert, the solicitor-general. Hyde's motion was therefore no further pressed, and the debate on the general question was adjourned till the next day.

On the next day the king came down to the House of Lords, and dissolved the Parliament with an angry speech. His conduct on this occasion has never been defended by any of his apologists. Clarendon condemns it severely. 'No man,' says he, 'could imagine what offence the Commons had given.' The offence which they had given is plain. They had, indeed,

behaved most temperately and most repectfully. But they had shown a disposition to redress wrongs, and to vindicate the laws; and this was enough to make them hateful to a king whom no law could bind, and whose whole government was

one system of wrong.

The nation received the intelligence of the dissolution with sorrow and indignation. The only persons to whom this event gave pleasure, were those few discerning men who thought that the maladies of the state were beyond the reach of gentle remedies. Oliver St John's joy was too great for concealment. It lighted up his dark and melancholy features, and made him, for the first time, indiscreetly communicative. He told Hyde, that things must be worse before they could be better; and that the dissolved Parliament would never have done all that was necessary. St John, we think, was in the right. No good could then have been done by any Parliament which did not adopt as its great principle, that no confidence could safely be placed in the king, and that, while he enjoyed more than the shadow of power, the nation would never enjoy more than the shadow of liberty.

As soon as Charles had dismissed the Parliament, he threw several members of the House of Commons into prison. Shipmoney was exacted more rigorously than ever; and the Mayor and Sheriffs of London were prosecuted before the Star-Chamber for slackness in levying it. Wentworth, it is said, observed, with characteristic insolence and cruelty, that things would never go right till the aldermen were hanged. Large sums were raised by force on those counties in which the troops were quartered. All the wretched shifts of a beggared exchequer were tried. Forced loans were raised. Great quantities of goods were bought on long credit, and sold for ready money. A scheme for debasing the currency was under consideration. At

length, in August, the king again marched northward.

The Scots advanced into England to meet him. It is by no means improbable that this bold step was taken by the advice of Hampden, and of those with whom he acted; and this has been made matter of grave accusation against the English Opposition. To call in the aid of foreigners in a domestic quarrel, it is said, is the worst of treasons; and that the Puritan leaders, by taking this course, showed that they were regardless of the honour and independence of the nation, and anxious only for the success of their own faction. We are utterly unable to see any distinction between the case of the Scotch invasion in 1640, and the case of the Dutch invasion in 1688,—or rather, we see distinctions which are to the advantage of Hampden and his friends. We believe

Charles to have been, beyond all comparison, a worse and more dangerous king than his son. The Dutch were strangers to us, - the Scots a kindred people, speaking the same language, subjects of the same crown, not aliens in the eye of the law. If, indeed, it had been possible that a Dutch army or a Scotch army could have enslaved England, those who persuaded Lesley to cross the Tweed, and those who signed the invitation to the Prince of Orange, would have been traitors to their country. But such a result was out of the question. All that either a Scotch or a Dutch invasion could do, was to give the public feeling of England an opportunity to show itself. Both expeditions would have ended in complete and ludicrous discomfiture, had Charles and James been supported by their soldiers and their people. In neither case, therefore, was the independence of England endangered; in neither case was her honour compromised: in both cases her liberties were preserved.

The second campaign of Charles against the Scots was short and ignominious. His soldiers, as soon as they saw the enemy, ran away as English soldiers have never run either before or since. It can scarcely be doubted that their flight was the effect, not of cowardice, but of disaffection. The four northern counties of England were occupied by the Scotch army. The King

retired to York.

The game of tyranny was now up. Charles had risked and lost his last stake. It is impossible to retrace the mortifications and humiliations which this bad man now had to endure, without a feeling of vindictive pleasure. His army was mutinous,—his treasury was empty,—his people clamoured for a Parliament,—addresses and petitions against the government were presented. Strafford was for shooting those who presented them by martial law; but the king could not trust the soldiers. A great council of Peers was called at York, but the king could not trust even the Peers. He struggled, he evaded, he hesitated, he tried every shift, rather than again face the representatives of his injured people. At length no shift was left. He made a truce with the Scots, and summoned a Parliament.

The leaders of the popular party had, after the late dissolution, remained in London for the purpose of organizing a scheme of opposition to the court. They now exerted themselves to the ntmost. Hampden, in particular, rode from county to county, exhorting the electors to give their votes to men worthy of their confidence. The great majority of the returns was on the side of the Opposition. Hampden was himself chosen member both for Wendover and for Buckinghamshire. He made his election to serve for the county.

On the 3d of November, 1640,—a day to be long remembered-met that great Parliament, destined to every extreme of fortune,—to empire and to servitude,—to glory and to contempt; -at one time the sovereign of its sovereign,-at another time the servant of its servants, and the tool of its tools. From the first day of its meeting the attendance was great; and the aspect of the members was that of men not disposed to do the work negligently. The dissolution of the late Parliament had convinced most of them that half measures would no longer suffice. Clarendon tells us, that 'the same men who, six months before, ' were observed to be of very moderate tempers, and to wish that gentle remedies might be applied, talked now in another ' dialect both of kings and persons; and said that they must now ' be of another temper than they were the last Parliament.' The debt of vengeance was swollen by all the usury which had been accumulating during many years; and payment was made to the full.

This memorable crisis called forth parliamentary abilities such as England had never before seen. Among the most distinguished members of the House of Commons were, Falkland, Hyde, Digby, Young, Harry Vane, Oliver St John, Denzil Hollis, Nathaniel Fiennes. But two men exercised a paramount influence over the legislature and the country—Pym and Hampden; and, by the universal consent of friends and enemies, the first

place belonged to Hampden.

On occasions which required set speeches, Pym generally took the lead. Hampden very seldom rose till late in a debate. His speaking was of that kind which has, in every age, been held in the highest estimation by English Parliaments-ready, weighty, perspicuous, condensed. His perception of the feeling of the House was exquisite,—his temper unalterably placid,—his manner eminently courteous and gentlemanlike. 'Even with those,' says Clarendon, 'who were able to preserve themselves from 'his infusions, and who discerned those opinions to be fixed in 'him with which they could not comply, he always left the character of an ingenious and conscientious person.' His talents for business were as remarkable as his talents for debate. 'He 'was,' says Clarendon, 'of an industry and vigilance not to be ' tired out or wearied by the most laborious, and of parts not to be imposed upon by the most subtle and sharp.' Yet it was rather to his moral than to his intellectual qualities that he was indebted for the vast influence which he possessed. 'this parliament began,'-we again quote Clarendon,-' the eves of all men were fixed upon him, as their patriæ pater, and the pilot that must steer the vessel through the tempests and ' rocks which threatened it. And I am persuaded his power and interest at that time were greater to do good or hurt than any

'man's in the kingdom, or than any man of his rank hath had

' in any time; for his reputation of honesty was universal, and his affections seemed so publicly guided, that no corrupt or

his affections seemed so publicly guided, that no corrupt or private ends could bias them. . . . He was indeed a very

'wise man and of great parts, and possessed with the most abso-'lute spirit of popularity, and the most absolute faculties to

'govern the people, of any man I ever knew.'

It is sufficient to recapitulate shortly the acts of the Long Parliament during its first session. Strafford and Laud were impeached and imprisoned. Strafford was afterwards attainted by bill, and executed. Lord Keeper Finch fled to Holland, Secretary Windebank to France. All those whom the King had, during the last twelve years, employed for the oppression of his people,-from the servile judges who had pronounced in favour of the crown against Hampden, down to the sheriffs who had distrained for ship-money, and the custom-house officers who had levied tonnage and poundage,—were summoned to answer for their conduct. The Star Chamber, the High Commission Court, the Council of York, were abolished. Those unfortunate victims of Laud, who, after undergoing ignominious exposure and cruel manglings, had been sent to languish in distant prisons, were set at liberty, and conducted through London in triumphant procession. The king was compelled to give to the judges patents for life, or during good behaviour. He was deprived of those oppressive powers which were the last relics of the old feudal tenures. The Forest Courts and the Stannary Courts were reformed. It was provided that the Parliament then sitting should not be prorogued or dissolved without its own consent; and that a Parliament should be held at least once every three vears.

Many of these measures Lord Clarendon allows to have been most salutary; and few persons will, in our times, deny that, in the laws passed during this session, the good greatly preponderated over the evil. The abolition of those three hateful courts,—the Northern Council, the Star Chamber, and the High Commission, would alone entitle the Long Parliament to the lasting

gratitude of Englishmen.

The proceedings against Strafford undoubtedly seem hard to people living in our days; and would probably have seemed merciful and moderate to people living in the sixteenth century. It is curious to compare the trial of Charles's minister with the trial, if it can be so called, of Lord Sudley, in the blessed reign of Edward the Sixth. None of the great reformers of our church

doubted for a moment of the propriety of passing an act of Parliament for cutting off Lord Sudley's head without a legal conviction. The pious Cranmer voted for that act; the pious Latimer preached for it; the pious Edward returned thanks for it; and all the pious Lords of the council together exhorted their victim to what they were pleased facetiously to call 'the quiet

' and patient suffering of justice.'

But it is not necessary to defend the proceedings against Strafford by any such comparison. They are justified, in our opinion, by that which alone justifies capital punishment, or any punishment,-by that which alone justifies war-by the public danger. That there is a certain amount of public danger, which will justify a legislature in sentencing a man to death by an ex post facto law, few people, we suppose, will deny. Few people, for example, will deny that the French Convention was perfectly justified in declaring Robespierre, St Just, and Couthon, hors la loi, without a trial. This proceeding differed from the proceeding against Strafford, only in being much more rapid and violent. Strafford was fully heard. Robespierre was not suffered to defend himself. Was there, then, in the case of Strafford, a danger sufficient to justify an act of attainder? We believe that there was. We believe that the contest in which the Parliament was engaged against the king, was a contest for the security of our property,—for the liberty of our persons,—for every thing which makes us to differ from the subjects of Don Miguel. We believe that the cause of the Commons was such as justified them in resisting the king, in raising an army, in sending thousands of brave men to kill and to be killed. An act of attainder is surely not more a departure from the ordinary course of law than a civil war. An act of attainder produces much less suffering than a civil war; and we are, therefore, unable to discover on what principle it can be maintained, that a cause which justifies a civil war, will not justify an act of attainder.

Many specious arguments have been urged against the ex post facto law by which Strafford was condemned to death. But all these arguments proceed on the supposition that the crisis was an ordinary crisis. The attainder was, in truth, a revolutionary measure. It was part of a system of resistance which oppression had rendered necessary. It is as unjust to judge of the conduct pursued by the Long Parliament towards Strafford on ordinary principles, as it would have been to indict Fairfax for murder, because he cut down a cornet at Naseby. From the day on which the Houses met, there was a war waged by them against the king,—a war for all that they held dear,—a war carried on at first by means of Parliamentary forms,—at last by physical

force; and, as in the second stage of that war, so in the first, they were entitled to do many things which, in quiet times,

would have been culpable.

We must not omit to mention, that those men who were afterwards the most distinguished ornaments of the king's party, supported the bill of attainder. It is almost certain that Hyde voted for it. It is quite certain that Falkland both voted and spoke for it. The opinion of Hampden, as far as it can be collected from a very obscure note of one of his speeches, seems to have been, that the proceeding by bill was unnecessary, and that it would be a better course to obtain judgment on the impeachment.

During this year the Court opened a negotiation with the leaders of the Opposition. The Earl of Bedford was invited to form an administration on popular principles. St John was made solicitor-general. Hollis was to have been secretary of state, and Pym chancellor of the exchequer. The post of tutor to the Prince of Wales was designed for Hampden. The death of the Earl of Bedford prevented this arrangement from being carried into effect; and it may be doubted whether, even if that nobleman's life had been prolonged, Charles would ever have consented to surround himself with counsellors whom he could not but hate and fear.

Lord Clarendon admits that the conduct of Hampden during this year was mild and temperate,—that he seemed disposed rather to soothe than to excite the public mind; and that, when violent and unreasonable motions were made by his followers, he generally left the House before the division, lest he should seem to give countenance to their extravagance. His temper was moderate. He sincerely loved peace. He felt also great fear lest too precipitate a movement should produce a reaction. The events which took place early in the next session clearly showed that this fear was not unfounded.

During the autumn the Parliament adjourned for a few weeks. Before the recess, Hampden was dispatched to Scotland by the House of Commons, nominally as a commissioner, to obtain security for a debt which the Scots had contracted during the late invasion; but in truth that he might keep watch over the king, who had now repaired to Edinburgh, for the purpose of finally adjusting the points of difference which remained between him and his northern subjects. It was the business of Hampden to dissuade the Covenanters from making their peace with the Court at the expense of the popular party in England.

While the king was in Scotland, the Irish rebellion broke out. The suddenness and violence of this terrible explosion excited a

strange suspicion in the public mind. The queen was a professed Papist. The king and the archbishop of Canterbury had not indeed been reconciled to the See of Rome; but they had, while acting towards the Puritan party with the utmost rigour, and speaking of that party with the utmost contempt, shown great tenderness and respect towards the Catholic religion and its In spite of the wishes of successive Parliaments, the Protestant separatists had been cruelly persecuted. And at the same time, in spite of the wishes of those very Parliaments, the laws-the unjust and wicked laws-which were in force against the Papists, had not been carried into execution. The Protestant nonconformists had not yet learned toleration in the school of suffering. They reprobated the partial lenity which the government showed towards idolaters; and, with some show of reason, ascribed to bad motives conduct which, in such a king as Charles, and such a prelate as Laud, could not possibly be ascribed to humanity or to liberality of sentiment. The violent Arminianism of the archbishop—his childish attachment to ceremonies, his superstitious veneration for altars, vestments, and painted windows, his bigoted zeal for the constitution and the privileges of his order, his known opinions respecting the celibacy of the clergy-had excited great disgust throughout that large party which was every day becoming more and more hostile to Rome, and more and more inclined to the doctrines and the discipline of Geneva. It was believed by many, that the Irish rebellion had been secretly encouraged by the Court; and, when the Parliament met again in November, after a short recess, the Puritans were more intractable than ever.

But that which Hampden had feared had come to pass. A reaction had taken place. A large body of moderate and well-meaning men, who had heartily concurred in the strong measures adopted during the preceding year, were inclined to pause. Their opinion was, that, during many years, the country had been grievously misgoverned, and that a great reform had been necessary;—but, that a great reform had been made,—that the grievances of the nation had been fully redressed,—that sufficient vengeance had been exacted for the past, and sufficient security provided for the future,—that it would, therefore, be both ungrateful and unwise to make any further attacks on the royal prerogative. In support of this opinion many plausible arguments have been used. But to all these arguments there is one short

answer—the king could not be trusted.

At the head of those who may be called the Constitutional Royalists, were Falkland, Hyde, and Culpeper. All these eminent men had, during the former year, been in very decided opposition to the Court. In some of those very proceedings with which their admirers reproach Hampden, they had taken at least as great a part as Hampden. They had all been concerned in the impeachment of Strafford. They had all, there is reason to believe, voted for the Bill of Attainder. Certainly none of them voted against it. They had all agreed to the act which made the consent of the Parliament necessary to its own dissolution or prorogation. Hyde had been among the most active of those who attacked the Council of York. Falkland had voted for the exclusion of the bishops from the Upper House. They were now inclined to halt in the path of reform; perhaps to retrace a few of their steps.

A direct collision soon took place between the two parties, into which the House of Commons, lately at almost perfect unity with itself, was now divided. The opponents of the Government moved that celebrated address to the king, which is known by the name of the Grand Remonstrance. In this address all the oppressive acts of the preceding fifteen years were set forth with great energy of language; and, in conclusion, the king was entreated to employ no ministers in whom the Parlia-

ment could not confide.

The debate on the Remonstrance was long and stormy. It commenced at nine in the morning of the 21st of November, and lasted till after midnight. The division showed that a great change had taken place in the temper of the House. Though many members had retired from exhaustion, three hundred voted, and the remonstrance was carried by a majority of only nine. A violent debate followed on the question whether the minority should be allowed to protest against this decision. The excitement was so great that several members were on the point of proceeding to personal violence. 'We had sheathed our swords 'in each other's bowels,' says an eye-witness, 'had not the saga-'eity and great calmness of Mr Hampden, by a short speech, 'prevented it.' The House did not rise till two in the morning.

The situation of the Puritan leaders was now difficult, and full of peril. The small majority which they still had might soon become a minority. Out of doors, their supporters in the higher and middle classes were beginning to fall off. There was a growing opinion that the king had been hardly used. The English are always inclined to side with a weak party which is in the wrong, rather than with a strong party which is in the right. Even the idlers in the street will not suffer a man to be struck when he is down. And as it is with a boxing-match, so it is with a political contest. Thus it was that a violent reaction took place in favour of Charles the Second, against the Whigs,

in 1681. Thus it was that an equally violent reaction took place in favour of George the Third against the coalition in 1784. A similar reaction was beginning to take place during the second year of the Long Parliament. Some members of the Opposition 'had resumed,' says Clarendon, 'their old resolution of leaving the kingdom.' Oliver Cromwell openly declared that he and many others would have emigrated if they had been left in a minority on the question of the Remonstrance.

Charles had now a last chance of regaining the affection of his people. If he could have resolved to give his confidence to the leaders of the moderate party in the House of Commons, and to regulate his proceedings by their advice, he might have been, not, indeed, as he had been, a despot, but the powerful and respected king of a free people. The nation might have enjoyed liberty and repose under a government, with Falkland at its head, checked by a constitutional Opposition, under the conduct of Hampden. It was not necessary that, in order to accomplish this happy end, the king should sacrifice any part of his lawful prerogative, or submit to any conditions inconsistent with his dignity. It was necessary only that he should abstain from treachery, from violence, from gross breaches of the law. This was all that the nation was then disposed to require of him. And even this was too much.

For a short time, he seemed inclined to take a wise and temperate course. He resolved to make Falkland secretary of state, and Culpeper chancellor of the exchequer. He declared his intention of conferring in a short time some important office on Hyde. He assured these three persons that he would do nothing relating to the House of Commons without their joint advice; and that he would communicate all his designs to them in the most unreserved manner. This resolution, had he adhered to it, would have averted many years of blood and mourning. But 'in very few days,' says Clarendon, 'he did fatally swerve from

' it.'

On the 3d of January, 1642, without giving the slightest hint of his intention to those advisers whom he had solemnly promised to consult, he sent down the attorney-general to impeach Lord Kembolton, Hampden, Pym, Hollis, and two other members of the House of Commons, at the bar of the Lords, on a charge of High Treason. It is difficult to find in the whole history of England, such an instance of tyranny, perfidy, and folly. The most precious and ancient rights of the subject were violated by this act. The only way in which Hampden and Pym could legally be tried for treason at the suit of the king, was by a petty jury on a bill found by a grand jury. The attorneys

general had no right to impeach them. The House of Lords

had no right to try them.

The Commons refused to surrender their members. The Peers showed no inclination to usurp the unconstitutional jurisdiction which the king attempted to force on them. A contest began, in which violence and weakness were on the one side, law and resolution on the other. Charles sent an officer to seal up the lodgings and trunks of the accused members. The Commons sent their sergeant to break the seals. The tyrant resolved to follow up one outrage by another. In making the charge, he had struck at the institution of juries. In executing the arrest, he struck at the privileges of Parliament. He resolved to go to the House in person, with an armed force, and there to seize the leaders of the Opposition, while engaged in the discharge of their Parliamentary duties.

What was his purpose? Is it possible to believe that he had no definite purpose,—that he took the most important step of his whole reign without having for one moment considered what might be its effects? Is it possible to believe, that he went merely for the purpose of making himself a laughing-stock,—that he intended, if he had found the accused members, and if they had refused, as it was their right and duty to refuse, the submission which he illegally demanded, to leave the House without bringing them away? If we reject both these suppositions, we must believe—and we certainly do believe—that he went fully determined to carry his unlawful design into effect by violence; and, if necessary, to shed the blood of the chiefs of the Opposition on the very floor of the Parliament House.

Lady Carlisle conveyed intelligence of the design to Pym. The five members had time to withdraw before the arrival of Charles. They left the House as he was entering New Palace Yard. He was accompanied by about two hundred halberdiers of his guard, and by many gentlemen of the Court armed with swords. He walked up Westminster Hall. At the southern door of that vast building, his attendants divided to the right and left, and formed a lane to the door of the House of Commons. He knocked—entered—darted a look towards the place which Pym usually occupied; and, seeing it empty, walked up to the table. The speaker fell on his knee. The members rose and uncovered their heads in profound silence, and the king took his seat in the chair. He looked round the house. But the five members were nowhere to be seen. He interrogated the speaker. The speaker answered, that he was merely the organ of the House, and had neither eyes to see, nor tongue to speak, but according to their direction. The baffled tyrant muttered a few

feeble sentences about his respect for the laws of the realm, and the privileges of Parliament, and retired. As he passed along the benches, several resolute voices called out audibly—' Privilege!' He returned to Whitehall with his company of bravoes, who, while he was in the House, had been impatiently waiting in the lobby for the word, cocking their pistols, and crying—' Fall on.' That night he put forth a proclamation, directing that the posts should be stopped, and that no person should, at

his peril, venture to harbour the accused members.

Hampden and his friends had taken refuge in Coleman Street. The city of London was indeed the fastness of public liberty; and was, in those times, a place of at least as much importance as Paris during the French Revolution. The city, properly so called, now consists in a great measure of immense warehouses and counting-houses, which are frequented by traders and their clerks during the day, and left in almost total solitude during the night. It was then closely inhabited by three hundred thousand persons, to whom it was not merely a place of business, but a place of constant residence. This great body had as complete a civil and military organization as if it had been an independent republic. Each citizen had his company; and the companies, which now seem to exist only for the delectation of epicures and of antiquarians, were then formidable brotherhoods; the members of which were almost as closely bound together as the members of a Highland clan. How strong these artificial ties were, the numerous and valuable legacies anciently bequeathed by citizens to their corporations abundantly prove. The municipal offices were filled by the most opulent and respectable merchants of the kingdom. The pomp of the magistracy of the capital was second only to that which surrounded the person of the sovereign. The Londoners loved their city with that patriotic love which is found only in small communities, like those of ancient Greece, or like those which arose in Italy during the middle ages. The numbers, the intelligence, the wealth of the citizens, the democratic form of their local government, and their vicinity to the Court and to the Parliament, made them one of the most formidable bodies in the kingdom. Even as soldiers, they were not to be despised. In an age in which war is a profession, there is something ludicrous in the idea of battalions composed of apprentices and shopkeepers, and officered by aldermen. But, in the early part of the 17th century, there was no standing army in the island; and the militia of the metropolis was not inferior in training to the militia of other places. A city which could furnish many thousands of armed men, abounding in natural courage, and not absolutely untinctured with military discipline,

was a formidable auxiliary in times of internal dissension. On several occasions during the civil war, the train-bands of London distinguished themselves highly; and at the battle of Newbury, in particular, they repelled the onset of fiery Rupert, and

saved the army of the Parliament from destruction.

The people of this great city had long been thoroughly devoted to the national cause. Great numbers of them had signed a protestation, in which they declared their resolution to defend the privileges of Parliament. Their enthusiasm had of late begun to cool. The impeachment of the five members, and the insult offered to the House of Commons, inflamed it to fury. Their houses, their purses, their pikes, were at the command of the Commons. London was in arms all night. The next day the shops were closed; the streets were filled with immense crowds. The multitude pressed round the king's coach, and insulted him with opprobrious cries. The House of Commons, in the meantime, appointed a committee to sit in the city, for the purpose of enquiring into the circumstances of the late outrage. The members of the committee were welcomed by a deputation of the common council. Merchant Tailors' Hall, Goldsmiths' Hall, and Grocers' Hall, were fitted up for their sittings. A guard of respectable citizens, duly relieved twice a-day, was posted at their doors. The sheriffs were charged to watch over the safety of the accused members, and to escort them to and from the committee with every mark of honour.

A violent and sudden revulsion of feeling, both in the House and out of it, was the effect of the late proceedings of the king. The Opposition regained in a few hours all the ascendency which it had lost. The constitutional royalists were filled with shame and sorrow. They felt that they had been cruelly deceived by Charles. They saw that they were, unjustly, but not unreasonably, suspected by the nation. Clarendon distinctly says, that they perfectly detested the counsels by which the king had been guided, and were so much displeased and dejected at the unfair manner in which he had treated them, that they were inclined to retire from his service. During the debates on this subject, they preserved a melancholy silence. To this day, the advocates of Charles take care to say as little as they can about his visit to the House of Commons; and, when they cannot avoid mention of it, attribute to infatuation an act, which, on any other supposition, they must admit to have been

a frightful crime.

The Commons, in a few days, openly defied the king, and ordered the accused members to attend in their places at Westminster, and to resume their Parliamentary duties. The citizens resolved to bring back the champions of liberty in triumph before the windows of Whitehall. Vast preparations were made

both by land and water for this great festival.

The king had remained in his palace—humbled, dismayed, and bewildered—'feeling,' says Clarendon, 'the trouble and 'agony which usually attend generous and magnanimous 'minds upon their having committed errors;'—feeling, we should say, the despicable repentance which attends the bungling villain, who, having attempted to commit a crime, finds that he has only committed a folly. The populace hooted and shouted all day before the gates of the royal residence. The wretched man could not bear to see the triumph of those whom he had destined to the gallows and the quartering-block. On the day preceding that which was fixed for their return, he fled, with a few attendants, from that palace, which he was never to

see again till he was led through it to the scaffold.

On the 11th of January, the Thames was covered with boats, and its shores with a gazing multitude. Armed vessels, decorated with streamers, were ranged in two lines from London Bridge to Westminster Hall. The members returned by water in a ship manned by sailors who had volunteered their services. The train-bands of the city, under the command of the sheriffs, marched along the Strand, attended by a vast crowd of spectators, to guard the avenues to the House of Commons; and thus, with shouts and loud discharges of ordnance, the accused patriots were brought back by the people whom they had served, and for whom they had suffered. The restored members, as soon as they had entered the House, expressed, in the warmest terms, their gratitude to the citizens of London. The sheriffs were warmly thanked by the speakers in the name of the Commons; and orders were given that a guard, selected from the train-bands of the city, should attend daily to watch over the safety of the Parliament.

The excitement had not been confined to London. When intelligence of the danger to which Hampden was exposed reached Buckinghamshire, it excited the alarm and indignation of the people. Four thousand freeholders of that county, each of them wearing in his hat a copy of the protestation in favour of the privileges of Parliament, rode up to London to defend the person of their beloved representative. They came in a body to assure Parliament of their full resolution to defend its privileges. Their petition was couched in the strongest terms. 'In respect,' said they, 'of that latter attempt upon the honourable

'House of Commons, we are now come to offer our service to that end, and resolved, in their just defence, to live and die.'

A great struggle was clearly at hand. Hampden had returned to Westminster much changed. His influence had hitherto been exerted rather to restrain than to moderate the zeal of his party. But the treachery, the contempt of law, the thirst for blood, which the king had now shown, left no hope of a peaceable adjustment. It was clear that Charles must be either a puppet or a tyrant,—that no obligation of love or of honour could bind him,—and that the only way to make him harmless, was

to make him powerless.

The attack which the king had made on the five members was not merely irregular in manner. Even if the charges had been preferred legally, if the Grand Jury of Middlesex had found a true bill, if the accused persons had been arrested under a proper warrant, and at a proper time and place, there would still have been in the proceeding enough of perfidy and injustice to vindicate the strongest measures which the Opposition could take. To impeach Pym and Hampden was to impeach the House of Commons. It was notoriously on account of what they had done as members of that House that they were selected as objects of vengeance; and in what they had done as members of that House, the majority had concurred. Most of the charges brought against them were common between them and the Parliament. They were accused, indeed, and it may be with reason, of encouraging the Scotch army to invade England. In doing this, they had committed what was, in strictness of law, a high offence:-the same offence which Devonshire and Shrewsbury committed in 1688. But the king had promised pardon and oblivion to those who had been the principals in the Scotch insurrection. Did it then consist with his honour to punish the accessaries? He had bestowed marks of his favour on the leading Covenanters. He had given the great seal of Scotland to Lord Louden, the chief of the rebels, a marquisate to the Earl of Argyle, an earldom to Lesley, who had brought the Presbyterian army across the Tweed. On what principle was Hampden to be attainted for advising what Lesley was ennobled for doing? In a court of law, of course, no Englishman could plead an amnesty granted to the Scots. But, though not an illegal, it was surely an inconsistent and a most unkingly course, after pardoning the heads of the rebellion in one kingdom, to hang, draw, and quarter their accomplices in another.

The proceedings of the king against the five members, or rather against that Parliament which had concurred in almost

all the acts of the five members, was the cause of the civil war. It was plain that either Charles or the House of Commons must be stripped of all real power in the state. The best course which the Commons could have taken would perhaps have been to depose the king; as their ancestors had deposed Edward the Second and Richard the Second, and as their children afterwards deposed James. Had they done this, -had they placed on the throne a prince whose character and whose situation would have been a pledge for his good conduct, they might safely have left to that prince all the constitutional prerogatives of the Crown; the command of the armies of the state; the power of making peers; the power of appointing ministers; a veto on bills passed by the two Houses. Such a prince, reigning by their choice, would have been under the necessity of acting in conformity with their wishes. But the public mind was not ripe for such a measure. There was no Duke of Lancaster-no Prince of Orange—no great and eminent person, near in blood to the throne, yet attached to the cause of the people. Charles was then to remain king; and it was therefore necessary that he should be king only in name. A William the Third, or a George the First, whose title to the crown was identical with the title of the people to their liberty, might safely be trusted with extensive powers. But new freedom could not exist in safety under Since he was not to be deprived of the name the old tyrant. of king, the only course which was left was to make him a mere trustee, nominally seised of prerogatives, of which others had the use,—a Grand Lama—a Roi Fainéant—a phantom resembling those Dagoberts and Childeberts who wore the badges of royalty, while Ebroin and Charles Martel held the real sovereignty of the state.

The conditions which the Parliament propounded were hard; but, we are sure, not harder than those which even the Tories, in the Convention of 1689, would have imposed on James, if it had been resolved that James should continue to be king. The chief condition was, that the command of the militia and the conduct of the war in Ireland should be left to the Parliament. On this point was that great issue joined, whereof the two par-

ties put themselves on God and on the Sword.

We think, not only that the Commons were justified in demanding for themselves the power to dispose of the military force, but that it would have been absolute insanity in them to leave that force at the disposal of the king. From the very beginning of his reign, it had evidently been his object to govern by an army. His third Parliament had complained, in the Petition of Right, of his fondness for martial law, and of the

vexatious manner in which he billeted his soldiers on the people. The wish nearest the heart of Strafford was, as his letters prove, that the revenue might be brought into such a state as would enable the king to support a standing military establishment. In 1640, Charles had supported an army in the northern counties by lawless exactions. In 1641, he had engaged in an intrigue, the object of which was to bring that army to London, for the purpose of overawing the Parliament. His late conduct had proved that, if he were suffered to retain even a small bodyguard of his own creatures near his person, the Commons would be in danger of outrage, perhaps of massacre. The Houses were still deliberating under the protection of the militia of London. Could the command of the whole armed force of the realm have been, under these circumstances, safely confided to the king? Would it not have been frenzy in the Parliament to raise and pay an army of fifteen or twenty thousand men for the Irish war, and to give to Charles the absolute control of this army, and the power of selecting, promoting, and dismissing officers at his pleasure? Was it not possible that this army might become, what it is the nature of armies to become, what so many armies formed under much more favourable circumstances have become, what the army of the English commonwealth became. what the army of the French republic became—an instrument of despotism? Was it not possible that the soldiers might forget that they were also citizens, and might be ready to serve their general against their country? Was it not certain that, on the very first day on which Charles could venture to revoke his concessions, and to punish his opponents, he would establish an arbitrary government, and exact a bloody revenge?

Our own times furnish a parallel case. Suppose that a revolution should take place in Spain—that the Constitution of Cadiz should be re-established—that the Cortes should meet again—that the Spanish Prynnes and Burtons, who are now wandering in rags round Leicester Square, should be restored to their country—Ferdinand the Seventh would, in that case, of course repeat all the oaths and promises which he made in 1820, and broke in 1823. But would it not be madness in the Cortes, even if they were to leave him the name of king, to leave him more than the name? Would not all Europe scoff at them, if they were to permit him to assemble a large army for an expedition to America, to model that army at his pleasure, to put it under the command of officers chosen by himself? Should we not say, that every member of the Constitutional party, who might concur in such a measure, would most richly deserve the

fate which he would probably meet—the fate of Riego and of the Empecinado? We are not disposed to pay compliments to Ferdinand; nor do we conceive that we pay him any compliment, when we say, that, of all sovereigns in history, he seems to us most to resemble King Charles the First. Like Charles, he is pious after a certain fashion; like Charles, he has made large concessions to his people after a certain fashion. It is well for him that he has had to deal with men who bore very

little resemblance to the English Puritans.

The Commons would have the power of the sword; the king would not part with it; and nothing remained but to try the chances of war. Charles still had a strong party in the country. His august office—his dignified manners—his solemn protestations, that he would for the time to come respect the liberties of his subjects—pity for fallen greatness—fear of violent innovation, secured to him many adherents. He had the Church, the Universities, a majority of the nobles and of the old landed gentry. The austerity of the Puritan manners drove most of the gay and dissolute youth of that age to the royal standard. Many good, brave, and moderate men, who disliked his former conduct, and who entertained doubts touching his present sincerity, espoused his cause unwillingly, and with many painful misgivings; because, though they dreaded his tyranny much, they dreaded democratic violence more.

On the other side was the great body of the middle orders of England—the merchants, the shopkeepers, the yeomanry, headed by a very large and formidable minority of the peerage and of the landed gentry. The Earl of Essex, a man of respectable abilities, and of some military experience, was appointed to the

command of the parliamentary army.

Hampden spared neither his fortune nor his person in the cause. He subscribed two thousand pounds to the public service. He took a colonel's commission in the army, and went into Buckinghamshire to raise a regiment of infantry. His neighbours eagerly enlisted under his command. His men were known by their green uniform, and by their standard, which bore on one side the watchword of the Parliament, 'God with 'us,' and on the other the device of Hampden, 'Vestigia nulla 'retrorsum.' This motto well described the line of conduct which he pursued. No member of his party had been so temperate, while there remained a hope that legal and peaceable measures might save the country. No member of his party showed so much energy and vigour when it became necessary to appeal to arms. He made himself thoroughly master of his military duty, and

'performed it,' to use the words of Clarendon, 'upon all occa'sions most punctually.' The regiment which he had raised
and trained was considered as one of the best in the service of
the Parliament. He exposed his person in every action, with
an intrepidity which made him conspicuous even among thousands of brave men. 'He was,' says Clarendon, 'of a personal
'courage equal to his best parts; so that he was an enemy not
'to be wished wherever he might have been made a friend, and
'as much to be apprehended where he was so, as any man could
'deserve to be.' Though his military career was short, and his
military situation subordinate, he fully proved that he possessed
the talents of a great general, as well as those of a great statesman.

We shall not attempt to give a history of the war. Lord Nugent's account of the military operations is very animated and striking. Our abstract would be dull, and probably unintelligible. There was, in fact, for some time, no great and connected system of operations on either side. The war of the two parties was like the war of Arimanes and Oromasdes, neither of whom, according to the Eastern theologians, has any exclusive domain-who are equally omnipresent-who equally pervade all space-who carry on their eternal strife within every particle of matter. There was a petty war in almost every county. A town furnished troops to the Parliament, while the manor-house of the neighbouring peer was garrisoned for the king. The combatants were rarely disposed to march far from their own homes. It was reserved for Fairfax and Cromwell to terminate this desultory warfare, by moving one overwhelming force successively against all the scattered fragments of the royal party.

It is a remarkable circumstance, that the officers who had studied tactics in what were considered as the best schools,—under Vere in the Netherlands, and under Gustavus Adolphus in Germany,—displayed far less skill than those commanders who had been bred to peaceful employments, and who never saw even a skirmish till the civil war broke out. An unlearned person might hence be inclined to suspect that the military art is no very profound mystery; that its principles are the principles of plain good sense; and that a quick eye, a cool head, and a stout heart, will do more to make a general than all the diagrams of Jomini. This, however, is certain, that Hampden showed himself a far better officer than Essex, and Cromwell

than Leslie.

The military errors of Essex were probably in some degree

produced by political timidity. He was honestly, but not warmly, attached to the cause of the Parliament; and next to a great defeat, he dreaded a great victory. Hampden, on the other hand, was for vigorous and decisive measures. When he drew the sword, as Clarendon has well said, he threw away the scabbard. He had shown that he knew better than any public man of his time how to value and how to practise moderation. But he knew that the essence of war is violence, and that moderation in war is imbecility. On several occasions, particularly during the operations in the neighbourhood of Brentford, he remonstrated earnestly with Essex. Wherever he commanded separately, the boldness and rapidity of his movements presented a striking contrast to the sluggishness of his superior.

In the Parliament he possessed boundless influence. His employments towards the close of 1642 have been described by Denham in some lines, which, though intended to be sarcastic, convey in truth the highest eulogy. Hampden is described in this satire as perpetually passing and repassing between the military station at Windsor and the House of Commons at Westminster—overawing the general, and giving law to that Parliament which knew no other law. It was at this time that he organized that celebrated association of counties, to which his party was principally indebted for its victory over the king.

In the early part of 1643, the shires lying in the neighbourhood of London, which were devoted to the cause of the Parliament, were incessantly annoyed by Rupert and his cavalry. Essex had extended his lines so far, that almost every point was vulnerable. The young prince, who, though not a great general, was an active and enterprising partisan, frequently surprised posts, burned villages, swept away cattle, and was again at Oxford, before a force sufficient to encounter him could be assembled.

The languid proceedings of Essex were loudly condemned by the troops. All the ardent and daring spirits in the parliamentary party were eager to have Hampden at their head. Had his life been prolonged, there is every reason to believe that the supreme command would have been entrusted to him. But it was decreed that, at this conjuncture, England should lose the only man who united perfect disinterestedness to eminent talents—the only man who, being capable of gaining the victory for her, was incapable of abusing that victory when gained.

In the evening of the 17th of June, Rupert darted out of Oxford with his cavalry on a predatory expedition. At three in the morning of the following day, he attacked and dispersed a few parliamentary soldiers who were quartered at Postcombe. He then flew to Chinnor, burned the village, killed or took all the troops who were posted there, and prepared to hurry back with

his booty and his prisoners to Oxford.

Hampden had, on the preceding day, strongly represented to Essex the danger to which this part of the line was exposed. As soon as he received intelligence of Rupert's incursion, he sent off a horseman with a message to the General. The cavaliers, he said, could return only by Chiselhampton Bridge. A force ought to be instantly dispatched in that direction, for the purpose of intercepting them. In the meantime, he resolved to set out with all the cavalry that he could muster, for the purpose of impeding the march of the enemy till Essex could take measures for cutting off their retreat. A considerable body of horse and dragoons volunteered to follow him. He was not their commander. He did not even belong to their branch of the service. But 'he was,' says Lord Clarendon, 'second to none but the General himself in the observance and application of all men. On the field of Chalgrove he came up with Rupert. A fierce skirmish ensued. In the first charge, Hampden was struck in the shoulder by two bullets, which broke the bone, and lodged in his body. The troops of the Parliament lost heart and gave way. Rupert, after pursuing them for a short time, hastened to cross the bridge, and made his retreat unmolested to Oxford.

Hampden, with his head drooping, and his hands leaning on his horse's neck, moved feebly out of the battle. The mansion which had been inhabited by his father-in-law, and from which in his youth he had carried home his bride, Elizabeth, was in sight. There still remains an affecting tradition, that he looked for a moment towards that beloved house, and made an effort to go thither to die. But the enemy lay in that direction. He turned his horse towards Thame, where he arrived almost fainting with agony. The surgeons dressed his wounds. But there was no hope. The pain which he suffered was most excruciating. But he endured it with admirable firmness and resignation. His first care was for his country. He wrote from his bed several letters to London concerning public affairs, and sent a last pressing message to the head-quarters, recommending that the dispersed forces should be concentrated. When his last public duties were performed, he calmly prepared himself to die. He was attended by a clergyman of the Church of England, with whom he had lived in habits of intimacy, and by the chaplain of the Buckinghamshire Green-coats, Dr Spurton, whom Baxter de-

scribes as a famous and excellent divine.

A short time before his death, the sacrament was administered to him. He declared that, though he disliked the government of the Church of England, he yet agreed with that Church as to all essential matters of doctrine. His intellect remained unclouded. When all was nearly over, he lay murmuring faint prayers for himself, and for the cause in which he died. 'Lord Jesus,' he exclaimed, in the moment of the last agony, 'receive my soul—'O Lord, save my country—O Lord, be merciful to——.' In that broken ejaculation passed away his noble and fearless spirit.

He was buried in the parish church of Hampden. His soldiers, bareheaded, with reversed arms, and muffled drums, and colours, escorted his body to the grave, singing, as they marched, that lofty and melancholy psalm, in which the fragility of human life is contrasted with the immutability of Him, in whose sight a thousand years are but as yesterday when it is passed, and as

a watch in the night.

The news of Hampden's death produced as great a consternation in his party, according to Clarendon, as if their whole army had been cut off. The journals of the time amply prove that the Parliament and all its friends were filled with grief and dismay. Lord Nugent has quoted a remarkable passage from the next Weekly Intelligencer. 'The loss of Colonel Hampden' goeth near the heart of every man that loves the good of his king and country, and makes some conceive little content to be at the army now that he is gone. The memory of this deceased colonel is such, that in no age to come but it will more and more be had in honour and esteem;—a man so religious, and of that prudence, judgment, temper, valour, and integrity, that he hath left few his like behind him.'

He had indeed left none his like behind him. There still remained, indeed, in his party, many acute intellects, many eloquent tongues, many brave and honest hearts. There still remained a rugged and clownish soldier, -half-fanatic, half-buffoon, -whose talents, discerned as yet only by one penetrating eye, were equal to all the highest duties of the soldier and the prince. But in Hampden, and in Hampden alone, were united all the qualities which, at such a crisis, were necessary to save the state,—the valour and energy of Cromwell, the discernment and eloquence of Vane, the humanity and moderation of Manchester, the stern integrity of Hale, the ardent public spirit of Sidney. Others might possess the qualities which were necessary to save the popular party in the crisis of danger; he alone had both the power and the inclination to restrain its excesses in the hour of Others could conquer; he alone could reconcile. A

heart as bold as his brought up the cuirassiers who turned the tide of battle on Marston Moor. As skilful an eye as his watched the Scotch army descending from the heights over Dunbar. But it was when, to the sullen tyranny of Laud and Charles, had succeeded the fierce conflict of sects and factions, ambitious of ascendency and burning for revenge,—it was when the vices and ignorance which the old tyranny had generated, threatened the new freedom with destruction, that England missed that sobriety, that self-command, that perfect soundness of judgment, that perfect rectitude of intention, to which the history of revolutions furnishes no parallel, or furnishes a parallel in Washington alone.

No. CIX. will be published in April.

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