

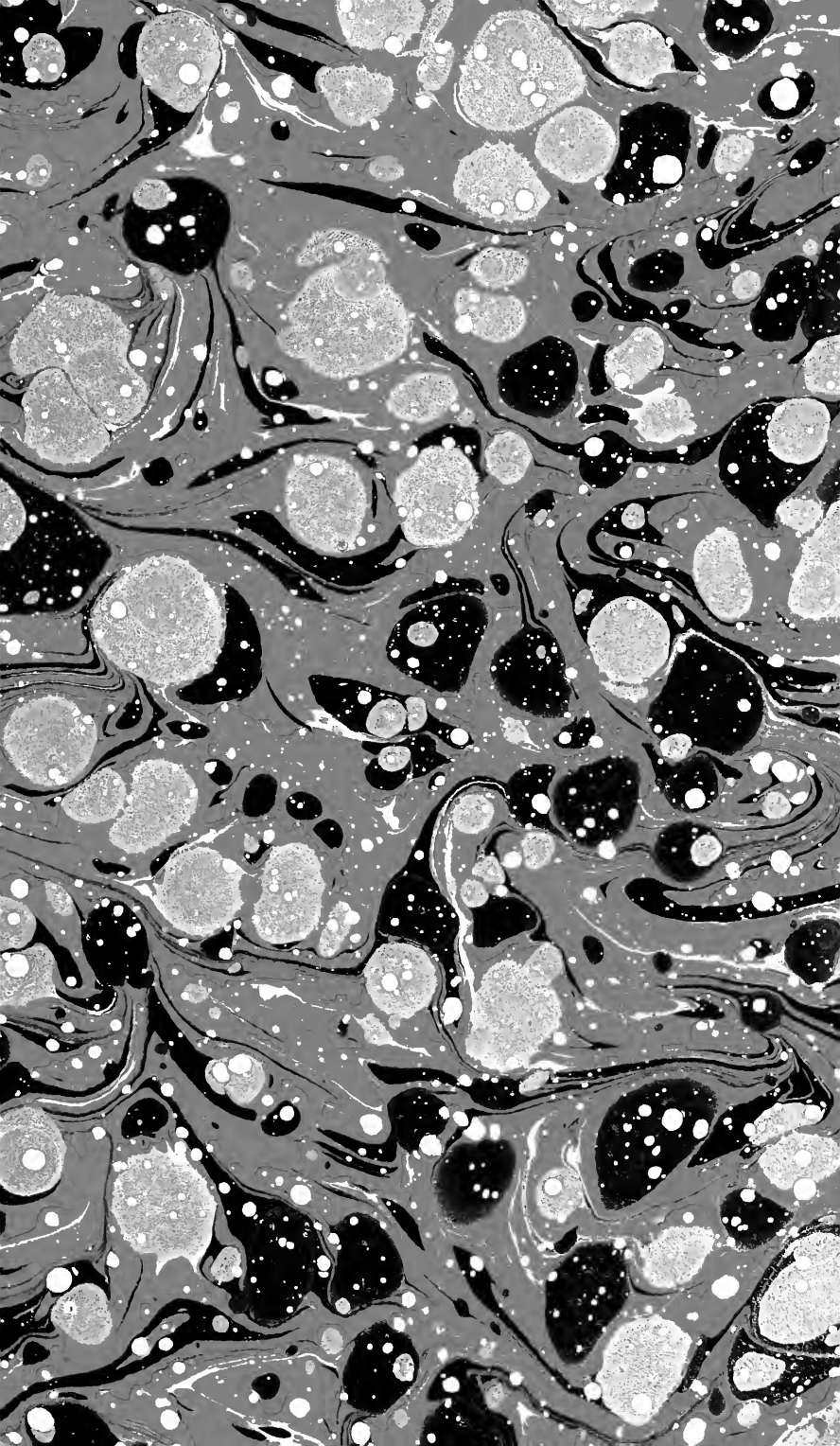


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PROFESSOR SMYTH'S  
LECTURES ON MODERN  
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LECTURES ON MODERN  
HISTORY

FROM  
THE IRRUPTION OF THE NORTHERN NATIONS TO  
THE CLOSE OF THE AMERICAN  
REVOLUTION.

BY WILLIAM SMYTH,

PROFESSOR OF MODERN HISTORY IN THE  
UNIVERSITY OF CAMBRIDGE.

IN TWO VOLUMES.

VOL. I.

LONDON:  
WILLIAM PICKERING:  
J. & J. J. DEIGHTON,  
CAMBRIDGE.

1848.

**CHARLES WHITTINGHAM,  
CHISWICK.**

TO HENRY, MARQUIS OF  
LANSDOWNE.

MY LORD,

You have been always distinguished for your sympathy with the welfare of your fellow-creatures, of whatever country; for your ready patronage of every art, science, or institution, contributing to the embellishment, or advancing the interests of the community; for welcoming to the hospitality of your splendid mansion, every man, whether native or foreigner, who could be supposed to have any merit deserving of your attention; it has therefore been always a source of pride to me, to have owed my Professorship to your Lordship's favourable opinion; and these Lectures, the result of my appointment, are now dedicated to your Lordship, with every sentiment of affection, gratitude, and respect.

WILLIAM SMYTH.

St. Peter's College, Cambridge,  
Nov. 1839.



## ADVERTISEMENT.

THE following Lectures were drawn up to be delivered to a youthful audience, at an English University, voluntarily assembled.

The Reader is requested never to lose sight of this particular circumstance—they were to be listened to, not read; they are now published in the hope that they may be useful to others, at a similar period of life.

Minute historical disquisition or research cannot be expected in compositions of this nature: what the Author has hoped to accomplish will be found explained in the Introductory Lecture; and the maxim of the poet seems but equitable,—

“In every work regard the writer’s end,  
Since none can compass more than they intend.”



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## LIST OF BOOKS

### RECOMMENDED AND REFERRED TO IN THE LECTURES ON MODERN HISTORY.

**T**HE shortest Course of Historical Reading, that can be proposed, seems to be the following :

(1.) Three first chapters of Gibbon ; and the 9th for the Romans and Barbarians, &c. ; the chapters about Mahomet and his followers.

Butler on the German Constitution, the subjects there mentioned to be followed up in Gibbon.

(2.) Hénault's, or Millot's Abridgment of the History of France ; or the History of France, lately published by D'Anquetil (not the Universal History) in 14 small 8vo. volumes ; with the Observations sur l'Histoire de France, by the Abbé de Mably, a book quite invaluable.

Voltaire's Louis XIV. &c. &c. and Charles XII., with the Memoirs of Duclos.

(3.) Robertson's Historical Works, with most of Coxe's House of Austria, and Watson's Philip II.

(4.) Hume and Millar.

Parts of Laing's Scotland ; Leland's Ireland.

Burke's European Settlements—Belsham and Adolphus (neither without the other)—Historical Parts of Annual Register. (5.)

(1.) To these may be added (to make a Second Course) ;

Koch on the Middle Ages, an excellent book ; and Butler's *Horæ Juridicæ*, for different codes of law, &c.

(2.) To these may be added ;

Wraxall's Memoirs of the House of Valois, and Wraxall's History of France.

(3.) To these may be added ;

Harte's Gustavus Adolphus—parts of Roscoe's Lorenzo de Medici, and more particularly parts of his Leo X. ; with Planta's Helvetic Confederacy.

(4.) To these may be added ;

Much of Rapin, particularly from the death of Richard III.

Parts of Clarendon, and Burnet's History of his own Times.

Cobbett's Parliamentary History, to be read in a general manner with Hume.

Macpherson's and Dalrymple's Original Papers, with Fox's History of James II. and the Appendix.

(5.) To these may be added ;

Lacretelle's *Histoire de France pendant le XVIII. Siècle*, afterwards his *Précis Historique de la Révolution Française*.

To all these may again be added (to make a Third Course) ;

Parts of Pfeffel, a book of great authority—and of Sale's Koran—Mosheim—

Russel's *Modern Europe* may supply the rest; and the volumes of the *Modern Universal History* may be referred to for accounts of every state and kingdom: the best authors are mentioned in their margins.

Priestley's *Lectures* should be looked at for the *Nature of Historical Authorities*, &c. &c.

For *Chronology* there is a great French Work, *L'Art de vérifier les Dates*. Dufresnoy may be met with easily.

This appears to be the shortest course of *Historical Reading* that can be proposed.

But *Adam Smith* should also be studied, and the work of *Mr. Malthus*, with the works in *morals and metaphysics*.

Of *Statesmen and Legislators*, *History and Political Economy* are the professional studies, and are never to cease.

The Books referred to in the *Lectures*, down to the end of the *American war*, were the following:

*Cæsar*—*Tacitus* (*de Mor. Ger.*), for *Romans and Barbarians*; with the three first chapters of *Gibbon*, and the 9th.—*Lindenbrogius*, for *Barbarian Codes*; *Salique Code* to be read.—*Baluze*, for *Capitularies*—*Butler* on the *German Constitution*—*Ditto* *Horæ Juridicæ*—*Rankin's History of France*, to be looked at—*Gregory of Tours* in *Duchesne*—*Hénault's Abridgment of the History of France*—*Millot's ditto*—*D'Anquetil's History of France*—*Abbé de Mably's Observations*, &c.—*Pfeffel*, for *German History*—*Stuart's View of Society*—*Koch on the Middle Ages*, of which the last edition in 1807, is the best.

In the *Middle Ages* the leading points are:

1st. *Clovis* (see *Gibbon*). 2nd. *Pepin* (see *Montesquieu*). 3rd. *Charlemagne* (*Latin Life of*, by *Eginhart*). 4th. *Elective nature of the crown in Germany and hereditary in France* (*Pfeffel and Mably*). 5th. *Temporal Power of the Popes* (*Butler—Koch—Gibbon*, 49th chap.) 6th. *Feudal System*. *Montesquieu* (but more particularly *Mably*, *Robertson*, *Millar*, and *Stuart's View of Society*). 7th. *Chivalry*. *St. Palaye* (his work to be found in the 20th volume of *Mémoires de l'Académie*). 8th. *Popes and Emperors* (*Gibbon*, *Koch*, *Giannone*, 5th chap. 19th book). 9th. *Hanseatic League*, &c. (*Pfeffel*) And 10th. the *Crusades* (*Gibbon*).

#### MAHOMET.

*SALE'S Koran*—*Preface of*, and *Preliminary Dissertation*, with a few chapters of the *Koran* itself.

*Prideaux's Life of Mahomet* is not long, but seems not very good.

The *Modern Universal History* may be looked at—50th chap. &c. of *Gibbon*—*White's Bampton Lectures*—*Ockley's History of the Saracens*, to be looked at.

*Neal's History of the Puritans*—*Fox's Martyrs*. And also *Burnet's History of the Reformation*—*Ludlow—Life of Colonel Hutchinson—Whitelocke*.

*Harris's Lives of the Stuarts*, &c. &c. will be found full of information, and *Somerville's History of William and Anne* should be read, with *Coxe's Sir Robert Walpole*.

## FRENCH HISTORY.

HENAUULT and Millot, and D'Anquetil's History to be read, and important subjects to be further considered in the great historians—Velly—Père Daniel—but Velly recommended, a work of great detail and value, continued by Villaret, and afterwards by Garnier, but not yet half finished.

Robertson's Charles V., Introduction of—Smith's Wealth of Nations; the chapters in the 3rd book, on progress of Towns, &c. will give the Student an idea of the progress of society in the Middle Ages.

## ENGLISH HISTORY.

TACITUS' Agricola—Suetonius—Wilkins on Saxon Laws—Hume's Appendix—Millar on the English Constitution—Nicolson's Historical Library—Priestley's Lectures on History—Delolme and Blackstone—Blackstone on the Charters to be read—Sullivan's Law Lectures, close of, for his Observations on Magna Charta—Monkish Historians by Twysden, Camden—Gale, &c.—Lingard.

## SPANISH HISTORY.

For the Moors, &c. in Spain, see Gibbon, chapters in 5th vol. 4to. 51, 52, and a late Work by Murphy—Mariana, the great historian, of whom there is a character in Gibbon, and a translation by Stevens; but the 16th and 17th vols. of the Modern History may be looked at, along with Mr. Gibbon's Outlines in the second volume of his Memoirs—Robertson's Introduction to Charles V.—then his Charles V. and Watson's Philip II.—Pfeffel from Rodolph to Charles V. may be looked at, and Coxe's House of Austria, with Planta's History, for the rise of the House of Austria, the Swiss Cantons and Helvetic Confederacy; and for Italy and the Popes, 69th and 70th chapters of Gibbon will be sufficient.

## FRENCH HISTORY TO LOUIS XII.

ABBÉ de Mably—Robertson's Introduction to Charles V. and three Notes, 38, 39, 40—Parts of Philip de Commines, for Burgundy and Life of Louis XI.—Notices taken by Hume of the French history.

## ENGLISH HISTORY TO HENRY VIII.

HUME'S Reign of Edward III. pages 490 and 491, 8vo. edit. compared with Cotton's Abridgment of the Records—Cobbett's Parliamentary History—Henry's History may be looked at, when Cotton, Brady, Tyrrell, Carte, cannot be consulted—Bacon's Life of Henry VII.—Monkish Historians—Sir J. Hayward—Lingard.

## REVIVAL OF LEARNING, ETC. REFORMATION.

INTRODUCTION to the Literary History of the 14th and 15th Centuries (Caddell, 1798), worth looking at, and not long—Mosheim's State of Learning in the 13th and 14th Centuries—Gibbon, chapters 53 and 66—Lorenzo de Medici, parts of—and more particularly of Leo X. by Roscoe—Read the accounts of the Reformation, 1st, in Robertson's Charles V.; 2nd, History

of Charles V. in Coxe's House of Austria; 3rd, in the two chapters of Roscoe's Leo X.; 4th, in the 54th chapter of Gibbon. Read the Introduction and first four chapters of Mosheim, in vol. 4 of our English Edition; second part of Mosheim's History of Lutheran and Reformed Churches; and lastly, the first part of Mosheim—more particularly the close of it, for the History of the Romish Church. Viller's prize Essay on the Reformation, more particularly on the Influence of the Reformation, and the Appendix on the political situation of the States of Europe.

Council of Trent (Father Paul) 2nd book, and latter part of the 8th.

#### FOR REFORMATION IN ENGLAND.

FOR Wickliffe, see Henry's History of England—Neal's History of the Puritans—Fox's Martyrs—3rd vol. of Mosheim—and Milner's Church History. Hume's account of our Reformation should be read—and the same subject in Robertson's History of Scotland, and first Appendix in Maclean's edition of Mosheim—Burnet's History of the Reformation should be read—Fox's Book of Martyrs, and Neal's History of the Puritans, should be consulted.

In Fox, the account given of Lambert, Cranmer, and Anne Askew, may be sufficient—M'Crie's History of the Reformation in Scotland should be referred to, and there is a very good account of Luther in Milner's Church History.

Lingard's History.

#### CIVIL AND RELIGIOUS WARS IN FRANCE.

INTRODUCTION to Thuanus or de Thou. Then, the civil and ecclesiastical parts of the work that belong to the History of France. The military part may be slightly read. The French translation is recommended.

Brantome, parts of—Memoirs of Sully, parts of—Wraxall's Memoirs of the House of Valois, and his History of France—Abbé de Mably.

Edict of Nantz, 1st chapter of, for first introduction and persecution of Calvinism in France.

Maimbourg's History of the League mentioned; but see Wraxall for the League.

Esprit de la Ligue, by D'Anquetil (scarce book), partly incorporated into his present 8vo. History, of 14 vols.

There is a new work by Lacreteille, in two volumes, Histoire de France pendant les Guerres de Religion.

#### HENRY IV. OF FRANCE.

PÉRÉFIXE's Life—De Thou—Sully's Memoirs—Mably and Wraxall recommended—Voltaire's Henriade—Fifth Book of Edict of Nantz, and the Edict with the secret articles, to be read.

#### RELIGIOUS WARS IN THE LOW COUNTRIES.

GROTIUS—Bentivoglio—Strada—original authors.

Brandt's History of the Reformation, a century after.

Watson's Philip II. (all of it to be read, with the first four books, and other parts of Bentivoglio)—Bentivoglio, Strada—and Grotius to be read for the important period that preceded the coming of the Duke of Alva.

For the Arminian Controversy, 18th and 19th books of Brandt's History of the Reformation; for the Synod of Dort, 33d book—See also other parts of chapters, 41, 42, 43, and placard in 50th book.—Brandt's work can only be consulted.

### THIRTY YEARS' WAR.

HARTE'S Gustavus Adolphus—Coxe's House of Austria. The leading points of this subject seem to be—

1. Contest between R. Catholics and Reformers to the peace of Passau.
2. Provisions of that Peace.
3. Conduct of the Protestant Princes.
4. Ditto of the House of Austria.
5. Elector Palatine.
6. Gustavus Adolphus, &c.
7. Campaigns of Tilly, &c.
8. Continuance of the contest after Gustavus's death.
9. Peace of Westphalia.

Schiller's Thirty Years' War may be looked at, but Coxe seems the best author to be read, in every respect.

### ENGLISH HISTORY.—HENRY VIII. ELIZABETH.

#### JAMES I. CHARLES I.

HERBERT'S Life of Henry VIII. worth looking over—Hurd's Dialogue on times of Queen Elizabeth—Miss Aikin's Memoirs of Elizabeth and James—Hume—Millar—Clarendon—Whitelocke—Ludlow—Life of Colonel Hutchinson—Parliamentary Debates in Cobbett—History of Long Parliament by May—Rushworth's Collections—Nalson's Ditto—Harris's Lives of James I. and Charles I., Cromwell, and Charles II.—Burnet and Laing's History of Scotland—Memoirs of Holles—of Sir P. Warwick and Sir J. Berkeley—Rapin always a substitute in the absence of all others.

First interval, from accession of Charles to the dissolution of his third parliament in 1629.

Second interval, from 1629 to 1640.

Third interval, from 1640 to the king's journey to Scotland in 1641.

Fourth interval, from that journey to the civil war.

Prynne's Speech in Cobbett—Walker's History of Independents to be looked at, and the King's Letters in Royston's edition of his works—Mrs. M'Cauley's History, very laborious: unfavourable to Charles.

### CROMWELL.

CONFERENCE at the end of Thurloe's State Papers, a book which cannot be read, but may easily be consulted from a very good index at the end—Ludlow, from the Battle of Naseby, and pages 79, 105, and 135, of 4to. edition for Cromwell, and ditto Hutchinson, 287, 309, 340; and Whitelocke,

516 and 548—Sir E. Walker's Historical Discourses—most of it in Hume—Noble's Memoirs of the Cromwells may be looked at—Sir J. Sinclair's History of the Revenue for account of the expenses of the Long Parliament—Gamble's Life of Monk—Trial of the Regicides, short, and by all means to be read.

#### CHARLES II.

HARRIS'S Lives (all these Lives by Harris, full of information and historical research)—Neal's History of the Puritans—4, 5, 6, 7 chapters of the second part, 2d vol.—Walker's Sufferings of the Clergy—part of Clarendon's Life—Burnet's History of his own Times—Macpherson's Original Papers, and Dalrymple's Memoirs, vol. 2.

#### CHARLES II. AND THE EXCLUSIONISTS.

ANDREW MARVEL'S Account of Bribery, &c. given in Cobbett—Ralph's History (most minute and complete) always to be consulted for Charles II. and James—Kennett's ditto (mentioned as containing the King's Declaration or Appeal to the People)—Sir W. Jones's Reply given in Cobbett.

#### CHARLES II.

MEMOIRS of C. de Grammont—Dryden's Political Poems—Absalom and Achitophel, &c.—Hudibras—Grey's Notes—Sermons and Public Papers of the Presbyterians—Laing's History of Scotland.

#### REVOLUTION.

Fox's History—Macpherson and Dalrymple.

1st part of the general subject, James's attack on the constitution and liberties of the country.

2d Part—Resistance made to him at home.

3d Part—Ditto from abroad—8th chapter of Somerville's History—for William's enterprise, Burnet's Memoirs—2d Earl of Clarendon's Diary, from p. 41—Sir J. Reresby's Memoirs—Conference between the Houses, given in Cobbett—Somerville's History of William, &c.—Ralph—D'Oyly's Life of Sancroft.

#### REIGN OF WILLIAM.

SOMERVILLE—Belsham—Tindal—Ralph—Burnet—Cobbett, 5th vol.—Macpherson and Dalrymple—p. 331, vol. 9, Statutes, 8vo. edit. for Triennial Bill—Blackstone, chap. 2, vol. 4, for the liberty of the press—and 8th vol. of Statutes—13 and 14 Charles II. chap. 33—Memoirs of the Duke de St. Simon, and 7th and 8th of Bolingbroke's Letters on History, for William's foreign politics.

#### AMERICA.—EAST AND WEST INDIES.

ROBERTSON—Preface, with 5, 6, 7 chapters of the 1st vol. of Clavigero, and much of vol. 2, for Mexico—2d vol. Churchill's Voyages, for Life of Columbus, by his son—Italian Collection of Ramusio, for original documents respecting America, &c.—Second Letter of Cortez should be read—

there is a Latin translation of 2d and 3d letter, very scarce—Bernal Diaz del Castillo should be read; it is translated by Keating—Robertson's India—For Portuguese settlement, &c. in E. Indies, see 5th chap. of Russel, and first three sections of 8th vol. Modern Universal History—For Brazils, Harris's Voyages, last edit. in 1740, is always quoted, differing from first editions entirely—For Dutch, &c. 33 chap. Modern Universal History, and 11th chap. Russel—For English, &c. Robertson's Posthumous Works, and first half of 1st vol. of Marshall's Life of Washington—Raynal, Historical part of—Burke's European Settlements to be read—Hakluyt and Purchas for first attempts of navigation, &c. very curious and instructive. The latter volumes of Purchas contain original documents of the first conquerors, most of Las Casas' book, Mexican paintings, &c.

#### FRENCH HISTORY FROM HENRY IV. TO END OF LOUIS XIV.

LIVES of Richelieu and Mazarin, by Aubrey—Ditto of Richelieu, by Le Clerc; but no good biographical account of those ministers—Many Memoirs with and without names. Amongst the best are those of Madame de Motteville—Montpensier—Cardinal de Retz—De Joly, son secrétaire—De la Rochefoucault—De la Fare—De Gourville—De la Fayette: out of these have been formed other works, not long, and always read—Esprit de la Ligue—L'Intrigue du Cabinet—Louis XIV. sa Cour et le Regent, by D'Anquetil, and L'Esprit du Fronde, an established work, not by D'Anquetil, as had been supposed.

But for the times of Richelieu and Mazarin see the chapters that relate to them in Russel, with those in the Modern Universal History, which will be sufficient when added to those in Voltaire, 175, 176 of his Esprit des Mœurs, &c. with the Abbé de Mably, but L'Intrigue du Cabinet also may be added—for Louis XIV. the great work is Mémoires du Duc de St. Simon, published complete since the Revolution—Louis XIV. sa Cour, et le Regent, should be read, and the Mémoires de Duclos, with Voltaire's Louis XIV. Le Vassor is a work read and quoted in England, and may be consulted where the Huguenots are concerned—Edict of Nantz—part 22d and 23d chapters—Edicts, &c. at the end of the 5th vol. should be looked at for Revocation of Edict of Nantz, &c.—Fénélon's Télémaque, parts of, for faults of Louis, and early appearance of present system of Political Economy—Lacretelle's late work—History of the Eighteenth Century, preparatory to his Précis of the late Revolution in France, a work well spoken of—Memoirs of Madame de Maintenon, by Beaumelle, though decried by Voltaire, still maintains its ground.

#### WILLIAM III.

SOMERVILLE—on the whole the best History of the reign we as yet have—Belsham will furnish proper topics of reflection, Tindal the detail, and Ralph even more than Tindal—Burnet must of course be read—Cobbett will supply the Debates. There are several important tracts in the Appendix to the 5th vol. of his Parliamentary History.—Macpherson and Dalrymple must be con-

sulted.—Some general conclusions in the 21st chapter of Somerville on Parties, &c. &c. seem objectionable.

For foreign politics, see *Memoirs of St. Simon*—Burnet—Hardwicke Papers—7th and 8th of Lord Bolingbroke's *Letters on History*.

#### ANNE.

COXE's *Austria*—Eighth Letter of Bolingbroke—Torcy's *Memoirs*—Mably's *Droit de l'Europe*—some chapters in the 3d vol. of *St. Simon*—Macpherson—*Trial of Dr. Sacheverell*.

For the Union with Scotland, see Defoe's *History*, a heavy 4to. a book published by Bruce, under the direction of the Duke of Portland, at the time of the union with Ireland—*Works of Fletcher of Saltoun*.

Cobbett's *Parliamentary History* and Somerville's *Account of the Union*, will be the best to read, with the first hundred pages of the third volume of Millar on the *English Constitution*.

#### GEORGE I. AND II. SIR R. WALPOLE.

COXE's *Life of Sir Robert*, and his *Life of Horace Lord Walpole*—Bolingbroke's *Letters*—and *Letter to Sir W. Wyndham*—Horace Walpole against Bolingbroke—*Parliamentary Debates*.

Bolingbroke's *Patriot King*, and *Dissertation on Parties*, to be compared with Burke's *Thoughts on the present Discontents*.

*London Magazine* and *Gentleman's Magazine*.

#### FRANCE—REGENCY OF THE DUKE OF ORLEANS, &c.

MEMOIRS of the Duke de St. Simon—last volume of D'Anquetil's *Louis XIV. sa Cour et Le Regent*—*Memoirs of Duclos*—*L'Histoire of La-cretelle*—and for the *Mississippi Scheme of Law*, look at *Stuart's Political Economy*.—There is a great work on *Finance by Fourbonnois*, where the subject is thoroughly considered and is made tolerably intelligible—Adam Smith refers to *Du Verney*—for *South Sea Bubble*, see *Coxe's Sir R. Walpole*—*Stuart's Political Economy*—Cobbett's *Parliamentary History*—Aislabie's *Second Defence before the Lords*—*Report of the Address*, &c. &c.

#### KING OF PRUSSIA.

TRIEBAULT—*Edinburgh Review* of that Work—*Tower's Life of the King of Prussia*. These will be sufficient for the general reader.

Mirabeau on the *Prussian Monarchy*; particularly the first vol. and last; read and criticise the general observations in other vols. of the work. Nothing of an historical nature in the *Letters between him and Voltaire*.

The King gives in his own works an account of his own Campaigns.—Gilles' work is very indifferent.

#### FRANCE. LOUIS XV.

THE detail of the *History of this Reign* would be but the *History of the King's Mistresses and their favourites*.



The late work of Lacroix—his *Histoire de France pendant le XVIII. Siècle*, will supply every information necessary for the general reader, and in a very agreeable manner.

The Financial Disputes and the Ecclesiastical Disputes, both making up the disputes between the Court and Parliaments, are the chief points; these disputes with the new opinions, uniting to produce the late French Revolution.

The Foreign Politics may be gathered from Voltaire and Coxe's *Austria* in a general manner.

See also Duclos.

#### PELHAM ADMINISTRATION.

SCOTCH Rebellion in 1745—History of it, by Home, the book not thought equal to his fame, but it tells all that need now be known, and is in many places very interesting—Melcombe's *Diary*—Belsham.

#### GEORGE III—OPENING OF THE REIGN.

ADOLPHUS—Belsham (neither without the other)—Melcombe's *Diary*—Burke's *Thoughts on Present Discontents*.

#### AMERICAN WAR.

SPEECHES in the two Houses—George Grenville—Pitt—Governor Pownall, &c. &c. See Cobbett's *Parliamentary History*—Examination of Mr. Penn—Dean Tucker's *Tracts* (the third particularly) and his "*Cui Bono*"—Pamphlet by Robinson, brother to the Primate; Ditto, by Dr. Johnson, *Taxation no Tyranny*—Burke's *Speeches*—Dr. Ramsay's *History of the American War*—*Annual Register*—Paine's *Common Sense*—Paper to have been presented to the King in Burke's Works—Gibbon's *Memoirs*—*Notices of the American Contest* in his *Letters*,—Bentivoglio—*Speeches in the Spanish Council on the subject of the Low Countries*, by the Duke of Alva, &c.—Washington's *Letters*—Marshall's *Life of Washington*—Belsham and Adolphus (neither without the other)—Parts of the *Works of Franklin*, and of his *Correspondence*.—The great *Magazine of Information* is the *Remembrancer*, a work of 20 volumes, drawn up by Almon, an opposition bookseller at the time, and the *Remembrancer* therefore chiefly offers to the remembrance such speeches and documents as are unfavourable to the councils of Great Britain—Gordon, 4 thick 8vo. volumes, full of facts, and impartial, but with no other merit.—The *Legal History of the Colonies* may be found in Chalmers, a book which may be consulted, but cannot be read.—Stedman wrote a *History of the American War*, an actor in the scene, and a sensible man, but with ordinary views.

Many histories and many political subjects have been passed by, but they who would look for more, or would think it advisable to turn aside from the course here proposed, may consult the volumes of the *Modern Universal History*, and they will find, either in the text or the references, every historical information they can well require.

Catalogues of great Libraries (the Catalogue, for instance, of the Royal

Institution in London) will give the Student an immediate view of all the valuable Books that refer to any particular subject of his inquiry.

Biography, though dealing too much in panegyric, is always more or less entertaining and instructive, often affording at the same time historical facts and traits of character, that are by no means without their importance, though they may have escaped the general historian; these may be also often found in the histories of countries.

Since this Syllabus was first drawn up, many Works have appeared, which should now find a place in it.

Hallam on the Middle Ages—Sismondi—Brodie—vols. of Lingard's History—more valuable editions of Clarendon and Burnet—entertaining and instructive Works by Miss Aikin and Lord J. Russell—a work on the times of Charles I. and the Republic, by Godwin—a valuable Selection of the State Trials, by Phillips—a most important work on the Constitutional History of this Country, by Hallam, &c. &c.—A History of our own Revolution, by a French writer, Mazure, and a History of the Times of Charles I. by Guizot, a short History of Spain by Mrs. Calcott, a continuation of the Histories of Hume and Smollett, drawn up with diligence and ability by Mr. Hughes, of Cambridge, and valuable Publications by Coxe, Life of Marlborough, &c., and a History of Ferdinand and Isabella, by Prescott, the American historian.

On the subject of the French Revolution, the following Works have been recommended as a short Course.

Mignet—Thiers—Mad. de Stael—Account of Revolution in Dodsley's Annual Register—Histoire de la Révolution Française, par deux Amis de la Liberté—To these may be now added, Sir Walter Scott's two first volumes of his Life of Napoleon.

MEMOIRS on the subject of the French Revolution are now publishing by the Baudouin Frères at Paris. The following may now be particularly mentioned:—Memoirs by M. De Ferrieres—Mad. Roland—Bailly—Barbaroux—Sur les Journées de Septembre—Weber—Hué—Cléry—Louvet—Dumouriez—Memoirs and Annals of the French Revolution, by Bertrand de Moleville, &c. &c.

The Speeches of Mirabeau should be looked at, and Necker's Works, for the earlier periods of the Revolution. There is a democratic Work by Bailleul, written in opposition to the Considerations of Mad. de Stael.—There is a Précis of the Revolution, begun by Rabaut de St. Etienne and continued by Lacroix.

There is an useful work, *Revue Chronologique de l'Histoire Française*, from 1787 to 1818, by Montgaillard, now expanded by the same writer into a regular History.

There is a History by Toulangeon.



# LECTURES ON HISTORY.

## INTRODUCTORY LECTURE.

1809.

I MUST avail myself of the privilege of a prefatory address to enter into some explanations with respect to the lectures I am going to deliver, which could not well find a place in the lectures themselves.

I must mention to you the plan upon which they are drawn up.

And I think it best to give you at once the history of my own thoughts in forming this plan, because such a detail will serve to display the general nature of the study in which you are now to engage, and will lead to observations that may afford to these lectures their best chance of being useful.

My first impressions, then, with respect to a scheme for Lectures on Modern History, were these—

That, in the first place, all detail, all narrative were impossible.

That the great subject before me was the situation of Europe in different periods of these later ages—the progress of the human mind, of human society, of human happiness, of the intellectual character of the species for the last fifteen centuries. Every thing therefore of a temporary nature was to be excluded; all more particular and local history; all peculiar delineations of characters, revolutions, and events, that concerned not the *general* interests of mankind. That the history of France or Spain or England was not to be considered separately and distinctly, but only in conjunction, each with the other; each, only as it affected by its relations the great community of Europe. That, in short, such occurrences only were to be mentioned, as indicated the character of the times—such changes only, as left permanent effects. That a summary, an estimate of human nature, as it had shown itself, since the fall of the Roman empire, on

the great theatre of the civilized part of the world, was, if possible, to be given.

I must confess that this still appears to me to be the genuine and proper idea of a course of lectures on modern history. But to this plan, the obvious objection was, its extent and its difficulty.

The great Lord Bacon did not find himself unworthily employed when he was considering the existing situation, and contemplating the future advancement of human learning; but to look back upon the world and to consider the different movements of different nations, whether retrograde or in advance, and to state the progress of the whole from time to time, as resulting from the combined effect of the failures and successes of all the parts—to attempt this, is to attempt more than was effected even by the enterprising mind of Bacon; for it is to appreciate the facts as well as to exhibit the theory of human society—to weigh in the balance the conduct, as well as the intelligence of mankind, and to extend to the religion, legislation, and policy of states, and to the infinitely diversified subject of their political happiness, the same inquiry, criticism, and speculation which the wisest and brightest of mankind had been content to extend only to the more particular theme of human knowledge.

Such were the first impressions produced upon my mind by the plan that had thus occurred to me.

It is very true, that when they had somewhat subsided, I became sufficiently aware that objections like these must not be urged too far. That a plan might be very imperfectly executed, and yet answer many of its original purposes, as far as the instruction of the hearer was concerned, and that *this* was on the whole sufficient. The effect upon the hearer being the point of real consequence, not the literary failures or successes of the lecturer.

This scheme of lectures, however, I have not adopted, for though I might fairly have been permitted to execute it in a slight and inadequate manner, I was persuaded that lectures would be expected from me in this place long before I could have attempted to execute it, in any manner, however imperfect and inadequate to my wishes.

Having mentioned this reason, it is unnecessary to mention

others, which might also have induced me to form the same resolution.

But a plan of this sort, though rejected by me as a lecturer, should always be present to you as readers of history. By no other means can you derive the full benefit that may and should be derived from the annals of the past.

Large and comprehensive views, the connexion of causes and effects, the steady, though often slow and, at the time, unperceived influence of general principles; habits of calm speculation, of foresight, of deliberative and providing wisdom, these are the lessons of instruction, and these the best advantages to be gained by the contemplation of history; and it is to these that the ambition of an historical student should be at all events directed.

The next scheme of lectures, that occurred to me, was to take particular periods of history and to review and estimate several of them, if possible, in a connected manner. The period, for instance, of the Dark Ages, of the Revival of Learning, of the Reformation, of the Religious Wars, of the power and enterprises of Louis the Fourteenth, of the prosperity of Europe towards the close of the last century.

These periods could not be described and examined without conveying to the hearer a very full impression, not only of the leading events, but of the general meaning and importance of modern history. All the proper purposes of a system of lectures would be therefore by these means very sufficiently answered; and as the plan is somewhat confined and brought within a definite compass, it has the important merit of being practicable.

But after some deliberation, this plan, also, I have thought it best to reject; chiefly, because to attempt it, would be rather to attempt to write a book, than to give lectures. I do not say that those pages, which now make a good book, can ever have made bad lectures. But a lecture is, after all, not a book; and the question is whether the same lecturer might not have improved his hearers more by a less elaborate mode of address.

Instead, then, of endeavouring to draw up any general history of Europe since the overthrow of the Roman empire in the west, and instead of attempting any discussion of

different periods under the form of regular treatises, I at last thought it best to fix my attention on my hearers only and to confine my efforts to one point. The object, therefore, which I have selected is this, to endeavour to assist my hearers in reading history for themselves.

Now this plan of lectures, simple as it may at first appear, will be found to comprehend a task of more than sufficient difficulty for me, and be very adequate, as I conceive, to all the purposes which lectures can attempt to accomplish for you.

For with respect to myself, what must be the province allotted to me? I must prefer one book to another, and must have reasons for my preference, and must therefore read and examine many.

In the next place, I must, from the endless detail of European transactions, direct the attention of my hearers to such particular trains in these transactions, as will, on the whole, give, if possible, a general and commanding view of the great subjects of modern history.

This cannot be attempted by me without meditating the whole, and considering the relations of all the different parts with great care and patience.

Lastly, I must endeavour, if I can, to state why particular periods or characters in history have become interesting, and to convey some portion of that interest to my hearers.

Such are the objects which I have selected as the fittest to excite my own wishes, and engage my own labours.

What, in the mean time, is to be the task that is to devolve upon *you*?

It must be for *you* to carry with you into your own studies the advice I have offered, the criticisms I have made, the moral sympathies, the political principles by which I appear to have been myself affected, and these must, all of them, become the topics of your own reflection and examination.

It is, therefore, already evident that we have, each of us, in our several provinces, enough to perform, if we do but endeavour to discharge, with proper diligence and ardour, the several duties that belong to us.

Turning now from the consideration of the plan of the lectures, to the mode in which I have endeavoured to execute

it, as my object was to assist my hearers in reading history for themselves, my first inquiry was this—What course of historical reading it would be fittest to recommend—what were the books, and how were they to be read.

The first direction of a student's mind would be, I knew, to have recourse to *general histories*, to summaries and abridgments of history; for in this manner it would naturally be thought that the greatest possible historical information might be procured with the least possible exertion.

I therefore devoted a considerable portion of time to the general history of Voltaire, the modern history of Russell, and to the French general history by the Chevalier Mehegan. All works of merit and reputation, the first and last of great celebrity. The first advice then which I shall take upon me to give, as the result of my experience, is this;—not to read general histories and abridgments of history, as a more summary method of acquiring historical knowledge. There is *no* summary method of acquiring knowledge. Abridgments of history have their use, but this is not their use nor can be. When the detail is tolerably known, the summary can then be understood, but not before. Summaries may always serve, most usefully, to revive the knowledge that has been before acquired, may throw it into proper shapes and proportions, and leave it in this state upon the memory, to supply the materials of subsequent reflection. But general histories, if they are read, first, and before the particular history is known, are a sort of chain of which the links seem not connected; certain representations and statements, which cannot be understood, and therefore cannot be remembered; and exhibit to the mind a succession of objects and images, each of which appears and retires too rapidly to be surveyed, and when the whole vision has passed by, as soon it does, a trace of it is scarcely found to remain. Were I to look from an eminence over a country which I had never before seen, I should discover only the principal objects; the villa, the stream, the lawn, or the wood. But if the landscape before me had been the scene of my childhood or lately of my residence, every object would bring along with it all its attendant associations, and the picture that was presented to the eye would be the least part of the impression that was received by the mind.

Such is the difference between reading general histories before, or after the particular histories to which they refer.

I must not indeed omit to observe that there are some parts of history so obscure and of so little importance, that general accounts of them are all that can either be expected or required. Abridgments and general histories must here be used. Not that much can be thus received, but that much is not wanted, and that, what little is necessary, may be thus obtained.

I must also confess that general histories may in like manner be resorted to, for the purpose of acquiring a general notion of the great leading features of any particular history; they may be to the student, what maps are to the traveller, and give an idea of the nature of the country and of the magnitude and situation of the towns, through which he is to pass; they may teach him what he is to expect, and at what points he is to be the most diligent in his inquiries.

Viewed in this light general histories may be considered as of great importance, and *that*, even *before* the perusal of the particular histories to which they refer, but they must never be resorted to, except in the instances and for the purposes just mentioned—they must not be used as substitutes for more minute and regular histories; not as short methods of acquiring knowledge—they are meant to give (and they may most usefully give) commanding views, comprehensive estimates, general impressions; but these cannot supersede that labour which must be endured by all those, who would possess themselves of information.

If, therefore, general histories and summaries of history are not to be read, as a short way of acquiring historical knowledge, and if history, when it is of importance, must be read in the detail, a most melancholy prospect immediately presents itself; for the books of historical detail, the volumes which constitute modern history, are innumerable. Alps on Alps arise. This is a difficulty of all others the most invincible and embarrassing. I must endeavour to consider it with all possible attention.

The great authority on a subject like this, is Dufresnoy—Dufresnoy's Chronology. After laying down a course of historical reading such as he conceives indispensably necessary, and quite practicable, he calmly observes that the time which



it is to take up is ten years ; and this too upon a supposition, that much more of every day is to be occupied with study than can possibly be expected, and that many more pages shall be read in the twenty-four hours than can possibly be reflected upon.

I remember to have heard that a man of literature and great historical reading had once been speaking of the great French historian Thuanus in those terms of commendation which it was natural for him to employ, when alluding to a work of such extraordinary merit. A youth who had listened to him, with all the laudable ardour of his particular time of life, had no sooner retired from his company than he instantly sent for Thuanus, resolving to begin immediately the perusal of a performance so celebrated, and from that moment to become a reader of history. Thuanus was brought to him—seven folio volumes. Ardent as was the student, surprise was soon succeeded by total and irremediable despair. Art was indeed too long, he must have thought, and life too short, if such was to be his entrance to knowledge, and not indeed to knowledge, but to one department among many others of human inquiry.

Now this effect was certainly not the effect which was intended—all risk of any event like this must be most carefully avoided. And on the whole it is sufficiently evident, that any lecturer in history cannot be better employed than in studying how to render the course of reading, which he proposes, as short, i. e. as practicable, as it can possibly be made. Such, as amid the natural occupations of human life, may be accomplished. It is in vain to recommend to the generality of readers books, which it might be the labour of years to peruse ; they will certainly not be perused, and the lecturer, while he conceives that he has discharged his office, has only made the mistake so natural to his situation, that of supposing that there is no art or science or species of knowledge in existence, but the one he professes, and that his audience are, like himself, to be almost exclusively occupied in its consideration.

But evils are more easily described than remedied. What is in this case to be done ? Are the great writers of history not to be read ? What is the study of history, but the reading of them ?

The first object therefore, of my anxieties, in consequence of this difficulty, has been, through the whole of my lectures to recommend, not as many books as the subject admitted of, but as few.

And I am the more at ease while I do this, because the best authors in every different part of history have their margins crowded with references to other books and to original authorities; and such readers, as are called upon to study any *particular* point or period of history more minutely than can in *general* be necessary, need be at no loss for proper materials on which to exercise their diligence, and cannot want to receive from me an enumeration of those references and means of information, which they can in this manner so readily find.

But I have ventured to do more than this—for I have not only recommended as *few* books as possible, but I have recommended only parts of books, and sometimes only a few pages in a volume.

This it will be said is surely a superficial way of reading history. What can be known of a book when only a part is read? This is not the manner in which subjects were studied by our ancestors, the scholars of other times. But there were giants in those days, it will be added, and we are but a puny race of sciolists who cannot, it seems, find leisure enough even to peruse, much less to rival, the works which their labours have transmitted for our instruction.

I mean not to deny that there is considerable weight in this objection, and nothing but the intolerable perplexity of the case, its insurmountable difficulty, the impossibility of adopting any other course, would ever have induced me to propose to students to read books in parts; but I must repeat it, that human life does not now admit of any other expedient, and the alternative to which we are reduced in plain truth is this, either to read books of history in this manner, or not to read them at all.

He knows little of human learning or of himself who venerates not the scholars of former times—the great intellectual labourers that have preceded us. It would be an ill interpretation indeed, of what I shall recommend, if it be concluded that because I think their volumes are often to be

read in parts only, that I do so from the slightest feeling of disrespect to authors like these, or to the great literary works that they have so meritoriously accomplished.

But the condition of society is continually changing, and the situation of our ancestors is no longer ours. In no respect has it altered more than in the interior economy of the management of time—more especially of a student's time. Avenues of inquiry and knowledge have been opened to us that were to them unknown. The regions of science, for instance, may be considered as a world lately found, hitherto but partially explored, and in itself inexhaustible.

What are we to say, in like manner, of the avocations, and even amusements, of social life, which have every where been multiplied by the growing prosperity of mankind—many of them not only intellectual, but intellectual in the highest sense of the word? The patient and solitary student can never be a character without its value and respectability; but the character can no longer be met with, as it once was, now that the genius of men is attracted to the inventions of art, the discoveries of science, and the various prizes of affluence and of honour, that are more and more held up to ambition, as a country more and more improves in civilization and prosperity.

There is another consideration which must not be forgotten, when this method which I have mentioned, of reading books in parts, is considered.

Literature, like society, advances step by step. Every treatise and book of value contains some particular part that is of more value than the rest—something by which it has added to the general stock of human knowledge or entertainment—something on account of which it was more particularly read and admired while a new book, and on account of which it continues to be read and admired while an old one. Now, it is these different portions of every different volume, that united form the effective literature or knowledge of every civilized nation; and when collected from the different languages of Europe, the literature and knowledge of the most civilized portion of mankind. It is by these parts of more peculiar and original merit, that these volumes are known. It is these to which every man of matured talents

and finished education *alone* adverts. It is these which he endeavours chiefly to remember. It is these that make up the treasures, and constitute the capital, as it were, of his mind—the remainder of each volume is but that subordinate portion which has no value but as connected with the other, and is often made up of those errors and imperfections which are in fact the inseparable attendants of every human production, which are observed and avoided by every writer or reasoner who follows, and which gradually become in *one* age only the exploded characteristics of *another*.

It is thus that human knowledge becomes progressive, and that the general intelligence of society gains a new station in advance, from the reiterated impulses of each succeeding mind. It therefore by no means follows, when books are read in parts, that they are therefore read superficially. Some books (says my Lord Bacon), are to be tasted, some few to be chewed and digested : that is, some books are to be read only in parts : others to be read, but not curiously ; and some few to be read wholly, and with diligence and attention. The same may be pretty generally said of the different portions of the same work. Much care and circumspection must undoubtedly be used in selecting and discriminating the parts to be tasted, to be chewed, and to be digested. The more youthful the mind, the less skilful will be the choice, and the more hazardous the privilege, thus allowed, of reading pages by a glance, and chapters by a table of contents. But the mind, after some failures and some experience, will materially improve in this great and necessary art, the art of reading much, while reading little. Now if there be any department of human inquiry into which this very delicate, difficult, and dangerous mode of reading may be introduced, it is surely that of history. Whatever may be thought of books of science or of knowledge, in books of history at least there is every variety in the importance of different passages. Neither events, nor characters, nor periods of time, are at all the same, or of equal consequence. Nor are the writers of like merit with each other, or of like authority, or have they written with the same views, or are they to be consulted for the same purposes. There is ample room, therefore, for the exercise of judgment in the preference we give to one writer

above another, and in the different degrees of attention which we exercise upon one event or character or Era, rather than another; and as the powers as well as the opportunities of the human mind are bounded, it behoves us well to consider what is the nature of the burthen we impose upon our faculties, for assuredly he who is very anxious to load his memory with much, will in general have little which in the hour of need he can produce, and still less of which his understanding has ascertained the value. Such are the considerations by which I have been reconciled to the modes I have proposed, of struggling with the difficulties I have described.

Before I proceed, I must turn aside for a moment to say one word in the way of digression upon this most important subject of memory.

It cannot but be supposed, that he who reads and retains the most, will always have a superiority over those whose talents or diligence are in truth inferior. But this only renders it a point of prudence the more pressing upon every man to inform himself thoroughly of the nature of his own capacity, particularly of his memory, and to provide accordingly. It is peculiarly so on an historical student. After having considered what he may pass over slightly and what he must regularly read, he may next consider what he is to remember minutely, what generally; and what, for the purpose of remembering better things, he may suffer himself to think of no more.

Now what I would wish to suggest to my hearers, more especially to those whose memories are either of a common or of an inferior description, is this, that general impressions, that general recollections, are of far greater importance than might be at first supposed.

General impressions will enable us to treasure up in our minds all the great leading lessons, all the philosophy of history.

General impressions are quite sufficient to suggest the similarity of cases. They will, therefore, always enable a reader of history to conjecture with sufficient accuracy whether the details, if referred to, would, on any given occasion, be of importance.

General impressions are sufficient to prevent us from making

positive mistakes ourselves, and even from suffering them to be made by others. We are aware that there is something which we have read on the point at issue, though we do not precisely recollect it. But the apprehension that is left on the mind, obscure and imperfect as it may be, still suffers a sort of violence, when any statement positively inaccurate is presented to it. We at least suspend our judgment. We require that the question may not be determined till after proper examination.

General impressions, indeed, will not furnish a reasoner in conversation, an advocate at the bar, or a debater in parliament, with proper authorities, at the very moment of need, to establish his statements and illustrate his arguments; or with all the proper materials of wit and eloquence. A weak memory can never afford to its possessor the advantages which result from a memory capacious and retentive; yet may it still be very adequate, by careful management, to many of the most useful purposes of reflection and study; it may still enable a man to benefit himself and to administer to the instruction of others.

And now, before I turn away from this particular part of my prefatory address, I must confess to you, that after all the expedients I have resorted to for the purpose of abridging your labours, I am well aware that many of you will still be disheartened and repelled by the number of Books which you will hear me quote and refer to, before my lectures are brought to a conclusion.

I must, therefore, enter still further into detail, and call your attention to the syllabus, which I have drawn up, and which you can hereafter consult.

You will there observe, in the first place, a course of reading pointed out so short, that it would be quite improper to suppose that the most indolent or the most busy among you, cannot now or hereafter accomplish it. This first course, as you will see by attending to the notes, may be enlarged into a second. This again into a third.

In this manner I have endeavoured to provide for every different case that may exist among you. You have three different courses exhibited to you.

But with respect to the remainder of the syllabus and the number of books mentioned in the lectures, which may be

considered as the fourth and last course, you will see, on a little reflection, that it is fit you should not only read any particular shorter course, but hear and understand what may be found in one still larger, even if you should not be likely hereafter to attempt it.

Your time will not be entirely thrown away while you are listening to the references I make and the descriptions I give, even though you should not always turn to the particular books and passages I thus recommend. You will at least know, after a certain indistinct manner, what history is, and this is the great use of all public lectures; for public lectures may give you a general idea of any science or subject, but can never of themselves do much more—they can never put you in possession of it. Add to this, that of the whole of this last and most extended course thus presented in these lectures to your curiosity, you may read minutely any parts that may more particularly interest you and not others; the Reformation, for instance, or the great struggle in the times of Charles I. Do not, therefore, be alarmed, any of you, when you see and hear the number of books I may refer you to.

Finally, I must take upon myself to assure you, that if you show the syllabus to any man of letters, or any real student of the history of this or other countries, you will hear him only expressing his surprise that such and such books, which he will mention, are omitted, and that such and such portions of history (of India, for instance, or Ireland) are not even so much as alluded to. Believe me, he will not blame your lecturer for having offered too much to your curiosity. He will rather suppose him not sufficiently aware of all the proper objects of historical inquiry. Men of letters and real statesmen never cease to read history, as they never cease to occupy themselves in every different department of elegant and useful literature. Reading and reflection become with them a business and a pleasure, ceasing but with their lives.

Having thus endeavoured to give you some idea of the object of these lectures, and the general manner in which they are to be conducted, I must now say a word with respect to their extent.

It had not been my original intention to bring them

down lower than the breaking out of the French Revolution; at that memorable period, modern history appeared to begin anew, and I long remained in the persuasion that my successors, not to speak of myself, would for some time scarcely find it within their competence to undertake an estimate of this tremendous event—its origin, its progress, and its consequences.

I had therefore always bounded my plan by the American Revolution; and after executing what I had thus proposed to myself as a proper object of my labour, I remained for some few years without making any further attempt. At last I thought it my duty to endeavour to go on. But even in executing my first original plan, my progress was slow.

I had many books to read and examine, to ascertain whether they were to be recommended or not, whether to a certain extent, whether at all.

Much of my labour can never appear in any positive shape, and will chiefly operate in saving my hearers from that very occupation of time, which has so interrupted the advance of my own exertions.

I may point out to others, as paths to be avoided, paths where I have myself wandered in vain, and from whence I have returned fatigued and disappointed.

Thus much with respect to the object, the method, and the extent of my lectures.

And now I must call the attention of my hearers to a difficulty which belongs to all public lectures on history, and which I conceive to be of considerable importance. It is this. A lecturer must refer sometimes to books which have not been read at all by his hearers; and perpetually to those that have not been read lately, or with very minute attention. He must presuppose a knowledge which has not been acquired, or not retained. He must therefore often make remarks which cannot be judged of,—deliver sentiments and opinions which must necessarily be unintelligible,—and make frequent allusions which cannot be felt or comprehended by those whom he addresses. The truth is, that a lecturer arranges and writes down what he has to deliver while full of his subject, with all the information he can collect fresh and present to his mind; and he then approaches his hearers,



who have in the mean time undertaken no labour of the kind, and are furnished with no equal advantages. The lecturer is in one situation and the hearer in another. And this is the reason why lecturers on the subject of history must always be found, at the time of delivery, more or less inefficient, and therefore unsatisfactory; why they must be even listened to with difficulty, certainly not without an almost continued effort of gratuitous attention. I by no means suppose that I have avoided this very serious difficulty; on the contrary, it is one which must belong to every system of lectures: and which I conceive both my hearers and myself will have constantly to struggle with.

I have selected, for instance, different books, and different parts of the same book, for the student's consideration: and the reasons of my preference, though I give them, cannot be estimated by my hearers, till the references I propose have been made. Again, I have directed my attention more particularly to some portions of the history of Europe than to others; but while I am delivering those general remarks to which they have given occasion in my own mind, I cannot suppose that the details on which those remarks are founded can be present to my hearers: or therefore that my remarks can be properly understood; the details not being known, the interest which such details have excited in me, can never be conveyed by me to those who hear me; for it is only by the actual perusal of circumstances and facts that interest can be excited: curiosity, indeed, may be raised by a general description, but little more.

Add to this, that when any particular topic connected with history, or any particular period in the history of any country, has been well considered by any writer or historian, I have thought it better to *refer* to the author than to incorporate his observations into my own lectures. A blank will therefore be repeatedly left, as I proceed, in the mind of my hearer, though it may have been filled up in my own; and this interval in the train of events or topics presented to him must remain unoccupied, and the whole chain be left imperfect, till all the different links have been regularly supplied by his own subsequent diligence.

Inconveniences like these I have found myself totally

unable to remedy: and as they will operate as unfavourably to me as to you, we must each be content to compound with them in the best manner we can, and limit our mutual expectations to what is practicable:—such attention as you can furnish, I must be happy to receive; and you must on your part endeavour to listen to me, on the supposition that what you hear, whether now entirely comprehended or not, will be applicable, if remembered, to your own reading hereafter, and therefore possibly of benefit.

There is one point, however, which is so material that, though I have alluded to it before, I must again recall it to your attention. It is this,—that my hearers are not to resort to me to receive historical knowledge, but to receive hints that may be of use to them while they are endeavouring to acquire it for themselves. The great use, end, and triumph of all lectures is to excite and teach the hearer to become afterwards a lecturer to himself—to facilitate his progress, perhaps to shorten his course—to amplify his views—to make him advance to a subject, if possible, in the united character of a master and a scholar. A hearer is not to sit passive, and to expect to see performed for him those tasks which he can only perform for himself. It is from a mistake of this nature that they who attend public lectures often retire from them with strong sensations of disappointment. They have sought impossibilities. They who listen to lectures must be content to become wise, as men can only become wise,—by the exercise—the discipline—the warfare, and the fatigue of their own faculties, amid labours to be endured, and difficulties to be surmounted. The temple of wisdom, like that of virtue, must be placed on an eminence.

Having now endeavoured to explain the design—the method—and the extent of my lectures, and to state the difficulties which my hearer and myself will have mutually to encounter, it may be necessary to make some observations on the end and use, not indeed of lectures in history, but of history itself.

Curiosity is natural, and therefore history will be always read, and as he who has any thing to relate becomes immediately of importance to others and to himself, history will be always written.

History is a source of pleasure; a piece of history is at least a sort of superior novel; it is at least a story, and often a busy one; it has its heroes and its catastrophes; it can engage attention, and though wanting in that force and variety and agitation of passion, which a work of imagination can exhibit, still as it is founded in truth, it can in this manner compensate for the calmer nature of its materials, and has always been found capable of administering amusement even to the most thoughtless and uninformed.

But as others will read, when, even the thoughtless read, and as history is generally read in early life, it has always been one instrument, among others, of education; it is not too much to say, that the whole character of the European nations would have been totally different, if the classic histories of antiquity had not come down to them; and if their youth had not been, through every succeeding generation, animated and inspired by the examples which are there displayed of integrity and patriotism, of eloquence and valour.

But every nation has also its particular annals and its own models of heroism and genius.

The political influence of history may therefore often be of inestimable value: it may tell a people of their ancestors, of their freedom and renown, their honourable struggles, sacrifices and success, and it may warn them not to render useless, by their own degeneracy, the elevated virtues of those, who went before them.

But history may do more than this, it may exhibit to a people the rallying points of their constitution, the fortresses and strong holds of their political happiness; and it may teach them a sort of wisdom unbought by their own dreadful experience, a sort of wisdom which shall operate at the moment of need with all the rapidity and force and accuracy of instinct.

History is of high moral importance; for the wise, the good, and the brave can thus anticipate and enjoy the praise of ages that are unborn, and be excited to the performance of actions, which they might not otherwise have even conceived.

It is probable too, that men of bad passions and certainly men of doubtful character, are sometimes checked by the prospect of that awful censure which they must endure, that

lasting reproach and detestation with which their memories must be hereafter loaded by the inevitable judgments of mankind.

Undoubtedly too the man of injured innocence, the man of insulted merit, has invariably reposed himself with confidence on the future justice of the historian ; has often spoken peace to his indignant and afflicted spirit by dwelling in imagination on the refuge, which was thus to be afforded him, even on the theatre of *this* world, from the tyranny of fortune or the wrongs of the oppressor.

These are services to mankind above all price, and the muse of history has ever been of saintly aspect and awful form ; the guardian of the virtues of humanity.

There are other important purposes to which history may be made subservient.

Unless the past be known, the present cannot be understood ; records therefore and memorials often form a very material part of professional study.

To the philosopher, history is a faithful mirror which reflects to him the human character under every possible variety of situation and colour, and thus furnishes him with the means of amplifying and confirming the knowledge of our common nature.

But history also exhibits to the philosopher the conduct and fortunes of mankind continued through many ages, and it therefore enables him to trace the operation of events, to see the connexion of causes and effects, and to establish those general principles, which may be considered by the statesman, if not as axioms, as the best guides at least, that can be found, for his conduct, in his management of the affairs of mankind.

It is the misfortune in general of the man of reflection, and always of the intelligent statesman, that he has to combat with the prejudices of those around him, and as arguments can be always produced, on each side of a question, while he has only reasoning to oppose to reasoning, he is little likely to succeed ; but an example properly made out from history assumes the appearance of a fact, and embarrasses and silences opposition, till all further resistance is at length, in some succeeding generation, withdrawn. It is thus that a Montesquieu,

a Smith, or a Hume, by their application of general principles, exemplified by facts, to systems of national policy, may be sometimes enabled, however slowly, to expand and rectify the contracted and unwilling understandings of mankind.

Such are the uses of history, the uses which it has always served.

There are others to which it *might* be made subservient.

It *might* teach lessons of moderation to governments, and when the lesson is somewhat closely presented, it sometimes does; but cabinets are successive collections of men whose personal experience has not been long continued; and they therefore act too often with the blind passions of an individual, and are so habituated to temporary expedients, to making provision for the day which is going over them, and to the rough management of mankind, that when they are approached by the man of reflection and prospective wisdom, they are not sufficiently disposed to listen to what he has to suggest or to object; they are too apt to dismiss with little ceremony his admonitions and his plans; and when they speak of them, it is for the most part in some language of their own, under some general appellation of "theory and nonsense," or perhaps of "metaphysics."

History, by its general portraits of different states and kingdoms, might teach any particular people the infinite diversity of human characters and opinions, and inspire them with sentiments of general kindness and toleration abroad and at home.

But history is, on the contrary, generally converted by a people to the purpose of perpetuating religious or political dissensions, and of hardening those antipathies which it should rather remove or soften; its examples are appealed to; the characters of offence and blood, that were obliterated or grown faint by age, are traced out and coloured anew; and it is forgotten, that such unhappy animosities have no longer any proper object or reasonable excuse.

Having thus endeavoured to give some general idea of the purposes and value of history, it is necessary, before I conclude, to observe, that there is one objection to history, too imposing and too weighty not to be alluded to and examined. It is no other than this; that history, after all, is not truth;

that it neither is nor ever can be; that the affairs of the world are carried on by a machinery known only to the real actors in the scene, the rulers of kingdoms and the ministers of cabinets—a machinery which must for ever be concealed from the observation of the public; particularly of historians, men of study and retirement, who know nothing of that business of the world, which they are so ready to describe and to explain.

This is not unfrequently the language of ministers themselves, at least of those who are somewhat of an ordinary cast—practical men, as they are called: more distinguished for their talents in the dispatch of business than for their genius. “Do not read history to me,” said Sir Robert Walpole, one of the best specimens of them—(his son, it seems, had hoped, in this manner, to amuse the languor of a man, who, because he was no longer in office, knew not how to employ himself)—“Do not read history, for that I know must be false.”

Lord Bolingbroke, on the contrary, a statesman also, writes letters in his retirement on the study and use of history, and even discusses the very point before us, and maintains the credibility of history.

Ministers, like Sir Robert Walpole, may on these occasions be not a little suspected of something like affectation: of being dupes to their art. Our own king, James the First, was the most egregious pedant of this kind on record; the mysteries of his state-craft, as he called it, were deemed by him to be so profound, that they were not to be comprehended even by the houses of parliament or men of any ordinary nature; and Walpole himself might have been thought by this royal trifler, as unfit, as the historian was thought by Walpole, to penetrate into the secrets of the world.

The short state of the question seems to be, that history consists of the narrative of facts and of explanations of those facts—that the facts and events are points which are perfectly ascertainable; nor will this indeed be denied—but with respect to the explanations, how the events related came actually to take place, points of this kind must be always matters of investigation, to be traced out by the same processes of reasoning, which are applied on all similar occasions through life; from a comparison of events and of appearances with

the acknowledged principles of human actions. Mistakes may sometimes be made (as by juries on a trial), but this is not a sufficient reason for concluding that no judgment can be formed.

It is impossible to say in general that explanations always can be given, or never can be given; each particular point becomes a particular question to be decided on by its own merits; in every instance the proper inquiry is, whether the explanation offered be or be not sufficient.

Historians have always affected, and have generally exercised, great circumspection in their decisions. It must be remembered what the merits of an historian are supposed to be; not eloquence, not imagination, not science,—but patience, discrimination, and caution—diligence in amassing his materials, strict impartiality in displaying them, sound judgment in deciding upon them.

Mankind endeavour, in the same manner, to judge, in their turn, upon their historians; their sources of intelligence, their industry, their candour, their good sense,—all these become the subjects of the public criticism; and at last a decision is pronounced, a decision that is not likely to be ultimately wrong.

It is not pretended, that history, if written at the time, can be in all points depended upon; or that truth can become entirely visible till some interval has elapsed, and the various causes, that are always operating to produce the discovery of it, have had full opportunity to act.

And lastly, there are facts and events that have occurred in the world, of which history does not undertake to give any solution: and historical writers are certainly not guilty of the folly of professing to explain every thing.

Were one of these ordinary ministers to be asked what means they always employed in the management of mankind, they would answer, without hesitation, their leading interests and passions; and they would laugh at any of their associates in a cabinet who depended upon the more delicate principles of individual character.

Would it not be strange, then, that such leading interests and passions, as they have made use of, should not be afterwards visible to the eyes of an historian? Are they not

themselves, though sitting in a cabinet, collections of men influenced by their own leading interests and passions like their fellow-mortals without? How, are these, in like manner, to remain for ever impenetrable and unintelligible?

Finally, it must be observed that the writers of history are by no means to be considered as excluded from all knowledge of those petty intrigues, on which so much is supposed to depend; private memoirs and the letters of actors in the scene are very often referred to by historians—they are sought for with diligence, they are always thoroughly sifted and examined. In the course of half a century after the events, the public are generally put into possession of such documents as even the objectors to history ought to think sufficient to explain the mysteries of intrigue, and therefore even in *their* view of the subject, the transactions of the world.

On the whole, therefore, to call history a romance, and to say that it must necessarily be false, is to confound all distinctions of human testimony, criticism, and judgment: sweeping positions of this kind occur in other subjects as well as this of the study of history; and after a little examination may quietly be dismissed, as the offspring of indolence or spleen; or that love of paradox, which may sometimes assist the sagacity, but more often misleads the decisions of the understanding.

One word more in reference to this objection, and I have done. Something may perhaps be conceded to it.

It is always difficult to estimate, with perfect accuracy, the moral characters of men; i. e. to compare exactly the temptation that has been incurred with the resistance that has been made—the precise motives of the agent with his actual conduct.

And this, which is so true in private life, may be still more so in public. It may not be always easy to determine, in a minister or a party, what there was of mistake, what of good intention, what of uncontrollable necessity, in their apparent faults.

It may be allowed, therefore, that the moral characters of statesmen may not always be exactly estimated: but it must be observed, at the same time, that in many instances these moral characters are appreciated differently by different his-



torians, and are confessedly a subject of historical difficulty. That here, therefore, no mistake is made; and that mankind, though very likely to praise or censure too vehemently at first, are not likely to be materially inaccurate at last.

Add to this, that statesmen, who perceive that their conduct may hereafter be liable to misrepresentation, have it always in their power, and have in general been induced, to leave documents to their family for the purpose of explaining their views, and justifying their measures; and as they know beforehand the nature of that tribunal of posterity, which is to determine on their merits, the conclusion is, if they refuse to plead, that they foresee a verdict, against which they have nothing satisfactory to urge, and which is therefore right.

But I must now conclude.

Many years that preceded, and many that followed, the first opening of these lectures, in 1809, were years of such unexampled, afflicting, and awful events, the progress of the French revolution and the power of Buonaparte, that the mind was kept too agitated and too anxious to be properly at leisure for the ordinary sympathies of peaceful study. This effect had been more particularly felt by those who were to read history. Who could be interested about the German constitution, when it was no more? about the republics of Holland or of Italy, when they had perished? Who could turn to the muse of history, when she seemed to have lost her proper character; nor fitted, as she once had been, to show us the kingdoms of the earth and the glory of them, but rather, like the sibyl, to conduct us to the land of shades, to a world that could no longer be thought our own? I need no longer endeavour to fortify my hearers against the languor and the very distaste for history which circumstances so melancholy were so fitted to produce.

But the leading remark which I then made, I may still retain. It was this:—

That though the more minute peculiarities of history may cease to engage our attention; its graver subjects may have now, more than ever, a claim upon our powers of reflection and inquiry. History may have less of amusement for our leisure, but may offer much more of instruction for our active thoughts. The mere relator of events may be now less fitted

to detain us with his details; but to the philosophic historian we shall henceforward be compelled to listen with a new and deeper anxiety. If history be the school of mankind, it must be confessed that its lessons are at length but too complete; and that states and empires may now be considered in all their positions and relations, from the commencement to the termination of their political existence. We may see what have been the causes of their prosperity; we may trace the steps by which they have descended to degradation and ruin.

The truth is, that these tremendous years have made such studies as we are now to engage in, considered in this point of view, of far more than ordinary importance, and whether we consider the situation of the world, or of our own domestic polity, it is but too plain that neither indolence nor ignorance can be any longer admitted in our young men of education and property; it is but too plain that political mistakes, at all times dangerous, may to us be fatal; it is quite impossible to say how much may not depend on the intelligence and virtue of the rising generation.

#### NOTE.

THE professorship of modern history and languages was founded by George the First, in 1724, on the recommendation of the Duke of Newcastle.

His Grace has the merit of being one of those very few ministers, since the times of the Reformation, who have endeavoured to amplify the means and extend the usefulness of the literary establishments of this country.

On the death of Dr. Turner in 1762, the professorship became vacant, and the modesty and pride of Gray at last yielded to the influence of his friends, and he applied to Lord Bute for the situation. It was, however given to the tutor of Sir James Lowther; and the most distinguished man of letters then in the university, and perhaps the most elegant scholar of the age, was left to his poverty, or to a state that but too much resembled it.

At a subsequent period, while he was still pursuing "the silent tenor of his doom," the professorship was once more vacant. It must ever have been amongst the most pleasing recollections of the Duke of Grafton, that he was the minister whose fortune it was to have directed the rays of royal bounty to their noblest object, and to have cheered, with a parting gleam, the twilight path and closing hours of the poet Gray.

His Grace had a second time the merit of making an honourable choice in the late professor, Dr. Symonds. From him the chair has received a very valuable library. But it is to be lamented that a little before his death, he destroyed the lectures he had delivered, and all his historical papers.



## LECTURE I.

1809.

### BARBARIANS AND ROMANS.

**O**F the ancient world we derive our knowledge from the sacred Scriptures and the writings of Greece and Rome. We have no other sources of information on which we can well depend; but every such information must be at all times interesting. There is no nation, however removed from us by distance or by time, whose history will not be always a subject of rational curiosity to a reflecting mind: yet the student of ancient history will find his attention irresistibly drawn to three particular nations—the Greeks, the Romans, and the Jews: these are names for ever associated with our best feelings and our first interests: the poets and the orators, the sages and the heroes of *Greece* and *Rome* still animate our imaginations and instruct our minds; and the law-giver of *Israel* led his people from Egypt to give birth to the prophets of our religion, and when the fulness of time was come, to the SAVIOUR of the world.

Ancient history is not excluded; a knowledge of it is presupposed in the study of modern history; a knowledge, at least, of those events, which can now be ascertained, and of those nations more particularly whose taste, philosophy, and religion are still visible in our own. Ancient history at last conducts us to the exclusive consideration of the Romans. Rome is the only figure left in the foreground of the picture; but in the distance are seen the northern nations, who are now to come forward and to share with the Romans our curiosity and attention.

These nations had already been but too well known to the Roman people. They had destroyed five consular armies—encountered Marius—contended with Julius Cæsar—annihili-

lated Varus and his three legions, and given the title of Germanicus to the first Roman of his age.

In the time of Marcus Antoninus a general union was formed by the Barbarians, and they were not subdued till after a long and doubtful conflict.

About the middle of the third century, under the reign of Valerian and Gallienus, they began every where to press forward, and were seen fairly struggling with the Romans for the empire of Europe.

Here then we are to make our first pause; we are to stop and reflect upon the scene before us. We have the civilized and uncivilized portions of the world *contending*—we have the two great divisions of mankind, which then existed, drawn up in array. What were the exact characters of each?—which was likely to prevail?—what was to be the result of this strange and tremendous collision? These are the great questions that occur at this remarkable juncture, at this critical interval between the ancient and modern history of the European nations. We are not without our means of inquiry into this interesting subject. We will take each of these questions in their order. 1st, What were the exact characters of the Barbarians and the Romans at this extraordinary crisis? With respect to the Barbarians—fortunately for us they fell under the observation first of one of the most celebrated men, and afterwards of one of the most celebrated writers of antiquity—of Cæsar and of Tacitus: to them we must refer. I will say a word of each in their order. The Commentaries of Cæsar must be consulted, not only in the sixth book, but in the first and fourth. And here I must observe, that though the Celts or Gauls are not to be confounded with the Gothic nations, who finally overran the Roman Empire, still there is not a part of the work that is not connected with the general subject; the whole is a picture of the two great portions into which mankind might be then divided (the civilized and the barbarians), while it professes to be only an account of the campaigns of Cæsar in Gaul. I will cite an example or two; and I do this the more readily and the more at length, that I may, as early as possible, and as strongly as possible, enforce upon the minds of my hearers the following remark:—that there is nothing of so much consequence to the reader of history as to acquire the art of

drawing from an original author such inferences as the author himself never expected would be made by his readers, and perhaps never intended they should make. Cæsar, for instance, is not giving an avowed description of the Germans, when he gives us the reply of Ariovistus; yet how could he have described the military force of the country more strongly? "Fight us, if you please," said the bold Barbarian; "you will learn to know us; we are a nation that have been under no roof within the last fourteen years." "Quum vellet, congrederetur; intellecturum, quid invicti Germani et exercitissimi armis, qui intra annos quatuordecim tectum non subissent, virtute possunt."

Again, Cæsar does not profess to illustrate the unsettled nature of these nations and their frequent migrations; yet these facts appear in every page of his work. He begins with the migration of the Helvetii—what was the reason? They found, it seems, their territory inadequate to their numbers, and unworthy of their renown. From one passage we may collect what their territory was; from another their numbers: and as the population could scarcely have been that of nine to a square mile, the fact must have been, though the country was mountainous, that they were fierce and restless, and unskilled in agriculture. They stated their fighting men to be ninety-two thousand; and with this force they were ready to undertake an expedition of this doubtful nature. After a conflict with Cæsar little more than a fourth of the *whole nation* returned; that is, nearly three hundred thousand people must have perished—a specimen of the calamities by which these migrations must have been often attended. Again, Cæsar is giving no description of the unhappy state of mankind at this period; yet after telling us the story of the Atuatici, (B. ii.) and speaking of a strong hold into which they had thrown themselves, as a last resource, his words are these:—"Postridie ejus diei, refractis portis, quum jam defenderet nemo; atque intromissis militibus nostris; sectionem ejus oppidi universam Cæsar vendidit: ab his, qui emerant, capitum numerus ad eum relatus est, quinquaginta trium milium,"—*i. e.* in fact there seems to have been no difficulty in selling as slaves, fifty-three thousand people at a time, in the heart of Europe.

No occurrence can be mentioned more as a thing of course;

such we know from other sources was the common fate of the vanquished, at a time when war seems to have been the great business of human life. What then must have been the state of mankind?

Cæsar is not taking any pains to illustrate the military character of either the Barbarians or the Romans: yet he tells us that the Nervii, from the dead bodies of their countrymen, threw their darts, as from an eminence, and seized and returned the pila, which had been hurled at them by the Romans.—“His dejectis et coacervatis cadaveribus, qui superessent, ut ex tumulo, tela in nostros conjicerent: pilaque intercepta remitterent.”—In the next section he tells us, that of six hundred of their senators, three only remained; and of sixty thousand fighting men, scarcely five hundred. No doubt this was one of the most tremendous conflicts in the course of his campaigns; but if such facts ever occurred, what must in general have been the vanquished, and what the victors?

In this manner from indirect notices in the recital of an original author, a more lively idea can often be formed than from the most regular and professed description. Such a description, however, of the Gauls and Germans is given by Cæsar in the sixth book. Of the former the picture is short, but striking—“Plebs pœne servorum habetur loco; quæ per se nihil audet, et nulli adhibetur concilio—Viri in uxores, sicuti in liberos, vitæ necisque habent, potestatem.—Qui in præliis periculisque, versantur, aut pro victimis homines immolant; aut se immolatueros, vovent. Administrisque ad ea sacrificia Druidibus utuntur.”

A horrible description follows: a wicker figure of a man, immense in size, the interstices of which were to be filled up with living men and then burnt. “Alii immani magnitudine simulacra habent, quorum contexta viminibus membra, vivis hominibus complent; quibus succensis circumventi flammâ exanimantur homines.” So ingenious is the dullest superstition in contriving its abominable torments. The Druids, indeed, settled the temporal disputes of the community, and gave instructions in astronomy, the doctrine of immortality, &c.—“Non interire animas; multa præterea de sideribus; de rerum natura,” &c. But what knowledge of any value could be taught by the priests of so gloomy a superstition?

So much for the Gauls. With respect to the Germans, they had no Druids. They approached to the state of a pastoral nation; placed their glory in having a *solitude of terror* around their borders; had, in peace, no magistrates but their chieftains; created dictators in war; and every means was adopted to make the nation hardy and content, by constantly exposing them to the inclemencies of a German climate and by banishing the distinctions of property and wealth. Such is a most slight sketch of the assistance which we derive from Cæsar in our wish to acquire a knowledge of the Barbarians.

We will next advert to Tacitus. More than a hundred years after the Germans had attracted the notice of Cæsar, they were delineated by the masterly pencil of Tacitus, and that in a professed work on the subject, “*De Moribus Germanorum.*”

The figures are still bold and savage, but something of a more soft and agreeable light is diffused (however faintly) over the picture. In our estimation of the whole, some allowance must be made for the great historian himself. We may remember in our times how the eloquent Rousseau, amid the vices of civilized life, could sigh for the innocence and the virtue—“the sublime science of simple souls”—which he conceived could be only found amid the rocks and the forests of uncultivated man.

The sensibility of Tacitus—a man of imagination also—exasperated by the licentiousness of Rome, may be suspected, in like manner, of having surveyed these unpolished Barbarians with considerable indulgence. The manly virtues were undoubtedly to be found among them; but to the perfection of the human character it is necessary that these should be softened by humanity and dignified by knowledge.

I stop to observe that savage and civilized life may each exhibit the disgusting extremes of opposite evil: but the one uniformly, the other only partially. It is in vain to fly from one, to be lost in the still more frightful degradation of the other; and the propensities and capacities of our nature seem clearly to indicate that we are intended not for solitude and torpor, but for society and improvement.

Whatever value we may justly affix to the account of Cæsar, the Treatise of Tacitus is still more distinct, complete,

and important. There is no work of profane literature that has been so studied and discussed.

The whole has such a reference to the manners and governments of Europe, that every part of it has been examined by antiquarians and philosophers; and there is no labour which we must not willingly employ, if it be necessary, to familiarize our minds to a treatise so celebrated and so important. I must suppose this done, and proceed. When we have thus formed a general idea of the Barbarians, we must next endeavour to understand the character and situation of the Romans.

The original classic writers of Rome must be consulted; but they must be *meditated* not *read*; the student has probably read most of them already; but with respect to all the classical writings of antiquity I must digress for a moment to observe, that it is one thing to know their beauties and their difficult passages, and *another*, to turn to our own advantage the information they contain. It is one thing to enrich our imagination and form our taste; it is another, to draw from them the materials of our own reasonings, to enlarge our knowledge of human nature, and to give efficacy to our own labours by observing the images of the human mind as reflected in the mirrors of the past. He, who is already a scholar, should endeavour to be more; it is possible that he may be possessed of treasures, which he is without the wish or the ability to use. And here I would recommend to my hearers one of the essays of Mr. Hume; that on the populousness of ancient nations; this essay will illustrate my meaning. My hearers may probably never have heard of Mr. Hume as a man of learning, but this essay may serve to show the difference between what a man of learning often is, and what he sometimes, as in the case of Mr. Hume, may become; between him, who not only reads, but thinks; who can acquire not only a knowledge of words and sentences (investigations in themselves of perfect importance), but can carry his knowledge into investigations of a still higher nature, the study of the principles of human nature and political society. The same essay may also illustrate the art, which I have already announced, of drawing inferences from a work which the author never intended to supply. Of this art no master has



ever yet appeared, equal to Mr. Hume. But to return to our more immediate subject, the characters of the Barbarians and Romans.

After such writers, as I have mentioned or alluded to, the three first chapters of Mr. Gibbon's History, and the ninth, must be most diligently studied. These chapters may serve to point out more particularly the classical authors that should be consulted—they are very comprehensively and powerfully written; nothing more can be wanted to give the most lively and complete idea of the Romans and the Barbarians, and to enable us to understand and sympathize with the great contest that was to ensue. I must again suppose this done; and the student having thus acquainted himself with the state of the barbarous and civilized nations of Europe, at this remarkable epoch, may be next employed in considering our second question—Which of the two descriptions of combatants was likely to prevail—what were the natural and acquired advantages and disadvantages of each?

When we read the account of the hardiness and fierce courage of the Barbarians, it seems impossible that they should be, by any other human beings, resisted; and yet still more impossible to suppose, that the Roman legions can be overcome, when we consider, on the other hand, their skill, their courage, and their discipline; the long result of many ages of experience and victory: arms, science, and union are on one side; savage nature and freedom on the other. The ultimate success, however, of the Barbarians could not well be doubted: every change, it was clear, would be in their favour; it was the contest of youth against age, of hope against fear.

In the civilized state the government had degenerated into a military despotism: the vital principle was in decay; the freedom, the genius of Rome was gone for ever. Discipline, it was evident, would in the Barbarians continually improve—among the Romans gradually disappear. The jealousies and dissensions of the Barbarians on one side might delay the event; as might, on the other, great ability and virtue in the Roman emperors. But a succession of such merit could not be expected. Under the military government of the army (a government of anarchy and licentiousness) the character of

the Roman people, and of the army itself, would eventually sink and perish: and a few Barbarian chieftains arising at different periods, of sufficient ability to combine and direct the energies of their countrymen, would, it was evident, at first shake and at length overwhelm the licentious affluence the relaxed discipline, the broken, the wasted, the distracted powers of the empire of Rome. Such, indeed, was the fact. The particular events and steps of this great revolution are to be seen in the history of Gibbon.

There is likewise an history of the Germans written originally in German by Mascou, and an English translation by Lediard, where the facts are told more simply and intelligibly; and to the learning and merit of this author, Mr. Gibbon bears ample testimony.

The fall of the empire of the West was evidently to be expected for the reasons we have mentioned; but to these might have been added, by any reasoner at the time, the possibility that a new torrent of Barbarians might rush into Europe from the north-east and the plains of Scythia. The empire had never been undisturbed, and had often suffered very severe defeats in that quarter; such a calamity might not prove fatal, though dreadful, even to the Germans: but there was every probability that it would complete the destruction of Rome. Such an irruption did in fact take place; the nation of the Huns suddenly appeared, savages still more odious and terrific than had before been experienced. From the north of China they had passed or retreated to the confines of the Volga, from thence to the Tanais, and after they had defeated the Alani, they pressed onward to the conquest of Europe.

The Goths themselves, on whom they first descended, considered them as the offspring of witches and infernal spirits in the deserts of Scythia; an opinion that forcibly expressed, how unsightly was their appearance, and how tremendous their hostility.

An account of this invasion, and of the nation itself, may be read in the twenty-sixth, thirty-fourth, and thirty-fifth chapters of Mr. Gibbon: and notwithstanding the range of knowledge displayed, and the masterly compression of the subject, the reader will be often reminded, but too painfully

of the simplicity of Hume and the perspicuous though somewhat laboured elegance of Robertson.

This dreadful visitation of the Huns did not, after all, destroy the Roman empire, or leave that impression on the face of Europe, which might have been expected. When the fierce Attila was no more, the force of his nation gradually decayed: Attila himself retreated from Gaul, which in the progress of his conquests he had attacked; and this whole irruption of the Huns must be considered chiefly as a sort of temporary interruption to the great contest between the northern nations and Rome. To this contest our attention must again return, and we must pursue the fall of the Western Empire, as shown in the stately and brilliant narrative of Gibbon. The northern nations we shall now see every where triumphant: distinct divisions of them taking their station; the Franks in Gaul, the Visigoths in Spain, the Burgundians on the Rhone, the Austro Goths in Italy: and the western empire, at last, sinking under the great leader of his nation, Odoacer, who was himself subdued by the renowned Theodoric.

And now a second epoch is presented to us,—the fall of the western empire of Rome and the rise of the different empires of the Barbarians; and therefore now comes the third and the last question which we have mentioned; What was to be the result of this tremendous collision between the civilized and uncivilized portions of mankind, and of this ultimate triumph of the Barbarians?

Could we suppose a philosopher to have lived at this period of the world, elevated by benevolence and enlightened by learning and reflection, concerned for the happiness of mankind, and capable of comprehending it, we can conceive nothing more interesting, than would to him have appeared the situation and fortunes of the human race. The civilized world, he would have said, is sinking in the west before these endless tribes of savages from the north. The sister-empire of Constantinople in the east, the last remaining refuge of civilization, must soon be overwhelmed by similar irruptions of Barbarians from the north-west, from Scythia, or the remoter east. What can be the consequence? Will the world be lost in the darkness of ignorance and ferocity? sink, never

to emerge? Or will the wrecks of literature and the arts, that may survive the storm, be fitted to strike the attention of these rude conquerors, or sufficient to enrich their minds with the seeds of future improvement? Or, lastly, and on the other hand, may not this extended and dreadful convulsion of Europe be, after all, favourable to the human race? Some change is necessary; the civilized world is no longer to be respected; its manners are corrupted, its literature has long declined, its religion is lost in controversy, or debased by superstition. There is no genius, no liberty, no virtue; surely the human race will be improved by the renewal which it will receive from the influx of these free born warriors: mankind, fresh from the hand of nature, and regenerated by this new infusion of youth and vigour, will no longer exhibit the vices and the weakness of this decrepitude of humanity: their aspect will be erect, their step firm, their character manly. There are not wanting the means to advance them to perfection; the Roman law is at hand to connect them with each other: Christianity to unite them to their Creator: they are already free. The world will, indeed, begin anew, but it will start to a race of happiness and glory. Such, we may conceive, *might* have been the opposite speculations of any enlightened reasoner at that critical period. But with what eagerness would he have wished to penetrate into futurity! how would he have sighed to lift up that awful veil which no hand can remove, no eye can pierce! with what intensity of curiosity would he have longed to gaze upon the scenes, that were in reality to approach! And could such an anticipation of the subsequent history of the world have been indeed allowed him, with what variety of emotions would he have surveyed the strange and shifting drama that was afterwards exhibited by the conflicting reason and passions of mankind. The licentious warrior, the gloomy monk, the military prophet, the priestly despot, the shuddering devotee, the iron baron, the ready vassal, the courteous knight, the princely merchant, the fearless navigator, the patient scholar, the munificent patron, the bold reformer, the relentless bigot, the consuming martyr, the poet, the artist, and the philosopher, the legislator, the statesman, and the sage, *all* that were by their united virtues and labours to assist the progress

of the human race, *all* that were at last to advance society to the state which, during the greater part of the last century, it so happily had reached, the state of balanced power, of diffused humanity and knowledge, of political dignity, of private and public happiness.

There are periods in the history of mankind, when wishes like these to look into futurity, strange and unmeaning as to colder minds they may at first sight appear, vain, as to minds the most ardent and enlightened we must confess them to be, are still natural and inevitable; and are felt, and deeply felt, by all intelligent men, to the very fatigue and sickening of curiosity. Such a period has been our own; it continued to be so for more than twenty years, from the breaking out of the French revolution in 1789. Such a period was found in the days of Columbus, and of Luther. Such, lastly, was the period which we are in this lecture more immediately considering, the period when the northern nations were every where prevailing; and the question was, what were to be the future fortunes of the world,—to what changes were to be exposed the knowledge and civilization of the human race?

I must recommend it to you to take every opportunity to pause in this manner, and to indulge any effort of the imagination by which you can suppose yourselves for a time transported into distant ages, taking part with the actors in the scene, animated with their hopes, alarmed by their fears, oppressed by their anxieties, their apprehensions for the future, their regrets for the past. For it is only by this plastic power of the mind, and these voluntary delusions, that either the instruction or the entertainment of history can be realized; that history can be thoroughly understood, or properly enjoyed.

We return, then, to that memorable epoch in the history of Europe, to which I have endeavoured to direct your reflections.

The Barbarians have every where broken down the Roman empire, and have established their own; they have taken their different stations.

What then was the result? To what degree, on the one hand, was the independent ferocity of the Barbarians softened,

by that Christianity and those laws which were at the time in the possession of the Romans ; and to what degree, on the other, was the degeneracy of the Romans elevated ? What purity did their controversial religion, what freedom did their courtly jurisprudence, derive from the bold and native virtues of the Barbarians ?

In a word, what were the fortunes of the human race ? What impression, what direction, did the happiness of mankind receive ?

The answer to these questions is not at first as favourable as might be wished : it is for some time contained in the history of the Dark Ages. The dark ages were the more immediate result of this memorable crisis of the western world.

And it is thus that the dark ages are almost the first subject that is to be encountered by the student of modern history.

This is unfortunate—unfortunate more especially for the youthful student. Look at the writers that undertake the history of these times. They oppress you by their tediousness ; they repel you by their very appearance, by the antiquarian nature of their researches, and the very size of their volumes. You recoil, and very naturally, from events and names, which you have never heard of before, which you do not expect to hear of again, and which, above all, it is impossible to remember.

Were you to fly to the general history of Voltaire, you might be able to read indeed, the page, from the occasional sprightliness of the remarks ; but you would not be able to understand the events and characters, which you would there see pass before your eyes, in a succession far too shadowy and rapid ; nor would you be able more than before to remember what you had read. The only benefit that you would appear to derive would be this, that you would think you had learnt from the perusal, that though you remembered nothing, there was nothing worth remembering ; that savages, under whatever name, were only fitted to disgust you ; and that you had better hasten to parts of history more authentic and more instructive.

The same conclusion you would see drawn by Lord Bolingbroke in his Letters on History.

Conclusions, however, like these, are not the proper conclusions.

The history of the dark ages, for all philosophic purposes, is neither without its authenticity nor its value, and you must, in some way or other, acquire some knowledge of it; some knowledge of these barbarous times, and these our barbarous ancestors; because you must, by some means or other, see the manner in which the European character was formed; and from what elements the different governments of Europe have originally sprung.

The European character, you must be aware, is not the Asiatic character, nor the native American character, but one singularly composed, and one that has been able to subjugate every other in the world. Nor is the European form of government like the Asiatic, nor is that of England like that of France, nor either, like that of Germany; and it is these differences and their origin—these differences both in the personal character of the individual of Europe, and in the general character of the constitution under which he lives—that are the first objects which present themselves to your diligence; and to trace them out and to understand them, must constitute your entertainment and support your diligence, while you are labouring through the history of the dark ages.

I do not deny that the study of this particular part of modern history is difficult and tedious. In whatever way I can propose it to you, this must necessarily be the case. Those whose minds are of a philosophic cast may indeed undertake it with cheerfulness, and be left to pursue it with pleasure and success; but it is for me to endeavour to accommodate myself to minds of every description; and I shall therefore mention, in the first place, what I think may be attempted by any one, who hears me, however indisposed to antiquarian research.

In the first place, then, there has been a book published by Mr. Butler, that on the present occasion I consider as invaluable—Butler on the German Constitution. Here will be found all the outlines of the subject.

Let the detail be studied, whenever it is thought necessary, in Gibbon.

Let Hénault's Abridgment, or Millot's Abridgment, or rather Elements, of the French History, be referred to.

These may be followed by Robertson's Introduction to his History of Charles V.

And in this manner the student will be conducted through a long and dreary tract (which, however, it is entirely necessary he should travel through) with the least possible expense, as I conceive, of his time and his patience.

In the lecture of to-morrow, I may allude to more books, and recommend more, than I have yet done; but in the first place, I have thought it best to describe, in the manner you have heard, the least possible effort that can be required from any one that is placed within the reach of a regular education in an improved country, like this of England. No good can be purchased without some labour; and though the opening of modern history may be repulsive, the portions of it that follow, will be found sufficiently attractive.

You will now, therefore, understand what I wish you to bear away, as the sum and substance of the present lecture.

That it was a very remarkable crisis of the world, when the Romans and Barbarians were contending for the empire of it—that you must endeavour to comprehend from the writers I first mentioned, Cæsar, Tacitus, and Gibbon, what were the characters of the combatants—and then ask yourselves what was likely to be the result.

That the first and more immediate result was the dark ages.

That these are, therefore, immediately to be studied; not only as being the first result of such an extraordinary collision between the civilized and uncivilized portions of mankind at the time, but because in these dark ages are to be found the elements of the European character and governments, as they now exist.

Studied, however, though they must be, that studied they cannot be, without great toil and patience.

That to those who are ready to undergo such intellectual exertion, I shall address myself in subsequent lectures, but that in the mean time the readiest method I have to propose of acquiring proper information on this indispensable portion of modern history is, the study of Butler, Gibbon, Hénault,



or Millot, and Robertson—his preface to the History of Charles V.: and that this course of reading I think very practicable.

One word more, and I conclude.

You have just heard the books I refer to.

I have now to add, that I think there are certain subjects which may be selected from the immense general subject of the dark ages, and which may give you an idea of the whole in the shortest and best manner.

I hope, by mentioning them, to save you from being somewhat bewildered by the variety of topics and the multiplicity of researches in which you might be engaged, if you properly studied even such writers, and no more than such writers, as I have just recommended; much more, if you passed on from them to others, such as I shall mention to-morrow.

These subjects are the following.

You will see them enumerated in the Syllabus.

First, in the French History—Clovis, the founder of the French monarchy and the Merovingian or first race of kings.

Second, the Pepins and Charles Martel, the Mayors of the Palace. They administered, and the second Pepin at last seized the government and founded the second or Carlovingian race of kings.—And then,

The third object of attention is Charlemagne.

Out of the immense empire of Charlemagne arose the two great empires of Germany and France, which become the fourth point to be considered.

Or rather, the point to be considered is, the manner in which the crown in the one case became hereditary, in the other elective.

Again, in consequence of the intercourse which took place between the French princes and the Pope, the latter became a temporal prince. Which makes the temporal power of the Pope the fifth object of consideration.

During this period the Feudal System had its origin—the sixth.

Chivalry is the seventh.

In the German history, the great objects of attention are the struggles between the popes and the emperors—the eighth.

The rise and prosperity of the free and imperial Cities and commercial communities in Italy and every part of Europe, more particularly of the Hanseatic league—the ninth.

You will thus reach the subject of the Crusades—the tenth.

These are, I conceive, the main subjects ; but there is one yet remaining, which in point of order I should have mentioned first, the Laws of the Barbarians—the eleventh.

You will find this subject alluded to in the books I have mentioned, and you will immediately see its importance—the laws of a people, you cannot but be aware, will always give you the best and readiest insight into their political situation.

The laws of the Barbarians will therefore best show you what was the more immediate result of the collision we have so often alluded to between the civilized and uncivilized portions of mankind.

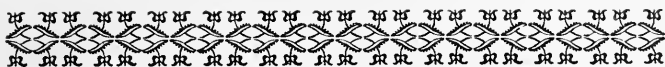
This subject, however, is a large subject, and many of you may be unwilling to undertake it.

I must endeavour to propose it to you in some way or other, that may afford me a proper chance of your considering it, and this I will do to-morrow.

It may be as well too, perhaps, if I then enter a little more into the subjects I have just mentioned ; and this therefore I will do, though I must necessarily be very brief.

I cannot but remember how I have been affected myself by this portion of modern history in my progress through it as a student ; in other words, and to confess the truth, how disheartened and overpowered I have at times been ; and I must now therefore remind you of what I have proposed to myself as the great end and hope of these lectures—the enabling of you to read history with better advantage for yourselves.

I shall be too fortunate if it is possible for me so to assist you in your labours ; and so to furnish you with prefatory principles and information, that you may hereafter approach the subject at once as masters and as scholars ; with the curiosity of the one, and the philosophic views of the other.



## LECTURE II.

### LAWS OF THE BARBARIANS.

**I**N my last lecture I endeavoured to draw your attention, 1st, to that crisis of human affairs which took place during the contest of the northern nations with the Romans for the empire of Europe; and, 2ndly, to the dark ages which immediately followed. I did so, because in that contest and in those dark ages, not only one of the most interesting epochs may be found in the history of the human race, but also the first outlines and the great original sources and elements of the character of the European individual and of the European governments.

I mentioned to you the books to which you might refer for information; and those subjects which I thought you might select from the rest, as the most likely to give you, in the shortest time, a commanding view of the whole.

I announced to you, as I concluded my lecture, that I should furnish you to-day with a few observations on each of these subjects, the better to enable you to form some general notion of them at present, and to study them hereafter.

This I will now do, and shall therefore have to mention more books than I have hitherto done. The fact is, that I had originally drawn up, with considerable labour, such statements and observations on these subjects, and on the earlier parts of the French and German histories, as I had conceived would have given my hearer an adequate view of them, and saved him much fatigue of his spirits and occupation of his time.

But after considering what I had written, I became satisfied that I had attempted too much; that all such subjects and all such periods of history must be left to the study, more or

less laborious, of every man for himself; and that they cannot be discussed or described in any such general manner, as can save him from the necessity of his own exertions.

Allusions must be made at every moment to characters and events, which have been scarcely heard of, and which cannot therefore be understood.

Estimates must be given, the propriety of which cannot be judged of; criticisms entered upon, necessarily unintelligible; and on the whole, that which it would be a labour to consider, if offered in the shape of a book to a reader in his closet, cannot be presented in the shape of a lecture to a hearer.

I can therefore only mention the exertions I have really made, the most fatiguing I have had to make, the better to justify myself in requiring what I esteem but necessary exertions from others; and I shall sufficiently exercise your patience, if, instead of discussing these subjects, as I had endeavoured to do, in several lectures, which I have now dismissed, I make an observation on each subject, as I yesterday proposed to do, merely to assist you in taking proper measures for your own instruction.

1st. then, an account of Clovis and the earlier portions of the French history is to be found in Gibbon.

2nd. With respect to the mayors of the palace. The observations of Montesquieu are here very satisfactory.

But in all and in every part of these subjects, and of all this history, the work of the Abbé de Mably is inestimable.

The French history to one not a native of France, would be a subject of despair, would be totally unintelligible without his assistance; and when I recommend him to others, I ought to do it in the language of the most perfect gratitude for the relief he has so often or rather so continually afforded me.

3rd. With respect to Charlemagne, the great conqueror of his age.

There is a life by Eginhart, who lived in his family; and as it is very concise and intelligible, more especially as it is an original document, it is well worthy of your perusal.

But it is too much in the nature of an eloge—nothing is criticized—nothing censured. The reader must think for himself. Eginhart never speculates or enters into the causes of events or their consequences.

Thus he mentions the great defeat of the Mahometans in the plains of France, by Charles Martel, and the elevation of Pepin to the throne, "per auctoritatem Romani Pontificis," without the slightest comment.

Eginhart gives a few, but too few, of the particulars of the private life and manners of the emperor. That he in vain endeavoured, when too late, to learn to write, &c. &c.

Montesquieu is loud in the praise of this prince—the Abbé de Mably is still more distinct in his approbation. Their approbation is valuable, and should be weighed by the student; for a less favourable, but masterly estimate of his merits is given by Mr. Gibbon in his forty-ninth chapter. His animadversions seem but too just, yet the estimate on the whole is not sufficiently indulgent. In judging of Charlemagne the student will no doubt recollect the nature of all genius and all merit, that it is relative to the age in which it appears.

So much for the third subject I mentioned—the subject of Charlemagne.

4th. After the decease of Charlemagne his immense empire fell into the great divisions of Italy, France, and Germany.

And now, the point which should attract, I think, your attention, is the manner in which the crown in France became hereditary, but in Germany elective, and the consequences of these two different events. There are some conclusions that may be drawn from the nature of man so clearly, that they may be extended to politics, and even formed into maxims—e. g. that hereditary is preferable to elective monarchy. The objections to elective monarchy have been always verified in the history of mankind. A thousand years ago it might have been foretold that if in France, the crown became hereditary, and in Germany elective, the one kingdom would be compact and powerful, the other comparatively divided and weak; that from their vicinity these empires would subsist in a state of mutual jealousy; and that in all contests with its great neighbour, Germany would, from its constitution, lose all its natural strength; that as the crown was elective, and as the great lords had fallen into a few exclusive combinations, the event must be, either that one of these

dynasties would gain the ascendant, and reduce the whole into something like an hereditary empire; or if not strong enough to seize the whole power, then, that some secondary potentate might always be able to unite itself with France, and embroil and weaken, if not ultimately destroy the whole. It might also have been stated as a general maxim, that the evils attendant on an elective monarchy would be lessened, the more completely the election was transferred from the general assemblies of the kingdom to a few electors, as representatives of the whole kingdom. All these points might have been stated long before the different fortunes of Germany and Poland had become examples in history; and though it be very difficult, as I must repeat, to reduce politics to a science, yet there seem some principles in human nature so steady, that a few maxims may be formed universally applicable.

The origin of this important difference in the constitution of France and Germany should be considered. You will do therefore well to observe in the work of Pfeffel, at the end of each reign, and of each dynasty, how the custom of election was preserved in the German empire, till the right received its formal establishment in the electoral college, by the golden bull of Charles IV. How chance and circumstances contributed to this remarkable difference between the two kingdoms. This latter part of the subject may be still more completely seen in the Abbé de Mably, particularly in the sixth chapter of the fourth book. The French history too, must be read with this particular point present to your remembrance—*how*, for instance, in France the crown became hereditary.

With respect to the fifth point, the rise of the temporal power of the Pope, there is a very clear and concise account given by Mr. Butler, to which I refer. Koch too is very satisfactory, though concise. The church of Rome seems originally to have derived its property and its magistracy from Constantine. Pepin successfully applied to the pope to sanction his unjust seizure of the crown, and the see of Rome was, in return, complimented afterwards with the grant of the ex-archate of Ravenna and the Pentapolis.

The intercourse between Charlemagne and Pope Adrian was of a similar nature, and very beneficial to the see. Pepin

might little conceive, when he applied to the pope for the sanction of his opinion and authority, to what extent the sort of interference, he requested, would be afterwards carried; and it is by these transactions between the kings of France and the popes, that this period of history is for ever rendered memorable to the nations of Europe. What immediately gave rise to this power of the pope, for which the world was so prepared, was the controversy about the worship of images: a masterly account of the whole subject, including the commencement of this temporal authority, will be found in Mr. Gibbon's forty-ninth chapter.

The reflection of the reader may justly be drawn, not only to the origin of the temporal power of the pope, but to the controversy itself—the controversy about images, so illustrative of the character of mankind, ever ready to lose the practice of religion in contests about its speculative points or ceremonial observances.

6th. The next subject, the Feudal System, is one on which the student may exhaust his time and exercise his diligence to any extent he pleases: it has employed the penetration and industry of innumerable antiquarians, philosophers, and lawyers, in whose inquiries and dissertations he may, if he pleases, for ever wander. With respect, however, to the origin and leading features of this memorable institution, his attention may perhaps be confined to the observations of Montesquieu, the Abbé de Mably, Robertson, Stuart in his *View of Society in Europe*, and Millar.

In Montesquieu he may perhaps be somewhat disappointed. Great learning and great power of remark are displayed, but the whole is perplexing and unsatisfactory, and therefore very fatiguing: the inquiry does not proceed from step to step, and then arrive at a conclusion; remark follows remark, and one dissertation is succeeded by another, of which it is not easy to see the connexion; the parts are not combined into a whole by the author himself, nor can they be, by his reader. It is not so with Millar, Robertson, or Stuart, or the Abbé de Mably; these authors are at once concise, unaffected, and intelligible. The institution of the feudal system must be traced, if possible, through such ancient records as are come down to us; and the student, by

reading the authors just mentioned, and looking at the references they make to the capitularies and state papers which appear in Baluze, if he has not the greater work of the Benedictines near him, *Recueil des Historiens des Gaules et de la France*, may sufficiently understand the nature of this important subject. The institution itself, though destined so materially to affect the form and happiness of society, grew up insensibly, and its steps and gradations cannot now be marked. Upon consulting the books I have recommended, it will appear, in the first place, that the notion of the feudal system, which is generally formed, is not accurate. It does not seem to have been, as is supposed, a system adopted by the northern nations merely for the sake of preserving their conquests; even Dr. Robertson himself, in his earlier consideration of this subject, seems to have too nearly approached to some such mistake as this. It will be found that lands were held originally by each soldier as his own, allodial; his share of the spoil on the first conquest of a country; in the next place, lands were held as beneficia, lands given by the king or leader: but a fief is more than all this—it is lands held on a condition of military or other service, on a condition of vassalage to some superior lord. The Abbé de Mably makes it sufficiently probable that beneficia of this kind, i. e. that fiefs, were first introduced by Charles Martel. The authors I have referred to explain sufficiently the progress of this system; how the fiefs became at last hereditary; how the system of rear fief and rear vassal, of fief within fief, at last obtained; how the same general system, with various distinctions, was extended to ecclesiastical property; how, at last, all the property was converted (allodial as well as beneficial), upon the regular principles of human nature, into feudal property; how kingdoms fell into a few great fiefs, of which the monarch himself became at last the great holder, and therefore the great feudal lord, with more or less influence and authority, according to the fortune or talents of his ancestors and himself. Thus, in the course of two centuries, the fiefs, for instance, in France had become hereditary, the whole kingdom had fallen into eight or nine great feudal baronies; of these Hugh Capet held the strongest, and being the first in ability, amongst these feudal



chiefs, as well as in possessions, he usurped the crown, and transmitted it to his posterity.

Stuart produces his reasons for insisting upon his great distinction in the history of the feudal association, viz. that it was originally a bond of love, amity, and friendship, not of oppression, its second and degraded period.

This must be considered. But how soon and how completely it degenerated may be seen from turning to what were called the feudal incidents, which may be found in Blackstone, in the notes to Stuart, and in the second of the Appendixes of Hume's History. The advantages and disadvantages of this system may be collected not only from the writers I have mentioned, but from Dr. Millar, who considers it as a system necessarily arising from the nature and manners of these northern nations; tribes of independent warriors put into possession by their conquests of extensive tracts of country, inhabited by a more civilized people. And, on the whole, however natural might be the rise and subsequent establishment of the system, and whatever might have been the benefits which it might have afforded to society during *some* of its earlier periods, a consideration of the incidents, which I have mentioned, will show clearly, that it must soon have become one of the greatest political evils that a community could have to struggle with. No doubt the state of anarchy from which the feudal system saved society must be duly considered. Whatever was fitted, as was the feudal system, to bind men together by any sense of protection, of gratitude, of fidelity, of reciprocal obligation; whatever was likely to create or uphold any generous feelings or milder virtues among them; whatever had a tendency to protect Europe from any one great conqueror; whatever introduced or maintained among men any notion of legal or political right, was during a long interval (such was then the unhappy state of the world) of the greatest consequence to the world. But when this office had been rendered to mankind, the feudal system became in its turn a source of the most incessant, vexatious, unfeeling, and atrocious oppression, and a great impediment to all prosperity and improvement. These two different situations of the system and of the world must be kept distinctly in remembrance.

7th. The subject of Chivalry may be found in the work of Stuart, and there is a short notice of it in the fifty-eighth chapter of Gibbon. The *Memoirs of Ancient Chivalry*, by Monsieur de St. Palaye, is the book generally referred to; and it must by all means be considered, but it is a work very defective; it contains, indeed, a sufficient discussion of the education, character, and exercises of the knights, but there is not united with these, as there should have been, any philosophic account of the rise, influence and decline of chivalry. These important topics are, indeed, taken up and laid down several times in different parts of the work; but never pursued or discussed in any steady and effective manner. I am not aware that this has been properly done or regularly attempted by any writer; which, considering the present advanced state of literature, is somewhat remarkable. The work of Palaye may be found, where it first appeared, in the *Mémoires de l'Académie*, twentieth volume.

8th. In the German history, to which we next allude, and indeed in the history of every part of Europe at this period, the striking object of attention is the growth and immense strength of ecclesiastical power. The annals of England, France, and more especially of Germany, are abundantly crowded with instances of the kind. We must recollect that the different prerogatives of the emperor and pope were left in a state very vague and unsettled. The events of the contest are seen in Pffeffel, in that part of his history which we now approach, the dynasties of the different houses of Saxony, Franconia, and Suabia. It is the earlier part of a struggle of this kind that is most interesting to a philosophic observer. It is then that the lessons of instruction are given; it is then that are seen the slow and successive encroachments by which tyranny is at last established—the gradual accessions of shade by which a picture is at last lost in darkness; the awful example which proves that what is experiment to-day is precedent to-morrow, and right and law, however unjust and abominable, for succeeding generations. The steps by which the power of the pope became a despotism so complete, are marked with sufficient minuteness by Giannone, in his ecclesiastical chapters, particularly in his fifth chapter of his nineteenth book; and this will be sufficient for the

information of the student. Mr. Gibbon has made several valuable observations on the different emperors of the different dynasties during this period, and on their contests in Italy. The remarks of Pfeffel are particularly to be noted in the great interregnum. This is the period during which the prerogatives of the states and the great public law of Germany gained a strength and assumed a form, which they never afterwards lost.

9th. In Pfeffel, too, may be examined the next great object of remark which I have mentioned: that change, of all one of the most important, the improvement which took place in the condition of the imperial cities and the free and imperial cities about this time. As it is instructive to investigate the progress of the abuse of power, so is it, to note the progress of human prosperity, often from beginnings the most unpromising. The important step in this progress was the enfranchisement that had been obtained by the inhabitants of these cities from the German emperor Henry V. about a century and a half before this period. They had not, however, been admitted into the offices of the magistracy: this, after the death of Frederic II., in some way or other they effected, and at last became a part of the general constitution of Germany itself. However distant were these towns or little republics from each other, the sympathy of a common interest was every where felt. Their councils always harmonized, their enterprises were the same, and the league of the Rhine and the Hanseatic league taught a world of barbarous priests and warriors to enjoy the industry and respect the courage of these new princes and potentates, the offspring, indeed, of serfs and pedlars, but the civilizers and benefactors of mankind. In 1241, Lubeck united itself with a few neighbouring towns against some pirates of the Baltic. Their success gave rise to an union of all the commercial cities from the Vistula to the Rhine. Among these, the cities of Lubeck, Cologne, Brunswick, and Dantzic, particularly Lubeck, had the direction of the general interests. London, Bergen, Novorogod, and Bruges, were the great depôts: these connected the north to the rest of Europe; Augsburg and Nuremburgh, in the heart of Germany, connected the north to Italy; and the Italian republics main-

tained the intercourse between the western and eastern divisions of mankind. Thus extensively did the Hanseatic league circulate the gifts of nature and the labours of art for nearly three centuries, and it at length declined, only because it had discharged its salutary office in the progress of society; and because it was superseded, on the discovery of the Indies, by that more natural and more complete, though still but too imperfect, system of commercial intercourse, which in defiance of all the jealousies of ignorance and all the interruptions and destruction of war, has so long continued to soften, to animate, and to improve the condition of humanity.

10th. The memorable Crusades are amongst the objects that will in the next place present themselves to the student. They have been fully explained by Hume and other writers, but as they have called forth all the powers of the historian of the Decline and Fall, the student may have the advantage of his animated and comprehensive narrative; and more particularly may observe, in one of his notes, the original authorities on which his relation and remarks are founded. He is not only the last writer on these subjects, but one, who is not likely to leave much to be gleaned by those who come after him.

In this slight manner I have endeavoured to mention, not to discuss, the great points of attention during these middle ages. I cannot deny that the perusal of this part of history is very fatiguing, but there is no part more important; it must at all events be considered. I hope that I have presented it in a form in which it may be considered. It is only from a due meditation on these melancholy scenes and on human nature in this unfortunate situation, that the student can ever be taught properly to feel those blessings of civil, religious, and commercial liberty, by which the later periods of the world have been in comparison so happily distinguished.

I must now refer to the last remaining subject among those which I enumerated, as connected with this period of the history of the world.

You may remember, that in yesterday's lecture I mentioned the Barbaric codes.

The institutions and laws, to which these northern nations

conformed, existed long before they were reduced into form and writing; but this was at last done. They were enlarged, amended, and altered by different princes.

Some general knowledge of them must be obtained.

There are observations by Mr. Gibbon on these laws; there are some chapters in Montesquieu.

It might be thought sufficient to refer to the remarks of these great writers; but on this, as on all other occasions, some labour must be endured: the reader would receive from them a very general and imperfect impression, and that impression would soon pass away. The codes themselves must be (at least in part) perused; but before this is attempted, we should refer to the history of Gibbon, and afterwards to Hénault's Abridgment of the History of France, so as to become somewhat acquainted with the names and characters of the princes mentioned in these codes, in the prefaces to them, and in the capitularies that follow them; and should then, and not before, begin our survey of the volumes in which these barbaric laws and institutions are contained.

They are published by Lindenbrogius; his work is easily met with.

The work of Baluze contains the Capitularies: this work, too, can be every where found. The *Capitularies* were the laws or proclamations of different princes in succession from Clovis to Hugh Capet; and these, with the codes, indicate the character of the nations and governments to which they belong from the earliest time. Now it is impossible for me to attempt any examination of these systems of law in this course of lectures, or for any one in any course of lectures, unless they were given for that precise purpose; but I had hoped, I must confess, that some of the leading laws of each code might have been exhibited by me, so as to have given some general idea of the whole. After spending, however, many hours on the work of Lindenbrock, and drawing up a detail, with such observations as I had conceived would have enabled my hearer to carry away the leading points of each code, and the differences by which they were distinguished from one another, I found, upon a revisal of what I had done, that the whole was a mass too unwieldy to be here produced, even though drawn up in the most summary way, and that,

at all events, the subject must be treated in some other manner.

Upon looking, too, at these immense volumes, it was but too evident that a very small portion of them could ever be read by the historical student, yet it is perfectly necessary that some idea should be formed of them, or the history of Europe and the character of its inhabitants cannot properly be understood.

What I propose, therefore, to the student is this : to select from the rest the Salique Code, and as it is short, I recommend it to be read through entirely. It is impossible, from the perusal of it, that a strong impression should not be left on the mind of the nature and character of our barbaric ancestors. And with respect to the other codes, it appears to me that a very sufficient idea of these may be formed, if the student will turn over the leaves of these codes and examine them with respect to the following points :

1st. By whom the laws were made.

2nd. What were their criminal punishments.

3rd. What were the laws respecting the recovery of debts.

4th. What respecting the transmission of property.

5th. What with respect to the female sex.

6th. What with respect to the liberty of the subject : the laws of treason, for instance.

7th. By whom the laws were administered.

I consider an inquiry into the barbaric codes so tedious and yet so important, that to illustrate my meaning, and to make some attempt at least of my own with respect to them, I will venture to trespass a little upon my hearers' patience, and take a survey of the Salique Code, for instance, in the manner which I conceive the student may himself adopt with respect to the remaining codes. Thus, 1st. By whom was this Salique Code drawn up and enacted? The answer to this inquiry may be found in the prefaces, which are on the whole curious and striking.

The Nation, in this preface to the Salique Code, seems to speak for itself, and to be animated, like other nations, with a very sincere opinion of its own merits. It is renowned, it seems, founded by the Deity, profound in counsel, with every other noble and excellent quality; and it is added in a man-

ner that must be considered as characteristic of the times, that "it is entirely free from heresy." For this nation then, the Salique Code seems to have been drawn up at an early period, and before the existence of royalty among them, "per proceres illius gentis qui tunc temporis ejusdem aderant rectores." Four chiefs and four villages, their residence, are mentioned.

The law seems afterwards to have been improved by Clovis, Childebert, and Clothaire: this is stated; and then follows a state-prayer which is more than usually modest: "Vivat qui Francos diligit, Christus eorum regnum custodiat," &c. &c.: and the whole concludes with a statement of the merits civil and theological of the nation: they appear indeed to have been considerable. "Hæc est enim gens, quæ parva dum esset numero, fortis robore et valida, durissimum Romanorum jugum de suis cervicibus excussit, pugnando," &c. &c.

The whole must be considered as breathing a very bold spirit of national liberty, and the authority, on which the whole was rested, seems to have been, that of the nation and its rulers, mutually co-operating for the common good. The legislature seems afterwards to have been, the monarchs and their free assemblies.

So much for the first question, by whom the laws were made.

2dly. What were the criminal punishments of the Salique Code?

Homicide was not capital; a striking fact to begin with, indicating a very different state of society from our own. The words of the law are these, (p. 333.) "Si quis ingenuus Francum, aut hominem barbarum occiderit, qui lege salicâ vivit, octo denariis, qui faciunt solidos ducentos, culpabilis judicatur." But in the next law the penalty is tripled in case of concealment.

These barbarians, therefore, could distinguish the nature of different crimes; and the first law is only made more worthy of consideration by the second.

The conclusion from the whole is, that each individual of the nation was still an independent being, who would not suffer his life to be affected by any crime which he committed; who would not submit to restraint; who neither saw, nor would have regarded, the benefit that is derived to all, by the

submission of each man to rules calculated to maintain the security of life and to protect the weak. And this single feature gives at once an idea of the bold character of our early ancestors, of the fierceness of these independent warriors. Other crimes (those of theft, for instance) are in like manner punished by fines. But the cases are all mentioned, different animals, for instance, hogs, sheep, goats, &c. There is commonly no general descriptions. Now when legislators make laws against particular thefts by name, the intercourse of mankind must still be very simple. The distinctions of crimes were every where observed.

To steal from a cottage, to the value of a denarius was punished by a fine of fifteen solidi; and thirty, if the cottage was broken open. So much for the law with respect to criminal punishments. Next with respect to the third point.

The provisions concerning *debts* and breach of covenant. Fine was still in the first place the punishment, and in the fifty-second title (p. 537) a process is pointed out for the forcible recovery of what is due: it is in the last result to be levied and distrained by public officers. There is no mention of imprisonment at the mercy and call of the creditor, the indolent resource of more civilized nations.

4thly. With respect to the transmission of property, the power of bequeathing it by testament seems not yet to have been thought of. The law says, concerning the allodial land, (p. 341) that the children of the deceased were to succeed, next the father and mother, next the brothers and sisters, lastly the sisters of the father, the aunts. “Si quis homo, mortuus fuerit, et filios non dimiserit, si pater aut mater super-fuerint,” &c. &c.

Then follows the famous restriction of the Sal, or homestead and the land immediately around it to the male, &c. “De terrâ vero salicâ nullæ partes hereditatis mulieri veniat, sed ad virilem sexum tota terræ hereditas perveniet.” The institution therefore of property in land seems now to have been established, though not in the time of Tacitus: an important step in the civilization of mankind. But there seems nothing said of a power to bequeath it by testament at the will of the possessor.

Next, with respect to the laws concerning the female sex.



Under the 14th head (272), adultery seems to have been punished by a fine, but there is nothing said of divorce. Marriages, within certain limits of consanguinity, are forbidden.

The conclusion from these provisions is, that attention was paid to the intercourse between the sexes. But from another part of the code the deference that was paid to the female sex is made very striking.

Under the 32nd head, by the 6th clause, he who accused another of cowardice was to be fined three solidi; but by the clause preceding, they who accused a woman of want of chastity, and could not prove their allegation, were to be fined forty-five solidi. A false imputation therefore on the chastity of a woman was made a crime of far greater importance than even an imputation on the courage of a man, and that man, a Frank.

The respectability of the female character therefore is clear. And there is no point of more importance to any nation than this; domestic happiness, and private virtue, which is so connected with public virtue, all follow as a necessary consequence of the respectability of the female character, and cannot indeed otherwise exist.

With respect to the 6th head, the laws of treason, it may be observed; that, of treason, or offences against the state, there seems no notice taken. Every duty of the sort was comprehended in the general duty of resisting or opposing the enemies of the state by personal service.

What is meant by civil liberty,—the modification of natural liberty, and the relative duties and apprehensions of the ruler and the subject,—seem scarcely to have appeared in a society like that of the early Franks.

Lastly, with respect to the administration of these laws—In the Salique and other codes there are various officers mentioned: superior and inferior judges; witnesses are also mentioned; and markets and public meetings, where justice seems to have been administered.

But it must be observed that the Barbarian codes had always recourse to a system of fines; it seems therefore, reasonable to ask what was done, when the offender had no means of paying them? In a simple state of society a fine must have been a serious punishment; neither capital, nor

the precious metals could have existed in any abundance. To this question the laws themselves do not supply any answer.

In any particular case of *homicide*, when the offender could not pay, a process is pointed out for satisfaction. In the 61st head his relations and friends were to answer out of their own possessions; and in the last resource, if there were none of them willing, he was to compound with a fine for his life. Nothing is said of imprisonment, or corporal punishment; which last was confined to the case of slaves: and the conclusion perhaps is, for I am left to my own conjecture, that the strong distinctions of the *poor* and the *rich* had not yet made their appearance, and that the fines were proportioned to the general wealth of the individuals of the community; that land was still easily procured, and society still in a very imperfect state. Charlemagne, for instance, many years after, transplanted at once ten thousand Saxons and fixed them in his own territories. Much land was therefore still waste or loosely occupied. These Barbaric laws were therefore, I conclude, at first intended to exhibit to contending individuals, what might be considered as a reasonable means of terminating their quarrels; what the one ought to offer, and the other to accept. The words of the Prologue to the laws are these: "Placuit atque convenit inter Francos et eorum proceres ut propter servandum inter se pacis studium, omnia incrementa veterum rixarum resecurare deberent." In a rude state of society individuals involved in their quarrel their relations and friends. These would become, in a certain respect, umpires of the quarrel. These laws afforded them a sort of rule by which they were to judge, and they would be themselves disposed to enforce the observance of these rules and in some respects to do the office of the state. Afterwards, as the kings gained authority, they and their officers would be more able themselves to enforce their own regulations. Efforts to do *this*, and the power of doing it, are apparent in the *subsequent codes*. But the disposition to revenge their own affronts and injuries, is so natural to men, who comprehend every merit in the virtue of personal courage, that centuries elapsed, before our rude forefathers could be brought to accept any decision in their quarrels but that of their own swords.

I must observe of this Salique code and of all the other Barbarian codes, that with respect to our first question, the great question in legislation, By whom are the laws made? great dispute exists among antiquarians and philosophers.

The power of the kings, and the nature and power of these first assemblies, are subjects of great debate. In this Salique law the form and spirit and authority of the whole seem to have been of a very democratic nature.

In reading all these codes, reference must continually be had to Tacitus. The codes and his account of the Germans mutually confirm and illustrate each other.

His description of their assemblies may be compared with this preface to the Salique law, and with the accounts given of the other codes; and on the whole, the system of legislation among these northern nations must be considered as originally of a very popular nature.

I have taken this slight view of the Salique code in the leading points which I mentioned, for the purpose of exemplifying the manner in which I conceive any system of laws may be generally considered, more particularly those of the Barbarian codes, which yet remain, and which it is not possible to examine, but in some such general way. But I must not omit to observe, that whenever the laws of a nation can be perused, a variety of conclusions can be drawn from them, which the laws themselves were never intended to convey; conclusions, that relate to the manners and situation of a nation, more certain and important than can in any other way be obtained. I will give a specimen of this sort of reasoning, and my hearer must hereafter employ the same sort of reasoning on these codes, and on every system of laws, which he has ever an opportunity of considering. For instance, there is one head that respects petty thefts of different kinds.

He who stole a knife was to be fined fifteen solidi; but though he stole as much flax as he could carry, he was only fined three. Iron was therefore difficult to procure, or its manufacture not easy. The fertility of the land had done more for these Franks than their own patience or ingenuity; i. e. they were Barbarians. Again, he who killed another

was only fined: but we are not to suppose that this arose from any superior tenderness of disposition. There is a distinct head in these laws (the 31st.) on the subject of mutilations: the very first clause runs thus:

“ Si quis alteri manum aut pedem truncaverit, vel oculum effoderit, aut auriculum vel nasum amputaverit,” &c. &c.

The most horrible excesses evidently took place. Nothing more need be said of the manners or disposition of a people, in whose laws such outrages are particularized.

That union of tenderness and courage, of sympathy and fortitude, of the softer and severer virtues, which forms the perfection of the human character, is not to be found among savage nations, it is only the occasional and inestimable production of civilized life.

Again, there is mention made of hedges and enclosures; agriculture had, therefore, made some progress.

But among the petty felonies there is one mentioned—that of ploughing and sowing another man’s land, &c. “ Si quis campum alienum araverit, et seminaverit,” &c.—a strange offence. Where was the owner?—was he too negligent, at too great a distance, or too feeble to take care of his property? Every supposition is unfavourable; and the progress of agriculture and of society must have been still very incomplete. I conceive that there existed among these nations and in these times, wandering savages or settlers, as now in the back settlements of America, that are called by the amusing name of “squatters,” a species of human locusts that take possession of a piece of land, without asking leave of any one, and remain there till they rove away in search of better, or are driven off by the owner.

But to return to the Salique law—Cars and cart-horses, mills, and some of the more common occupations of life, as smiths and bakers, are enumerated; some progress must, therefore, have been made. He who killed a Frank was fined two hundred solidi; he who killed a Roman only one hundred; the Roman was therefore in a state of depression. This is the sort of reasoning which my hearers may extend to a variety of particulars, and must already perfectly understand.

In the Salique and other codes, slaves are mentioned, male and female, household servants, freedmen, and those who

were free from birth, and more descriptions of persons and places and things, than can now be well understood. Here lies the province of the antiquarian, who has at least the merit of clearing the way and providing materials for the philosopher, and is thus mediately, or immediately, if possessed of any philosophic discrimination himself, an instructor of mankind.

Such is, I conceive, the manner in which the Salique and the other remaining codes may be examined, and this I must now leave the student to do for himself.

All the other codes will be found very similar in their general nature, but all indicating a more advanced state of society, than can be found in the Salique code.

The Burgundians, the Lombards and the Visigoths had been more connected with the Romans, and their laws are therefore favourably distinguished from the codes of the more simple and rude Barbarians.

To the law of the Burgundians there is a preface worth reading.

The preface of Lindenbrogius, which must by all means be read, gives some account of the time and manners in which these codes were promulgated, and to them I refer. In many parts of these codes the reader will perceive the origin of many of the forms and maxims that exist to this moment in the systems of European law. These Barbarian codes were followed by what are called the Capitularies, a word signifying any composition divided into chapters. These were promulgated by the subsequent monarchs: by Childebert, Clotaire, Carlomagne, and Pepin, but above all by Charlemagne: succeeding princes added others. They are to be found in Lindenbrogius, but the best edition of them is by Baluze, in 2 Vols. folio. To the codes, and to the Capitularies in Lindenbrogius, and in Baluze, are added the *Formularia* of Marculphus. These *formularia* are the forms of forensic proceedings and of legal instruments. Marculphus was a monk that seems to have lived so early as 660; so naturally is law connected with precision and form; and so soon, even before 660, was it found necessary to reduce the institutions and legal proceedings of rude barbarians into that sort of technical precision, which is so fully exhibited in

our modern practice, and which is found so necessary by lawyers, and considered (somewhat thoughtlessly) so unmeaning by others. All these capitularies and formularies it is not very possible—it may not, indeed, be very useful—for the general student to read; but he may look over the heads and select some few for his perusal. Many of them seem to be of an ecclesiastical nature, and they are interspersed with various state papers. And the influence which religion, and still more the *church*, had obtained over these northern conquerors, is evident in every page.

It appears that extreme unction, confession, and the distinguishing rites of the Romish church, were early established among them; solemn, and indeed very affecting church services, for the different trials by ordeal, and for the ceremonies of excommunication; every where there are passages, which when found in legal instruments and public state papers, strongly mark the temper and character of the times. And it is on this account that a philosopher like Montesquieu, from the perusal of musty records like these, can exhibit the manners and opinions of distant ages.

I have thus endeavoured to introduce to your curiosity these Barbaric codes.

It might be natural to ask what, in the mean time, became of the conquered nation of the Romans? It may be answered in a general manner, that they seem to have been allowed to live under their own laws, if they did not prefer the laws of the Barbarian state, to which they belonged: that their situation seems to have been marked by depression, but not to the extent that might have been expected. But it is impossible for me to enter further into subjects of this nature.

There is a concise work by Mr. Butler, *Horæ Juridicæ*: to this I must refer; it will be of great use in giving you information about the different codes and systems of law that obtained in Europe during these earlier ages: such information, indeed, as few will be able to collect for themselves, and yet such as every man of education should be furnished with.

Gibbon and Montesquieu, through all this period of history, you will refer to. But the Abbé de Mably is the writer,

who will afford you the best assistance, given neither in the distant, obscure manner of Gibbon, nor with the affectation and paradox of Montesquieu.

More than I have now done on the subject of this lecture, I cannot venture to attempt. I have already sufficiently trespassed upon your patience in calling here your attention to topics which are only fit for the student in the closet, and which can only be comprehended by the steady perusal of the very books I am recommending; books which I am to suppose at present unknown to you: and on the whole, therefore, I must content myself if you bear away from the lecture these following general impressions:—

1st. then (proceeding in a reverse order), That some knowledge should be obtained of the Barbaric codes, and that the Salique Law may be taken as a specimen; some knowledge, likewise, of the systems of Law, under which the Romans then lived; and that Butler may be referred to, his *Horæ Juridicæ*.

2dly. That the different subjects I have mentioned, the reigns of Clovis, Pepin, Charlemagne, of chivalry, &c. &c. are those to which you had best direct your attention in the study of the dark ages: select them, I mean, and study them in preference to others.

3dly. That these dark ages must be studied, because you ought to know what has been the original formation of the character of the European individual, and of the European governments; how they came to exist, as you every where see them.

4thly. That I conceive Butler for the outlines, and Gibbon for the detail, with Hénault or Millot, and, lastly, with the preface to Robertson's Charles V., will be sufficient for those, who wish only to find the shortest possible course.

5thly. That the Abbé de Mably and those books I have mentioned to-day, will supply ample information, and all that I can think necessary, to any historical student who is not also ambitious of the merit of an antiquarian.

It is many years since I drew up this lecture which you have just heard; there has now appeared an *History of the Middle Ages*, by Mr. Hallam. You will there see all the

subjects that occupy all the early part of my present course of lectures regularly discussed, and very ably; I may add too, wherever the subject admitted of it, very beautifully.

I have been obliged, from the known learning and talents of the author, to look the work over, not merely for my own instruction in general, but to ascertain whether I had been misled myself by any of the books on which I had depended. You, in like manner, must refer to the work, and compare it with others, for the author is not only very able and well informed, but a sufficiently scrupulous critic of the labours of his predecessors. This work may be also recommended to you, as exhibiting for your perusal, in a convenient form, many subjects of great importance, and most of those we have referred to; and you may see by his references, and may judge by the nature of the subjects themselves, how little you are likely to study them yourselves, (I mean you no disrespect, I allude to those of you who are to engage in the business of the world); to study them, I should say, with that patience and activity which an antiquarian and philosopher, like Mr. Hallam, though himself living in the world and an ornament to society, has so meritoriously and so remarkably displayed.





## LECTURE III.

### MAHOMET—PROGRESS OF SOCIETY, ETC.

I HAVE hitherto directed your attention to the Romans and Barbarians, their collision, the fall of the Western Empire, the settlement of the Barbarians in the different provinces of Europe, and the dark ages that ensued.

On these dark ages the light gradually dawned, till at length appeared the Revival of Learning and the Reformation.

It is in this manner, therefore, that you have presented to you, by the addition of this last circumstance, a subject that is a sort of whole.

You begin with marking the decline and depression of society, and you then watch its progress to a state of great comparative elevation.

But instead of conducting your thoughts onward from the one to the other, in this natural succession, I must now interrupt them, because the great concerns of Europe were in fact thus broken in upon and interrupted; and though the whole of this interruption may be almost considered as a sort of episode to the main subject, I have no alternative but to produce it now, in its real place, and you must join the chain hereafter yourselves; the links of which must be considered as thus for a certain interval separated from each other. For the truth is, that you will scarcely have begun to read the books that I have recommended, when you will be called upon to observe a most extraordinary revolution that had taken place in the east.

An individual had started up amidst the sands of Arabia, had persuaded his countrymen that he was the prophet of God, had contrived to combine in his service two of the most powerful passions of the human heart; the love of glory here,

and the desire of happiness hereafter ; and triumphant in himself and seconded by his followers, had transmitted a faith and an empire, that, at length extended through Asia, Africa, Spain, and nearly through Europe itself ; and had left in history a more memorable name, and on his fellow creatures a more wide and lasting impression, than had ever before been produced by the energies of a single mind. This individual was Mahomet.

We are invited to examine and estimate a revolution like this by many considerations. I will mention some of them. The learning of the disciples of Mahomet is at one particular period connected with the history of literature. The Saracens (for this is their general, but not very intelligible appellation) contended with the Franks and Greeks for Europe, with the Latins for the Holy Land, with the Visigoths for Spain. The Caliphs, or successors of the Arabian Prophet, were possessed of Syria, Persia, and Egypt, and through different eras of their power exhibited the most opposite prodigies of simplicity and magnificence ; these are powerful claims on our attention. The Turks, who became converts to the religion of Mahomet, gradually swelled into a great nation, obtained a portion of Europe, and have materially influenced its history.

If we turn from the descendants of Mahomet to Mahomet himself, we must observe that his religion professed to be derived from divine inspiration ; and is, from its very pretensions, entitled to the examination of every rational being. To be unacquainted with this religion, is to be ignorant of the faith of a large division of mankind. An inquiry into the rise and propagation of it will amplify our knowledge of human nature ; and an attention to the life of the Prophet may enlarge our comprehension of the many particular varieties of the human character. The religion of Mahomet has, in the last place, been often compared with the religion of Christ ; and the success of the Koran has been adduced to weaken the argument that is drawn from the propagation of the gospel.

If such, therefore, be the subject before us, it is evidently sufficient to awaken our curiosity, and we may be grateful to those meritorious scholars, who have saved us from the

necessity of pursuing our inquiries through the volumes of the original authors. The Arabic writers have been translated; and the interesting occupation of a few weeks, or even days, may now be sufficient to satisfy our mind on topics, that might otherwise have justly demanded the labour of years.

With respect then to the books, that are to be read, I would propose to you, in the first place, to turn to the work of Sale—Sale's Koran—read the preface and his preliminary dissertation, consulting, at the same time, his references to the Koran. Of the Koran you may afterwards read a few chapters, to form an idea of the whole. And, as it is a code of jurisprudence to the Mussulman, as well as a theological creed, you may easily, by referring to the index, collect the opinions and precepts of Mahomet on all important points. You may then turn to the Life of Mahomet, by Prideaux; and on the same subject to the Modern Universal History; you may then read the fiftieth chapter of Mr. Gibbon, and close with the Bampton Lectures of Professor White.

Prideaux, and the authors of the Modern History, you will probably think, unreasonably eager to expose the faults of the prophet, and you will surely be attracted to a second consideration of the work of Sale by the candour, the reasonableness, and the great knowledge of the subject, which that excellent author appears every where to display.

These works, however, will but the better prepare you to discern the merit of the splendid and complete account which Mr. Gibbon has given of the Arabian legislator and prophet. The historian has descended on this magnificent subject in all the fulness of his strength. His fiftieth chapter is not without his characteristic faults, but it has all his merits: and to approach the account of Mahomet and the Caliphs, in Gibbon, after travelling through the same subject in the volumes of the Modern History, is to pass through the different regions of the country, whose heroes these authors have described; it is to turn from the one Arabia to the other; from the sands and rocks of the wilderness to the happy land of fertility and freshness, where every landscape is luxuriance, and every gale is odour.

The Bampton lectures have received very unqualified appro-

bation from the public; and have won the more cold and limited, and therefore more decisive, praise of Mr. Gibbon. The estimate of the student will probably be found between the two, much beyond the latter, and much within the former. There is not all the information given, which the knowledge of Professor White might and ought to have afforded. The references to the Arabic authors should have been translated and produced. The whole is written, not in the spirit of a critic and a judge, but of an eloquent advocate rejoicing to run his course, from a confidence in the arguments which he displays. The style is always too full and sounding, and the argument itself is often robbed of its due effect from a want of that simplicity of statement, so natural, so favourable to the cause of truth. Yet these celebrated discourses cannot fail of accomplishing their end, of enforcing upon the reader the general evidence of his own faith, and of animating his mind with the contrast between the religion of the Koran and the Gospel, between Mahomet and Jesus; the contrast between falsehood and truth, between the fierce and polluted passions of the earth and the pure and perfect holiness of heaven.

I had intended to have briefly stated the leading points of the life and religion of Mahomet; but I had rather, that the guides I have mentioned should conduct you through the whole of a subject, which is in fact too interesting and important to be touched upon in a general or summary manner. The effect of inquiry will be materially to diminish the general impression of wonder, with which every reflecting mind must have originally surveyed a triumph of imposture so extensive as that of Mahomet. The causes of his success have been well explained by the authors I have mentioned. Yet gifted as he was with every mental and personal qualification, and highly assisted in his enterprise by the moral and political situation of his countrymen, the student cannot fail to observe, how slow and painful was the progress of his empire and religion. After becoming affluent at an early period of life, he continued fifteen years in habits of occasional solitude and meditation. He was three years in effecting the conversion of his wife, his slave, his cousin, and eleven others; he was ten years employed in extending

the number of his disciples within the walls of Mecca. This long interval (twenty-eight years) had elapsed, before the guardians of the established idolatry were duly alarmed, and proceeded, from opposition, at last to attempt his life. After flying from Mecca, and being received and protected at Medina, it was six years before he could again approach his native city; two more before he could establish there his sovereignty and his worship; and two more, before the various tribes of Arabia could be brought to acknowledge him for their prophet. On several occasions the fate of himself and of his religion hung on the most wavering and doubtful balance. It was not Mahomet, who conquered the east, but his successors; and had he not attached to his fortunes and faith a few men of singular virtues and extraordinary military talents, his name and his religion might have perished with him, and the Arabians at his death might have relapsed into their former habits of loose political association, and of blind, unthinking idolatry.

To Mahomet, indeed, his success must have appeared complete. Arabia must have been the natural boundary of his thoughts, and every thing in Arabia he had conquered, and it was his own: he was become the great chief of his nation, and he held a still dearer empire over their feelings and their faith: he was the leader of an invincible army, but he was more than an earthly conqueror; he was considered as the prophet of God; mere humanity was below him. It was at this moment of his elevation, when he was preparing to extend his temporal and spiritual dominion to Syria, that the angel of death was at hand to close his eyes for ever on the prospects of human greatness, and to remove him to the presence of that awful Being whose laws he had violated, whose name he had abused, and whose creatures he had deceived.

That an enthusiast like Mahomet should arise in Arabia can be no matter of surprise: the nation itself was of a temperament highly impetuous and ardent, unaccustomed to the severer exercises of the understanding, the inquiries of science, and the acquisition of knowledge, devoted only to eloquence and poetry, the impulses of the passions, and the visions of the imagination. An enthusiast like himself had arisen and been destroyed a little before his death; another soon after.

In the time of the Caliphs, after an interval of two hundred and sixty years, appeared the Arabian preacher Carmath. He too, like Mahomet, made his converts, dispersed his apostles amongst the tribes of the desert, and they were every where successful. The Carmathians were sublimed into the same fanatical contempt of death and devotion to their chiefs, as had been before the followers of Mahomet. They overran Arabia, trampled upon Mecca, and were one of the effective causes of the decline and fall of the Caliphs.

More temperate climates, more civilized countries, than those of the east, even times improved like our own, have witnessed the rise, and to a certain degree success, of enthusiasts, who have made considerable approaches to the pretensions of Mahomet. The German Swedenburgh entirely equalled him in his claims on the credulity of mankind; he affirmed distinctly that he had a regular communication with heaven. Like other enthusiasts, he was unable to prove his mission; but he convinced himself, and had his converts in different parts of Europe.

Of Mahomet, as of others, it is often asked whether he was an enthusiast or an impostor. He was both. In men like him the characters are never long separated. It is the essence of enthusiasm to overrate its end, to overvalue its authority; all means are therefore easily sanctified, that can accomplish its purposes. Imposture is only one amongst others: and as it is the nature of enthusiasm at the same time to overlook the distinctions of reason and propriety, what is, or what is not imposture, is not always discerned; nor would be long regarded, if it were.

The designs of Mahomet are often supposed to have originated early in life, and to have been formed from a long, comprehensive, and profound meditation on the situation of his countrymen, and the nations of the east.

It is not thus, that great changes in the affairs of men are produced; it is not thus, that the founders of dynasties, the authors of revolutions, and the conquerors of the world proceed: men like these are formed not only by original temperament and genius, but by situation and by the occasion; their ideas open with their circumstances, their ambition expands with their fortune; they are gifted with the prophetic eye, that

can see the moment that is pregnant with the future; they are distinguishable by the faculty, that discerns what is really impossible from what only appears to be so; they can avail themselves of the powers and capacities of every thing around them; the time, the place, the circumstances, the society, the nation, all are at the proper instant understood, and wielded to their purpose. They are the rapid, decisive, fearless, and often desperate rulers of inferior minds; not the calm reasoners or profound contrivers of distant schemes of aggrandizement, seen through a long series of concatenated events; events which, as they well know, are ever liable to be disturbed by the ceaseless agitations and business of human life, and the unexpected interference of occurrences, which it may be their fortune indeed and their wisdom to seize and employ, but which they cannot possibly produce or foresee.

The propagation of the faith of Mahomet by his generals and friends, the conquest of Syria, Persia, Africa, and Spain, the different empires of the caliphs, and all that is important in the learning of their subjects, or in their own magnificence and decline, may be collected from Gibbon. To the same masterly author we may refer for the impression made on Hindostan by Mahomet of Gazna, and the fluctuating history and final success of the Turks. These subjects, striking and important in their main events, cannot well be endured in all the tame and minute detail of the writers of the Modern History.

The very curious history of the Saracens given by Ockley should be consulted, and is somewhat necessary to enable the student more exactly to comprehend the character of the Arabians, which is there displayed by their own writers in all its singularities; the siege of Damascus for instance may be selected; it is related by Ockley, illuminated by Gibbon, dramatized by Hughes, and it may therefore exercise the philosophy, the taste, and the imagination of a discerning reader.

The empires of the east bowed before the concentrated tribes of Arabia, who passed over them with all the force and rapidity of a whirlwind; these new centaurs it was equally impossible to face, as they advanced, or pursue, as they retreated. It is true that these eastern empires were at the

time particularly unfitted to sustain any powerful attack ; but what could have been opposed to the natives of the desert, educated in the most tremendous habits of privation and activity, and in habits, still more tremendous, of fanaticism and fury ?

To give one instance out of a thousand that must have existed.—“Repose yourself,” said Derar, “you are fatigued by fighting with this dog.”—“He that labours to-day,” replied Calad, “shall rest in the world to come, shall rest to-morrow.”—“Great God !” said Akbah, as he spurred his horse into the Atlantic, “if I were not stopped by this sea, I would still go on and put to the sword the rebellious nations that worship any other gods than thee.”—“God is victorious,” said Ali four hundred times in a nocturnal combat, as each time he cut down an infidel. Such were the generals.—“I see the Houries looking upon me,” said an Arabian youth : “and there is one that beckons me and calls ‘Come hither :’”—and with these words he charged the Christians every where, making havoc till he was struck down and expired. “Fight !” “Paradise !” “God is victorious !”—these were the shouts of war. Such were the soldiers.—And while such was the army, the battle might be bloody, but the victory was certain.

The transmission of the faith of Mahomet pure and unadulterated, the same faith which he originally delivered, is no doubt remarkable ; and the absence of any clerical order among the Moslems, and the union of the regal and sacerdotal characters in the commanders of the faithful, may perhaps explain this striking phenomenon. But the continuance of the religion at all, as it is not founded in truth, is deserving of regard. It must be remembered, that it gained possession of the eastern nations and subsisted several centuries under the caliphs, with whose power it was identified. It was easily propagated among the wandering conquerors of the east ; men without knowledge and without reflection, whose religious creeds were readily formed, slightly considered, and loosely held ; and whose military and arbitrary government indisposed and disabled them from all exercise of their reason in the search of truth. The Koran must also be considered as not only a religious but a civil code. To alter therefore the religion of a Mahometan is to alter his opinions, habits



and feelings, to give him a new character, a new nature : add to this, that the intolerant expressions and precepts of the Koran have been so improved upon by the followers of Mahomet, that the great characteristic of their religion is, and has been long, a deadly hostility and fixed contempt for the professors of every other belief. The Koran therefore, when once established, was (humanly speaking) established for ever ; and it has now for eleven centuries occupied the faith of a large but unenlightened portion of mankind.

But this permanency of the religion and institutions of Mahomet has been in every respect a misery to his disciples and a misfortune to the human race. It might have been possible for Mahomet to have moulded the simplicity and independence of the Arabians into some form of government favourable to the civil liberty of his followers and to the improvement of their character and happiness ; but no speculations of this kind seem ever to have approached his mind ; all civil and ecclesiastical power was united in his own person, and he left them without further reflection to be the portion of his successors. The result has been fatal to his disciples ; their caliphs and sultans have been the leaders of fanatics, or the now arbitrary, now trembling, rulers of soldiers and janizaries ; but they have never enjoyed the far more elevated distinction of the limited monarchs of a free people. The east has therefore made no advance ; it is still left in a state of inferiority to Europe, and it has derived from Mahomet no accession of wisdom or vigour to regenerate its inhabitants or save them from the enterprise and plunder of the west. In vain did he destroy the idols of his countrymen and sublime their faith to the worship of the one true God ; in vain did he inculcate compassion to the distressed, alms to the needy, protection and tenderness to the widow and the orphan. He neither abolished nor discountenanced polygamy, and the professors of his faith have been thus left the domestic tyrants of one half of their own race. He taught predestination, and they have thus become by their crude application of his doctrine, the victims of every natural disease and calamity. He practised intolerance, and they are thus made the enemies of the civilized world. He permitted the union of the regal and sacerdotal offices, and he made the book of

his religion and legislation the same. All alteration therefore among the Mahometans must have been thought impiety ; lost in the scale of thinking beings, they have exhibited families without society, subjects without freedom, governments without security, and nations without improvement. For centuries they have continued the destroyers of others, and been destroyed themselves ; the ministers and the victims of cruelty and death ; and even when appearing in their most promising form of an established European empire, such has been their bigoted attachment to their Koran, that they have been contented to decline and fall with the progress of improvement in surrounding nations, to see their military science become contemptible, their strength unwieldy, their courage stagnate without hope or effort, and even their virtues languish, if possible, without respect or use.

The student may now once more make a pause, and return to consider the state of Europe at this particular period. The nations of the west have been the objects of his attention, and he has been called aside to observe the appearance of a great revolution that had taken place in the east ; and supposing him now to renew his speculations with respect to the happiness of mankind, there seems little to afford him any pleasure for the present, or any hope for the future. This interference of the followers of Mahomet from the east in the affairs of Europe can only give the prospect a new and additional gloom ; their religion is not true, their civil polity destructive to liberty. Most fortunately they have indeed been driven back by Charles Martel and the Franks ; but they may ultimately make some permanent and considerable settlement in the western world, which can in no case be favourable to its interests.

But what, in the mean time, has been the fate of Europe itself ? The student will recollect the hopes with which we entered on its history at the accession of Clovis : the Christian religion, the Roman arts, literature, and law, might have tempered and improved, it had been fondly supposed, the bold independence and simple virtues of the barbarian character ; and the result might have been that mixture of freedom and restraint, of natural reason and divine illumination, which gives the last finish and perfection to the dignity and

happiness of human nature. How different, how melancholy has been the event! We are now supposed to have travelled through five centuries, and there is no liberty, no knowledge, and no religion. Instead of liberty, there has grown up the feudal system; instead of knowledge, darkness has overspread the land, and thick darkness the people; and instead of religion, there has arisen a long train of ceremonies and observances; and the empire of the priest, in the odious sense of the word, has been established over the conscience and the happiness of his blind and unresisting votaries.

All this is surely mournful to behold, yet it is all in the natural order of things; the speculation that hoped otherwise, was inattentive to the great laws of human nature. A state of natural liberty, for example, implies a state of ignorance; and the result of both cannot, in the first instance, be civil liberty. Of the same ignorance, in like manner, the result cannot be religion; the result can only be superstition. Religion, even if, by peculiar interposition, it had been received pure, would soon be disfigured and corrupted, and become a gross and comfortless system of blind devotion. It must be ever thus. They who would indispose men to all restraint, prepare them, not for civil liberty, but for mutual violence; to end at length in submission to some military leader, or in the tyranny of a few. They, in like manner, who would keep men in ignorance, the better to incline them to the observances of religion, prepare them for superstition, and not for the reasonable sacrifice of the heart; and as ignorance in the hearer must be followed by ignorance and usurpation in the teacher, the priest and the people will each in their turn contribute to the debasement of the other.

Abandoning, therefore, all our former expectations of the happy effects that were on a sudden to arise from that new mixture of civilized and uncivilized life, which took place in Europe on the conquest and settlement of the northern nations, we must now be only anxious to observe how the evils that had been established *gradually* softened, or were at length counteracted, by *attendant* causes of good; how the clouds cleared away that overhung these middle ages; how the interests of society became at last progressive, lost and hopeless as at this melancholy period they certainly appeared.

The great evils that existed, the great objects of attention, are the Feudal system and the Papal Power. As we read the facts of history, we may be enabled to observe the more obvious effects of these two great calamities by which mankind were oppressed; but we must carefully recollect, that far more was suffered than history can possibly express. History can exhibit an emperor, like Henry IV. of Germany, barefooted and in penance for three winter-days before the palace of the pope; or a feudal lord, like Earl Warren, producing his sword as the title-deeds of his estate; but history cannot enter into the recesses of private life, and can by no means delineate what was daily and hourly suffered by the inhabitants of the towns or country from the unrestrained and uncivilized usurpation of the feudal lords, from the 'oppressor's wrong, the proud man's contumely.' Still less can history describe the more obscure and silent, but not less dreadful, effects of ecclesiastical despotism; the hopeless yet protracted languor of some mistaken victim of credulity in the odious cell of a monastery; or all that was suffered by the terrified imagination of him, who had incurred the censures of the church or the overwhelming evils of excommunication. Even if we suppose the slave no longer to complain, and the monk no longer to feel, still that destruction of the faculties, that debasement of the nature, which is so complete as to be unperceived by the individual himself, is on that very account but a more deserving object of our compassion: the maniac who dances heedless in his chains, but awakens our pity the more.

We must now, therefore, observe, as we proceed in history that whatever advanced the authority of either the feudal system or the papal power, was on the whole unfavourable to the interests of mankind; whatever has a contrary tendency should be watched and examined with the greatest anxiety, for it is the only hope of future improvement.

Now it often happens in human affairs, that the evil and the remedy grow up at the same time; the remedy unnoticed, and at a distance, scarce visible, perhaps, above the earth; while the evil may shoot rapidly into strength, and alone catch the eye of the observer by the immensity of its shadow and the fulness of its luxuriance. The eternal law, however,

which imposes change upon all things, insensibly produces its effect, and a subsequent age may be enabled to mark how the one declined and the other advanced; how the life and the vigour were gradually transferred; and how returning spring seemed no longer to renew the honours of the one, while it summoned into progress and maturity the promise and perfection of the other. No more useful exercise can be offered to us than to trace, if possible, the opposite successions of alterations like these. As we read modern history, for a few centuries, from the success of the northern nations, we shall be doomed to observe the shades of tyranny, temporal and spiritual, deepening as we advance; but the light will at last begin to glimmer, then to be faintly discernible, at length be found distinctly to approach us, and in a few centuries more to break forth from the clouds, and the day appear.

Witnessing, as we ourselves have done, what the mind of man is capable of performing in literature and science; seeing what enjoyment his nature is fitted to receive from the intercourse of polished and social life; it is with the most comfortless sensations that we survey the situation of mankind at this dark period of their history, and with the most intolerable impatience that we travel through the long and at last but too imperfect struggle, which literature and science, freedom and religion, had to maintain with ignorance, slavery, and superstition. This interesting subject has been in part investigated by Dr. Robertson; one of those few writers who can furnish himself with the learning of an antiquarian, and then exhibit it in a form and in a compass that admits of a perusal even amid the business and amusements of modern life. Never advancing in his text more than is necessary, his proofs and illustrations are not doubtful and imperfect, such as the reader understands with difficulty and assents to with hesitation, but concise and satisfactory; all appears reasonable, unembarrassed, and complete; the diligence of a scholar with the good sense of a man of business and of the world. The dissertation prefixed to his Charles V. deserves the study of, and is accessible to, almost every reader.

If there be any (and some there may) who are repulsed by what is called, in familiar language, the dryness of the sub-

ject, they may suspend this inquiry for a season, and repeat the experiment hereafter. The studies of men alter as they advance in life; alter rapidly; the thoughts of youth are not those of a maturer period: time, that improves us not in many respects, improves us materially in some; by mitigating the rage for the more selfish and violent pleasures, it renders the mind accessible to more calm and dignified anxieties; and many a man, who in all the insolence of youthful hope and health and gaiety, had thought of little but himself, may in a few years, think of others and of mankind, and pursue with due interest the fortunes of his species through the pages of Robertson or of Stuart, of Smith, of Montesquieu, or of Hume. From Robertson a very full and distinct idea may be formed of the unhappy effects which the feudal system produced on the inhabitants of the town and the country, and particularly of the extent and violence to which the practice of private war was carried by the greater and lesser barons, the unhappy influence of so disordered a state of society on science and the arts, on knowledge and religion, on the characters and virtues of the human mind. He will then see delineated the salutary effect which the Crusades had on the manners, and the state of property; and he will see noticed also their commercial effect. The next cause of improvement which the historian points out is the rise and establishment of free cities, communities, and corporations; and he shows the happy alteration which they effected in the condition of the people, in the power of the nobility, in the power of the crown, and in the general industry of the community; how this effect was still increased, as the inhabitants of cities became gradually possessed of political authority; how it was still more widely extended with the extension of commerce, and with the science which was caught from the Greeks and Arabians; how men were softened and refined by chivalry; and how the administration of justice was made more regular, and society rendered capable of still further improvement, by the gradual abolition of private war and the judicial combat, by the introduction of appeals from the courts of the barons, and by the introduction of the canon and Roman Law.

After Robertson, the work of Gilbert Stuart should be

diligently searched. And here, for the first time, the reader will meet with observations injurious to the fame and authority of Dr. Robertson; yet that fame and authority are, on the whole, rather confirmed than weakened by the animadversions of Stuart: for with great ability and learning, and with great eagerness to find fault, his objections are after all but few, and of no decisive importance. He detracts not (he says) from the diligence of Dr. Robertson, whose laboriousness is acknowledged; and his remark, or accusation rather, is, "that the doctor's total abstinence from all ideas and inventions of his own permitted him to carry an undivided attention to other men's thoughts and speculations." Dr. Stuart forgets, that to take an extensive view, and to form a rational estimate of the facts and opinions before him, is a considerable part, if not the whole, of the merit that can be required in an historian; that an historian, though he may be more, should in the first place be a guide, and that men of invention and speculation are of all guides the least to be trusted. Two-thirds of Stuart's work consists of notes; and this, I must observe, is the only way in which any estimate can be given of the situation of society at any particular period. Nothing should be laid down in a text that cannot be directly proved or fairly implied from some original document referred to, or quoted in the notes. Views of society are, otherwise, views only of an author's own ingenuity and sentiments; and whoever consults the authorities, to which our most established writers appeal, will not always find their representations justified, especially when these historians have, what Dr. Stuart so much admires, ideas and notions of their own. Historians also are far too apt to copy each other. The student should therefore consult, in several instances, the references of a writer; and he can then form an opinion to what confidence he is entitled. It is scarcely possible that the vigilance of an author should not sometimes relax, or his discernment be sometimes clouded.

From the work of Dr. Stuart the student will derive information respecting the rise of chivalry, and of the feudal system; the different characters which belonged to these institutions at two different periods; what he esteems their original grandeur and virtue, and what every one must esteem their

subsequent debasement and corruption, and he concludes with remarking upon the alterations that followed in the military system and in the manners of society. The mind of the author is no doubt vigorous, and his learning great : we see, too, in his representation of the favourable periods of chivalry and the feudal system, strong marks of that eloquence, which was displayed in the defence of the unfortunate Mary.

The view which Dr. Robertson has taken of the progress of society is marked, according to Stuart, by a variety of omissions. I shall venture, however, to propose once more to the consideration of my hearers the still more contracted estimate of this great subject, which I have already mentioned. The leading and important evils of mankind, I must still contend, became at last the feudal system and the papal power ; the attention, therefore, may be fixed, as I conceive, chiefly on these. Whatever had a tendency to break up and dissipate the power so collected was favourable to the interests of mankind, and the contrary : all healthful motion and activity were, by these two great causes of evil, excluded from society : military exercises and church ceremonies were the only result ; and whatever withdrew the human mind into any new direction, could not fail to assist the progress of general improvement. I will say a word, and but a word, on each.

With respect then, first, to the feudal power. This feudal power lay in the great lords, and in the king, as the greatest of those lords. In England the situation of things was not exactly the same as in the rest of Europe, from the greater influence of the crown : but in general it may be said, that whatever shook and scattered the power of the great barons was favourable to civil liberty ; even if the power was, in the event, to be transferred entirely to the king ; it was less injurious thus single, than when multiplied among the lords ; and there was always a probability that in the course of the struggle the commons might come in for a part, if not the whole, of the share that belonged to them.

The great cause, then, of the improvement of society during these centuries was the rise and progress of Commerce. For the great point to be attained was the elevation of the lower orders.



Both the crown and the barons were sufficiently ready each of them to employ the lower orders against the other. Consequence was therefore given to this oppressed race of men, and immunities and privileges afforded to them, more particularly in the towns and cities. The result was commerce, which again added to the consequence they had before acquired.

As the towns and cities were on various accounts materially leagued with the crown, the power of the barons was thus on the whole assaulted from without.

But it was also attacked and wasted from within. A taste was gradually introduced for the more elegant and expensive enjoyments of life, and the barons could not spend their revenues on themselves, and at the same time on their retainers—at once on articles of luxury and in rude hospitality. The number of their retainers was therefore diminished; that is, their power and political importance. The whole subject has been admirably explained by Smith in his third book of the *Wealth of Nations*, and I depend on your reading it; leaving here a blank in my lectures, which you must yourselves fill up. It would be an improper use of your time to offer you here, in an imperfect manner, what can be afforded you, and far better afforded you, by the study of this very masterly part of his celebrated work.

A great part of Smith's reasonings had appeared in the history of Hume. These two eminent philosophers (for on the subjects of political economy and morals they deserve the name) had no doubt, in their mutual intercourse, enlightened and confirmed the inquiries and conclusions of each other.

The Crusades are considered by authors in general, and by Dr. Robertson, as a powerful cause of the improvement of society. You will see his reasons; and you will observe that Smith conceives, that from the great waste and destruction of people and of capital, they must rather have retarded the progress of the greater part of Europe, though favourable to some Italian cities.

You will perceive also that Gibbon agrees with Smith.

But the question is, whether the stock and population thus transported to Palestine, would have been turned to any proper purposes of accumulation or improvement, if left to remain

at home. At the close of his remarks on this subject, Mr. Gibbon appears to me to have determined this question, not a little against himself, by a very beautiful illustration, which he offers to his reader, after the manner of the great orator of antiquity; an illustration which at once conveys an image to the fancy and an argument to the understanding. "The conflagration," says he, "which destroyed the tall and barren trees of the forest gave air and scope to the vegetation of the nutritive plants of the soil;" that is, the Crusades destroyed the feudal lords, and brought forward the middle and lower orders.

Another cause of the improvement of society was the fortune, whatever it might be, by which the crown became, in the great kingdoms of Europe, hereditary.

The royal power was thus rendered always ready to gain whatever could be lost; to proceed from one accession to another, and to be the great and permanent reservoir into which the feudal authority had constantly a tendency to flow.

I have before observed that the power was less injurious, thus collected, than when indefinitely multiplied and exhibited in the person of any baron; and that there was a probability that the commons would receive their share in the course of the transfer.

With respect to the causes which shook the ecclesiastical power of Rome, the second great evil of society, they may be comprised in two words, that at this period of the world were of kindred nature—Heresy and Knowledge.

The gradual progress of these causes, and their final success, may be hereafter considered. The student may, however, look upon either of them whenever it appears in the history of these times, as the symptom and harbinger of the subsequent reformation.

Ignorance and superstition are naturally allied; their cause is common, their friends and enemies the same. The opposers of a barbarous philosophy are soon entangled in the misapprehensions and corruptions of an abused religion; the spirit of inquiry which struggles with the one is immediately suspected of a secret hostility to the other. The student, as he proceeds in his historical course, will soon be called on to observe the Albigenes, the Lollards, and the Hussites, with

our earlier sages and philosophers exhibiting amid the chains and dungeons of the inquisition or of the civil power, the melancholy grandeur of persecuted truth, and insulted genius.

These first but unfortunate luminaries of Europe were, however, not lost to the world: the Reformation and the revival of learning at last took place; the pillar of light continued to march before mankind in their journey through the darkness of the desert, and it was in vain that the oppressor would have prevented their escape from their houses of bondage, or denied them the possession of the promised land of religion, liberty, and knowledge.

I conclude this general subject with observing, that the Crusades, while they so happily dispersed the possessions and influence of the great lords, and therefore so materially assisted the progress of society, contributed to the influence of the clergy, and that in the most unfavourable manner, by furnishing them with relics and miracles, and with new and multiplied modes of extending and confirming the superstition of the age; but I must at the same time remark, once for all, that the power, which the clergy enjoyed, was not always exercised to the injury of society; in many most important respects materially otherwise. They shook the power of the barons by contriving to draw within their own jurisdiction the disputes and causes which had belonged to the feudal courts—they had always kept alive in society whatever knowledge amidst such rapine and disorder, could be suffered to exist—they were the instructors of youth—they were the historians of the times—they maintained in existence the Latin language—they were the only preservers of the remains of Greek and Roman literature—they everywhere endeavoured to mitigate and abolish slavery—they were the most favourable landlords to the peasantry; to the lower orders the mildest masters—they laboured most anxiously and constantly to soften and abolish the system of private war by establishing truces and intermissions, and by assisting the civil magistrate on every possible occasion—they were every where in those times of violence, a description of men whose habits and manners were those of peace and order—they could not profess such a religion as Christianity without dispensing, amidst all their misrepresentations, the general doctrines of

purity and benevolence, and without being, in a word, the representatives of what learning and civilization, moderation and mercy, were yet to be found. These were great and transcendent merits.

That their power was inordinate, and that they abused it most grossly, is but too true; a strong proof, if any were wanting, that power should be always suspected, and should be checked and divided by every possible contrivance. In this instance it was capable of converting into the rulers, and often into the tyrants of the earth, men who breathed the precepts of meekness and lowliness of heart, and who continually affirmed that their kingdom was not of this world.

Such are the general views which I have been enabled to form of the situation and prospects of society during these middle ages, and such are the writers on whom I have depended for instruction, and to whose labours I must now finally refer you.

But before I conclude my lecture, I must make a particular remark. It cannot have escaped your observation how often I have mentioned the historian Gibbon; how much I leave entirely to depend upon him; the manner in which I refer to him as the fittest writer to supply you with information in all the earlier stages of modern history, and, indeed, as the only writer that you are likely to undertake to read; add to this, that I have already had occasion, and shall often hereafter have occasion, to mention his history in terms either of admiration or respect.

Yet I cannot be supposed ignorant of the very material objections which exist to this History; and I am certainly not at ease in recommending those parts of the work which I do approve, while I know there is so much both in the matter and manner of the whole, and of every part of it, which I cannot approve.

I am, therefore, necessitated to make some observations on this celebrated writer, unfavourable as well as favourable, and this I must do with a minuteness disproportionate to all unity and keeping in the composition of general lectures like these. I am compelled to do so, by the nature of the audience I am addressing, and by the fame of the author.

In the chapters which I in the first lecture referred to, the

faults of this great historian do not appear. In the earlier part of his work he respected the public, and was more diffident of himself. Success produced its usual effects; his peculiar faults were more and more visible as his work advanced, and in his later volumes he seems to take a pride, as is too commonly the case among men of genius, in indulging himself in liberties which he would certainly have denied to others. And as the powers of the writer strengthened, as he went on, and kept pace with his disposition to abuse them, the *History of the Decline and Fall* became at last a work so singularly constituted, that the objections to it are too obvious to escape the most ordinary observer, while its merits are too extensive and profound to be fully ascertained by the most learned of its admirers.

These faults will only be the more deeply lamented by those, who can best appreciate such extraordinary merits. Men of genius are fitted by their nature not only to instruct the understanding, but to fill the imagination and interest the heart. It is mournful to see the defects of their greatness; it is painful to be checked in the generous career of our applause. With what surprise and disgust are we to see in such a writer as Gibbon the most vulgar relish for obscenity! With what pain are we to find him exercising his raillery and sarcasm on such a subject as Christianity! How dearly shall we purchase the pleasure and instruction to be derived from his work, if modesty is to be sneered away from our minds, and piety from our feelings! There seems no excuse for this celebrated writer on these two important points: he must have known, that some of the best interests of society are connected with the respectability of the female character; and with regard to his chapters on the progress of Christianity, and the various passages of attack with which his work abounds, it is in vain to say, that, as a lover of truth, he was called upon to oppose those opinions, which he deemed erroneous; for he was concerned, as an historian, only with the effects of this religion, and not with its evidences; with its influence on the affairs of the world, not with its truth or falsehood.

It would be to imitate the fault, to which I object, were I now to travel out of my appointed path, and attempt to

comment upon these parts of his work. But as they who hear me are at a season of life, when liveliness and sarcasm have but too powerful a charm, more particularly if employed upon subjects that are serious, it may not be improper to remind them, how often it has been stated, and justly stated, that questions of this nature are to be approached neither by liveliness nor by sarcasm, but by calm reasoning and regular investigation; and that to subject them to any other criterion, to expose them to any other influence, is to depart from the only mode we possess of discovering truth on any occasion; but more especially on those points, which youth, as well as age, will soon discover to be of the most immeasurable importance.

If we pass from the matter to the manner of this celebrated work, how are we not to be surprised, when we find a writer, who has meditated the finest specimens of ancient and modern literature, forgetting the first and most obvious requisite of the composition he is engaged in—simplicity of narrative. In the history of Mr. Gibbon, facts are often insinuated, rather than detailed; the story is alluded to, rather than told; a commentary on the history is given, rather than the history itself; many paragraphs, and some portions of the work, are scarcely intelligible without that previous knowledge, which it was the proper business of the historian himself to have furnished. The information which is afforded is generally conveyed by abstract estimates: a mode of writing which is never comprehended without an effort of the mind more or less painful; and when this exertion is so continually to be renewed, it soon ceases to be made. The reader sees, without instruction, sentence succeed to sentence, in appearance little connected with each other; cloud rolls on after cloud in majesty and darkness; and at last retires from the work, to seek relief in the chaster composition of Robertson, or the unambitious beauties of Hume.

On this account it is absolutely necessary to apprise the student of what it might, at first, seem somewhat strange to mention, that he will not receive all the benefit, which he might otherwise derive from the labours of this great writer, unless he reads but little of his work at the same time. It is not that his paragraphs, though full and sounding, signify

nothing; but that they comprehend too much: and the reader must have his faculties, at every instant, fresh and effective, or he will not possess himself of the treasures, which are concealed, rather than displayed, in a style so sententious and elaborate. The perversity of genius is proverbial; but surely it has been seldom more unfortunately exercised than in corrupting and disfiguring so magnificent a work.

For the moment we reverse the picture, the merits of the historian are as striking as his faults.

If his work be not always history, it is often something more than history, and above it: it is philosophy, it is theology, it is wit and eloquence, it is criticism the most masterly upon every subject with which literature can be connected. If the style be so constantly elevated as to be often obscure, to be often monotonous, to be sometimes even ludicrously disproportioned to the subject; it must, at the same time, be allowed, that whenever an opportunity presents itself, it is the striking and adequate representative of comprehensive thought and weighty remark.

It may be necessary, no doubt, to warn the student against the imitation of a mode of writing so little easy and natural. But the very necessity of the *caution* implies the attraction that is to be resisted: and it must be confessed, that the chapters of the *Decline and Fall* are replete with paragraphs of such melody and grandeur, as would be the fittest to convey to a youth of genius the full charm of literary composition, and such as, when once heard, however unattainable to the immaturity of his own mind, he would alone consent to admire, or sigh to emulate.

History is always a work of difficulty, but the difficulties, with which Mr. Gibbon had to struggle, were of more than ordinary magnitude. Truth was to be discovered, and reason was to be exercised, upon times where truth was little valued and reason but little concerned. The materials of history were often to be collected from the synods of prelates, the debates of polemics, the relations of monks, and the panegyrics of poets. Hints were to be caught, a narrative was to be gathered up, from documents broken and suspicious, from every barbarous relic of a barbarous age: and, on the whole, the historian was to be left to the most unceasing and unex-

amplified exercise of criticism, comparison, and conjecture. Yet all this, and more than all this, has been accomplished.

The public have been made acquainted with periods of history which were before scarcely accessible to the most patient scholars. Order and interest and importance have been given to what appeared to defy every power of perspicacity and genius. Even the fleeting shadows of polemical divinity have been arrested, embodied, and adorned: and the same pages which instruct the theologian, might add a polish to the liveliness of the man of wit, and imagery to the fancy of the poet.

The vast and the obscure regions of the middle ages have been penetrated and disclosed; and the narrative of the historian, while it descends, like the Nile, through lengthened tracts of present sterility and ancient renown, pours, like the Nile, the exuberance of its affluence on every object which it can touch, and gives fertility to the rock and verdure to the desert.

When such is the work, it is placed beyond the justice or the injustice of criticism; the Christian may have but too often very just reason to complain, the moralist to reprove, the man of taste to censure, even the historical inquirer may be fatigued and irritated by the unseasonable and obscure splendour, through which he is to discover the objects of his research. But the whole is, notwithstanding, such an assemblage of merits so various, so interesting, and so rare, that the *History of the Decline and Fall* must always be considered as one of the most extraordinary monuments, that has appeared, of the literary powers of a single mind; and its fame can only perish with the civilization of the world.





## LECTURE IV.

### THE DARK AGES.

I HAVE made a certain progress in the consideration of the earlier and more perplexing portions of modern history.

I have, as I hope, introduced to your curiosity the general subjects, that belong to it, and I have mentioned to you the writers, who have so successfully displayed the philosophy of history, while considering these particular times—Hume, Robertson, and Smith; Stuart, Gibbon, and the Abbé de Mably.

But while you are forming general views and studying these writers, you must acquire, by some means or other, a proper knowledge of those very facts and those very details of history, which have been present to the minds of these distinguished reasoners, while they were reducing their conclusions and forming their statements.

In other words, you must acquire some proper knowledge of the French and German histories; and these histories are, for a long time, very tedious and repulsive. The original documents, from which the facts of the early part of the French history are to be collected, will be found in a great work of the Benedictines, in eleven volumes folio, “Recueil des Historiens des Gaules et de la France.” This great work is seldom to be met with in England: it is in Albemarle Street, at the Royal Institution.

But there is a work of a similar nature, by Duchesne, which you will find in all great libraries (in our own), and in which the original historians of France are collected. Gregory of Tours is the author most referred to, and parts of his work may be consulted to acquire an idea of the whole; his defects and faults are obvious.

There has been lately published, by Dr. Rankin, a work containing a history of France through these earlier ages. It is not executed with any very particular judgment, or any constant accuracy; yet, as the author's reading is very extensive, and as the work is never tedious, and particularly as it contains a variety of information, not to be acquired without intolerable labour, the student may consult it with material advantage and with considerable amusement.

It is to this work, therefore, I refer those who would study these early facts of the French history.

At the same time, I must finally refer you to the abridgment of Hénault, where the facts are well selected and arranged, and accompanied with valuable observations.

There is a still better work by Millot, on the French history, which might be consulted for the same purpose.

And, lastly, there has been lately published a work by D'Anquetil, on the French history, in fourteen, or rather thirteen octavo volumes.

D'Anquetil is a writer of great reputation, and undertook the work at the recommendation of Buonaparte, who very sensibly desired him to draw up a History of France, which could be read; disencumbered of those details which make the volumes of the French historians so repulsive and fatiguing.

Along with the French history, the work of Pfeffel must be looked at for the German history. Though every possible effort is made by this celebrated writer to render the early parts of his work as concise as possible, it is still a very disagreeable task to read through the particular history of those times; and readers will in general be content to catch up some of the particulars, that are descriptive of the scene in a passing manner, and to confine their regular reading to the author's remarks on each particular period, which are given, in a collected and summary way, at the end of each period, and are drawn up with great skill and perspicuity.

I would recommend to the reader to proceed beyond the period of the Saxon dynasty, which answers to the accession of Hugh Capet in the French history, and to labour, in some way or other, through the other two dynasties, and the interregnum, until he reaches the accession of Rodolph, the

founder of the celebrated House of Austria; afterwards he may take Coxe's History of Austria.

In overcoming this early part of the French and German history, much assistance will be derived not only from Mr. Gibbon's History of the Decline and Fall, but also from a Sketch of Universal History, printed in his posthumous Works, which will be found, in every word of it, deserving of attention.

I must once more remind you, that the work of Mr. Butler on the German Empire is also indispensably necessary; that the Abbé de Mably is invaluable.

These will, I conceive, be sufficient; but it is desirable that to these should be added the work of Koch on the Revolutions of the Middle Ages: the first edition of 1790 may be easily procured, and might be sufficient; but the whole work has been new cast and amplified, and it is the last edition of 1807 that should rather be purchased.

But I must enter a little further into particulars; for I must confess, that this subject of French history is, from the first, and always continues to be, one most perplexing to me; that is, it is perplexing to me to know what to recommend with any chance of its being read. For the German history, indeed, you must look at the general statements of Pffeffel in some general way, and then proceed with Coxe's House of Austria. But with respect to the history of France, the regular historians, Velly, le Père Daniel, &c. are so voluminous, and it is so impossible to read them, that it is difficult to know what course to recommend.

What I propose, however, to the student is this, that he should read the short history of D'Anquetil, which he may readily do: there is very little reading in each volume, and the first volume, and most of the second and third he may read slightly. Or that he should meditate well the history of Hénault: or the history of Millot. And that, in reading any of these histories, he should consider in the first place, whether there may not be incidents mentioned, which give him as clear an idea of the times, as the most detailed representation. Let these first be noted, and let these be all that he endeavours to remember.

And next, let him consider whether some of the topics

mentioned are not of such importance, that it may be advisable to look for them in the more detailed histories of Velly and Père Daniel, or Mezeray; or, perhaps, indeed, pursue them through the original authors to which these writers refer.

I will endeavour to exemplify what I propose in both these particulars, and each in their order.

And, first, with respect to incidents characteristic of the state of the French constitution and of the times, such as I think it will on the whole be sufficient to remember:—

In the reign of Hugh Capet, it was observed by Hénault that he took an early opportunity of having his son crowned at Orleans; an example which was followed by his successors; and this is an indication, that the hereditary nature of the crown was not yet established.

It is observed that Louis the Eighth ascended the throne without any such previous ceremony; this was two centuries and a half afterwards, and affords an opposite conclusion: which is again confirmed by observing that Louis the Seventh, a century before, though crowned when prince, *omitted to renew the ceremony when king.*

Again. A message of expostulation or command was sent from Hugh Capet to the Count de Périgord, which ended with asking him, who made him a count? The reply was, “Those who made you a king.” A striking specimen of the independent sovereignty of the Barons, and of the original elective and baronial nature of the power of Hugh Capet.

His son Robert was excommunicated on account of his marriage, and therefore every thing that he touched was purified, before it could be touched by others; such was the reasoning of the king’s friends and attendants.

Robert, to save his subjects from the guilt of perjury, made them swear upon a shrine from which he had withdrawn the relics; such was the reasoning of the king himself.

In the ensuing reign of Henry I. was established “The Truce of the Lord,” a law which prohibited private combats from Wednesday night to Monday morning, because the intermediate days had been consecrated by particular passages in the life and sufferings of our Saviour. That men should be resolved to destroy each other in private war, or that

they should by considerations of this kind be checked and moderated, is descriptive of the age; but that they should consent to be thus far bound, and no farther; that they should reason and act in this mixed, inconsistent, and shuffling manner, between their passions and their duty; this is descriptive not of these men and of this age, but of every man and of every age.

The next king, Philip I. in 1102 buys his lands and does homage for them to the Count de Sancerne: the king to his subject: a striking specimen of the feudal system. And it was two hundred years, before so strange a submission could be altered into a less offensive acknowledgment; so strongly established were the provisions of this feudal system.

Early in the next reign Louis le Gros was three years in mastering the castle of one of his barons.

A few years afterwards, when the same king was threatened by the emperor of Germany, he was able to assemble two hundred thousand men. Such was the feudal system; so fitted for sudden, short, and violent efforts for the public defence against an enemy; so inadequate to produce the benefits of any system of general and domestic law, equally diffused over the whole of a community.

Near sixty years afterwards, his son, Louis le Jeune, makes a pilgrimage to the tomb of Beckett; and this in the lifetime of Henry II. On his return he has his son crowned at Rheims, and the English monarch assists at the ceremony as Duke of Normandy.

Instances these of the peculiar nature of the two great characteristics of the age, superstition and the feudal system.

The next reign opens with the efforts of Philip Augustus to repress the outrages of the barons; but he himself falls upon the Jews, and announces to his subjects, that they are to be exonerated from all Jewish claims, on paying one fifth of their debt to the royal treasury.

Such was the general ignorance and neglect of all the principles of order and justice.

Twenty years afterwards we see an ordinance in *favour* of the Jews: a still stronger mark of the wretched state of commerce; for, from these two instances, it is clear, that, abominated as the Jews were, the French were so ignorant of commerce, as

to be unable to do without them; and merciless and unjust as were the French, the Jews were contented to endure every thing from them, because they could derive so much pecuniary advantage from them.

Louis VIII. by his will, after declaring his eldest son king, gives Artois to his second son, Poictou to his third, Anjou and Maine to his fourth; this was two centuries and a half after Hugh Capet. The power of the crown had still to struggle with great disadvantages, if its domains could thus be dispersed by the sovereign at his death, among the youngest branches of his family.

Louis IX., the first prince of his age, made it a point to buy the crown of thorns, which had been placed on the Saviour, from the Venetians, and different relics from the crusaders. The same prince finds it necessary to publish an ordinance to prevent any son from avenging the murder of his father within forty days. Superstition and violence were therefore still the characteristics of the age; and an age of devotion, (as the devotion was blind and ceremonial) was still left to be an age of crimes.

Philip le Hardi, his successor, ennobles one of his tradesmen: the commercial interest was therefore now advancing. This was three centuries after Hugh Capet.

In Philip le Bel's reign were enacted various sumptuary laws: an indication that the great and affluent were spending their revenue on themselves, and therefore insensibly encouraging commerce. But we have also various ordinances against usury: an indication that the profits of money were high, and therefore that commerce was still in its infancy.

Louis Hutin his successor, in 1315, passes an ordinance to secure the serfs from being distressed in their persons, goods, instruments of agriculture, &c.; soon after he obliges the serfs to purchase their liberty by selling their moveables: indications these, how degraded had been their condition, but that their condition was on the whole improving.

In 1318, the duke of Brittany obtains letters of remission from Philip le Long for not having attended his coronation: an indication that the power of the crown was now in France advanced and acknowledged; for Brittany was at that time one of the most powerful and independent fiefs remaining.

During the six years of Charles le Bel from 1322 to 1328, the relics of the chapel royal still accompanied the king whenever he left Paris, to celebrate the four great festivals of the year; religion therefore still consisted not a little in vain ceremonials.

Incidents of this sort mark the character of the times in which they appear. The abridgment of the president Hénault, from which they are taken, is too concise, and above all, gives little information respecting the constitution of France. And the student must on that account be more attentive to every particular that is noted.—Milot is better.

The appendixes of Hume afford a very striking display of the manner in which the characteristics of a particular reign or period may be selected and explained by a diligent and discerning historian.

In this manner I have endeavoured to illustrate my meaning when I recommended that particular incidents in the account of Hénault or Milot or D'Anquetil, should be fixed upon as characteristics of the times, and made subjects of reflection.

I proceed now to give a few specimens of such subjects as are also mentioned by Hénault, which may, I think, be of sufficient importance to deserve further consideration in other authors, more particularly in the valuable and very detailed history of Velly and in the philosophic work of Mably.—For instance:

1st. The establishments of Louis IX. or St. Louis. These are very deserving attention; they exhibit the efforts that were made by the most amiable and revered monarch of his time to improve the jurisprudence of his age. Montesquieu may be consulted. There is a full account given of them by Velly.

The chief object of St. Louis seems to have been to prepare his people for the adjustment of their quarrels, not by private combat but by the decisions of law after an examination of witnesses. At the same time it must be observed, that most of the great objects of civil and penal jurisprudence appear to have occupied his attention; and it is not very possible now to understand all the meaning, and therefore all the merit of his provisions; but the great design of the whole must have been to soften and modify the jurisprudence of the baronial

courts, and to have placed the whole within the reach of improvement by opening the way to the paramount jurisdiction of the courts of the sovereign.

France in the time of St. Louis was divided into the country under the king's obedience, and the country under the obedience of the great barons. It was not possible for St. Louis to embody his own opinions of equity and law, and then enforce a new system of jurisprudence. He attempted to reform existing systems by introducing one more improved within his own dependencies, and holding it up to the observation of the other parts of the kingdom. He seems every where to struggle with difficulties, to modify and to balance, to capitulate with the evils which he could not remove, evils on which by any other conduct he could have made no impression. Such must ever be the true reformer; ardour may animate his mind, but patience must be his virtue. The true reformer is the philosopher who supposes no wonders in himself, and expects them not in others; and is rather the sower who goes forth to sow his seed, than the lord who comes to gather into barns. The result was what might have been expected, the labours of St. Louis were successful, and he exhibited the great criterion of genius, that of advancing his countrymen in improvement a step beyond the point at which he found them.

Again and as another specimen of subjects to be further considered. The reign of Philip le Bel is remarkable for the struggle between the pope and the king, and still more for the first assembly of the states general, summoned by this prince for his defence and justification; but which must however not be confounded or thought the same with the national assemblies in the times of Charlemagne. These events are very important and may be considered in Velly. The commons formed a distinct part of this assembly, and they took their share in animating the king to defend the rights of his kingdom; but their language spoke an infant power, and breathed no longer the independent fierceness of the soldier who resisted Clovis:—"Be pleased (they said) to guard the sovereign freedom of your kingdom, for in temporal matters the king can acknowledge no sovereign on earth but God alone."—"We own no superior in temporals but the



king," said the nobles. The clergy hesitated, but at last confessed their duty to their temporal sovereign. The failure of such a pope as Boniface on this occasion shows clearly that the power of the see had already in 1303 passed its meridian.

Again 3rdly. The French parliaments are a proper subject of inquiry. Philip proposed to make the parliaments or courts of justice stationary; this afterwards took place. The account given by Velly should be consulted. The student is no doubt aware that the dispensers of justice should be few in number, and neither be removed nor advanced at the mere pleasure of the executive power, that is, neither be exposed to be corrupted nor terrified.

You will do well to observe the changes that took place with respect to this part of the French constitution, a part so important to the happiness of every community.

Indeed one of the great subjects of this early period of modern history is the constitution of France, or rather, the fortunes of the constitution of France.

These you will best understand, and indeed can only understand, by meditating the work of the Abbé de Mably. His work exhibits the philosophy of the French history. I ought to speak of it in terms of the utmost gratitude; and I must repeat to you, that I do no more than mention this great subject of the constitution of France, and this masterly treatise on its changes and fortunes, that I may impress upon you more strongly, or rather as far as I am able to do it, impose upon you more completely the necessity of reading the work for yourselves.

I must now make a pause. I must consider myself as having passed through the first and most repulsive portion of modern history. I have not been able to do more than allude to and recommend subjects and books, that have employed the lives of men of learning and reflection.

But the whole of the period may, I hope, be estimated in a general and even satisfactory manner, either on a more confined scale, or a larger, by fixing the attention upon the points and the books I have mentioned. I say a confined scale or a larger, for I have exhibited both to you.

And now that we have to take our leave of the Dark Ages,

I cannot but make one effort more to recommend them to your attention and study.

The great conclusions to be drawn from these dark ages are, as I conceive,—

1st. That civil liberty cannot result, in the first instance, from the rude, natural liberty of barbarous warriors.

Again, that religion, in like manner, cannot consist with uncivilized ignorance.

The power of the sword and of superstition, of the military chief and of the priest (of the priest in the unfavourable sense of the term), must at first follow, and may continue for ages.

But, in the next place, the great lesson which the dark ages exhibit, is also that which human life is unhappily at every moment and on every occasion exhibiting—the abuse of power.

The great characteristics of the dark ages are the feudal system and the papal power; but consider each; the incidents as they are termed, of the feudal system—that is, the practices that obtained under the feudal system; and again the doctrines and the decrees of the papal see. Outrageous as many of these may seem, they were still but specimens of the abuse of power.

The dark ages show human nature under its most unfavourable aspects, but it is still human nature.

We see in them the picture of our ancestors, but it is only a more harsh and repulsive portrait of ourselves.

Observe, for instance, the feudal system, its origin, its results. Among a set of independent warriors, the distinctions of the weak and the strong naturally arose, the leader and the follower, the military chief and the dependent. Society necessarily fell into little knots and divisions; in the absence of all central government, of all more regular paramount authority, each military chief in extensive conquered countries necessarily became a petty sovereign; the petty sovereign a despot.

When lands were once received on the general principle of homage, the natural course of the abuse of power was inevitable; the incidents, that is the oppressions, of the feudal system followed; but for all these disgusting specimens of legal outrage and licensed wrong a sort of reason may be

always found to have existed, when the incident is traced up to its first elements and original introduction.

Consider, in like manner, the Ecclesiastical Power.

The priests of the dark ages proceeded only, as did the barons, with the same unchecked and therefore insatiable selfishness, to subjugate every thing to their will. The ecclesiastical tyrants, like the civil tyrants, only converted the existing situation of mankind and the genuine principles of human nature to their own gratification and aggrandizement. That they should attempt to do so is not wonderful, nor is it wonderful that they succeeded.

Our barbarian ancestors, ignorant themselves, confided in men whom they considered as wise, and learned, and who comparatively, were wise and learned; this was natural, it was even reasonable; they had no other resource but to confide, and they had no means of learning how to measure their confidence.

It should not be forgotten, that the distinguishing doctrines of the Roman Catholic communion were all addressed to the most established feelings of the human heart: absolution, confession, prayers for the dead, penance, purgatory. Their rites and ceremonies not less so. Not to mention that their tenets were, and are still fortified by texts more numerous, and even more weighty (I do not say conclusive), than we of the Protestant communion are now in the habit of condescending to consider or even to know. The great doctrine of all, the paramount authority of the pope, as the genuine successor of St. Peter, was always supported, when necessary, by the words of our Saviour to that apostle; and even his infallibility was sufficiently proved to our rude ancestors by the obvious argument, that Christ would not leave his church without a guide, to whom recourse might be had under all those difficulties, which must necessarily arise among the contradictory views of contending sects; in a word, those doctrines of the Roman Catholic communion, which, at a very late period, could subdue for a time even the learning and understanding of a Chillingworth, may readily be supposed to have obtained an easy victory over the unlettered soldiers of the dark ages.

Whatever may be said of the thoughtlessness of mankind

amid the occupations of civilized life, their apprehensions for the future are unceasing, the moment that the great truth of their immortality is properly announced to them in their ruder state. These apprehensions, in themselves so just and natural in every period of society, when united to ignorance so great as that which existed in Europe at this particular period, produced effects, which at *first sight* may appear, but cannot on *reflection* appear, astonishing. The most fierce and savage soldier became docile and submissive; the most powerful monarch trembled in secret on his throne, and found his knights and his vassals a pageant and a show.

But the single terror of excommunication, and all the preparatory processes of spiritual punishment, were perfectly adequate to produce these intellectual and political wonders. No one in our own happier times can form an idea of what was then a sentence of excommunication. It was to live alone in the midst of society, to be no longer human, to be without the character of man here, and to be without hope hereafter. The clergy of the dark ages (to adopt *in part* the striking illustration of Hume, suggested, indeed, by a passage in Dryden's Sebastian), the clergy of the dark ages had obtained, what only Archimedes wanted: they had got another world on which to rest their engines, and they moved this world at their pleasure.

The inquisition itself had its origin in the most acknowledged feelings of our nature. Its advocates and its ministers could always appeal in its support to the most regular conclusions of the human mind.

The reasoning was then, as it would be now to the generality of mankind, perfectly intelligible and convincing. Truth, it was said could only be on one side; by error we may destroy our own souls and those of others. Error must, therefore, be prevented, and if not by gentle means, on account of the greatness of the object, by other means, by any means, by force. This is the creed of intolerance to this hour.

The tribunal that appeared with all its tremendous apparatus of familiars, inquisitors, and executioners, was but a consequence which, in an unenlightened period, followed of course.

The great and only difficult victory of the papal see was over the clergy themselves—the law of celibacy. When this triumph, that had been long in preparation, was once obtained by the renowned Gregory the Seventh, towards the close of the eleventh century, the ecclesiastics then became a sort of regular army, with a dictator at their head, to which nothing could be successively opposed.

But even this, the most extraordinary phenomenon of the whole, may still be traced up, as well as the existence of the various monastic orders, with all their extravagant and at first sight unnatural observances, to principles that are, notwithstanding, the genuine principles of the human heart, and inseparable from our nature.

The *esprit du corps*—the merit of the severer virtues, of self-denial, of self-abasement—these, united with the religious principle, gave occasion to the monastic character and all its observances, and they form at once a solution of all these outrageous deviations from the more calm and ordinary suggestions of the common sense and common feelings of mankind.

Observances of this kind have, in fact, existed among the nations of every clime and age; they exist in India at this moment. But consider the principles we have mentioned. This *esprit du corps* is founded on the sympathies, on some of the most effective sympathies of the human mind; and the severer virtues of self-control, of self-denial, of self-abasement, of chastity, and again the virtues of humility and of piety, are all virtues in themselves so awful and respectable, that they have always, even in their excesses, received the admiration of mankind, and they are the highest and the best praise of man, when well directed and attempered; that they should not be so in times of ignorance can be matter of no surprise; these are subjects which are often misunderstood even among ourselves.

Pursue the same train of reasoning to the less fatal, less degrading extravagances of this dark period—the institution of Chivalry, for instance—the expeditions to the Holy Land.

Chivalry, if considered in its original elements, is only a very striking testimony to those more generous principles of the human heart, which, it should seem, can never be sepa-

rated from our nature under any, the most disorderly state of society. The same testimony seems to have been offered in times the most remote.

The knights of the middle ages were not a little the counterparts, however improved, of the fabled gods and heroes of antiquity, of Hercules and Theseus; and have been celebrated in the same romantic manner. They were the redressors of oppression; the moral benefactors of the community in which they lived; the mirrors or the noblest qualities of the human character; the exhibitors of those two great virtues of tenderness and courage, which were then so peculiarly necessary to society. The foundations of the chivalrous character were laid in human nature, in the consciousness that belongs to good actions, and in that sensibility to the applause of others, from which those who can really perform good actions, neither can, nor need be exempt.

Original principles like these could easily be associated in a religious age with the religious principle, more especially with Christianity, the religion of benevolence: the religion which, of all others, teaches us to think most of those around us, and least of ourselves.

The only part of the chivalrous character, which it is somewhat difficult to account for, is that delicate devotion to the fair sex by which it was so strongly and often so whimsically distinguished.

This devotion must be traced up to the woods of Germany; where, however, it may be explained, it appears from Tacitus, that the other sex had even more than their natural share of importance and respect. This natural importance and respect could not but be materially strengthened and improved subsequently, by the influence of the Christian religion, which still existed amidst the confusions of Europe, and survived them. This religion could not but have made the weaker sex more worthy of the estimation of the stronger, and the stronger in its turn more fitted to comprehend and relish the more gentle virtues of the weaker.

The subsequent state of society, where the great families lived often in a state of separation and hostility, must have interposed those difficulties to the gratification of the sexual passion, which have such a remarkable tendency to soften and refine it.

Even in civilized life we see this passion so affected by difficulties, as sometimes to be sublimed into extravagances, as wild as those of the middle ages; as preposterous as were ever exhibited by those, who maintained by arms the beauty of their mistresses against all comers.

Humanity and courage are the virtues which the softer sex must from their very nature be always most disposed to patronize. The knight and his lady were thus formed in their characters for each other. Jousts and tournaments still further contributed to animate all the natural sentiments with which both were inspired; and these trials of skill and spectacles of magnificence were the necessary exhibitions of the merits of both, of beauty on the one side, and military prowess on the other; and were the obvious resources of those, who must otherwise have been without occupation and amusement, and whose minds could not at that period be diversified by all the intellectual pursuits of modern and more civilized life.

On the whole, there was in chivalry much, which the natural ardour and enthusiasm of the human character might convert into the extravagant, and sometimes into the ridiculous, and in this state it might be seized upon by a man of genius like Cervantes, and when arrayed in the colours of his own pleasantry and fancy, be transmitted to the amusement of posterity; but the virtues of the knight, of the hero of chivalry, were real and substantial virtues. Courtesy to the low; respect to the high; tenderness to the softer sex, and loyalty to the prince; courage and piety; gentleness and modesty; veracity and frankness; these after all are the virtues of the human character; and whatever appearances they might assume under the particular circumstances of these ages, they are still the proper objects of the love and respect of mankind under every circumstance and in every age.

The knights, it must be confessed, received an education that was too military to be favourable to knowledge; they were not the scholars or the men of science of their day, but they contributed, notwithstanding, to elevate and to humanize the times in which they lived, and they transmitted, and they indeed thoroughly engrafted upon the European character, the generous and manly virtues.

Lastly, to take the other specimen, which we have mentioned, of these middle ages, the Crusades.

These are, according to Mr. Hume, the most durable monuments of human folly: it may be so; but whatever may have been the less worthy motives, that contributed to carry such myriads to the holy land, no warriors would have reached it, if a piety, however unenlightened, if a military spirit, however rude, that is, if devotion and courage had not been the great actuating principles of the age; but courage and devotion are still virtues, however unfortunately exercised; the difference between these crusaders and ourselves is still only that of a more intelligent faith in us, and better regulated feelings. Piety and magnanimity are still our virtues, as they were theirs.

The crusaders, indeed, were inflamed by the images of the Holy Land; for they saw, and they were overpowered with indignation, when they saw, the sacred earth, which had been blessed by the footsteps of our Saviour, profaned by the tread of Barbarians, who rejected his faith, and outraged his pious and unoffending followers: but in this the crusaders submitted only to the associations of their nature. The same power of association is still the great salutary law by which we, too, are animated or subdued, by which we, too, are hurried into action, or moulded into habit; and it is as impossible for us now, as it was to the crusaders of the middle ages, to behold, without affection and reverence, whatever has been once connected with objects that are dear and venerable in our eyes.

It is thus that things, in themselves the most inanimate, are every day seen to assume almost the nature of life and existence. Is there at Runnymede (for instance) to be found nothing more than the beauty of the scene? Do we walk without emotion amidst the ruins of ancient Rome? Is Palestine a land, and Jerusalem a city, like a common land and a common city? Far different is the answer which nature has unalterably given to appeals of this kind in every climate and in every heart. And if, indeed, the sepulchre in which our Saviour was inurned; if indeed the cross on which he expired, could be presented to our eyes; if we could indeed believe that such were in truth the objects actually exhibited to our view, assuredly we should sink in reverence as did our forefathers, before such affecting images of the past; assuredly with the



sufferer himself we should identify these visible instruments of his sufferings ; and the sacrifice of our hearts would not be the idolatry of blindness, but the natural effusion of irresistible devotion and awe.

It is not the sentiments by which these heroes were impelled that we can bear to censure ; it is the excess to which they were carried ; it is the direction which they took ; it is piety preposterously exercised ; it is courage unlawfully employed ; the extravagancies to which virtue and religion may be made subservient, not virtue and religion.

So natural indeed are such sacred principles, so attractive, so respectable even in their excesses, that we willingly allow to our imagination the facility, which it loves, of moulding into visions of sublimity and beauty the forms and the scenes which time has now removed within its softened twilight, and in some respects secured from the intrusions of our colder reason.

Who is there that can entirely escape from the delusion and the charm of Pilgrims grey and Red-cross Knights, the fights of Ascalon and the siege of Acre, the prowess and the renown of our lion-hearted Richard ? It is by an effort, an unwilling effort, that we turn to think of the bloodshed and desolation, the disease and famine, the pain and death, by which these unhappy enterprises were accompanied.

Little need be said of the custom of duelling by which these ages were so distinguished. The custom is founded too evidently on some of the most powerful principles of our nature, particularly that of resentment ; given us for the wisest purposes, and necessary to our well being, but of all others the principle, that has been most abused by the folly of mankind.

The practice has even descended to our own times, though we have no longer the reasons or the excuse which our forefathers had for such nefarious or ridiculous or misguided excesses of just and honourable sentiment. In the absence of all general law, men were, in former times, naturally a law unto themselves. These appeals, too, were considered, at that period, as appeals to heaven ; there was here something of necessity, something of reasonableness. With respect to ourselves, on the contrary, experience has taught us no longer

to expect these extraordinary interpositions to defend the right : a more enlarged philosophy has served to show us the impropriety of supposing, that the general laws of the Creator should be continually suspended for the adjustment of our quarrels, or that the rewards and punishments, which are to await innocence and guilt hereafter, should be regularly expected and realized in our present state ; but customs remain, when the reasons of them have ceased. In the midst of our lawyers, our sages, and our divines, we violate every precept of law, morality, and religion ; in the midst of civilization, improvement, and social happiness, we suffer our comforts and our peace, here and hereafter, to hang upon the chance of an angry look or word ; and we retain the preposterous folly, while we have lost the ignorance ; the bloody ferocity, but no longer the humble piety of our ancestors.

It is thus that the history of the dark and middle ages, like every other part of history, is still but a representation of human nature, and as such deserving of our curiosity and examination.

The poet may no doubt find the richest materials amid transactions, where the passions were so violently excited, and in a period when human manners were cast into forms so striking and so different from our own ; and the antiquarian, the constitutional lawyer, and the philosopher must find, amid the opinions and practices of these illiterate Barbarians, the origin and foundation of the laws, the sentiments and the customs, that distinguish Europe from the other quarters of the world, and the different kingdoms of Europe from each other.

But to the moralist and the statesman the great reflection is every where the same ; the deplorable nature of ignorance ; the value of every thing which can enlighten mankind ; the merit of every man who can contribute to open the views or strengthen the understanding of his fellow creatures. It is but too evident from the history of these periods of darkness, that we have only to suppose a state of society, where the general ignorance shall be sufficiently complete ; and impossibilities themselves seem realized ; men may find degradation in the most ennobling sentiments of their nature, and destruction and crimes in their best virtues.



## NOTES.

[The Notes are always taken from Note-books that were laid on the table of the Lecture Room.]

### I.

SAVAGE and civilized life may each exhibit the disgusting extremes of opposite evils; but it is in vain to fly from the one, to be lost in the still more frightful degradation of the other; not to say that the propensities, and capacities, and irresistible impulses of our nature, seem clearly to indicate that we are not intended for solitude and torpor, but for society and improvement.

### II.

It is not easy to lay down maxims in politics. Man is such a compound being of reason and feeling, so alive to the impression of the moment, so entirely at the mercy (in his political capacity at least) of the present uneasiness.

The political discourses of Hume are the best models we have of the reasoning that belongs to subjects of this nature. They best admonish us of the slow step with which we should advance, and the wary distrust with which we should look around, before we think that we have reached a maxim in politics, that is, a general principle, on the steady efficiency of which, in real practice, we may always depend.

“Civil knowledge,” says Lord Bacon, “is conversant about a subject, which of all others is most immersed in matter, and hardliest reduced to axiom.”

### III.

#### *Recueil des Historiens des Gaules et de la France.*

RELIGIOUS societies, like those of the Benedictines, have been often stigmatized as the abodes of laziness and superstition; but sweeping accusations are seldom just. To this society, for instance, literature is indebted for works of the most serious importance; works of such labour and extent, that they have been begun by one generation of men, and left to be prosecuted and finished by those which succeeded.

This is a sort of service which could not well have been rendered to mankind but by those who did not labour for profit, and who were always in a state of continued existence, by being linked together as members of the same society.

## IV.

CHARLEMAGNE undertook, at his leisure, to learn to write. What a characteristic of the age!

“Sed parùm prosperè successit,” says Eginhart. “Labor præposterus ac serò inchoatus.”

Of such a man so unlettered, the merit is the greater as we are told, at the same time,—

That he attended to the liberal education of his children.

That he had books read to him while at table.

That he acquired the Latin language, and a knowledge of the Greek.

That he zealously cultivated the liberal arts, and bestowed on the professors every mark of respect and honour.

That he studied the sciences of rhetoric, logic, and astronomy.

That he ordered the laws of his subject nations to be drawn up and reduced to writing.

His great merit seems to have been, that he knew his best interests and duties, and therefore felt for the people, and patronized the free assemblies of the state.

## V.

*Prologus Legis Salicæ.*

PLACUIT atque convenit inter Francos, et eorum proceres, ut propter servandum inter se pacis studium, omnia, incrementa veterum rixarum rescare deberent: et quia cæteris gentibus juxta se positus præeminebant, ita etiam legum auctoritate præcellerent; ut juxta qualitatem causarum, sumeret criminalis actio terminum. Extiterunt igitur inter eos electi de pluribus quatuor viri his nominibus, Wisigastus, Bodogastus, Salogastus, et Widogastus, in villis quæ ultra Rhenum sunt Salehaim, et Bodehaim, et Widohaim. Qui per tres mallos (markets) convenientes omnes causarum originem sollicitè discutiendo tractantes, de singulis judicium decreverunt hoc modo:—

Anno ab incarnatione Domini nostri Jesu Christi DCCXCVIII. sextâ, dominus Carolus Rex Francorum inclytus hunc libellum, tractatus legis Salicæ scribere ordinavit.

## VI.

THE conquered Romans were indulged by the Barbarians in the free use of their own law (the Theodosian Code), especially in the cases of marriage, inheritance, and other important transactions of life.

## VII.

WITH respect to property, the student will learn the situation of the Romans by consulting the thirtieth book of Montesquieu, from the fifth chapter to the sixteenth.

The Franks seem to have seized only on a part of their lands, probably because, in the then existing state of society, they had no occasion for the whole. Those of the northern nations who settled near Italy were induced or obliged to treat them more liberally.

The Burgundians, for instance, took two-thirds of the land, and one-third of the bondmen.

The slaves were not Romans, but those unhappy men who were carried into captivity by a conquering army, retiring (as was often the case) from a province or a kingdom, which it had overrun.

Freemen among the barbarians seem to have paid no taxes themselves.

Of the Romans, some seem to have been proprietors, and some tributaries: by which term was probably meant those who paid rent.

When the Burgundian empire was attacked by Clovis, its fall was delayed by the assistance which the Burgundians received from their conquered subjects, the Romans; one instance among many of the policy of all mild government,—so often exhibited, but in vain, to the humanity of those, who direct the counsels of states and empires.

The Burgundians, the Lombards, and the Visigoths, had been more connected with the Romans; and their laws and their codes are therefore favourably distinguished from the codes of the more simple and rude barbarians.

### VIII.

MANY efforts seem to have been made by these barbarians to preserve integrity and dispatch in the judges, and other officers connected with the administration of justice. This is the great difficulty. “Custodes ipsos quis custodiet?”

The judges must be few, the bar intelligent, the public interested in their own political happiness: that is, the judges of a country, like all other human beings, can only be kept virtuous by being subjected to the criticism of their fellow creatures.

### IX.

THESE ancient codes and capitularies remained long in force in Germany, longer in Italy, still longer in France. Their authority was shaken by the incursions of the Normans, and by the weakness of government under the successors of Charlemagne.

Curious particulars occur in these capitularies.

The influence of the clergy more especially, the deep and dark superstition of the people, and on the whole, the unhappy state of society.

The clergy however, were considered as the patrons and guardians of justice and humanity, as far as justice and humanity were then understood.

“Sacerdotes Dei,” says one of the laws (30th) of the Visigoths, “quibus pro remediis oppressorum vel pauperum, divinitus cura commissa est,” &c. &c.

This was a law of one of their princes in the year 670.

### X.

Symptoms of the feudal system appear in these laws.

Of the 9th law of the 9th book, the title is—“De his, qui in exercitum *constituto loco, vel tempore finito* non successerint, vel quæ pars *scrivorum*

*unicujusque* in eadem expeditione *debeat* proficisci." But quite distinctly about the year 801 in the edicts of Charlemagne, cap. 1.

Imprimis,—“*quicumque beneficia habere videntur, omnes in hostem veniant.*” So the second. And again—“*Omnis liber homo,*” &c. &c.

## XI.

PARTICULARS of an amusing nature are sometimes found in these ancient documents. “*Si quis medicus,*” says one of the laws of the Visigoths who possessed Spain, “*dum phlebotomum exerecat, et ingenuum debilitaverit centum solidus coactus exsolvet. Si vero mortuus fuerit, continuo propinquus trahendus est, ut quod de eo voluerint, habeant potestatem.*”

The Sangrados of Spain seem to have made their appearance early.

## XII.

THE superstition of the age, as may be supposed, furnishes many laws and observances and ceremonies that may make the reader in his happier state of religious knowledge “smile or sigh,” according to his particular temperament.

The intolerance of these lawgivers is such as might be expected: for the barbarian of the seventh century speaks thus, alluding to unbelievers (a title in all probability then easily acquired,) he declares: “*in virtute Dei aggrediar, hostes ejus insequar, æmulos ejus prosequar,*” &c. &c. till he renders them like the “*pulverum aut luteum solidum platearum,*” &c. &c.

The reason why his fellow creatures are to be thus trampled into the dust, is much the same that would have been given by the barbarians of all subsequent centuries; “*ut fideles populos in religionis sacræ pace possederem, atque infideles ad concordiam pacis adduxerim, et mihi crescat in gloria præmium, ut virtutem Dei dilatem atque augeam regnum.*”

## XIII.

AGAINST the poor Jews there was an edict; “*Ne Judæi sectam suam defendere audeant,*”—which it seems was “*religioni nostræ insultantes,*” &c.

Yet were lawgivers like these, able to express themselves, as may be seen in the 16th law, with all the fervour of eloquence and piety:—“*Juro et per Jesum,*” &c. &c. p. 232.

## XIV.

IN these codes and capitularies may be seen evidently the origin of many of the peculiarities of our own laws and customs: and the practice of all the more distinguishing rites of the Roman Catholic communion: the services, even as here given, are solemn and affecting.

Lindembrogius and Baluze are the authors, where every thing that concerns these subjects is to be found.

On a feudal system I have made a few observations and bound them up separately with Mr. Butler’s note, and they lie on the table.

## XV.

*Progress of Society.*

IT is to be feared that Stuart in his criticisms on Dr. Robertson was but too much affected by feelings of personal animosity: he was a man of powerful but irregular mind, and in his differences with such a man as the Principal, must have been in the wrong. I have understood this to be the case.

## XVI.

*Mahomet.*

THE dreadful alliance of military and religious enthusiasm has been often exhibited on the theatre of the world: but the fact is, that the military spirit is easily associated with any strong passion.

The soldiers of the Roman republic in ancient times, and of the French nation in our own times, are instances to this effect: and the rulers of any state should be very careful how they place their enemies within the reach of any union of this kind.

For the life of Mahomet we have to depend on Abulfeda, who did not reign till 1310 and who cannot appeal to any writer of the first century of the Hegira. This is a disagreeable circumstance.—See Gibbon, note ch. 50.

## XVII.

THE French peers seem never to have been satisfied, unless the origin of their distinction was lost in the obscurity of the earliest ages.

A reasonable opinion is delivered by the president Hénault in the life of Hugh Capet: Montesquieu may be consulted, and Mably.

## XVIII.

THE rise of the Norman empire in Sicily, in the relation of which history becomes romance, should also be considered. It may be read in Gibbon.

## XIX.

THE history of the Albigenses, and the crusade against them, are deserving of attention. An account may be found in Père Daniel, or rather in Velly.

But the French writers must always be read with due allowance, when the principles of civil and religious liberty are concerned.

These heretics, the Albigenses, were among the precursors of the Reformation.

Their manners and opinions have been probably misrepresented and vilified. Their fate and history is melancholy and interesting.

The subject seems properly stated by Dr. Rankin in his late history of France; and it is here that the student will in the most ready manner acquire a proper idea of it.

## XX.

*St. Louis (Louis IX. of France).*

THE penal provisions of St. Louis bear a sanguinary and ferocious character.

The efforts which he made for the serfs became, from their very feebleness, an honour to the legislator and an additional disgrace to the age.

The serf, says the lawgiver, may be pursued wherever he flies for liberty. But all causes of serfage are to be decided by the ordinary judges of the crown.

In all cases where the proofs for and against the serfage are equal, let the decision be in favour of liberty.

Let the child of a serf and a freewoman be free like the mother: "a new and extraordinary favour," says the historian.

## XXI.

WITH respect to the more early jurisprudence of France, it may be observed, that the ancient codes and capitularies had fallen into disuse; ancient customs, which had always existed along with them, multiplied as they declined.

Written collections of these were often made.

The monarchs of the Capetian race, when they gave their fiefs, prescribed by charter the terms on which they were to be held.

The result of the whole was, that each seignory had its particular usages.

Among such various systems of jurisprudence, the "establishments of St. Louis" have been always considered with great respect, on account of their wisdom and antiquity.

In 1453, Charles VII. made an effort to reduce the various customs of France into some form, and to ascertain their nature. A measure of such difficulty, that it lingered till the reign of Louis XII. and was not completed till 1609. The whole, when finished and sanctioned, was called *Coutumier du France*, and has been edited by Richenburgh, in four volumes folio. See Butler's *Horæ Juridicæ*.

## XXII.

*Power of the Pope.*

CHARLEMAGNE elected the Pope, and was therefore supreme; but the Pope had anointed Charlemagne, and was therefore supreme also.

The scale of power was thus left to incline to the one side or the other.

The steps by which the power of the Pope became a despotism so complete, are marked with sufficient minuteness by Giannone in his ecclesiastical chapters, particularly in his fifth chapter of his nineteenth book, which will supply adequate information.

The first great point was to exempt the clergy from secular jurisdiction, and this was at length accomplished.



The second, to include within the description of clergy all who had ever received the tonsure.

The third, to draw all causes within their jurisdiction which involved any breach of faith; for where there was a breach of faith, there was sin, and therefore the soul was concerned, and therefore the church.

The fourth, to bring all testaments within their jurisdiction; for testaments, it seems, were a matter of conscience: add to this, that the testator was to be buried by the church, and his soul to be put into a state of rest and quiet; his moveables were therefore to be seized, in the first place, to put the church into a state of rest and quiet also. He might, too, have made bequests to the church, a point which the church were therefore to ascertain.

Thus, if among the litigants there was a clergyman, the cause was to be referred to the church.

Then the church was to be appealed to if the civil lawyers disagreed, a circumstance which might certainly happen; for the Jews, in a similar case, had always, it was observed, applied to the Levites.

Then they were to supply the defects of negligence and partiality in the secular judges.

Then they were to take cognizance of all causes, where the poor and strangers, where wards and widows were concerned, for of such they considered themselves as protectors.

Next, they insisted that many crimes, such as bigamy and usury, were not only, in strictness, of an ecclesiastical nature, but were at least liable to *both* jurisdictions, the spiritual as well as temporal: and, therefore, they took care to exert proper speed and arrive at the offender first.

Lastly, all cases where matrimony was concerned; for matrimony was a sacrament.

All this was accompanied by the tribunal of the inquisition, which was established in the thirteenth century, and which originated in a natural but most unfortunate mistake, that heresy was a crime that must at all events be prevented and punished. The civil power, before the appearance of the inquisition, had proceeded to fine, imprisonment, and, at last, death; so rapid is the dreadful march of intolerance!

But when the preaching friars, and the friars minores, the Dominican and Franciscan orders, had sprung up, the Dominicans were soon ready to execute any commission of inquiry into heresy; and the tribunal of the inquisition was immediately in a state of activity, and arrayed in all its tremendous apparatus of familiars, inquisitors, torturers, and executioners.

Finally, it was not only in spiritual but temporal matters that the ecclesiastical power was to be supreme.

Princes were to be summoned to Rome to purge themselves of their crimes. The Pope himself was to be the lord of the universe.

The means by which such a system of jurisdiction was extended and established, appear to have been the different processes of spiritual punishment, ending at last in total excommunication; a sentence, of the horrors of which, no one now can have the slightest conception.

## XXIII.

IN Dryden's play of Sebastian, act ii. scene 1, may be found the image applied by Hume to the clergy of every age and description. Dorax to the Mufti,—

“Content you with monopolizing heaven,  
And let this little hanging ball alone;  
For, give ye but a foot of conscience there,  
And you, like Archimedes, toss the globe.”

The image is not too strong when applied to the clergy of the dark ages. Hume was a reader of Dryden's plays, and probably borrowed in this instance, but without acknowledgement.

## XXIV.

WHEN Charlemagne was no more, the Saxons rushed out in every direction, as did afterwards the Danes and Normans; and they were able, from the almost incredible lightness of their vessels, their desperate seamanship and hardy courage, to be a more dreadful torment to the peaceful inhabitants of Europe, than even the northern conquerors themselves had been. They established themselves in Sicily, a large division of France, in England, &c. &c.

## XXV.

IN the history of the free and commercial cities, there are various traits of the operations of the principle of utility.

## XXVI.

SOME idea must be formed by the student of a very fatiguing portion of history. The times of the Hanseatic league, the struggles of the emperors and popes, &c. &c. Pfeffel may be consulted, and Gibbon. The student through all the different dynasties noted down in Pfeffel, must mark well the relative power and pretensions of the popes and emperors.

The effort of the see to deprive the emperors of the nomination of the vacant benefices, to transfer to the holy see the election even of the emperor himself, &c. &c.

Gregory VII. was the great hero of this species of warfare against the improvement and happiness of society. Excommunication was the great engine by which the papal see performed its wonders. The popes, even while arrogating to themselves the right of dethroning emperors, had the hardness to reason—“*Officii nostri est regem investire,—ergo quem meritum investimus, immeritum quare non divestimus.*”

It is the misery of mankind, that there is no cause so unreasonable, for which something like reasoning may not be produced.

It is thus that men originally good are often led step by step into serious faults; and that bad men can affect to palliate and even convert their crimes into virtues.

In the course of this struggle, Conrad, king of the Romans, and heir to the emperor, appeared against him in arms.

It was in vain that the unhappy father appealed to the rights of his crown, and the common feelings of human nature. "I acknowledge not," said this abominable son, "either for my emperor or father, one who is excommunicated."

## XXVII.

THE reign of Frederick II. should be particularly noticed, as it exhibits the lengthened and intrepid resistance of a most accomplished and able prince to the papal see.

Innocent, when pope, was no longer his friend. The official character, as usual, triumphed over the natural feelings of the man.

## XXVIII.

THE towns and cities, the great hope of mankind at this period, acquired freedom and importance, gradually and insensibly.

By Henry V. and Lothaire they were converted each into a sort of little republic, and their number was multiplied. The artisans were enfranchised &c. &c. till men who had once been objects of sale and transfer emerged at length from their unnatural degradation.

## XXIX.

FREDERICK was a great patron of the cities of the empire.

It is a trait of these times that Frederick, even in the cities he patronized, exercised the power of uniting in marriage, as he pleased, the children of the principal citizens.

## XXX.

GIBBON has made several observations on the different emperors of these different dynasties, and on their contests in Italy. Giannone should likewise be consulted. His work is a history of Naples; but many parts may be selected of great general interest and importance.

The observations of Pfeffel, on the great interregnum of twenty-three years between Frederick II. and Rodolph, should be particularly considered.

## XXXI.

THE most extraordinary man of his age was Louis IX. (St. Louis), uniting the magnanimity of the hero and the simplicity of the child.

The student can scarcely be excused if he does not turn aside to look at the account of his expedition given by Joinville, especially as Mr. Johnes has so laudably employed himself in rendering it accessible to every reader, by a new translation, accompanied by extracts from the notes and dissertations of the indefatigable Du Cange. The knights, the monarch, and their followers, are shown in the faithful mirror of their ordinary conduct. The picture is the picture of ancient manners and opinions.

The Lord de Joinville is no philosopher, but he incidentally supplies materials to those who are.

"The king," says he, "summoned all the barons to Paris to renew their

oath of fealty and homage ; but I," says Joinville, "*who was not his man, would not take the oath.*"

This passage has been often quoted, to show that the under-vassals owed fidelity and homage to their own immediate lords *only and exclusively*, an important distinction, very favourable to disorder, &c.

## XXXII.

IN another passage notice is taken of what were called "the pleadings at the gate;" and the second dissertation from Du Cange, quoted by Mr. Johnes, exhibits concisely the natural progress of jurisprudence, from the first audience of complaints by the kings themselves, to the dispensation of justice by their governors and deputies; the establishment of courts of justice in their palaces; and lastly, the sub-division of the parliament, or great court of justice, into different courts or chambers.

Again, in the instructions of St. Louis to his son, given by Joinville, the king says, "Maintain such liberties and franchises as thy ancestors have done; for by the riches and power of thy principal towns thy enemies will be afraid of affronting or attacking thee, more especially *thy equals*—the barons or such like."

These last words illustrate and enforce the reasonings of philosophical writers on these times.

In the narrative of Joinville we see the readiness and confidence with which the crusaders converted every operation of the general laws of the Deity into marks of the particular interference of heaven.

This has always been one of the characteristics of enthusiasm.



## LECTURE V.

### ENGLAND.

**I** HAVE hitherto said nothing of England. Yet has England a dearer claim on our curiosity and attention, and its history, and more particularly its constitutional history, must be considered with more diligence and patience, than can possibly be directed to those of any other country.

The first authentic notice which we have of the inhabitants of this island, is honourable to their memory: they were attacked by the first man of the first nation then in the world; they resisted, and were not subdued. The account is given by Cæsar himself, and what Cæsar delivers to posterity, however short, cannot but be deserving of our observation.

Further information with respect to the Britons may be afterwards collected from Suetonius; and the gradual successes of the Roman commanders will be found in Tacitus. In his life of Agricola the subject is closed; all further contest is at an end. But the speech which is there attributed to Galgacus, when once read, can never be forgotten: the great historian has here displayed the rare merit of a mind elevated in the cause of justice above every domestic partiality and national prejudice. When he exhibits the cause which called the Caledonians to the field, he is no longer the son-in-law of the Roman general, nor the countryman of the Roman people; he is the assertor of all the generous principles of our nature; he is the protector of humanity, and he discharges with fidelity and spirit the noble office, the great duty of the historian, by exhibiting to our sympathy the wrongs of unoffending freedom.

The Romans were indeed successful, and the independence of Britain was no more. But the sentiments which must have animated these last defenders of their country still breathe in

the immortal pages of this celebrated writer; and the virtues of the Caledonians are now for ever united to the taste and feelings of mankind.

Another melancholy scene succeeds. The Romans retire from the island, and the Britons, deprived of their protection, are insulted and overpowered by every invader. The Romans had long inured them to a sense of inferiority. The country had been partly civilized and improved, but the *mind* of the country had been destroyed. The Britons had lost the rude virtues of barbarians, but had not acquired that sense of honour and consciousness of political happiness, which do more than supply their place in the character of civilized man. They had not felt the influence of a government which themselves could share. They were unable to make head against their enemies; and they exhibited to the world that lesson, which has been so often repeated, that a country can never be defended by a population that has been, on whatever account, degraded; that they who are to resist an invader must first be moulded by equal laws and the benefits of a free government into a due sense of national pride and individual importance; and that men cannot be formed into heroes on the principles of suspicion and injustice.

It is true, that the Britons made a better resistance to their invaders than could have been expected. There may be much exaggeration and vain lamentation, as Mr. Turner supposes, in the representations of Gildas, on which Bede, and after him our historian Hume relied; but the independence of the island must at last have been lost from the destructive effect of such general principles as I have stated.

The next era in our history exhibits the total subjugation of Britain by the Angles, Jutes, and Saxons. These were northern nations; and we are thus brought, with respect to England, exactly to the same point from whence we set out in examining the history of Europe, the conquest of the northern nations.

Again, we must observe the particular circumstances of the Norman Conquest which followed. This conquest gave occasion to the establishment of the feudal system in all its rigours. The pope had also extended his empire to this remote island. So that in England, as in the rest of Europe,

we have the feudal system and the papal power; and these were, in the instance of our own country, as in the rest of Europe (without stopping to notice some fortunate peculiarities in our case, or some advantages concomitant with these evils), the great impediments to the improvement of human happiness.

The subject of English history now lies before us from the expulsion of the Romans to the time of Henry VIII.

I cannot occupy you in listening here to such information as I might collect for you from books. You must read the books. I will observe upon them, and upon the subject before us, but I can do no more. The whole subject may be evidently distinguished into two great divisions.

The fate and fortunes of the different monarchs, barons, and remarkable men that appear in our annals.

And the fate and fortunes of the constitution of England.

The latter is the great subject for you to study. The first, indeed, you ought to know, and may readily know; but the second not so readily: the first is chiefly of importance, as connected with the latter. In a word, there are before you the facts of the history, and the philosophy of the history. You will soon learn the one, but you must endeavour to understand the other.

Having thus given you my general notion of what you are to attempt to do, I will describe to you the best and shortest means you can use for the purpose. You must read, then, and compare Hume and Rapin, and study Millar on the English Constitution. Bear away, then, this general impression from this lecture, that it is the constitutional history of your country which is the great subject before you, and that Hume, Rapin, and Millar are to be your authors.

That the subject cannot be contracted for you into any shorter compass than this; but to these, which I originally mentioned, I must now add the invaluable History of Mr. Hallam, and that no one who has been admitted to the benefits of a regular education, can be pardoned if he do not exert himself at least to this extent.

But when England is the subject, most of you may be disposed to take any pains, that can be thought necessary, to inform yourselves of its constitutional history; and it is to

those, therefore, that I shall now, for some time, address myself; to those who are ready to study the constitutional history of their country more thoroughly.

In the first place, then; Priestley's Lectures, and Nicholson's Historical Library, will give you an account of all books and sources of information belonging to English history.

Of the Saxon law, what now can be known has been collected by different antiquarians, and edited more particularly by Wilkins.

You may also estimate this part of the subject from the first appendix of Hume. This appendix will be sufficient for the general reader.

Mr. Turner has published some volumes containing many particulars which the student will not readily find elsewhere, and he will, from the text and from the notes, sufficiently comprehend what is the knowledge, which the study of the Saxon language and Saxon antiquities would furnish him with.

Mr. Turner is often capable of affording his reader valuable topics of reflection; but, though apparently a most patient antiquarian, his imagination is so active, that his style is unexpectedly loaded with metaphors, to a degree that is not only inconsistent with historic composition, but with *all* composition. Very extensive reading is displayed; and on the whole, the work may be consulted with advantage. There is nothing said of the laws of Edward the Confessor, a strange omission; nor of the rise of the English House of Commons, though Mr. Turner evidently conceives that the commons formed no part of the *wittena gemote*.

Mr. Turner has, since I wrote this paragraph, published three quarto volumes on the English history, from William I. to Henry VIII. He is an antiquarian, as I have mentioned, and whatever a man, who looks into original records, publishes, must be more or less of importance. Mr. Turner often gives his reader the impression of an amiable man, rather than one of a very superior understanding; yet many curious particulars may be collected, and much instruction may be derived from his learned and often amusing work.

This lecture was drawn up many years ago, in the years



1807 and 1808. I have now, therefore, to mention to you also the eighth chapter of Mr. Hallam's work on the Middle Ages. This chapter refers entirely to the English constitution, into the history of which it enters with great learning and ability.

You must come to no decision on any point connected with this subject, without first turning to this chapter of Mr. Hallam. He thinks for himself; and he is a critic and examiner of the labours of those, who have gone before. Since this lecture was written, his Constitutional History has also appeared; a work, as I have already said, quite invaluable.

Dr. Lingard has lately published a History of England; and we have now, therefore, the views and reasonings of those, who are members of the Roman Catholic communion, presented to us by a writer of great controversial ability. Dr. Lingard also consults records, and judges for himself, and his book must therefore be always referred to on every occasion of importance. He tells the story of England in too cold a manner, and it is truly the Roman Catholic History of England; but his work is interesting, because the reader knows that the writer is not only an able writer, but a man of research and of antiquarian learning, and it therefore never can be conjectured beforehand, what may be the information which he will produce, nor the sentiments that he will adopt. He sometimes differs with his predecessors, even on general subjects, and not always with good reason.

I must now, however, mention to you the three octavo volumes on English History that were drawn up by Sir James Mackintosh, for Dr. Lardner. There is little pretension in the appearance of these volumes; do not be deceived by this circumstance; they are full of weighty matter, and are every where marked by paragraphs of comprehensive thought and sound philosophy, political and moral; they are well worthy their distinguished author. The sentences are now and then overcharged with reflection, so as to become obscure, particularly in the first volume. But do not be deterred by a fault that too naturally resulted from the richly stored and highly metaphysical mind of this valuable writer.

You may easily consult the monkish writers; you will find

them edited in a form by no means repulsive, *Rerum Anglicarum Scriptores decem*, &c.

You will not probably turn to read works of this kind in any very regular manner; but I would advise you to consult them at particular periods of our history: periods, where their representations are likely to be instructive. When popular commotions, for instance, occur; changes of the government; any transaction that may be connected with general principles.

You may remember with what effect an allusion is made to the old historians, Knyghton and Walsingham, by Mr. Burke, when he meant to show that all the modern principles of the revolutionary school of France were but of the same nature with the vulgar jargon of John Bull in the reign of Richard II. I allude to his note in the Appeal from the new to the old Whigs.

A good notion of the early constitutional history of England may be collected from Cotton's Abridgment of the Records, which ought by all means to be consulted; it has been edited by Prynne, whose preface should be perused. The reader is furnished with an index at the end, which will point out to him a variety of topics, well fitted to excite his curiosity; and he may thus acquire, by pursuing the references, most of the benefit which the book can render him, in a very easy and expeditious manner; it is not, however, always a sufficient representation of the records, which it indeed only professes to abridge.

It is to be observed, that records are consulted often to determine points of difficulty; abridgments cannot then be satisfactory. Cotton is censured as inadequate, sometimes as inaccurate, but the work is an abridgment. Omission is not necessarily inaccuracy, though it has always a tendency to be so, and may sometimes operate as if it were. Cotton is of course, no authority in Westminster Hall or parliament.

Brady's History, Tyrrell's, and Carte's, may be consulted, and the Parliamentary History; but as the latter work, and the proper continuations of it are not always, at least not cheaply, to be procured, you may refer to a very adequate selection from them, that has been published by Cobbett, or rather by Hansard, and that forms the volumes of his parlia-

mentary history; the preface to each of which volumes will always afford the reader all the necessary information respecting such original works, as can now be resorted to.

It is totally impossible to convey the impression which is given by these original documents in any words but their own; nothing can be more curious and striking than their language to our modern ears, particularly where the Commons are mentioned: when we consider what, very happily for the community, that assembly now is, it is perfectly amusing to observe the submissive approaches, which they long made, not only to the king, but to the lords and prelates; their alarm, their total despondency, when they see any tax impending over them.

It is in these original documents that their early insignificance, and the slow but accelerated growth of their power, can best be seen: and how idle is the declamation which would refer us to these times, as the best times of our parliaments. Most of the valuable privileges, which the House of Commons enjoys, most of the important offices which that house now discharges for the community, may be there traced up to all their rude beginnings; sometimes visible in the shape of pretensions and assumptions, sometimes of claims and rights, and all or any of them, with the exception of the right to give away their own and the public money, waved or asserted, or modified according to the circumstances of their situation. So much has liberty owed to perseverance, and to the vigilant improvement of opportunity; not to any original contract or adjustment between the elementary powers of the constitution, the monarch, the aristocracy, and the commonalty.

Much of this sort of information, and of every other historical information, may be found in the history of Dr. Henry; but the same facts, when collected and printed in a modern dress, properly arranged, and to be read without difficulty, as they are in the work of Dr. Henry, no longer excite the same reflection nor obtain the same possession of the memory which they do, when seen in something like their native garb, in their proper place, and in all the simplicity, singularity, and quaintness which belong to them.

I do not say that there will be no labour in referring to

original authorities, but I say that the labour will be rewarded ; and that unless such diligence be exercised, no conclusion can safely be drawn, in any particular case, from the supposed facts of our constitutional history. And this is the more necessary, because from the very nature of a mixed government and the very nature of the human mind, historians and philosophers are affected by different feelings, and give different representations of the same periods ; and every student must refer to authorities and judge for himself.

Turn, for instance, to the history of Hume. We are scarcely entered upon the work and referred to the notes, before we see the symptoms of some contrariety of opinion between the historian and other writers with respect to the original nature of our constitution. If we have recourse to the authors whom he quotes or alludes to, the shades of controversy soon thicken around us, and we perceive that the same dispute exists among our own writers that will be found among the historians and antiquarians of the French nation ; between those who insist upon the popular, and those who contend for the aristocratic and monarchical nature of the original constitutions and governments of Europe.

Controversies of this kind have arisen not only from the curious and disputable nature of these topics, but from a difference of sentiment, which has always existed among the writers and reasoners that have lived under the mixed governments of Europe ; secretly or avowedly they have always fallen into two divisions—those who think the interests of the community are best served by favouring the monarchical part of a constitution, and those who think the same end is best attained by inclining to its popular privileges. The result has been, that writers of the first description have been eager to show that the prerogatives of the monarch were from the earliest times predominant : and that those of the last description have been equally earnest to prove that all power, not only in theory but in fact, was first derived from the people.

Such discussions may be thought by many little more than the natural, though unimportant, occupation of speculative writers and antiquarians ; for the real question (it will be said) must always be, by what form of government the hap-

piness of the community is best secured,—not, what was in fact the form that happened to exist among our ancestors a thousand years ago; their mistakes or misfortunes can be no rule or obligation to us; we may emulate or avoid their example, but cannot be bound by their authority.

All this must be admitted, yet it must be remembered that the affairs of men are not disposed of by the rules of logic or the abstract truths of reasoning: these may remain the same, and may always exhibit to the monarch and to the people, to the courtier and the patriot, those principles and maxims, which are best fitted to promote the happiness of the community. Neither the one nor the other are, however, likely to see such truths very clearly, or to examine them very accurately. It is by a certain loose and coarse mixture of right and wrong in the reasoning, and of selfishness and generosity in the intention, that the *practical* politics of mankind are carried on according to the varying circumstances of the case; not only, therefore, are the reasonings of philosophy produced, but arguments are urged, drawn from precedent and ancient usage, which thus appear to moderate, as it were, between the contending parties, and to be unaffected by the heats and prejudices of the moment. It seems, for example, more reasonable to insist upon privileges which have been *before* enjoyed, more reasonable to maintain prerogatives which were *originally* exercised. Topics of this nature, which can in no respect be slighted by any sound philosopher, much the contrary, are perfectly adapted to the loose, sweeping, and often irrational decisions of the generality of mankind; and, therefore, the discussions of antiquarians and philosophic historians, with respect to the original state of prerogative and privilege, can never be without their interest and importance. In the practical politics of mankind, usage, prescription, custom, are everything, or nearly so, but in this country, such discussions are fitted to excite a more than ordinary degree of interest. The language of the statesmen and patriots, to whom we are so much indebted for our constitution, has always been, that they claimed their undoubted rights and privileges, their ancient franchises, the laws and liberties of the land, and their immemorial customs. One monarch has been obliged to capitulate with his subjects, and

acknowledge their immunities and franchises formally by charter; one has perished on a scaffold; another been exiled from the throne. Revolutions and a civil war have marked the influence of opposite opinions with respect to the popular nature of our constitution. These dreadful and perilous scenes could not fail to transmit this original division of sentiment to us their posterity. The distinction between those who incline to the popular part of the constitution and those who incline to the monarchical, exists to this hour, and can only cease with the constitution itself.

The great leading idea which should be formed of our constitutional history is, that there has always been a constant struggle between prerogative and privilege.

Open, for instance, a volume of Hume, in any reign after the House of Commons had obtained an existence—any extract may serve as a specimen of the whole—it will instantly be seen that the points at issue between the crown and the subject were *always* nearly the same (precisely the same in principle), from the earliest struggles of the barons down to the Revolution in 1688.

Take, for example, a paragraph in his reign of Edward III. page 490, 8vo. :—

“They mistake, indeed, very much,” says he, “the genius of this reign (of Edward III.), who imagine that it was not extremely arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what gave some consolation, and promised in time some relief to the people, they were always complained of by the Commons; such as the dispensing power, the extension of the forests, erecting monopolies, exacting loans, stopping justice by particular warrants, the renewal of the commission of trailbaton, pressing men and ships into the public service, levying arbitrary and exorbitant fines, extending the authority of the privy council or star-chamber to the decision of private causes, enlarging the power of the mareschal’s and other arbitrary courts, imprisoning members for freedom of speech in parliament, obliging people without any rule to send recruits of men-at-arms, archers, and hoblers to the army.”

Now, if the references of Mr. Hume are consulted, it will be found, as he asserts, that traces of such arbitrary exercises of power appear on our records.

But, says Mr. Hume, they were always complained of by the Commons.

On consulting the references, this, too, will be found to be the case.

And here, then, we have before us a picture of the whole subject,—a continued struggle between prerogative and privilege and of the same nature in the reign of Edward III. as afterwards in the reigns of Charles I., and even of James II.

Grievances like these continually occurred from the irregular nature of government and society, in such barbarous times; but the natural feelings of mankind, operating upon the example transmitted by more ancient times, continually revived the spirit of resistance. This virtuous spirit found in the House of Commons a regular and legal organ through which the rights of the community could be asserted; and this is the struggle and this the merit of our ancestors—this the inherited duty (if necessary) of ourselves.

Now, such being the real picture of our constitutional history, the student is in the next place to be reminded of what we have already stated to him, and must, in the course of these lectures for ever repeat, the natural divisions, not only of mankind, but of philosophers, on political subjects; and the manner in which they separate into two classes: those, for instance, who are anxious first and principally for the prerogative of the crown; and those, on the other hand, who are zealous first and principally for the privileges of the people.

It may be very true, that could the selfishness and the irritability of men allow them to weigh and consider the reasonings of each other, the real interests of both crown and people would be found to consist in their mutual support, and are always in truth the same; but the rude warfare of human passions admits not of such salutary adjustments, and as mutual offences are in practice constantly given and received, men who naturally kindle at the sight of what they conceive to be insolence and usurpation on the one side, or on the other to be cruelty and wrong, are not only inflamed, when they live at the time, and are witnesses of the scene, but they are unable to give an accurate representation even of the transactions of the past; they cannot consider them, with proper calmness, even when they observe them, in a subsequent period, at a secure distance of time and place; so true

is this, that not one thoroughly impartial historian of our annals can be mentioned; and it is necessary to warn my hearers that they are to adopt no train of reasoning, nor even the narrative of any important proceeding without a due examination of different writers, and a careful consideration of their particular prejudices.

Take, as specimens, the reigns of Edward II. and Richard II.; let them be considered first in Hume and afterwards in Rapin, the reader will be impressed with the difference between the representation of the one historian and the other. Let him then turn to the account given of these reigns by Millar, the difference will be still more striking; the reign of Richard II. for instance, is represented by Millar as perfectly analogous to that of James II.; a king neglecting the interests, and violating the rights of his subjects, and justly deposed. In Hume, on the contrary, we see only the picture of a prince unfitted to contend with a turbulent people, and a factious aristocracy, and perishing by a cruel death, rather from weakness of understanding than from any malignity of disposition.

The discordant observations of these two distinguished philosophers, when viewing the same actors and events at the distance of four centuries, sufficiently exemplify that division of sentiment, which has been described as existing more or less among all political reasoners on similar occasions. Throughout all our history it may be observed, that all violence and resistance is imputed by Hume to faction and barbarism, by Millar and most other writers to a laudable spirit of freedom and independence.

These are the observations that I have to address to those students who are disposed to search diligently into the records of our history.

But I must now turn again to the general reader, who may not have the same ardour of inquiry, or patience of study. Rapin and Hume are our two great historians.

But it is Hume who is read by every one. Hume is the historian, whose views and opinions insensibly become our own. He is respected and admired by the most enlightened reader; he is the guide and philosopher of the ordinary reader, to whose mind, on all the topics connected with our history, he entirely gives the tone and the law.



On every account, therefore, I shall dedicate the remainder of this lecture chiefly to the consideration of his work, that your confidence may not be given too implicitly, and that while you feel, as you ought to do, the charm of his composition, the charm of what Gibbon called so justly his careless and inimitable beauties, you may be aware also of the objections that certainly exist to the general tendency and practical effect of his representations.

The two great histories which we read, as I must again observe, are those of Rapin and Hume: their political sentiments are different; but Hume is the author who, from his conciseness, the charms of his style, and the weight of his philosophical observations, is always preferred, and is far more universally and thoroughly read.

It is impossible, indeed, that the confidence of a reader should not be won by the general air of calmness and good sense, which, independent of other merits, distinguishes the beautiful narrative of Hume. If he should turn to his authorities (speaking first on the favourable side of the question), he will then, and then only, be able to perceive the entire merit of this admirable writer: the dexterity and sagacity with which he has often made out his recital, the ease and grace with which it is presented to the reader, and the valuable and penetrating remarks by which it is enriched.

But to speak next on the unfavourable side, by turning to the same authorities, we shall then only perceive the entire demerit of his work. It is understood, indeed, by every reader, it has been proclaimed by many writers, that Hume always inclines to the side of prerogative; that in his account of the Stuarts his history is little better than an apology; his pages are therefore read, in this part of his work at least, with something of distrust, and his representations are not considered as decisive. But what reader turns to consult his references or examine his original authorities? What effect does this distrust after all produce? Practically none. In defiance of it, is not the general influence of his work, on the general reader, just such as the author would himself have wished; as strong and as permanent as if every statement and opinion in his history had deserved our perfect assent and approbation?

I must confess that this appears to me so entirely the fact, judging from all that I have experienced in myself, and observed in others, that I do not conceive a lecturer in history could render (could offer at least) a more important service to an English auditory than by following Mr. Hume, step by step, through the whole of his account; and showing what were his fair, and what his unfair inferences; what his just representations, and what his improper colourings; what his mistakes, and above all, what his omissions; in short, what were the dangers, and what the advantages, that must attend the perusal of so popular and able a performance.

But such lectures, I apprehend, could not be listened to. Were they even formed into a treatise, they would only be in part perused by the general reader; nor would they be properly and thoroughly considered, by any but the most patient inquirers.

I would wish, however, to make some effort of this kind, however slight and imperfect. A sort of specimen perhaps may be offered, a general notion may I hope be given; and as investigations of this nature are very repulsive and fatiguing, I shall fix only upon some one paragraph, the first that occurs, and examine it in all its important parts; and contenting myself with this example leave my hearers to draw their own reflections, and pursue such inquiries to any further extent, which they may hereafter judge expedient.

I have already quoted a paragraph from the reign of Edward III., to show that the nature of the contest between prerogative and privilege always turned upon the same points through the whole of our history. It may be also remembered that I have always represented the right of taxation as the most important question of all: now the paragraph that immediately follows in Mr. Hume, is this:

“ But there was no act of arbitrary power more frequently repeated in this reign than that of imposing taxes without consent of parliament. Though that assembly granted the king greater supplies than had ever been obtained by any of his predecessors, his great undertakings, and the necessity of his affairs, obliged him to levy still more; and after his splendid success in France had added weight to his authority, these arbitrary impositions became almost annual and per-

petual. Cotton's Abridgment of the Records affords numerous instances of this kind, in the first year of his reign, in the thirteenth year, in the fourteenth, in the twentieth, in the twenty-first, in the twenty-second, in the twenty-fifth, in the thirty-eighth, in the fiftieth, and in the fifty-first.

“The king openly avowed and maintained this power of levying taxes at pleasure. At one time he replied to the remonstrance made by the Commons against it, that the impositions had been exacted from great necessity, and had been assented to by the prelates, earls, barons, and some of the Commons; at another, that he would advise with his council. When the parliament desired that a law might be enacted for the punishment of such as levied these arbitrary impositions, he refused compliance. In the subsequent year, they desired that the king might renounce this pretended prerogative; but his answer was, that he would levy no taxes without necessity, for the defence of the realm, and where he reasonably might use that authority. This incident passed a few days before his death, and these were, in a manner, his last words to his people. It would seem that the famous charter or statute of Edward I., ‘*de tallagio non concedendo*,’ though never repealed, was supposed to have already lost by age all its authority. These facts can only show the practice of the times; for as to the *right*, the continued remonstrances of the Commons may seem to prove that it rather lay on their side; at least, those remonstrances served to prevent the arbitrary practice of the court from becoming an established part of the constitution.”

Now, here we have certainly very important statements. Let my hearer observe them.

“But there was no act of arbitrary power more frequently repeated in this reign, than that of imposing taxes *without* consent of parliament.”—“These arbitrary impositions became almost annual and perpetual.”—“The king openly avowed and maintained this power of levying taxes at pleasure.” Such are Mr. Hume's expressions to represent the facts.

“These facts,” he continues, “only show the practice of the times, for as to the *right*, the continual remonstrances of the Commons may *seem* to prove that it *rather* lay on their side.”—Such is the general air of his reasoning upon these facts.

Now, it cannot be supposed that a writer like Mr. Hume will be palpably and entirely unfair either in his facts or his reasonings, yet he may be sufficiently so, to give his reader an impression on the whole not so favourable to the constitutional rights of the subject, as the case admits of.

The authority quoted is Cotton's Abridgment of the Records; and on consulting the references of Mr. Hume, they will be seen to prove, as he asserts, that money was raised by the king, without the authority of parliament. This must be considered as proved by the occasional complaints of the Commons, which in the references constantly appear; but the still more important consideration is this,—what were the *answers* of the king to these complaints of the Commons? Mr. Hume's assertion is, that "the king openly avowed and maintained this power of levying taxes at pleasure. At one time," says Hume, "he replied to the remonstrance made by the Commons, 'that the impositions had been exacted from great *necessity*, and had been *assented* to by the prelates, earls, and barons, and some of the commons.'" Now, even this answer, thus given by Mr. Hume, does not justify him in the assertion, that the king openly avowed and maintained the power of levying taxes at pleasure—quite the contrary; for the king alleged not his right but the necessity of the case, and the *assent* of the lords and part of the commons. Upon looking, however, at Mr. Hume's reference in Cotton, page 53, the real answer appears to have been as follows:—"If any such imposition be made, the same was made upon great necessity, and with the assent of the prelates, counts, barons, and other great men, and some of the commons then present, notwithstanding the king wills not, that such undue impositions be drawn into consequence."

These last words, "notwithstanding, &c. &c." are totally omitted by Mr. Hume in his representation of the king's answer; but they are evidently very material and entirely opposed to Mr. Hume's affirmation, that the king openly avowed and maintained this power of levying taxes at pleasure, in so much so, that they are the very words which are always used, when a particular exception is made to a general rule, and it is thought necessary to assert and acknowledge the general rule, and leave it as it stood before. The

king's answer, in every part of it, particularly in this last omitted part, implies that the right of levying money could not be regularly exercised without the parliament.

Again. At another time, says Mr. Hume, the king replied, "that he would advise with his council;" but the real answer in the reference in Cotton, page 57, is this,—that the subsidy (of which they seem to have complained) was *granted for a time yet enduring*, within which time the king will advise with his council, what shall be best to be done therein for the good of the people."

The first part of this answer (that the subsidy *was granted for a term yet enduring*), which acknowledges the right of the Commons, is again totally omitted by Mr. Hume, and his representation is, that the king answered, "that he would advise with his council." Again. "When the parliament," says Mr. Hume, "desired that a law might be enacted for the punishment of such as levied these arbitrary impositions, the king refused compliance."

Upon consulting the reference, the petition of the Commons runs thus. They petition, "that such as shall of their own authority lay new impositions without assent of parliament, may lose life, member, and other forfeitures." In the House of Commons this was surely a most violent and objectionable mode of asserting their right of taxation, and well deserving the resistance of the king.

The answer of the king was, "Let the common law heretofore used, run."

Now this is not so much to refuse compliance, as to give a proper answer.

On the whole, we have here neither the exact petition nor the exact answer that would have been supposed from the account given by Mr. Hume: the words of the Commons would have been supposed, from Hume's expressions, more reasonable, and those of the king more authoritative and arbitrary, than they really were; that is, an improper representation is given of both the one and the other.

"In the subsequent year," says Mr. Hume, "they desired that the king might renounce this pretended prerogative." The reference which is printed in the margin of Hume, in some editions, 132, should be 152, and is more exactly represented

by Mr. Hume than any of the rest. For the part of the parliament roll referred to, we are indebted to the diligence not of Cotton, but of his editor, the famous Prynne.

The petition from the Commons was for a *general* surrender of the right totally and formally.

But the king, whose end was now approaching, having nothing further to hope or fear from his people, and not inclined by his own act formally to abandon for his successor a power which he had sometimes found it so convenient to exercise, returned for answer, as might have been expected,—“ That with respect to laying any charge upon the people without common assent, that the king is not at all willing to do it without great necessity and for the defence of the realm, and where he may do it with reason.”

In those other instances which are produced by Mr. Hume, to prove the practice of arbitrary impositions, instances where Mr. Hume quotes no answer, there is either no answer from the king on record, or one that is soothing and apologetical, or one that is favourable to the right of the House of Commons. Indeed, the king's very silence must be considered as favourable to their right.

In one of the first instances of complaint referred to by Hume, the answer was—“ Forasmuch as these charges were ordained (alluding to charges ordained by the Privy Council without the Commons) for safe conduct of merchandises into the realm and forth to foreign parts, upon which conduct the king hath spent much, which before Michaelmas cannot well be levied, it seemeth that the levying of it, for so small a time to come, should not be grievous.”

This is apologetical. Again, some merchants had farmed the customs and subsidies, and raised the rate above that mentioned by parliament; the Commons complained; the answer was—“ Let the merchants be called into parliament and answer.” In another instance of complaint *not* mentioned by Mr. Hume, the answer was the same as one already cited—“ That the imposition was made upon great necessity, with the assent of the courts, &c. and some of the Commons, and that the king wills not, that such imposition be unduly drawn in consequence.”

The student, after having weighed these answers, is then to reflect upon the great ability, attractive qualities, military

talents, and brilliant victories of this renowned monarch, of Edward III., and he must then consider, whether no stronger conclusion can be drawn from the whole than what Mr. Hume leaves with his readers, which is this: that “as to the right of taxation, the continued remonstrances of the commons may *seem* to prove that it rather lay on their side.”

The paragraph that has been thus taken from Mr. Hume was not selected as one in which he was either faulty or otherwise in his representations, but as one that exhibited, in the smallest compass, the nature of the constitution at that time, and ever after, till 1688, and as one that involved more especially the question of the right of taxation. It was literally the first that I tried.

On examination, however, it turns out that we do not arrive at the conclusions which Mr. Hume has drawn for us: far from it; and we are thus taught to be more than ever suspicious of the historian's particular prejudices. And on the whole, this instance will show you that you must not take it for granted that Mr. Hume accurately represents even the very authorities he quotes: so irresistible in these cases is the influence of the sentiments of the mind over the operations of the understanding.

I stop to observe, that as a lecturer on history, I can only point out to you fields of inquiry and trains of reasoning, and it must be left for you to do the rest.

Thus I have just now drawn your attention to one great line of objection to Mr. Hume's history, his inaccurate representation of the very authorities he quotes. You must yourselves pursue the subject.

But I will now mention another: the colouring which he gives to his materials, and this more particularly in a manner of his own. He ascribes to the personages of history, as they pass before him, the views and opinions of later ages; those sentiments and reasonings, for instance, which his own enlightened and powerful mind was enabled to form, not those, which either really were or could be formed by men thinking and acting many centuries before.

But this is to mislead the reader, and in fact to draw him aside from all the proper instruction of history, much of which lies in the comparison of one age with another.

I will refer to an instance, taken from the times we are now

considering, as a general specimen of what I conceive to be one of the most common and serious faults that can be objected to in the attractive pages of his history.

In his account of the unfortunate close of the reign of Richard II., Mr. Hume observes, that one man alone, the Bishop of Carlisle, had the courage, amid the general disloyalty and violence, to appear in defence of his unhappy master, and to plead his cause against all the power of the prevailing party.

He then gives a representation of the speech; but if we turn to Sir J. Hayward's history (the authority which Hume himself quotes) we may there see the speech fully given; and it will be found not without its beauties, but certainly very inferior to the representation of it, which is exhibited in Hume. The philosophic observations which are interwoven and added by Mr. Hume, serve to give a great force and finish to the expostulations of the bishop in favour of the fallen monarch; but the more important consideration is, that they serve also to throw over the proceedings of the barons an air of greater violence and criminality, than properly belong to them; for their conduct rises up in still stronger contrast, if such views of the English constitution and of the principles of government could indeed have been taken and urged in such an assembly by a contemporary statesman, a man of like passions and like information with themselves.

I will venture to take up your time by considering more minutely the instance before us. Observe, first, the beautiful reasonings of Hume: it would be not a little marvellous if they had been produced by the Bishop of Carlisle in the time of Richard II. "He represented," says Hume, "to the parliament, that all the abuses of government which could justly be imputed to Richard, far from amounting to tyranny, were merely the result of error and youth, or misguided counsel:" this, though in different words, the bishop did say. "And that this admitted," continues Mr. Hume, "of a remedy more easy and salutary than a total subversion of the constitution:" this, which is of a more philosophic cast, the bishop did *not* say. Now mark what immediately follows in Hume; not any such observation, as was very likely to be offered by the bishop to the barons, or even to have occurred to the



mind of Sir J. Hayward himself, two centuries afterwards, but the very observation which contains the whole of the philosophy of Mr. Hume while writing the History of England; the great principle by means of which he defends all the arbitrary proceedings of our monarchs, and by which he reconciles his unwary readers to the admission of sentiments and opinions unfavourable to the best interests and assured rights of the popular part of our constitution. "The bishop represented to the Lords," continues Mr. Hume, "that even if these abuses of government had been much more violent and dangerous than they really were, they had chiefly proceeded from former examples of resistance, which, making the prince sensible of his *precarious* situation, had obliged him to establish his throne by irregular and arbitrary expedients:" the bishop said nothing of the sort. And now observe the next remark that follows in Hume; how worthy of the generalizing mind of the philosopher of the eighteenth century—how little likely to have been addressed by a warm hearted ecclesiastic to the disorderly barons of the fourteenth. "That laws could never secure the subject which did not give security to the sovereign; and if the maxim of inviolable loyalty, which formed the basis of the English government, were once rejected, the privileges belonging to the several orders of the state, instead of being fortified by that licentiousness, would thereby lose the surest foundation of their force and stability."

All this is very true and worthy of a great reasoner like Mr. Hume, when applying the powers of his mind to the subject of government; and all this may be cheerfully assented to by the warmest partisan of popular privileges: and the more so, because it is at length understood, that the king can act only by his ministers; and that though the king must be secure, that his mind may be at rest on the subject of his prerogative, and that the security also of his people may be thus undisturbed, still that his ministers need not; that they are responsible at least, though the sovereign be not; that in short, there is some one responsible, and that the community is not left at the mercy of fortune, and without any reasonable means of watching over its own interests.

No such interpretation however of this great principle of

government is added by Mr. Hume ; and neither the principle so stated, nor the interpretation, are to be found in Sir J. Hayward ; and it was not in this philosophic manner that the bishop reasoned according to the representation of Sir J. Hayward ; his arguments were founded merely upon the obvious doctrines of passive obedience and the divine right of kings. “ I will not speak,” said the bishop, (according to Sir J. Hayward) “ what may be done in a popular state or a consular. In these and such like governments, the prince hath not legal rights ; but if the sovereign majesty be in the prince, as it was in the three first empires, and in the kingdoms of Judca and Israel, and is now in the kingdoms of England, France, Spain, Scotland, Muscovy, Turkey, Tartaria, Persia, Ethiopia, and almost all the kingdoms of Asia and Africke—(very like the philosophic reasonings of Hume, all this ! England ! Ethiopia ! and Africke !)—although for his vices he be unprofitable to the subjects, yea, hurtful, yea intolerable, yet can they lawfully neither harme his person nor hazard his power, whether by judgment or else by force ; for neither one nor all magistrates have any authority over the prince from whom all authority is derived, and whose only presence doeth silence and suspend all inferiour jurisdiction and power. As for force, what subject can attempt, or assist, or counsel, or conceal violence against his prince and not incur the high and heinous crime of treason ?”

The bishop then goes on to quote the instance of Nebuchadnezzar, of Baltazar, of Saul, and then insists that not only our actions but our speeches also and our very thoughts are strictly charged with duty and obedience unto princes, whether they be good princes or evil ; that the law of God ordaineth that he which doeth presumptuously against the ruler of the people, shall dye ; that we are not to touch the Lord’s anointed, nor rail upon the judges, neither speak evil against the ruler of the people ; that the apostles do demand further that even our thoughts and soules bee obedient to higher powers ; and least any one should imagine that they meant of good princes only, they speak generally of all ; and further to take away all doubt, they may (make) expresse mention of the evil princes, &c. &c.

The bishop then goes on to illustrate his doctrine by the

consideration of the domestic relation of parent and child, "The son must not lift up his hand," says he, "against the father, though for all excesse of villanies, odious and execrable both to God and man; but our country is dearer unto us than our parents, and the prince is Pater Patriæ, the father of our country, and therefore, &c. &c. not to be violated. Doth he (the prince) command or demand our persons or our purses, we must not shun for the one nor shrink for the other: for, as Nehemiah saith," continues the bishop, "kings have dominion over the bodies and over the cattle of their subjects at their pleasure. Yea, the church hath declared it to bee an heresie to hold that a prince may be slain or deposed by his subjects for any disorder or fault either in life or else in government." Such is the reasoning of the bishop, as given by Sir J. Hayward. And his philosophy, when it appears, is the following: "There will be faultes so long as there are men: and as we endure with patience a barren year, if it happen, and unseasonable weather, and such other defects of nature, so must wee tolerate the imperfections of rulers and quietlye expecte eyther reformation or else a change."

This is the first specimen of it, and the only remaining philosophic position that I can observe, is the following:

"Oh! how shall the worlde be pestered with tyrantes, if subjects may rebell upon every pretence of tyranny!" The instances that followed to illustrate this remark are not well chosen by the bishop. "If they levy a subsidy or any other taxation, it shall be claymed oppression," &c. &c.

And now what will my hearer suppose, if I tell him that I believe the speech thus given by Sir J. Hayward to the good bishop is wholly a composition of Sir J. himself; and that though the general statement of passive obedience may have been expressed by the bishop, no such words were uttered as he describes. Walsingham takes no notice of the bishop's speech. Another historian, Hall, but about the time of Sir J. Hayward, says that the bishop did rise up in his place and speak; and the doctrines of passive obedience are put into his mouth by Hall. The same is done in the play of Richard II. by Shakespeare, and these doctrines were possibly the topics that he chiefly insisted upon; but the only fact that can now be ascertained, is, that he was thrown into prison for

words spoken in parliament in opposition to the usurpation of Henry; and on this has been founded the very elaborate speech of Sir J. Hayward, and the very improbable arguments ascribed to him by Hume. Now all this is not to write history either in Mr. Hume or in Sir J. Hayward.

And this instance will be sufficient to show you, as before, the particular description of fault, which may be objected to Mr. Hume, that of colouring the materials before him, and attributing to the personages of history the sentiments of his own philosophic mind: and this second description of fault is to be added to the former, which I have mentioned, that of not accurately representing the very passages he quotes.

In the next page of his history indeed, when Mr. Hume comes to comment upon the title of Henry IV. to the crown, he attributes a speech to the king, and properly, for he can extract from the rolls of parliament the very words which the king made use of. This Mr. Hume does, and this is to write history.

The words extracted are certainly very remarkable, and very descriptive of the scene and the age; but it is relics of this kind, that an historian should produce and make the subject of the philosophic meditation of his reader, not offer him modern views and sentiments of his own.

A few barbarous words or any distinct fact, that can be shown to be authentic, are worth volumes of reasonings and conjectures of a thinking mind; or rather it is, on such relics and facts that the student must in the first place *alone* depend when he collects materials for his instruction, and he must never lose sight of them, when he comes afterwards to build up his political reasonings and conclusions.

It is upon this account, and it is to impress this lesson upon your recollection, that I have gone into this detail, and perhaps, not a little exercised your patience. It is for this reason and for another, to show you the importance of the political principles of men; a point which I must for ever enforce in the course of these lectures. First observe the general remarks of Hume.—“Though some topics,” says Mr. Hume, while introducing the passages I have just quoted from him, “though some topics employed by that virtuous prelate, the bishop of Carlisle, may seem to favour too much the

doctrine of passive obedience, &c. &c. the intrepidity as well as disinterestedness of his behaviour proves," says Mr. Hume, "that whatever his speculative principles were, his heart was elevated far above the meanness and abject submission of a slave." Undoubtedly it does: this observation of Mr. Hume is very just, and therefore it is more incumbent upon me, as your lecturer, to impress upon your minds the importance of your political principles, that you may endeavour to be wise as well as virtuous. It is but too plain from the historian's own account, that men of the most noble feelings and honourable character, (such as the bishop is here supposed by Mr. Hume to have been) may on public occasions act upon principles and enforce political doctrines, which can have no tendency but to make their fellow creatures base and servile, (whatever they may be themselves) by injuring and destroying the only source of all elevated character in a people, the free principles of the constitution of their government. It is of little consequence that men may not have, themselves, the feelings of slaves, if they propagate doctrines that will practically and in the result make a nation of slaves around them.

But to return to Hume. Gilbert Stuart, a very able though somewhat impetuous inquirer into the earlier parts of our history, has pronounced his opinion upon the work of Mr. Hume in the following words: "From its beginning to its conclusion, it is chiefly to be regarded as a plausible defence of prerogative. As an elegant and spirited composition, it merits every commendation. But no friend to humanity, and to the freedom of this kingdom, will consider his constitutional inquiries, with their effect on his narrative, and compare them with the ancient and venerable monuments of our story, without feeling a lively surprise, and a patriot indignation."

This opinion, however severe, is not very different from that which is in general entertained by others, who from previous study are competent to decide; and this, while the literary merits of the history are universally acknowledged. The student will therefore read, with more than ordinary care what he is told is so fitted at once to charm his taste and to mislead his understanding.

Since I drew up this lecture, a work has been published

by Mr. Brodie, of Edinburgh; it is not well written in point of style, and the author must be considered as a writer on the popular side, but he is a man of research and independence of mind. It is a work of weight and learning, and it appears to me for ever to have damaged, and most materially damaged, the character of Mr. Hume as an accurate historian. It justifies the opinion I have just alluded to, as pronounced by Gilbert Stuart, and maintained by others competent to decide.

I must observe, before I conclude, that it is the general effect of the narrative of this able historian that is of so much importance. Particular passages might be drawn from his work of every description, favourable as well as unfavourable to the privileges of the subject. But the sentiment conveyed by such particular passages, taken singly, do in fact stand opposed to the general impression that results from the whole.

Were a popular writer to seek for observations favourable to the cause of the liberties of England, he would often find them no where better expressed; but their being found in the history of Hume is a circumstance quite analogous to what constantly obtains, in every literary performance, where the author has (on whatever account) a general purpose to accomplish, which the nature of his subject does not in strict reason allow. Truth is then continually mixed up with misrepresentation, and the whole mass of the reasoning, which in its final impression is materially wrong, is so interspersed with observations, which are in themselves perfectly right, that the reader is at no time sufficiently on his guard, and is at last betrayed into conclusions totally unwarrantable, and at variance with his best feelings and soundest opinions.

Observe the writings of Rochefoucault or Mandeville; you will there see what I am describing, as indeed you may in every work, where the author is deceived himself or is deceiving others.

One word more and I conclude, one word as an estimate of the whole subject between Mr. Hume and his opponents.

In the first place, we may agree with Mr. Hume, that the whole of our history during the period from Edward I. to Henry VIII. was a scene of irregularity and of great occa-

sional violence ; that the laws could neither be always maintained, nor could the principles of legislation be ever said to be well understood ; we must admit, therefore, that it is not fair to imagine, as Mr. Hume complains we do, that all the princes who were unfortunate in their government, were necessarily tyrannical in their conduct, and that resistance to the monarch always proceeded from some attempt on his part to invade the privileges of the subject. This we must admit.

But, in the second place, it must be observed that the struggle between the subject and the crown was constantly kept up in the times of the most able, as well as of the weakest monarchs : that they who resisted the prerogative never did it, without producing those maxims and without asserting those principles of freedom, which are necessary to all rational government ; which are by no means fitted in themselves to produce anarchy, and by no means inconsistent with all those salutary prerogatives of the crown which are requisite to the regular protection of the subject.

In the third place, that if these maxims and principles had not been from time to time asserted, and sometimes with success, that the result must have been, that our constitution would have degenerated, like that of France and of every other European state, into a system of monarchical power, unlimited and unrestrained by the interference of any legislative assemblies.

And that therefore in the last place, Mr. Hume tells the story of England without giving sufficient praise to those patriots who preserved and transmitted those general habits of thinking on political subjects which have always distinguished this country, and to which alone every Englishman owes, at this day, all that makes his life a blessing and his existence honourable.



## LECTURE VI.

### ENGLAND.

**I**N my last lecture I called your attention to England. After showing you that in the consideration of its history we soon arrived at the same points as in the history of the rest of Europe, I mentioned to you, that there were before you the facts of our history and the philosophy of it; that you were to acquire a knowledge of the one, but that you must endeavour to understand the other; above all, that the constitutional history of your country must be your great object of inquiry; that Rapin, Hume, and Millar must be your authors; at the same time I referred you to other sources of information and other historians.

Next, I stated to you, that a difference in the opinions of men had existed and always must exist in every mixed form of government; that there must be always those who favour the monarchical and those who favour the popular part of it; that through the whole of our history, down to 1688, there had been maintained a struggle between prerogative and privilege; and that no thoroughly impartial historian of our annals could be found.

Lastly, I attempted to give you some general description of the merits of Hume, the most popular and the most able, and therefore the most important of our historians.

I endeavoured to protect you, or rather to enable you to protect yourselves, from the mistakes into which you might fall if you depended on his representations, if you rested upon them with that confidence, which his evident good sense and apparent calmness and impartiality would naturally inspire.

His references, as I then showed you, do not always bear him out in his statements; and his omissions must be taken



into account as well as his misrepresentations—this is the first point.

But he ascribes to those who acted in the earlier scenes of our history sentiments and opinions which belong only to his own philosophic mind—this is the second.

On the whole he does not tell the story of our constitutional history fairly.

He must in his facts be compared with Rapin ; if necessary with original authorities : and in his philosophy with Millar and others.

And now I must digress for a moment, to offer you a remark, which I hope you will hereafter not think very unnatural for me to have made on the present occasion.

It is wonderful then, I must observe, it is wonderful to see men like Mr. Hume, of peaceful habits, and of benevolent affections, men at the same time of improved minds and of excellent sense, it is wonderful to see them so indifferent to the popular privileges of the community.

Yet is this a sort of phenomenon that we witness every day. Such men would not in practice vindicate themselves from oppression, by rising up in arms against their arbitrary governors ; they are not of a temperament to set their lives upon a cast. What possible chance, then, have *they* for the security of their property, for the very freedom of their persons, above all, for the exercise of their minds, but the existence of popular privileges ? To them, above all men, civil freedom is everything.

Civil freedom cannot indeed exist without the existence at the same time of executive power, that is, of prerogative. Men must be protected from the multitude. But surely it can still less exist, without the existence of popular privileges ; because society must be protected from the few, as well as from the many ; from the insolence, injustice, and caprice of the high, as of the low. The mistake that is made seems to be, that it is supposed popular privileges will always lead to disorder, and render the government insecure.

The very reverse is the fact ; so much so, that certain privileges may be trusted, not merely to legislative bodies men of property and education (which is the first and main point to be contended for), but even to the lowest orders of

the people; the very rabble can learn to know how far they are to go, and with this as with their right, to be content, and advance no further.

The advantages obtained in the cheerfulness and vigour, that are thus imparted to the whole political system of a country, are above all price, and the occasional excesses of a mob are an evil trifling, and in comparison of no account.

Men of arbitrary or timid minds WILL not understand this, and men bred under arbitrary governments never *can*.

Foreigners who survey, for instance, one of our popular elections at Brentford or Westminster, generally suppose that our government is to break up in the course of the week, and have been known to announce to their correspondents on the continent, and even to their courts, an approaching revolution. The mob, in the mean time, know very well the limits within which they may for a time disturb the peace of the community, and they therefore sing their ballads, hoot their superiors, remind them (very usefully) of their faults and follies, parade the streets, and brandish their bludgeons, but as to an insurrection or revolution, no enterprise of the kind ever enters into their thoughts; certainly it makes no part of their particular bill of the performances.

In a word, power is like money; men should be accustomed, as much as possible, as much as they can bear, to the handling of it, that they may learn the proper use of it: they are so, more or less, in free governments; not so in arbitrary: and this is the circumstance which always constitutes the insecurity of arbitrary governments, while they stand, and the difficulty of improving them, when they can stand no longer.

Where popular privileges exist, the monarch can always distinguish between the characters of a lawful sovereign and an arbitrary ruler; so can his counsellors, so can his people, these are advantages totally invaluable. The world has nothing to do with certainty and security; but popular privileges afford the best chance of real tranquillity, strength, and happiness to all the constituent parts of a body politic, the monarch, the aristocracy, and the people.

Far from viewing the popular part of our mixed constitution with the indifference, or suspicion, or dislike, or hostility,

which Mr. Hume and others seem to do, nothing, as I conceive, can be so perfectly reasonable or truly philosophic as the interest, the anxiety, the reverence with which Millar and others have pursued the history of the democratic part of our constitution through our most eventful annals.

Do not fail to observe that the two great countries of Europe, France and England, have set out from beginnings much the same; but France lost her constitution, and England not. How was this? I ask the student; and let him ask in his turn, the authors I recommend, the Abbé de Mably, and Hume, and Rapin, and Blackstone, and above all, Millar. Surely the question will not be an indifferent one to him. He deserves not the name of Englishman if it be.

I must enter a little more into the subject, though detail is impossible.

The three great points are always.—1st, What is the law? 2nd, Who are the legislators? and lastly, and above all, What is the general spirit and habits of thinking in the community?

Take, then, the long period before us, from the departure of the Romans to the reign of Henry VIII.

1st, What was the law, the constitutional law more particularly, if I may so speak. You will find the *history* of it given you in a manner sufficiently concise and intelligible in many parts of Blackstone and in Millar. You must mark its gradual improvements, and you must mark them again and again, through different periods, down to our own. I speak now chiefly of the first and fourth volumes of Blackstone.

In former courses of my lectures, I had mentioned a few of the principal changes that took place, but I now think it best to refer to Blackstone and Millar, and to do no more. I do not occupy your time with what you may better find elsewhere.

But 2dly, Who have been the legislators? This is a very curious part of our history. There was once a Wittenagemote, or great national assembly. How was it constituted, and what were its powers? But we have no such assembly now. When, therefore did it cease? and when it did cease, how came another assembly to arise?—a parliament, a House of Barons or Lords? But more: we have now not only one

assembly, but two; not only an House of Lords, but an House of Commons. This is surely still more extraordinary. The barons, the aristocracy, have not only their house of assembly; but the commonalty, the people, have, in some way or other, obtained the same. But how, or when, or why? Such are the objects of inquiry which I have to offer to your curiosity.

I will first say a word on the origin of these two different houses of assembly.

Secondly, on the origin and growth of the different prerogatives and privileges belonging to each estate of king, lords, and commons.

The great facts of this first subject, those that you are especially to observe, seem to be these:—

That there was first a Wittenagemote or great council. That this Wittenagemote existed before and soon after the Conquest, but that it at length ceased or the name was altered into that of parliament.

Now, unfortunately, no records exist of this Wittenagemote and parliament after the conquest, so that we cannot ascertain what were the qualifications that gave a seat in those assemblies, nor how the one gradually was changed into the other.

The next facts are, that burgesses from the towns were summoned by Leicester at the close of the reign of Henry III. afterwards by Edward I. and the succeeding monarchs. And lastly, that in the course of the reign of Edward III. the lesser thanes or knights of the shire had been incorporated with the burgesses, and they had become together a separate house.

But of these most important events, this rise of a second house of assembly, or regular estate, and this mixture of the knights of the shire with the burgesses, no detail or history can be given: no sufficient records exist. All this is very unfortunate.

You will now, therefore, understand how easily our antiquarians and patriots may dispute on the origin and growth of our House of Commons. But on this subject you will observe what is said by Gilbert Stuart on the one side, by Hume on the other. You must on the whole be decided, I think, by Millar.

This lecture was written many years ago, but I may now mention, that you may note what is said by Burke in his abridgment of the English history, where he speaks of the Wittenagemote. There are also two articles in the Edinburgh Review, volume xxvi. in March, 1817, which you may consider.

These works and their references will enable you to go through all the learning connected with the subject, though I conceive the works themselves will be quite sufficient for your information, quite sufficient to enable you to form your opinion.

I will give you, in a few words, some idea of the reasonings of these writers.

The constitution, then, and office of the Wittenagemote seem to have been as analogous to those of the free assemblies we read of in Tacitus, as the different nature of two different though kindred periods of society would lead us to expect. The principal powers of government were vested in this great council. It decided on peace and war, and on all military concerns; it made laws; and it concurred in the exercise of the royal prerogative, as far as we can observe, on all occasions. The wites or sapientes are always supposed or referred to in the documents that have reached us; but who these wites or sapientes were, cannot now be accurately determined, and, in the first place, a controversy has arisen with respect to the constitution of this great council, whether it was entirely aristocratical or only partly so; and this is in truth the dispute of the origin of the House of Commons.

Stuart and others contend that the people had always their share in the legislature, that they were even represented in the Wittenagemote; and, to support this opinion, various expressions are produced from such documents as have come down to us: "Seniores, sapientes populi mei"—"convocato communi concilio tam cleri tam populi"—"præsentibus et subscribentibus archiepiscopis, &c. &c. procerumque totius terræ, aliorumque fidelium infinitâ multitudine."

But to this it is replied by Millar, that these expressions, if they prove any thing, prove too much, for they go to prove that *all* the people, even those of the lowest rank, personally voted in the national council. And it is urged by Hume,

among other remarks, that the members of the Wittenagemote are almost always called the principes, magnates, proceres, &c. : terms which seem to suppose an aristocracy. That the boroughs also, from the low state of commerce, were so small and so poor, and the inhabitants in such dependence on the great men, that it seems in nowise probable, that they would be admitted as part of the national council. And the various remarks and arguments of Millar, a zealous protector of the popular part of our constitution, take the same general ground, and are on the whole decisive.

The most important remark, however, made by Stuart, on the other side of the question, is a reference to a paper in the 5th of Richard II. In the latter end of the passage (to the former part a reply might be made) are these remarkable words :

“And if any sheriff of the realm be from henceforth negligent in making his returns of writs of the parliament, or that he leaves out of the said returns any cities or boroughs which be bound and of *old time* were wont to come to the parliament, he shall be amerced,” &c.

Of “*old time*” you will observe. The intervening space of two or three reigns, it is contended, between the 49th of Henry III. and 5th of Richard II. (about a century), could never give occasion to the use of such an expression as, “the old time.”

Again: Lord Lyttleton, in his Life of Henry II., goes through a very candid and temperate inquiry into this question, and he thinks the Commons was originally a part of the national council or parliament. The strongest evidence he produces is drawn from the two celebrated instances of the petitions, sent, one by the borough of St. Albans, the other by Barnstaple.

The words are given by Lyttleton in the petition from St. Albans; they pray to send burgesses: “Prout totis retroactis temporibus venire consueverunt,” &c. “tempore Eduardi (I.) et progenitorum suorum.”

The date of this petition is 1315, in the time of Edward II. and it is contended that such words must mean a period before the 49th of Henry III., the supposed origin of the House of Commons, which was only fifty-one years before:

“totis retroactis temporibus,” &c. It is therefore curious to observe what was the answer made.

The answer to the petition was—“Scrutentur rotuli, si temporibus progenitorum regis, burgenses prædicti solebant venire vel non.”

Now this answer would be somewhat strange, on the supposition that the 49th of Henry III. was the date of the origin of the House of Commons. Let the rolls be searched, &c. &c. to find what, if the origin of the commons was only fifty-one years back, it was well known could not possibly exist. And yet, after all, this might be the technical mode of making answer, the legal and formal way of telling the petitioners that they were talking nonsense.

Again, with respect to the second petition, that from Barnstaple. Barnstaple founds its rights on a charter of Athelstan, which would have been again somewhat ridiculous if these rights had been known (as they might have been) to have originated in the time of Henry III., only eighty-one years before the time of this petition in 1345.

Thus we have three distinct testimonies. The words of the Act of Parliament, the words “old time,” in the time of Richard II., one hundred and eighteen years after the 49th of Henry III.; the words of this petition from Barnstaple eighty-one years; and those in the petition from St. Albans, fifty-one years after.

But to all this it is answered, that instances may be produced where distinct falsehoods are asserted in petitions to parliament in the way of pretension, when towns and boroughs are speaking of their former history, and that this may be the case in these petitions from St. Albans and Barnstaple.

The town said it had never been represented before, though it had made before not less than twenty-two returns.

Dr. Lingard thinks that these expressions are a sort of verbiage; so endless are the difficulties of this curious subject. And you will also observe that, first, Spelman could find no summons of a burgess before the 49th of Henry III.

Again, Daines Barrington declares, in a note, page 49 of his Observations on the ancient Statutes, “that no one can read the old historians and chronicles who will observe the least allusion or trace of the commons having been anciently

a part of the legislature, unless he sits down with an *intention* of proving that they formed a component part."

And Mr. Burke, in his English history, after struggling with the subject for some little time observes,—“ All these things are, I think, sufficient to show of what a visionary nature those systems are, which would settle the ancient constitution in the most remote times, exactly in the same form in which we enjoy it at this day; not considering that such mighty changes in manners, during so many ages, always must produce a considerable change in laws, and in the forms as well as powers of all governments.”

On the whole, the favourers of the popular interest would have done better, I think, to have contented themselves with resisting any improper conclusions that might have been drawn against popular privileges, from the non-appearance of the commons in the Wittenagemote. Their absence, for I think their absence must be admitted, may surely be accounted for, without any prejudice to the popular cause, and the propriety of their appearance in the national councils of a subsequent period may in like manner be shown without difficulty on every principle of natural justice and political expediency.

Since writing the above an important work has appeared on the Dark Ages by Mr. Hallam. The question, to which I have just alluded, is there discussed with great diligence, temper, and learning.

I do not know that the general impression, which you will have already received from me, will be altered, by a reference to his work, but you must by all means turn to it, that all the points of this very obscure, difficult, and yet curious and interesting case, may be properly considered, as they may be if you will avail yourselves of his valuable labours.

On the one side, as he very properly observes, it may be said, that the king, as we find from innumerable records, imposed tallages upon his demesne towns at discretion. But, on the other side, that no public instrument previous to the 49th of Henry III., names the citizens and burgesses as constituent parts of parliament, though prelates, barons, knights, and sometimes freeholders, are enumerated; while, since the undoubted admission of the commons (the 49th of Henry III.), they are almost invariably mentioned.

Again, that no historian speaks of representatives, or uses



the word citizen or burgess in describing those, who were present in parliament. All this is very strong; and on the whole, as it appears to me, added to what you have heard from others, decisive of the question.

Having thus alluded to the origin of our two different houses of assembly, I will next advert to the origin and growth of the different prerogatives and privileges belonging to each estate of the Lords and Commons.

This subject will require and deserve your patience as students; it is surely very curious. Great light has been thrown upon it by Professor Millar. Delolme is too much of a panegyrist on our constitution, as indeed is Blackstone; not to say that the latter is rather a lawyer than a constitutional writer. Blackstone is quite inferior to himself, when he becomes a political reasoner; and if he had lived in our own times, he would not have written (he could not have written, a man of such capacity) in the vague and even superficial manner in which he has certainly done on many of such occasions in his great work of the Commentaries. Millar is the author you must study, and I will now endeavour to give you some notion of the more important results of his researches: that is, I will endeavour to give you some idea of the sort of reasoning and information, which you will find in his book.

The Wittenagemote, under the influence of the Conquest, became in the first place more and more aristocratical. In the second, its *regular* meetings less and less frequent, till they at last ceased—an important event.

It became more and more aristocratical, because the smaller landed proprietors, in the progress of the feudal system, attached themselves to the greater lords, and thus gradually excluded themselves from the Wittenagemote, where those only could meet and deliberate who were considered as equals. Another reason contributed to the same effect. There were many lords who, though they did not attach themselves to a superior lord, and merge their consequence in his, had still an “allodial property,” though less extensive, and though inferior. Such lords were less and less disposed to appear in the great council, because they were more and more likely to be overshadowed by the greater barons, and to find themselves and their opinions disregarded. This difference in *wealth* was

at length followed by difference in *dignity*, and a man might be noble, yet not one of the *proceres*—not one (for example) unless he had forty hides of land. The nobility were thus divided into the greater and lesser thanes, a distinction that you must remember.

2dly, The regular meetings of the Wittenagemote at last ceased. An important point it may be observed, for what was the result? We might have lost our legal assemblies, as France did.

These regular meetings of the Wittenagemote were originally held at Christmas, Easter, and Whitsuntide. But besides these, there were also occasional meetings on extraordinary emergencies, summoned by the king himself. These last became more frequent with the increase of the national business; and the regular meetings were of less consequence and less regarded, the more so, as part of their business had originally consisted in hearing appeals from inferior courts. These appeals had multiplied till it was necessary to form a separate court from out of the great council, called the *Aula Regis*, for the sole purpose of deciding lawsuits. In this manner a material office of the great council was superseded; though, as the *Aula Regis* originally acted as a sort of deputy, an appeal still remained in the last instance to the council, which is now retained by the House of Peers. It must also have been at all times the policy of the monarch to supersede the regular meetings of the great council by auxiliary courts, and by those meetings which were summoned by himself. And in this manner, partly from reasons of apparent necessity and convenience, partly by the natural ambition of the monarch, partly from the disorders of the times, and not a little from the supineness, ignorance, and want of concert among the barons themselves, the great council ceased to assemble at its stated periods; and its extraordinary meetings, with this appeal from the great court of law, were all that remained, as vestiges of its former power.

But these extraordinary meetings could not take place unless called by the sovereign. It was possible, therefore, that these meetings might at length have ceased, and with them the political existence of the great council altogether.

If this event had taken place, the constitution of England

would, in the result, have been the same with that of France.

This was, however, most fortunately not the case. But why not? It was thus:—William had introduced the feudal system, and those who held immediately of the crown became, in consequence, members of the great national council.

Now the labours of our antiquarians have informed us, from an examination of Domesday Book, that these immediate vassals scarcely exceeded the number of six hundred; and as they therefore held the territory of all England, with the exception of the three northern counties of the king's own domains, each baron must have been very powerful; and it is evident that the king must have found it always expedient to avoid their displeasure, and to secure their assistance; and therefore, to have recourse to them for their advice, or rather for their public concurrence in the great measures of his government.

These national councils were therefore, very fortunately for posterity, never without their use or importance to the Norman kings; they therefore often called these extraordinary meetings. But again, to the more frequent return of these occasional meetings, and consequently to the existence of the national council, there was another circumstance very favourable.

The crown was not transmitted, as in France, for many centuries, from son to son. Most of the Norman kings were usurpers,—William II.; Henry I.; Stephen. Even Henry II. obtained possession of the crown only after a compromise. John was again a usurper, and even in the time of Henry II., of Richard I., and Henry III., the great councils were continually appealed to, from the circumstances in which these monarchs were placed.

In this manner (most happily for England, and indeed for mankind) the assembly of the nation still made though not its regular yet its *occasional* appearance, and with sufficient frequency to maintain its place in the legislature.

Again. It is known that the Wittenagemote had originally consisted of allodial or independent proprietors. That these had not only gradually diminished, but it was the policy of the conqueror to extinguish all the allodial tenures, and to render

all the proprietors of land, vassals of the crown. That this in the twentieth year of his reign he at last effected; and that the great council was thus entirely altered, and came to consist of those only who held immediately from the crown. Our antiquarians have also furnished sufficient evidence to show that great councils were held by William the Conqueror, William Rufus, and the succeeding monarchs; so that on the whole it may be allowed, that the interests of the crown so operated, that in point of fact, the national assemblies did maintain their existence, and did occasionally meet. And here the student must again observe how nice are the issues on which the political privileges of a nation are to depend.

We have here a great difficulty, for observe,—it certainly would not have been for the good of the whole that the great councils should assemble whenever they themselves chose; nor even, perhaps, of right at stated times, as they had done before the Conquest. It might be even desirable that the sovereign *alone* should have the power of calling them together: but if this power was to be exercised merely at the pleasure of the monarch, and if he was not, in some way or other, to be laid under the necessity of occasionally meeting the national assemblies, arbitrary power must have been the consequence. And yet a principle so delicate as this, was to be left to the arbitration of the rude warfare and undiscerning passions of our ancestors.

There were other points not less delicate and important, that were now adjusted apparently with little foresight or anxiety about the consequences. I shall mention them as I mentioned the last, from my wish to offer you specimens of the subject now before you, and with a hope of attracting your curiosity.

The Wittenagemote, from its origin and nature, had always decided on peace and war: but, the moment the members of it became vassals of the crown, their military service became due to their lord whenever required; and the justice or wisdom of the contest was no longer any part of their concern.

The important prerogative of declaring peace or war was thus at once transferred to the crown: with the crown it has ever since remained; not that circumstances are the same,—not that any national council has ever deliberated upon the

subject; such deliberations upon such points are impossible; but because a prerogative like this once enjoyed, was too important to be willingly resigned, and could not forcibly be taken away. Whether expedient or not, it has, therefore, been transmitted as an inheritance of the crown; and any restraint or control, it is to meet with, must arise from causes that have grown up into importance as imperceptibly as did the prerogative itself.

So fortunate may every people justly esteem themselves, who are possessed of a form of government, which is in practice tolerably good; for the affairs of mankind have but little to do with the precision of theory, or the inferences of reasoning.

Taxation, in like manner, was a most important prerogative of the Wittenagemote. Fortunately for posterity it was not lost. For, in the first place, the crown had immense domains and a large revenue of its own, and therefore did not find it *entirely* necessary to attempt the usurpation of the power of taxation. And secondly, the injury which the barons sustained by paying money could be understood by them without any great political foresight or comprehension of the general principles of government.

The obtaining of money from the subject was, at that time, very fortunately for us, an exercise of occasional oppression and force, rather than a regular operation of legislative authority.

Finally, upon extraordinary occasions, the king really did apply to his subjects, to his vassals, for an *aid*, which was a condition of their feudal tenure. In lieu of military service, he received a pecuniary composition called a *scutage*. From the soccage vassals a payment called a *hydage*, in place of various services which, as agricultural tenants, they were bound to render him. From the inhabitants of towns, tolls, and duties, or tallages, in return for his protection; and from traders certain duties called *customs* on the transit of goods.

In this manner was the crown placed in a state of comparative opulence and independence during the earlier eras of our constitution. As these sources of revenue declined, the other branches of the legislature were advancing into strength. They were thus able, by a continued struggle, to prevent

these privileges from being converted into fixed oppression, and to maintain the right which it was so desirable they should alone exercise, of concurring with the crown before the community could be legally taxed. It were endless, at least it is not very possible in lectures like these, to pursue the subject of the formation of our legislature through all its parts, or to describe the origin of different constitutional privileges and prerogatives.

You may judge of the interest belonging to these discussions, I hope, from what I have already said. I had indeed put down other specimens of the subject, but I am obliged, for want of time, to omit them. My observations referred to what I thought the important points, and which I must now finally recommend to your attention; for instance, the addition that was made to the national assembly by the representatives of the boroughs: the separation of the whole into two houses; a most important point: how the lesser barons, the knights of the shire, originally belonging to the *upper*, fell into the *lower* house; how the House of Commons probably thus maintained its *consequence*, if not its *existence*; how the House of Commons obtained a paramount and almost exclusive influence over the taxation of the country. None of these happy events took place in the constitution of France, or other European governments. You will find them explained often with great success by Millar. But you must not forget the learned and very valuable work of Mr. Hallam; who is not always satisfied with Millar, and should have stated his objections more in the detail to a writer so respectable and so popular. Nor again must you omit to study the pages of Sir J. Mackintosh's history. This lecture and all the lectures of my two first courses were drawn up many years before the appearance of either of these important publications.

I must now pass on to the third part which I have announced to you, as one even of more importance than the former two. The first, you will remember, was, What are the laws? the second, Who are the legislators? But the third, to which I now allude is—the spirit and habits of thinking that exist in the country.

Of our country, if it be said that none has ever enjoyed a better constitution, it may at the same time be said, that none

has ever been more honourably distinguished by efforts to obtain it. In considering the events of the earlier periods of our history, the student should never lose sight of the feudal system and the papal power. These, in the instance of our own country, as in the rest of Europe, soon became the great impediments to the improvement of human happiness.

But there was a peculiarity in the case of England which was attended with important consequences. The feudal system had not proceeded by its own natural gradations; it had not been regularly *introduced*, but it had been *established* by the conqueror *violently*, and on a *sudden*, in its last stage of oppression.

In an earlier and milder state it seems to have existed in its principles, if not in its name and ceremonies, among the Anglo Saxons; but it did not in this island attain its final maturity by regular growth, as it had done in the rest of Europe. And this acceleration of the system, that seemed, at first, to be more than usually fatal to every hope of liberty, was in the event much otherwise.

The Saxon constitution was broken in upon when in a state of great comparative freedom. It was necessarily regretted by all to whom it had been ever known, its practices were in part retained, its praises transmitted, its memory cherished; and it became at length dear even to the Normans, who began to consider themselves as belonging to the island; and who were oppressed by the rigours of the system, which their own king and countrymen had established.

Now it is to that spirit and those habits of thinking that were thus inherited from the Anglo Saxon government and introduced into the character of the Norman conquerors, that we are so much indebted, when we speak of the superiority of our constitution and the merits of our ancestors. Our history shows a continued struggle between the crown and the barons, but at the same time it constantly speaks of the unwearied clamours of the nation; first for the laws of Edward the Confessor, and afterwards for the charters that were obtained from our unwilling monarchs.

It is to these clamours for the laws of Edward the Confessor, it is to these charters thus bargained for, or extorted, that I would wish to direct your attention. It is *here* you

am to find the proper object of your admiration, the free principles of your mixed constitution, the original source of that free spirit which distinguishes your own English character; for observe, to take a familiar instance, when a rich man walks our streets or villages, he will not offend a poor man, however poor, if he has the feelings of an Englishman within him; in like manner, if a poor man be struck or insulted, he will immediately tell his oppressor, that though poor, he is an Englishman, and will not be trampled upon.

Now these are most honourable and totally invaluable traits of national character, not to be found in other countries in Europe; in spite of our immense system of taxation and other unfortunate circumstances, they still to a considerable degree exist.

The problem I propose to you is to give an historical and philosophical explanation of them.

In the first place then (and to look up to the highest point of their origin), they were derived from our Saxon ancestors, and afterwards from our Norman ancestors, and therefore at present I would wish to attract your curiosity to the two subjects I have just mentioned, the Laws of Edward the Confessor and the Charters.

But when we turn to look at the laws of Edward the Confessor, we meet with a most uncomfortable disappointment—the laws are lost. All the notion that can now be formed of them must be derived, as it is supposed, from the maxims of the common law, such as it is received and transmitted from age to age by our courts and judges.

Great pains were taken by the illustrious Selden to discover these celebrated laws, but in vain. In the note book on the table, you will find a short account of his labours; which, as a concise specimen of what the researches of an antiquarian, and even of a constitutional writer, must often be, I would recommend you to read.

With respect to the charters (the second subject I mentioned), we have been more fortunate; we may consider ourselves as in possession of them; and they have been made accessible, not only to the learning of an antiquarian, but to the knowledge of every man of ordinary education: this has been done by Blackstone. “There is no transaction,” says



Blackstone, "in the ancient part of our history more interesting and important than the rise and progress, the gradual mutation, and final establishment of the charters and liberties, emphatically styled the 'Great Charter and Charter of the Forest;' and yet there is none that has been transmitted down to us with less accuracy and historical precision." The Vinerian professor was therefore animated to undertake an authentic and correct edition of the Great Charter and Charter of the Forest, with some other auxiliary charters, statutes, and corroborating instruments, carefully printed from the originals themselves, or from contemporary enrolments or records: the work he executed and delivered to the public.

Of his "History of the Charters," it is in vain to attempt any abridgment; for such is the precision of his taste, and such the importance of the subject, that there is not a sentence in the composition that is not necessary, to the whole, and that should not be perused. Whatever other works may be read slightly, or omitted, this is one the entire meditation of which can in no respect be dispensed with. The claims which it has on our attention are of no common nature.

The labour which this eminent lawyer has bestowed on the subject is sufficiently evident: yet, however distinguished for his high endowments and extensive acquirements, and however impressed with a sense of the advantages to be derived from a free government, he has certainly never been considered as a writer very particularly anxious for the popular part of the constitution, notwithstanding his occasional very crude declamations of a popular nature: and, on the whole, these charters must have been very instrumental in saving our country from the establishment of arbitrary power, or they would never have excited in the professor such extraordinary exertion and respect.

In the second place, we may surely be expected to consider, with some attention, what our ancestors acquired with such difficulty and danger, and maintained with such unshaken courage and perseverance.

"These charters," says Blackstone, "from their first concession under King John, had been often endangered, and undergone many mutations for the space of near a century,

but were fixed in the 29th of Edward II. upon an eternal basis; having, in all, before and since this time, as Sir Edward Coke observes, been established, confirmed, and commanded to be put in execution by two and thirty several acts of parliament."

There is a commentary on Magna Charta at the close of Sullivan's Lectures on the Laws of England, which will be very serviceable to you in your perusal of this great record of our liberties.

My comments on these charters, given in my former course, I now omit. For these charters must be read attentively by yourselves, and you will easily acquire a proper insight into the nature of their provisions.

The result of your first perusal will be that of disappointment; you will think that they contain nothing very remarkable, nothing much connected with civil liberty, as you now understand and enjoy it.

This gives me another opportunity (I cannot avail myself too often of such opportunities) to remind you, that you must always identify yourselves with those who appear before you, from time to time in the pages of history: this is the first point. And that it is the general spirit and meaning of the whole of a constitutional transaction, not the minute detail of it, that you must always more particularly consider: this is the second point.

To advert to these points a little longer—When we look into these charters for those provisions of civil liberty which the enlarged and enlightened view of a modern statesman might suggest, we forget that they who obtained these charters were feudal lords, struggling with their feudal sovereign; and that more was, in fact, performed than could be reasonably expected; at all events they had the obvious merit of resisting oppression; a conduct that is always respectable, as it always indicates a sense of right and courage.

The exertion of such qualities is of use generally to the existing generation, and still more to posterity. No such steadiness and spirit was shown by the barons of other countries; and this of itself is a sufficient criterion of the merit of the English barons. The plain narrative of these transactions is, of itself, the best comment on their conduct,

and its highest praise. That the barons should be jealous of their own powers and comforts, when they found them trenched upon by the monarch, may have been natural; that they should assert their cause by an appeal to arms, may have been the character of the age; that they should resist and overpower such princes as Henry or John, was perhaps what might have been expected. In all this there may possibly not be thought any very superior merit; but there is still merit, and merit of a most valuable kind. To maintain, however, a struggle systematically, and for many succeeding ages, was neither natural, nor the character of the age; and to have encountered and overpowered the rage, the authority, and the ability of a prince like Edward I., so fitted in every respect to dazzle and seduce, deceive and subdue them, this constitutes a merit which in other countries had no parallel, and which leaves us no sentiment but that of gratitude, no criticism but that of applause.

But in addition to these general remarks, one more particular observation must be left with you, and it is this,—that in the course of these charters (if they are properly examined), it will at length be seen, that *all* the leading objects of national concern were adverted to; that the outlines of a system of civil liberty were actually traced. Provision was made for the protection and independence of the church; the general privileges of trade were considered; the general rights of property; the civil liberties of the subject; the administration of justice.

It may indeed be remarked, that the provisions for general liberty in these charters were few, short, indistinct, and that it is impossible to suppose, that a few words like these could in any respect embrace all the multiplied relations of social life and regular government; and that much more must be done before the liberties of mankind can be secured, or even delineated or described with proper accuracy and effect. Where then, it may again be urged, where is now the value of these celebrated charters? To this it must be replied, that a rude sketch was made according to the circumstances of the times; and that nothing more could be accomplished or expected; that a reasonable theory, that the right principle, was every where produced and enforced; and that this was sufficient.

Posterity was left no doubt to *imitate* those who had gone before them, by transfusing the general meaning of the whole into statutes, accommodated to the new exigencies that might arise. It was not necessary that they who were to follow should tread precisely in the same steps; but they were to bear themselves erect, and walk after the same manner. The track might be altered, but the port and the march were to be the same. Such indeed was the event. In Hampden's cause of ship money, and on every occasion, when the liberties of the subject were to be asserted—in writing, in speeches, in parliament, in the courts of law—these charters were produced, examined, and illustrated; and they supplied the defenders of our best interests at all times with the spirit and the materials of their virtuous eloquence. Civil liberty had got a creed which was to be learnt and studied by its votaries, a creed to which the eyes of all were to be turned with reverence; which the subject considered as his birthright; which the monarch received from his predecessors as the constitution of the land; which the one thought it his duty to maintain, and which the other thought it no derogation to his dignity to acknowledge.

“It must be confessed,” says Hume, “that the former articles of the great charter contain such mitigations and explanations of the feudal law as are reasonable and equitable; and that the latter involve *all* the chief outlines of a legal government and provide for the equal distribution of justice, and the free enjoyment of property; the great objects for which political society was at first founded by men; which the people have a perpetual and unalienable right to recall, and which no time, nor precedent, nor statute, nor positive institution ought to deter them from keeping ever uppermost in their thoughts and attention.”

At the close of the subject, though he resumes his natural hesitation and circumspection, he seems considerably subdued by the merit of the actors in these memorable transactions.

“Thus,” says he, “after the contests of near a whole century, and those ever accompanied with violent jealousies, often with public convulsions, the great charter was finally established, and the English nation have the honour of extorting by their perseverance, this concession from the ablest, the

most warlike, and the most ambitious of all their princes. Though arbitrary practices often prevailed, and were even able to establish themselves into settled customs, the validity of the great charter was never afterwards formally disputed; and that grant was still regarded as the basis of English government, and the sure rule by which the authority of every custom was to be tried and canvassed. The jurisdiction of the star-chamber, martial law, imprisonment by warrants from the privy council, and other practices of a like nature, though established for several centuries, were scarcely ever allowed by the English to be parts of their constitution. The affection of the nation for liberty still prevailed over all precedent, and even all political reasoning. The exercise of these powers, after becoming the source of secret murmurs among the people, was in fulness of time abolished as illegal, at least as oppressive, by the whole legislative authority."

These appear to me remarkable passages to be found in the history of Hume, and I therefore offer them to your notice.

You will find Hallam very decisive in his opinion of the value of this great charter. He considers it as the most important event in our history, except the Revolution in 1688, without which its benefits would rapidly have been annihilated.

Before I conclude, I must once more remind you that it is the general spirit and habits of thinking in a community that are all in all; that charters, and statutes, and judges, and courts of law, are all of no avail for perpetuating a constitution, or even for securing the regular administration of its blessings from time to time,—are all of no avail, if a vital principle does not animate the mass, and if there be not sufficient intelligence and spirit in the community to be anxious about its own happiness and dignity, its laws and government, and those provisions and forms in both, which are favourable to its liberties. When this vital principle exists, every defect is supplied from time to time by those who bear rule, and who can never be long or materially at a loss to know, what either Magna Charta or the free maxims of our constitution require from them. However complicated may be the business, however *new* the situations for which they have to pro-

vide, the outline of a free constitution, though rude and imperfect, can easily be filled up by those who labour in the spirit of the original masters.

When this is honourably done, and when the spirit and vital principle of a constitution are faithfully preserved, those who rule and those who are governed, may and do sympathize with each other. They are no longer drawn out and divided into ranks of hostility, open or concealed; there is no storm above ground, no hollow murmuring below. The public good becomes a principle, acknowledged by the monarch as his rule of government, and loyalty is properly cherished by the subject, as one of the indispensable securities of his own political happiness. Men are taught to respect each other and to respect themselves. The lowest man in society is furnished with his own appropriate sentiment of honour, which in him, as in his superiors, is to protect and animate his sense of duty: he, too, like those above him, has his degradations of character, to which he will not stoop; and his elevations of virtue, to which he must aspire.

This is that real protection to a state, that source of all national prosperity, that great indispensable auxiliary to the virtue and even the religion of a country, which may well be considered as the mark of every good government, for it constitutes the perfection of the best.

But all this must be the work, not of those who are placed low in the gradations of the social order, but of those who are destined, by whatever advantages of property, rank, and particularly of *high* office, to have authority over their fellow creatures; of such men (men like yourselves) it is the bounden duty to cherish the constitutional spirit of their country, and, in one word, to promote and protect the respectability of the poor man. When those who are so elevated use to such purposes the influence and the command which do and ought to belong to them, they employ themselves in a manner the most grateful to their feelings, if they are men of benevolence and virtue; the most creditable to their talents, if they are men of genius and understanding.



## NOTES.

IN reading these Lectures on the subject of England, I took occasion to introduce the following remarks.

### I.

WE are now in possession of some valuable publications from the pen of Sir James Mackintosh on the subject of English history.

These octavo volumes are intended by the editor for the general reader, and are proposed as a sort of popular history.

But the fact is, that the mind of this eminent man of letters is of too philosophic a nature, too generalizing, and too enlightened to admit of his writing for any one who can be described by any such term as the general reader. These are not books, unassuming as they may look, that he who runs may read,—he who reads must move slowly and stop often. Sir James is one who necessarily thinks in a manner, that however it may afterwards reward, will assuredly first require, the best thinking of any man, who means to be benefited by what he reads.

I must mention too that there is an air of uncertainty about the pages of these little volumes, that render them very agreeable. It is evidently quite impossible to know, as we proceed, what we are next to find; that is, what a man so enlightened and so able, may think it worth his while to observe.

We shall probably lose the great work which Sir James projected as a continuation of Hume: this on every account is for ever to be lamented; no one ever had access to such materials, or was so fitted to use them; but the present cabinet volumes will no doubt present to us the most valuable comments, on the most important characters and periods of our history,—but these are treatises on history, not histories.

Since I wrote what you have just heard, this illustrious man of letters has sunk into the grave, from a slight accident and immaturity. No loss can be so great to the literary world. His understanding was of so superior a quality, his memory so astonishing, and his disposition so truly courteous and obliging, that he was always able and always willing to instruct every person who approached him. And on every occasion his entire sympathy with the great interests of mankind, and his enlightened comprehension of them were distinctly marked. He was one of those, whom, for the benefit of others, one could have wished exempt from the common lot of humanity. One could have said to him, as do the Persians to their king, “Live for ever.” He should have been exempted too from the common cares of our existence, and instead of having to make provision for the day that was going over him, should have had nothing to do but to read, to think, and to write. Men of these great intellectual powers, should not, like their fabled prototype, be chained to their rock with the vultures to tear them.

Some papers remain, which will afford a melancholy indication of what under favourable circumstances he might have done : what he has however done is of great value and will live. He can be properly estimated only by those who were fortunate enough to know him.

## II.

OF Mr. Hallam's Constitutional History I spoke in the following manner in my lectures in November, 1828.

Mr. Hallam's Constitutional History of England I must earnestly recommend, for it is a work of great research, great ability, great impartiality, often of very manly eloquence; the work of an enlightened lawyer, an accomplished scholar, and a steady assertor of the best interests of mankind. It is a source of great satisfaction to me, that such a work exists, for every page is full of statements and opinions on every topic and character of consequence since the reign of Henry VII.; and these sentiments and opinions are so learned and well reasoned, that I am quite gratified to think, that the student can now never want a guide and an instructor, worthy to conduct and counsel him in his constitutional inquiries. Mr. Hallam is indeed a stern and severe critic, and the student may be allowed to love and honour many of our patriots, statesmen, and divines, in a more warm and unqualified manner, than does Mr. Hallam; but the perfect calmness of Mr. Hallam's temperament makes his standard of moral and political virtue high, and the fitter on that account to be presented to youthful minds.

There are objectionable passages and even strange passages, more particularly in the notes; but they are of no consequence in a work of so vast a range, and of so much merit; and Mr. Hallam may have given offence, which could never have been his intention, to some good men, to whom their establishments are naturally so dear; but I see not how this was to be avoided, if he was to render equal justice to all persons and parties, all sects and churches in their turn; and if he was to do his duty, as he has nobly done, to the civil and religious liberties of his country.

## III.

THE story of England has of late been illustrated by many intelligent and laborious inquirers. We have had the Roman Catholic case stated by Dr. Lingard, an author of original inquiry and vigorous mind; certainly a very skilful controversial writer. For similar reasons we may now consider ourselves as in possession of the republican case, during the times of Charles I., for Mr. Godwin has dedicated four volumes to the subject, and for this express purpose. A new edition of Burnet has been given us. The history of Clarendon has, at last, very creditably to our sister university, been presented to the public in its original state. Miss Aikin has drawn up interesting memoirs of Queen Elizabeth and James I., and an important work on the reign of Charles I.: she is a diligent and sagacious writer. There are treatises coming out, volume after volume, by a most entertaining and learned antiquarian, Mr. D'Israeli. And we have fierce and eloquent orations on the



merits and demerits of the great personages of our history, ecclesiastical and civil, Laud, Clarendon, and others, in the different reviews by which our periodical literature is now distinguished.

There are several very agreeable and sensible publications by Lord John Russell. Recently has been published a posthumous work of Mr. Coxe, a literary labourer, to whom the historical student is so much indebted,—the Pelham papers—they supply the information that has been so long wanted, with respect to the politics and characters of the members of the Pelham and Newcastle administrations.

## IV.

*Edward the Confessor's Laws.*

THE laws of Edward the Confessor are lost. The great Alfred was a legislator; and Edward the Confessor is represented as having revised and improved the laws of his predecessor Edgar, and therefore probably of Alfred, rather than as having instituted any code of his own. It might have been thought, therefore, that some information on this subject might have been obtained from any writings that respected Alfred. There is a life of him by the monk Asserius, and there are laws of his which are come down to us and which may be seen in Wilkins; but neither in the work of his biographer, nor in these laws of Alfred, can any thing be found which may enable us to understand what were the laws of Edward the Confessor.

It may perhaps give the student some insight into the nature of an inquiry like this, if he takes the trouble of following the subject through one, at least, of the notes of a learned antiquarian.

Eadmerius is a monkish writer, who gives the history of his own age, of William I. to William Rufus, and Henry I.; his work was edited by the learned Selden.

Now, it is known that William I. entered into some agreement with his subjects respecting the laws of Edward the Confessor; and it might be expected that Eadmerius, when he gives the history of the reign of William, would also have given us some account of this remarkable code. But in the course of the history, the monk (with more than the stupidity of a monk), instead of giving us these laws, observes, “that he forbears to mention what was promulgated by William with respect to *secular* matters.” So here we have a complete disappointment. This gives occasion to his editor, Selden, in a note, to consider the subject more at length.

Selden produces a passage from the Litchfield Chronicle, a very ancient monkish writing, from which it appears that the Conqueror, in the fourth year of his reign, granted the laws of Edward the Confessor to the intercession of his English subjects: “Ad preces communitatis Anglorum;” and that twelve men were chosen from each county, who were to collect and state, what these laws were; and that what they said was to be written down by the Archbishop of York and Bishop of London. Here then we have a fact connected with the subject.

Another monkish historian, Roger Hoveden, who lived under Henry II.

and John, gives the same account, and he subjoins the laws themselves at full length. From him they are published by Wilkins; and here then we might suppose that we had reached the object of our inquiry. But not so. When we come to peruse them, there is little to be found which could make them so dear to the English commonalty; and by looking at the eleventh head on Dane-gelt, we perceive the name of William the younger, or of William Rufus, which shows, as Selden observes, that they are of a later date than the time of the Conqueror, or at least most unskillfully interpolated. This therefore, on the whole, is also a disappointment.

Selden has therefore recourse, in the next place, to Ingulphus, who was a sort of secretary to the Conqueror.

Ingulphus, at the end of his history, tells us that he brought the code of Edward's laws, which William had authorized and renewed, from London to his own abbey of Croyland, for the purpose of securing (as he says) the society from the penalties which were contained in it "in the following manner." And now then, we might expect once more to find the laws all subjoined. But here the history ends, and the laws are wanting in the MS.

But a new attempt is made by the illustrious antiquarian (for these valuable men are possessed at least of the virtue of patience), and in a later MS., written, he thinks, about the year 1200, he finds a code at the end of it, which from the title should be the code required. This code he gives and endeavours to translate. It is also given by Wilkins, and translated still more completely.

But our disappointments are not here to cease. Even this copy of the code must surely be materially imperfect. We look in vain for those general provisions of protection to the subject, which must have made these laws so dear to our ancestors.

Finally, it is collected from the monkish historians that Henry I., to ingratiate himself with his subjects, granted them the laws of Edward the Confessor. A code of Henry's laws has come down to us, and may be seen in Wilkins. But it is a *grant* of Edward's laws that we find here mentioned, and no *detail* of the laws themselves. Here then we have once more a disappointment, and further research seems at an end.

The code of Henry was, no doubt, to a certain extent modified and meliorated according to this favourite model; but of the model itself no further knowledge can be obtained. Our lawyers and antiquarians are therefore left to conclude that these celebrated laws of Edward the Confessor, may now be imaged to us by what is called "the common law of the land," or the unwritten collection of maxims and customs which are transmitted from lawyer to lawyer, and from age to age, and have obtained reception and usage among our courts and judges.

## V.

### CHARTERS.

THE 9th of Henry III. is the final one; and that therefore which is always commented upon. Of the whole thirty-eight clauses, about one-half respect merely the oppressions of the feudal system.

But by the words of the thirty-eighth clause, the feudal tyranny, wherever relaxed between the king and his vassals, was to be relaxed between the superior and inferior, through all the links of the feudal subordination. And of the thirty-eight clauses some were of a general nature. By the ninth and thirtieth, an effort was made for the benefit of commerce; protection afforded to the trading towns, foreign merchants, &c. &c.

The eleventh, twelfth, thirteenth, seventeenth, twenty-fourth, twenty-eighth, and thirty-fourth, were intended for the better administration of justice.

In the twenty-sixth may be seen the first effort that was made to *procure for an accused person a trial*; i. e. in other words, to protect the subject from arbitrary imprisonment.

Yet so slow is the progress of civil liberty, that the first principles of the most obvious justice could not be secured till some centuries afterwards, by the proper fitting up of the writ of habeas corpus in the *reign of Charles II.*

The thirty-seventh clause runs thus:—"Scutagium de cætero capiatur sicut capi solebat tempore regis Henrici avi nostri." And in the time of Henry II. the scutage was moderate.

The important point of the levying of money was thus left in a very imperfect state. But in the confirmation of the charters by Edward I., it was distinctly stated that no money should be levied upon the subject, except by the common assent of all the realm, and for the benefit of the whole realm.

The celebrated statute, "de tallagio non concedendo," is shown by Blackstone to be *probably nothing more* than a contemporary Latin abstract of the two French charters themselves, and not a statute.

The most striking clause of all, so well known, so often quoted, so justly celebrated, runs thus:—"Nullus liber homo capiatur," &c. &c. "nisi per legale iudicium parium suorum vel per legem terræ," &c. &c.

This twenty-ninth clause contains a general description of a free constitution. Dr. Sullivan, in his Lectures on the Laws of England, has made it the subject of a comment through all its words and divisions. That in the first place, it secures the personal liberty of the subject; and in the next, the full enjoyment of his property, &c. &c.; and certainly while the *spirit* of this clause is preserved, civil liberty must be enjoyed by Englishmen: whether, however, this spirit shall be preserved, depends upon their preserving *their own* spirit. The book of Dr. Sullivan is worth looking at. You may see from the contents, what parts are more particularly deserving of your attention.

The Charter of the Forest speaks volumes to those who can reflect on what they read.

Observe the words of the tenth clause:—"Nullus de cætero, amittat vitam vel membra pro venatione nostrâ."—"Sed si quis captus fuerit," &c. &c. "jaceat in prisonâ nostrâ per unum annum," &c. &c.

Offences in the forest must have been, before this time, often punished by the loss of life or limb, when murder was not.

Observe, too, the clauses which concede the restoration of whole tracts of land to their former state—tracts which had been reduced to forests.

That the kings of these days, and no doubt their barons, should have been

so interested in hunting as to be guilty, for the sake of it, not only of robbery and tyranny, but of maiming men and even putting them to death, is no slight proof of the value of those elegant arts and that more extended system of inquiry and knowledge, in consequence of which the manly exercises are left to fill their place, and not more than their place, in the circle of human anxieties and amusements.

Our game laws and our country gentlemen are the regular descendants of the forest laws and barons of ancient times. They are thought by many to bear some marks of their iron original.

In the fourth clause of Magna Charta are these words:—"Et hoc sine destructione et vasto (waste) hominum vel rerum;" that is, the labourers and the stock are summed up together: no distinction made between them.

The barons, the assertors of their own independence, though they felt for freemen and those below them, were but too insensible to the situation of the villeins; to the heavy system of slavery which they saw, or rather did not see, darkening with its shade the fair fields of their domain.

In like manner were the English nation, in our times, twenty years in abolishing the slave trade; and if the whole kingdom had been equally accustomed to the trade, as were the ports of Bristol and Liverpool, they would have been twenty *centuries*.

The effect of *habit* in banishing all the natural feelings of mercy, justice, benevolence, as in the instances of slave dealers, banditti, supporters of harsh laws, penal statutes against dissenters, &c. &c. is perfectly frightful.

## VI.

THERE is a book by Daines Barrington, *Observations on the Ancient Statutes*, which should be considered.

It is often descriptive of the manners of the times, of the views and opinions of our ancestors: it is even entertaining.

The conclusion which the student should draw, is, the good that might be done, or might be at least most honourably and virtuously attempted, by any legislator or lawyer who would turn his attention to our statute book, procure the repeal of obsolete statutes, endeavour to make our law proceedings less expensive, in short, not acquiesce in the general supposition, that no improvements can be introduced into our laws and our administration of them. Much good might be done by patient, intelligent men; but the most sullen, and unenlightened and unfeeling opposition must be more or less expected from our courts of law, and all who are connected with them.

"Truths would you teach, or save a sinking land,"

—that is, would you improve laws, and keep people from being ruined—

"All fear, none aid you, and few understand."

This note was written in the year 1808, and the author has since lived to see and admire the humane and intelligent efforts of Sir S. Romily, Sir J. Mackintosh, Mr. Peel, and Mr. Brougham.

## VII.

*Sir John Fortescue, Chancellor to Henry VI.*

Two treatises of his have come down to us, that seem quite decisive of the question relative to our monarchy, as understood in early times, whether arbitrary or not. The first is,—*De Laudibus Legum Angliæ*.

The distinction that the chancellor every where makes, is between “power royal” and “power politick,” that is, arbitrary monarchy and limited; and he lays it down, that the kings of England are not like other kings and emperors, but are limited.

(Translation quite close and exact.)

Chap. 9th. “For the king of England cannot alter nor change the laws of his realme at his pleasure: for why? he governeth his people by power, not only royal, but also politique. If his power over them were royal only, then he might change the laws of his realm, and charge his subjects with tallage and other burdens without their consent; such is the dominion that the civil laws purporte when they say, the prince his pleasure hath the force of a law. But from this much differeth the power of a king, whose government over his people is politique, for he can neither change laws without the consent of his subjects, nor yet charge them with strange impositions against their wills,” &c. &c.

“*Nam non potest rex Angliæ ad libitum suum,*” &c. &c.

In chapter 18th, he observes:—

“*Sed non, sic Angliæ statuta oriri possunt,*” &c.

“But statutes cannot thus passe in England, forsomuch as they are made, not only by the prince’s pleasure, but also by the assent of the whole realm, so that of necessity they must procure the wealth of the people,” &c. &c.—“Seeing they are ordained not by the device of one man alone, or of a hundred wise counsellors only, but of more than three hundred chosen men,” &c. &c.—“as they that know the fashion of the parliament of England, and the order and manner of calling them together, are able more distinctly to declare,” &c. &c.

The young prince (Henry’s son Prince Edward), to whom the discourse is addressed, asks—“Since the laws of England are, as he sees, so good, why some of his progenitors have gone about to bring in the civil laws?” &c.

“In those laws,” says the Chancellor, “the prince’s pleasure standeth in force of a law quite contrary to the decrees of the laws of England,” &c. &c.

But to rule the people by government politique is no yoke but liberty and great security, not only to the subjects, but also to the king himself. And to show this, the chancellor considers “the inconveniences that happen in the realm of France, through regal government alone.”

He then treats of “the commodities that procede of the joynt government politique and regal in the realme of England.”

Then, “a comparison of the worthiness of both the regiments.”

The whole work is very concise, but full of curious matter.

## VIII.

*Original Insignificancy of the House of Commons.*

IN the beginning of the reign of Richard II. we find the following passage:—

As to the aid the king demanded of his commons for the defence, &c. &c. the Commons said, “That in the last parliament the same things were shown to them in behalf of the king,” &c. &c. “That in hopes of the promise held out to them to be discharged of taillage, they granted a greater sum than had been asked; and after their grievous losses, and the low value of their corn and chattels, they concluded with praying the king to excuse them, not being able to bear any charge for pure poverty” (*par pure povertie*).

To all which Monsieur Richard le Scroop (whom it seems was steward of the household) answered making protestation:—

“That he knew of no such promise made in the last parliament, and saving the honour and reverence due to the *king* and *lords*, what the Commons said was not true” (*le dit de la Commun en celle partie ne contient ne vérité*). This, at a time, when if such language had been used by Monsieur le Scroop to the *lords*, the floor of the assembly would have been instantly covered with gauntlets.

When the feudal system declined, the power which could not then be occupied by the commons (the nobility had been swept away by the civil wars), fell into the possession of the crown, a natural and constant claimant.

The liberties of England were therefore in great danger, when princes so able, as those of the house of Tudor, were to be followed by princes so arbitrary, as those of the house of Stuart.

The two great efforts of Henry VII. were, first, to destroy the power of the aristocracy; secondly, to amass treasures to render the crown independent: his ambition and avarice ministered to each other.

But the first point he could not attempt to carry without advancing the power of the commons. He could not, for instance, open the way to the lords to alienate their lands, without giving the commons an opportunity of purchasing them; that is, of turning their mercantile affluence into constitutional importance.

The second point, however, was of a different nature. He could not amass the treasures which he wished, without encroaching upon the exclusive right of parliament to levy money; and if the practices, pretences, and prerogatives, which he introduced, advanced, and renewed, had not been resisted by our ancestors in the time of Charles I., the liberties of England must gradually have decayed.

Sir Thomas More, when young, resisted Henry the Seventh's demand from the commons of about three-fifteenths for the marriage of his daughter; the king actually threw More's father, then a judge, into the Tower, and fined him one hundred pounds. Had not the king died, Sir Thomas was determined to have gone over sea, thinking, “that being in the king's indignation, he could not live in England without great danger.—See Roper's Life.

The Life of Henry VII. has been written by Lord Bacon: such a man as

Bacon can never write without profitably exercising, sometimes the understanding, sometimes the imagination of his reader; yet, on the whole, the work will disappoint him.

The circumstances, indeed, in which Lord Bacon was placed, rendered it impossible for him to exercise the superior powers of his mind with any tolerable freedom. He wrote his history of Henry VII. during the period of his disgrace under the reign of James I.

It was not for Lord Bacon to reprobate the robberies of Henry VII. when he had himself received money for the perversion of justice; or at least had been accused and disgraced for corrupt practices and connivances. It was not for Lord Bacon to assert, as he had once done, the popular principles of the English constitution, while writing under the eye of a monarch like James I., one not only impressed with the divine nature of his prerogative, but one to whose humanity he owed his liberty at the time, and the very means of his subsistence.

The faults of ordinary men may be buried in their tombs; but the very frailties of men of genius may be the lamentation of ages.

The laws of Henry VII. merit the consideration of the student.

It was the intention of these laws, to advance the husbandry, manufactures, and general commerce of the country.

The observations of Lord Bacon, and the subsequent criticism of Hume, will afford the student a lesson in that most difficult and important of all practical sciences, the science of political economy.

On the subjects that belong to this science, it may I think be observed, that from the extent and variety of the points to be considered, the first impressions are almost always wrong.

Practical men, as they are called, are therefore pretty generally mistaken on all such subjects; particularly where they think themselves exclusively entitled to decide.

Practical men are fitted, *and fitted only*, to furnish facts and details, which it is afterwards the business, and the proper business of the philosopher or statesman to make the foundation of his general reasonings and permanent laws.

So fallacious are first impressions, so remote and invisible is often the general principle that ought ultimately to decide us, that even the philosopher himself must, on such subjects, be much indebted to experience.

Our ancestors could not be inferior in understanding to ourselves: who could be superior to Lord Bacon? Yet the laws of Henry VII. which Lord Bacon extols, and which would appear wise perhaps to the generality of men at this day (1808), are shown by Mr. Hume to be founded on narrow views, and to be the very reverse of what Lord Bacon supposed them to be.

It is on account of Mr. Hume's observations on the subjects of political economy, that the appendices of his History are so valuable. Different portions in his work are likewise in this manner rendered valuable, more particularly the estimates which he gives of a reign when he comes to the close of it.

Look at his account of the miscellaneous transactions, for instance, of Edward II. "The kingdom of England," says he, "was affected with a

grievous famine," &c. &c. And then he goes on in a few words to lay down all the proper principles, which were afterwards so beautifully drawn out and explained by Adam Smith in his *Dissertation on the Corn Laws*; and which required all the authority of a minister, the late Mr. Pitt, to enforce upon the community, and even upon the houses of parliament themselves, while men were every where raving about "monopolizers of corn," "the necessity of fixing proper rates to the price," &c. &c. This was the expedient of the parliament of Edward II.

The necessities of the state during the wars that began in the year 1793, have brought the science of political economy into more general attention; and have served, very forcibly, to display the merits of the two great instructors of our English ministers and reasoners, Hume and Smith.

The public, however, have still much to learn; and when our young men of rank and property have dismissed their academical pursuits, or rather whenever they have an opportunity, they should apply themselves to the study of political economy, the science of the prosperity of mankind, a study of all others the most interesting and important.

A young man of reflection may find that the principles of political economy partake of the nature of literature, as described by Cicero, "moving along with him, let him go and do what he will, by night, by day, in the town, in the country." &c. &c.





## LECTURE VII.

### FRANCE.

**W**E must now turn to the French history. The period which we may consider is that which intervened between the accession of Philip of Valois, and the death of Louis XI.

This period I would wish particularly to recommend to your examination, for it is the most important in the constitutional history of France.

I have already endeavoured to draw your attention to this great subject—the constitutional history of France. There are few that can be thought of more consequence in the annals of modern Europe. Had France acquired a good form of government, while the feudal system was falling into decay, the character of the French nation would have been very different from what, in the result, it afterwards became. All the nations on the continent would have been materially influenced in their views and opinions by such an example. The whole history of France and of those countries would have been changed, and the private and public happiness of the world would have been essentially improved.

The first and great subject of inquiry, therefore, in the French history is this,—What were the circumstances that more particularly affected the civil liberties of France?

It is quite necessary to remark, that this subject is never properly treated by the French historians. They never seem to feel its importance; to understand its nature. When they advert to the state of France; when they endeavour to consider how the country is to be improved, how advanced to perfection, they content themselves, as their orators seem to have done in the States General, with vague declamations about order and virtue, and the

discharge of the duties of life : a love of his people must they think be found in the sovereign, purity of morals in his subjects. These are the topics on which they harangue. every political good, they suppose, is to result from the private and individual merits of the monarch and those whom he is to govern. They look no further. It seems never to have occurred to them, that the virtues which they wish for, both in the prince and the subject, are generated by a free government, and that it is in vain to expect them under any other.

From this general observation on the French writers, one illustrious exception must be made. The Abbé de Mably. His work must therefore, be continually compared with the representations of the historians Velly, Mezeray, and Le Père Daniel. It is in his work, and in his alone, that the philosophy of the French history can be found. Without it an English student would pass through the whole detail, continually misled by his guides, or suffered to move on, without once finding his intention properly directed to the great misfortune of France ; the misfortune of her political system ; the decline and the destruction of her constitutional liberties.

This subject has not been overlooked by our own great historian, Robertson. In his Introduction to his History of Charles V., he describes, in a concise and unaffected manner, the means by which the prerogative and the power of the crown were extended, and the alteration that took place in the constitution and government so unfavourable to the general liberty of the subject ; the fatal manner in which the ancient national assemblies lost their legislative power, and in which the monarch gradually assumed it, and still more fatally assumed the power of levying taxes. There are three notes (38, 39, 40) particularly worth reading, in his preface to Charles V.

With respect to the constitution of France, the great point in that constitution was, as it has been in all the European constitutions, simply this,—whether the national assemblies could maintain their importance, and above all, preserve their right of taxation. On this right of taxation every thing depended.

To the general principles of liberty, a nation is easily made blind, or can even become indifferent. Such principles are never understood by the multitude; and the interest they excite is of a nature too refined and generous to animate the mass of mankind either long or deeply. But fortunately for them, they who trample upon their rights, generally (as it would be expressed by the people themselves) want their money; and here at least is found a coarser string, which can always vibrate strongly and steadily. The tax-gatherer can at all events be discovered by the people to be an enemy, as they suppose, to their happiness. Popular insurrections have seldom had any other origin; and the unfeeling luxury of the great is thus sometimes most severely punished by the headlong and brutal fury of the multitude. Patriots and legislators are, therefore, the most successfully employed when they are fighting the ignorant selfishness of the low against the vicious selfishness of the high; when they are exchanging tax for privilege, and purchasing what is, in fact, the happiness of both, by converting the mean passions of each to the purposes of a generous and enlightened prudence. But to do this, it is necessary that some body of men who can sympathise with the people should have a political existence, and that their assent should be necessary to make taxation legal. Of peaceful, regular, constitutional freedom, which is the only freedom, this is the best and the only practical safeguard.

You must now recall to your minds what I have already said of the French history.

That the great writers are too voluminous, and that you must therefore meditate the incidents that appear in the abridgments of Hénault and Millot, or the concise history of D'Anquetil; and when they seem likely to be of importance, consult, if you please, the great historians.

An instance of this kind occurs early in the period we are now considering. You will see in the abridgments that the States-general assemble; an important circumstance always. You will turn to Mably, and you will find that a very remarkable struggle, as he conceives, took place between the crown and the people; and you might here therefore turn to Velly and the regular historians. The fact seems to be, that a

great crisis in the French constitution did really take place during the reigns of the earlier princes of the house of Valois, particularly of John, when the country was oppressed by the successful and unjust inroads of our Edward III. The states-general were called; and the opportunity was taken by the third estate, and more particularly by Marcel, the Parisian, and his associates, to raise the public into importance, and to balance, or as the French historians represent it, to overpower the authority of the prince.

Here then is evidently a period that cannot be too deeply meditated. The historian Villaret, the successor of Velly, seems to have taken due pains with this part of his undertaking. Le Père Daniel appears unfortunately to have no just apprehension of its importance, and, indeed, not to be animated by any principles of legislation and government sufficiently favourable to the rights of the people. The political sentiments of Mezeray are more accurate; but he is too concise in his narrative, and too sparing of his observations. These are the great historians. But the Abbé de Mably is well aware how important to the liberties of France was the conduct of the states-general on this occasion; and he states, explains, and criticises their views and their feelings apparently with great penetration and propriety.

The student will contrast these writers with each other, and form his own estimate of these memorable transactions.

The narrative in Velly or Villaret opens with a history of the states-general, to which there seems nothing to object. But the moment the historian arrives at the particular point we are considering, his inadequacy to the subject appears. He speaks of the third estate as having gradually learnt to discuss the rights and encroach on the limits of the royal authority; and their efforts to improve the constitution by managing the taxation, and by bargaining for the reformation of various abuses, *he calls the first essay of a power usurped*. He observes that many writers have seen a parallel between these transactions and those of the English at Runnymede; and he therefore very properly gives an estimate of all those proceedings in our own country.

When this estimate is considered, the parallel is, no doubt, most striking and complete: the requisitions of the states

and the concessions of each party seem all of the same nature as those between our own King John and his barons.

I must now mention, that in the first course of lectures which I delivered, I went through many particulars of this remarkable struggle, drawing my narrative from Velly and the Abbé de Mably, but I begin to doubt whether I may not hope to employ your time better. I am not sure that I then made, or that any effort of mine could possibly make—a detail of this kind sufficiently intelligible; all that I believe you would carry away from the lecture, if I were to repeat it, would be a general impression, that there was in this part of the French history a constitutional struggle, worth your attention, and that you must consider it for yourselves, in the Abbé de Mably. This would be the right impression, no doubt; but I may perhaps produce this impression sufficiently by simply assuring you, without any further occupation of your time, that this is the case, and that you must meditate this period well. Do not regard the slight manner in which you may see it mentioned in French authors. You can easily conceive what an event it would have been to Europe and mankind, if the French nation had, like our own, obtained a free government, and from what you have yourselves heard and remember of the affairs of the world, for these last five and twenty years, this subject of the free constitution of France will only derive a new and more effective interest.

The contest in the reign of King John of France has distinct stages, in some of which it resembles the struggle between our own King John and the barons: in others, the struggle between Charles I. and his parliament; and, at length, it assumes an appearance precisely the same, which it did in the frightful and disgraceful periods of the late French revolution; every thing at the disposal of the multitude; and even the outrages carried on in a manner very similar. The dauphin's officers murdered in his presence, and the party-coloured cap placed upon his head, as was in a similar irruption into the palace, the bonnet rouge on the head of the late most amiable and most unfortunate monarch, Louis XVI. The result was but too certain; either the erection of some military despotism, or the restoration of their ancient govern-

ment, returning with all its abuses, and more than ever confirmed in its faults and errors.

Either event would necessarily have been destructive of all rational liberty; the latter took place. And here may be said to have ended all the more regular, and therefore more hopeful, efforts for the constitution of France.

The great mistake seems to me to have been, that charters were not continually obtained (one was obtained), but I mean continually obtained or renewed, from time to time, as was done in England. It is impossible that a constitution should be established, or even very thoroughly improved *at once*, by the laws or provisions of any *one* body of men: and the provisions that were made for this purpose by our own ancestors at Runnymede, seem to have been for a long time but too ineffectual. But a charter, often renewed or improved, may long remain and always be remembered, and in this manner teach those, who succeed, the duties that have been performed by those who went before them, till freedom becomes at last interwoven with the general habits of thinking in a community, and may then be converted into the effective law of the land.

We cannot now, as I have just observed, trace all the causes of this calamitous alteration in the prospects of France. The kingdom was most dreadfully situated; in a state of hostility with a victorious enemy; troops of soldiers, who acknowledged no law and no country, pillaging what the ravages of war had not entirely swept away; and, soon after, the horrible insurrection of the Jacquerie, described by Froissart, the peasants against the nobles; all uniting to complete a combination of horrors which no civilized country ever before or since exhibited.

That the deputies from distant parts should, in circumstances like these be unwilling or unable to meet in the capital; that the moderate and the good should no longer be disposed to projects of reform, should easily fall away from their more ardent associates, should be even wanting in their duties as patriots and as men, should no longer prosecute the tasks of hope amid these scenes of despair; all this can surely be surprising to no one. Nor can we wonder, in a country thus situated, at the failure of any generous experi-

ment for its liberties, when such experiments, it is but too evident, must always depend for their success, not only on the merit of those who engage in them, but on something of good fortune in the conjuncture of circumstances in which they are attempted.

It is impossible, therefore, to read this particular portion of the French history without sensations of the most painful kind. However imperfect might be the character of Marcel and his associates, some great effort was on this occasion evidently made for the democratic part of the constitution of France—it failed; and as we read the history, we are left with an impression on our minds, that the French sovereigns will, from this time, endeavour to carry on the administration of the government without the assistance of any representative assemblies, i. e. without any control or check on their own power; or, in other words, that the people are henceforward to be oppressed, and the sovereign to be, by his very situation, corrupted; a state of things disgraceful to both, and even dangerous; dangerous because whenever any system of policy is arranged in any manner directly opposed to the reason and feelings of mankind, it can never be in a state of safety. Nothing is really secure that is not in harmony with the great and established moral feelings of the human heart. The slightest accident may give occasion to the most violent efforts for its overthrow; and such efforts are likely to be attended with the destruction of, at least, all those who were too exclusively benefited by a disposition of things, in itself, unnatural and unjust.

Considerations, indeed, of this remote and contingent nature, I grieve to say, are little likely to influence the rulers of mankind, or the higher orders. General principles like these may slumber (if I may be allowed the expression) for centuries, and then be roused into action in an instant.

Mankind, on these occasions, stand astonished at what has been long foreseen to be very possible by every intelligent reasoner; just as they stand amazed at the first eruption of a volcano, which the philosopher has from physical appearances, always predicted, in vain protesting against the erection of palaces and villas in situations where they are every moment exposed to be buried in ashes, or annihilated by lava.

In this manner, in France, the great national bodies which had existed under Charlemagne, the assemblies of the fields of March and May, were succeeded by no adequate representation of the force of the community; and the states-general that were convened by Philip le Bel and the house of Valois, were but imperfect and fading images of their greatness.

In England, on the contrary, the national assemblies never lost their importance; the wittenagemotes were succeeded by parliaments, these by assemblies of the lords and commons in two distinct houses, and the civil liberties of the community were thus, and thus only, saved from destruction.

The states-general of France had been, as we have already intimated, resisted, overcome, and, in fact, disposed of by John and the Dauphin. The latter mounted the throne with the title of Charles the Fifth.

In consequence of the late contest, every thing was submitted to his will. But what was the result? What use did he make of his power? Did it occur to him that he ought to be a patriot as well as a king; that he should endeavour not to extinguish, but rather to modify, the power of the states-general; that he should endeavour to establish by a proper mixture of royal and popular authority, the glory of his own name and the happiness of his subjects; that he should labour to elevate them from the state of ignorance and ferocity in which they were evidently sunk; that he should allow them, if not to exercise power themselves to delegate their power to others; that he should teach them the feelings of humanity, by admitting them to the exercise of the rights of it; did considerations of this reasonable nature occur to him? Was it in this manner that this renowned politician was employed from his first accession to power? Far otherwise. His wisdom was exclusively exerted in confirming and extending the prerogative of the crown, in labouring to destroy that authority of the states, and in deceiving his subjects into the most fatal of all political delusions, that "whatever is best administered is best;" in persuading them, in contriving that they should persuade themselves, that as he had foiled and overpowered the English by the prudence of his military operations, as he had swept away from the country the banditti by which it was pillaged, as there was no point which he seemed to



carry by cruelty or by force, that therefore, in this happier state of things, it was he, the king, who was assuredly the father of his country ; and that it was of no consequence what became of the states-general, the right of taxation, the principles of the constitution, or any other right or principle whatever, while Marcel and his Parisian mob were not destroying the public peace, nor the English, the peasants, or the banditti, the public prosperity ; while, in short, all the *effects* of the happiest form of government and the most legitimate authority were produced by the easier exercise of his individual wisdom and experience, benevolence and justice.

Let no nation presume to blame the French for submitting to considerations or acquiescing in reasonings like these. No nation has ever risen superior to delusions so natural and soothing. It is scarcely necessary to say, that Charles succeeded in all the objects of his administration ; and he and his courtiers contemplated, no doubt, with the most sincere complacency and applause, the dexterity with which he wielded the minds of men to his purposes, and the gradual decay of all those forms and principles in their government which were likely to be offensive or troublesome (as they would have called it) to the influence and authority of the wearer of the crown. Was it, however, virtuous, was it, after all, wise in the king and his courtiers, thus to deceive their country and destroy its constitution ? The history of the succeeding reign is no testimony in their favour. And as Charles the Wise (for *such* he was denominated)—as Charles the Wise approached that melancholy period of decay and death, when worldly wisdom is but too apt to appear mistaken folly, the politician discovered that his son was a minor, that the princes of the blood were disunited and ambitious, that the general prosperity of the nation and of his royal house had been left totally to depend on his own personal management and prudence, and that therefore, every interest that was dear to him, as a father or a king, would in the event be thrown into a situation of perplexity and danger, from the moment that he himself expired.

With what sentiments are we to see him summoning his brothers around him, portioning out his authority among them, labouring to provide for the welfare of his child and his kingdom by the vain expedient of promises and oaths ?

He had no states-general, no legislative assemblies, whom he had familiarized to their own particular duties, whom he had allowed to exercise along with himself the administration of the public happiness, whom he had taught to see in the royal authority the best security and protection of their own; he had no guardians like these to whom he could entrust his son; or the helpless, hopeless expedients of oaths and promises had been unnecessary.

“Charles,” says the historian Villaret, “charged his brothers to abolish the impositions he had laid on his subjects, and signed an order for the purpose the very day that he died: occupied,” continues this writer, “with the happiness of the state and the relief of his people even when he was himself on the confines of the tomb!” a base or shallow panegyric this in the historian, which would have been better deserved, if the monarch had not robbed that people of their right to tax themselves by discontinuing and destroying their national assemblies.

But on what principle was it that Charles thus remitted his taxes when sinking into the grave? Was he conscious, when too late, of the injury he had done his country by imposing them on his own authority? Did he wish in this manner to attach the people to his child? On either supposition, what a lesson to those who favour the maxims of arbitrary power!

The genius of Charles had been devoted to the establishment of the power of the crown; and the nation who called him *wise*, and the prince to whom he was a father, were soon to reap the effects of what was esteemed his policy, in seeing their country without order and without law, destroyed by the factions of the royal family, and subdued by a foreign invader.

The next reign in the history, the reign of Charles VI., is ushered in by Villaret with the deepest lamentations over the miseries he is going to relate. The king, yet a minor, abandoned, he says, the reins of government to the princes of the blood by turns; princes whom ambition, he says, and no love to their country, impelled to undertake the administration of government.

From whom, it may be asked, were they to have learnt

this love of their country? From the deceased monarch?—He had taught no lessons but those of arbitrary power. From the free constitution of their country?—It had been corrupted till it was unfit for the production of patriots. “The furious people,” says the historian, “were eager for their own destruction, and as little under the control of reason as their unhappy monarch.” What efforts, it may be observed, had ever been made to render them otherwise? “The corruption,” says the historian, “was deep and general.” It is ever thus, it may be answered, in an arbitrary government; and a frightful spectacle is always presented whenever, by any accident or calamity, the veil is withdrawn. “One step more,” he adds, “and France had been lost, or, what is the same thing, had become the province of our eternal rivals;” and so might every kingdom constituted as France then was. There is no real security against an invading enemy but a government which, by its equitable laws and popular forms, has been incorporated with the habits, and opinions, and affections of the people.

The earlier part of this reign, the reign of Charles VI., the king who was afflicted with temporary fits of insanity, is interesting like that of his renowned father, and for a similar reason, a renewal of the contest between the crown and the people.

The student should again compare the narrative of Villaret with the philosophic estimate of Mably. The facts are in both the same, yet it is curious to observe, how different are the conclusions which we are taught to draw from them by these two different writers. The one conceives, and justly conceives, that the constitution of a great kingdom is seen in these transactions to pass through its changes of trial and settlement; the other finds in them little but the insurrections of a licentious metropolis encountered and subdued by its lawful though rapacious rulers.

I have already intimated to you the inference that is to be drawn from all the past transactions between the crown and the people of France. The same is the inference from all that you are to approach. The difference between cunning and wisdom; between paltry policy and liberal prudence; between mean, jealous, contracted, tricking sagacity, and a pure, en-

larged, enlightened benevolence; the difference between these, and the superiority of the latter to the former, even upon the principles of mere selfish policy, and though the calls of humanity and duty had no claim to be heard.

Observe the conduct and views of all the different actors in the scene at the period that is now coming before us.

The royal counsellors, the princes of the blood, instead of conforming to the will of the late monarch, and abolishing the impositions, and then summoning the states-general, in order to obtain a constitutional supply, omitted every measure of this salutary nature, and then found themselves reminded of their duty, and compelled to the performance of it, by the cries and insurrections of the people.

The states-general, in their turn, when assembled, instead of granting liberally, and teaching the crown the real policy of applying to them; instead of taking, at all events, the opportunity of making some efforts to regain their place in the constitution, appear to have been totally unconscious of their situation, and neither by their kindness to the crown, nor by any spirit of enterprise for the people, to have made the slightest attempt to approve themselves worthy of their trust.

Again: the states were no sooner separated, than the Duke of Anjou once more renewed his attempt to establish arbitrary impositions, i. e. once more exposed himself and his royal house to the chances of tumult and insurrection. He was in consequence obliged again to summon the states-general.

Now, what was the conduct of the bailliages that were to return their deputies to this assembly? Some of them sent no deputies at all, supposing that they should have no taxes to pay, inasmuch as they had not consented to any; the rest declared, that after having consulted with their constituents, they were not authorized to consent to any, and were, on the contrary, ordered to announce that they would rather try the hazard of every extremity.

In other words, the people of France could not see that the only way to be permanently secure from unreasonable taxation, was to tax themselves through the medium of their representative assemblies. They could not discover that when the domains of the crown were no longer productive, the

monarch had a right to expect some assistance from his subjects. They were occupied only with the care of their own interests, as they supposed : with their own narrow and therefore mistaken views of selfish cunning.

Some of these bailliages could not discover that they must all be pillaged and ruined unless they acted in concert, and unless they at least appeared together in the shape of an assembly ; and the whole country, notwithstanding the experience of the last reign, could not, it seems, understand that the public cause would thus be left once more to the insurrections of the metropolis, from which nothing could be expected but anarchy the most savage if triumphant, or slavery the most desperate, if successful.

As if to complete the sum total of national folly, the clergy, from whom better might have been expected, considering the superiority of their education, conceived that they were following their own interests by negotiating with the crown and making a separate bargain.

The scene, however, soon miserably changed. A successful expedition against the Flemings and a victorious army enabled the Duke of Burgundy, one of the royal council, to return to Paris and to settle all constitutional discussions by the sword. Every profession and promise to the subject, every agreement that had been made with the states-general at any former period, was set at nought, Paris treated as a conquered city, its citizens drawn out (some of the most respectable) and publicly executed, and its calamities held out as an example to every other description of the people to prove that the royal authority was not to be resisted, and that their franchises, their customs, and their rights were all to be of no account, when opposed to the sovereign will of the prince.

How far these royal counsellors befriended their own interests ; how far they thus protected themselves from the consequences of their own dissensions, by leaving no power to exist, which they respected ; how far they thus allowed the people to be even worth their pillaging, by depriving them of the rewards of industry : how far they thus enabled the country to resist the English, and how far they therefore consulted their own individual consequence ; how far they

acted skilfully even on the most disgusting principles of selfishness and baseness, to say nothing of their duty to their king, their country, their Creator: how far they were wise even according to their own unworthy estimate of wisdom; and how far the late monarch, so renowned for his wisdom, had been wise also;—the student will have ample opportunity of considering, when he comes to survey the melancholy scenes, which, in the history of France, are now opening to his view.

These scenes can be little described by the words of a lecture; they cannot be conveyed to a reader even by an historian. They are to be comprised indeed under the general terms of “the dissensions between the rival houses of Burgundy and Orleans and the successes of the English.”

But it is not too much to say, that such was the exasperation of these two great parties in the state, and such the consequences of the inroads of their English invaders, that men seemed no longer to retain the proper characteristics of their nature: and these annals of the French nation present only a continued succession of assassinations, massacres, and executions; and when to these are added the coronation of a foreign enemy (our own Henry V.), the long possession of France by the English, the ravage, the desolation that were the attendants of such domestic and foreign war, the whole forms together a darkened scene, which no human being, of whatever nation, can now contemplate without the most perfect affliction and horror; the very historian might adopt the words of our great dramatic poet.

“Alas, poor country!

Almost afraid to know itself! where nothing  
 But who knew nothing, was once seen to smile;  
 Where sighs and groans, and shrieks that rent the air,  
 Were made, not marked—the dead man’s knell  
 Was there scarce asked from whom; and good men’s lives  
 Expired before the flowers in their caps,  
 Dying or ere they sickened.”

The lesson of the whole I have intimated to you, and I proceed to other considerations. Our own Henry V. had been crowned king of France in the French capital: yet was

France at last, after a bloody conflict of thirty years, enabled to expel the English; and one acceptable conclusion from the whole may at length be drawn, that a country is never to be despaired of, and that the disadvantages of invaders are so permanent and irremediable, that in any tolerable comparison of strength, all foreign invaders must, sooner or later, meet with their just overthrow, if a suffering nation can but endure its trial.

From such sufferings, however, in this instance of France, there was one result, and that of the most melancholy nature, the constitution of France was lost.

- After the decease of the unhappy Charles VI. whom we have just mentioned, the English were expelled by his son Charles VII. Charles VII. is the monarch who was crowned by the Maid of Orleans, an heroine, in the recital of whose noble and matchless exploits history appears to be converted into romance, and whose merits were so great, as to be thought supernatural by her contemporaries. But the enemies of France were no sooner driven from her fields, than the prerogatives of the crown were necessarily strengthened, and a far more fatal, because a far more lasting enemy, than the English, succeeded in the person of the sovereign himself, in the person of Charles VII. Here was again another instance of the still recurring ill fortune of the constitution of France. How was the nation to resist a prince whom they had themselves rescued from the English, and whom *they*, rather than any spirit of enterprise in his own nature, had enabled to win his crown? What blessing could now be made either desirable or intelligible to Frenchmen, but that of peace and repose? What could there be of alarm or terror in the prerogative of the crown to those, who had seen an invader on the throne? Before the ministers of the power of Charles, to the afflicted imagination of the French people, must have walked the spectres of their slaughtered countrymen, and the frowning warriors of England; and slavery itself, if it was not foreign slavery, must to *them* have appeared a state of happiness and triumph.

That fatal measure, fatal for the liberties of his country, was now taken by Charles VII., by which his reign must be for ever distinguished, the establishment of a military force,

and the allotment of a perpetual tax for the support of it, unchecked by any representative assembly.

This military force and tax might not be formidable in their first appearance ; but, the principle once admitted, both the force and the tax were easily advanced step by step, to any extent that suited the views of each succeeding monarch. Excuses, and even reasonable considerations (reasonable to those who see not the importance of a precedent and a principle), can never be wanting on these occasions ; they were not wanting on this.

It should be observed that this vital blow to the real greatness of France was introduced as a reform. If any of those who were living at the time had spoken of the probable *consequences* of such a precedent, and had insisted upon its danger to the best interests of their country, they would only have been disregarded or suspected of disloyalty. But no stronger instance can be given, if any were necessary, of the importance of a principle at all times ; a precedent may not be often carried into all its consequences when *favourable* to the liberties of a country, but it always is, when it is otherwise.

Even in a French historian like Villaret, the detail of this great measure is very instructive. It is very instructive to see the manner in which a nation, from a sense of present uneasiness, forgets, as it is always disposed to do, all its more remote and essential interests ; and the more this memorable transaction could be examined, the more complete and striking would, no doubt, be found the lesson which it affords.

When this military force and tax had been once established, and both removed (which is the important point) entirely from all check and control by any other legitimate authority in the state, the power of the crown had no more tempests to encounter ; no further contest appears in the succeeding reigns ; the person of the king might be insulted or endangered, but not the royal authority. We hear of no more struggles for the privileges of the people, and for the right of taxation ; no more important meetings of the states-general : all hope, at least all assertion of constitutional liberty was at an end : and the contentions of the great, who were alone left to contend, were directed solely to the questions of their own personal ambition.



If any hope for France yet remained, it expired under the reign of Louis XI. the son and successor of Charles. This prince was of all others the most fitted to destroy the liberties of his country; penetrating, sagacious, cautious, well considering the proportion between his means and his ends; a finished dissembler of his own interests and passions, and a skilful master of those of others; decisive, active, and entirely devoid of principle and feeling. The nobles made an ineffectual effort to retain some of that political power, which, if they lost it, was destined, all of it, to fall entirely into the possession of the crown, and this effort was made in the war, for the public good, as they affected to call it. But Louis contrived to cajole, overpower, or wield to the purposes of his ambition the king of England, the duke of Burgundy, and the Swiss. He increased the standing army, raised the *taille* to the most enormous amount, made this tax a step to the introduction of other imposts, reunited many important fiefs to the crown; and if men could acquire glory by the successful enterprises of ungenerous ambition; if happiness could be the consequence of cruelty and oppression, deceit and fraud; if any treasures or any possessions could be compared with the consciousness of being loved and respected, then, indeed, Louis XI. might have been thought the renowned, the powerful, and the happy; and this detestable tyrant might have been held up by courtiers and courtly writers, as the envy of all succeeding monarchs. A different conclusion is, however, to be drawn from the picture of his life and character, which fortunately has been exhibited to us by Philip de Commines, a faithful and confidential minister, who knew him thoroughly, and who appears even to have been attached to his person and memory, in defiance of his better judgment, by the influence of the kind treatment which he had personally received from him, as his master.

The king, it seems, successful in his intrigues, unresisted in his oppressions, and with nothing further to apprehend from his rivals or his enemies, was at last admonished of the frailty of all human grandeur by messengers far more ominous and dreadful, than the couriers and officers that announce the miscarriage of ambitious projects or the defeats of invading armies: he was seized by a first and then a second fit of epilepsy, so violent and long, that he lay without speech, and

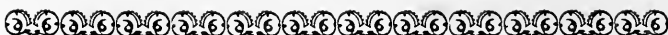
apparently without life, till his attendants concluded that he was no more. To life, indeed, he returned, but all the comforts of existence were gone for ever. "He came back to Tours (says the historian Commynes, I quote his own artless words), where he kept himself so close, that very few were admitted to see him; for he was grown jealous of all his courtiers, and afraid they would either depose or deprive him of some part of his royal authority: he did many odd things, which made some believe that his senses were impaired; but they knew not his humours. As to his jealousy, all princes are prone to it, especially those who are wise, have many enemies, and have oppressed many people, as our master had done. Besides, he found that he was not beloved by the nobility of the kingdom, nor by many of the commons, for he had taxed them more than any of his predecessors, though he now had some thoughts of easing them, as I said before; but he should have begun sooner. Nobody was admitted into the place in which he kept himself but his domestic servants and his archers, which were four hundred, some of which kept constant guard at the gate, while others walked continually about to prevent his being surprised. Round about the castle he caused a lattice, or iron gate, to be set up, spikes of iron planted in the wall, and a kind of crow's feet, with several points to be placed along the ditch, wherever there was a possibility for any person to enter. Besides which he caused watchhouses to be made, all of thick iron, and full of holes, out of which they might shoot at their pleasure, in which he placed forty of his cross-bows, who were to be on their guard night and day. He left no person of whom he had any suspicion either in town or country, but he sent his archers not only to warn but to conduct them away. To look upon him, one would have thought him to be rather a dead than a living man. No person durst ask a favour, or scarce speak to him about any thing. He inflicted very severe punishments, removed officers, disbanded soldiers."

Such is the picture of the historian—the tyrant of the poet is only described more concisely:

"He had lived long enough: his way of life  
Was fallen into the sear, the yellow leaf:

And that which should accompany old age,  
As honour, love, obedience, troops of friends,  
He could not look to have; but in their stead,  
Curses, not loud, but deep, mouth-honour, breath,  
Which the poor heart would fain deny, and dare not."

By clothes more rich and magnificent than before; by passing his time in subjecting those around him to every variety of fortune, to the changes of his smile and of his frown; by filling distant countries with his agents, to purchase for him rarities, which, when brought to him, he heeded not; by every strange and ridiculous expedient that his uneasy fancy could devise; by all this idle bustle and parade of royalty and power, did this helpless, wretched man endeavour to conceal from the world and himself the horrid characters of death which were visible on his frame; the fearful handwriting which had told him, that his kingdom was departing from him. In vain did he send for the holy man of Calabria, and on his approach "fall down," says the historian, "on his knees before him, and beg him to prolong his life." In vain was the holy vial brought from Rheims; the vest of St. Peter sent him by the pope. "Whatever was thought conducive to his health," says Philip de Commines, "was sent to him from all corners of the world. His subjects trembled at his nod," he observes, "and whatever he commanded was executed; but it was in vain. He could indeed command the beggar's knee, but not the health of it;" and suspicious of every one, of his son-in-law, his daughter, and his own son, having turned his palace into a prison for himself; into a cage, not unlike those which in his hours of cruelty he had made for others; insulted by his physician, and considered by his faithful minister, as expiating by his torments in this world, the crimes, which, as he says, would otherwise have brought down upon him the punishments of the Almighty in the next, this poor king, for such we are induced at last to call him, expired in his castle, a memorable example, that whatever be the station or the success, nothing can compensate for the want of innocence, and that amid the intrigues of cunning and the projects of ambition, the first policy which is to be learned, is the policy of virtue.



## NOTES.

1819.

### I.

It is many years since I drew up this lecture, and I now read with pleasure a note in Mr. Hallam's Middle Ages, when treating of the same period.

"I would advise," says he, "the historical student to acquaint himself with those transactions (the Flemish insurrections), and with the corresponding tumults of Paris: they are among the eternal lessons of history; for the unjust encroachments of courts, the intemperate passions of the multitude, the ambition of demagogues, the cruelty of victorious factions, will never cease to have their parallels and their analogies; while the military achievements of distant forces afford, in general, no instruction, and can hardly occupy too little of our time in historical studies."—Page 91, chap. i. part 2.

Joinville and Froissart must be read for graphic representations of these and former times.

### II.

At the accession of Philip de Valois, the great fiefs of Burgundy, Flanders, and Brittany were all that had not, in some way or other, been connected with the crown.

### III.

THE great founder of the French monarchy was Philip-Augustus. He wrested from the English their possessions, then amounting to a third of the kingdom.

### IV.

WHATEVER the feudal system lost, seems, in France, to have been acquired by the monarchy. The independence and sovereignty of the barons insensibly declined: the jurisprudence of the country gradually passed into the courts of the sovereigns.

The states-general were occasionally assembled, and appear to have represented the weight and authority of the whole community.

In this body were found, as a distinct part, the *commons*, the representatives of the cities and towns.

If the power that was flowing from the feudal system to the crown could have been in part intercepted by the courts of law and the assemblies of the nation, the result would have been a free and mixed constitution. Such was the result in England from beginnings not more promising.

A comparison of the different circumstances that operated upon the constitutions of the two countries, should be made by the student, as he reads the history.

The Abbé de Mably will be of great use ; and two notes in Robertson, see his Charles V. notes 38, 39.

## V.

HISTORIANS, with the exception of Hume, are so ignorant of the modern science of political economy (particularly all original historians), that their narratives can only be appealed to, on such subjects, with the greatest circumspection.

They state their facts, and generally add, without authority, such consequences as they conceive must of course have followed. Their relations are therefore filled with impossibilities.

## VI.

*French History.*

VELLY is the great historian of the early part of the annals of this great kingdom ; Villaret continued the work ; afterwards Garnier : it has not yet reached the more interesting parts of the French history.

Villaret is considered by Baron Grimm (a very competent judge) as one of those few writers who have been able to continue a work with more success than a successful predecessor.

The work was paid by the volume, and probably thus rendered longer than necessary.

Jacquerie.—There is a short account of this insurrection given by Froissart ; i. e. some of the shocking facts are given.

About the same time broke out the rising of the people under Wat Tyler.

A more philosophic notice of these insurrections in France and England is taken by Hume.

In these cases the people seem in their *claims* (not in their *conduct*) to have been right : they were endeavouring to throw off the state of villeinage, or at least some of the oppressions of it. The subject, however, is of a general nature. The inequalities of condition, as they take place in society, have always appeared to the lower orders an intolerable injustice. From reasonable views and claims, they have often proceeded to those, that were not reasonable : and the grossest doctrines of liberty and equality have often made their appearance, as they always will, when the minds of the vulgar are in a state of fermentation.

Yet it must be observed, that to men of refinement and sensibility, still more to men of sarcastic nature, the inequalities of condition seem so pregnant with evil, that the most affecting declamations, as in the works of Rousseau, have been produced by the contemplation of them ; while in Swift and others, they have given occasion to the most piercing invectives under different disguises.

In men of a more speculative turn (Godwin, for instance), they have urged

men to the contrivance of political systems, and the most unreasonable impatience under every existing system.

It cannot be doubted that from this source were derived most of the evils of the late French revolution.

Metaphysical speculation, at least that sort of philosophy which hopes and presumes whatever it pleases of human nature, and has a calm and persevering logic for ever at hand, such speculation and philosophy were never silenced *completely*, till the refutation of Godwin appeared in Mr. Malthus's first Essay on Population.

Books, like Godwin's, harmless and almost ridiculous as they may be in ordinary times, are no longer so when the times are of a different description.

## VII.

### *Conquests in France, &c.*

SELF-ESTIMATION in a nation, as in an individual, is necessary to the virtue and dignity of the human character. But it is productive in each, sometimes of follies, sometimes of serious faults. It should be the result of slow and gradual inferences of the understanding, as much as possible; and not be, as it commonly is, a passion of the heart.

In a nation, as in an individual, it leads to irritable jealousy, unaccommodating and offensive haughtiness, selfishness, violence, injustice.

Its common direction is that of military glory; and as far as such a principle is necessary to national defence and independence, it is indispensably requisite to a virtuous people.

Far different has been its general operation, as seen in the history of mankind, as seen in the times of our Edwards and our Henries. The kings and heroes of our land were transformed into destroyers and oppressors.

## VIII.

THE work of De Lolme is too indiscriminate a panegyric on the English constitution. But his great position is, in the main, not unreasonable. That the difference of the constitutions of France and England is to be attributed to the original difference in the power of the crown—to the power of the crown being *greater* in England.

In England, as the barons, however powerful, were far inferior to the king, a very large proportion of the whole landed property must have passed through the hands of William the Conqueror, and been granted on his own terms. They could not therefore struggle against the crown for their own liberties, without assistance, and without struggling at the same time for those of their inferiors. The whole community was thrown into one scale.

There were many circumstances favourable to England, which the student must consider; he will find them in Millar, more particularly.

The scene of the contest was an island, where the influence of commerce was likely to be soon felt, and the cities and towns become important.

The necessity of a military force constantly ready to oppose invasion was

not so pressing; and the excuse for a standing army not so plausible. England being a country less extensive, did not so readily fall into great principalities. The union of the whole was more natural and immediate. The different parts of the parliament could sympathize with each other; and the whole had thus a better chance to maintain its existence and authority.

The crown was not, as in France, transmitted from father to son for three centuries.

Usurpations, disputed successions, &c. &c. were in England all favourable; for whatever induced or compelled the wearers of the crown to make use of the parliaments was favourable.

This is the general principle; the detail may be seen in Millar; the particular situation of William Rufus, Henry I., Stephen, &c., all favourable to the existence and authority of the parliaments. Even in the civil wars the parliaments were appealed to by each party in its turn.

The danger no doubt was when the aristocracy had been consumed in the civil wars, and Henry VII. and Henry VIII. had not only the opportunity, but the ability, to seize all the authority that seemed now left without an occupant; or rather to enforce and extend all the natural authority of the crown, when there was nothing left to oppose it.

But the parliaments had *in the mean time got established*, and their authority had become identified in the minds of the community with the nature of all just and legitimate government.

The virtues as well as the vices of our kings tended, in a military age, to render them expensive; and neither their domains nor exactions could provide for their follies, in the one instance, or their ambition in the other. They had continually to summon parliaments for fresh supplies.

The nation was thus made wise (that is, jealous of the power of their princes) in the only way in which a nation can ever be made wise, by their own personal sufferings and inconveniences.

It must be confessed that the parliaments were on one occasion or another guilty of every crime which they could commit against their country, but *that of parting with the right of taxation*.

Reason, justice, humanity, they disposed of to the strongest. But in defence of their property they united the qualities of the fabled beings of antiquity, and had the eyes of Argus and the hands of Briareus.

The primitive House of Commons consisted of burgesses only. But the deputies from the counties (as being deputies) came in time to sit and deliberate along with them; and these deputies were interested in the taxes that were to be paid by the *landed gentry*. The great barons and peers were great landed proprietors also.

Tenths and fifteenths were taxes on private property, subsidies on *real* and personal property.

The great proprietors thus fortunately became interested in opposing the illegal expedients of the crown for raising money from the subject; and in the general management of the taxation of the community, no general assessment could be made without the concurrence of the representatives of every species of property.

The weaker house must have long derived considerable advantage from this connection and common interest with the House of Lords.

Nothing can be more amusing than to observe the language and feelings of terrified poverty, with which the commons approached their betters, as they would have been called, when money was wanted from them.

In France, though the national assemblies or States-general expired, they could not be obliterated from its history.

Some vestiges of their power still survived : among others, the registering of the king's edicts, which descended to the parliaments, not analogous to our parliaments, but legal bodies, who claimed the exercise of this power in *the absence*, that is, during the interval of the sittings of the States-general.

Of this remnant of their power advantage was taken, many centuries afterwards, in the late revolution. So important are even the decayed forms of a free constitution, or rather so much does, and must always depend on the spirit of the community, and the *interpretation* which the same things receive, according as that spirit does, or does not exist.

In Tacitus we see that the multitude took a part in the national councils. Even in these simple and rude times much difficulty and delay was the result. These assemblies, in the progress of society, came naturally to be composed of the great landed proprietors, afterwards of those who held benefices and fiefs. The common people were thus excluded. But when there arose in the community a new part of the population, which was neither vassal nor lord, nor came under any of the existing distinctions ; still more, when a contrivance had presented itself (that of representation), by which the will of the people, or any free part of it, could be expressed as in the original assemblies, but without the original delay and difficulty ; it then became clear, that an addition ought to be made to the existing national assemblies, whatever they might be, not only on grounds of civil expediency or natural right, but even of original *prescription* ; that is, the people were now, through the medium of their representatives, to be re-admitted.

Paragraphs are often to be found in Hume inconsistent with the *general effect* produced by his history.

At the end of his reign of Edward III. he sums up his general estimate thus :—" A great prince rendered the monarchical power predominant. The weakness of a king gave reins to the aristocracy—a superstitious age saw the clergy triumphant. The people, for whom government was chiefly instituted, and who chiefly deserve consideration, were the weakest of the whole."

" *Naturam expellas furcâ,*" &c. &c. Hume, though a party writer, was still a man of humanity and good sense.

The following specimen may be given of the discordance that often exists between different historians ; between Rapin and Hume, for instance.

Mr. Hume, in his account of the deposition of Richard II., and of the articles of accusation exhibited against him, makes the following observation :—" There is, however, one circumstance in which his conduct is visibly different from that of his grandfather, Edward III. He is not accused



of having imposed one arbitrary tax without consent of parliament during his whole reign."

But on turning to the history of Rapin, the fifteenth article of the accusation of the Commons as there exhibited, *expressly* charges Richard with illegal impositions—"Qu'il avoit imposé des taxes sur ses sujets de sa seule autorité."

The student is now desired to observe the extreme nicety which belongs to all investigations of this nature, and to all quotations of historians.

For another or second reader of history might now come and say, that *Rapin* had said nothing of the kind: that, on the contrary, the fifteenth article, as given by *Rapin*, ran thus:—

"Art. 15. Whereas the kings of England used to live upon the revenues of the kingdom and patrimony of the crown in time of peace, without oppression of their people; that the same king, during his whole time, gave the greatest part of his revenue to unworthy persons, and imposed burdens upon his subjects, *granted as it were every year*, by which he excessively oppressed his people and impoverished his kingdom, not employing these goods to the advantage of the nation, but prodigally wasting them in ostentation, pomp, and glory; owing great sums for victuals and other necessaries of his own house, though his revenues were greater than any of his progenitors."

What is there here, the second student would say, of the king's imposing taxes on his *own* authority?

And while these two students might stand, each quoting *Rapin*, and appealing to the very books they had perhaps seen not an hour before, another and a third reader of history might also come forward, and say that the first student was right; that he had just read the fifteenth article in *Rapin's* history, and that it was expressed as he had stated, and in the following words:—"That he had imposed taxes upon his subjects on his own authority."

What a perplexity and contradiction are here! Yet it would turn out, upon examination, that these three students or readers of history were, in a certain sense of the word, all right.

For the first had quoted the *folio* edition of *Rapin*, given in the *original French*.

The second had quoted the folio edition of *Rapin*, as *translated* by Tindal. But it happens that Tindal very properly takes the trouble, on this occasion, not of translating *Rapin*, but of *translating* the original articles of accusation from the *rolls* of parliament; and the fifteenth article, when translated from the real original, gives not the words of *Rapin*, but runs to the length and exhibits the words, as presented by Tindal, "Whereas the kings of England," &c. &c.

Finally, the third student might have been quoting the common *octavo* edition of *Rapin* in English, where the fifteenth article is not, as in Tindal's folio translation, a translation of the original roll of parliament, but a mere translation of the *French of Rapin*, the French of the first folio edition, which is wrong, and *Rapin's* own view of the case:—"Qu'il avoit imposé des taxes de sa seule autorité."

Supposing now, therefore, that recourse was had, after the example of Tindal, to the only *real* authority, the *rolls* of parliament (they are published with the journals, and therefore easily accessible); and then the important words in the fifteenth article will be found to be these :—

“Non solum magnam, immo maximam partem dicti patrimonii sui donaret etiam personis indignis, verum etiam propterea *tot onera concessionis subditorum imposuit quasi annis singulis* in regno suo, quod valdè et nimium et excessivè populum suum oppresserit in depauperationem regni sui,” &c. &c.

Now in these words, “*tot onera concessionis subditorum,*” &c. there is a sufficient obscurity to admit of a different interpretation by a Whig like Rapin, or a Tory like Hume, though the latter seems far more justified in his representation than the former; for it is the *prodigality* of the king, rather than the *illegality* of his conduct, that is evidently all throughout the articles the great burden of the accusation—that he had wasted the money of the people of England, rather than that he had offended against their constitutional rights.

There is a history of Louis XI. by Duclos, a work that was much noticed in France; but it seems to be justly observed by a late French writer (Chamfort,) that it is written in a spirit far too complaisant, very different from that with which the “Memoirs of Louis XIV.” &c. (by the same author) are composed.

The fact is, that the philosophy of the history of this reign (Louis XI.) cannot be found in the work of Duclos.

It is said, indeed, that it was the object of the reign to break down the power of the great, and to keep them from tyrannizing over the people; which is probably what was said by Louis himself, for it is always said on such occasions.

It is observed, too, that the royal authority has ever since been advancing by the motion which was impressed upon it by Louis XI.

But the steps by which all this was done, and the consequences, are nowhere exhibited to the reader.

Duclos, before his history went to publication, had to receive the approbation of a licenser; and it was in vain, therefore, that he was competent both to write well and think well.

Philosophical instruction must be still gathered from Commines, whose omissions Duclos intended to supply, as well as to correct his mistakes; “though they are not commonly of great consequence,” he tells us.

Duclos had all the facts before him, and he gives them.

Montesquieu is understood to have devoted much time to the subject; but there is a strange story of his losing his MSS. by an accident, and of his then abandoning all further thoughts of the work.

Philip de Commines is the author read.

Much of his work, particularly the latter part of it, should be read. The important features of it are the fate of the house of Burgundy, and the unjust encroachments of Louis XI. on the dominions of his neighbours, and the constitution of his country.

Commines came not into the service of Louis till he had been twelve years on the throne.

It cannot be now understood by what felicity of original temperament, or by what influence of reflection, the historian himself could be a lover of the people and a lover of virtue, though a courtier from his infancy, the servant of the most base and selfish of princes, and living in habits of business and society with many of the most licentious and unprincipled of men.

“Is there any king,” he says, “or prince upon earth, who has power to raise one penny of money, except his domains, without the consent of the poor subject who is to pay it, but by tyranny and violence?”

“King Charles VII.,” he says, in another place, “has laid a great load both upon his own and the souls of his successors, and given his kingdom a wound which shall bleed a long time; and *that was*, by establishing a standing army.”

The manners of these dreadful times in France, during the factions of the houses of Orleans and Burgundy, and the reign of Louis XI., may be seen in Brantome; and more conveniently in Wraxall’s Memoirs of the House of Valois.



## LECTURE VIII.

### SPAIN, GERMANY, ITALY, SWITZERLAND.

**I**N my last lecture I endeavoured to call your attention to the constitutional history of France. I did so, because this is one of the first objects of importance in the history of Europe from the effects which that great kingdom has always been fitted from its situation and natural advantages to produce upon every other. Such must always have been the influence of its arms and its example, that it is not too much to say, that the history of the civilized world would have been changed, and most favourably changed, if France had not lost its constitutional liberties, and sunk into an arbitrary monarchy.

But the same subject is a great interest to ourselves, from the illustration which it affords of the merits and the good fortune of our ancestors. This island lost not its liberties in like manner, because it retained its public assemblies, and because they retained the right of taxation.

How, therefore, or why, arose this difference in the fate of the two kingdoms?

It is this question that I am so anxious that you should bear along with you in your thoughts, while you read the annals of every other country of Europe; and the more strongly to impress it on your minds, I pointed out to you, in my last lecture, a very remarkable epoch in the French history, during which there was evidently some great effort made for the constitution of France, by the members of the States General, and particularly by the third estate, and by Marceel and the Parisians.

I next alluded to those parts of the subsequent reigns when the liberties of that country were more slowly under-

mined, but not less fatally attacked, particularly during the times of Charles VII. and Louis XI.

De Mably will always apprise you, by the tone and nature of his observations, what are the transactions, and what the periods of importance; and these you should examine through all their detail in some of the great French historians. I have found the history of Velly the most elaborate and complete.

I must remind you, that the constitutional history of France is noticed by Robertson, in his introduction to Charles V., and his text is accompanied by three valuable notes, the thirty-eighth, thirty-ninth, and fortieth.

But the same question which I have thus recommended to you, with respect to France and England, an inquiry into their constitutional histories, may be extended to the other kingdoms of Europe; and we have hitherto said nothing of Spain, a country which, like England, might have obtained a free and mixed government, as the elements of its constitution were originally similar (monarchy, feudal lords, and national assemblies), but which, like France, from various untoward circumstances, lost its liberties, and has had to descend through different stages of degradation, at last almost to extinction and ruin.

I must repeat to you, before we advert to Spain, that it is only by inquiries of this sort into the histories of other countries, that you can learn properly to understand how slowly a good government can be formed; by what attention and anxiety it can be alone maintained; what are the exact points of difficulty in the formation of a good government; and the manner (often the singular and unexpected manner) in which these difficulties are evaded or modified, or overcome, more particularly in your own.

But to allude, as we have proposed, to the history of Spain. In the fifth volume of Gibbon may be found an account of the introduction of the Moors into that country, of their settlement there, and of the magnificence of their caliphs, and to him I refer. An estimate is also given of the science and knowledge of this remarkable people; and at first we might be tempted to conclude that, in the general darkness and barbarity of Europe, the light of civilization and learning was

destined to issue from the Mahometan capital of Cordova. But the science and knowledge of these Arabians, when more nearly examined, lose much of their importance; and the nature of their government was little fitted, however accompanied by science and the arts, to build up, either in Spain or in other countries, the fabric of human happiness.

Unfortunately, too, it happened that a long succession of bloody struggles was to ensue between the Christians and the Moors; and all hope that the progress of society should be exemplified in Spain, became on that account extremely feeble.

There is something in these wars, between the Christians and the Moors, that has a sound of heroism and romance, well fitted to awaken our interest and curiosity. But I know not that these sentiments can now be gratified or extended beyond the poetry and the legends by which they have been inspired.

The great historian of Spain is Mariana, "who has infused (says Gibbon) into his noble work, the style and spirit of a Roman classic. After the twelfth century, his knowledge and judgment may, he observes, be safely trusted; but he adopts and adorns the most absurd of the national legends, and supplies from a lively fancy, the chasms of historical evidence."

Roderick Ximenes, not the statesman, though also an archbishop of Toledo, is the father of Spanish history, yet he did not live till five hundred years after the conquest of the Arabs; and the earlier accounts are, it seems, very meagre. But the work of Mariana, with the continuation of Miniana, consists of four volumes folio, and will now be more often mentioned than consulted, and consulted than read. There is an English translation of it.

I must, therefore, observe, that great diligence appears to have been employed on his portion of history by the authors of the Modern History; and the Spanish historians Mariana, Ferraras, Roderick, and others, are continually referred to. The student may, therefore, consider the subject as placed within his reach by the detail which he will find in the sixteenth and seventeenth volumes of the Modern History. But it is a detail which, however great may be its interest in

chivalry and romance, he will never read ; and he will probably cast over it that passing glance with which we may consent to survey such sanguinary scenes in the history of mankind.

In Mr. Gibbon's outlines, published in the second volume of his *Memoirs*, there are a few notices of this part of the Spanish history, which will enable the student to hasten through the narrative in the *Modern History* with the least possible expenditure of his time.

In the eleventh century, the Christian princes, who had fallen back upon the most northern parts of the kingdom, advanced southward. They were encouraged by the intestine divisions of the Mahometans, who had now for a few centuries exhibited their superiority in war and their magnificence in peace.

The siege of Toledo, and the exploits of the Spanish general, Don Roderigo Dias de Bivar, form the next objects of attention. Roderigo is the Cid whom history, and still more the muse of Corneille, have consigned to immortality. There has been a history of the Cid lately published by Mr. Southey.

The great battle of Toloso, from which the Moors never recovered, and their subsequent stand in the kingdom of Grenada, are the next points of importance. About this time also flourished the king Alphonso, who is remembered rather for his taste and knowledge of astronomy, than for the superiority of his talents in government.

For some time the Mahometan kingdom of Grenada, and the four Christian monarchies of Castille, Arragon, Navarre, and Portugal, were distinguished from each other, each retaining its respective laws and limits ; and the conclusion of the whole is, the union of the crowns of Castille and Arragon, under Ferdinand and Isabella, and the defence, capitulation, and expulsion of the Moors.

Both the Christians and Moors, in the course of this great contest, had similar advantages and impediments : friends and allies behind them ; intestine divisions ; personal bravery, and love of glory, and the animation of religious and political rage. But the north of Spain was more fitted than the south to produce active and hardy warriors. Among the Christians,

the warlike ardour of chivalry was advancing or at its height : on the contrary, the enthusiasm of the followers of Mahomet had now spent itself in conquest, and the fiercer passions of their nature were lost in the blandishments of pleasure : riches and luxury had probably abated their fierceness without adding proportionably to their skill in the science of war ; and, finally the Spaniards were fighting for a country of which they must have considered themselves as the rightful possessors.

The narrative of Gibbon and the detail of the authors of the Modern History will gradually conduct the student to the observations of Dr. Robertson in his introductory volume to the History of Charles V. From the researches of this excellent historian, he will find, that notwithstanding the conquests of the Moors, and the long struggles which had followed, a situation of things obtained similar to what he has observed in other parts of Europe, and therefore containing some promise of subsequent prosperity and freedom. The Gothic manners and laws still survived from the tolerance of the Moorish conquerors ; the provinces of Spain, having been slowly wrested from the Moors, were divided among military leaders ; and the feudal lord in no country appeared more powerful and independent.

The same causes which gave rise to the cities in other parts of Europe were assisted in Spain by circumstances peculiar to itself. These are well explained by Robertson ; and in this manner we arrive at the same great distinctions of policy, a limited monarch ; feudal lords ; the Cortes or national assembly, and of that assembly the towns making a *constituent part*. The spirit of the people was high, and the love of liberty great ; and they who have a pleasure in seeing the democratic part of a mixed government strongly predominant may consider the very remarkable institution of the Justiza or the supreme judge of Arragon. They may see, at the same time, the high prerogatives which the Arragonese Cortes possessed ; so that in this manner was realized all that could well be proposed in theory by those who are disposed to rest a government very much on a popular basis.

The justiza was in reality the guardian of the people, and when necessary, the controller of the prince ; and every pre-



caution, as far as we can now judge, seems to have been adopted the better to control in his turn the justiza himself, and to provide against the powers of this singular representative of the general interests of the community.

The Arragonese Cortes themselves were also as proud in principle, and as strong in power, as could be wished by the most popular reasoner. The compact, for instance, between the king and his barons is supposed to have been thus expressed: "We who are each of us as good, and who are altogether more powerful than you, promise obedience to your government, if you maintain our rights and liberties; if not, not." Finally, it must be observed, that the attachment of the Arragonese to this singular constitution of government is said to have approached to superstitious veneration, and to have reconciled them to their consciousness of poverty, and to the barrenness of their country.

It were to be wished that more information could be procured with respect to these remarkable institutions and their effects. It should seem, however, that the obvious difficulties occurred. It is easy to dispose of power, but not therefore easy to make a good government, not therefore to render power so disposed, either salutary or even harmless. The justiza might be made the supreme judge of the concerns both of the king and of the nobles; but who then was to appoint the justiza? Who afterwards to censure or control him? Or the nobles might be supreme. But by whom then were the nobles to be restrained? And how was it to be expected that in either case the monarch either could or ought to be contented and at rest? What, after all seems to have been the result? A continued struggle, open or concealed.

In 1264 the nobles insisted that the king should not nominate the justiza without their consent. This was in fact to assume the whole power to themselves; for he whose consent is necessary to an appointment, appoints.

Before this time the justiza had been nominated by the choice, and held his office at the pleasure of the king; but this last circumstance was to make the justiza not a little useless, and to give the real power to the crown.

The power of the king was, however, to be corrected, it seems, by the prerogative which the nobles enjoyed, of what

was called the "union," or of confederating formally and legally to give law to the king.

This was, however, only to constitute two powers which were to be in a state of perpetual collision with each other.

Afterwards this privilege of the nobles was abolished as too dangerous to the peace of society; and then the justiza was continued in office *for life*. But this was to render HIM the monarch, in the apprehension of the wearers of the crown; and therefore attempts were perpetually made by the kings to remove such justizas as were obnoxious to them.

Subsequently, in 1442 the Cortes ordained that the justiza should not be removed but at their pleasure.

Again. So late as 1461 contrivances were adopted to form a tribunal before whom the justiza was to appear and answer for his conduct.

But all these expedients, and all expedients of the kind are only the efforts of men who are struggling with a difficulty which it is impossible entirely to remove. Events such as we have thus briefly collected from Robertson (and the history itself would no doubt furnish many more if it had been philosophically written by the Spanish historians) partake in fact of the nature of revolutions—the varying triumphs of contending principles of government; contests which, however natural they may be in any elementary state of society, or however tolerable among those who are accustomed to violence and bloodshed, are the great evils to be avoided if men are to be rendered happy by the institutions of government, or are supposed to exist in any state of civilization and improvement. To throw the power decidedly into the hands of *one* great magistrate, or of *one* great body of nobles, or of *one* great assembly of the people, is to cut the knot, not to loose it: it is to face and despise all the evils which are most deserving of our alarm and avoidance.

I must observe, that evils and difficulties like these show the value of any constitution already established, where these elementary principles of rivalship are tolerably well improved, and the unspeakable value of any like our own, where they are on the whole well composed.

Among the Castilians, from what little can now be col-

lected of their laws and constitution, the interests of mankind had a better prospect. The Cortes consisted of three estates, and possessed powers analogous to those of our parliaments in England. But every where in Spain, as in other parts of Europe (with the exception of England), the powers of the crown were too limited; the barons enjoyed prerogatives inconsistent with the order, peace, and prosperity of the community. These it was impossible for the monarchs to endure. A constant struggle, secret or avowed, was the consequence; and the question here, as elsewhere, was only—What was to be the result? How was the power to be hereafter shared? Were the people, or the monarchs, or the nobles, to predominate, and to what extent?

Inquiries of this nature must be followed up through the pages of Robertson, and Watson in his history of Philip II., through the reigns of Ferdinand, Charles V., and Philip II. I cannot here enter into such inquiries. I have pointed them out to you.

It is many years since I wrote this lecture, and there has lately appeared a work by Mrs. Calcott, a popular History of Spain, in two octavo volumes. It may be recommended to the student, for the author has made every thing of the subject that was possible. But the truth is, that the subject is impracticable. There are so many Moorish dynasties and Christian dynasties, and the whole is such an intermingled scene of eternal confusion and bloodshed; the heroes and great personages concerned so constantly come like shadows and so depart; that the student can scarcely be required to endeavour to remember the events and the characters that he reads of, for any such attempt would be impossible. He must turn over the pages one after another; he will observe many interesting scenes of a dramatic nature, but he must look more attentively at those subjects which, from what he has read in Gibbon, and heard on different occasions, he may be aware, deserve consideration. Every thing is done by Mrs. Calcott that can be done by good sense and good principles of civil and religious liberty, and by commendable diligence in the collection and display of the materials which her subject supplied; and the student will see the main points presented to his view and reasonable observations

made, and on the whole feel his mind left in a state of sufficient repose and satisfaction with respect to this portion of his course of historical reading. But it is impossible that his original expectations from this part of history can be gratified, more particularly if he is a person of poetical temperament, and has got his imagination excited by all the enchanting dreams that, by means of ballads, romances, histories, and dramas, are for ever associated with this renowned land of magnificence, chivalry, and love.

Spain has now been added to our former enumeration of Italy and Germany, of France and England. To what country shall we next advert? We cannot but feel a melancholy interest in the ruins of ancient greatness, in Constantinople and in the empire of the east: it is natural, it is fit, that we should cast our eyes on this celebrated city: and if we have recourse to the History of the Decline and Fall, we shall find that the genius of the historian survives, while the majesty of his subject has expired. It is in vain that we turn to Greece while we are inquiring after the hopes or the interests of the human race. The eastern empire is at this period sinking deeper into decline with each succeeding age. Without, are new barbarians of a strange aspect and hostile religion, pressing forward to accomplish its destruction; within, are enemies still more formidable, slavery, dissension, and licentiousness; and no benefit can be expected to be derived to mankind from an empire, a nation, a city, thus gradually reduced, enfeebled, and destroyed; capable of no generous effort or permanent defence, and every moment descending to a final and merited extinction.

From Constantinople, the Empire of the East, we may turn once more to Rome, so long the capital of the Empire of the West. We may turn to the sixty-ninth and seventieth chapters of Gibbon: these are very accessible, and appear to me sufficient. In these chapters the historian casts a last look on the original object of his labours, the Roman city, declined and fallen from her height, and no longer mistress of the world; yet interesting from the monuments which she still retained of heroism and genius, and from the melancholy contrast of present degradation with ancient glory and renown.

In these chapters he reviews the state and revolutions of Rome till she finally acquiesced in the absolute power of the

popes; and from these pages we are enabled to collect very sufficient information on those points which are more immediately deserving of our attention.

But since I wrote this lecture, the work of Mr. Sismondi, his *History of the Italian Republics*, has appeared, and the work which I have so often alluded to of Mr. Hallam.

Along with the chapters of Mr. Gibbon, therefore, I must now propose to you the two chapters of Mr. Hallam on Italy, which should be diligently read. In his note, which you will find very valuable, you will see him speak of the work of Sismondi, and in the following terms:—

“The publication of Mr. Sismondi’s *History* has thrown a blaze of light around the most interesting (at least in many respects) of European countries (Italy) during the middle ages. I am happy to bear witness, so far as my own studies have enabled me, to the learning and diligence of this writer: qualities which the world is sometimes apt not to suppose, where they perceive so much eloquence and philosophy.”

Mr. Hallam then goes on to state why he considers Sismondi as having almost superseded the *Annals of Muratori*, from the twelfth century at least, and only thinks it proper to observe, in the way of criticism, that from details too redundant, and sometimes from unnecessary reflections, Mr. Sismondi has run into a prolixity, which will probably intimidate the languid students of our age. This, he says, “is the more to be regretted, as the history is fitted to communicate to the reader’s bosom some sparks of the dignified philosophy, the same love for truth and virtue, which lives along its eloquent pages.”

This is very high praise from Mr. Hallam, no very ready or profuse panegyrist at any time; and my hearer must therefore turn to the volumes that have won such important approbation.

I shall not be surprised, however, if he should find himself, after a sight and trial of these fifteen volumes, ready to sink into the class of the languid students of the age; and I sincerely wish I could provide a little against a circumstance which, in the present state of literature and of the world, I do not consider as altogether unnatural.

You will observe, then, that on the fall of the western em-

pire, during the first six ages, the barbarians and degenerate Italians were mixed together, and from this sort of union was to arise a new nation to succeed to the Romans.

Different republics appeared in different parts of Italy. To these we are not a little indebted for the preservation of the treasures of antiquity, and, as Sismondi contends, it was in these republics that were laid the foundations of all the subsequent glory and intellectual eminence of Europe. You see, then, at once the subject and the interest of it.

In brief, Italy before the twelfth century was subjected to the Franks, then to the Germans, and then came four centuries of grandeur and glory; during which four centuries, from 1100 to 1530, Italy gave instruction to the rest of Europe in every art, science, and species of knowledge. But in 1530, Italy was overpowered by Charles V. and total insignificance has been the result. That is, in the course of the twelfth century, Italy acquired its liberties, enjoyed them during the thirteenth and fourteenth, and lost them soon after the close of the fifteenth.

The sixteenth, seventeenth, and eighteenth, have since been centuries of slavery, indolence, effeminacy, oblivion.

On the whole, as far as the subject of republics is concerned, you will find your general conclusions, drawn from the example of these Italian republics, much what you would have expected them to be from your classical reading, from your perusal of the annals of the Grecian republics and of Rome: that they reward and therefore awaken the faculties of the human mind and the energies of the human character; but that storms, and dissensions, and revolutions are the necessary result. This is confessed by Sismondi himself. The fearful calamities, the dreadful price that is paid for the production of men of great talents! By such men, it may be added, such forms of government are naturally favoured, as affording them a theatre on which such talents may be displayed; but whether the general happiness is thus best consulted, is quite another question.

Such then is the subject of Sismondi's history—the history of these republics between the fall of the Romans, and the establishment of the power of Charles V. The age of merit unknown—for the history is unknown—because it has never

been written in any general or summary way, and it is impossible to read the particular details of it.

Now I fear this impossibility neither is nor ever can be, escaped. Mr. Sismondi has himself attempted it. He has made a small volume, published by Lardner, and it is a failure. I must venture to say that even now, notwithstanding Mr. Sismondi's eloquence and skill, his love of liberty, and his learning, it is very well for his work, that there is a good index every where accompanying the original volumes; and I would advise my hearers, and more particularly the languid students, to read and consider well the two chapters of Hallam, and then turn to Sismondi, making full use of his index, which the prior perusal of Hallam will enable him to do.

I must be content in this unworthy manner to dismiss this subject of Italy, and the work of Sismondi; but originally I drew up many pages on the subject of both, particularly of the latter: they, however, began to assume the bulk and appearance of a separate lecture; and I now think it best to leave the student as I have done to his own exertions.

Certainly everything regarding Italy, and the character of the Italians, is most interesting. They appear to me even as we now see them, to have intelligence and talents, equal to any study; a versatility that would fit them at once for music and painting, for politics and war; an imagination, which enables them still to retain the empire of the fine arts; gentleness of manners, in other countries found only in the upper ranks of society; a sobriety, which keeps them safe from any vulgar excess; and on the whole such gifts and qualities as would ensure great national superiority and individual excellence, if proper opportunities could but be afforded them—opportunities which never were, or could be afforded them, from the division of their country into republics, or separate governments, and the impossibility of rescuing them from their inherited antipathies and rivalships.

At the peace of Aix la Chapelle, in 1748, Italy might indeed be left to repose, but to repose on the supposition of existing without freedom and national spirit. No provision was made for her liberties and independence.

Italy is, therefore, now only a vast museum, where the

monuments of the genius of the dead are presented to the admiration of the living. No one asks what the princes and people of Italy are doing; an iron sceptre is extended over them. The intelligent Italian feels that he has no country, and mingles his sighs and regrets, his indignation and his anguish, with the sublime lamentations of the poet of England.

We must now turn to Germany. I must leave Pfeffel to conduct you from the accession of Rodolph, to the opening of the history of Robertson. His work may be read with more or less attention, according to the varying importance of the subject matter. But the first observation that occurs is, that from this era the history of Germany assumes a double aspect, and that our attention must be directed, not only to the empire itself, but to the rise, growth, and subsequent predominance of the House of Austria. A work has lately been published, executed with every appearance of diligence and precision, by Mr. Coxe (Coxe's History of Austria), and furnishing the English reader with a complete account of the political history of that celebrated family. By his labours, and those of Pfeffel and Robertson, we may consider ourselves as furnished with information, which we must otherwise have extracted with great pain and labour, if at all, from those documents and historians in different languages, to which they refer. These writers will be found to illustrate each other and may be read together—Pfeffel, Robertson, and Coxe.

From several details and particulars that belong to this portion of history, and which may be perused, I conceive, somewhat slightly, there are some which should be considered more attentively: the gradual settlement of the constitution of the empire, as it is noted by Pfeffel, and more especially the Golden Bull of Charles IV. This Golden Bull was the first among the fundamental laws of the empire, and was published by the emperor, it is to be observed, with the consent and concurrence of the electors, princes, counts, nobility, and *towns imperial*.

But by this famous bull, as by all the prior regulations of the Germanic constitution, the emperor was still left the elective, the limited, and almost the inefficient head of an



aristocracy of princes ; each of whom seems to have remained the real monarch in his own dominions ; and the vast strength and resources of Germany, dissipated and divided among a variety of interests, could at no time, even by the most able princes of the House of Austria, be combined and wielded against the enemies of the empire with their proper and natural effect.

Apparently, indeed, and on great public occasions, the majesty of the emperor was sufficiently preserved and displayed. The princes and potentates of Germany officiated as his domestics ; the count-palatine of the Rhine, as his steward, placed the dishes on his table ; the margrave of Brandenburg, as his chamberlain, brought the golden ewer and bason to wash, the king of Bohemia, as his cup-bearer, presented the wine at his repast ; and each elector had his appropriate duty of apparent servility and homage.

Such are the whimsical and contradictory scenes of arrogance and debasement, of ostentation and meanness, of grave folly and elaborate inanity, which are produced among mankind, when in a state of civilized society, by the intermingled operation of the various passions of our nature. History is full of them ; and private life, as well as public, presents the same motley exhibition of compliments paid, by which no one is to be flattered ; trouble undertaken, by which no one is to be benefitted ; and artifices practised, by which no one is to be deceived.

But we now approach one of the most interesting portions of history, and one that is connected with Germany, and more particularly the House of Austria,—The formation of the Helvetic Confederacy, the growth and establishment of the independence and political consequence of Switzerland.

The historians you are to read are Planta, and Coxe in his *House of Austria*. There is a history by Naylor, who is more ardent than either in his love of liberty, but seems less calm, and less likely to attract the confidence of his reader.

Switzerland is a name associated with the noblest feelings of our nature, and we turn with interest to survey the rise and progress of countries which we have never been accustomed to mention, but with sentiments of respect. In the history of the world, it has been the distinction of three

nations only, to be characterized by their virtue and their patriotism—the early Romans, the Spartans, and the Swiss. We speak of the splendour of the Persians, of the genius of the Athenians; but we speak of the hardy discipline and the inflexible virtue of Sparta, and of ancient republican Rome; “the unconquerable mind, and freedom’s holy flame.” So in modern times we speak of the treasures of Peru, of the luxuries of India, of the commerce of Venice or of Holland, and of the arts of France; but it is to Switzerland that we have been accustomed to turn, when as philanthropists or moralists, we sought among mankind the unbought charms of native innocence, and the sublime simplicity of severe and contented virtue.

More minute examination might possibly compel us to abate something of the admiration which we have paid at a distance: yet our admiration must be ever due to the singular people of Switzerland; and it must always remain a panegyric of the highest kind, to owe renown to merit alone; to have earned their independence by valour, and to have maintained their prosperity by virtue; to be quoted as examples of those qualities by which men may be so ennobled, that they are respected, even amid their comparative poverty and rudeness; to be described as heroes who, though too few to be feared by the weak, were too brave to be insulted by the strong. The student, while he reads the history of Switzerland, finds himself, on a sudden, restored to his earliest emotions of virtuous sympathy, and he will almost believe himself to be once more surrounded by the objects of his classical enthusiasm; the avengers of Lucretia, and the heroes of Thermopylæ. Insolence and brutality he will see once more resisted by the manly feelings of indignant nature. A few patriots meeting at midnight, and attesting the justice of their cause to the Almighty disposer of events, the God of equity and mercy, the protector of the helpless: calm and united, proceeding to the delivery of their country; overpowering, dismissing, and expelling their unworthy rulers, the agents and representatives of the House of Austria, without outrage and without bloodshed: retaining all the serene forbearance of the most elevated reason, amid the energies and the fury of vindictive right; and magnanimously reserving the vengeance

of their arms for those of their rulers who should dare to approach them in the field, with the instruments of war, and the bloody menaces of injustice and oppression.

Such a trial indeed awaited them ; but these inimitable peasants, these heroes of a few valleys, were not to be dismayed. They united and confirmed their union by an oath ; and if their enemy, as he declared, was determined to trample the audacious rustics under his feet, they would unawed (they said) await his coming, and rely on the protection of the Almighty. Their enemy came ; and he came according to his language, in his council of war, to take some by surprise ; to defeat others ; to seize on many ; to surround them all, and thus infallibly extirpate the whole nation. Three separate attacks were prepared, and the Duke Leopold himself conducted the main army ; but he was met at the straits of Morgarten by this band of brothers. Like one of the avalanches of their mountains, they descended upon his host, and they beat back into confusion, defeat, and destruction, himself, his knights and his companions ; the disdainful chivalry, who had little considered the formidable nature of men, who could bear to die, but not to be subdued ; men, whom nature herself seemed to have thrown her arms around, to protect them from the invader, by encompassing them with her inaccessible mountains, her tremendous precipices, and all her stupendous masses of eternal winter.

The Three Forest Cantons, five and twenty years after the assertion of their own independence, admitted to their union a fourth canton ; eighteen years after, a fifth ; and soon a sixth, seventh, and an eighth.

These eight ancient cantons, whose union was thus gradually formed and perfected in the course of half a century from 1307, were afterwards joined by five other cantons ; and the Helvetic confederacy was thus in the course of two centuries finally augmented to an union of thirteen.

But many were the difficulties and dangers through which the cantons had to struggle for their independence, and the strength of the oppressor was more than once collected to overwhelm, in the earlier periods of its existence, this virtuous confederacy. Seventy-one years after the defeat at Morgarten, another Duke of Austria, a second Leopold, with a second

host of lords and knights, and their retainers, experienced once more a defeat near the walls of Sempach; but the battle was long suspended: these Austrian knights were unwieldy indeed from their armour, but they were thereby inaccessible to the weapons of the Swiss; and as they, too, were brave, and deserved a better cause, they were not to be broken.

“I will open a passage,” said the heroic Arnold, a knight of Underwalden: “provide for my wife and children, dear countrymen and confederates, honour my race.” At these words he threw himself upon the Austrian pikes, buried them in his bosom, bore them to the ground with his own ponderous mass, and his companions rushed over his expiring body into the ranks of the enemy; a breach was made in this wall of mailed warriors, and the host was carried by assault.

Such were long the patriots of Switzerland; such they continued to the last. They received privileges and assistance from the empire, while the empire was jealous of the House of Austria. The paucity of their numbers was compensated by the advantages of their Alpine country. Their confederacies were artless and sincere; their lives rural and hardy; their manners simple and virtuous; eternally reminded of the necessity of a common interest, every peasant was a patriot, and every patriot a hero. Human prosperity must be always frail, human virtue imperfect; yet we can long pursue their history, though with some anxiety and occasional pain, on the whole, with a triumph of virtuous pleasure.

The most disagreeable characteristic of the people of Switzerland is their constant appearance as mercenaries in the armies of foreign countries.

In excuse of the Swiss, from the natural reproaches of the reasoners and moralists of surrounding nations, it may be observed, that in a poor country emigration is the natural resource of every man, whose activity and talents are above the ordinary level; that the profession of arms was the obvious choice of those who could pretend to no superiority but in the qualities that constitute the military character.

That, with respect to the Swiss magistracies they could have no right to prevent their youth from endeavouring to better their condition; and that, while part of the population

was employed in the service of the different monarchies of Europe, a part which could always be recalled on any urgent occasion, Switzerland supported, in fact, at the expense of those monarchies, not at its own, the disciplined troops, which were necessary to its security, and might otherwise have been dangerous to its liberties. It may be added, that their fellow-citizens, who remained at home, were thus saved from all the vices and calamities which result from the redundant population of every bounded community.

No great legislator ever appeared in Switzerland. The speculatist will find no peculiar symmetry and grace in their systems, and may learn not to be too exclusive in his theories. Times and circumstances taught their own lessons; civil and religious establishments were imperfectly produced, roughly moulded, and slowly improved; and whatever might be their other merits, they were perfectly adequate to dispense the blessings of government and religion to a brave and artless people. The great difficulty with the inhabitants of Switzerland was at all times, no doubt, to judge how far they were to mix, on the principles of their own security, with the politics of their neighbours.

A second difficulty, to keep the states of their confederacy from the influence of foreign intrigue and private jealousy. A third, to make local and particular rights of property and prescription conform to the interests of the whole. And finally, to preserve themselves simple and virtuous. In a word, publicly and privately "to do justice, and to love mercy;" and again, "to keep themselves unspotted from the world." This was indeed a task which, perfectly to execute, was beyond the compass of human virtue. But with all their frailties and mistakes, their faults and follies, they existed for nearly five hundred years in a state of great comparative independence and honour, security and happiness; and they only perished amid the ruthless and unprincipled invasions of revolutionary France, and the general ruin of Europe.

I must, in my next lecture, turn to the great event of modern history, the Reformation; but before I do so I must again remind my hearer, that since I wrote the lectures I have just delivered, several works have appeared, which he must consider with the greatest attention, particularly the work of

Mr. Hallam on the Middle Ages. All the subjects that have been glanced at in these earlier lectures are there thoroughly considered by this author with all the patience of an antiquarian, and the spirit and sagacity of a philosopher. The French history; the feudal system; the history of Italy; the history of Spain; the history of Germany; of the Greeks and Saracens; the history of ecclesiastical power; the constitutional history of England; the Anglo-Saxon and the Anglo-Norman; afterwards to the end of the civil wars between the Roses, with a concluding dissertation on the state of society during the middle ages. I should have been saved many a moment of fatigue, some almost of despair, if these volumes had appeared before I began my lectures.

In like manner I have since read, and should have been most happy to have read before, the first volume of the History of England by Sir James Mackintosh. The volume, though it may not be what the common reader may have expected, is totally invaluable to those who have read and thought on the subject before, and who therefore can duly estimate the value of the comprehensive estimates of an enlightened and superior understanding. The same, I doubt not, will be the character of the volumes that are to follow.

I have since, too, looked over the three volumes of the History of the Anglo-Saxons, by Mr. Turner. I do not think it necessary for the student to read every part with equal attention, or some parts with any; but there is good information to be found in the book, such as he cannot well procure for himself, and may be grateful to Mr. Turner for offering him, so completely and so agreeably. What can be now known of Alfred, more particularly of the sea kings and sea banditti of the north; of the laws, languages, and manners of the Anglo-Saxons, so connected with our own; their religion and their superstitions; the constitution of their government, their kings; their wittenagemote; their offices; their aristocracy and population; their poetry, literature, and arts. These are all subjects very interesting, and can only be now exhibited to a student by an antiquarian, whose merits he may not be disposed to emulate, and should therefore gratefully acknowledge.

I have also looked at the first volume of the Anglo-Saxon

History by Palgrave, which though interspersed with some trivial remarks, may be read with entertainment and advantage. The second volume on the rise and progress of the English constitution will probably be well worthy attention, coming as it does from so celebrated an antiquarian.

For the history of Switzerland I have referred to Planta; but there has been lately published a work by Mr. Naylor.

Mr. Naylor writes with a much more lively sensibility to the value of popular privileges; but in his work I have been on the whole disappointed.

His preface is unsatisfactory; he gives no reasons for writing a new history of the Helvetic confederacy, or statement of the deficiency to be supplied, or the new representations that are to be offered of events and characters.

Mr. Naylor, however, must have been aware that the value both of his own history and that of Mr. Planta must arise from the difficulty of reading the original authors.

The dramatic manner also, it must be observed, in which Mr. Naylor writes, is not fitted to induce the reader to withdraw his confidence from the more regular and sober history of Mr. Planta.

Mr. Naylor's work, which reaches down to the peace of Westphalia, must no doubt be contrasted with Planta's, when any particular transaction is inquired into; for it is written on more popular principles.

But for the general purposes of historical information. I must still refer to Planta, who seems sufficiently animated with proper sentiments of patriotism and independence, at least while he is describing the origin of the Helvetic confederacy; and his distaste to popular feelings and forms of government may be suffered to evaporate in notes and observations on the French Revolution, when it is considered how atrocious has been the interference of the French rulers and their emissaries in the concerns of his native country.



## LECTURE IX.

### REFORMATION.

**T**HE subjects to which we adverted in the course of the last lecture would be found, if examined, immediately to introduce us to others of such general importance, that the particular histories of the different States of Europe can now no longer be separately surveyed.

These new subjects of such general and extraordinary importance are the Revival of Learning and the Reformation.

For the present, therefore, we must leave these particular histories of England, of France and Germany, and endeavour to familiarise the student to those general remarks which constitute the philosophy of history, and above all, to induce him to fix his view very earnestly on the events I have just mentioned, the greatest of modern history; the Revival of Learning and the Reformation.

A few preliminary observations, may however be suggested to you. In the course of your reading, as you come down from the history of the Middle Ages, you will be brought down to the history of the fourteenth and fifteenth centuries, and this era, you will perceive, was the era of inventions and discoveries.

I allude more particularly to, 1st, the art of turning linen into paper. 2dly, The art of printing. 3dly, The composition and application of gunpowder, more especially to the purposes of war. 4thly, The discovery, or at least the general application of the strange property of the magnetic needle to the purposes of navigation. The importance of such discoveries will be sufficiently obvious to your own reflections.

To each of these inventions and discoveries belongs an appropriate history highly deserving of curiosity (of more curiosity indeed than can now be gratified), and each strongly



illustrative of the human mind; creeping on from hint to hint, like the Portuguese mariner from cape to cape, owing something to good fortune, but far more, and even that good fortune itself, to enterprise and perseverance. You will see some notice taken of these inventions and discoveries in Koch.

As the study of the dark ages conducts us to the ages of inventions and discoveries, so do these last to the era which was marked by the revival of learning and the Reformation. All these periods mingle with each other, the prior with the succeeding one, and no line of demarcation can be traced to separate or define them; yet may they be known, each by its more prevailing characteristic of darkness, discovery, and progress; and as we are now supposed to have passed through the first two, we must next proceed to the last, the era of the revival of learning and the Reformation.

To this era we shall be best introduced by adverting to the general situation of Europe; more particularly by turning to the eastern portion of it: for we shall here be presented with a train of events, which, if we could but transport ourselves in imagination to this fearful period, would almost totally overpower us, by appearing to threaten once more, as in the irruption of the barbarians, the very civilization of society. For what are we here called to witness? The progress of the Turks; the terror of Bajazet; the danger of Constantinople; and then again the unexpected appearance of savages still more dreadful than the Turks, Tamerlane and his Tartars; the extraordinary achievements of these tremendous conquerors; afterwards the revival of the Ottoman power; and at last the destruction of the Eastern Empire, of Constantinople itself.

This series of memorable events has been detailed by Mr. Gibbon with that spirit and knowledge of his subject, that compression and arrangement which so particularly distinguish those chapters of his work, where his theme is splendid or important and which render them so inexhaustible a study to his more intelligent readers. I must refer you to the work, making however, in the meantime, a few observations.

In contemplating the final extinction of the eastern empire,

it may be some consolation to us to think that Constantinople did not fall without a blow; that the city was not surrendered without a defence, which was worthy of this last representative of human greatness; that the emperor was a hero, and that amid the general baseness and degeneracy, he could collect around him a few at least, whom the Romans, whom the conquerors of mankind, might not have disdained to consider as their descendants.

Some melancholy must naturally arise at the termination of this memorable siege: the extinction of human glory, the distress, the sufferings, the parting agonies of this mistress of the world.

But such sentiments, though in themselves neither useless nor avoidable, it is in vain entirely to indulge. The Grecian as well as the Roman empire, and Constantinople, the last image of both, must for ever remain amongst the innumerable instances presented by history, to prove that it is in vain for a state to expect prosperity, in the absence of private and public virtue; and that every nation where the honourable qualities of the human character are not cultivated and respected, however fortified by ancient renown, prescriptive veneration, or established power, sooner or later must be levelled with the earth and trampled under the feet of the despoiler.

The fall of Constantinople became, when too late, a subject of the most universal terror and affliction to the rest of Europe.

Yet such is the intermingled nature of all good and evil, that some benefit resulted to the world from the calamities of the empire. Constantinople had always been the great repository of the precious remains of ancient genius. The Greeks had continued to pride themselves on their national superiority over the Barbarians of the west, and they celebrated, as exclusively their own, the great original masters of speculative wisdom and practical eloquence, the dramatists who could awaken all the passions of the heart, and the poets who could fire all the energies of the soul; Plato and Demosthenes, Sophocles and Euripides, Pindar and Homer. But though they admired, they could not emulate the models which they possessed. Century after century rolled away

and these inestimable treasures, however valued by those who inherited them, were lost to mankind.

Yet as the fortunes of the Greek empire declined, the intercourse between Constantinople and the rest of Europe long contributed to the improvement of the latter; and the splendour of the Greek learning and philosophy, even as early as the thirteenth century, had touched with a morning ray the summits of the great kingdoms of the west. In the public schools and universities of Italy and Spain, France and England, distinguished individuals, like our own Bacon of Oxford, applied themselves with success to the study of science, and even of the Grecian literature. In the fourteenth century the generous emulation of Petrarch and his friends gave a distinct promise of the subsequent revival of learning. While the Turks were encircling with their toils, and closing round their destined prey, the scholars of the east were continually escaping from the terror of their arms or their oppression, and after the destruction of the metropolis of the east, it was in the west alone they could find either freedom or affluence, either dignity or leisure.

In the sack of Constantinople, amid the destruction of the libraries, one hundred and twenty thousand MSS. are said to have disappeared; but the scholars, and such of the MSS. as escaped, were transferred to a new sphere of existence; to nations that were excited by a spirit of independence and emulation, and to states and kingdoms that were not retrograde and degenerating, as was the empire of the Greeks. The result was favourable to the world; like the idol of a pagan temple, the city of the east, though honoured and revered by succeeding generations, was still but an object of worship without life or use. When overthrown, however, and broken into fragments by a barbarian assailant, its riches were disclosed, and restored at once to activity and value.

This great event, the revival of learning, is a subject that from its importance and extent, may occupy indefinitely the liberal inquiry of the student.

There has been an introduction to the subject, or a history, of the more early appearance of the revival of learning, published in 1798 at Cadell's, which seems written by some

author of adequate information, and which is deserving of perusal.

I shall, however, more particularly refer you to the notices of Robertson, in his introduction to Charles V., to those of Mosheim in his State of Learning in the Thirteenth and Fourteenth centuries; above all, to the latter part of the fifty-third, and of the sixty-sixth chapter of Gibbon: and to the lives of Lorenzo de Medici and Leo X., by Mr. Roscoe. The observations and inquiries of writers like these will leave little to be sought after by those who consider this great event only in connection with other events, and attribute to it no more than its relative and philosophic importance. Those who wish to do more, will, in the references of these eminent historians, find original authors and guides very amply sufficient to occupy and amuse the whole leisure even of a literary life.

The leading observations on this subject will not escape your reflections. That Constantinople was attacked by the Arabs in the seventh and eighth centuries, and might have been swept away from the earth by any of the various Barbarians that infested it at an earlier time; when her scholars and her MSS. could have had no effect on the rest of mankind, and when the seeds of future improvement would have fallen on a rocky soil, when no flower would have taken root, and no vegetation quickened. It is not easy to determine how long the darkness of Europe might in this case have continued, and how little we might have known of the sages, the poets, and the orators of antiquity.

Even the Latins themselves, after besieging and capturing Constantinople at the beginning of the thirteenth century, were in possession of the city, and of all that it could boast and display for sixty years, and in vain. Their rude and martial spirits were insensible to any wealth which glittered not in their garments or on their board; and warriors like these could little comprehend the value of those intellectual treasures that can give tranquillity to the heart and enjoyment to the understanding. But at a still later period, when the same city was once more and finally subdued by the Turks, the same western nations had been *prepared* for the due reception of what had to no purpose been placed within the

reach of their more uncivilized forefathers ; and then followed what has been justly denominated the revival of learning.

We may congratulate ourselves that the fall of the empire was postponed so long, and observe on this, as on other occasions, how different is the effect of the same causes and events at different periods of society.

Again, we may observe with admiration and with gratitude the curiosity and zeal of the human mind at this interesting era. The munificence of the patron and the labour of the scholar, the wealth of the great and the industry of the wise could not then have been more usefully directed ; and if the readers of MSS. are now more rare ; if the rivals of the great scholars of the fifteenth and sixteenth centuries now seldom appear, and if our late Greek professor, the celebrated Porson, for instance, could no longer see the princes and potentates of the earth contending for the encouragement of his genius, it must be remembered that though men like these can never be without their use or their admiration, much of the service which they offer to society has been already rendered ; that their office has been already, to a considerable degree, performed ; that we have been for some time put in possession of the great classical authors ; of the models of taste and the materials of thought, and that we must now labour to emulate what sufficiently for our improvement we already understand. We must reflect that were mankind not to exercise their unceremonious and often somewhat unfeeling criticism upon merit of every description, and applaud it precisely to the extent in which it contributes to their benefit, society would be soon retrograde, or at best but stationary, and each succeeding age would no longer be marked by its own appropriate enlargement of the boundaries of human knowledge.

A concluding observation seems to be that an obvious alteration has been made in the situation of men of genius. They need no longer hang upon the smiles of a patron ; they need no longer debase the muses or themselves ; the progress of human prosperity has given them a public who can appreciate and reward their labours ; and even from that public if too slow in intellect, or too poor in virtue, an appeal has been opened to posterity by the invention of printing ; and a Locke may see his volumes stigmatised and burnt or a

Newton the slow progress of his reasonings, with that tranquillity which is the privilege of genuine merit, and with that confident anticipation of the future, which may now be the enjoyment of all those, who are conscious that they have laboured well, and that they deserve to be esteemed the benefactors of mankind.

But you will not long be engaged in the histories I have mentioned, before you will perceive that, at the opening of the sixteenth century, a new and indeed fearful experiment was to be made upon mankind; a spirit not only of literary inquiry, but of *religious* inquiry, was to go forth; the minds of men were everywhere to be agitated on concerns the most dear to them, and the church of Rome was to be attacked, not only in its discipline, but in its doctrine; not only in its practice, but in its faith.

Opposition to the papacy in these points, or what was then called heresy, had indeed always existed. The student will be called upon, as he reads the preceding history, to notice and respect the more obvious representatives of this virtuous struggle of the human mind, the Albigenses, our own Wickliffe and the Lollards, as well as the Hussites in Bohemia. But as it was in vain that the works of literature were placed within the reach of the Franks, who first captured Constantinople, so the doctrines of truth, and the rights of religious inquiry were to little purpose presented to the consideration of the nations of Europe by the more early reformers; "the light shone in the darkness, but the darkness comprehended it not." At the opening, however, of the sixteenth century, the condition of Europe was in some respects essentially improved; and it now seemed possible that they who asserted the cause of the human mind in its dearest interests might at least obtain attention, and probably see their laudable exertions crowned with success.

But whatever might be the virtues or the success of distinguished individuals in establishing their opinions, it was but too certain that a reformation in the doctrines of religion could not be accomplished without the most serious evils; these might be indeed entirely overbalanced by the good that was to result, but the most afflicting consequences must necessarily in the first place ensue.

In discussing this great subject of the Reformation (too vast to be properly treated but in a distinct work for the purpose,) I shall first endeavour briefly to show why these serious evils were to be expected; and then, what was the benefit which it was probable might also accrue. In the next place, I shall endeavour to point out such particular transactions in the history of the Reformation, as illustrate the representations which I shall thus make. That is, if I may venture, for the purposes of explanation, to adopt language so assuming, I shall, in the remainder of this lecture, propose to your consideration the theory of the events of the Reformation; and in the next, I shall endeavour to show how this theory and the facts correspond. Lastly, I shall mention such books and treatises as may be sufficient to furnish you with proper information on every part of this momentous subject.

Now the great reason why the most serious and extensive evils were to be expected from the breaking out of the Reformation was, first, the natural intolerance of the human mind.

But this is so important a principle in every part of the history of the Reformation, and the whole is so unintelligible unless this principle be first thoroughly understood, that I must consider it more at length than I could wish, or than might at first sight appear necessary. It *is* necessary, however, for no human mind in its sound state of reasonableness and humanity, can possibly conceive the scenes that took place in the times of the Reformation, and even in those that preceded and followed them; and it is quite a problem in the science of human nature to account for the astonishing barbarity and even stupidity of which men on these occasions proved themselves to be capable.

A celebrated author (A. Smith), in the most delightful of all philosophical books, has referred the origin of all our moral sentiments to sympathy. Without presuming to decide how far such a solution is complete, it will be readily allowed that he has fully shown how powerful is the principle itself, how early and how universal. It would be strange, if it affected not, as it certainly does, the opinions we form, and the sentiments we utter.

Suppose á person to have taken the same view of a subject with ourselves, how pleased are we to observe this concur-

rence with our own decisions. Does he speak? how agreeable is his manner! Does he reason? how solid are his arguments! We admire the reasoning, we love the reasoner; his thoughts are like our thoughts, his feelings like our feelings: throughout there is a pleasure, for throughout there is a sympathy. Such a man has a claim on our attention, our kindness, our friendship; we applaud and honour him; we wish every one to listen to him, and imbibe like ourselves sentiments which we are now more than ever convinced should be entertained by all men.

But reverse the supposition, and how different is the picture! How unmeaning are the observations, how poor the arguments of him who is an advocate for a cause which we disapprove! We listen, and we can only hear inadmissible statements, intolerable assertions, throughout, nothing but mistake, declamation, and delusion.

The reasoner, it seems, finds no longer an echo in our bosoms, and giving us no pleasure, we declare it to be a loss of time to listen to him. We question his information, his ability; proceed, perhaps, to suspect his motives; suspect indeed any thing, but an error in our own judgment. It is indeed a pity we cry, that such fallacies should be heard; they may, after all, if repeated, gain ground; men should not be suffered to propagate such false opinions. Surely, we conclude, the cause of propriety and truth is of some consequence to the world, and ought by all wise and good men to be vindicated.

From beginnings like these, to what extent may not the mind be carried by contest and collision. When men speak, or write, and at every word there is a discord, and pain at every moment given or received, how soon is dispute converted into dislike, hardened into hatred, exasperated into rage. What folly and what outrage may not be expected to ensue!

But any effect thus described is proportionally accelerated and increased, whenever the object of discussion either really is or can be supposed to be, interesting and important.

Now it must be observed that every thing becomes interesting and important that can be brought into any alliance with the religious principle.

This religious principle is in itself so natural, so just, and



so respectable, that it can transfer its own respectability to every thing, which by any workings of the reason or of the imagination it can be made to approach. All the powerful and laudable feelings of our hearts are here instantly engaged. The opinion we adopt, the rite we perform, we conceive to be acceptable to the Almighty, and being so, it is no longer within the proper province of the discussions of reason; it is piety to retain, sinfulness to abandon it; it is our first duty, it is our best happiness to propagate it; to extend to others that favour of the Deity which it procures for ourselves: but to hear it questioned, contradicted, or despised, is to submit not only to falsehood, but to impiety; to be indifferent to the truth, to be recreants to our most solemn obligations, to refuse to vindicate the cause of heaven and of our God.

Every motive here conspires to exasperate our sympathy and our judgment, our feelings and our reason, to extravagancies the most unlimited; the natural propensities of the human mind to intolerance are here so influenced by an idea, in which every other must be absorbed, the idea of the Supreme Being, that all the common and regular movements of the passions are overpowered, all the more ordinary suggestions of the understanding at an end; and the man with his faculties yet sound and awake, with his heart still beating in his bosom, sees, without shuddering, a being like himself, for some difference in his religious creed, racked on a wheel or agonizing in flames, and yet can suppose that he is thus discharging an act of duty to his Creator and of benevolence to his fellow creatures; that he is conforming to the precepts of religion, and approving himself an acceptable servant to the God of mercy!

Is human nature then, it will be said, so totally without aid and direction, is the duty of toleration so unintelligible, is the truth on this subject so difficult to be discovered?

The duty of toleration is very intelligible; it is founded on the great axiom of all morality, that we are to do to others as we should think it just should be done to ourselves.

There is no want of evidence in this truth; it instantly finds admission to the understanding; but truths must do much more than find admission to the understanding, or the conduct will not be affected.

The history of mankind has been a continual illustration of the natural intolerance of the human mind. I shall mention a few examples.

The most memorable instance of suffering from intolerance is that of our Saviour himself. It was in vain that Pilate asked the Jews, "Why, what evil hath he done?" The only answer that could be obtained was, "Crucify him! crucify him!"

A true picture of the nature of the human mind on these subjects at all times.

"Which of the prophets have not your fathers persecuted?" said the martyr Stephen in his last moments of peril. To the death of this innocent man was Paul consenting, and he stood unmoved by the spectacle of his faith and sufferings.

The same Paul was still exhibiting the natural workings of the human mind, he was still "breathing out threatenings and slaughter" against the disciples, when it pleased the Almighty, by a particular interposition of his power, to check the unrighteous labours of his ardent mind, and to purify for his service a man worthy of a better cause, and destined to be the apostle of benevolence and truth.

The subsequent sufferings of the disciples and the early Christians attested, indeed, the sincerity of their own faith, but shew too forcibly the intolerance of the rest of mankind. The very evidence of our religion, in one point of view, is thus measured by the measure of human intolerance, and might serve, if any thing could serve, as an eternal warning to those who presume to offer violence to the religious opinions of their fellow creatures.

When the younger Pliny was governor of Bithynia, the Christians were brought before him as men who would not conform to the rites and ceremonies of the national worship. Two remarkable letters passed between him and the good Trajan on the subject; letters well known to those who have considered the evidences of their religion, and which exhibit a very valuable picture of the first suggestions of the human mind in concerns of this particular nature. The result, however, was, that Pliny ordered the Christians to be led out to execution; he had no objection, nor had the Romans, to

their worship of Christ; but when the Christians refused to pay homage, in like manner, to the gods of Rome, this sort of perverseness, says Pliny, was evidently a crime, and deserving of condign punishment; that is, when the religious opinions of the Christian appeared to be in direct opposition to his own, these opinions were to be put down by force.

The ancients have been sometimes represented as tolerant, but this is lightly said; they were never put to any trial of the kind; from the nature of their polytheism they never could be. Had Pliny been questioned at the time by a man more enlightened than himself, he would no doubt have made the answer which others, with less excuse than Pliny, have but too frequently offered, that it was one thing to allow the Christians to sacrifice to Christ, and another thing to allow them to contradict the religion of the state; that he was ready to permit them to worship the Deity according to their own notions, but that it was impossible to suffer them to destroy the faith of others; and that he could see a clear distinction between toleration in religion, and indifference to true religion.

The necessity of free inquiry, as a means of attaining to truth; the equal eye with which the great Creator, it must be presumed, will survey the sincere though varying efforts of his creatures in pursuit of it; the injustice of doing to the Christians what he, as a Christian, would think unreasonable and cruel; topics of this obvious nature would have been offered to the consideration of Pliny, probably with the same ill success which has accompanied them on every occasion, when the rights of religion and humanity have been pleaded.

Can two contradictory opinions, says the pious man, be equally true? May they not, it may be answered, may they not be equally accepted by the Almighty Father, if offered to him with equal sincerity and humility of spirit, and after the same petitions for his grace and assistance? But at all events it is not for human beings to attempt to propagate truth by force.

From the time of Pliny to the establishment of Christianity under Constantine, from Constantine to the establishment of the papal power, from that fatal event to the destruction of Constantinople, the Christian world was rent into divisions,

each in its turn persecuting the other. The student may see in the pages of Gibbon the disgraceful and often bloody hostilities of contending sects; and he will much more easily comprehend the guilt of the rival disputants than the subjects of their unchristian animosity.

I do not detain you with any allusions to particular passages in Gibbon, in Mosheim, or in any other ecclesiastic historian. You will read them yourselves; and this is one of the many occasions that will occur in the delivery of these lectures, where I am obliged to despatch in a single sentence a mass of reading that may afterwards very properly occupy you for many days and weeks. It is sufficient for me, at present, that I may safely assume the general fact, that the specimens of the natural intolerance of the human mind to be found in such writers, are perfectly innumerable.

We have hitherto spoken, first, of the intolerance of the Jews to the early Christians; afterwards of the pagans to the followers of Christ; lastly, of the Christians to each other. But as we descend through the history of Europe, we shall next have to observe how lamentable and totally unrelenting has been the persecutions which the Christians have in their turn exercised upon the Jews. To speak literally and without a figure, this unhappy race seems not to have been considered by our ancestors as within the pale of humanity; and our great poet, who drew mankind just as he found them, puts into the mouth of Shylock a train of reasoning that proceeds upon this dreadful supposition:—"Has not a Jew eyes? has not a Jew hands," &c. &c. "Fed with the same food, warmed and cooled by the same winter and summer, as a Christian is?"

As we descend to times a little later, we at length perceive even a regular tribunal created for the avowed purposes of persecution, the tribunal of the Inquisition.

And who, let us ask, was among its earliest approvers? Louis IX. of France, the most generous and just of men.

And here I pause; it cannot be necessary that I should proceed any further.

Calling, therefore, to mind what we have passed through in this brief review, and what we before endeavoured to show, I may now finally observe, that such appears to me, in the

first place, the explanation and the theory of the natural intolerance of every human mind on every subject, and more particularly on religious subjects; and such, in the second place, the leading facts of history to exemplify this last intolerance on religious subjects, prior to the time of the Reformation.

At that epoch, therefore, mankind had very fully exhibited their real nature; and it was very evident, if differences in religious opinions were to arise, how afflicting would be the consequences.

But it must have been clear, in the next place, that such differences *must* arise; for the spirit of religious inquiry was to be called into action: and upon what was it to be exercised? Upon the Scriptures themselves, and upon the works of the fathers: writings composed in what to the inquirers were dead languages.

Now, whenever the human mind exercises its powers with freedom, different men will take different views of the same subject; they will draw different conclusions, even where the materials presented to their judgment are the same. Not only this, but in points of religious doctrine, from the very awfulness of the subject, the mind scarcely presumes to exercise its faculties; and in *these* disquisitions men have no longer the chance (whatever it may be) which they have on *other* subjects, of arguing themselves into agreement. Again, the evidence which the reformers had to produce to each other for their respective opinions, was their respective interpretation of one or many different texts of Scripture, of one or many different passages in the writings of the fathers.

Now, of all such evidence it must be observed, that it never, from the very nature of it, could be demonstrative. In mathematical questions, where the relations of quantity are alone concerned, a dispute can be completely terminated; because from wrong premises or false reasoning, a contradiction can be at last shown to result; some impossibility appears; the greater is equal to the less, or the less to the greater.

The same may be said of many parts of the sciences, because a question can here always be asked which admits of a precise answer, and is, at the same time, decisive of the contest—What is the fact?—what says the experiment?

But when a question is to depend on the interpretation of texts and passages in Scripture, the case is totally altered; for of the different meanings that can be affixed, no one can be shown to be (strictly speaking) impossible. They may be shown to be more or less reasonable, but no more: the scale of evidence here is reasonableness; metaphysically speaking, is probability. Men cannot be proved in these, as in mathematical disquisitions, to be to tally right or totally wrong; they cannot be left at once without an argument or without an opponent. A reasoner on such subjects may from inferiority of judgment, or what is called perversity of judgment, or any other cause, adopt that meaning which is the less sound and just of any two that may be proposed to him; but if he does, he can never, by any consequent impossibility, be absolutely compelled to admit the more reasonable opinion of his opponent.

It is very true that this probable evidence is sufficient for men to reason and act upon; but it is not sufficient to preclude the possibility of dispute; and this is all that is here contended for. When the nature of the evidence is this of probability, the varying powers of judgment and the ready passions of mankind have full liberty to interfere; men may be more or less reasonable, as these causes direct. No such interference is possible in discussions that concern matters of experiment and fact, and the relations of quantity.

We have, therefore, no sects or parties in mathematics, but they abound in every other department of human opinion.

We have now therefore, to present to the consideration of the student two observations; they are these; not only, in the first place, that the human mind was naturally intolerant; but that, in the second place, the evidence that could be laid before it never, from the nature of it, could be demonstrative; and that, therefore, this intolerance had full opportunity to act.

But there is yet another observation to be made.

It was not only that disputes could not be necessarily terminated even when exercised upon the great and proper topics of debate, but it was clear, both from the nature of the human mind and from the testimony of history, that men, when

awakened to the consideration of religious subjects, would assuredly engage in the most subtle metaphysical inquiries, and, by their vain efforts to know and to teach more than the Scriptures had taught them (or than, it may be presumed, the Almighty Creator intended their faculties to comprehend), would involve themselves and their followers in disputes, which it would be more than ever impossible to set at rest by reasoning, and which, on that very account, would be only the more calculated to exasperate their passions.

In addition to these considerations, there is another; we must reflect on the situation of the world at this particular epoch.

Europe had no doubt improved during several of the preceding centuries, and was even rapidly improving at the time. But it must still be noted, that literature had made as yet little progress, science still less; men had not been softened by the fine arts, and the peaceful pleasures which they afford; they had not been humanized by much intercourse with each other; martial prowess was their virtue; superstitious observances their religion. In this situation, they were on a sudden to have their passions roused, and their intellectual talents exercised upon subjects which require to their adjustment all the virtues and all the improvement of which the human character is capable.

On these accounts the prospect for mankind on the opening of the Reformation was very awful; it was evident much misery must result from the natural intolerance of the mind, from the materials with which that intolerance was now to be supplied, and from the general ignorance and rudeness of society.

But there was yet another consideration to be taken into account.

We have hitherto endeavoured to estimate the evils to which the breaking out of the Reformation would give occasion, by stating its more natural and appropriate effects upon the human mind; but the religious principle which was thus to be awakened was sure to intermingle itself in all *earthly* concerns; it was sure to give names to parties, to multiply afresh the causes of irritation and offence, and to add new restlessness and motion to the politics of the world.

Again, there was even an inherent and inevitable difficulty in the subject, by whatever unexpected influence of moderation and reason mankind had chosen to be controlled. The Roman hierarchy were the spiritual instructors of the people, and as such had ecclesiastical revenues. But it was evident, that if there arose a set of men who disputed the doctrines of that hierarchy, these last would no longer think it reasonable that such revenues should be so applied; they would represent them as devoted only to the unrighteous purposes of superstition and error; they would insist upon at least a share, if not the whole, for the support of themselves, while engaged in the propagation of truth and genuine Christianity. The established teachers would, therefore, be disturbed in their possessions, deprived of their benefices, some perhaps thrown naked and defenceless into the world at advanced periods of age and infirmity. Such mutations of property, it was but too clear, could neither be attempted nor executed without violence: and violence so exercised, could not but be attended by the most furious animosities, disturbance, and calamity.

Again, when these revenues had been converted to the support of the first reformed preachers, these were likely to be in their turn opposed by new and succeeding descriptions of religious inquirers; the same reasoning would, therefore, again be urged, the same struggle be repeated, the same force be employed. On the whole, therefore, statesmen, and princes, and warriors were sure from the first, to be engaged in all these disputes, and to kindle in the general flame; and the controversies of religion were sure to be decided, like the ordinary contests of mankind, by the sword—by the sword, indeed, but amid a conflict of passions rendered more than ever blind and sanguinary from the materials which were now added of more than human obstinacy, intrepidity, and rancour.

Such were the evils that were to be expected at the breaking out of the Reformation, from the intolerance of men, from the nature of the evidence that could be produced to them in their new subjects of dispute, from the particular metaphysical turn which these disputes would probably take, from the unimproved state of society in Europe, from the intermixture of



the earthly politics of the world with religious concerns, and from the inevitable and difficult question of the disposal of the ecclesiastical revenues.

But what was then the benefit that mankind was likely to receive which might compensate for the evils to which they were to be thus exposed? The benefit that it was probable would result was above all price; it was this: that they who disputed the doctrines of the Romish church, however they might for a time appeal to the pope or general councils, must at length appeal to the Bible itself; that the sacred text would be therefore examined, criticised, and understood; that however violent or unjust the force which the hierarchy or the civil magistrate might attempt to exercise, still, as the human mind was capable of the steadiest resistance, when animated by the cause of truth; as men were equal to the contempt of imprisonment, tortures, or death, for the sake of their religious opinions; as history had borne sufficient testimony to the exalted constancy of our nature in these respects; —*that therefore*, the reformers must in all probability *succeed* in establishing a purer faith, and must at all events contribute to improve both the doctrines and the conduct of their opponents; that from the general fermentation which would ensue, it could not *but* happen that the *Bible would be opened*; that doctrines would no longer be taken upon authority; that religion would no longer consist so much in vain ceremonies and passive ignorance; that devotion would become a reasonable sacrifice; and that the gospel would, in fact, be a second time promulgated to an erring and sinful world.

Now, what further benefit might attend this emancipation of the human mind from its spiritual thralldom, it might have been difficult at the time properly to estimate. But this new gift of Christianity to mankind was a blessing in itself sufficient to outweigh all temporal calamities, of whatever extent. To be the humble instruments, under Divine Providence, of imparting such a benefit to the world, was the virtuous ambition, the pious hope, of the early reformers. It was this, that gave such activity to their exertions, such inflexibility to their fortitude. This sacred ardour, this holy energy in the cause of religious truth, is the remaining principle which, in

conjunction with those I have mentioned, will be found to have actuated mankind during the ages we are now to consider. As the principles before mentioned gave occasion to all that was dark and afflicting in the scene, so did the principle *now* mentioned give occasion to all that was bright, and cheering, and elevating to the soul; united, they may serve, when followed up through their remote as well as immediate effects, to explain, as I conceive, the events of the Reformation, and for some ages all the more important part of the history of Europe.



## LECTURE X.

### REFORMATION.

**I** ENDEAVOURED in my last lecture to describe the evils to which mankind would probably be exposed by any attempts to produce the reformation of religion, and the benefits by which such evils were likely to be overbalanced.

I must now consider how far, in point of fact, such evils and such benefits were really experienced.

And here it is necessary for me to remind you of one of the difficulties which I announced to you in my introductory lecture, as more particularly belonging to all lectures on history; the impossibility that a lecturer must find of presenting to his hearer all that has passed in review before his own mind, and the blank that must therefore be left, till the subsequent diligence of the student has furnished him with the same materials of judgment which the lecturer had before him. Thus, in the present instance, the opinions which were presented to your reflection, in the lecture of yesterday, were suggested by a vast assemblage of facts, an assemblage which in reality constitutes the history of the Reformation. How, then, are these to be presented to you? The history cannot be given here, nor any part of it: a few allusions and references are all the expedients I can have recourse to. These will at present convey to your minds little that can operate upon them in the way of evidence, but you must consider them as specimens of evidence; you must recollect that nothing more can be now attempted, and you must be contented with expecting to find, as you certainly will find hereafter, when you come to read the history for yourselves, that the general import of the facts has not been misrepresented, and that the theories I have proposed might have been very amply illustrated, if the proper incidents and transactions could have been conveniently exhibited to your consideration.

Thus, first, with respect to the effects which I conceived could not but result from the natural intolerance of the human mind.

Of this the proof will hereafter appear to you but too complete. It will be even visible to a considerable degree in the lectures which I shall have next to deliver, on the religious wars; the wars that accompanied and followed the progress of the Reformation. But in the meantime, I can only refer you to the testimony of the historians who remark upon this particular point, while writing under the immediate impression of all the transactions which they have had occasion to relate.

I shall produce, as one of the most unobjectionable that can be mentioned, the judgment that has been delivered by Robertson.

“The Roman Catholics,” says Robertson, “as their system rested on the decisions of an infallible judge, never doubted that truth was on their side, and openly called on the civil power to repel the impious and heretical innovators, who had risen up against it. The Protestants, no less confident that their doctrine was well founded, required, with equal ardour, the princes of their party to check such as presumed to impugn or to oppose it. Luther, Calvin, Cranmer, Knox, the founders of the reformed churches in their respective countries, inflicted, as far as they had power and opportunity, the same punishments, which were denounced against their own disciples by the church of Rome, upon such as called in question any article of their creed. To their followers, and perhaps their opponents, it would have appeared a symptom of diffidence in the goodness of their cause, or an acknowledgment that it was not well founded, if they had not employed in its defence all those means which it was supposed truth had a right to employ.”

This passage from Robertson I conceive to be, in the main, just, though I think Luther might have been favourably distinguished from Calvin and others. There are passages in his writings, with regard to the interference of the magistrate in religious concerns, that do him honour; but he was favourably situated, and lived not to see the temporal sword at his command. He was never tried.

The language of other historians is similar to that of Robert-

son, but in general more strong. I need not detain my hearers with detailing to them those passages in their account which must necessarily be met with in the course of any regular perusal of their narratives.

I shall, however, enumerate a few instances taken from different periods and different countries.

One of the most early and noted of the reformers was Huss. He was burnt to death by the Nominalists at the council of Constance. But it must be observed, that when he had been himself "dressed in a little brief authority," he had persecuted the Nominalists to the utmost of his power, because he was himself a Realist. These terms are known to those who have engaged in metaphysical inquiries, and to those only; and if explained, would shew, what need not be shewn, that intolerance is never at a loss for materials.

By the execution of Huss and Jerome of Prague, the heroic Ziska had been driven into such paroxysms of indignation and gloom, that he was at last observed by Winceslaus, and encouraged to excite his countrymen to resist and punish these unprincipled persecutors and destroyers of their fellow-creatures.

But a few years afterwards we find from Mosheim that he himself fell upon the Beghards, a miserable sect of fanatics, putting some to the sword, and condemning the rest to the flames, because he gave full credit, probably without any proper examination, to the charges that had been brought against them of some immoral practices.

Yet must Ziska be considered as a hero, in the best sense of the word, and memorable in history for virtue, as well as talents and intrepidity.

Calvin, too, must be thought a man of religion and goodness, according to his own melancholy notions of religion and goodness; yet could this celebrated reformer, as is well known, cause Servetus to be condemned to death for heresy; and because the unhappy man had reiterated his shrieks, when condemned, at the very idea of the fire, in which he was to perish, Calvin could find, when writing in the retirement of his closet, a subject not only for his comment, but his censure and even his ridicule (at least his contempt), in these afflicting agonies of affrighted nature.

Francis I., who united all the softer virtues at least, to all the honourable and gallant feelings of a gentleman and a soldier, could however declare, in a public assembly (I quote the words of the historian), “that if one of his hands was infected with heresy, he would cut it off with the other, and would not spare even his own children, if found guilty of that crime;” and immediately after, six of his subjects, who had libelled the Roman church were publicly burnt, with circumstances, says the historian, of the most shocking barbarity attending their execution.

Francis, it will be said, was no religionist; yet he lived upon the applause of men generous and intrepid like himself; he prided himself upon his sincerity, and what he said must have been the genuine effusion of his own mind, and equally the echo of the general sentiment.

Men like these may be thought warm and impetuous in their nature; but what are we to say of our own Sir Thomas More? What man so amiable in his manners, so invincible in his integrity, so gentle, so accomplished?

Yet does this man take his place among the persecutors who disgrace the pages of history. In Fox’s Book of Martyrs he leads up the ranks, where Bonner and other dreadful men are afterwards so distinguished.

“As soon as More came into favour,” says Burnet in his History of the Reformation, “he pressed the king much to put the laws against heretics into execution, and suggested that the court of Rome would be more wrought upon, by the king’s supporting the church and defending the faith vigorously, than by threatenings.”

The most eminent person who suffered about this time was Thomas Bilney. “More,” says Burnet, “not being satisfied to have sent the writ for his burning, studied also to defame him.”

In December one John Tewksbury was taken and tried in Sir Thomas More’s house, where sentence was given against him by Stokesley, the chancellor’s assistant in this work of blood, and he was burnt in Smithfield.

“James Bainham, a gentleman of the Temple, was carried,” says Burnet (I quote his words), “to the Lord Chancellor’s house, where much pains were taken to persuade him to

discover such as he knew in the Temple who favoured the new opinions; but fair means not prevailing, More made him be whipt in his own presence, and after that sent him to the Tower, where he looked on and saw him put to the rack; at last he was burnt in Smithfield." "There were also some others burnt," says Burnet, "a little before this time, of whom a particular account could not be recovered by Fox, with all his industry. But with Bainham, More's persecutions ended, for soon after he laid down the great seal, which set the poor preachers at ease." Such are the words of Burnet.

The lectures that you are now listening to, on the Reformation, were drawn up by me more than twenty years ago. Lately there has been published a Life of Sir Thomas More by Sir James Mackintosh; it is very consoling to think that Sir James has been able to rescue the fame of More from any charge of positive cruelty, and even from materially forgetting the sentiments of mercy and justice, which nature and reflection had implanted in his bosom. More says positively, in his Apology, "of all that ever came in my hand for heresy, as help me God, never had any of them any stripe or stroke given them, so much as a fillip on the forehead;" and again, "that he never did examine any with torments." The date of the work in which More denies the charge was 1533, "after he had given over the office of Lord Chancellor," and was in daily expectation of being committed to the Tower. The book is entitled the Apology of Sir Thomas More. Defenceless and obnoxious as he was, no one disputed its truth. Fox was the first who, thirty years afterwards, ventured to oppose it in statements which we know to be in some respects inaccurate. His charges are copied by Burnet, and with considerable hesitation by Strype. Burnet could never have seen Sir Thomas More's Apology. As More died to maintain his veracity, his assertion must be believed.

Of all the reformers the most exemplary for the mildness of his temperament was Melancthon; yet Melancthon could approve and justify the conduct of Calvin in his atrocious punishment of Servetus.

What man, all his difficulties considered, more estimable, at least what man less fitted by nature for intolerance, than

Cranmer? yet when Joan of Kent had pronounced some opinion, which was judged heretical, concerning the mystery of the Incarnation, she was by the sentence of a commission, where Cranmer presided, adjudged a heretic, and “delivered over, as it was called to the secular power;” that is, sent to be murdered at the stake by fire.

The youth of the king, Edward VI., had not as yet admitted of a sufficient progress in the doctrines of intolerance. He could not be prevailed on to sign the warrant. “He thought it,” says the historian, “a piece of cruelty too like that which they had condemned in Papists, to burn any for their consciences.” Cranmer was employed to reason away, if possible, the sentiments of mercy and justice. He argued and refined, and produced his authorities; “but his reasons,” says Burnet, “did rather silence than satisfy the young king, who still thought it a hard thing (as in truth it was) to proceed so severely in such cases; so he set his hand to the warrant with tears in his eyes, saying to Cranmer that if he did wrong, since it was in submission to his authority, he should answer for it to God.” The archbishop paused: he might well pause. Some effect had been produced by the humane terror and artless sensibility of his youthful sovereign, and the horror of the scene that was to ensue had been presented to the imagination at least, if not to the understanding of Cranmer. The sentence was delayed, was suspended for a year; but was at last executed.

It is surely remarkable that under such favourable circumstances the principles of toleration seem never to have occurred either to Cranmer or to Ridley. They sent for the unfortunate woman immediately after the conference with the king, not to dismiss her with their advice, but to persuade her to recant; to save her, if possible, from being the proper object, as they conceived, of their punishment. Their humanity and good sense, for they possessed both, could see no further into this subject; and as the woman was not less attached to what she thought the truth, than they were themselves, it is probable that they conceived there was no alternative but to put her to death.

Two years after, one George Vanpore, being accused for some heretical opinion concerning another of the mysteries,



was condemned in the same manner, and burnt in Smithfield.

The Papists observed, says the historian, that the Reformers were only against burning when they were in fear of it themselves. Cranmer was said by them to have consented both to the death of Lambert and Anne Askew. These instances were appealed to in Queen Mary's time to justify a retaliation of persecution; to justify a repetition of proceedings that are as degrading for their stupidity as they are horrible for their cruelty. It is even contended, though unnecessarily, that Edward VI. was himself thinking only of the eternal happiness of the unhappy woman who was to be burnt, which he thought would be endangered if she died a heretic; and that he was not thinking of her earthly sufferings. But if so, if even his gentle and youthful nature could be insensible to the claims of humanity in its practical application to this life, how much stronger is the general reasoning now insisted upon.

Now, to forget for a moment all the pages of ecclesiastical history; to mention neither the persecution of the Christians by the Heathens, nor of the Christians by each other; not to anticipate what remains yet to be told of Philip II. and Catherine de Medicis, or of minor instances of persecution, such as the deprivation of benefices, and the imprisonment and exile of each sect in its turn, let the student pause and meditate on the nature of such men as have been mentioned. Pliny, Louis IX. (before the Reformation), Melancthon and Cranmer, and Ridley (after the Reformation). If there be any characters in history that in every other respect but this of intolerance are the ornaments of their nature, they are these. If these are not favourable specimens of mankind, none can be found: vigorous in their understandings, cultivated in their minds, gentle in their nature, conversant with the world and its business, refined and pure and perfect, as far as in this sublunary state perfection can be found. These are certainly most awful lessons.

I cannot enter into any discussion of the different degrees of intolerance which different sects have exhibited. It is possible, it might be naturally expected, that the Protestant would be less deeply criminal than the Roman Catholic, or rather the Papist; but I cannot now stay to appreciate this

relative criminality, or point out its causes. I speak of the guilt of all, of mankind, of human nature, of the inherent intolerance of the human heart, be the bosom in which it beats, of whatever character or description, Pagan or Christian, Protestant or Roman Catholic.

Much improvement has no doubt taken place in society on this momentous subject; much, since the first breaking out of the Reformation.

As in the solitude of the Prophet Elijah, the Lord passed by, and a great and strong wind rent the mountains, but he was not in the wind; and after the wind an earthquake, but the Lord was not in the earthquake; and after the earthquake a fire, but the Lord was not in the fire; and after the fire a still small voice, and the Lord was in that voice: so, in the solitude of the human mind, from the moment that the spirit of religious inquiry had reached it, and the Lord had passed by, the visitations of intolerance have succeeded, and there has been the dispute of the polemic, and the embattled field of the warrior, and the stake of the persecutor, the wind and the earthquake and the fire, and the Lord was not in these; and at last the mild and benevolent precepts of the gospel, the still small voice, has been slowly heard, and it is perceived that the Lord is in that voice. Blessed be the God of mercy, that thus far an advancement in religion, a new reformation, has been at length accomplished! It is no longer supposed that to persecute is to please God; the rights of conscience are acknowledged at least, and there is here some hope and some victory over the powers of darkness.

The misfortune still is that men honour the doctrines of toleration with their lips, while they seem not aware that their heart is far from them. The principles of intolerance, that is, the principles of their nature, still maintain their hold, though they may be awed and tamed and civilized, and reduced to assume forms less frightful and destructive in these later ages.

Uncharitable insinuations, mutual accusations, mutual contempt and ignorance of the arguments and tenets of each other, these in both the superior and inferior sects, have supplied the place of the virulence and fury of earlier times;

and unnecessary exclusions, penal laws, and civil disabilities, are now the milder representatives of their horrible predecessors, the dungeon and the stake.

These paragraphs were written twenty years ago, and a most important amelioration of the situation of inferior sects has been since accomplished.

I must now recur to the second observation which I proposed to your consideration. It was this, not only that disputes would necessarily arise from the particular constitution of the human mind, but that from the very nature of the evidence on which points of doctrine must necessarily rest, they never could be expected to appear exactly terminated; that this evidence could never, as in mathematical subjects, be demonstrative; that it might be fitted to convince a candid inquirer after truth, but could never bear down the mind and insuperably extort conviction. The history of the Reformation, like all prior ecclesiastical history, confirms this remark.

No efforts of princes or divines could ever produce an uniformity of religion. The contrariety of opinion even between Luther and Zuinglius, the great Swiss reformer, was found irremediable. In vain were these venerable men (surely, no ordinary inquirers after truth) brought together to accommodate their differences, and accompanied by the most eminent of their followers. "After a conference of four days, their dissensions," says Mosheim, "concerning the manner of Christ's presence in the eucharist still remained, nor could either of the contending parties be persuaded to abandon or even to modify their opinion of the matter."—Mosh. (vol. iv. p. 76.) "The real fact was, that Luther even hazarded (as far as human conduct could hazard) the success of the Reformation itself, because he could not be brought to comprehend within the general confederacy the followers of Zuinglius and Bucer."—(Vol. iv. p. 98). Again,—At the diet of Augsburg, the Reformers exhibited the articles of their faith, to which the Romanists replied. "Various conferences," says Mosheim, "were held between persons of eminence, piety, and learning; nothing was omitted that might have the least tendency to calm the animosity, heal the divisions, and unite the hearts of the contending parties, but all to no purpose, since the differ-

ence," says the historian, "between their opinions was too considerable and of too much importance to admit of a reconciliation."—(Vol. iv. p. 96.)

It is possible that the difference might be considerable and important, as the historian here describes, but the result would have been the same had it been otherwise.

Again,—The Emperor Charles V. published a system, called the Interim, which he fondly imagined, as being a medium between the two parties, might be acceded to by both.

The pope was surprised that a man who knew the world like Charles, should indulge for a moment so vain a delusion; and observed, that it was unnecessary to disturb himself about the success of a project, which, not belonging to any party, would be neglected by all, and soon forgotten: and such indeed was the event.

Again,—“At a conference at Worms, between persons of learning and piety, Eccius and the excellent Melancthon (vol. iv. p. 107) disputed during the space of three days; but this conference,” says Mosheim, “produced no other effect than a reference to a general council.”

The student, as he peruses the volumes of Mosheim on the progress of the Reformation through different countries, will see instances like these, only multiplied as he proceeds; and it will be natural for him to conclude that a fate not very dissimilar will attend the efforts of learned men, whenever they are employed, not in contending, as were the *first* reformers, for the opening of the Bible and the freedom of religious opinion, but for the particular doctrines by which their sects and churches are distinguished. An unprejudiced inquirer may be convinced by their reasonings, but their reasonings will be lost upon each other. The celebrated History of the Council of Trent, by Father Paul, may be referred to; the book is now chiefly valuable on this very account. Let the student open it wherever he chooses, let him consider the nature of such subjects, and the nature of the human mind; the abstruseness of the one, and the manner in which the operations of the other are always prompted, or at least modified by the influence of the feelings; and he will then no longer, like the vulgar, stand amazed to see that the learned and the wise can dispute so much and decide so little.

My third observation was, that it might be expected that the disputes of mankind would immediately involve them in the most inextricable labyrinths of metaphysical subtlety, and that most serious evils must inevitably be the consequence.

Before the time of the Reformation, the religious animosities of mankind had always turned on speculative points of doctrine ; they did so afterwards.

The first reformers had scarcely attacked with success such doctrines and corruptions of the church of Rome as were more or less destructive of morality and real religion, but they plunged into discussions of the most mysterious and impenetrable nature. This will be but too obvious to those who read even the history of the Reformation ; it will be only the more obvious to those who make themselves acquainted with the theological writings of the reformers.

The celebrated book written by Father Paul, the History of the Council of Trent, may be again referred to ; it may serve as a general specimen of this part of the subject. It may not be possible to read the whole of it, but of the eight books which constitute the work, the second more particularly, and the latter part of the eighth, should at least be read. Observation should be made on the nature of those Protestant tenets, which were drawn out for examination, or rather for condemnation by the Roman Catholic Fathers. Their abstruse nature will be very apparent, and the reader cannot but be reminded of the controversial discussions that he has before seen in Ecclesiastical history.

The tendency, therefore, of theological inquiries and disquisitions, to run into the speculations of metaphysical divinity, is thus visible, both before and after the Reformation, and may now be considered as quite a characteristic of the human mind.

I observed, too, that disputes of this nature were not the more likely, on account of their real difficulty, to be treated with calmness and pronounced upon with hesitation ; but that the contrary would be the event ; and that these very points of difficulty were those for which men would contend with the greater fury, and on which they would decide with the more ready dogmatism.

Now, on looking at the history of the Reformation, abundant evidence will be found to substantiate this assertion.

By whatever mysterious abstractions, by whatever controversial subtleties, by whatever unaccountable observances and ceremonies the faith of any sect was distinguished, followers were never wanting to glory in those particular characteristics of discipline or doctrine; for the sake of them to submit to any privations, to march to battle, to languish in imprisonment, or to expire in the flames.

The great orator of Rome was compelled to sigh over the inanity of all human contentions. Something of a similar sentiment may, perhaps, pass across the mind, when we survey the volumes of the Council of Trent; the monument of the unavailing warfare of the learning and ability of the times; but we may sigh more deeply when we consider, that among the thousands and the ten thousands, that suffered persecution and death, most of them were guilty only of some supposed error in speculative doctrine; of taking the literal, or figurative sense, of some passages in Scripture; of interpreting a text in a manner different from its accepted sense; or of drawing, from a comparison of several texts, a different conclusion from that which they were understood to warrant. The real presence in the Eucharist, for instance, was the great point on which the lives of men depended. The student should, by all means, turn to Fox's Book of Martyrs; let him look at the doctrines for the affirmation or denial of which men, and even women, were thrown into the flames; particularly let him look at the disputation held before Henry VIII. ? and again by Cranmer, Latimer, and Ridley, at Oxford: he will see, and if he is inexperienced in such subjects, he will see with astonishment, the preposterous manner in which logic and metaphysics were made the ceremonies that preceded the execution and agonies of these eminent martyrs. Let him consider, again, what were the reasons for which Cranmer himself had before tied his victims to the stake.

I do not detail the points upon which the prelate disputed, or the *reasons* for which he put an unhappy woman, and an inoffensive foreigner to death. They are to be found, the first in Fox, the second in Burnet. I cannot detail to you particulars of this nature.

Indeed, one of the difficulties I encounter at this moment,

and in many other parts of this lecture, is the impropriety of quoting, in any manner, however concise, any portion of the records, or books, to which I allude. The reason is this:— In the course of such transactions, as I have to mention, the most mysterious terms of our religion were brought forward, examined, analyzed, and made the subjects of the most subtle and perplexing disquisitions and disputes. This was, indeed, the very manner in which the piety of our ancestors unfortunately displayed itself during these singular ages. A due sense of religion with *us*, takes a different, and surely a more reasonable direction; and the awful *reserve* which it prescribes, in every public allusion to such sacred subjects, and to the mysteries of our faith, the Incarnation for instance, it can be no wish of mine, even for a moment, or however innocently, to violate or offend. But to return. Men, it will be said, are not now tormented, or deprived of life, for metaphysical distinctions in divinity. It may be so: we shall, however, do well to note, as I have before observed, what the nature of the human mind really is. Thus much may be certainly affirmed, that there never was, and there never will be, a time when the multitude will not suppose that all these questions are perfectly intelligible. The real and matured scholar, indeed, may hesitate, while he assents to particular points, but the multitude have no difficulties: the mazes which look intricate and dark to the man of sense and learning, are to them without a thorn, and even arrayed in all the sunshine of heaven.

Such was, indeed, the spectacle sometimes displayed during the progress, and long after and before the Reformation. Erasmus might distinguish and refine, the excellent Chillingworth might debate and decide, decide and debate again, and lose and disquiet himself in the shifting and uncertain shadows of his learning. St. Augustin might confess with what labour, with what sighs, the truth could be at last elicited. No such unintelligible embarrassments disquieted the vulgar, or men who were like the vulgar; to be dogmatic it was only necessary *then*, as it is *now*, to be sufficiently ignorant or unfeeling; and Europe every where exhibited a proof, which will on every occasion be repeated, that the mass of mankind, though they understand not the controversies of theologians, can easily be inflamed about them, can

readily seize upon badges of distinction, and invent terms of reproach for the purposes of mutual hostility; find no difficulty in associating with their own vindictive passions, the cause of the Most High; and in this frightful state of presumption and blindness, stand prepared for any outrage that can be proposed to them, and bid defiance alike to every expostulation of reason, and precept of religion.

It is on these accounts that the statesmen of the world are always so justly alarmed, when they foresee the interference of the religious principle in the concerns, over which they preside; and the true Christian is more than ever compelled to examine the religious spirit, and the practical precepts of any denomination of Christians, by the great criterion, of their consistence with morality; and if he once discerns that this spirit, and these precepts, oppose themselves to our moral feelings, to that great religion which the Almighty has, from the first, written upon the hearts of all men, that great original code of mercy and justice, to which our Saviour himself so constantly appeals in his parables and discourses; if he once discovers that there are any speculative, or practical conclusions, which clash with these great laws of the Moral Governor of the world, such conclusions will need with him no further refutation: he will be at no loss to determine from their very nature, that they must be derived from some misapprehension, or some exaggeration, or some exclusive consideration of particular passages in Scripture, and that, assuredly, they are not sanctioned by the authority of revelation.

I have in my lecture of yesterday, next observed, that great evils were to be expected from the mixture that would necessarily take place, of the politics of the world with the more spiritual concerns of the religious principle; and more particularly, that the question of the ecclesiastical patronage could not fail to produce the most afflicting animosities, and irremediable confusion.

These observations will be found but too well illustrated by those parts of the history of Europe, which we are next to advert to. To prove the truth of them, would be to relate the transactions which you are now immediately to read. The civil and religious wars in France, the wars in Germany,



down to the peace of Westphalia, the wars in the Low Countries, and even in our own island; everywhere you will see the ordinary motives of contest and ambition, acting and reacted upon, by the religious principle, and all the more theoretical causes for contention and rage, continually exasperated and perpetuated by the more practical considerations of the disposal of the ecclesiastical revenues.

I need not further insist on this point; the history will show you, what you may already easily conceive.

I am now arrived at the last of the observations which I proposed to your consideration—That to compensate for these evils, particular benefits might probably result to mankind from the rise and progress of the Reformation.

On recurring to the history, and to the facts, these benefits will be found such as might have been expected; such as have been already described as likely to ensue. The Bible was opened; those particular pretensions and doctrines of the Roman Catholic Church, which were so destructive of the morality and religion of mankind, were successfully combated; the chain of authority was broken, and the appeal was transferred, from popes and general councils, to the Scriptures themselves.

Such were the immediate, the invaluable blessings that resulted. But a distinction is now to be made between those good effects that more immediately, and those that more *remotely* followed the Reformation; between those that Luther and the first reformers *meant* to produce, and *saw* produced, and those which they did not see, and might not perhaps mean to produce.

Now the first we have already mentioned—the opening of the Bible—the establishment of a purer faith. We must therefore next advert to the latter. The first reformers, while they were struggling to deliver themselves and mankind from the authority of the church of Rome, asserted the right of private judgment.

When this emancipation from the authority of the pope was once effected, it was natural for them to lay down, in their turn, what they believed to be the doctrines of religious truth. It was natural for them to conceive, that those who opposed their new creeds, so evidently deduced as they

thought, from the sacred Scriptures, misused, and dangerously misused, that right of private judgment which had thus been procured. It was natural for them to call for the interposition of legislative authority, for the assistance of the secular arm, and to endeavour to become, in their turn, a new church of Rome ; though certainly very distinguishable in religious doctrine, and in moral practice.

But when the right of private judgment had been, by the reformers, once happily exerted, it was in vain to prescribe limits to its activity. A spirit of inquiry had arisen, and who was to stay its progress ? Who was to define the boundaries within which the human heart was to hope and fear—within which the human understanding was to doubt and discover ? The earthly means by which this second emancipation of the human mind was effected, this second emancipation which the first reformers did not mean to produce, are sufficiently evident. They were found in the revival of learning and the invention of printing : these secured the victory that had been obtained over the Roman see. The reformers had every where encouraged the study of the Greek language, and the meaning of the texts of the New Testament was thus brought within the comprehension of the more intelligent part of society. Men of education (though laymen) could no longer distinguish between themselves and their spiritual teachers. With the same longings after immortality, the same terrors of the future, the same revelation proposed to them, and the means of interpreting its doctrines and its precepts now common to both, no further distinction remained between them—between the laymen and the priest—none but that of superiority of learning in the clerical character, or greater purity of manners ; no further spiritual influence but such as did and ought to belong to more regular and extensive erudition, and more settled and anxious piety.

The action and reaction of this freedom of private judgment has been productive of the most salutary consequences both to the clergy and the laity. The two characters have been more assimilated to each other, materially to the benefit of both. This is that silent and still more important reformation which slowly succeeded to the more visible, and to the important reformation in the days of Luther, of Calvin, and of

Cranmer; and it is not the less real because it may or may not stand acknowledged in the creeds or legislative acts of the different churches or states of Christendom.

But the same freedom of the mind which had been successfully asserted by the reformers in religious subjects, extended itself afterwards to every department of human inquiry. The nature and different provinces of civil and ecclesiastical power were examined and ascertained; and the temporal as well as spiritual concerns of mankind were delivered from their long and injurious bondage.

The world of science too was now thrown open, and men had no longer to be checked in their curiosity or debarred the exercise of their natural faculties, while investigating the laws of nature, by the terrors of the Inquisition or the disapprobation of their temporal and spiritual rulers. The same right of private judgment came at length to be exercised on the more abstruse subjects of speculative inquiry, on the original principles of metaphysics and morals. Even the evidences of religion itself became subjects of discussion, and they who had not the means of investigating truth themselves, the illiterate and the busy, might be consoled by perceiving that such means were amply in the possession of others, and that belief in authority might now be reasonable, when no authority was evidently acknowledged but the authority of truth.

Lastly, it must be observed, that although the religious principle mingled itself most unhappily with the temporal politics of Europe, its interference was in some respects productive of the most permanent and beneficial effects. The reformers, through all their different varieties of opinion, were necessarily (till they became themselves the established sect) the friends of religious liberty. But with the rights of religious liberty, the rights of civil liberty were naturally connected; the cause, therefore, of civil freedom was always the cause of the reformers; a cause most dear to them while they were the inferior sect, and more congenial to them, whenever they became the superior.

It is not easy to estimate the salutary influence that came thus to operate upon the different constitutions of civil polity in Europe, particularly in our own island. It is not too much to say, that had it not been for this animating spark, the civil

rights of mankind, on the decline of the feudal system, would have expired under the increasing power which the sovereign at that critical period every where obtained.

The Reformation, when considered as it ought to be, in all these points of view, may be reasonably represented as one of the greatest events, or rather as the greatest event, in modern history. To the Reformation we owe, not only the destruction of the temporal and spiritual thralldom of the papacy, the great evil with which Europe had to struggle, but to the Reformation we may be said to owe all the improvements which afterwards took place, not only in religion, but in legislation, in science, and in our knowledge of the faculties and operations of the human mind; in other words, all that can distinguish the most enlightened from the darkest periods of human society.

I must now proceed to mention such books and treatises as may, I think, be sufficient to give proper information with respect to this memorable struggle for the purity of religion and the freedom of the human mind. But I must observe, in the first place, that on the subject of the Reformation, above all others, it is not for me to offer any limits to the ardour of the student or the extent of his inquiries. Endeavouring, however, as usual, to make what I recommend, as practicable as possible, and to mention as few, not as many books, as the subject admits of, I am inclined to propose to the student to read the history of the Reformation, first, in Robertson's Charles V.; next, the history of Charles V. in Cox's Austria; next, that of the Reformation in Mr. Roscoe's Leo X.; and, lastly, the same subject in the fifty-fourth chapter of Gibbon. After these have been considered, I would have him turn to Mosheim, and read the introduction and first four chapters that relate to the Reformation in the fourth volume of our English edition. He may then begin at the second part, and read the history of the Lutheran and Reformed Churches; turning afterwards to the first part to consider, more particularly at the close of it, the history of the Romish church.

He will then, I conceive, have a very adequate idea of the causes that led to the first rise of the Reformation, of the events that attended its progress, and of its consequences; nor is the course of reading thus proposed long.

Each of the writers mentioned have their separate and different merits, and you will find the original authors referred to, and all the respectable writers on the subject mentioned, if you choose to weigh the merits of the modern historians I have recommended, or of those who were themselves actors in these memorable scenes.

In the general subject of the Reformation there are three great divisions. The causes which led to it; the events that attended its progress; the consequences which resulted from it. I do not detain you with commenting here upon topics which you will find regularly considered in the writers I have referred to. But the last is the most extensive. Effects have been produced so many and so important upon the morals and the manners, upon the arts, literature, sciences, knowledge, religion, and politics of Europe, that properly to display them, would require a work exclusively appropriated to the subject, and for which no ability or information would be entirely adequate. Some notion of the nature of such a subject may be formed not only from the writings I have mentioned, but more particularly from a work which I may now mention, the Prize Essay of Mr. Villars, on the Spirit and Influence of the Reformation by Luther. The reader will find the author a man of talents, and soon perceive that he is a Frenchman. The essay is written, as might be expected, not in a manner sufficiently composed and modest, but from the midst of those imposing views and sweeping assertions which are so grateful to French authors, when they write exclusively on any particular subject, and which are so justly troublesome and embarrassing to the more natural mind of an English reader, some rational views may be after all selected, and the student will on the whole find his mind, by the perusal of the essay, enlarged and enriched, and far better enabled to form his own judgment than before. Mr. Villars lays down the happy effects of the Reformation on the progress of knowledge and the liberty of thought, in the most unqualified manner, and he may be compared in these points with some of our own English writers, Gibbon and Roscoe, whom I have mentioned, and who think very differently on this particular part of the subject. The great divisions of the essay are, the influence of the Reformation, 1st, on the political situation

of the states of Europe; and 2dly, on the progress of knowledge.

The first will, I think, be found of most value. There is a good life of Luther prefixed, borrowed from Robertson and others, and an appendix which contains a sketch of ecclesiastical history, and which, as a sketch, seems able, and on the whole may not be without its use. The section which treats of Reformations in general is the worst part of the whole, I see in Mr. Hallam's last work that he does not think Villars an original inquirer.

Thus much for the history of the Reformation in general, and here I might close all further disquisition on these objects of our inquiry. But an English student will naturally turn with more peculiar interest to the fortunes of the Reformation in his own country; and I must therefore say a few words before I conclude my lecture on this more particular portion of the general subject.

The student must, in the first place, have been much pleased, when he was considering the causes of the Reformation in Robertson and other writers, to observe the striking merits of his countryman, John Wickliffe. He will find an account of him in Henry's History of England; in Neal's History of the Puritans; in Fox's Book of Martyrs; and in the third volume of Mosheim; where he will see a reference given to a more complete and regular history of his life; lastly in Milner's Church History. Nothing can be more creditable to any man than to anticipate the discoveries of a subsequent age, to be already as enlightened as those who live a century and a half afterwards. Such was the exalted merit of Wickliffe; the reformers seem in no respect to have surpassed, many not to have equalled him. What is still more extraordinary is, that he was allowed to die as peaceably as if he had not been wiser than the rest of the world. The student may now turn to the History of the Reformation, as given by Mr. Hume.

It is always desirable to consider a subject in as simple a form as possible; and on this account I would recommend you to pause at the end of his reign of Elizabeth or James; for the materials afforded for your reflection in the subsequent reigns will remain the same, only exhibited to your view in colours still more striking.

Turning to the account, which now remains in Mr. Hume's work after his last corrections and omissions (for those who wrote against him wrote against passages which you will now not find), I have the following observations to submit to your reflection.

The cause of the reformers in their first struggle with the church of Rome, which I distinguish from their subsequent contests with each other, was the cause of truth, of religion, and of all the best interests of society. Now, the proper and just and natural influence of so sacred a cause on the human mind is not duly observed or properly respected by Mr. Hume, and the student must not suffer himself to be insensibly led into so striking an injustice to such virtuous men, and into so thoughtless an indifference to such sacred principles. It would not be fair to try Mr. Hume by a single sentence which may have been inconsiderately written, but the reader may proceed through all the causes of the progress of the Reformation which are mentioned in this part of his history, and he will see those that are secondary and those that are not creditable to the reformers chiefly and indeed alone insisted upon. It is not that causes are mentioned that did not operate, but that the natural and just efficacy and influence of truth and religious inquiry, when opposed to the gross doctrines and abuses of the papacy, are overlooked. The fault here is considerably analogous to the fault committed by Mr. Gibbon in his fifteenth and sixteenth chapters, with respect to the propagation of Christianity. He produces and dwells upon every cause but the main and the right one; that on which the rest depended.

Again,—Objections that belong to some of the reformers are transferred to all, and made characteristic of the whole cause.

In all questions, civil as well as religious, there is no species of injustice against which the student should be so much on his guard as this. None is so common; good and wise men are continually made to answer for the bad principles and bad conduct of others, with whom they indeed agree, but agree only as to certain points. It is often the ungenerous artifice of their opponents, and always the custom of the vulgar, to confound these distinctions, however real.

Again,—Improper motives are sometimes imputed to the

reformers. Our nature is made up, as it is well known, of various ingredients; our best principles readily associating with, and often assisted by motives not the most dignified. But it is not philosophical, neither is it a part friendly to mankind, to rob our virtues of their due share in those actions which they so *contribute* to produce, if they do not entirely produce. A species of injustice like this, is one of the chief fallacies in the works of Rochefoucault, Mandeville, and the licentious moralists.

Again,—The people are represented by Mr. Hume as passive with respect to religion, and as ready to receive any form or description of it. But the student is not from thence to conclude, as too many have done, that this is an argument against *all* religion. True religion as well as false religion may be taken upon authority. The original question of the truth or falsehood of a religion remains the same.

An argument indeed may be hence adduced for the freedom of religious inquiry, that the people may see that others inquire, though they cannot; but this is the proper conclusion, not an indiscriminate conclusion against all religion whatever.

Lastly, there is through the whole of Mr. Hume's recital a certain air of carelessness with respect to religion, and a readiness to represent all warmth on the subject, even in these very peculiar times, as fanaticism. Mr. Hume's opinions in religion are well known, and all this might have been expected. You will therefore take into your account these particular opinions. Assuredly Mr. Hume, as an historian, should not have taken his own view of the question of religion for granted, and should not have confounded the warmth of men, when opposed to the abuses of religion, with their fury when encountering each other; when contending not for the opening of the Bible, but for some speculative point in divinity, or when persecuting each other on account of some vestment or ceremony, in itself of no importance.

When these cautions have been premised, I am not aware that you can be otherwise than materially instructed by the penetrating remarks of this historian on the effects of the religious principle during these singular times. No man should turn entirely away from the criticisms even of his enemy. The most religious man may be taught lessons by



some of the comments of this powerful writer; and the more blind tenets of the Papists on the one hand, and the more fantastic whims of the Puritans on the other, whenever they appear, may surely be surrendered to his mercy.

Along with Hume, I would recommend Burnet's History of the Reformation; no cautions need be suggested before the perusal of the laborious work of this impartial and liberal churchman, an ornament to his order, and who deserved the name of Christian.

Fox's Book of Martyrs should be looked at. It is indeed in itself a long and dreadful history of the intolerance of the human mind, and at the same time of the astonishing constancy of the human mind; that is, it is at once a monument of its lowest debasement and its highest elevation.

The volumes of Fox are also every where descriptive of the manners and opinions of the different ages through which the author proceeds.

The transactions relating to Anne Askew; the disputations of Lambert before Henry VIII.; of Latimer, Ridley, and Cranmer at Oxford; with the examinations and sufferings of these eminent martyrs, should be thoroughly read, and may serve as specimens of such atrocious, and at first sight, such astonishing scenes.

Fox may be always consulted when the enormities of the Papists are to be sought for.

Those of the Protestants may be collected from Burnet, or rather may be seen in Neal's History of the Puritans, and in Dodd's Church History; and of Dodd you will see an account in Chalmers's Biographia Britannica. He did not put his name to his work.

I have placed in a note book on the table some particulars, which though not necessary for a Roman Catholic audience, may not be without their edification to an audience of Protestants, and of members of the Church of England.

In Dr. Lingard's History we may consider ourselves as now receiving what we have never before had—a statement of the case of the Roman Catholics, by one of their own body, at a proper distance of time from the events.

The account which is given by Dr. Robertson of the Reformation in Scotland must be considered; it is not only valuable

as describing the rise and progress of the Reformation in a part of our own island, but it is enriched by many reasonable observations on the Reformation, and on reformers in general.

Robertson must be compared with Hume; some difference may be observed in their accounts. Hume certainly intended to make the reformers of Scotland odious and ridiculous.

He had great powers of exciting sentiments of this kind on whatever occasion he pleased; and he has certainly succeeded in the instance before us. It is quite necessary, therefore, that a very valuable book, lately published by Dr. M'Crie, should be read. His life of Knox will correct our present notions in many important points. Knox does not seem to have been altogether the ferocious, unfeeling barbarian that we suppose, though he was most vehement, and on the subject of Popery most intolerant. He was, however, much the same in nature and merit with many of the great reformers of England and of the Continent, and had greater influence here as well as in Scotland, and was from the first a more important person than the general reader is aware of.

It is very desirable that along with Mr. Hume's history some work like this of Dr. M'Crie should be well meditated. For the situation of Europe at the breaking out of the Reformation should be known: what Popery was, and what, its tenets and ceremonies; in short, what was the battle—according to a favourite image of Knox—what was the battle which the reformers had to fight; and what was the piety, what the invincible confidence in the cause of truth, with which these first reformers, these great representatives of some of the highest qualities of the human character, were animated; no book will serve this purpose better than this *Life of Knox* by Dr. M'Crie.

Some misrepresentations in Mr. Hume's account are also pointed out, sufficient to show that this historian is not to be trusted when he has to describe the conduct of the professors of religion.

It may be added, that the student will derive from the work a more favourable impression of the Presbyterian communion than he has hitherto in all probability entertained; new impressions of this kind are valuable. Different

sects of Christians should know what are the more appropriate merits as well as faults of each other. They always content themselves with the latter—the faults.

I must mention, before I conclude, the two last volumes of Dean Milner's Ecclesiastical History; they are written, like the principal part of the work by his brother, upon a particular system of doctrine; but with this, as a lecturer of history, I have no concern. The reason for which it is necessary that I should recommend them to your attention is this, that they contain, particularly in the life of Luther, the best account I know, of the more intellectual part of the history of the Reformation; in other words, they contain the progress of the Reformation in Luther's own mind; a very curious subject.

Such were the great talents and qualities of Luther, and such the situation of Europe at the time, that the Reformation in fact passed from the mind of the one into the mind of the other.

I therefore consider these two volumes, particularly in the lives of Wickliffe and Luther, as a most entertaining and valuable accession to our general stock of information, and one that may be considered as accessible to every student.

Dr. Milner appears to me too determined a panegyrist of Luther. This, however, may be forgiven him; not to say that it becomes me to speak with diffidence, when I speak to differ from one, whom I know to have been so able, and whom I conceive to have been so diligent.

Since these lectures were written many valuable and interesting works have appeared; more than I can enumerate—Histories of the Reformation by Mr. Blunt and Mr. Soame; different Lives of Erasmus and Luther; Lives of Wickliffe, Cranmer, and our eminent divines, by Mr. Le Bas, a learned and powerful writer, and many learned treatises connected with the doctrines of our English church; that is, with the Reformation. Among the rest some striking observations on Erasmus and Luther by Mr. Hallam, in the first volume of his intended work on the Literature of Europe.



## NOTES.

### I.

CALVIN, in his letter to the protector Somerset, observes, after describing two sorts of troublesome people, Gospellers and Papists (probably), that both the one and the other ought to have the sword drawn upon them.

“Alii cerebrosi, sub Evangelii nomine; alii in superstitionibus antichristi ita obduraverunt,” &c.

Of these he declares:—

“Merentur quidem tum hi, tum illi, gladio ultore coerceri, quem tibi tradidit Dominus.”—Page 67 of Calvin’s Epistles, Geneva Edit. 1575.

See Collier’s Church History, part ii. b. 4, page 284, edit. 1714.

Bucer, writing to Calvin, says:—

“At quomodo Serveto lænæ hæreseôn et pertinassimo homini parci poterit, non video.”—Vide same edition of Calvin’s Epistles, page 147.

### II.

*Intolerance.* Written in 1810.

It is generally supposed that it was only the bloody Queen Mary and Bishop Bonner who put people to death on account of their religious opinions; that the Protestants were incapable of such enormities.

This is not so, and Protestants should know it. Many were put to death in the time of the brutal Henry VIII. But there were some even in the time of Edward VI., though not for Popery; more than one hundred and sixty of the Roman Catholic communion in the time of Elizabeth; sixteen or seventeen in the time of James I.; and more than twenty by the Presbyterians and Republicans. These are the facts.

Arians and Anabaptists, for instance, were some of them actually burnt. Puritans and sectarians were, some of them, hanged. These seem instances of direct and distinct intolerance.

But with regard to others, sanguinary penal laws were made, and Papists executed under them, on supposed principles of state necessity. It remains, then, to be considered how far this state necessity existed.

Some of the particulars may be noted briefly hereafter, and they may serve to put good men on their guard against the workings of their own nature on all subjects connected with their religious opinions. But in the first place, in page 398 of Fuller’s Church History, the text of King Edward’s Diary is given. “May 2nd, 1550.—Joan Bocher was burnt for holding that Christ

was not incarnate of the Virgin Mary, being condemned the year before," &c. This is the text.

Fuller himself writes a *century afterwards*, and his comment is this:—"An obstinate heretic maintaining, &c. &c. "She, with one or two Arians, were all who (and that justly) died in this king's reign, for their opinions."—"And that justly!" says Fuller.

In Heylin's Church History, pages 88 and 89, may be seen the particulars of this horrible transaction. Cranmer and Ridley were unhappily distinguished in it. The king was averse, and said Cranmer must be answerable to God if he (the king) signed the death warrant.

George Paris was burnt for Arianism on the 24th of April following, 1551.

A further reference may be made to cases, where no plea of state necessity could have been urged. Observe the conduct of Elizabeth and her advisers, or rather of Elizabeth, the daughter of Henry VIII.

In p. 549 of Collier's History, volume ii., an account is given of the Anabaptists taken from Stow; a conventicle had been discovered; twenty-seven seized, four were recovered, and brought to a recantation. "The damnable and detestable heresies" which they recanted were these. 1. That Christ took not flesh of the substance of the blessed Virgin Mary. 2. That infants born of faithful parents ought to be rebaptized. 3. That no Christian man ought to be a magistrate, or bear the sword or office of authority. 4. That it is not lawful for a Christian man to take an oath.

Ten Dutchmen and one woman were brought into the consistory at St. Paul's, and condemned to the stake. The woman was recovered, and the government "was so merciful" as to banish the rest. This clemency giving encouragement, two of the same nation and heterodoxies were burnt in Smithfield. Fox, the martyrologist, wrote a letter to the queen in their behalf, "to mitigate the rigour," "to change the punishment," "to respite the execution for a month or two, that learned men might bring them off their heresy." A reprieve was granted; Fox's expedient tried without success; and they were therefore burnt. The above account is abridged and given in the words of Collier.

In Fuller's Church History, to which he refers, Book IX., page 104, edit. 1655, Fox's letter is given; it does him the highest honour, all circumstances considered; it is temperate, conciliating, humane; in a word, it is Christian. He observes, "Erroribus quidem ipsis nihil possit absurdius esse," &c. "sed ita habet humanæ infirmitatis conditio, si divinâ paululum luce destituti nobis relinquimur, quo non ruimus præcipites?" "Istas sectas idoneâ comprimendas correctione censeo, verum enim vero ignibus ac flammis pice ac sulphure æstuantibus viva miserorum corpora torrefacere, judicii magis cæcitate quam impetu voluntatis errantium, durum istud ac Romani magis exempli esse, quàm evangelicæ consuetudinis videtur," &c. &c. "Quamobrem, &c. supplicium pro Christo rogarem; &c. ut vitæ miserorum parcat, saltem ut horribili obsistatur, atque in aliud quodcunque commutetur supplicii genus; sunt ejectiones, sunt vincula, &c. &c. ne piras ac flammæ Smithfieldianas, &c. &c. sinas recandescere."

The words that follow in Fuller are these (Fuller wrote in the time of the commonwealth, and was a member of the Church of England):—"This letter was written by Mr. John Fox (from whose own hand I transcribed it), very loath that Smithfield, formerly consecrated with martyrs' ashes, should now be profaned with heretics', and desirous that the Papists might enjoy their own monopoly of cruelty in burning condemned persons. But though Queen Elizabeth constantly called him her father Fox, yet herein was she no dutiful daughter, giving him a flat denial. Indeed *damnable* were their *impieties*, and she *necessitated* to this severity, who having formerly punished some traitors, if now sparing these blasphemers, the world would condemn her, as being more earnest in asserting her own safety, *than God's honour*. Hereupon the writ de hæretico comburendo (which for seventeen years had hung only up in terrorem), was now taken down and put in execution, and the two Anabaptists burned in Smithfield, died in great horror with crying and roaring."

It may not be amiss to exhibit for perusal this horrible writ. William Sautre was the first victim in the time of Henry IV., 1401.

FORM of the Writ de Hæretico Comburendo from Fitzherbert's *Natura Brevium*, 2d Vol., p. 269, ninth edition.

The king to the mayor and sheriffs of London, greeting. Whereas the Venerable Father, Thomas Archbishop of Canterbury, primate of all England, and legate of the apostolic see, with the consent and assent of the bishops and his brothers the suffragans, and also of the whole clergy of his province, in his provincial council assembled, the orders of law in this behalf requisite being in all things observed; by his definitive sentence, pronounced and declared *William Sautre* (sometime chaplain, condemned for heresy, and by him the said William heretofore in form of law abjured, and him the said William relapsed into the said heresy) a manifest heretic, and decreed to be degraded, and hath for that cause really degraded him from all clerical prerogative and privilege; and hath decreed him the said William, to be left, and hath really left him to the secular court, according to the laws and canonical sanctions set forth in this behalf, and holy mother the church hath nothing further to do in the premises. We therefore, being zealous for justice, and a lover of the Catholic faith, willing to maintain and defend holy church, and the rights and liberties thereof (as much as in us lies), to extirpate by the roots such heresies and errors out of the kingdom of England, and to punish heretics so convicted with condign punishment; and being mindful that such heretics convicted in form aforesaid, and condemned according to the law divine and human, by canonical institution, and in this behalf accustomed, ought to be burned with a burning flame of fire, do command you most strictly as we can, firmly enjoining that you commit to the fire the aforesaid William being in your custody, in some public and open place within the liberties of the city aforesaid, before the people publicly by reason of the premises, and cause him really to be burnt in the same fire, in detestation of this crime, and to the manifest example of other Christians;

and this you are by no means to omit, under the peril falling thereon. Witness, &c.

This writ was used nearly word for word by Elizabeth, when she put to death the two Anabaptists in the seventeenth or eighteenth year of her reign. The writ may be readily seen by turning to Collier's Church History, in the fifteenth page of the preface to the second folio volume, edition 1714. This Protestant princess could sign the following dreadful words :

Nos igitur ut zelator justitiæ, et fidei Catholicæ defensor, volentesque ecclesiam sanctam ac jura et libertates ejusdem, et fidem Catholicam manu tenere et defendere, ac hujusmodi hæreses et errores ubique (quantum in nobis est) eradicare et extirpare, ac hæreticos sic convictos animadversione condigna puniri, attendentesque hujusmodi hæreticos in forma prædicta convictos et damnatos, justa leges et consuetudines regni nostri Angliæ in hac parte consuetas, *ignis incendio comburi debere.*

Vobis præcipimus quod dictos Johaunem Peters, et Henricum Turwert, in custodiâ vestrâ existentes, apud West Smithfield, in loco publico et aperto, ex causâ præmissâ, *coram populo igni committi*, ac ipsos Johannem Peters, et Henricum Turwert in eodem igne *realiter comburi* faciatis, in *hujusmodi criminis detestationem*, aliorumque hominum exemplum, ne in simile crimen labantur, et hoc sub periculo incumbenti, nullatenus omitatis.

Teste regina apud Gorambury decimo quinto die Julii ;

Per ipsam reginam.

ELIZABETH.

Such are the facts.

There is here no terror of papists ; of men intending by mobs to overthrow the government.

The case is simply a case of intolerance, and thus, though every consideration that should have influenced the understanding, and affected the feelings of Elizabeth and her counsellors, had been urged by Fox in the most unobtrusive and respectful manner : " In igne realiter comburi faciatis," says the writ : " in hujusmodi criminis detestationem."

It is therefore impossible to impute the violent and sanguinary laws and executions of this reign to mere motives of state policy. The Roman Catholic writers do not make this mistake.

Yet they do in their own instance. Father Parsons, in his reply to Fox, " made it appear," as he supposed, " that many of them (the Protestant martyrs) died for treason ; some were notoriously scandalous and wicked persons ; others distracted, and no better than enthusiasts," &c. &c. These are his excuses.—Dodd's Church History, p. 463.

Observe now what these penal laws were, and what the horrible consequences.

Elizabeth comes to the throne in 1558 ; in the fifth year of her reign she asserts her supremacy. It was made death to deny *twice* this supremacy.

Now this supremacy of the pope is a point of religious faith with the Roman Catholics. Bishop Fisher, and Sir Thomas More (as she and her parliament knew) died for it.

No effort was made to disentangle the *civil* obligations due to the sovereign from the *religious* obligation due to the pope, as the head of the Roman Catholic church, and the supposed immediate descendant and representative and vicegerent of Christ here on earth.

On this account, from 1571 to 1594, were put to death twelve persons, seven gentlemen and five clergymen. Their names are given, page 320, part iv. b. 3, vol. iii. of Dodd's Church History. Dodd is the Roman Catholic historian.

In the thirteenth year of her reign, 1570, the bringing in the pope's bulls, or other *superstitious things*, was made death. In the twenty-third year it was made death to withdraw any from the established religion. It was also made death to be so persuaded or withdrawn.

In the twenty-seventh year, 1585, Jesuits, seminary priests, and other such, were ordered out of the kingdom, and if remaining in the realm, were to be punished with death, as were even those who harboured them.

The result of acts like these was, that from 1581 to 1603, no less than one hundred and twenty of secular clergy were put to death for exercising their sacerdotal functions as Roman Catholics. Their names are given in Dodd, page 321. Twenty-four suffered in the year 1588, the year of the Spanish invasion. Sixty of them, after that year, when all danger was at an end, and even the plea of state necessity no longer existed.

Thirty-three different persons were put to death for entertaining and assisting priests of the Roman communion, yeomen and gentlemen. Twelve for being reconciled to the Roman communion. The names of all these appear in Dodd, pages 321, 322, 323. Three Jesuits also suffered for exercising their sacerdotal functions. Forty priests were banished in 1585, after having been condemned. Twenty (clergymen, gentlemen, and Jesuits) were condemned, and were either pardoned or died in prison, from the year 1581 to 1600. Their names are given.

That is, on the whole, more than one hundred and sixty persons were put to death in the reign of Queen Elizabeth, for being priests, or for acting as priests; for harbouring priests, for converting, or being converted; lastly, for denying the supremacy.

In May, 1579, Matthew Hammond, having first lost his ears for opprobrious language to the queen, was burnt for blasphemy and heresy at Norwich. In 1583, Elias Thacker and J. Copping, Brownists, were hanged at Bury. John Lewes was burnt at Norwich.

These and others are clear cases of religious intolerance.

The sanguinary and violent laws enacted in this reign, and not only enacted, but put into execution, are excused upon the plea of state necessity—the tyrant's plea at all times—and not sufficient; though these times, and Elizabeth's situation, were, no doubt, very peculiar. The Roman Catholics in Mary's reign, Bonner in particular, had excuses (such as they were) always ready, and talked of retaliation, though they were not burnt at Smithfield, as the Protestants were.

The Protestants insisted, that their's was the true faith; the Papists, that their's was not only the true, but the ancient faith; and in justice even to the



Roman Catholics, bigoted and bloody as they were, it should be remembered, that the Protestants were the assailants, that they were the innovators, the disturbers, the propagators of new opinions, &c.

The Roman Catholics could always say to the Protestants, "Christ left his church behind him. What church but ours? Did not the church which Christ left, begin to exist till the days of your Luther?" Such was their plausible language.

But the subject of toleration was not understood. The offences of each party may be compared, and the atrocities of the one may be more tremendous than the cruelties of the other—they certainly were. The guilt, however, of putting to death their fellow-creatures, must be shared by both, and should, though in different degrees, and to a different extent, be an eternal warning to ourselves of the original tendencies of the human mind on these subjects.

"What could be more provoking to the court," says Collier (a nonjuror, but a Protestant), "than to see the queen's honour (Queen Mary's) aspersed, their religion insulted, their preacher shot at in the pulpit, and a lewd imposture played against the government. Had the reformed been more smooth and inoffensive in their behaviour, had the eminent clergy of the party published an abhorrence of such unwarrantable methods, 'tis possible, some may say, they might have met with gentler usage, and prevented the persecution from flaming out."—Collier, part ii., b. 5, page 371.

"The governors of the church," says Heylin (a Protestant writer also), "exasperated by these provocations, and the queen (Mary) charging Wyatt's rebellion on the Protestant party, they both agreed on the reviving of some ancient statutes, made in the time of King Richard II., Henry IV., and Henry V., for the severe punishment of obstinate heretics, even to death itself."—Heylin, p. 47.

"The heretics themselves," said Bonner, "put one of their own number (Servetus) to a cruel death. Is it a crime in us, if we proceed against them with the like severity?"—Heylin, p. 48.

"Heretics themselves (one of the Catholic tracts observed) do not scruple burning Dissenters, when the government is on their side. Some Arians and Anabaptists, condemned to the fire by the Protestants, were no less remarkable for the regularity of their lives," &c. &c.—Collier, page 383.

The truth is, no pleas of state policy, reprisals, &c. &c., are to be listened to. Intolerance is at the bottom of all such proceedings. Intolerance, more or less, from the bloody writs of our ancestors, and their abominable fires in Smithfield, down to our own penal or disabling statutes, against Dissenters or Roman Catholics, in England or Ireland.

James I. died in March 1625; became king in 1603. In 1612, Francis Latham, a Roman Catholic, was executed on account of the supremacy. He distinguished clearly between the civil obedience which he owed James his king, and the obedience which he owed his spiritual sovereign the pope, but in vain. He was hanged at Tyburn, December 5. The particulars of his examination and execution are instructive, but very disgraceful to the Bishop of London (King), and the government. They are given, page 369, of Dodd's second volume.

N. Owen, gentleman of good account, was long confined in prison, and at last condemned to die, for refusing the oaths of allegiance and supremacy. He suffered May 17, 1615.—Dodd, page 427.

William Brown suffered at York in 1605, “for being instrumental in proselyting the king’s subjects to the Roman communion.”—Dodd, page 431.

Robert Drury, Matthew Fletcher, and twelve or thirteen others, were put to death on different accounts connected with their sacerdotal functions.—Dodd’s Church History, page 525, and his References, 377, &c.; vide the Index.

During the reign of Charles I. and the time of the rebellion, on account of their sacerdotal character, two suffered in 1628, one in 1634, one in 1641, six in 1642, two in 1643, three in 1644, one in 1645, four in 1646 and 1651, and two in 1654.—Vide Dodd, vol. iii. page 172.

These facts are very disgraceful to the Presbyterians and Republicans. Charles would not have put Roman Catholics to death on account of their religion, it is therefore the Commons who must be responsible for these enormities.

Charles II. At page 356, &c. of Dodd there are several very affecting speeches of those who suffered for Oates’s plot. About seventeen were executed on account of it most disgracefully.

Nicholas Postgate and seven others suffered on account of orders in 1679. Fourteen others were condemned, but reprieved and pardoned.

These horrible executions and condemnations, must have been more or less occasioned by the insanity of the nation on the subject of popish plots, more particularly Oates’s plot. They show the nature not only of intolerance, but of public alarms, popular cries, &c. &c.

The case of the covenanters might next be referred to, one surely of intolerance exercised by the more powerful sect.

Judge Blackstone, in his 4th book, chap. 4, states the laws that so long remained in force against the Papists; “of which laws,” says he “the President Montesquieu observes, that they are so rigorous, though not professedly of the sanguinary kind, that they do all the hurt that can possibly be done in cold blood.”

“In answer to this,” says Blackstone, “it may be observed that these laws are seldom exerted to their utmost rigour, and, indeed, if they were, it would be very difficult to excuse them, for they are rather to be accounted for from their history, and the urgency of the times which produced them, than to be approved, upon a cool review, as a standing system of laws.”

This account and history of them he then gives, and at last ventures to say, “that if a time should ever arrive, and perhaps it is not very distant (this was written between the years 1755 and 1765), when all fears of a pretender shall have vanished,” &c. &c. “it may not be amiss to review and soften these rigorous edicts,” &c.

The present reign (of George III.) has been a reign of concession, that is, a reign of progressive civil wisdom and progressive religious knowledge on these subjects.

The question is at length debated among all reasonable men, as properly a question of civil policy. The nature of religious truth and the rights of religious inquiry are better understood than they were by our ancestors. These are held sacred in theory at least. And, therefore, all that now remains to be observed is, that no real conversions can be expected to take place, while penal statutes or test acts exist; because, while these exist, the point of honour is against the conversion.

The members of the Roman Catholic or dissenting communions will gradually become more and more like the members of any more enlightened establishment in their views and opinions, when civil offices and distinctions are first laid open to them, but in no other way. Those of them who are of some condition or rank in life, or of superior natural talents, will *first* suffer this alteration in their views and opinions. Then successful merchants and manufacturers; and this sort of improvement will propagate downward. At length the clerical part will be gradually improved in their views and opinions, like the laity. The outward and visible signs of the worship of the Roman Catholic or Dissenting communion may alter, or may in the mean time remain the same; but the alteration in their minds and tempers will have taken place, sufficiently for all civil purposes, gradually, insensibly, and with or without acknowledgment or alteration in their creeds and doctrines. This is the only conversion that can now be thought of: an alteration this, not of a day or a year, but to be produced in a course of years by the unrestrained operation of the increasing knowledge and prosperity of mankind. Nothing *could* have kept the inferior, and more ignorant sects and churches from gradually assimilating themselves to the superior and more enlightened communion, in the course of the last half century, *but* tests and penal statutes, and all the various machinery of exclusion and proscription.

But neither on the one side nor the other are the spiritual pastors and teachers to be at all listened to in these discussions. What is reasonable is to be done, to be done from time to time, and the event need not be feared. Statesmen will never advance the civil and religious interests of the community, if they are to wait till they can settle in any manner satisfactory to the Dissenting teacher and the established Churchman, to the Roman Catholic and to the Protestant minister, their opposite and long established claims and opinions: claims and opinions from which it is the business of the statesman, as much as possible to escape. I am speaking now of men as rulers of kingdoms, not as individuals; such men are not to take their own views of religious truth for granted, and propagate it accordingly; the state would thus necessarily be made intolerant.

“To overthrow any religion,” says Montesquieu, (or he might have added, any particular sect in religion) “we must assail it by the good things of the world and by the hopes of fortune; not by that which makes men remember it, but by that which causes them to forget it; not by that which outrages mankind, but by every thing which soothes them, and facilitates the other passions of humanity in obtaining predominance over religion.”

These notes were written in the year 1810, and placed on the table when the two lectures on the Reformation were delivered. Mr. Hallam published

his History nearly twenty years after. He very thoroughly discusses the subject of the statutes of Elizabeth's reign, and then sums up in the following words:—"It is much to be regretted that any writers worthy of respect should either, through undue prejudice against an adverse religion, or through timid acquiescence in whatever has been enacted, have offered for this odious code the false pretext of political necessity. That necessity I am persuaded, can never be made out. The statutes were in many instances absolutely unjust; in others, not demanded by circumstances; in almost all, prompted by religious bigotry, by excessive apprehension, or by the arbitrary spirit with which our government was administered under Elizabeth."—End of 3rd chap. of his Constitutional History, pages 229 and 230 of 8vo. edit. of 1829.

At the end of the fourth chapter he observes, speaking of the Puritans: "After forty years of constantly aggravated molestation of the nonconforming clergy, their numbers were become greater, their prosperity more deeply rooted, their enmity to the established order more irreconcilable." He acknowledges the difficulty of the case, but observes—"that the obstinacy of bold and sincere men is not to be quelled by any punishments that do not exterminate them, and that they are not likely to entertain a less conceit of their own reason, when they find no arguments so much relied on to refute it as that of force; that statesmen invariably take a better view of such questions than churchmen."

"It appears by no means unlikely, that by reforming the abuses and corruption of the spiritual courts, by abandoning a part of their jurisdiction, so heterogeneous and so unduly attained, by abrogating obnoxious and at best frivolous ceremonies, by restraining pluralities of benefices, by ceasing to discountenance the most diligent ministers, and by more temper and disinterestedness in their own behaviour, the bishops would have palliated, to an indefinite degree, that dissatisfaction with the established scheme of polity, which its want of resemblance to that of other Protestant churches must more or less have produced. Such a reformation would at least have contented those reasonable and moderate persons who occupy sometimes a more extensive ground between contending factions than the zealots of either are willing to believe or acknowledge."



## LECTURE XI.

### FRANCE—CIVIL AND RELIGIOUS WARS.

**I**N my lecture of yesterday, I concluded my observations on the Reformation.

I must now turn to the French History, and in the following lecture I must endeavour to give you some general notion of the history of a whole century, the sixteenth.

In considering the first part of this century, I shall have to notice the wars of enterprise and ambition carried on by the French monarchs, Charles VIII. and his successors.

In considering the second part of the century I shall have to allude to the great subject of the civil and religious wars of France.

These transactions and events cannot be detailed in any manner, however slight.

I can only make general remarks—first, on the one period, and then on the other; mentioning, at the same time, such books as will furnish you hereafter with those particulars on which I am now obliged to comment, as if you were entirely acquainted with them already.

We left the French history at the death of Louis XI.; before, therefore, we arrive at the civil and religious wars of France, we must pass through the reigns of Charles VIII.; Louis XII., and Francis I.

Of these the reader will be able to form a very adequate idea by reading the works of Mr. Roscoe and Dr. Robertson. These reigns may also be read in Mezeray, a writer of great authority. Or they may be read in Hénault, and Millot, and Velly, as the rest of the French history has been.

De Thou or Thuanus, it may be also observed, introduces his history with a general review of France and the state of Europe; a portion of his great work that has been

much admired, and then begins with the year 1546, a little before the death of Francis I. The lesson which may, on the whole, be derived from this first half of the sixteenth century, is the folly, the crime, of attempting foreign conquest: this is the leading observation I have to offer. Charles VIII. of France had descended into Italy, Louis XII. must therefore do the same; so must Francis I. and Henry II. The honour of the French nation was, it seems, engaged.

But Spain, which was becoming the great rival state in Europe, chose also, like France, to be, as she conceived, powerful and renowned; Ferdinand therefore, and Charles V. and afterwards Philip II., were to waste, with the same ignorant ferocity, the lives and happiness of their subjects: and for what purpose? Not to keep the balance of Europe undisturbed; not to expel the French from Italy, and to abstain from all projects of conquest themselves; but on the contrary, by rushing in, to contend for the whole, or a part of the plunder.

The Italians, in the meantime, whose unhappy country\* was thus made the arena on which these unprincipled combatants were to struggle with each other, adopted what appeared to them the only resource,—that of fighting the one against the other—if possible to destroy both; leaguings themselves sometimes with France, sometimes with Spain, and suffering from each power every possible calamity. While they were exhibiting, in their own conduct, all the degrading arts of duplicity and intrigue.

A more wretched and disgusting picture of mankind cannot well be displayed. All the faults of which man, in his social state is capable; opposite extremes of guilt united; all the vices of pusillanimity, and all the crimes of courage.

The miseries and degradation of Italy have never ceased since the fall of the Roman empire. The great misfortune of this country has always been, its divisions into petty states, a misfortune that was irremediable. No cardinal made into a sovereign could ever be expected to combine its dis-

\* There is a well known beautiful sonnet in the Italian, translated by Mr. Roscoe, and imitated by Lord Byron, a Lamentation that Italy had not been more powerful or less attractive, which I have seen an Italian repeat almost with tears.

cordant parts into a free government; and unless this was done, nothing was done: could this, indeed, have been effected, the Italians might have been virtuous and happy.

Artifice, and a policy proverbially faithless, were vain expedients against the great monarchies of Europe. But while Italy was to be thus destroyed by these unprincipled despoilers, what in the meantime was to be the consequence to these very monarchies? In *Spain*, the real sources of power neglected; immense revenue and no wealth; possessions multiplied abroad, and no prosperous provinces at home; the strength of the country exhausted in maintaining a powerful army, not for the purposes of defence, but of tyranny and injustice; and the whole system of policy, in every part, and on every occasion, a long and disgusting train of mistake and guilt.

In France, the same neglect of the real sources of strength and happiness; the produce of the land, and labour of the community employed in military enterprises; the genius of the nobles made more and more warlike; military fame, and the intrigues of gallantry (congenial pursuits), converted into the only objects of anxiety and ambition; licentiousness everywhere the result, in the court and in the nation, the power of the crown unreasonably strengthened; the people oppressed with taxes, their interests never considered; the energies of this great country misdirected and abused; and the science of public happiness (except, indeed, in the arts of amusement and splendour) totally unknown or disregarded.

France and Spain, therefore, concur with Italy in completing the lesson that is exhibited to our reflection: ambition and injustice have their victims in the countries that are invaded and destroyed; and have alike their victims in those very invaders and destroyers. Better governments in all, or in any, would have made these evils less; and good governments are thus, in all times and situations of the world, the *common* interest of every state, as connected with its neighbours, and of every prince and people, as concerned in their own individual happiness.

I now proceed to make some general remarks on the latter

part of the century. The remaining half comprehends, in French history, the era of the civil and religious wars, an era that is peculiarly interesting; and the great difficulty is, to prevent our minds from being overpowered and bewildered by the variety of subjects which present themselves to our examination.

The events are striking; the actors splendid; the interests important; and could we see and understand the scene, with the rapidity with which we do the dramas of Otway or of Shakespeare, the effect would be even more powerful, and the impression more lasting.

But an acquaintance with a great, and real tragedy like this, that lasted for nearly forty years, can only be acquired by a course of reading, extended to a considerable length, and somewhat steadily sustained. To say the truth, it is more than usually perplexing to know, on this occasion, what books to propose. The great historians of the times are Thuanus and Davila; but the work of Davila occupies a very large folio, and the history of Thuanus is extended through nearly six folios in the original Latin, and through nearly ten full quartos in the French translation.

I must therefore explain what I think may be attempted, and what will, I conceive, be sufficient. It will be found, that the comprehensive mind of De Thou undertook, and accomplished, the history of all the rest of Europe, as well as of France, and I therefore propose to you, to confine your attention to that part which relates to the French history. The quarto work, the French translation, will be the best to resort to; and there will be here no difficulty in selecting the history of France from the remainder of the work.

Again, a considerable part of the narrative is employed on the progress of the civil wars in the different provinces of France, and on the military operations of the contending parties. These may now be looked at very slightly. It is the conferences, the assemblies, the manifestoes, the treaties, the reasonings and views of the Huguenots and Roman Catholics to which your observation should be directed.

Now these, though they are detailed, and very properly, at great length, by De Thou, do not, after all, constitute a



mass of reading which may not, and which ought not, to be undertaken. Even here, some parts may be considered far less attentively than others, and with these limitations, and on this system, I do not hesitate to recommend to your perusal, the great work of one of the first of modern historians.

In like manner, Davila may be read in parts; the work may be referred to in all the more important particulars, especially with respect to the views, interests, and intrigues of the different leaders and factions. The narrative is remarkably unaffected, perspicuous, and complete; and every thing is so easy, natural, and relevant to the subject, that the reader who turns to consult the work, will unavoidably read on and do more, and perceive, that if a character is to be estimated, or any particular event to be understood, the account of Davila must necessarily be considered.

The Duke of Epernon, an actor in these scenes, is related by his biographer to have been pleased with this history; and above all, to have commended the exact care which the author had taken to inform himself of the secret motives by which the different parties and leaders were actuated at the time.

But we must not forget, that the family of Davila, and himself, were connected with Catherine de Medicis; that he has been considered as her apologist; that he was an Italian, and a soldier; and that every thing with him is, of course, referred to faction or to selfishness. Ideas of civil, or religious liberty, seem little to have occurred to him; and the reader is to consider his history as supplying him with materials, which he must combine with those of other writers; not in any instance as furnishing him with conclusions to which he is to assent, without due hesitation.

De Thou is likewise an historian of facts and of detail, but his sentiments are generous and enlarged; and the student, while he reads what men were, and but too often are, will never be suffered to forget what they ought to be.

French literature is not so eminently distinguished for great regular works of history, as for memoirs of the great characters of history. Books of this kind are, of all, the most amusing; and when inspected by a philosophic eye, are often

well fitted to afford the most important conclusions. The memoirs of Brantome are of this description. The writer is, of all others, himself the least of a thinker, or of an instructor; but he goes on with the most captivating rapidity and variety, often superficial and inconsistent; panegyricizing every one he has to speak of, without the slightest moral discrimination, but always supplying the reader with those traits of character, and peculiarities of conduct, which render his personages known and familiar to us; no longer seen in the cabinet or the field, but exhibited in the recesses of private life, just as they really were, with all the whims and follies that belong to them.

The memoirs of Sully finish the portrait of these times, in finishing for us, not only the portrait of Henry IV., but in giving us many curious particulars respecting the practical government of France, its finances, factions, and the whole state of its constitution and interests. The memoirs, indeed, are but a mass of papers, arranged by his secretaries, and drawn up under his eye; and it is much to be lamented, that this upright minister did not extend his virtuous activity to the more regular composition of a more finished history. But such as it is, it is still authentic and particularly valuable, and must be read. There has been lately a new edition and translation of this work. These are all original works, and in the manner I have mentioned, may be perused.

A new edition of the work of Brantome was, in 1812, published in Paris. It will be far more than supplied to an English reader, by a work of Mr. Wraxall,—“Memoirs of the Kings of France of the race of Valois,” which is collected from various writers of this kind, is but too amusing, and as a companion to the greater histories, perfectly invaluable.

There is also a regular “History of France,” by Mr. Wraxall, from which the reader will derive the greatest assistance, while engaged with the original works of De Thou and Davila. It is even quite necessary to him. The narrative is drawn from many more writers than could possibly be read, or even easily be consulted; and the particulars (brought together with great diligence) give a very perspicuous and complete view of the characters and events of these times.

The work, after having been long neglected, chiefly, I should think, from the anxious and critical nature of the times when it appeared (1795), was republished by the author in 1814, and enriched, as he supposes, disfigured, as I conceive, by allusions to Buonaparte and modern politics. This work of Mr. Wraxall, with the Abbé de Mably, may be sufficient for the general reader. D'Anquetil's work, *L'Intrigue du Cabinet*, may be added.

Since I wrote this lecture, a work has appeared by Lacroix, his *History of France during the Religious Wars of France*.

This work, with the Abbé de Mably, may be also sufficient. The matter of the first volume you will find better in Robertson, and so of other parts of the work in our own historians: but this part of the French history, which we are considering, he gives in a very concise, agreeable, interesting manner. He touches upon the right points, and will facilitate the reading of other French historians, if you choose to read them also. He is too great a panegyrist of Henry IV., and does not take sufficiently into account the effect of the religious principle, while explaining the history of these times; that is, while explaining the history, he seems not to feel how respectable, how sublime may be the principle, the devotion to the cause of sacred truth in many persons, while it may transport some men into fanaticism, and again, in others, may be mixed with worldly considerations. He has something of the fault of Davila, with whom every thing is a mere struggle of ambition.

But while this part of the history of France is read, in whatever author, English or French, the observations upon it by Mably must be studied; they are more than ever able and important.

This lecture was written many years ago, and I have now described such authors and memoirs as have been always studied by the readers of history. But there has lately appeared a work that, as far as the general reader is concerned, may be a substitute for them all. It was drawn up for the Theological Library by the late Mr. Smedley, a most excellent man, and a very able writer. It consists of three octavo volumes, and gives the history of the reformed church in

France down to the present times. It is an extremely interesting and valuable work, beautifully done, and entirely to be recommended.

Turning now from the books to be read to such observations as I hope may be useful, I have first to remark, that these dreadful wars of the latter half of the sixteenth century were of a civil as well as of a religious nature; they are called the Civil and Religious Wars.

I mentioned, in my lecture on the Reformation, how easily the concerns of religion would mingle with the politics of the world; how readily each would act and react upon the other; the rage and rancour that must ensue. This was so much the case in the instance of France, that men appeared almost to lose the common attributes of their nature. Some of the leading particulars seem to have been as follows.

The great families in France, though their free constitution was no more, though they might now be controlled by any prince of ability, who dispensed his favours with care, and suffered none to become too powerful, were still in themselves perfectly able to disturb the state and to shake the monarchy, whenever a man of great enterprise and genius appeared among them, or whenever a weak prince was seated on the throne.

Francis I., though formed to be the idol of Frenchmen, still carried on a regular system of inspection over his nobles and their proceedings in every place and province of France. "Beware," he said, on his death-bed, to his son, Henry II.,—"beware of the Guises!" His sagacity was but too well shown by subsequent events. The historians, particularly Davila, give a very clear description of the court and of the great men who were ready to contend for power immediately on his decease, and during the reign of his successor, Henry II. The chances of confusion were already very sufficient, but they were still further increased when Francis II. came to the throne, who was not only a minor and of no capacity, but the queen-mother was Catherine de Medicis. Charles IX. was, again, a minor, and again, her son; and she was mother even to Henry III., who next mounted the throne after Henry II. and Francis II.

The family of Guise, connected by marriage with the

reigning family, produced distinguished men, two more particularly of great genius, and of the most aspiring ambition. These were the two men whom Francis I. had dreaded. The Prince of Condé, as a prince of the blood, conceived that the administration naturally belonged to him; the Constable Montmorency, with the ancient families, had the same pretensions; and the queen-mother had unhappily resolved to hold the reins of government herself, and therefore endeavoured to rule all competitors for authority by dividing and opposing them to each other.

As Catherine was a woman of great natural ability, and as Charles IX. and Henry III. were far from being devoid of it, it is probable that the authority of the crown might still have maintained itself, and preserved a tolerable state of peace and order; but it happened most unfortunately that the Prince of Condé was a Protestant, the constable a Roman Catholic; the court and the Guises were of the Roman Catholic persuasion also; and the people had been inflamed against each other by the natural progress of religious differences. The Prince of Condé, therefore, had only to state the grievances of the Calvinists, and to be their leader, the Duke of Guise to assert the supposed rights of the Roman Catholics, and to declare himself their chief, and long wars of the most exterminating fury were sure to be the consequence.

You will observe the materials of destruction preparing in the horrible execution of the Calvinists by Francis I., and afterwards by Henry II., and in various intolerant edicts that were from time to time published.

There is a book, the Edict of Nantz, in the first chapter of which may be found an account of the introduction of Calvinism into France, and its first persecutions stated very concisely.

The contests, therefore, of civil and religious hate were now to begin. I cannot relate the facts; I have to observe, therefore, generally,—first, that the commencement of wars, particularly of civil wars, must always be interesting to every reader of reflection. We may turn away our eyes, when the sword has been once drawn, from the crimes and the horrors that ensue; but till the first fatal act of hostility has been committed, we examine with care, we follow with anxiety,

the steps of the contending parties, and we bless in silence those real patriots, if any there be, who have breathed, however vainly, the sounds of forbearance and kindness; who have expostulated, explained, conciliated, and laboured, if possible, to procure a pause.

Such sentiments are felt occasionally even by the very actors in the scene. A remarkable instance of this kind occurred in this period of the French history.

At the moment when the civil wars were on the point of breaking out, and each party stood prepared and in arms, the Prince of Condé and the queen-mother had a conference by regular appointment, to adjust, if possible, terms of mutual accommodation.

Their followers were ordered to remain at a distance, merely because it was supposed that if they approached each other, some word, some look of offence might be interchanged, and in an instant the kingdom become a scene of blood. They were contented awhile to obey their orders, but they at last, with great difficulty, obtained leave to take a nearer view of each other, that they might no longer appear already occupied by sentiments of estrangement and suspicion.

It was then that nature prevailed, for one short and reasonable moment, over all the more artificial impulses of misguided opinion and military duty. They recognised each, in the ranks of his opponents, his brother, his relation, or his friend; hostility and defiance were at an end; they saluted each other, they embraced, they implored from each other mutual compassion and forbearance; they deprecated a war, where to conquer was not to triumph; they mingled their tears—the tears of terror as of affection; of terror, lest the next day should see them, as it did see them, drawn out in fearful combat with each other, to be friends and brothers no more, to destroy, to pursue even to agony and death, each the generous and gallant man that the chance of battle presented to his sword.

And why were scenes like these to ensue? The Prince of Condé required, it seems, that the new Leaguers should leave the court, and that the late tolerant edict should be observed. “The first does not meet my wishes,” said the queen-mother; “the second is impossible. Were we to think

further of this edict, all the clergy, a great part of the nobility, and almost all the nation, would be against us." And these were the unhappy obstacles in the way of peace that could not be removed!

If there be any principle necessary to mankind, it is that of the civil obedience of the subject, that principle by which the single mind of the ruler is able to direct and control the physical strength of millions: if there be any one good that is totally invaluable to our helpless condition, it is religion. But there are seasons in the history of mankind when we are tempted almost to wish that men could be disrobed at once of all the distinctions and ties which belong to their social state, and thrown again into the woods to take the chance of savage existence, rather than be suffered so frightfully to abuse, so intolerably to waste, the best materials of their happiness, and the first blessings of their nature.

It is on this account that the wars of faction, and more particularly, as in this case, of religious faction, should be most thoroughly studied; that, as much as possible, not only the nature of ambition should be known, but the temptations of the religious principle, when interfering in the affairs of the world, should be understood; that, as much as possible, mankind may be put upon their guard, not only against their rulers, but against themselves; not only against their own vices, but against the most virtuous tendencies of their nature.

I now proceed to some further comments on transactions to which I can in no other way but in this, of general comment, allude.

The great leading conclusions to be deduced from these wars are much the same as have been already drawn from the prior history of the Reformation; as,

Ist. The slowness with which the doctrines of toleration are comprehended even by the best men.

The celebrated Preface of Thuanus, his Dedication to Henry IV., the speeches and reasonings of the great magistrates of the realm, and of all the friends to order and peace, such as they are given in his History, all lead to this conclusion. Forbearance to the Protestants is never argued upon any general principles, such as the right of private judgment; but upon the inefficacy of force and punishment to convince

men of their errors. Good men, even if sufficiently enlightened, could probably then venture on no other language, and indeed naturally adopted the argument that admits of no answer.

The parties themselves seem always to have supposed each that the other was abominable in the sight of the Creator, and that as such they were to be punished and subdued by all who had any proper sense of religion.

The wars were repeatedly closed and renewed. The court and the Catholics could never rest satisfied, on the one side, while the Protestants exercised their religion in the face of day; and the Protestants, on the other side, could never bring themselves to believe that they were in a state of proper security.

The manifestoes, edicts, and mutual complaints, indicate very completely the particular nature of religious animosity, and should, therefore, be well studied.

2ndly. The difficulties in the way of concord were the same as they have always been.

The questions to be settled were, the exercise of public worship, the payment of tithes to the ministers of the prevailing communion, the admission to places of honour and influence; and in these civil wars the Calvinists were so inferior in strength to their opponents, that even the education of their children, the rites of burial and marriage, the equal participation of the laws, and other similar considerations, were all subjects of contention. But though always defeated in the field, though always inferior in number and resources to their opponents, they were never totally subdued. It is said that in number they were not above one-tenth of the whole.

*Before* the civil wars began, they were dragged to the stake; but during them, they continually obtained edicts which rendered their existence more tolerable. Like their gallant and virtuous leader, the Admiral Coligny, they never despaired of the common cause, and were thus enabled to procure something like forbearance and respect from their unenlightened opponents. The sort of success that they obtained, and the injuries they inflicted on their adversaries, are calculated to teach mankind not only that men cannot be



influenced in their religious opinions by force, but that every sect is to be managed (even on the mere principles of worldly policy) with proper deference and kindness; that the objects clamoured for by the bigoted are not worth the risk of such contention as they may occasion; that men, whether right or wrong, and with or without success, will die in support of what they think the truth; and that they may often be enabled thus to die, amid the calamities and slaughter of their persecutors.

3dly. There were conferences of divines to settle religious differences, as in other countries, during and after the Reformation, and with the same ill success.

An account of one of them, where the celebrated Theodore Beza took a distinguished part, is given by De Thou. The whole relation is curious and instructive. But disputations, like these, what are they? Lambert disputed before Henry VIII. against his bishops, and was defeated. A Protestant divine was in like manner overpowered before Henry IV. in France, as would no doubt have been a Roman Catholic divine before Elizabeth in England.

Public disputations of this kind are characteristics of the age, and indicative of the natural tendencies of the human mind on these subjects; they should therefore be considered.

When indeed Henry IV. afterwards announced that he was ready to be converted, if proper arguments could be offered to him, the reasonings of the Roman Catholic Divines were successful, and they demonstrated to him the doctrines of auricular confession, the invocation of saints, and the spiritual authority of the Papal see. These it seems were the points on which the scruples of the king had happened to fall. On the doctrine of transubstantiation he had no difficulty.

All history thus shows, what all theory announces, that speculative truth, particularly in religious questions, can be left with best advantage to the silent influence and ultimate decision, not of creeds and councils, but of free inquiry.

Again, there appeared in these religious wars the same want of good faith that has so often marked the conduct of the ruling sect; the same inextinguishable resentment; the same unwillingness to be satisfied, while their opponents were suffered to appear in any state, but that of total degradation

and submission ; and then the next lesson is this, that the whole of the history bears testimony to the impolicy of a temperament so unjust and so irreligious.

Even the massacre of St. Bartholomew extinguished not the evil which the court meant to remedy ; it only made their anxieties, and perhaps even their dangers, the greater.

Thus far the religious wars of France seem to exhibit the same features and lessons of instruction that are presented by other religious wars, whatever be the ruling sect, the Roman Catholic or the Protestant ; but in one respect these were distinguishable from all others that Europe has witnessed ; their more than usual horrors ; their singularly atrocious crimes ; in none others were all the charities and obligations of mankind so violated, and all the common principles of mercy and justice so outraged and set at nought. This seems to indicate not only the necessity of a free government to humanize men, but also that the members of the Roman Catholic communion are of all other sects the most intolerant and cruel.

The reason is, that they are more under the influence of their spiritual guides ; and every sect will be found more or less intolerant and cruel, as this is more or less the case. A spiritual director, like every human being, abuses the power that is given him. The more unlimited the power, the greater the abuse ; and whether it be the Bramin of the east, the Calvinistic preacher in Scotland, or the Roman Catholic priest in France and Spain, the effect proceeds from the same cause, and is proportioned to it.

The spiritual guide, in these cases, generally deceives himself, and always deceives his follower, by considering the cause in which his passions have got engaged as the cause of the Deity. And yet strange as it may seem, it appears from this very history that men may sometimes teach themselves the same identification of their own religious opinions with the cause of the Deity, by the workings of their own mind, even *without* the interference of any spiritual instructor.

For instance, Poltrot (Vol. iii. 394 De Thou) assassinated the first Duke of Guise. “ Poltrot had embraced,” says the historian, “ with great ardour the *Protestant* faith ; and enraged at the success of this great Catholic leader, he

resolved to destroy him. He had thrown himself on his knees to ask in prayer from the Almighty whether his design to kill the tyrant," as he called him, "was, or was not, derived from heaven. He had implored to be accordingly fortified in his resolution, or not; and he perpetrated the murder under the belief that he had been inspired to do so." Poltrot was a Protestant, and had no spiritual director; but Smedley considers Poltrot only as a ruffian, not as a fanatic.—P. 263, vol. i., of his *Religious Wars*.

On a principle of this kind, and what is still more dreadful, generally with the sanction of the deliberations and reasonings of some priest or confessor, was the life of Henry III. taken away, and that of Henry IV. several times attempted.

Even the enthusiasm of Ravilliac, who at last assassinated Henry IV., though it reached insanity, was religious insanity; so careful should all religious men be never to lose sight for a moment of their moral obligations; if they once do, it is impossible to say what point of enthusiasm, or even of guilt, they may not reach.

But not only were murders of this nature committed, but a massacre (I allude to the massacre of St. Bartholomew), a massacre of every person of consequence that belonged to the inferior sect, under cover of a reconciliation, was actually both conceived, and almost entirely perpetrated; and that, by the first people of rank in France, regularly deliberating, contriving, and executing, slowly and systematically, what is not pardoned to human nature even in her wildest transports of sudden fury and brutal folly.

With all the latitude that can be imagined for civil and religious hatred, nothing but evidence totally irresistible could reconcile the mind to the belief of such an astonishing project of guilt and horror.

The entire and total separation and hatred that existed between the two religious sects must have been carried to an extent now inconceivable, or such a scheme could never have been devised, and still less executed.

Could it have been supposed possible that such a secret as this should have been so kept, that a certain portion of the whole community, an entire description of brave men, should be slaughtered in their beds and in the streets: in the

capital and in the provinces, to the amount of seventy thousand human beings, without the slightest chance of combination or resistance against their murderers? Yet such was the fact.

All memoirs and historians make mention of this massacre of St. Bartholomew; and each becomes worth consulting, by noticing some particulars not noticed by the rest. Davila, at other times so interesting from his minuteness, and judicious minuteness, disappoints expectation. The subject could not well be dwelt upon by any historian like him, who must have *wished*, at least, to think well of Catherine, with whose court he had been connected. De Thou enters more into the detail.

After the first emotions of astonishment, indignation, and horror have subsided, we may perhaps not unprofitably turn to reflect on the manner in which the perpetrators of such atrocities could reconcile them (and they did reconcile them) to their own views of religion and virtue. Men on their death-beds were known to consider the part they took in these extraordinary crimes, as meritorious with the Deity. The massacre was defended by reasonings at Rome; by an oration of the eloquent Muretus; by the sermons of divines, and the apologies of men in the highest stations; and even sanctioned by public authority at Paris.

The annals of the world do not exhibit so awful an instance (and this is the great lesson to be drawn from these enormities) of the dangerous situation in which the human mind is placed, when it *once* consents, on *whatever* account, whether of supposed religion, or imagined duty, to depart from the great and acknowledged precepts of morality. I must for ever press this point upon your remembrance—the great code of mercy and justice impressed upon the human heart by the Creator—an attention to it can alone keep you safe from the possible delusions of religious zeal.

The Protestant part of Europe at the time, and posterity ever since, have vindicated the rights of insulted reason and religion. It is some melancholy consolation to observe, that even the abominable court itself was, *at first*, obliged to pretend, and their apologists since, that they only anticipated a projected insurrection of the Huguenots. Charles IX. seems

never to have known health or cheerfulness again: he had pages to sing him to sleep; and he at last died, ere his youth had well passed away, lost and destroyed in body as in mind, and, if possible, an object of compassion.

It is indeed true, that Catherine, while urging on her hesitating son, could quote a passage from the sermon of the Bishop of Bitonto, to assure him that pity to a heretic was, in fact, but cruelty, and cruelty, pity! But there were governors in some of the provinces, that replied to the mandate of their sovereign, "We are good citizens, we are brave soldiers, but we are not executioners." "Excidat illa dies," said the virtuous De Thou, ashamed of his countrymen,

" Excidat illa dies ævo, ne postera credant  
 Secula, nos certe taceamus et obruta multâ  
 Nocte tegi propriæ patiamur crimina gentis."

Mankind, from a sense of their common nature, might wish the same.

Such seem the general reflections that may occur to us while we are engaged in earlier parts of the annals of this period. But in reading the history of these civil and religious wars, you must observe, that though for *some* time the Roman Catholics are united with the court in opposition to the Protestants, yet at length a *new* scene opens, and the contest is carried on against the Protestants, by the Roman Catholics *themselves*, with, or *without* the assistance of the court. The celebrated combination, called the "League," makes its appearance (a combination independent of the crown); and the result is, that the throne itself is at last shaken, and the crown nearly overpowered by positive rebellion.

This League, therefore, forms an epoch in the history of these civil and religious wars, and they may be thus divided into two parts, before and after it. This last is, like the former, a portion of history that should be well studied; Davila and De Thou, particularly Davila, should be carefully read. There is also a history of the League by Maimbourg, who lived in the time of Louis XIV. He is never considered as a writer sufficiently temperate; his hatred of the Calvinists

was such, that his representations must always be read with very great caution. You have the work of D'Anquetil on the subject.

The whole account is very well given by Wraxall, and to him I refer you. You will find in Lacretelle a concise and intelligible detail of it.

The sum and substance of this part of the history is, that the second Duke of Guise had ability enough to get himself considered as the defender of the Roman Catholic religion; to form an union in support of it, without any authority from the crown; to point the zeal of the Catholics against the king as an enemy to the faith; to avail himself of the vices and indolence of the prince; and to improve every favourable circumstance so successfully, as at last almost to mount the throne amid an insurrection at Paris; finally (though he did not then mount the throne), to resume his plans, after the king's escape from the capital, and to urge on his projects, till he was at last himself assassinated by order of the wretched monarch, who could see, as he thought, no other expedient to preserve longer his crown, his liberty, or his life.

Of transactions like these there is, evidently, no part that may not be instructive. I cannot enter into any narrative, but I will, as before, offer some general remarks, to be left for your consideration, when you come to read the history yourselves. How, for instance, could such an armed union as this of the League, ever make its appearance without being instantly put down by the crown? How could it be ever joined by men who did not, from the first, mean to alter the government, or at least to change the monarch?

Questions like these will show you the importance of these transactions, for they involve in their consideration many points that will always be of importance to every good citizen and every good government that can be found among mankind.

From a note in Sully, where these transactions are alluded to, it may be collected, that there are several MSS. in the king's library at Paris, that would throw great light on the first origin and progress of this unconstitutional combination. But even in Maimbourg, the reader will find (and given apparently, upon sufficient authority) the first draft of this

association (afterwards called the "League"), which the Duke of Guise caused to be circulated in a part of France. It is not known to, or at least is not noticed by, the great historians; but it appears to me remarkable, as enabling us to observe the manner by which men may be gradually led from one step to another, till they arrive ultimately at positive rebellion.

The terms of the first association, as given by Maimbourg, not by the great historians, appear to express nothing but devotion to the Catholic religion, and loyalty to the monarch. The difficulty must always have been, how to throw power into the hands of the Duke of Guise.

In the articles, therefore, there is a chief of the League mentioned, and but slightly; only twice with any distinctness, and always in subordination to the king. The strongest expression is this: "The chief of the aforesaid association, who is Monsieur D'Humiers, to whom we promise to render all honour and obedience," &c. This chief might evidently have been afterwards altered, and made the Duc de Guise. But in the celebrated formulary of the League, what was at last, and afterwards circulated and signed, as it is given by Mezeray, D'Aubigné, and Davila, and as it is understood by De Thou, though there is the same spirit of devotion to the Roman Catholic religion, and of loyalty to the king, there is an unlimited obedience distinctly acknowledged to the head of the League; and with these remarkable words annexed, "without exception of persons." That is, an obedience was acknowledged, unknown to the constitution of the realm, without bounds; and that ultimately attached itself, not to the king, but to the chief of the League, and to him alone, "without exception of persons."

Here, therefore, is one of those instances in history, which are to teach men very carefully to watch over the erection of any power unknown to the constitution of their country—any power which may be brought into competition with the existing authorities. How careful they must be on this point, if they really mean only to improve that constitution, and do not mean eventually to overthrow it. This is my first observation, but the history of this League exhibits, among many lessons, another that may be mentioned.

The intolerance of the Roman Catholics, and the zeal of their preachers, was of great and indeed of indispensable service to the Duke of Guise, in the gradual prosecution of his ambitious designs. During the first part of the history of these civil wars, the Roman Catholic clergy enforced the doctrines of intolerance against the Protestants, and united with the court ; that is, they inflamed the animosities of the parties, and, in fact, did every injury to the state and to religion, that was possible. During the latter part, the same clergy were employed in the cause of the League, opposed to the Protestants indeed, and engaged in support of the supposed cause of religion, but opposed to the king also.

“ The king is no good Catholic,” said the preachers. “ Religion will be destroyed among us.” I quote from the historian. Examples of this kind in history have taught statesmen most anxiously to deprecate, at all times, the interference of the ministers of religion in the politics of the state.

Their zeal may be virtuous, and often is, but they see every thing through the mist of that zeal ; they exaggerate, they inflame the people, they inflame themselves ; they set into motion a principle (the religious principle), against which, if it once becomes inflamed, no other principle of reason or propriety can be successfully opposed. They have been naturally accustomed to look in one direction, and they are therefore, though men of education, seldom able to take a view, sufficiently extended, of the general interests of the community. This was the opinion even of Lord Clarendon.

Such statesmen, therefore, as have meant ill, have often converted men of this sacred character into instruments to serve their own political purposes ; and such statesmen as have endeavoured well, have but too often found them impediments to their designs. All history enforces upon the attention disagreeable conclusions of this nature, and pious and good men should be aware of it ; though I cannot mean that men, because they are clergymen, should cease to be citizens. I state the lessons and monitions of history, more particularly of this period of history. The impression which it had left on the mind of Mr. Burke must have been of this kind ; for when the late Dr. Price, about the beginning of the French



Revolution, preached a sort of political discourse at the Old Jewry, which he afterwards published, Mr. Burke was immediately reminded of the very times we are now considering—the times of the League in France. He mentions them along with the solemn League and Covenant, so memorable in the history of Scotland and England; and he admonishes the doctor, that men like him, men of his sacred profession, were unacquainted with the world, and had nothing of politics but the passions they excite.

Another observation must also be made. The Duke of Guise found a no less effective, though more unworthy support in the king and in the court itself, than he did in the clergy; that is, he found a support in their profligacy, their waste of public money, their scandalous disposal of places of trust and honour, and their total disregard of public opinion.

These vices produced in the people that effect, which they have invariably done, and which they can never fail to do. It is possible that circumstances may not be sufficiently critical to produce, exactly at the time, insurrections and revolutions, but the materials for these most dreadful calamities are always ready, when such flagitious conduct has been at all persevered in.

The great on these occasions have no right to blame the populace; they have themselves first exhibited the vices and crimes, to the commission of which they were more particularly liable; and the vulgar do no more, when they break out, in their turn, into acts of brutality and ferocity. Manners and principles are propagated downwards, and on this account the lower orders, to a considerable extent, become what they are made by the example of their superiors. This example may be vicious, or may be virtuous; in either case, it cannot but have influence.

Lastly, I must remark, that there are several parts of this history of the League, that seem almost to have announced to us, two centuries ago, the unhappy events of modern times.

When we turn, for example, to the account of the day of the barricades in Paris, we have the siege of the Louvre, the Swiss guards, the flight of the king, the tumultuous capital,

the committees, and other particulars, that might almost lead us to imagine, that we were but reading a detail of the transactions that lately took place in the very same metropolis; that, in fact, we were engaged in the perusal of the horrors of the French Revolution.

Such are, I think, some of the general reflections which belong to these civil and religious wars in France, in both their different stages, before and after the project of the League.

I must now leave you to read the history for yourselves. I may observe indeed before you do so, that these scenes have been always recommended to the interest and curiosity of mankind, not only because they have exhibited in the strongest manner, the workings of the two great passions of civil and religious hate, but because times so extraordinary were calculated to produce, and did produce, characters the most extraordinary; fierce crimes, unbridled licentiousness, but accompanied with great courage and ability in the one sex, and with genius and spirit in the other. These have always more particularly marked this singular era, and have, therefore, had a charm for the readers of history, not derived, I fear, from any very respectable desire either of philosophic entertainment or instruction.

Brantome has been always read, but in the Memoirs of the House of Valois, by Wraxall, may be found an ample specimen of the characters and anecdotes which belong to this part of history; and you may in this work occupy yourselves more than sufficiently in a species of reading, by which every one, I fear, may be amused, and no one, I am sure, can be improved.

I must here close my account of these civil and religious wars, which will be found, when perused, too busy in events, and too fertile in character, to be treated in any other but this indistinct and general manner.

But as the student is thus supposed to approach the great subject of the civil and religious wars, by which in France, and every where in Europe, these ages were distinguished, I cannot conclude this part of my lecture without making one observation more, however obvious; it is this: that the theatre of the world is not the place where we are to look for

religion ; her more natural province must ever be the scenes of domestic and social life : too elevated to take the lead in cabinets and camps, to appear in the bustle and ostentation of a court, or the tumults of a popular assembly, amid the struggles of political intrigue, or the vulgar pursuits of avarice and ambition, Religion must not be judged of by the pictures that appear of her in history. The form that is there seen is an earthly and counterfeit resemblance, which we must not mistake for the divine original.



## LECTURE XII.

### HENRY IV. AND THE LOW COUNTRIES.

**I**N my last lecture I made some remarks on the civil and religious wars of France, before and during the League. The reign of the celebrated Henry IV. forms the concluding part of this remarkable era.

The great historical French work, on the subject of his life and reign, is by Péréfixe; but De Thou, Sully, Mably, *l'Intrigue du Cabinet*, with Wraxall, will be the best authors, as I conceive, to recommend to your attention. You may read Lacretelle; he is too favourable. You may in these works read the narrative of his eventful life. I cannot enter into it. A few general observations on the whole, is all that I can attempt to offer.

The situation of Henry, while mounting the throne of France, was so beset with difficulties, that as we read the history, we can scarcely imagine how he is ever to become successful, though we already know that such was the event. He was a Huguenot, and the nation could not therefore endure that he should be king; he had been leagued with Henry, the former king, while that prince was stained with the blood of the Duke of Guise, the great object of national admiration; he had a disputed title; an able and experienced general to oppose him in Mayenne, the brother of the murdered Guise, backed by a triumphant party, and by the furious Parisians. Lastly, he was exposed to the hostile interference of one of the most consummate generals that ever appeared, the Duke of Parma, at the head of the Spanish infantry, then the first in the world.

It must be confessed that Henry, with some assistance from fortune, fairly, slowly, and laboriously, won and deserved his crown.

This part of the history is well given by Wraxall, from De Thou and others.

But Henry had not only to win the crown, but to wear it; not only to acquire, but preserve it.

Now the great lesson to be drawn from Henry's life, is, the wisdom of generous policy, the prudence of magnanimity. To these he owed his success. There was nothing narrow in his views, no ungovernable animosity that rankled in his memory; he forgot, he forgave, he offered favourable terms, he negotiated with all the fearless liberality of an elevated mind. The path of honourable virtue was here, as it always is, that of true policy, that of safety and happiness. The result was, that he was served by men who had been opponents and rebels, more faithfully than other princes have been by their favourites and dependents.

Henry has always been, and with some justice, the idol of the French nation. But in his private life two fatal passions reduce him (great as he was in public) to a level with his fellow mortals, and sometimes far below them.

It was in vain that the virtuous Sully remonstrated against his passion for play. Again, Henry seems never to have suspected that domestic comfort was only to be purchased by domestic virtue. In respect of the Princess of Condé such was his licentious nature, such the result, as is always the case, of the long indulgence of his passions, that he is, in this affair, as far as I can understand the history, very little to be distinguished from a mere violent and unprincipled tyrant.

The name of Henry IV. may remind us of a celebrated work, the *Henriade* of Voltaire. This extraordinary writer was allowed to be a poet by Gibbon, and an historian by Robertson. The poem will exhibit him in both capacities. It should be read immediately after reading the history of these times. Thus read, it will strike the judgment, and refresh the knowledge of the student, while it exercises his taste, and to a certain degree, animates his imagination. The work was considered by its author merely as a poem, and not a history; but it is now chiefly valuable for the descriptions which it gives of the great characters and events of these times, drawn with great beauty and force, and evidently by the pencil of a master. It will be found very entertaining, read in the way I propose. On the whole, the striking scenes of this cele-

brated period in French history (the period of the sixteenth century), attach powerfully on our attention; but we must never forget to remark those incidents which paint the manners, laws, and constitution of any people whose annals we are reading. Incidents of this kind may be found—many of them in De Thou, some in Davila, many more in very inferior authors, such as L'Etoile. Every information of this sort is collected with great diligence and propriety of selection by Wraxall: a large part of his work is very properly dedicated to the delineation of the arts, manners, commerce, government, and internal situation of society; first, under the later princes of the House of Valois, and secondly, during the reign of Henry IV.

This author does not seem to have studied the science of political economy with the same diligence which he has exerted in his more immediate department of history; and therefore his conclusions on these subjects must be read with great caution. The science seems to have been still more unknown to the statesmen and historians of France; it is therefore difficult to understand their reasonings, or benefit by their remarks, when such matters are touched upon.

The facts and anecdotes of these times, which Wraxhall has collected, exhibit a most afflicting picture of licentiousness and vice. The historian is obliged to acknowledge, that, he can only find three virtues then in existence—courage, friendship, and what could be less expected, “filial obedience;” a scanty catalogue, which it seems cannot be enlarged. Yet was this the age of religious wars! So much more easy it is to contend about religion, than to practise it.

The arts of luxury and splendour seem to have been fully displayed in the courts and castles of the great barons. The peasants and lower orders were, in the mean time, lost in wretchedness and ignorance, and debased by oppression. Even the higher orders themselves, amid all their costly excesses were exposed to many evils and inconveniences which we, of the present day, should consider as quite inconsistent with our personal comfort. So different is the wealth of a country from the riches of a court: so different the progress of the more costly arts, from the general improvement of society.

After the personal character of Henry, the events of his reign, and the manners of the times, have been considered, the last and great object of inquiry is the constitution of France. If this had received any improvement, however dreadful might have been the effects of these civil and religious wars in other respects, the prospect of future happiness to this great kingdom, would have been still open.

What, therefore, we ask, had been the fortunes of the states-general? The answer may, unhappily, be given in the description in the *Henriade*:—"Inefficient assemblies where laws were proposed, rather than executed, and where abuses were detailed with eloquence, but not remedied."

The public seem, indeed, to have felt the weight of taxes; and complaints and representations were made in these assemblies, which in this manner occasionally reached the throne itself. At two different periods, in 1576, and still more in 1588, an opportunity was offered of at least some effort for the general good, but in vain. The images of liberty had been too long withdrawn from the eyes of the nation; and no reasonable ideas on the subject seem to have been entertained by any leader or description of men in the state.

Even the religious reformers seem not in France to have felt in themselves, or to have endeavoured to excite in the minds of their countrymen, any of those principles of civil liberty, which so honourably distinguished them in other parts of Europe.

In the constitution of France, the only part of the system which the reader can fix upon, as yet of consequence to the cause of civil liberty, the only body from which any thing could yet be hoped, was the parliaments. These assemblies, particularly that of Paris, seem continually to have offered a sort of yielding resistance to the arbitrary power of the crown; to have been ever ready to assert privileges (to assert or create them) which might eventually be of decisive importance to the nation; for instance, they acquired, or retained, the prerogative of registering the edicts of the king. In the exercise of this prerogative, a most important one, it is true they always accommodated themselves to the wishes of the monarch, whenever he insisted upon their

compliance : still the prerogative itself remained in existence ; royal edicts after all, were not exactly laws : they became so, only when the parliaments had given them a last sanction, by consenting to *register* them.

Here, then, lay the great secret of the constitution ; how far the king could legally compel this acquiescence ; and here was fixed the proper engine of constitutional control or resistance. You will see its importance when you come to read the history of the French Revolution.

On this subject of the constitution, facts and information may be taken from Wraxall, and above all from Sully, who is an original author and full of them : but principles and reasonings must be drawn from the Abbé de Mably.

The value of a national representation, as an instrument of taxation, even to the crown itself, may be seen in the history of France. The monarch, it is true, could issue edicts, but the taxes were intercepted by the collectors of them ; though the subject paid much, the crown received little. Arbitrary power is not favourable to the real affluence of the sovereign. For the same notions in the people and in the monarch that lead to arbitrary power, lead to abuses of every description ; compulsory loans, venality of offices, demands of free gifts, rapacious exactions from opulent traders, destructive impositions, and anticipations of revenue ; habits of expense, improvident management, and an universal system of waste and speculation.

But it is in this manner that all the sources of national revenue are destroyed ; and if the revenue be not produced, the monarch cannot have a part of it.

It was in vain for the prince, even if patriotic, to endeavour to introduce economy into his household and expenses : a large sum might be collected in such a country as France, by a minister like Sully, under a king like Henry IV. ; but the memoirs of Sully himself resound with the king's embarrassments and poverty.

The whole organization of society, from the throne down to the cottage, if the government be arbitrary, is always to the purposes of a royal exchequer, unfavourable ; every instrument that the monarch can employ is, more or less, a



bad one. The monarch and court, by the absence of all apparent criticism from public assemblies, themselves lose the necessary discipline and support of virtue. They become themselves, and every one around and below them, expensive and depraved, profuse and needy.

The great accusation to be brought against Henry is, that he did nothing for the liberties of France, nothing for its constitution. He never attempted to turn to the best advantage such a means of improvement as might still have been found in the states-general. He laboured to be a father to his people, but only because it was his own good pleasure to be so; he forgot that the power which he directed to the benefit of his subjects was to descend to others; and that it was one thing for a nation to have a good king, and another to have a good constitution.

There are two services, however, which he rendered to the constitution of France, and that by his own merits. First, he prevented the renewal of the government of the fiefs. The great nobles were made so powerful by the civil wars, their followers so familiarized to arms, all order and law so banished from the kingdom, and the governors of provinces were possessed of powers so vast and dangerous, that independent sovereignties might probably have been established if Henry IV. had not been on the throne during the first very critical years that succeeded to the assassination of Henry III. Considerable efforts were made by some of the great leaders to have their governments made hereditary, even while Henry IV. was their monarch, armed with all his advantages of talents and success. The hereditary governments, if once established, might readily have assumed the nature and privileges of independent sovereignty, and the country been broken up and ruined.

Secondly, He procured for the Protestants the edict of Nantz. The promulgation of this edict must be considered as a sort of conclusion of the religious wars; wars which, for nearly forty years, desolated France, and had more than realized the dreadful pictures of Tacitus, even when describing the worst times of the worst people.

This celebrated edict will surely attract the curiosity of every reflecting mind.

I have already mentioned a work under the title of the Edict of Nantz; and recommend the perusal of the first book. I now recommend the fifth, which will give the reader a very adequate idea of the times and of the subject. The edict itself is at the end of the first volume, and may be easily read. It consisted of ninety-two general articles, and these followed by fifty-six secret articles.

After all these have been considered, the observations of the Abbé de Mably may be attended to.

The Protestants—the inferior sect—made the usual demands; and the Roman Catholics the usual objections. The points in debate comprehended all the accustomed difficulties. At length, by the articles of the edict (VI. IX. X.), the Protestants were allowed to live every where in France without molestation, on account of their private religious tenets; and publicly to enjoy (XIV.) the exercise of their religion in particular places, though not in the metropolis, or within a certain distance of it. You will look, I hope, at these articles, particularly the secret articles.

I cannot further allude to them as I could wish to do, for in this lecture, as in every other, I am restricted to a certain time; but I must at least point out to you the twenty-seventh article, which is to us more particularly interesting, as the policy of our own country has been different, and as the wisdom of our policy has been very reasonably disputed.

By the twenty-seventh article of the edict, the Protestants (the Dissenters in France) were rendered eligible to all offices without exacting any other oath from them; but (I quote the article) “well and faithfully to serve their king in the discharge of their offices, and to observe the ordinance, as it has been observed at all times;” that is, the test was civil, not religious. Our policy, as seen in our corporation and test acts, is different.

These are so contrived that with us Roman Catholics and Dissenters are necessarily excluded from offices; for they are required to take the sacrament after the manner of the Church of England; i. e. the test is religious.

The humanity and philosophy of the Abbé de Mably take fire when he comes to notice this celebrated edict. To establish (he observes) a solid peace between the two religions, there

ought to have been established between them a perfect equality.

If the Protestants were feared, no exercise of their religion could have been, he contends, too public. Their preachings were otherwise to be rendered always the hot-beds of intrigue, cabal, and fanaticism. Henry, he adds, should have called the states-general; made the parties produce and discuss their claims; then have mediated between them and formed a law—the law of the whole nation.

To views and observations like these, the history itself, and all history, is a melancholy but sufficient answer. It is only astonishing that after such scenes as had taken place, Henry could accomplish what he did. Insufficient as it may seem to the Abbé de Mably, it was not effected without the most meritorious exertions on his part, and the assertion of all his authority, with both laity and clergy, particularly the latter.

Had he called the states-general he would only have dignified and organized the opposition which he could scarcely with the assistance of the most favourable circumstances, overpower. Like a real statesman he was resolved to do something for the benefit of his country, but was contented, when he had done what seemed practicable; when, in short, he had made the best of his materials. It was sufficient for him, as it must often be for others, to have laid the germ of future improvement, which was to ripen, if succeeding times were favourable; if otherwise to perish.

“See nations slowly wise, and meanly just.”

The account which Sully gives of these memorable transactions is very imperfect and inadequate to their importance.

De Thou is more satisfactory; but even by him the subject seems not to have been properly comprehended. You will have some idea of it from Lacroix. Some reforms were, however, accomplished by Henry and Sully.

The merits of Henry IV. had an easy conquest over the French nation; for he restored them to peace after the calamities not only of civil war, but of civil and religious war. Favoured by fortune, and recommended by great merit, Henry became at once, and has always remained, the object of universal admiration.

It seems but too generally forgotten that Henry made no attempt to revive the constitution of his country. The people of France themselves seem never to have objected this most important fault to him.

Mankind, it must be confessed, are ever running headlong in their feelings of praise and censure, and they seem almost justified, when they give the free reins to their confidence and affections in favour of princes, who have been their deliverers and protectors.

But it is unhappily on occasions like these, after revolutions or great calamities, that a nation loses, as did the French, as did the English at the restoration of Charles II., all care of its laws, its privileges, and its constitution. It thinks only of the horrors of the past, and of the comparative enjoyments of the present; slavery itself is a comfort when compared with the miseries that have been endured; and good princes as well as bad princes have converted to the purposes of their own power these thoughtless but natural sentiments, in a fatigued, terrified, and scarcely yet breathing people.

No periods have, therefore, been so dangerous to the civil liberties of a country. What Louis XI. had effected was now willingly confirmed; and the whole French nation—a nation of civilized men, quick in intelligence; ardent in sentiment, prodigal in courage, and the descendants of the Franks, contented themselves with the political blessings of the hour, and in the virtues of their monarch, without thinking of the future, reposed that confidence which should only have been given to some free form of government; some form of government where their states-general, the proper images of themselves, had been combined with the executive power, and both harmonized into a regular constitution, for the permanent benefit as well of the prince as of the people.

Before I quit this subject, I must again recommend to you an account lately drawn up by Mr. Smedley, a history of the Reformed Religion in France. The work will tell you every thing that it is necessary to know respecting the religious part of the history of these times.

We must now turn to a scene that will have been often presented to us indirectly during our perusal of these evils

and religious wars in France, the contest between Philip II. and his Dutch and Flemish subjects; the progress of the Reformation in the Low Countries.

We are furnished with sufficient materials for understanding these interesting transactions.

We have the Protestant historian, Grotius; the Catholic historian, Bentivoglio; and a very full detail from the Catholic historian, Strada. These may be considered as authors living at the time. We have also a very full history of the Reformation by Brandt, who lived half a century afterwards, when the truth might be still more completely ascertained; and lastly, we have our own historian, Watson, who, from these and other sources, has drawn up his own unaffected and valuable narrative. The whole will divide itself naturally into a few different portions corresponding with the different governors and changes of system adopted by the court of Spain.

But the most instructive is the first. The interval that elapsed while the Netherlands were gradually advancing to rebellion, and while Philip was endeavouring to establish his fatal system of coercion and intolerance.

Now, although the original authors I have mentioned may be more or less freely consulted through the whole of the contest, I would recommend that they should be entirely perused while they give the history of this first period; the period which preceded the first appearance of the Duke of Alva in the Netherlands.

It is somewhat amusing, but it is surely edifying, to observe the difference of tone and sentiment in the Catholic and Protestant writers. Grotius and Brandt speak a language consistent with civil and religious freedom, as might be expected; while with the other historians all resistance to the civil powers is faction and rebellion; all controversy with the church, impiety and irreligion. Strada investigates the causes of the revolt of the Netherlands, and considers and dismisses, as of little importance, such solutions of this event as might appear to us very adequate to account for it—the introduction, for instance, of a standing army amid a people whose laws and constitution were of a free and popular cast; the forcible increase of a number of ecclesiastical dignitaries; the attempt

to introduce the Inquisition; the enforcing the intolerable edicts of Charles V. These causes he considers as contributing indeed somewhat to the tumults in religion, but the first and true origin of the whole he finds only in heresy.

It was this, he conceives, that rendered turbulent the mass of the community; and when to this was added the discontent of the nobles, the rest was of course.

Bentivoglio, in like manner, considers religion and the Roman Catholic profession of it as one and the same thing, and seems never to have apprehended that civil obedience had any bounds but the good pleasure of the sovereign.

It is very singular that a pope's nuncio like Bentivoglio, coming to the Netherlands just after the close of these dreadful contentions, should write an account of them, which even Grotius should pronounce to be an impartial history. It is agreeable to observe that the great duty of an historian is so obvious and indispensable, that it can in this manner be felt and obeyed even by a man like Bentivoglio, who had surrendered all the freedom of his mind on every other subject connected with civil and religious liberty.

Strada had an unfortunate wish to write like Tacitus; but Bentivoglio will in no respect fatigue or repel the reader. After the first four books have been read and compared with Watson, the remainder may be consulted or perused, as the student thinks best.

There seem to me two principal lessons to be drawn from this part of the history of the Low Countries.

First, the unhappy effects of intolerance. In this respect the facts and the conclusions to be derived from them are the same as in other countries, and such as we have already noticed.

Secondly, the impolicy of all harsh government. The Netherlands were dependencies of the Spanish monarchy. It has never yet been possible to teach any country, nor even any cabinet, the wisdom of governing its colonies or dependencies with mildness.

The first portion of this history, while Margaret of Parma was in authority, is therefore particularly to be studied; the portion I have already mentioned. She endeavoured to govern mildly.

The system of Philip II. was no doubt the most violent specimen of harsh government that has yet been exhibited among mankind. But the system of all other mother countries has been similar; and what difference there may be is in degree, and not in kind.

A distinction is here to be made. Philip II. has always been considered, and justly, as the most perfect example of bigotry that history supplies; and to this must be imputed much of the abominable tyranny which he exercised over the Low Countries.

But the love of arbitrary power is always found where bigotry is found. The human mind, amid its endless inconsistencies, is indeed capable of being animated with a love of religious liberty, and yet of being at the same time ignorant of the nature, or somewhat indifferent to the cause, of civil liberty. Instances of this kind, though very rare, have sometimes occurred, but the converse never has; no man was ever a religious bigot, and at the same time a friend to civil liberty; and it was perfectly consistent for Philip not only to introduce the inquisition into the Low Countries, but also Spanish soldiers into the fortified towns; to deprive the Flemings of the free exercise of their religious opinions, and at the same time of the laws and privileges of their states and assemblies; to leave, in ecclesiastical matters, no visible head but the Pope, and in civil affairs no real authority but his own. These were parts of a system of conduct that perfectly harmonized with each other: each took its turn as the occasion required.

The favourite instruments of his tyranny were men of like nature with himself; foes equally to civil and religious liberty—Cardinal Granvelle and the Duke of Alva.

Bigotry and the love of rule had so conspired even in Charles V., his father, that he had paved the way, by his edicts, for all the subsequent proceedings of Philip; and was, perhaps, only saved from similar enormities by a partiality which he had contracted for Flanders in his early years; those years when his mind was in its natural state, could be capable of attaching itself to the objects that surrounded it, and of tasting a happiness, which it is probable no subsequent splendour could ever afterwards bestow.

The object contended for by Philip was, that the religious persuasion of these countries should be the same as his own. "You may lose them if you persist," said one of his officers. "I would rather be without kingdoms," he replied, "than enjoy them with heresy."

Now, on all occasions when harsh government is to be the means, it will always be found, as in this instance, that, in the first place, the end to be accomplished is not worth the risk of the experiment, to say nothing of the injustice of the experiment itself.

Next, it will be found that some statesman like Cardinal Granvelle always makes his appearance; very violent and very able; qualities not incompatible; skilled in business, and perhaps acquainted with the inferior country that is to be ruled; distinct, decisive, and consistent in his opinions; whose counsels therefore have an air of wisdom which does not belong to them, and acquire irresistible authority in the superior or mother country, with the monarch and his cabinet, because they are not well informed themselves, and are already sufficiently disposed to such counsels from the prejudices of their own situation.

Again,—The Roman Catholic historians are satisfied in imputing all the turbulence, as they would call it, of the Prince of Orange and the Flemish leaders to disappointed ambition. But it is always forgotten that such disappointment is reasonable. When authority and influence are generally conferred, not on the natives of the country governed, but on those who in comparison are considered as aliens, it is impossible that men should be satisfied with the government which robs them of their natural consequence in their own land. This is a very common species of impolicy and injustice.

The Flemings, it will be found, had every reason to be dissatisfied in this respect.

Lastly, the student will observe, on the other side, great irregularities committed by the people in their mode of resistance to Philip; the symbols of the Roman Catholic worship insulted with great violence and outrage; and an intolerance displayed by *them*, precisely of the same nature with the intolerance of Philip himself.

Excesses of this kind always occur, and are instantly seized



upon in argument, by those who govern, as justifying the harsh measures that in fact led the way to them; they are brought forward as demanding fresh applications of force and severity.

But the very contrary of all this is the proper conclusion; it is the total inability of the people to govern for themselves; it is their inevitable fury, ignorance, and brutality, when once roused, that renders mild government so indispensable a duty in their rulers. Their faults are a part of the very case: temper, moderation, reasonable views, it is ridiculous to expect from them; but in cabinets they may and ought to be found: if they are not found somewhere, what must be the consequence?

I would recommend you particularly to observe how the whole nature of a subject like this is brought before your view by the debate that you will find represented by Bentivoglio as taking place in the Spanish cabinet in the presence of Philip II.

The Duke of Feria was the advocate for mild measures; the Duke of Alva for force. Their speeches are given.

Strada also gives the debate, but puts much of the argumentation of Feria into the mouth of the prince of Eboli who is mentioned by Bentivoglio as seconding rather than leading the Duke of Feria. The Duke of Alva appears in each of the historians to have advised instant coercion. He was the Moloch, whose "sentence was for open war."

I must confess that I think this debate, which you will see best in Bentivoglio, very remarkable.

It is to be observed, that the reasonings of the Spanish statesmen are, on this occasion, exactly the same with those of our own statesmen at the breaking out, and during the continuance of the late American war.

Nor was the event dissimilar. The good sense of the Duke of Feria was exerted with as little effect as was afterwards the philosophic eloquence of Mr. Burke. The establishment of the republic of Holland was in one instance the consequence and the independence of America in the other.

But reason and history are equally unavailing to teach the wisdom of temperate and healing counsels to a brave and prosperous people, as were the Spaniards in the first instance,

and the English in the second. Such a people and their rulers inflame each other, and every thing is to be submitted to that irritable jealousy and high sense of national importance which their courage and their power so inevitably produce.

It was in vain that Margaret of Parma had, in the mean time, very tolerably composed the troubles of the Netherlands. The imperious nature of Philip and his counsellors was to be gratified, the Flemings were to be taught what it was to resist authority, and Alva was to be dispatched to enforce that obedience by arms, which it suited not, it seems, the dignity of the monarch to deserve by humanity and justice.

The nature of the Flemish grievances may be very clearly understood from Watson, and even from Bentivoglio.

The Reformation had made some progress in the Netherlands. The prosperity of the people every where depended, not on any assistance from the Spanish monarchy, but on their own industry and commerce; that is, on their equal laws and constitutional privileges. The edicts of Charles V. had declared, that all persons who held heretical opinions should be deprived of their offices and degraded from their rank; that they who taught these doctrines, or were present at the religious meetings of heretics, should be put to death; that even those who did not inform of heretics should be subjected to the same penalties.

Philip had resolved—1st, to enforce these horrible edicts; 2ndly, to establish a tribunal that could not be distinguished, except in name, from that of the Inquisition; 3rdly, to increase the number of bishops from five to seventeen. These were to be the ecclesiastical instruments of his power. The civil instruments of his authority were to be found in the numerous bands of Spanish soldiers which, 4thly, he resolved to station in the provinces contrary to the provisions of their fundamental laws.

It can be no matter of surprise that a system like this should be considered by a people so situated as a system of destruction.

The resistance of the Prince of Orange and of some of the Flemish nobles will be found, even according to the representation of Bentivoglio, to have been as temperate and regular as the calmest speculator could require. And the

whole of the proceedings between them and the regent Margaret, and between both and the Spanish court, are very instructive.

But when we come to the next part of the subject, the resistance that in fact was made, it must surely be a matter of great surprise to us to find, that no general effort of this kind seems to have been made against the Duke of Alva when he at length appeared.

He came into the Low Countries, and with an army of about fourteen thousand men he disposed of the lives and privileges of the Flemings of all ranks at his pleasure, imprisoned two of the most popular and meritorious noblemen, erected a Council of Tumults, or, as it was more properly called, a council of blood, and destroyed, in the course of a few months, by the hands of the executioner, more than one thousand eight hundred different individuals; while more than twenty thousand persons fled into France, Germany, and England, without the slightest attempt having first been made, either by themselves or others, for their common safety and protection.

These cruelties, and the cruelties that were inflicted by other persecutors who preceded Alva, may be seen in Brandt; and Bentivoglio himself observes, that even those who were nowise concerned were affrighted to see the faults of others so severely punished; and they groaned, he says, to perceive that Flanders, which was wont to enjoy one of the easiest governments in Europe, should now have no other object to behold but the terror of arms, flight of exiles, imprisonment and blood, death and confiscations.

The only resource of the Prince of Orange and the patriots seems to have been to raise forces in Germany from their own funds, and to call to their assistance the protestant princes, the Count Palatine, the Duke of Wirtemberg, the Landgrave of Hesse, and others.

“The danger is common,” says the Prince of Orange, “so should the cause be. The Spanish forces, once in Flanders, will be always ready to enter Germany; and you will have new taxes, new customs, severe laws, more severely executed; heavy yokes upon your persons, and more heavy upon your consciences. I am held,” said he, “to be the contriver of

conspiracies; but what greater glory can there be than to maintain the liberty of a man's country, and to die rather than be enslaved?"

William and his brother led separate armies against the Duke of Alva, but were obliged, the one to fly, and the other to disband his troops. The want of the means to pay them proved equally fatal in different ways to the enterprises of each commander; and neither proper funds nor adequate assistance were supplied by the Flemings themselves.

This is one instance among many which it is melancholy to observe, of the difficulty with which the regular troops of an unprincipled tyrant can be resisted, or at least ever are resisted, by an insulted and oppressed people.

The principal cities became sensibly thinner in population; whole villages and small towns were rendered almost desolate. Still no resistance, that is, no resistance from the Flemings themselves.

But it fortunately happened that Alva was not only made more arbitrary and insolent by success, but he began himself to feel the same want of money for the payment of his troops, which had been so fatal to the Protestant leaders.

Philip was supposed at the time to possess all the wealth of the world, and he certainly did possess a large portion of the gold and silver of it; but it was now to be shown that ambition and harsh government could exhaust even Mexico and Peru.

Alva found himself obliged to have recourse to taxation, and to require from the industry and wealth of the Flemings themselves that constant supply which all the mines and slaves of his master were insufficient to afford him.

And now for once it happened, that a total ignorance of the principles of political economy in the rulers was eventually favourable to the happiness of the people.

The Duke insisted—1st, upon *one* per cent. on all goods moveable or immoveable; 2ndly, on an annual tax of twenty per cent. on all immoveable goods or heritage; and, lastly, of ten per cent. on all moveable goods to be paid on every sale of them.

Taxes better fitted, the former for the annoyance of a commercial people, and the latter for their destruction, could not

well have been contrived. It was in vain that the Duke of Alva was told, that if this ten per cent. was paid on every sale of an article—first, on the wool for instance, then on the yarn, then on the cloth before it was dyed; then, when sold, first to the merchant, secondly to the retailer, and lastly to the consumer, no foreign consumer would be willing to buy it, and no home customer would be able; and that, on the whole, such a tax could only produce the ruin of the manufacture itself and all concerned, or, in other words, of all the sources of revenue together.

Observations of this kind were sufficiently answered by Alva, as he thought, when he replied, with that stupidity as well as insolence which so generally belongs to arbitrary power, that the tax was levied in his town of Alva, and that he wanted the money.

It is not very agreeable to observe, that every where through all history, the most sensible nerve that can be touched is this of taxation. Privileges may be taken away, laws violated, public assemblies discontinued, no *distant* consequence is regarded, no common principle seems as yet sufficiently outraged: the community are silent, or only murmur for a short season and submit; but if a tax is to be levied, every man feels his interest at issue, every man starts up in arms, every man cries with Shylock—

“Nay, take my life, and all; . . . . .  
 . . . . . You take my life,  
 When you do take the means whereby I live.”

Observe the facts in these Low Countries.

The Flemings had seen their fellow-citizens executed by the Duke of Alva, had seen all the principles of their civil and religious liberty destroyed; had suffered the Prince of Orange and their patriot leaders to fight their battles by means of German Protestants, whom he was to pay in any manner he could devise, a task to which it must have been known that his funds were totally unequal: all this they had seen, and all this pusillanimous guilt they had incurred; but the moment that the loss of their civil liberty was to produce *one* of its many injurious effects, the moment that the duke's tax-gatherers were to interfere with their manufactures and with

the sources of their opulence, then, and not till then, combinations could be formed, an universal sensation take place, and resistance to the Spanish tyranny every where assume a visible form, and become a regular system.

But our mortification is not yet to end. We might wish to see mankind always ready to kindle with a generous and rational sympathy. We might wish to see them act with some reasonable consistency and courage when oppressed; but what was the fact? The Walloon or southern provinces, being not so entirely commercial as those that were more maritime, will be found on that account (for no other reason can be given) to have resisted the taxes of Alva *less* firmly.

It is painful to follow the subject through all the more minute but important particulars that belong to it, and to observe the manner in which so many of the provinces could be practised upon and gained over; could be soothed, deluded, or terrified; could basely consent to submit to a certain part of the proposed requisitions, that is, to fit on such of the chains as they thought might possibly be borne, while the rest were to be left still hanging in the hands of their oppressors, ready to be applied on the first occasion, an occasion which they might be certain would so soon and so inevitably follow.

Had it not been for the resistance of Brabant, and the still more intelligent and invariable firmness of the single province of Utrecht, all might have been lost, and the bigoted, unfeeling Philip, though his subjects might no longer have been worth his ruling, would at least have had the gratification of seeing them bound and prostrate at his feet.

The example, however, of Utrecht was not without its effect, and its resistance was fatal to the Spanish system of taxation; a distinction, it is true, may always be perceived between the seven northern, more commercial provinces, and the rest. The more southern and less commercial often observed a cold neutrality, and were even guilty of a species of hostility to the Prince of Orange and the patriotic cause that was often but too convenient and favourable to the Spanish arms.

Cruelty and oppression were, however, destined at last to receive some lessons. Holland, Zealand, and five other of

the more bold and virtuous provinces of the Low Countries which with Brabant must be always distinguished from the rest, openly and steadily resisted. It is consoling to observe, that even the exiles, men whom Alva had reduced, as he supposed, to the condition of mere outcasts and pirates, too contemptible to interest his thoughts for a moment, were in fact the very men who gave strength and animation to the revolt; and by their armed vessels, their enterprises, their extraordinary exertions by sea as well as by land, so shook, and injured, and endangered the Spanish greatness, that the entire independence of a part at least of the Low Countries was at last formally asserted.

The military conduct of Alva is remarkable. In the field he was as calm and considerate, as he was rash and intemperate in the cabinet; that is, he understood the science of war, but not of politics. Yet still he could not, even in arms, succeed. The opportunities for resistance afforded by the singular situation of the maritime provinces, the consummate prudence, the zeal, and the tolerant spirit of the Prince of Orange, were obstacles which he could not entirely overcome. The great towns in Holland, Haerlem, and others, were besieged, taken, and outraged by the most extraordinary excesses of cruelty and rapine; but there were other towns that could not be taken. Holland, Zealand, and five other provinces acknowledged the authority of the Prince of Orange, not of Philip; and Alva at last retired, though the rebellion in the Low Countries was not put down, and neither his own vengeance, nor that of his master, as yet satiated. He consoled himself, we are told, with the reflection, that eighteen thousand heretics had suffered by the hands of the executioner, and a much greater number fallen by famine or the sword.

It appears from this history, that concessions were made by the Spanish court; but, as is usual in such contests, made too late: orders had been sent by Philip to remit the taxes of the ten and twenty per cent., but not till the maritime provinces had already revolted. After Alva, with his soldiers and executioners, had been let loose upon the provinces for nearly six years together, Philip began at last to doubt a little the efficacy of force, and to be disposed to send a new

governor, in the person of Requesens, who might act on a more conciliating system.

Requesens was a man of ability and moderation, and this last part of his character gave the Prince of Orange and the patriots the greatest apprehension, lest the Flemings should too readily forget the perfidy and cruelty of their oppressors. But Requesens not only came too late, but found it impossible to serve such a master as Philip.

I can, however, no longer continue this sort of narrative. After Requesens followed a kind of interregnum, and the government of a Flemish council of state. Then the administration of Don John of Austria. Lastly, that of the justly renowned Prince of Parma.

Each of these administrations became eras in this great contest. Each has its particular events, and its own more striking, though not very dissimilar lessons.

I had drawn up observations on each of them. But I must omit all further allusion, not only to the facts of this contest, but to the contest itself.

I must break away from the subject, for I must hasten to conclude my lecture.

I am willing to hope, that you will not only read the whole account in Watson, but be prepared to make such observations on the events, as they ought, I think, to excite in your minds. If I have succeeded to this extent I am satisfied, and consider my office as at an end.

To advert, therefore, to the final result of this great struggle, and to finish my lecture.

The Prince of Orange, notwithstanding the defection of some, and the mutual jealousies of too many of the provinces, had contrived to form the Union of Utrecht—a combination of seven of them; and this union may be considered as the first foundation of the republic of Holland.

It is difficult for unprincipled ambition to be prudent. Philip had not only schemes of tyranny in the Low Countries, but of invasion in England, and of aggrandizement in France. The multiplicity of his designs exhausted even his American treasures: the impossibility of his wishes squandered away even the resources of the genius of the Duke of Parma. The United Provinces were not subdued, England



not overcome, France not united to his crown, and Europe not subjected to the domination of the House of Austria.

We have at last the satisfaction to see the seven maritime provinces at least, treating with their oppressors as sovereign states; and not only their independence admitted, but their trade with the Indies allowed, and their cause completely triumphant.

These events, and particularly the negotiations for peace, may be seen in Bentivoglio and Wraxall, and may be considered with still greater advantage in Watson. Transactions of this nature are very deserving of attention; and we cannot but be struck, not only with the active policy of Henry IV. of France, but with the virtuous exertions of the wise Barnevelt, who, more successful than other patriots who resembled him have sometimes been, had the pure satisfaction of reasoning into peace his inflamed and improvident countrymen.

On the whole of this memorable contest—a contest of half a century—the great hero was the Prince of Orange, the great delinquent was Philip II. The one may be proposed as a model, in public and in private, of every thing that is good and great; and the other (with the exception of attention to business), of every thing that is to be avoided and abhorred.

To Europe and mankind, in the mean time, the success of the maritime provinces was of the greatest importance. The power of the House of Austria was for ever prevented from gaining too dangerous an ascendancy.

Resistance to those who were controlling religious opinions by fire and sword, and trampling upon constitutional privileges, had been successfully made.

An asylum was opened for all those, of whatever country, who fled from persecution—from persecution of whatever kind. The benefit thus accruing to mankind cannot now be properly estimated, for we cannot now feel what it is to have no refuge and no means of resistance, while men are ready to punish us for our opinions, and are making themselves inquisitors of our conduct. It is known to have been one of the severest miseries of the later Romans, that they could not escape from their government; that the world belonged to their emperors.

It was in the Low Countries that the defenders of civil and religious liberty found shelter. It was there that they could state their complaints, publish what they conceived to be the truth, and maintain and exercise the privileges of free inquiry. These were the countries to which Locke retired, and where William III. was formed.

But this was not all. The wonders that can be effected by commerce and the peaceful arts were displayed, and, on the whole, a practical example was held up to the princes and statesmen of every age and nation, well fitted to teach them many of those great truths which every friend of humanity would wish always present to their minds: that ambition should be virtuous and peaceful, that religious feelings should be tolerant, that government should be mild.



## NOTES.

### I.

#### *The Edict of Nantz.*

THE remonstrances of the Protestants were vain on the subject of tithes. But the king, by a brief, promised to furnish them annually with a certain sum, to be employed (says the brief) in certain secret affairs relating to them, which his majesty does not think fit to specify or declare. They were also allowed (but by the secret articles) to receive gifts and legacies. They were indulged, too (twenty-second article), in being eligible to offices in the universities, and in sending their children freely to the public schools.

But so much more is necessary to the weaker sect than edicts or laws in their favour, that this very concession was afterwards made a pretext for preventing Protestants from teaching any thing in their own small schools but reading and arithmetic, "because," said the Roman Catholics, "the children may be sent to our public colleges."

Three parliaments or courts of law were fixed upon, where the number of Protestant and Roman Catholic judges were to be equal; a necessary arrangement, it seems, to procure them the proper protection of the law.

Protestant books were only to be sold where the religion was publicly exercised; in other places after an "imprimatur;" not in the metropolis, for instance.

### II.

#### *Low Countries.*

FROM the termination of the great struggle between the Low Countries and Philip II. inferences have been drawn more favourable to the practicability of resistance to oppression than the transactions, it is to be feared, will warrant.

Of the seventeen provinces, though the condition of all must have been much ameliorated, seven only were emancipated from the Spanish yoke.

They who have to resist the regular armies of their tyrants can seldom be so situated as were the inhabitants of these maritime provinces; they can seldom be possessed of such fortified towns, and of a country so singularly impracticable to invaders. It is seldom that they can have a marine so powerful, and the commerce and the possessions, the very treasures of their oppressors, so exposed to insult and injury, to capture and ruin. It is

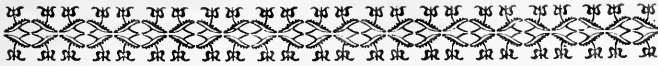
seldom that an unhappy people can be found so justly infuriated, and rendered so totally desperate by their particular sufferings and their particular cause; it is seldom that they can have been so fortunately educated, as were the Hollanders, to a sense of right, by the prior influence of a free government.

Yet the policy of the case, as it respects the tyrant himself (or the superior country) is not altered.

The oppressed country will always find support from the neighbouring powers; great mistakes, like those of Philip, will be probably made; illustrious defenders of their country will probably arise produced by the occasion.

Injury must at all events be received by the superior power. The most successful issue will but turn subjects into slaves; brothers into enemies; and impair those principles of dignified obedience and reciprocal right between the governors and the governed, which externally and internally in the superior as well as the dependent state, are the only steady and effective causes of all real greatness and prosperity.

The student is again recommended to turn to the debate in the Spanish council, given by Bentivoglio, on account of the similarity of the reasonings employed by our own statesmen in the contest with our American colonies.



## LECTURE XIII.

### THE THIRTY YEARS' WAR.

**W**E have now made some progress in the history of this century of religious wars. We have considered the civil and religious wars of France; next those of the Low Countries. We must now turn to Germany.

I have called this lecture, a Lecture on the Thirty Years' War; but I should rather have called it, a Lecture on the Religious Concerns of Germany.

The thirty years' war is, indeed the most interesting portion of the whole, and that to which the attention of all readers of history has been more naturally directed; but there is much to be read and considered before you reach the thirty years' war, and much after; or you will not be able to embrace in your minds the whole subject—the subject of the religious concerns of Germany during the sixteenth century. In truth, I am to allude to such a mass of reading in this lecture, and allude to it so indistinctly, that I know not well how I can enable you to listen to what I am to address to you.

It may assist you, perhaps, if you will first attend to the order in which I am going to proceed. It is the following:—The Reformation introduced great divisions of opinion into Germany.

I must first allude to the contest that existed between the Catholics and Protestants, from the breaking out of the Reformation to the peace of Passau. At this peace of Passau the interests of the contending parties were brought to an adjustment. I must therefore next allude to the provisions of that peace of Passau.

But after some time this adjustment was no longer acquiesced in, and the thirty years' war followed. I must therefore allude to the causes which brought on the thirty years' war.

This thirty years' war is a memorable era in history, and I must therefore allude to the conduct of it, and to the great hero of the Protestant cause on this occasion, Gustavus Adolphus.

The peace of Westphalia was the termination of this great contest, and of the whole subject; and I must therefore allude finally to the peace of Westphalia.

The whole interval from the days of Luther to this peace of Westphalia, an interval of more than a century, must be considered as one continued struggle, open or concealed, between the Reformers and the Roman Catholics.

The first period of this great contest extends to the peace of Passau, the next to the thirty years' war, the thirty years' war is the third. The peace of Westphalia is the final settlement of the whole.

First then, of the period that closed with the peace of Passau.

I need neither, as I conceive, relate the facts, nor comment upon them, for you may study this part of the history yourselves in Robertson and Coxe, and it would be a waste of your time to offer you here, in a mutilated state, what you will find regularly displayed in those authors.

I may, however, select what I consider as the leading events, and recommend you to fix your attention upon them. They are the following:—

First, The denial of the authority of the pope by Luther.

Secondly, The total intolerance of Charles V., avowed in the edict of Worms.

Thirdly, The resistance of the Protestants, and the exhibition of their own faith in the confession of Augsburg.

Fourthly, Their appeal to arms from the injustice of Charles—the league of Smalcalde.

Lastly, After the various events of unrighteous warfare, the religious peace concluded at Passau, in 1555, about the close of his reign.

These are the principal events. You must consider them, particularly the peace of Passau.

On this last, as it is so important, I will stop to make a few observations.

It was the first great adjustment of the contending religious

interests of Germany. It was extorted from Charles V., and, on the whole, it was favourable to the great cause of religious freedom, and the welfare of mankind.

Those of the inferior sect were no longer to be insulted, dispersed, or exterminated: they were to exist in society as their Roman Catholic brethren, erect and independent: they were to worship their God in the manner they thought most agreeable to his word. Human authority in matters of religious faith was avowedly cast off by a large and respectable part of the continent; and neither the magistrate nor the soldier were any longer to unsheath the sword, to imprison, to massacre, or to drag to the stake.

In practice, therefore, some progress had been made; some progress in practice, but little in the understandings or feelings of mankind. The parties abstained from mutual violence because they were well balanced, and feared each other; not because they discerned and acknowledged their mutual rights and duties. Not only were the Roman Catholics separated from the Protestants, but the Lutherans had separated themselves from the Zuinglians, afterwards called the Calvinists; and had endeavoured to stigmatize them with the name of Sacramentarians. That is, the Roman Catholics, the Lutherans, and Calvinists, were all equally ready to believe, that every religious opinion but their own was sinful, and therefore that their own, upon every principle of piety and reason, was at all events to be propagated, and every other repressed.

Again. We have already observed that one of the great difficulties on the subject always must be the disposal of property to the ecclesiastic: to which sect it is to be given by the state; to one, or to all, and upon what conditions.

This difficulty necessarily appeared at the pacification which was attempted at Passau.

It was insisted by the Protestants, that all those who separated from the church of Rome should, nevertheless, retain their ecclesiastical emoluments; emoluments it must be observed, which had been received originally from the Roman Catholic establishment.

By the Roman Catholics it was contended, on the contrary, that every such separatist should immediately lose his benefice.

This point could not at the peace of Passau, be carried by the Protestants. They seem to have sullenly submitted, and to have virtually acquiesced in what was called the ecclesiastical reservation. This reservation secured the benefice, and he left it to remain with the Catholic establishment when the holder turned Protestant.

The Protestants were consoled on the other hand, by a declaration, securing liberty of conscience to those who adopted the confession of Augsburg—a declaration which the Roman Catholics as little relished as the Protestants did the reservation just mentioned.

The parties were therefore not as yet sufficiently religious and wise to settle the real subjects of contention. Then followed, after this piece of Passau, a sort of interval and pause. After this interval, all Germany was laid waste and convulsed by the thirty years' war.

We naturally turn to ask what were the causes of so dreadful an event—thirty years' war! the very term is a disgrace to humanity. To this the answer will, I think, be found to be, first, the intolerant conduct of the Protestant princes to each other; second, the bigotry, ambition, and arbitrary politics of the princes of the House of Austria.

I will say a word on each. First, with regard to the conduct of the Protestant princes, Lutheran and Calvinistic. It will appear to those who examine the history that the Protestant cause was well established at the peace of Passau, and at the death of Charles V.; but that it was afterwards nearly lost by the advantages which the Roman Catholic arms and politics derived from the dissensions which existed between the Lutheran and Calvinistic princes.

Though these princes had the most palpable bond of union (their wish to exercise the right of private judgment)—though they were both equally opposed to the Catholic powers who would have denied them this inestimable privilege, yet was it impossible for them to differ in some mysterious points of doctrine without a total disregard to mutual charity; and each sect, rather than suffer the other to think differently from themselves, was contented to run the chance of being overpowered by the Catholics, that is, of not being suffered to think at all.



The Lutherans might have been possibly expected to be the most rational, that is, the most tolerant of the two, but they were not so; they were in reality more in fault than the Calvinists; being not only the first aggressors in this dispute with their fellow-protestants, but the more ready to temporize, to betray and desert the common cause.

You will perceive that I am here obliged to leave great blanks behind me as I go along, and you will perceive the same through every part of this lecture. These blanks must be hereafter filled up by your own diligence. I cannot expect to make the steps I take through my subject very intelligible at present.

But you will be able to judge of my arrangement, my statements, and my conclusions hereafter, when you come to read the history.

I must, then, for the present, content myself with repeating to you that the Protestant princes were themselves very faulty, more particularly the Lutheran princes; their intolerance to each other most unpardonable; and that the conduct of some of the electors of Saxony was very despicable, and most injurious to the Protestant cause; and finally, that all this folly and intolerance led to the thirty years' war.

My next statement was, that the thirty years' war, and all its dreadful scenes, were occasioned, in the second place, by the civil and religious politics, the bigoted and arbitrary conduct of the princes of the House of Austria.

Here again large blanks must be left. You can only judge of these politics by reading the reigns of those princes. I must refer you to the pages of Mr. Coxe.

I will make, however, a few remarks. These princes were Ferdinand I., Maximilian, Rodolph, Matthias, Ferdinand II. The character of Maximilian deserves your notice.

It is very agreeable to find among these Austrian princes one sovereign at least like Maximilian, whose conduct is marked by justice, wisdom, and benevolence, and whose administration realizes what an historian would propose, as a model, for all those who are called upon to direct the affairs of mankind.

On this account I must observe, that there is no period connected with these religious wars that deserves more to be

studied than these reigns of Ferdinand I., Maximilian, and those of his successors who preceded the thirty years' war. We have no sovereign who exhibited that exercise of moderation and good sense which a philosopher would require, but Maximilian; and he was immediately followed by princes of a *different* complexion, and as all the various sects themselves were ready from the first to display at any moment those faults which belong to human nature, when engaged in religious concerns, the whole subject of toleration and mild government, its advantages and its dangers, and the advantages and dangers of an opposite system, are at once presented to our consideration; and the only observation that remains to be made is this, that the difficulties and the hazards of the harsh and unjust system are increased and exasperated by their natural progress, while those that belong to the mild system are chiefly to be expected at first; that they gradually disappear, and become less important, particularly as the world advances in civilization and knowledge, and as the thoughts of men are more diversified by the active pursuits and petty amusements which multiply with their growing prosperity.

Nothing could be more complete than the difficulty of toleration at the time when Maximilian reigned; and if a mild policy could be attended with favourable effects in his age and nation, there can be little fear of the experiment at any other period.

No party or person in the state was then disposed to tolerate his neighbour from any sense of the justice of such forbearance, but from motives of temporal policy alone. The Lutherans, it will be seen, could not bear that the Calvinists should have the same religious privileges with themselves. The Calvinists were equally opinionated and unjust; and Maximilian himself was probably tolerant and wise, chiefly because he was in his real opinions a Lutheran, and in outward profession, as the head of the empire, a Roman Catholic.

For twelve years, the whole of his reign, he preserved the religious peace of the community, without destroying the religious freedom of the human mind. He supported the Roman Catholics, as the predominant party, in all their rights,

possessions, and privileges ; but he protected the Protestants in every exercise of their religion which was then practicable. In other words, he was as tolerant and just as the temper of society then admitted, and more so than the state of things would have suggested. Now, more than this, no considerate Christian or real philosopher will require from the sovereign power at any time ; not more than to countenance toleration, to be disposed to experiments of toleration, and to lead on to toleration, if the community can but be persuaded to follow. More than this will not, I think, be required from the rulers of the world by any real philosopher and true Christian ; and this not because the great cause of religious truth and inquiry is at all indifferent to them (it must be always most dear to them), but because they know that mankind on these subjects are profoundly ignorant, and incurably irritable. The merit of Maximilian was but too apparent the moment that his son Rodolph was called upon to supply his place.

The tolerance and forbearance of Maximilian had been favourable, as it must always be, to the better cause ; but the Protestants, instead of being encouraged by the visible progress of their tenets, and thereby induced to leave them to the sure operation of time, and the silent influence of truth, had broken out with all the stupid fury that often belongs to an inferior sect, and indulged themselves in the most public attacks and unqualified invectives against the established church. The gentle but powerful hand of Maximilian was now withdrawn ; and he had made one most fatal and unpardonable mistake : he had always left the education of his son and successor too much to the discretion of his bigoted consort. Rodolph, his son, was therefore as ignorant and furious on his part as were the Protestants on theirs ; he had immediate recourse to the usual expedients—force, and the execution of the laws to the very letter. It is needless to add, that injuries and mistakes quickly multiplied as he proceeded ; and Maximilian himself, had he been recalled to life, would have found it difficult to extricate his unhappy sons and his unfortunate people from the accumulated calamities which it had been the great glory of his own reign so skilfully to avert. After Rodolph comes Matthias, and unhappily for all Europe, Bohemia and the empire fell afterwards under the

management of Ferdinand II. Of the different Austrian princes, it is the reign of Ferdinand II. that is more particularly to be considered.

Such was the arbitrary nature of his government over his subjects in Bohemia, that they revolted. They elected for their king the young Elector Palatine, hoping thus to extricate themselves from the bigotry and tyranny of Ferdinand. This crown so offered was accepted; and in the event, the cause of the Bohemians became the cause of the Reformation in Germany, and the Elector Palatine the hero of that cause.

It is this which gives the great interest to this reign of Ferdinand II., to these concerns of his subjects in Bohemia, and to the character of this Elector Palatine. For all these events and circumstances led to the thirty years' war.

I cannot here explain to you the particular circumstances which produced such unexpected effects as I have now stated, but you may study them in Coxe and other historians.

We thus arrive at the thirty years' war. I will, however, turn for a moment to this Elector Palatine. This is the prince who was connected with our own royal family. He was married to the daughter of our James I.

You will see, even in our own historians, the great interest which the Protestant cause in Germany to which I am obliged so indistinctly to allude, excited in England, as well as in all the rest of Europe.

The history of the Elector Palatine is very affecting; you will read it in Coxe. He accepted, you may remember, the crown which was offered to him by the Bohemians; he was unworthy of it; he accepted it in an evil hour.

It must be confessed that the difficulties of those in exalted station are peculiarly great. It is the condition of their existence that the happiness of others shall depend on them, shall depend not only on the high qualities of their nature, their generosity, their courage, but on the endowments of their minds, their prudence, their foresight, their correct judgment, their accurate estimates not only of others but of themselves. So unfortunately are they situated, that their ambition may be even generous and noble, and yet their characters be at last justly marked with the censure of mankind.

The Elector Palatine, by accepting the crown of Bohemia, became, as I have just observed, under the existing circumstances of Germany, the chief of the Protestant cause ; but he undertook a cause so important, and he suffered the lives and liberties of thousands to depend on his firmness and ability, without ever having properly examined his own character, or considered to what situations of difficulty his powers were equal. When, therefore, the hour of trial came, when he was weighed in the balance, he was found wanting, and his kingdom was divided from him. Had he himself been alone interested in his success, his subsequent sufferings might have atoned for his fault ; but the kingdom of Bohemia was lost to its inhabitants, the Palatinate to its own subjects, and the great cause of religious inquiry and truth might have also perished in the general wreck of his fortunes.

But in the reign of the same Ferdinand II. there arose, in the same cause in which the Elector Palatine had failed, a hero of another cast, Gustavus Adolphus.

And now, to recapitulate a little, that you may see the connecting links of this part of the subject, in which I am obliged to leave such blanks ; you will have understood in a general manner, and I must now remind you, that the House of Austria was the terror of the Protestants of Germany ; that Ferdinand II. oppressed by his tyranny and bigotry his Protestant subjects, more particularly in Bohemia ; that their cause became the cause of the Protestant interest in Germany ; that the Elector Palatine was the first hero of this great cause, and that he failed ; that the illustrious Swede was the second, and that he deserved the high office which he bore—that he deserved to be the defender of the civil and religious liberties of Europe, and that he was the great object of admiration in the thirty years' war.

Of this thirty years' war it is not at all necessary that I should speak here, even if I had time, which I have not, because the particulars are so interesting, that I can depend upon your reading them. You will do so, I beg to assure you, with great pleasure, if you once turn to them. The narrative and detail you will find in Coxe.

The campaigns of Gustavus, his victories, his death ; the campaigns of the generals he left behind ; the campaigns

of the Austrian generals, the celebrated Tilly, the still more celebrated Walstein; particulars respecting these subjects, and many others highly attractive, you will find in Coxe and in Harte, and to these authors I must leave you.

I will make, however, a few remarks, and first of Gustavus.

As it must needs be that offences will come, as violence and injustice can only be repelled by force, as mankind must and will have their destroyers, it is fortunate when the high courage and activity of which the human character is capable, are tempered with a sense of justice, wisdom, and benevolence; when he who leads thousands to the field has sensibility enough to feel the nature of his awful office, and wisdom enough to take care that he directs against its proper objects the afflicting storm of human devastation. It is not always that they who have commanded the admiration of mankind have claims like these to their applause. Courage and sagacity can dignify any man, whatever be his cause; they can ennoble a wretch like Tilly, while he fights the battles of a Ferdinand. It is not always that these great endowments are so united with other high qualities as to present to the historian at once a Christian, a soldier, and a statesman; yet such was Gustavus Adolphus, a hero deserving the name, perfectly distinguishable from those who have assumed the honours that belong to it, the military executioners, with whom every age has been infested.

The life of this extraordinary man has been written by Mr. Harte, with great activity of research, and a scrupulous examination of his materials, which are understood to be the best, though they are not sufficiently particularized. The book will disappoint the reader. Mr. Harte writes often with singular bad taste, and never with any masterly display of his subject; but it may be compared with Coxe, and must be considered.

The great question which it is necessary for the fame of Gustavus should be settled in his favour, is the invasion of Germany. Sweden, the country of which he was king, could, at the time, furnish for the enterprise only her two great products, "iron and man, the soldier and his sword;" and with these a leader like Gustavus, some centuries before,

might have disposed of Europe at his pleasure ; but, happily for mankind, the invention of gunpowder and the progress of science had made war a question, not merely of physical force, but of expense. The surplus produce of the land and labour of the snowy regions of Sweden were little fitted to support a large military establishment either at home or abroad, little fitted to contend with the resources of the House of Austria. It was therefore very natural for the counsellors of Gustavus to represent strongly to their sovereign the expenses of a war on the continent, the great power of the emperor, and the reasonableness of supposing that the German electors were themselves the best judges of the affairs of the empire, and the best able to vindicate their own civil and religious liberties.

But it was clear, on the other hand, that the power of the House of Austria, which had already distantly menaced, might soon be enabled to oppress, the civil and religious liberties of Sweden : it was impossible to separate the interests of that kingdom from those of the Protestant princes of Germany ; and, therefore, the only question that remained was, whether Gustavus should come forward as a leader of the combination against Ferdinand II., or wait to be called in, and join the general cause as an auxiliary.

Now the prince, who was naturally the head of the Protestant union, was the Elector of Saxony, a prince whose politics and conduct at the time could only awaken, in the minds of good men, contempt and abhorrence. If, therefore, no one interfered, and that immediately, all was lost ; and the very want of a principal, and the very hopelessness of the Protestant cause, must have been the very arguments that weighed most with a prince like Gustavus, and were indeed the very arguments that would have influenced an impartial reasoner, at the time, in favour of this great attempt, provided the abilities of Gustavus were clearly of a commanding nature.

On this last supposition, it must also be allowed that the case, when examined, supplied many important probabilities to countenance the enterprise. Speculations of this kind you should indulge, as much as possible, while you are engaged in historical pursuits ; it is the difference between reading history and studying it.

After all, it is often for genius to justify its own projects by their execution; and such may, if necessary, be the defence of Gustavus.

If any war can be generous and just, it is that waged by a combination of smaller states against a greater in defence of their civil and religious liberty. Such was the contest in which Gustavus was to engage. Nothing, therefore, could be wanting to him but success. He won it by his virtues and capacity, and his name has been justly consecrated in the history of mankind.

It sometimes happens, that when the master hand is removed, the machine stops, or its movements run into incurable disorder; but Gustavus was greater than great men: when Gustavus perished, his cause did not perish with him. The mortal part of the hero lay covered with honourable wounds and breathless in the plains of Lutzen; but his genius still lived in the perfect soldiers he had created, the great generals he had formed, the wise minister he had employed, and the senate and people of Sweden, whom he had elevated to his own high sense of honour and duty. Neither his generals, his soldiers, his minister, nor his people, were found so unworthy of their sovereign as to be daunted by his loss, and they were not to be deterred from the prosecution of the great cause which he had bequeathed them. The result was, that sixteen years afterwards, at the peace of Westphalia, Sweden was a leading power in the general settlement of the interests of Europe; and if Gustavus had yet lived, he would have seen the very ground on which he first landed with only fourteen thousand men to oppose the numerous and regular armies of the House of Austria publicly ceded to his crown, the power of that tyrannical and bigoted family confessedly humbled, and the independence and religion of his own kingdom sufficiently provided for in the emancipation and safety of the Protestant princes of Germany.

In considering the reign and merits of Gustavus, our attention may be properly directed to the following points:—the invasion of Germany, the improvements which the king made in the military art, the means whereby he could support his armies, the causes of his success, his conduct after the victory of Leipsic, his management of men and of the circumstances



of his situation, his private virtues and public merits, his tolerance, and the nature of his ambition—how far it was altered by his victories—the service he rendered Europe. Much assistance is contained rather than presented to the reader in the work of Harte.

The history of the thirty years' war has been written by Schiller; and when this era has been considered in the more simple and regular historians, the performance of this celebrated writer may be perused, not only with great entertainment, but with some advantage. Indeed, any work by Schiller must naturally claim our perusal; but neither is his account so intelligible nor his opinions so just as those of our own historian Coxe.

The extraordinary character of Walstein—the great general who could alone be opposed by Ferdinand to Gustavus—was sure to catch the fancy of a German dramatist like Schiller. Here, for once, were realized all the darling images of the scene: mystery without any possible solution; energy more than human, magnificence without bounds, distinguished capacity; gloom, silence, and terror; injuries and indignation; nothing ordinary, nothing rational; and, at last, probably a conspiracy, and, at least, an assassination.

The campaigns of Gustavus, and the military part of his history, will be found more than usually interesting. Coxe has laboured this portion of the narrative with great diligence, and, as he evidently thinks, with great success.

We are now arrived at the conclusion of our subject, and I have been obliged to refer to such large masses of historical reading, and must have left so many spaces unoccupied in the minds of my hearers, that I think it best to stop and recall to your observation the steps of our progress, and advert to the leading points.

The whole of our present subject, then, should, I think, be separated into the following great divisions: first, we are to examine the contest between the Roman Catholics and the Reformers from the breaking out of the Reformation to the peace of Passau; then the provisions of that peace; next, the causes of the thirty years' war, which were, first, the conduct of the Protestant states and princes, Lutheran and Calvinistic, from the death of Charles V., and their impolitic

and fatal intolerance of each other; secondly, the conduct of the princes of the House of Austria, Ferdinand I., Maximilian, Rodolph, Matthias, and Ferdinand II., more particularly their intolerance to their subjects in Bohemia and Hungary; then the peculiar circumstances in consequence of which the cause of the Bohemians and the oppressed subjects of the House of Austria became at length the cause of the Reformation in Germany, and the Elector Palatine the hero of it; next, the misfortunes of that prince; then the interference and character of the renowned Gustavus Adolphus, the great and efficient hero of that cause, and of the thirty years' war, at which we thus arrive; then the campaigns between him and the celebrated generals (Tilly and others) employed by the Austrian family, which form a new point of interest. Again, the continuance of the contest after his death under the generals and soldiers he had formed, which becomes another; and in this manner we are conducted to the settlement of the civil and religious differences of Germany by the treaty of Westphalia, more than one hundred years after the first appearance of Luther, which treaty is thus left, as the remaining object of our curiosity and examination, for it is the termination of the whole subject.

This celebrated treaty has always been the study of those who wish to understand the history of Europe and the different views and systems of its component powers and states.

There are references in Coxe sufficient to direct the inquiries of those who are desirous of examining it. But during the late calamities of Europe, after being an object of the greatest attention for a century and a half, it has shared the fate of every thing human; it has passed through its appointed period of existence, and is now no more.

As a great record, however, in the history of Europe; as a great specimen of what human nature is, when acting amid its larger and more important concerns, it must ever remain a subject of interest to the politician and philosopher. This treaty was the final adjustment of the civil and religious disputes of a century.

In examining the treaty of Westphalia, the first inquiry is with respect to its ecclesiastical provisions.

After the Reformation had once begun, the first effort of

the Protestants was to put themselves into a state of respect, and to get themselves acknowledged by the laws of the empire. In this they succeeded at the peace of Passau.

But the ecclesiastical reservation, as I have before mentioned, had then ordained that if a Roman Catholic turned Protestant, his benefice should be lost to him.

Truth, therefore, had no equal chance: a serious impediment was thrown in the way, not only of conviction, but of all avowal of conviction, and even of all religious inquiry. For with what candour, with what ardour, was any ecclesiastic to inquire, when the result of his inquiry might be, that he would have to lose not only his situation in society, but his accustomed means of subsistence? This point, however, could never be carried by the Protestants.

The Roman Catholics considered the reservation as the bulwark of their faith, and found no difficulty in persuading the people, and more particularly the rulers of the people, that their cause was the cause of all true religion and good government. At the peace of Westphalia, therefore, it was agreed, that if a catholic turned Protestant, he should lose his benefice as before, and the same if a Protestant turned Catholic. But it will be observed, that to make the last provision was, in fact, to do nothing; for the Protestant was the invading sect. There was no chance of the Protestant's turning Roman Catholic, and the only question of practical importance was, whether the Catholic might be allowed to open his eyes, and, if he thought good, turn Protestant without suffering in his fortunes. This he could not; the eyes of the Protestant were already opened.

The great cause, therefore, of religious inquiry at least (there was no doubt a great difficulty in the case) failed, but not entirely. For the inroads that the Protestants had made on the Catholic ecclesiastical property, during the first century of the Reformation, down, for instance, to the year 1624, were not inconsiderable; and in the possessions which they had thus obtained, they were not to be disturbed; a certain progress—an important progress—was therefore made and secured.

Again (what is very remarkable) the *civil* rights of the Protestants, their equality with their Catholic brethren on

all public occasions, in the diet and other tribunals, were allowed.

This was an important victory ; far more than inferior sects have been always able to obtain, more than they have obtained for instance, in our own country ; far more than can be accounted for by any influence which moderation and good sense could have had upon the contending parties.

Another result took place ; the Calvinists and Lutherans contrived at last to consider themselves as one body, whose business it was, during the negotiations of the peace and ever after, to provide for their common security, while equally resisting the authority of the Church of Rome.

This too, was an important victory, a victory which the two sects obtained, not over their enemies, but over themselves, partly in consequence of their past sufferings, still more from the influence of their own worldly politics ; above all, from the master interference of France, whose ministers, equally disregarding the distinctions between Lutheran and Calvinists, and the cause of Protestant and Papist, wished only to subdue the House of Austria, and to combine and manage every party so as to produce this grand effect, the object of all their politics—the humiliation of the House of Austria.

The future progress of religious truth seems to have been but loosely provided for. A prince was allowed to change or reform the religion of his dominions in all cases not limited by the treaty, or settled by antecedent compact with the subject.

The truth is, that a question like this last was too delicate to be adjusted by any formal ordinance in an age of religious wars, or indeed in any age.

The general principle adopted by the treaty seems to have been, to confirm everything in the state it was left by the year 1624, an arrangement that must, on the whole, be considered favourable to the Protestants, far more so than could have been expected, if we reflect on their own unfortunate intolerance of each other, and the difficulty, at all times, of sustaining a combination of smaller powers against a greater.

The great gainer in this contest was France ; the great

sufferer the House of Austria. The grandeur of the one was advanced, and the ambition of the other was for ever humbled.

A combination against the House of Austria had been long carried on with more or less regularity and effect, but chiefly by the influence of France. The result of this united effort, was seen in the peace of Westphalia.

It is painful to think that the establishment of the civil and religious liberties of Germany was owing, not to the generous, rational, steady resistance of the Protestant princes, but much more to the anxiety of France to depress the House of Austria; and again, to the check which that House of Austria continually experienced to its designs, and was still likely to experience, from the arms of the Ottoman princes.

In this manner it happened that for the religious part of the great treaty of Westphalia; for such toleration, good sense and Christianity as are to be found there, mankind were, after all, indebted principally to such strange propagators of the cause of truth and free inquiry, as Richelieu and the Mahometans.

By the treaty of Westphalia, the apprehensions which Europe had so long entertained of the power of the House of Austria were, as I have just mentioned to you, removed.

But it is the great misfortune of mankind that the balance is no sooner restored by the diminishing of one exorbitant power than it is again in danger by the preponderancy of another. From this epoch of the peace of Westphalia the real power to be dreaded was no longer the House of Austria, but France; and the ambition of her cabinets, the compactness of her possessions, the extent of her resources, and the genius of her people, soon converted into the enemy of the happiness of the world, that very nation which at the peace of Westphalia appeared, and but *appeared*, in the honourable character of the protectress of the civil and religious liberties of Germany, and the mediatrix of the dissensions of a century. In the empire, the different states and princes were now more protected than before from the emperor, but they were not harmonized into a whole, nor was it possible that a number of petty sovereigns should be influenced by any general principle. It was impossible that they should form themselves either into any limited monarchy, or fall into any system;

which, however it might have advanced the substantial greatness of all, would have diminished the personal splendour and fancied importance of each individual potentate.

They therefore continued in their common form of union and law, and endeavoured to maintain the independence of the several princes and states by a league for their common interest; but this league could not possibly be made sufficiently binding and effective to secure that common interest, while they were exposed to the practices of foreign intrigue, not only from their situation, but from the improvident selfishness which belongs as well to states as to individuals. Thus it happened that France, or any other power, found it easy at all times to convert a portion of the strength of Germany to its own purposes. Thus it happened that this immense division of the most civilized portion of the world never rose to that external consequence, and what is more, never to that state of internal improvement and happiness, which, under favourable circumstances, it might certainly have realized.

I must now make two general observations, and conclude: first, on the House of Austria; secondly, on the peace of Westphalia.

There is no pleasure in reading the history of these princes of the House of Austria. At the most critical period of the world they were the greatest impediments to its improvement; every resistance possible was made to the Reformation by Charles V. Philip II. is proverbial for his tyranny and bigotry. If we turn from the Spanish to the German line of this house, we see nothing, except in one instance (that of Maximilian), but the most blind and unfeeling hostility to the civil and religious rights of mankind. In this line are numbered Ferdinand I., Maximilian, Rodolph, Matthias. Ferdinand I. we see always employed in tyrannizing over his kingdoms of Hungary and Bohemia. In his measures we can discern only the most continued violation of every principle which should animate a legislator. Instead of rational attempts to train up the bold privileges of a rude people into some political system, properly modified and adapted to the dispensation of more secure and practical freedom, we see force and fury, and command and authority, and all the machinery of

harsh and arbitrary government, drawn out and employed to harass, subjugate, and destroy a spirited people—a people that deserved a better fate, by no means incapable of attachment to their rulers, and perfectly susceptible of a sincere and ardent devotion to their Creator.

Was there any worldly policy in such outrages and injustice? Instead of affectionate and zealous subjects to be interposed between the dearest possessions of the House of Austria and the Turks, men only were to be seen ever ready to break out into insurrection (mutinous chiefs), rebels to the power of the crown, candidates for the crown itself; men who were the sources of terror and embarrassment to the empire, not its defenders, or the guardians of the general security and repose.

Nothing better can be said of Rodolph II. and Matthias; and Ferdinand II., under whom the thirty years' war broke out was, as nearly as human bigotry and tyranny would admit, the very counterpart of Philip II. of Spain.

Men like these should be pointed out in history to statesmen and to sovereigns, as examples of all that they should in their public capacities avoid, not imitate. And this lesson is the more important, because these princes were men, not only of princely virtues, of elevation of mind in adversity, of patience and of fortitude, and of great attention to business, but men of very sincere though mistaken piety; Ferdinand II. more particularly, while his public conduct exhibited the most unprincipled lust of power, and the most unfeeling bigotry, was in private life the best of fathers, of husbands, and of masters; and whenever the religion of mercy was not concerned, was merciful and forgiving.

My second observation is connected with the treaty of Westphalia, and relates to the general condition and progress of the religious and political happiness of mankind.

What is the history of that religious and political happiness, the history as here presented to us, in this final adjustment by the peace of Westphalia? Consider it.

A spirit of religious inquiry had been excited in a monk of Wittenburgh; and so prepared had been mankind at the time, that this spirit had passed from his closet and solitary thoughts, into the cabinets and the councils, the mind and

the feelings of Europe. What then was at last the result? What were the provisions of the treaty of Westphalia.

Did not the cause of reason and of truth every where prevail? and was not a new profession of religious faith every where the consequence? Not so.

Again; a great family had arisen in Europe, arbitrary and ambitious—the family of the House of Austria. Did not all the states and powers whose interests could be affected, instantly unite in a common cause, and without difficulty restrain and diminish the power of this universal enemy? Not exactly so; not with such readiness, not with such ease.

Again; the whole regions of Germany were parcelled out among a number of cities and states, of princes and powers, ecclesiastical and secular.

Did not the different parts and members of a system so unfitted for mutual advancement and strength, coalesce into some general form, some great limited monarchy, which might have protected the whole, not only from themselves, but from the great monarchies of France and Spain on the one side, and the Turkish arms on the other? Not so.

In answer to all such inquiries, it must be confessed, that the affairs of mankind cannot be made to run in these regular channels; or their jarring interests and prejudices be moulded into the convenient and beautiful forms which a philosophic mind might readily propose. Some effort, some approximation to a reasonable conduct in mankind is generally visible: a struggle between light and darkness, from time to time, an amelioration, an improvement—at the period of the Reformation for instance—no doubt, an advance most distinct and important; the seeds of human prosperity, after each renovation of the soil, somewhat more plentifully scattered; the harvests continually less and less overpowered by the tares. All this is discernible as we journey down the great tract of history, and more than this is perhaps but seldom to be perceived.

But what then is the practical conclusion from the whole? That the virtue of those men is only the greater, who, in the midst of difficulty and discouragement, labour much, though they have been taught by reading, reflection, and perhaps



experience, to expect but little; who, whatever may be the failures of themselves or others in their endeavours to serve their fellow creatures, are neither depressed into torpor, nor exasperated into misanthropy; who take care to deserve success, but who do not think that success is necessary to their merit; who fix their eyes steadily on the point of duty, and never cease according to the measure of the talents with which they are intrusted by their Creator, to unite their efforts and embark their strength in the great and constant cause of wise and good men, the advancement of the knowledge and the virtue, that is, in other words, of the happiness of their species.



## LECTURE XIV.

HENRY VIII. ELIZABETH. JAMES I. CHARLES I.

**W**E must now turn to England. During the reign of a prince so respected for his courage and understanding, and so tyrannical in his nature as Henry VIII., in the interval between the decline of the aristocracy and the rise of the commons, the constitution of England seems to have been exposed to the most extreme danger, and if Henry had lived longer, or if his successor had resembled him in capacity and disposition, this island, like France, might have lost its liberties for ever.

It appears that the slavish submission of parliaments had proceeded at length, to allow to the proclamations of the king an authority, which, notwithstanding the remarkable limitations annexed to it, might eventually have been extended, in practice, to the destruction of all other authority in the realm.

It is true that this act was not obtained till the thirty-first of his reign, and within a few years of his death; but in about ten years after his accession, it appears from Lord Herbert, who wrote a life of him, that he had caused to be made “a general muster and description of the value of every man’s land, as also the stock on the lands, and who was owner thereof, and the value and substance of every person above sixteen.”—Herbert, p. 122, ann. 1522. In consequence whereof he demanded a loan, &c. from his subjects, not fresh supplies from the commons; so that the intentions of the king and his council were sufficiently clear.

But there can be no stronger testimony to the right of the houses of parliament to tax, or rather to concur in the taxation of the people, than the result of the utmost efforts of the king and Cardinal Wolsey, to obtain money without

their sanction. "All which extraordinary ways of finishing the present usurpations," says the historian, "ended in a parliament the next year.

In this next year, it seems, the cardinal himself personally interfered in the House of Commons, and the particulars are very curious.

On the whole, the king, as it afterwards appeared, could direct and limit the Reformation at his will; could manage at his pleasure the morality and religion of the Commons, but not their property.

In 1525, an attempt was made once more to raise money without parliament, but the people showed the spirit of Englishmen, for while they pleaded their own poverty, they alleged, in the first place, "that these commissions were against the law;" (Herbert, p. 152). And the king at last disavowed the whole proceedings, "and by letters," says the historian, "sent through all the counties of England, declared he would have nothing of them but by way of benevolence." Even with respect to the benevolence, the narrative, as given by Herbert, is curious; still more so, when a benevolence was again tried, and again clearly resisted, in 1544.

Opposition was constantly made, though the judges authorized this expedient in the first instance, and though in the latter, Read, a magistrate of the city, who refused compliance, was, by a great outrage, sent to serve in the wars against the Scots, and treated in a manner perfectly atrocious.

It always appears, that it was necessary to have recourse to parliament, and the king in his last words, though the most decided and detestable of tyrants, "thanked them, because they had, freely of their own minds, granted to him a certain subsidy."

Slavish, therefore, and base as these parliaments were, the members of them did not entirely forfeit the character of Englishmen.

With respect, however, to the great point of the very existence of our legislative assemblies, it is to be observed, that from the violent, cruel, and unprincipled measures into which Henry was so repeatedly hurried, he had continually to apply to his parliaments, which kept up the use of them at this most critical era in our constitution.

In France, on the contrary, Francis I. could always contrive to do without his national assemblies; a circumstance which most unhappily, and most materially, contributed to their decline and fall.

In England, on the death of Henry, the real nature of the constitution was immediately shown. The very first years of the minority of his son, Edward VI., produced repeals of those acts, which had violated the acknowledged liberties of the country.

But a bad minister could so impose upon the excellent nature even of Edward VI., as to cause him to issue at the close of his reign, a proclamation intended to influence the election of members in parliament; a precedent which was sure to be followed by such a princess as Mary, and afterwards, though probably with less ill intention, by James I.

So innumerable are the perils to which the liberties of the subject are always exposed.

I hasten to the reign of Elizabeth. "In order to understand," says Mr. Hume, "the ancient constitution of England, there is not a period which deserves more to be studied than the reign of Elizabeth." And it happens, that there can be no period of our history which may be more thoroughly studied. Camden has written her life. There are very valuable collections of letters and papers; you may trace them in the references of Hume and Rapin, and many curious and amusing, and sometimes important particulars, have been lately drawn from these sources, and presented to the ordinary reader in a very agreeable and sensible manner by Miss Aikin, in her *Memoirs of the Reign of Queen Elizabeth*. It is, however, the constitutional part of this history that I can myself alone allude to.

Hume, after making the remark I have alluded to, proceeds to state the very arbitrary nature of the constitution, as exhibited in the conduct and maxims of that queen, and of the ministers at that time. On the whole, he makes out a strong case to show the existence of such tribunals, such principles, and such practices, as seem in themselves totally inconsistent with all civil freedom, however qualified the idea which we should affix to the term.

But this reign, it must on the other hand be remembered,

exhibits not only (as Hume endeavours to prove) the strength and extent of the royal prerogative, but also unveils and shows, though at a distance, all those more popular principles which equally belonged to the constitution of England, and all those reasonings and maxims, and even parties and descriptions of patriotism, which grew up afterwards into such visible strength and form, during the reigns of her successors, James and Charles.

For instance, and to illustrate both views of the constitution—the arbitrary and the popular nature of it.

Whatever concerned the royal prerogative, was considered by Elizabeth as forbidden ground, and she included within this description, in a religious age, every thing that related to the management of religion, to her particular courts, and to the succession to the crown; she insisted in her own words, “that no bills touching matters of state, or reformation in concerns ecclesiastical, should be exhibited.”—Cobbett, p. 889.

This will give you some idea of Hume’s view of the reign, and of the arbitrary nature of it; and certainly it is quite disgusting to observe the slavish submission of some of the greatest men that our country has produced to the authority and caprices of this female sovereign; the manner in which they became her knights, rather than her statesmen; and the sort of scuffle which the court exhibited, between men of the first capacities and highest qualities, for mere patronage and power, rather than for any worthier objects connected with the civil and religious liberties of their country and of mankind. But on the other hand, and in opposition to the views of Hume, it must be remarked, that from the nature of Elizabeth’s pretensions and claims, such as I have just alluded to, it certainly did happen, that the members of the Commons did often offend her by their words, and were sometimes brought into direct collision with her supposed authority, by the measures they proposed; that a real struggle ensued, and that Elizabeth, with becoming wisdom generally gave way.

On the whole, all the particulars that make up the constitutional history of this reign, cannot, in a lecture like this, be even alluded to; nor is it possible that any one can acquire by any other means than the perusal of the history, that general impression which the whole conveys.

I have, therefore, no expedient left, but to endeavour to give some specimen of the whole subject, and this I will therefore now attempt to do.

I select for that purpose, the speech and the examination of Peter Wentworth (there were two of them), and the more so, because you would not, unless you read the parliamentary proceedings, sufficiently notice these singular transactions. Peter Wentworth was a Puritan; this is another reason why I should draw your attention to them. You should learn to understand the character of the Puritan as soon as possible; you must never lose sight of it while reading this particular portion of our history.

Wentworth was one of the most intrepid and able assertors of the privileges of the house, and being as I have just said, a Puritan, he was irresistibly hurried forward, not only by a regard for the liberties of the subject, but by religious zeal.

Here, therefore, in Wentworth, we have immediately presented to us a forerunner of the Hampdens and Pym, and in Elizabeth of Charles, the great actors that are to appear in the ensuing scenes; and there is little or no difference in the constitutional points at issue. Observe then what passed.

Elizabeth, after stopping and controlling the debates and jurisdiction of the house on different occasions, at last commissioned the speaker to declare, in consequence of a bill relating to rites and ceremonies in the church having been read three times, that it was the queen's pleasure, "that from henceforth, no bills concerning religion should be preferred, or received into that house, unless the same should be first considered and approved of by the clergy."

Wentworth, and indeed other members, had on former occasions not been wanting to the duty which they owed their country; but this interference of the queen produced from him, some time afterwards, a speech which has not been overlooked by Hume, and is in every respect memorable. Far from acquiescing in the ideas which Elizabeth had formed of the prerogative of the prince, and of the duties and privileges of the parliament, expressions like the following are to be found in his harangue. You will observe the mixture of religious and patriotic feelings. "We are assembled to make, or abrogate, such laws as may be the chiefest surety, safe

keeping, and enrichment of this noble realm of England. I do think it expedient to open the commodities (advantages) that grow to the prince and the whole state, by free speech used in this place."

This he proceeded to do on seven different grounds; and he concluded, "That in this house, which is termed a place of free speech, there is nothing so necessary for the preservation of the prince and state, as free speech; and without this, it is a scorn and mockery to call it a parliament house, for, in truth, it is none, but a very school of flattery and dissimulation, and so a fit place to serve the devil and his angels in, and not to glorify God and to benefit the commonwealth." And again: "So that to avoid everlasting death, and condemnation with the high and mighty God we ought to proceed in every cause according to the matter, and not according to the prince's mind. The king ought not to be under man, but under God and under the law, because the law maketh him a king; let the king therefore attribute that to the law which the law attributeth to him; that is, dominion and power: for he is not a king whom will, and not the law, doth rule, and therefore, he ought to be under the law." And again: "We received a message, that we should not deal with matters in religion, but first to receive them from the bishops. Surely this was a doleful message: it was as much as to say, 'Sirs, ye shall not deal in God's causes; no, ye shall in nowise seek to advance his glory.' We are incorporated into this place to serve God and all England, and not to be time servers, as humour-feeders, as cancers that would pierce the bone, or as flatterers that would fain beguile all the world, and so worthy to be condemned both of God and man. God grant that we may sharply and boldly reprove God's enemies, our princes and state; and so shall every one of us discharge our duties in this our high office, wherein he hath placed us, and show ourselves haters of evil, and cleavers to that which is good, to the setting forth of God's glory and honour, and to the preservation of our noble queen and commonwealth."

The speech is not short, and he goes on to conclude thus:—"Thus I have holden you long with my rude speech; the which, since it tendeth wholly, with pure conscience, to seek

the advancement of God's glory, our honourable sovereign's safety, and to the sure defence of this noble isle of England ; and all by maintaining of the liberties of this honourable council, the fountain from whence all these do spring ; my humble and hearty suit unto you all is, to accept my good will, and that this, that I have spoken here out of conscience and great zeal unto my prince and state, may not be buried in the pit of oblivion, and so no good come thereof."

The house, it seems, out of a reverent regard to her majesty's honour, stopped him before he had fully finished ; and "he was sequestered the house for the said speech." He was afterwards brought from the serjeant's custody to answer for his speech to a committee of the house. All that passed is very curious.

"I do promise you all," said this intrepid patriot, "if God forsake me not, that I will never, during life, hold my tongue, if any message is sent wherein God is dishonoured, the prince perilled, or the liberties of the parliament impeached." And again : "I beseech your honours, discharge your consciences herein, and utter your knowledge simply as I do ; for in truth her majesty herein did abuse her nobility and subjects, and did oppose herself against them by the way of advice."

"Surely we cannot deny it," replied the committee ; "you speak the truth."

This speaker of the truth was, however, like many of his predecessors, sent to prison for the "violent and wicked words yesterday pronounced by him touching the queen's majesty."

This, it seems, was no surprise to him. In his examination before the committee, he had observed, "I do assure your honours, that twenty times and more, when I walked in my grounds revolving this speech, to prepare against this day, my own fearful conceit did say unto me, that this speech would carry me to the place whither I shall now go, and fear would have moved me to put it out. Then I weighed whether in good conscience and the duty of a faithful subject I might keep myself out of prison, and not to warn my prince from walking in a dangerous course. My conscience said unto me that I could not be a faithful subject if I did more respect to avoid my own danger than my prince's danger ; here-



withal I was made bold, and went forward as your honours heard ; yet when I uttered those words in the house, that there was none without fault, no, not our noble queen, I paused, and beheld all your countenances, and saw plainly that those words did amaze you all ; then fear bade me to put out the words that followed, for your countenances did assure me that not one of you would stay me of my journey ; but I spake it, and I praise God for it.”

You will now observe the conduct of Elizabeth. In a month afterwards the queen was pleased to remit her displeasure, and to refer the enlargement of the party to the house ; when the Chancellor of the Exchequer rose to expatiate, first, on her majesty’s good and clement nature ; secondly, on her respect to the Commons ; and, thirdly, their duty towards her. While he laid down that the house were not, under the pretence of liberty, to forget their duty to so gracious a queen, he failed not to add, that true it is, nothing can be well concluded in a council where there is not allowed in debating of causes brought in, deliberation, liberty, and freedom of speech ; and the whole tone of his harangue, which appears, even now, moderate and reasonable, being pronounced, as it was, by a minister of the crown, in the reign of Elizabeth, and in a set speech made for the occasion, must be considered, though the minister was more of a patriot than the rest, as indicating that the house really felt that Wentworth had been guilty rather in form than in substance, and had not offended against the spirit of the constitution, though the vigour and ability of Elizabeth’s administration, and her jealousy of her prerogative, made it a task of difficulty, and even of personal danger, openly to resist her political maxims or disregard her menaces.

The few particulars that I have thus mentioned will I hope serve my purpose, that of giving you some general notion, not only of this remarkable transaction, but of the whole subject, that is so long to occupy your attention.

Eleven years afterwards the same patriot and Puritan, on a similar occasion, handed forward to the speaker a few articles by way of queries, among which we find one couched in the following words :—“ Whether there be any council which can make, add to, or diminish from, the laws of this realm,

but only this council of parliament?"—a query which Wentworth conceived could only be answered in the negative (that there was no council but parliament); and which, if so answered, would at once put an end to all the maxims and pretences of arbitrary power.

It was for another century so to answer this important query, and not before a dreadful appeal had been made by the commons and the crown to the uncertain decision of arms.

Not a session took place in the reign of Elizabeth which does not present some speech or motion, or debate, characteristic of the times, and of the undefined nature of the constitution; and we have repeated specimens of the same sort of constitutional questions, the same sort of state difficulties that took place in the subsequent reigns of James and Charles.

But there is this important difference invariably to be observed: Elizabeth could always give way in time to render her concessions a favour. Unlike other arbitrary princes, and unlike chiefly in this particular, she did *not* think it a mark of political wisdom always to persevere when her authority was resisted. She did not suppose that her subjects, if she yielded to their petitions or complaints, would necessarily conclude that she did so from fear; she did not conclude, that if she became more reasonable, they must necessarily become less so.

With as high notions of her prerogative as any sovereign that can be mentioned, in her own nature most haughty and most imperious, she had still the good sense not only to perceive, but to act as if she perceived, that it was her interest to be beloved as well as respected; and her reign, if examined, shows a constant assertion and production of the powers of the prerogative, but still the most prudent management of it, and the most careful attention to public opinion. This last is a great merit in all sovereigns and their ministers, and indeed somewhat necessary to the virtue of all men, in private life as well as public.

Now the question is, successful and able as she was, what was it that imposed any restraint upon her disposition? Why did she so respect and abstain from the privileges which she

might or might not think belonged to the commons? Why did she temper the exercise of what she judged her own prerogative, make occasional concessions, and, after all, not be that arbitrary sovereign, which, according to Hume, the constitution rendered her? There seems no answer but one; that such was the spirit of the constitution (whatever might be its letter), such was the effect it produced on the minds of her people, and of her houses of legislature, that, on the whole it was not prudent, it would not have been thought sufficiently legal, for her to be often or systematically that absolute sovereign which the historian supposes her to be. The conclusion, therefore, is, that the constitution was not, in fact, what *he* imagines. There is certainly some confusion in Hume; he does not distinguish between the constitution as originally understood before Henry VII., and the constitution as it afterwards obtained in practice under the Tudors. Add to this, that it is in vain to look entirely at statutes and at courts, whether equitable or oppressive. The general spirit of the whole, the notions of it that are inherited and transmitted, the effect produced on the opinions and temperament of the public and of the rulers themselves—*these* are the great objects to be considered when we speak of a constitution.

It is but too obvious to remark the superiority of Elizabeth over her successors, particularly the unhappy Charles, in one most important requisite, the art of discovering the state of the public mind, the art of appreciating well the nature of the times in which she lived.

The fact seems to have been that the great merit, the sole merit of this renowned queen was this; with great faults, bad passions, and most female weaknesses, she had still the spirit and the sense so to control her own nature, that, with the exception of her appointment of Leicester to charges the most critical, she never, like other sovereigns of similar faults, neglected the interests of her kingdom, or by the indulgence of her own failings brought calamities on her subjects. This is an honourable distinction. If princes and ministers, in their real disposition as reprehensible and odious as Queen Elizabeth, would in practice become rulers as prudent and patriotic,

the affairs of mankind would present a very different and far more pleasing appearance.

There is a dialogue by Dr. Hurd on the Times and personal Qualities of Elizabeth, which is not long, and well worth reading, where her character is very severely criticized, and feebly defended.

Camden's *Life of Queen Elizabeth* may be consulted for minute particulars respecting the distinguished families and statesmen of those days, and for facts. The history is drawn up in the form of annals; the style clear and unaffected; but there are no philosophic views; no comments on the civil and religious liberties of the country, little said of the Puritans or of the penal statutes against the Papists; the conduct of Queen Elizabeth not properly criticized, and the whole what one might expect from an honest, diligent man, whose patron was Cecil, and who wrote during the reign of James I., at a time when history had not assumed her modern character of philosophy, teaching by examples. This Camden is the celebrated antiquarian; and from the *Biographia Britannica* of Kippis it appears that great pains were taken with this work, and that it was much admired in its day. Camden had access to all the state papers of Lord Burleigh and of the public offices. The publications of Birch may be consulted; "Birch, the indefatigable," as he was called by Gray.

The *Journals of the Parliaments* (folio edition, 1682), by Sir Simonds D'Ewes, is a work of authority connected with the reign of Queen Elizabeth. The preface is worth reading; it is animating, it is edifying to see the piety and industry of these venerable men of former times. "Yet I have already," says he, "entered upon other and greater labours, conceiving myself not to be born for myself alone. . . . These I have proposed to myself to labour in, . . . like him that shoots at the sun, not in hopes to reach it, but to shoot as high as possibly his strength, art, or skill will permit. . . . Yet, if I can but finish a little, . . . it may hereafter stir up some able judgments to add an end to the whole, . . . I shall always pray, &c, that by all my endeavours, God may be glorified, the truth, divine or human, vindicated, and the public benefited."

"Sic mihi contingat vivere, sicque mori."

Most of what is to be found in Sir Simonds may be seen in the Parliamentary History, as published by Cobbett, with valuable additions from Strype.

From these debates some idea may be formed of the manners of the times, and of the minds of the great men that appeared in them; some idea too of the constitution.

Serjeant Hyle said, "I marvel much that the house will stand upon granting of a subsidy, . . . when all we have is her Majesty's;" . . . . . "at which all the house hemmed, laughed, and talked."—Page 633.

"He that will go about to debate her Majesty's prerogative," said Dr. Burnet, "had need walk warily."—Page 645. See, too, Secretary Cecil's speech, page 649. But the queen, after all, gave up the monopolies complained of.

Sir Edward Coke speaks very strongly in favour of the antiquity of the commons, page 515. "At the first we were all one house, and sat together by a precedent which I have of a parliament holden before the Conquest, by Edward, the son of Etheldred;" . . . . . "but the commons sitting in presence of the king, and amongst the nobles, disliked it." . . . "and the house was divided, and came to sit asunder."

The facts do not seem to agree with this representation, our present House of Commons not being the same as the "communitas" of the ancient parliament; and again, to the same effect, Sir Edward Coke speaks, in another place.

The chief points of interest in these debates are the speeches and queries of Peter Wentworth for freedom of speech, &c. Discussions on the privileges of the commons in case of arrests, &c., and on monopolies, when the queen's prerogative came into question.

In Sir Simonds' Reports the Puritans and the penal laws against Papists, &c. do not make the appearance that might be expected. The notions then entertained on subjects of political economy appear particularly in the speeches of Sir Francis Bacon; and from the mistakes of such a man, and such men as were then around him, may be estimated the merits of Adam Smith, and the progress of improvement in the course of a century and a half.

The forms of parliamentary proceedings and ceremonies may be studied in this work of Sir Simonds D'Ewes.

## JAMES I.

The same interest which belongs to the reign of Elizabeth belongs still more to the parliamentary proceedings in the reign of James I.

The commons and the sovereign seem of like disposition with their predecessors ; but the former far more advanced in wisdom, and the latter in folly.

The great contest between prerogative and freedom may be seen still ripening into fatal maturity ; and the parties and maxims which so distinguished the reign of Charles I. are clearly visible.

The proceedings in parliament, and the speeches of the king, are most of them marked by expressions and reasonings, the perusal of which can alone convey an adequate picture of the times, and the revolution which was approaching.

Many of them are very remarkable ; one document, more particularly, entitled, *An Apology of the House of Commons made to the King, touching their Privileges*. It was presented to the House by one of their committees. It is not easy to see how the cause of the people of England could be stated more reasonably or more ably. It is supposed to be written by the great Bacon, and is so excellent as to seem quite superior to the age to which it belongs, and almost to induce a doubt of its authenticity. Its authenticity, however, seems on the whole not to be controverted. You will see it in Cobbett, and alluded to in Hume's Notes.

The king appears to have formed one idea of the constitution, and the commons another. Before the end of his reign he was brought to express himself in a manner somewhat more agreeable to the general spirit of the laws and customs of the realm, yet his reign was marked by a continual state of warfare, and an open rupture was at last the result.

Understanding that a protestation had been drawn up by the house on the subject of their privileges, he sent for their journal book, and tore it out with his own hand.

This protestation had affirmed that the liberties, franchises, privileges, and jurisdiction of parliament are the ancient and undoubted birthright and inheritance of the subjects of England ; had asserted the competence of parliament to con-

sider such affairs as the king thought exclusively the objects of what, in the pride of his folly, he called his *state-craft*; had laid down the freedom of speech, the immunity from arrest, and the illegality of the king's giving credence (as it was called) with respect to the conduct of the members.

Such were the reasonable positions which the king resisted, and with such violence. The leading members of the commons were at that time such men as Sir Edward Coke and Mr. Selden. James seems not to have been a sovereign determined in his character like Elizabeth, or brutal in his disposition like Henry VIII., but he was in theory always, and in practice sometimes, a despot; and the tendency of all his exertions was to render his successors so. The people of England have therefore an eternal obligation to the great and virtuous men who opposed his pretensions.

There is, however, one circumstance which took place in his reign, not noticed by Millar, which, as far as it can now be understood, seems favourable to the good intentions of this monarch, but at the same time strongly indicates how little the actors in a scene can appreciate their own situation.

I will state shortly the circumstances, which do not, I think, appear to have been sufficiently noticed by our historians.

On the decline of the feudal system, the king was left to depend for the support of his own state, and even for the expenses of foreign war,—first, on the claims of his feudal rights, and on the exercise of his prerogative; and secondly, on the supplies of parliament. These feudal claims and exercises of the prerogative were daily becoming, from the changes that had taken place in the world, less valuable to the crown, and yet more injurious and offensive to the subject.

But if these were entirely to be withdrawn, the sovereign was then to be left totally dependent on the favour of the commons. It was neither in itself just, nor in any respect agreeable to the best interests of the people, that the sovereign should be thus deprived of all proper funds for the maintenance of his personal dignity and constitutional importance. The only expedient for avoiding all the evils that might ensue, was, that the king should give up the feudal rights and prero-

gatives which his predecessors had exercised ; and the commons in return secure him an adequate revenue, a revenue which might be collected from the subject with less injury to their civil freedom and growing prosperity.

In a few years after the king's accession, a scheme of this sort was actually in agitation.

The Lords mediated, as usual, between the king and commons. Even the terms of the bargain, or, what was then very properly called, of the great contract, were all adjusted.

The parliament was prorogued in the summer to October ; and all that remained was, that they should state the manner in which the sum agreed upon (two hundred thousand pounds per annum), was to be secured. But though the conferences and committees were resumed, no effectual progress was made, and the parliament was dissolved in December—nothing done. This great chance for avoiding all the evils that were impending was thus lost for ever. We in vain inquire by whose fault, by what unhappy train of circumstances, this golden opportunity was lost.

The journals of the commons are here wanting ; the journals of the lords give little or no information, nor do the contemporary historians assist us. The king in his proclamation, after alluding to the affair, says only, “ that for many good considerations known to himself, he had now determined to dissolve the parliament.” When he called a new one, four years afterwards, he only observes in his speech, that “ he will deal no more with them like a merchant, by way of exchange,” that “ he shall expect loving contribution for loving retribution ;” “ that to come to account with them how and what, was too base for his quality.” In another speech he alludes to some who had done ill offices between him and his commons. The probability seems that the higgling manner of the commons had naturally disgusted the king : and that two hundred thousand pounds per annum was a sum larger, at that time, than they on their part durst commit to the exclusive disposal of the crown ; and this conjecture is confirmed by a few words which I observed in a passage of one of Sir John Eliot's speeches, made some time after.

In a few months this new parliament was likewise dissolved, and in great ill-humour ; yet nothing occurs in the



speeches of the members, or elsewhere, with the casual exception just mentioned in Sir John Eliot's hint, that throws any light on this important transaction. Neither the leaders, therefore, of the commons, with all their real ability, nor the king, with all his "state-craft," nor the historians at the time, much less the people, appear to have seen the crisis in which the realm was already placed, or that the best, perhaps only, system had been struck upon, and yet abandoned, for saving alike the people and the monarch from the dangers to which they were exposed. These dangers were now inevitable. The commons had publicly stated the maxims of their conduct—the principles, as they conceived, of the constitution. The king had indignantly torn them from their journals, as inconsistent with his rights and the honour of his crown. The great question of prerogative on the one side, and of privilege on the other, was therefore at issue; and it would have required far other abilities and virtues than those which his successor Charles possessed, to have been a guardian minister of good to his unhappy country, in a situation so little understood, and however understood, so encompassed with difficulties.

### CHARLES I.

Making every allowance for the imperfection of human judgment, making every allowance for the impossibility which seems always to exist either for king or people properly to comprehend their situation, when these dreadful revolutions are approaching, still the conduct of Charles appears totally infatuated.

Admit that he entertained the same notions of the royal prerogative which his father had done, that he thought himself bound in honour to defend it, was it not clear that he must then adopt a system of economy, and avoid expense at home and wars abroad?

If his parliaments differed with him about his rights, could he on any other system do without them? Admit, again, that he lived in a religious age, when Papist and Protestant, when Roman Catholic, Lutheran, and Calvinist, gave each of them the most unreasonable importance, as they are always dis-

posed to do, to their own particular doctrines and ceremonies, had not the nature of the religious principle sufficiently displayed itself? Had not the transactions in Germany, from the beginning of the Reformation, been a subject of the most *recent* history? Had not the efforts which the Calvinists made in France, had not the wars in the Low Countries, had not the success of the Hollanders, been exhibited immediately before his eyes? Could he draw no lesson for his own conduct from instances like these? Could all that he had even then witnessed in what is now called the thirty years' war in Germany produce no effect upon his understanding; and as if the ability and spirit of his English parliaments were not sufficient for his embarrassment, was he still further to increase his difficulties, was he to go on and summon to his destruction all the furies of rage and fanaticism from Scotland? The wisest monarch, in the situation of Charles, might, no doubt, have failed; but it seems scarcely possible for his worst enemy to have advised more obvious and fatal mistakes than those, which, with all our compassion for his fate, we must allow that he committed.

With this period of our history we are certainly called upon to take more than ordinary pains. It has been highly laboured by Hume, it has been considered, in his own manly and decisive manner, by Millar: it has been detailed by the virtuous Clarendon: a sort of Journal of it has been made by Whitelocke; what a plain and gallant soldier thought, may be seen in Ludlow; a more domestic view of it, in the life of Colonel Hutchinson; and the parliamentary proceedings and public documents may be examined in Cobbett, and particularly in Rushworth. Much more than this may be found if sought for; but less than this can scarcely be sufficient for any one who would understand the history of the constitution of England.

There is a History of the Long Parliament by May; a History of the Independents by the Presbyterian Walker; papers collected by Nalson, who professes to correct Rushworth; and different memoirs, such as the Memoirs of Hollis, and Sir P. Warwick.

Since I drew up these lectures, the whole subject has been considered by Mr. Brodie, a searcher into original records

and a corrector of Hume. Mr. Godwin has published a work which must be considered as the defence of the Republican party. Miss Aikin has lately furnished us important Memoirs, which become in the course of the detail by far the best explanation and excuse for the conduct of the popular leaders, and more particularly the long parliament, that has as yet appeared, and on all and on every occasion, and on all the critical points of this memorable contest Hallam will be found totally invaluable.

But we must, in the first place, attend to the philosophical reflections and statements of Hume and Millar. Their account of the situation of the different orders of the state, and of the various religious sects, the views and interests of each, and those general principles of government which can apply to this interesting period, all these are very ably stated by these writers. And when compared with the documents in Rushworth, with the parliamentary speeches, and with the sincere though apologetical narrative of Clarendon, may enable every reader to draw his own conclusions.

I must by no means forget the important work of Rapin, always unaffected and laborious, a work which may readily and ought always to be compared with Hume.

But having referred my hearer to these histories and documents, I must leave him to the perusal of them in the whole or in part. They are too numerous, various, and interesting even to be properly described; they can only be mentioned. In like manner the reflections of Hume and Millar are all of them far too valuable to be presented to you in any garbled manner here, and indeed are far too well expressed to be produced in any words but their own.

All that I can therefore attempt in the ensuing lectures is this, to offer a few observations, such as I conceive may possibly be of use to those who undertake the perusal of all or any of the books I have recommended; such as may, perhaps, enable them to exercise their own diligence and their own powers of reflection with the better effect.

In the first place, then, I would suggest that there are two leading considerations in this subject which should be always kept in view. The first is this:—*What* was the effect of these transactions on the constitution *ultimately*—on the

*whole?* Secondly, What were the comparative merits and demerits of the contending parties?

The first consideration must of course be suspended till we can turn and look back from a very distant point of view, such as the revolution of 1688, when these disputes were brought to a species of close.

It is the second consideration, the merits and demerits of the contending parties, which is more within the reach of our attention at present. And even in this last question, the first will be found continually implicated.

With respect to this last inquiry, the comparative merits and demerits of the parties, what I would recommend is, that the whole of the reign of Charles should be separated into different intervals, and an estimate and comparison made of the conduct of the parties during each of these intervals.

This estimate may be very different during different intervals; and it is from a consideration of the whole that a verdict must at last be pronounced.

I shall in this and the ensuing lectures endeavour to give you a more distinct idea of what I have just proposed, and I shall attempt to do in a summary manner what, as I conceive, you may with some advantage execute hereafter more regularly for yourselves, as you read the history and the proper documents connected with it.

The first period which I select as an interval is from the accession of Charles to the dissolution of his third parliament in 1629, an interval of four years.

But before this interval or any part of the question be examined, one observation must be made; it is this, that in appreciating the comparative merits of the two contending parties, it is most important to consider what was their conduct at the commencement of their differences, and before the rupture actually took place: that is, which was *at first* the offending party. *Afterwards* it is *too late* for either of them to be wise. Offences and injuries generate each other from the very nature of human infirmity; the decision is soon committed to violence and force; and those are the most guilty who have been the original means of reducing themselves or their opponents to such dreadful extremities.

This being premised, we are to examine, in the next place,

this short, but, for the reason I have just mentioned, this most critical period, this first interval of four years.

And to me it appears that it would be difficult to say how the king could have conducted himself in a manner less deserving of our approbation. Read the history, and then consider, were not his notions inconsistent, not only with the civil liberty which belongs to a free monarchy, but with the measure of civil freedom which at that time belonged to the English monarchy? Again, had his people any other hold upon him but their House of Commons? Had the commons any, but his necessities? Did they, therefore, in the last place, push their power of extorting concessions in return for their supplies to any extent not required by the public good, or rather, to any extent not required by the constitution, even as then understood?

Take, for a specimen of the whole subject, the proceedings on the famous Petition for Right.

When we, in the first place, read the history, and observe all the shifts and efforts of the king to evade it, and all the anxiety and labour of the commons to prepare it; and when we afterwards come to read the petition itself, the first sensation is surely that of extreme surprise, for it actually appears to contain no declaration and no provision that we should not have hoped that Charles, or any other English monarch from the time of Magna Charta, would have assented to with cheerfulness.

One observation, however, is to be made; the Petition of Right did in fact endeavour to settle or rather to confirm for ever one particular point, which may not, at the first reading of the petition, sufficiently occur to you; this point was the personal liberty of the subject.

This petition, and this particular question of the personal liberty of the subject, have been considered at length and with due diligence by Hume, and his observations must be well examined and weighed. The personal liberty of the subject, you will observe, is the great point.

There is a political difficulty, no doubt, in the question. Thus, it is fit that every government should have a power of imprisonment, even *without shewing cause*; because very extraordinary occasions may arise: a rebellious, for instance,

may be reasonably apprehended. But this Petition of Right gives *no* such occasional power, allows of no exceptions in any supposed case, but lays down the personal freedom of the subject in *all situations* but those in which the subject has already become obnoxious to the existing laws. This, therefore, does not seem a proper adjustment of the great question of the personal liberty of the subject.

It must, however, be observed, that it was on account of no theoretical objection of this kind that Charles was resolved, if possible, not to assent to the Petition of Right. The real reasons of his opposition were these: because he had no means of raising money by the exertions of his prerogative, unless he could throw men into prison (without showing cause) if they resisted his requisitions; and because he had no expedient for controlling the freedom of speech in the houses of parliament, unless it was on the whole, understood, that the members were within reach of what he and the lords called his sovereign power.

There can surely, therefore, be no doubt that if the commons had not made provision against this claim of the crown, it would soon have been totally unsafe and impossible for any member in parliament, or any subject out of it, to have offered any legal resistance to the arbitrary measures of the king; and the contest must at length have terminated entirely against the constitution.

Charles had exercised a power of imprisonment on pretences and for purposes totally incompatible with all liberty; what was left for the commons but to insist upon it, as a fixed principle, that no man should be imprisoned without cause shown?

But what are we to say, when we find that this has been always the language of the constitution, from Magna Charta down to that moment? "The truth is," says Mr. Hume, "that the great charter and the old statutes were sufficiently clear in favour of personal liberty. But as all kings of England had ever, in cases of necessity or expediency, been accustomed at intervals to elude them; and as Charles, in a complication of instances, had lately violated them; the commons judged it requisite to enact a new law, which might not be eluded or violated by any interpretation, construction, or con-

trary precedent. Nor was it sufficient, they thought, that the king promised to return into the way of his predecessors. His predecessors in all times had enjoyed too much discretionary power, and by his recent abuse of it, the whole world had reason to see the necessity of entirely retrenching it." These are the words of Mr. Hume.

But upon this statement of Mr. Hume, does not the conduct of the commons appear perfectly constitutional and perfectly reasonable? With what propriety is Mr. Hume, at the close of this subject, to use the following expressions:—

"It may be affirmed, without any exaggeration, that the king's assent to the Petition of Right produced such a change in the government as was almost equivalent to a revolution."

How could this enactment of the Petition of Right, this confirmation of Magna Charta and the old statutes, which were already so clear in favour of personal liberty, how can this new assertion of what had been always asserted, this new assertion in times of such extreme peril to the constitution—how can this be represented as equivalent to a revolution? The great political difficulty of the personal liberty of the subject, which was thus decided by the commons *entirely* in favour of the subject according to the ancient laws and constitution of the realm, was not settled with philosophical accuracy by the Petition of Right. To have expected this in such times was to expect too much. Afterwards, it was more skilfully provided for, as is well known, by making effective the writ of Habeas Corpus, in the first place; and by the occasional suspension of the writ, in the second. In consequence of this writ, made at last available, no man can be now kept in prison without cause shown; and when the writ is to be suspended, and men are to be kept in prison without cause shown, the suspension is asked for by the executive power, and is assented to by the legislative power for a time specified, and on reasons first produced and deemed sufficient.

The general freedom of the subject is thus secured, and the very necessary interference of government in an arbitrary manner occasionally to protect the community from the concealed practices of foreign or domestic traitors, is thus admitted.

This is, I conceive, a very happy adjustment of one of the greatest difficulties that belong to the science of government.

Observe, however, it is quite clear, that from the moment the writ of Habeas Corpus is suspended, and the executive power can throw men into prison without showing cause, the government is at once changed from a free to an arbitrary government; and that the liberties of the country are, from that instant, left to depend on the spirit of freedom, and on the habits of right thinking, that have already been generated by that free constitution; not only in the houses of parliament, the judges of the land, and the people, but even in the executive power itself. The question therefore that remains is, whether this justly celebrated writ of Habeas Corpus would now have existed in our constitution, if it had not been for the exertions of the commons in the reign of Charles I., and more particularly on this occasion of the Petition of Right, and whether, if it had not been for these exertions, an order from a secretary of state, and the Tower, might not have been as common in England, as *Lettres de Cachet* and the Bastille were once in France.

I will now select another general specimen of these times, and of the struggle before us,—the question of tonnage and poundage.

To me it appears, I confess, that the only point on which the exact propriety of the conduct of the commons, during the whole of this period of the three first parliaments, may be at all questioned lies here. I do not mean their original resistance to the crown, in the question of tonnage and poundage, but their final management and behaviour at the close of this transaction.

The king had in this instance, as in all the rest, acted most unskilfully and unjustifiably; still he had at last given up the right and that publicly. But this, it seems, did not content the commons; they proceeded immediately to carry the right, thus admitted, into practical and visible effect. They insisted upon granting the duties for a year only, with a view to alter the customary mode of granting them; and by thus exemplifying their right, to settle the question for ever.

Now this appears to me to have been wrong; it was harsh,



offensive, and had the air of a triumph over a fallen adversary: it would have been better to have made allowance for the king's situation and feelings: to have been satisfied, *for the present*, with the king's surrender of the point in theory; to have sacrificed something of constitutional precision, for the sake of an object so important as a sincere accommodation with the executive branch of the legislature; in short, to have indulged the sovereign, even in his unreasonableness and mistakes, since the contest had evidently turned in their favour, and they could do it without hazard.

In all political struggles, there is no duty so seldom practised, and so necessary to society, as a forbearance and magnanimity of this nature. The commons thought otherwise, and I do not deny that their situation was very critical, and that much may be urged in opposition to what I have thus suggested.

The second and next interval which I would select, is from the end of the first four years of Charles's reign, from 1629 to 1640; a most remarkable interval of eleven years, and which is extremely important.

Here a new scene opens:—we have no longer, as hitherto, the king calling parliaments, and then demanding the grant of supplies, as the condition of his favour; and the commons, in their turn, requiring the admission of constitutional claims, as the condition of their subsidies. We have no longer prorogations, dissolutions, imprisonment of the members, and during the intermission of parliament, loans and benevolences; but we have now a resolution to call parliaments no more; we have what were before occasional expedients, converted into a system of regular government; we have every effort exerted to make the prerogative of the crown *supply the place* of parliaments; and this plan of government persevered in for eleven years together.

Now it is very evident, that if this experiment had succeeded—if Charles I. could have ruled without parliaments, as he was to be followed by such princes as his sons really were, and must necessarily have been made, no difference could have long remained between the English monarchy and the French; and Charles I., though amiable in private life, a man of virtue and of religion, would, in fact, have been the

destroyer of the liberties of his country; and in this important respect, precisely on a level with the perfidious and detestable tyrant of France, Louis XI.

This part of the history ought to be well observed. The illegal expedients, or as Mr. Hume calls them, the *irregular* levies of money, that were resorted to, and the cruel sentences, or, as Mr. Hume denominates them, the *severities* of the star-chamber, and high commission, may be gathered even from one of Mr. Hume's own chapters, the fifty-second, which you must particularly observe.

The Puritans every where fled, preferring to the fair lands of England, the savage and untamed wilds of America—wilds where their persons were yet free, and their minds their own. Hazelrig, Pym, and Cromwell, even Hampden, had embarked, but were prevented from proceeding by an order of government.

This last anecdote has been shown to be a mistake of the historians by Miss Aikin, who was the first to suspect and examine into the truth of this statement, with her usual discernment and diligence. Of course the conclusions I had drawn from a circumstance, so striking as the flight of such leaders, are now omitted.

But I shall conclude this lecture, by endeavouring to present to you the danger to which the constitution of this country was in reality exposed from another point of view. It may be collected, I conceive, even from the manner in which so intelligent a philosopher as Hume, and so sincere a patriot as Lord Clarendon, have thought proper to express themselves on this occasion.

The passages I mean to quote are a little longer than I could wish, but I conceive, that when fairly stated, they exemplify so completely the peculiar perils of our free government at this particular period of our history, that I do not venture much to abridge them, and certainly to make no alterations in the expressions or sense.

Mr. Hume, after detailing in the fifty-second chapter a series of incidents, which show that the person and property of every man of spirit in the country was at the mercy of the court, begins the next chapter with the following words:—

“The grievances under which the English laboured, when

considered in themselves, without regard to the constitution, scarcely deserve the name; nor were they either burthensome on the people's properties, or anywise shocking to the natural humanity of mankind. Even the imposition of ship-money, independent of the consequences, was rather an advantage to the public, by the judicious use which the king made of the money levied by that expedient."

Again:—"All ecclesiastical affairs were settled by law and uninterrupted precedent; and the church was become a considerable barrier to the power, both legal and illegal, of the crown. Peace, too, industry, commerce, opulence, nay, even justice and lenity of administration (notwithstanding some very few exceptions); all these were enjoyed by the people, and every other blessing of government, except liberty, or rather the present exercise of liberty and its proper security."

Observe now Lord Clarendon; observe the facts that he first lays down, and then the remarks which he thinks it necessary to subjoin. His facts are these:—"Supplemental acts of state were made to supply defects of law; obsolete laws were revived and rigorously executed; the law of knight-hood was revived, which was very grievous; and no less unjust projects of all kinds (page 67, octavo), many ridiculous, many scandalous, all very grievous, were set on foot; the old laws of the forest were revived; and lastly, for a spring and magazine that should have no bottom, and for an everlasting supply for all occasions, a writ was framed in a form of law, &c. &c.—the writ of ship-money." He tells us, "That for the better support of these extraordinary ways, and to protect the agents and instruments who must be employed in them, and to discountenance and suppress all bold inquirers and opposers, the council-table and star-chamber enlarged their jurisdiction to a vast extent, holding (as Thucydides said of the Athenians) for honourable that which pleased, and for just that which profited; and being the same persons in several rooms, grew both courts of law to determine right, and courts of revenue to bring money into the treasury; the council-table, by proclamations, enjoining to the people what was not enjoined by the law, and prohibiting that which was not prohibited; and the star-chamber censuring the breach and disobedience to those proclamations, by very great fines

and imprisonment; so that any disrespect to any acts of state, or to the persons of statesmen, was in no time more penal; and those foundations of right, by which men valued their security, to the apprehension of understanding and wise men, never more in danger to be destroyed."

And yet at the close of his description of this most alarming state of England, what are his observations? They are these:—"Now after all this, I must be so just as to say, that during the whole time that these pressures were exercised, and these new and extraordinary ways were run, this kingdom enjoyed the greatest calm, and the fullest measure of felicity, that any people, in any age, for so long time together (i. e. for the above-mentioned eleven or twelve years) have been blessed with, to the wonder and envy of all the other parts of Christendom."

Soon after he adds, having first given a more distinct enumeration of the blessings which England enjoyed, these words:—"Lastly, for a complement of all these blessings, they were enjoyed by, and under, the protection of a king of the most harmless disposition, the most exemplary piety, the greatest sobriety, chastity, and mercy, that any prince hath been endowed with."

Such are the words of Lord Clarendon. Now what I have to press upon your reflections is this:—If men like these, a calm, deliberating philosopher like Hume (though favourable to monarchy, yet certainly not meaning to be unfavourable to the interests of mankind), if Hume, at the distance of more than a century in the security of his closet; and Clarendon, a lover of the constitution, of his country, a patriotic statesman, while delivering, as he rightly conceived, a work to posterity: if such men could think that *these* were observations on the subject, too reasonable to be withheld from the minds of their readers, how difficult must it have been for men at the time, to have escaped from the soothing, the fatal influence of such considerations; this supposed prosperity of their country, this peace, this order, these domestic virtues and piety of their king, their safety under his kind protection; how difficult to have been generous enough to think of those Englishmen who were to follow them, rather than of themselves; how difficult to have encountered the terrors of fines

and imprisonments, for the sake of any thing so vague, so abstract, so disputed (such might have been their language), as the constitution of their country; how difficult to have resisted all those very prudent suggestions with which sensible men, like Hume and Clarendon, not to say, the minions of baseness and servility, could have so readily supplied them; how difficult, when all that was required of them was a little silence, and the occasional payment of a tax of a few shillings!

Yet if our ancestors had not escaped from the soothing, the fatal influence of such considerations; if they had not thought that there was something still more to be required for their country, than all this peace, and industry, and commerce, this calm of felicity, this protection and repose, under the most virtuous and merciful of kings; if they had not resisted with contempt and scorn all the very prudent suggestions with which their minds might have been so easily accommodated; if they had not been content to encounter the terrors of fines and imprisonments, the loss of their domestic comforts, the prospects of lingering disease and death, for the sake of their civil and religious liberties; if they had not had the generosity and magnanimity, the virtue and the heroism, to think of their descendants as well as themselves, what, it may surely be asked, would have been *now* the situation of those descendants, and where would have been now the renowned constitution of England?



## LECTURE XV.

### CHARLES I.

**I**N my last lecture, I proposed to my hearers, when they came to the examination of this most interesting reign of Charles I., to divide it into different intervals, and during these intervals, to compare the conduct of the king and his parliaments, the better to appreciate, on the whole, the merits and demerits of the contending parties.

Disquisitions of this kind form an important part of the instruction of history: the great principles of human conduct are, on these occasions, examined and reflected upon, and we are thus enabled to draw general conclusions. The language, for instance, which I yesterday quoted from Lord Clarendon, constituted, no doubt, much of his conversation to those around him at the time. We see it afterwards the language of Hume; it will be the language of a certain portion of the community, and that by no means the least respectable, at all times, whenever the conduct of any government becomes the subject of inquiry and remark. I therefore draw your attention to it; but I observed then, and I must repeat now, that such sentiments would have been fatal to our ancestors and ourselves, if they had prevailed in the time of Charles. Their tendency is, more or less, fatal in every period of society, and when a mixed and free constitution has been at length established, and general prosperity has been the natural result, this turn of thinking seems to be one of the last, but certainly one of the most formidable enemies, which any such mixed and free constitution has to encounter.

After dividing the reign of Charles into two intervals, the first, of four years from his accession, the next, of eleven years immediately succeeding, I mentioned to you, as a specimen of the transactions that took place, the Petition of Right and

the question of tonnage and poundage. They gave occasion to the quotations I recommended to your attention from Clarendon and Hume.

It is to this second interval that belongs the celebrated question of ship-money. The very name of Hampden will recall it to your mind. Observe the instruction which is to be derived from some of the circumstances that took place; observe the manner in which the great leaders of the popular party could be brought over to the court; how even a man, so able and so severe, as the celebrated Noy, the attorney-general, could be so misled, or so flattered, as to become, in fact, the author of the writ for ship-money; how the judges themselves could be tampered with; how an opinion which they pronounced theoretically, and in the abstract, could be abused in practice, and turned to the most illegal purposes: how an exercise of the prerogative (confined and bounded in its original application) could be extended indefinitely, and converted into a regular mode of legislation, which it was no longer necessary in the court to justify, nor allowable for the subject to question; when remarks like these have been made, we may surely see, but too plainly, how many are the dangers to which all civil liberty must be for ever exposed; how precarious, as well as precious, is the blessing. Let us honour, as we ought, the constitution of England, but let us consider, as we ought, how, and from whom, we have received it, and we may then learn to pronounce with gratitude and reverence, the name of Hampden.

Such, indeed, have been the sentiments with which that name has been always pronounced by Englishmen. The historian, Hume himself, seems affected for one short moment, by the common enthusiasm, when he arrives at this part of his narrative.

“When this assertor of the public cause,” says he, “had resisted the levy of ship-money, the prejudiced, or prostituted judges, four excepted, gave sentence in favour of the crown. Hampden, however, obtained by the trial, the end for which he had so generously sacrificed his safety, and his quiet; the people were roused from their lethargy, and became sensible of the danger to which their liberty was exposed. These national questions were canvassed in every company, and the

more they were examined, the more evidently did it appear to many that liberty was totally subverted, and an unusual and arbitrary authority exercised over the kingdom. Slavish principles, they said, concurred with illegal practices; ecclesiastical tyranny gave aid to civil usurpations; iniquitous taxes were supported by arbitrary punishments; and all the privileges of the nation transmitted through so many ages, secured by so many laws, and purchased by the blood of so many heroes and patriots, now lay prostrate at the feet of the monarch! What, though public peace and national industry increased the commerce and opulence of the kingdom? This advantage was temporary, and due alone, not to any encouragement given by the crown, but to the spirit of the English, the remains of their ancient freedom. What, though the personal character of the king, amidst all his misguided counsels, might merit indulgence, or even praise? He was but one man; and the privileges of the people, the inheritance of millions, were too valuable to be sacrificed to his prejudices and mistakes."

Here Mr. Hume, as if conscious what might be the influence of the eloquent reasonings and just statements which he was exhibiting, stops short—it was certainly high time; and, as if unwilling that his reader should be excited to a sentiment of patriotism too unqualified, he immediately subjoins:—

"Such, or more severe, were the sentiments promoted by a great party in the nation. No excuse, on the king's part, or alleviation, however reasonable, could be hearkened to or admitted; and to redress these grievances a parliament was impatiently longed for, or any other incident, however calamitous, that might secure the people against those oppressions which they felt, or the greater ills which they apprehended from the combined encroachments of church and state."

My hearers will easily conceive that it is impossible for me in the slightest manner to enter into any detail of the merits or demerits of the political questions that were agitated, and of the struggle that existed during these two intervals of four and of eleven years. I have attempted to do what alone I can hope to do; I have pointed out a few of the more leading topics of political dissension, as specimens of the whole, and have offered such observations upon them as I am willing to



believe my hearers, when they come to examine the history, will think reasonable.

But we must now look at this subject from another point of view.

I have already apprized you that the Reformation had produced in England, as well as in other countries, great differences of opinion on religious subjects, and that therefore, the religious principle got at length entangled in the political questions that agitated the nation. This will be immediately apparent. I have already touched upon a few of the points of CIVIL dispute between the sovereign and his parliaments; I must, therefore, now allude to those of a religious nature, and, therefore, to the system of measures which Charles pursued with respect to the neighbouring kingdom of Scotland.

It is observed by Mr. Hume, in the beginning of his fifty-third chapter, that "it was justly apprehended that such precedents (alluding to those that took place on the disuse of parliaments), if patiently submitted to, would end in a *total* disuse of parliaments and in the establishment of arbitrary authority: but that Charles dreaded no opposition from the people, who are not commonly much affected with consequences, and require some striking motive to engage them in a resistance to an established government."

This inertness and want of foresight, which the historian so justly supposes to belong to the mass of every community, would be of all the characteristics of our nature, one of the most beneficial, if the rulers of mankind would not ungenerously abuse it; but this they are always ready to do, often to the injury of the public, and sometimes even to their own destruction.

Charles had been persevering in this faulty, or rather criminal course, for some time after the fourth year of his reign; but as he added folly to his political transgressions, he at last supplied his subjects with that "striking motive" which the historian justly represents as so necessary to rouse a people into rebellion.

Unfortunately for his royal house, both he and his father lived in a religious age; and their particular temperaments impelled them to introduce the religious principle into politics; an unworthy direction, which, of itself, it would have been

but too apt to take in the existing circumstances of the world.

James I. had pronounced the celebrated maxim of "No bishop, no king." The divines of the church of England were in these times not wanting in their endeavours to establish the doctrine of passive obedience; it was indeed supposed to be the unqualified doctrine of the Scriptures. A sympathy and a supposed bond of interest, to be carried blindly to any unconstitutional length, was thus unhappily formed between the regal and episcopal power. Add to this that the religion of Charles and the famous Laud was narrow and intolerant; and in a fatal hour it was resolved to introduce the canons and liturgy of the church of England, or rather a modification of them, that was even more offensive, into Scotland.

It is needless to speak of the injustice as well as the imprudence of such an experiment; but it is too important a feature in the portrait of these times not to require the most perfect consideration of every reader of our history. All that can be said in extenuation of Charles may be seen in Clarendon and in Hume; but you will do well to peruse much of this part of the history in Burnet; and certainly in Rushworth's Collections, where the dissimulation, obstinacy, and folly of the king are more shown than in Hume or in Clarendon, and where the fanaticism of the members of the Scotch church or of the kirk may also be seen more completely by being displayed in the very words and expressions which they themselves used, and of which no adequate description can be given. Their solemn league and covenant, now that we are out of the reach of it, is, in spite of the seriousness of the subject, and the tremendous effects it produced, such a specimen of the Presbyterians and of the times, as to be, I had almost said, amusing.

I do not, upon the whole, think it proper to be quoted here, but you will of course peruse it attentively.

It was in vain that Charles at length made concessions to his Scottish subjects; these concessions were never made in time, nor ever sufficient for the occasion. They never deserved the praise of magnanimity; and they therefore never reaped the benefit of it. From the first, his cause in Scotland

was continually verging to defeat and disgrace. However necessary he and Laud might conceive their own ecclesiastical institutions to be, the Covenanters were equally clear that such relics and images of Popery were quite fatal to all rational hopes of acceptance with the Deity. The King drew the sword; the obvious consequence, but the last fatal consummation of his impolicy and intolerance. On the one hand, contributions were levied, by the influence of Laud, on the ecclesiastical bodies of England; while, on the other, the pulpits of Scotland resounded with anathemas against those, who went not out to assist the Lord against the mighty. "Curse ye Meroz, curse ye bitterly," &c. &c.

The result was, as it is desirable it may always be, that the cause of intolerance was successfully resisted.

But the effects of this attempt of Charles and Laud were not to end with Scotland.

The king could not wage war without expense, nor encounter expense without pressing upon his English subjects.

After having made a pacification with the Scots, the king could not persuade himself fairly to give up the contest; and he therefore once more collected an army: an army which he could not pay; and for the purpose of paying it, he was at last obliged to summon once more an English parliament, and this after an intermission of eleven years, and after all his tyrannical expedients to do without one.

And here commences a third interval, which I should propose to extend only to the king's journey into Scotland in the August of 1641. This interval includes the *whole sitting* of the parliament now called, and the *first period* of the proceedings of the next, the noted parliament, afterwards called the long parliament; it is a short interval of about a year; but it is clearly to be distinguished from the two former intervals, when the conduct of the king was so deserving of reprobation, and again from the fourth or last interval, when the conduct of the parliament was unequivocally wrong. Even in this third, this intermediate interval, the king was still, as I conceive, to be blamed, and the parliament to be praised; but this blame and this praise become now more questionable, and not to be given without some hesitation and reserve.

When the parliament met, it was soon evident that the

king only wanted money ; while the commons, on *their* part, were chiefly anxious for proper admissions on *his*, to secure the liberty of the subject. He could not wait, he said, for the result of discussions of this nature ; and desired to be supplied, in the first place, and to be trusted on his promise for a subsequent redress of their grievances. The parliament civilly evaded his request, and would not comply, i. e. would not in fact trust his promise ; they were, therefore, dissolved in haste and anger.

This important measure, which was decisive of his fate and of the peace of the community, will be found, on examination, though it may not at first sight appear so, impolitic and unjustifiable. "The vessel was now full," says Lord Bolingbroke, "and this last drop made the waters of bitterness overflow."

It was the subject of the most sincere lamentation, and evidently a measure much disapproved by Lord Clarendon, then Mr. Hyde, and a most valuable member of the House of Commons, valuable both to the king and people.

This unfortunate prince seems to have been, even at this advanced period of these dissensions, totally unable to comprehend his own situation, or make the slightest provision for future contingencies.

As money could not be raised by parliament, the former illegal expedients were renewed ; and we are here to consider what was the object, all this time, which the king was so resolved to accomplish. Was it justifiable ? The introduction of Laud's canons and liturgy into Scotland ?

The event was, that an army undisciplined and ill-paid was led against the Scots, and found unfit to contend with them ; and every thing being reduced to a state of exasperation and despair, the king, after calling a council of the peers at York, once more thought proper to summon a parliament.

It was the last he ever did summon ; it was the long parliament.

Hitherto the feelings of Englishmen will sufficiently sympathize with the proceedings of the commons. But as the contest between prerogative and privilege was longer continued, and grew more and more warm, it must necessarily be expected that the hazards and perplexities of the great

leaders of the House of Commons were to increase, and that right decisions were to be attained with more difficulty. After having been tried in the perilous warfare of doubtful and dangerous contest, a severer trial yet remained, that of success. They were now, if possible, though successful, to be wise and moderate.

In civil dissensions it is quite impossible to suppose that misconduct shall be found only on one side. Outrage and folly in the one party are necessarily followed by similar offences on the other ; and from the condition of human infirmity, it must inevitably happen, that in examining the merits and demerits of actors in scenes like these, the question is soon altered ; and ceasing to be, an inquiry of which is in the right, becomes rather an investigation of which is least in the wrong.

To the lasting honour of the long parliament, and by implication of the parliaments that preceded, it does not appear that its measures were, for a certain period, with one exception, the attainder of Lord Strafford, and perhaps also the vote for their own continuance, at all censurable ; on the contrary, that they were highly laudable. The members of the long parliament would surely have been unworthy of their office if they had not provided for the meeting of parliaments, the integrity of the judges, the extinction of monopolies, and the abolition of the council of York, and the courts of starchamber and high commission.

Lord Falkland and Lord Clarendon concurred, for a time, with the measures of the popular party of this long parliament ; and the major part of the house is stated by the latter to have consisted of men who had no mind to break the peace of the kingdom, or to make any considerable alteration in the government of church and state.

Mr. Hume himself, in his fifty-fourth chapter, gives the following opinion: observe the very considerate candour of his remarks. " In short, if we take a survey of the transactions of this memorable parliament (that is, the long parliament), during the *first* period of its operation (the period we are now considering), we shall find that, excepting Strafford's attainder, which was a complication of cruel iniquity, their merits in other respects so much outweigh their mistakes, as

to entitle them to praise from all lovers of liberty. Not only were former abuses remedied, and grievances redressed; great provision for the future was made by law against the return of like complaints, and if the means by which they obtained such advantages savour often of artifice, sometimes of violence, it is to be considered that revolutions of government cannot be effected by the mere force of argument and reasoning; and that factions being once excited, men can neither so firmly regulate the tempers of others, nor their own, as to ensure themselves against all exorbitances." The admissions of Mr. Hume are often very striking.

Down, therefore, to the king's journey into Scotland in August, 1641, the student will find that, with the exceptions before stated, the attainder of Lord Strafford, and perhaps the vote for their own continuance, he may consider his country as for ever indebted to those who thus far resisted the arbitrary practices of prerogative; that thus far they are perfectly entitled to the highest of all praise—the praise of steady, courageous, and enlightened patriotism.

The next interval that may be taken is, the period that elapsed between the king's journey to Scotland in August, 1641, and the commencement of hostilities.

During this, the fourth interval, the measures of the commons became violent and unconstitutional. That this should be the case may be lamented, but cannot, for the reasons already mentioned, excite much surprise.

There were, however, various circumstances which still further contributed most unhappily to produce these mistaken and blameable proceedings. I will mention some of them; they must be considered as explanations and palliatives of the faults that were committed.

For instance, and in the first place, Lord Clarendon, after giving the testimony which I have quoted, to the general good intentions of the long parliament, distinguishes the *great body* of the house from some of the great leaders of the popular party; from Pym, Hampden, St. John, Fiennes, Sir Harry Vane, and Denzel Hollis, &c. That men, like these, men of great ability, should be found in an assembly like the House of Commons, is not to be wondered at; nor that such men should be of a high and impetuous nature, or

should succeed in their endeavours to lead the rest—men of calmer sense and more moderate tempers.

Finally, we cannot be surprised, that moderate men of this last description should be deficient in their attendance on the house, should be wanting in activity, and above all, in a just confidence in themselves. That all this should happen, as, according to the noble historian, seems to have been the case, may readily be supposed. This inactivity, however, this want of confidence in themselves, was fatal to the state; and it is from circumstances like these that this period of our history is only rendered still more deserving of the study of every Englishman, and of all posterity. That men of genius who are the more daring guides, may learn the temptations of their particular nature, and that men of colder sense, who are the more safe guides, should be taught their own value—should be made to feel that it is they alone who ought not indeed to propose, but ultimately to decide; and though they may not apparently lead, at least determine, and in fact prescribe the course that is to be pursued; that it is their duty in this, their proper province, to exert themselves manfully and without ceasing.

For instance, the great occasion on which the moderate party failed was in the prosecution of Lord Strafford. That he was to be impeached by the leaders must have been expected; that he deserved it may be admitted; but that, when the existing laws did not sentence him to condign punishment, when no ingenuity could prove that he had capitally offended, then for the leaders to bring in a bill of attainder, that is, a bill to execute him with or without law, by the paramount authority of parliament, or rather of the House of Commons, acting merely on their own moral estimation of the case, all this was what no moderate, reasonable men should ever have admitted; and they ought surely to have considered that if they were once to be hurried over an act of injustice—a real crime against the laws like this—it was impossible to say into what offences they might not afterwards be plunged, by the violence of which they saw their leaders were certainly capable on the one part, and by what they already knew of the indiscretion and arbitrary nature of the king, on the other.

The very animated and eloquent Lord Digby exerted his great powers on this occasion.

There is something of a doubtful shade hangs over the purity of his conduct in these transactions. But his speech to the House of Commons is on record, and ought to have decided the vote of every member present. It should by all means be read; you will find it in Cobbett. The proceedings of the house, and the fate of the speech—for it was too just and sensible not to excite indignation at the time and to be burnt by the common hangman—afford a lesson which should never be forgotten.

The multitude, ever clamorous for punishment and public executions—ever careless of those forms of law in which they are of all others so deeply interested, might well have terrified even the commons themselves, and made them pause; a very little self-examination might have enabled these legislators to discover, that they saw displayed in the furious looks and voices of the mob only a ruder image of their own intemperate thirst for vengeance, and dangerous disregard of the established principles of justice.

But to proceed with my subject. I will now mention another reason to account for the unconstitutional proceedings of the commons in addition to the reason just alluded to, the inertness of the moderate men. It is this: the peculiar nature of the times in which the great leaders of the commons happened to live. The age of a long parliament was a religious age.

A very lively portrait of the different sects and parties and their principles of speculation and action, may be seen in Hume, in Millar, and in Clarendon.

Now, the nature of this religious principle and its effects on all men, must serve to excuse the effects which it also produced on the conduct of the members of the long parliament.

No further observation is, I think, necessary on this part of the subject. In the authors I have just mentioned you will see all that you may readily conceive; you will see how the religious principle so interfered as to render all the different parties in the state, not only the King and Laud, but also the members of the long parliament, obstinate, unforgiving, and



unreasonable, till all the real lovers of their country were buried, with themselves, in a common destruction.

Again, and in the third place, it must be observed, that various incidents occurred of the most untoward nature (the Irish rebellion for instance), all contributing to mislead those who directed the patriotic party, and to increase the perplexities and calamities of the scene.

But I will mention one circumstance more, in the fourth and last place, to account for the mistakes and faults, and unconstitutional proceedings of the long parliament. It is this: the conduct of the king himself. This conduct was marked with such a total want of foresight and prudence as made all reasonable system in his opponents impossible. To adopt, for the sake of illustration, a familiar illusion, you cannot play a game if your opponent observes not the common rules of it. The student may take, as an instance, his visit to the House of Commons to seize the five members.

Such are the four heads, under some of which may be included all those very peculiar events and circumstances which I conceive should be taken into consideration, when we decide on the blameable proceedings, and objectionable temper of the long parliament. They will certainly explain and extenuate all, excuse, perhaps, if not justify *much* of their conduct:—1. The inertness of the moderate men. 2. The peculiar nature of the times, and the religious nature of them. 3. The various untoward incidents that occurred; the Irish rebellion, e. g. 4. The totally unreasonable conduct of the king, which made any reasonable system in his opponents so difficult and impossible.

The result of the whole was, that the parliamentary leaders did not choose to trust the king; and they required from him, for their own security, and the security of the subject (which, it must be observed, was now identified with their own, for if they had failed, no further resistance could have been again expected), they required, I say, such concessions as trenched on the prerogative of the crown, more than any precedents warranted; more than any constitutional view of the subject would have authorized in any ordinary situation of the political system; more than would have been favourable to the interests of England at any subsequent period. The question,

therefore, which we have at length to decide is this : whether these leaders were justified in this distrust of the crown, or not? Whether they demanded more than was necessary for their own security, and the security of the constitution, which, as I have before observed, were now identified ; for if they failed, as I must repeat, no subsequent effort could have been expected from others.

And this question ought, in candour, to be argued on the supposition that the king was in reality as deeply impressed with the rights of his prerogative as ever ; as little disposed as ever to rule by parliaments, if he could do without them ; as little disposed as ever to consider the exertions of the leaders of the commons in opposition to his authority, as any other than disobedience and rebellion, which ought to be punished according to its various degrees, by fine, imprisonment, or death ; for these are the inferences that may clearly be drawn from his character, his education, and all the speeches and actions of his reign, down to the very period to which we now allude.

But though this appears nothing more than a fair statement of the case, it does not follow that the parliamentary leaders should therefore not have trusted the king, or should not have thought themselves sufficiently safe and successful, after they had once secured by law and by his public concessions, such material points as the calling of parliaments, the right of taxation, and the abolition of the courts of star-chamber and high commission.

We are called upon to examine whether they did not underestimate their own strength ; whether they appear to have considered how great was the victory which they had obtained ; whether they seem to have asked themselves the reason of it ; whether, in short, they did not make the same mistake which is so naturally, so constantly made by all who engage in contests of this or any other kind, the mistake of never supposing that an opponent has been sufficiently depressed.

The same mistake was made in the late revolution in France. The patriotic party of that country, the leaders of the constituent assembly of 1789, could never bring themselves to believe that they were sufficiently secure from the court and their opponents, that the executive power was sufficiently weakened,

and the same difficulty or error operated, as in our own country, to the destruction of the king and themselves.

It is scarcely to be expected that in these dreadful conjunctures of human affairs, this particular mistake should not often be made. So many are the causes which concur to produce it ; but I think it must be allowed that the mistake was committed by the parliamentary leaders.

The mistake, however, be it made when it may, is sure to be attended by the most fatal effects. The old system, which those who have loved their country meant only to improve, is inevitably destroyed ; and the early patriots, the men of sense and virtue, are overwhelmed in the general calamity. They have grasped the pillars of the temple ; the temple falls, and, like the strong man of holy writ, they bury in the ruins themselves as well as their opponents.

After all, there can be no doubt that if the question had been a question of prerogative and privilege only, the proceedings of the commons would have been far more, and perhaps sufficiently moderate and constitutional ; but the misfortune was, that these dissensions were not merely of a civil, but also of a religious nature. How, and to what extent, they were of a religious nature, should be now explained to you.

But here, as at every moment during these particular lectures on the Times of Charles I. and the Commonwealth, I could wish the pages of Hume and Millar quite present to your minds. It is very disagreeable to me to be so conscious as I must be, that I am leaving great blanks behind me as I go on ; it is like exhibiting to you the anatomy of the human form, by way of a portrait. I comfort myself with believing that Hume and Millar are books which you cannot but read, and you will then see how impossible it would have been for me, on the one side, to have discussed any topics but those they have selected, and yet, on the other, how impossible to have given here, from their works, any extracts sufficiently copious ; their reasonings are so many, so beautiful, and so weighty.

On this present occasion, for instance, you can only in their writings find a masterly and adequate exhibition of the religious as well as civil nature of this contest ; the different sects, their views, mistakes, and merits.

I can only simply mention here, what you must from this time remember, that there were, more particularly, four different descriptions of religious opinion—the Roman Catholics, the members of the Church of England, the Presbyterians, and lastly, the Independents; that of the four descriptions of religious opinion that existed in the country at the time, the Presbyterians and Independents were naturally separated from those of the Roman Catholic and Church of England communion; and however differing from each other in the most important points, were united in their common hatred to the hierarchy, and in their common wish for a form of worship more simple than that established; at all events, they were both resolved to have no bishops.

As Charles and Laud could not be satisfied unless they attempted to introduce Episcopacy into Scotland, the puritanical interest in England thought their labours and patriotism in the House of Commons imperfect, unless they, in like manner, improved, according to their own particular notions, the church government of England. In their debates, therefore, their petitions and their remonstrances to the king, instead of finding the great principles of civil government, and those *only*, insisted upon, we are totally fatigued and overpowered by eternal complaints and invectives against Popish priests; the non-execution of penal laws; diabolical plots, and malignant counsellors. It is not only Strafford that is impeached, but also Laud; it is not only the right of the commons to concur in the taxation of the people that is to be asserted, but the bishops are to have no vote in the House of Lords; and when the mobs assemble about the doors of the houses of parliament, the streets resound not with the cry of parliament and privilege, but of “No popish prelates; no rotten-hearted lords,” &c. &c.; and it is not corrupt counsellors or arbitrary judges, but it is the *bishops* that escape with difficulty from the fury of this theological populace.

We must therefore consider whether the long parliament would have acted, as they did, in any ordinary state of their minds and feelings; whether the king would have found it so difficult to satisfy, at least to appease them; whether their jealousy would have been so sensitive; their dissatisfaction so constant; their complaints so ceaseless, captious, and un-

reasonable, if they had not been, in a word, sectarians as well as patriots.

The celebrated remonstrance, which was at last presented to the king, and was so fitted by its tedious ill-humour to drive him to any possible extremity, was with great difficulty carried, and if it had not been carried, Cromwell told Lord Falkland, he would have quitted the kingdom: that is, in other words, this manifesto upon which subsequent events so materially turned, was vitally dear to the Independents; and would probably not have been proposed, much less voted, if the great constitutional question of prerogative and privilege had not been interwoven with others of a theological nature; questions by which, it unfortunately happens, that the minds of men may, at any time, be exasperated and embittered to any possible degree of fury and absurdity.

It remains, therefore, to consider lastly, how far the Presbyterians are to be censured for this, their resolution to have the government altered in church, as well as in state.

Those among ourselves living in a subsequent age, who have been properly enlightened by the past, who not only see the duty of mutual tolerance, but act upon it, and who do not think it necessary that our own particular notions in religion or politics should be established and made to take the lead, merely because we believe them true,—such of us who so properly understand the principles of Christianity, and the duties of civilized society; such of us, if any there be, may perhaps have some little right to censure the Presbyterian faction. But no such censure could be exercised, at that unhappy period, by any of the actors in the scene. Not by Charles himself, nor Laud, nor the Episcopalian party, for they had attempted the same in Scotland. Not by any church or sect then existing, for it was an age of religious wars and mutual persecution.

In our moral criticisms, therefore, on the parties of these times, when we are speaking, it is to be remembered, not of the early patriots, but of the members of the long parliament, we have some, and yet but little preference to make. Charles and the Episcopalians were guilty of the first act of hostility—at least of the first violent, and even cruel proceedings—the Presbyterians, of urging their victory too far. If Charles

and Laud had succeeded, the civil and religious liberties of England would have perished; and subsequently the Presbyterians could not succeed, but by such measures as rendered a civil war inevitable. It may be possible to determine which alternative is the worst, but mankind can have no greater enemies than those who reduce them to either.

Charles was guilty of a great want of political sagacity, in not perceiving the growing strength of the commons; and when he saw the increasing number of the sectaries, in not considering well the cautious and moderate system which he was to adopt when such men were to be opposed to his designs.

But the Presbyterians, in like manner, seem inexcusable for not taking into their account the growing strength and the increasing numbers of the Independents. The most violent of the Presbyterians had no intentions to overthrow the monarchy. But when they ceased to act *on a system of accommodation* with the king, they exposed every thing to the ultimate decision of violence. They might themselves wish only for a limited monarchy, and for Presbyters in the church instead of bishops; but a set of men remained behind them, the Independents, indisposed to all monarchy and ecclesiastical government whatever; and they were guilty of the fault, either of not properly observing the numbers and tenets of such men, or of not perceiving that, if they urged their differences with the king to the decision of the sword, or even to the immediate chance of it, men of this violent, unreasonable character must multiply, and be produced by the very urgencies of the times, and could not fail of ultimately overpowering the king, the parliament, and all who differed with them.

It must at the same time be confessed, that it is the great misfortune of all critical periods like these, that parties cannot very immediately be distinguished from each other. They advance together under the same standards to a certain point, and then, and not before, they separate and take different directions: and as fury and absurdity are sure to be the most relished by the multitude, and at some time or other to have the ascendant, moderate men perceive not *in time*, that, on public, as well as on private grounds, there is more

danger to be apprehended from many of those who appear to *go along* with them, than from those, who are their visible, decided, and declared opponents.

Observations of this kind have been again illustrated by the late revolution in France, and may therefore seem to indicate principles in human nature, that on such dreadful occasions will always exhibit themselves.

The vote of the remonstrance is an epoch in this calamitous contest. The commons are not to be justified in presenting this remonstrance, nor to be justified in their subsequent measures. It may be very true, that their proceedings, till the king's departure into Scotland in 1641, with the exception of Lord Strafford's attainder, and perhaps the vote for their own continuance, were (more particularly in the more early periods of the contest) most laudable and patriotic, but that they never were so afterwards.

They had obtained all the great points necessary to the constitution: and the king told them in June, when he had finished his concessions by taking away the courts of starchamber and high commission, and with reason told them, that if they would consider what he had done in that parliament, "discontent would not sit in their hearts." "I hope you remember (he added) I have granted, that the judges hereafter shall hold their places, *quamdiu se bene gesserint*: I have bounded the forests; I have established the property of the subject; I have established the same property of the subject in tonnage and poundage; I have granted a law for a triennial parliament; I have given free course to justice against delinquents; I have put the laws in execution against Papists; nay, I have given way to every thing that you have asked of me, and therefore, methinks, you should not wonder, if in some things, I begin to refuse: I will not stick upon trivial matters to give you content."

I would therefore fix the attention of the student on the famous remonstrance, and the proceedings relating to it, as the particular point where his opinion must, as I conceive, begin most materially to alter.

After this celebrated remonstrance, the papers on each side (which were, in fact, appeals to the people, as was, indeed, the remonstrance itself) become very voluminous, and

will somewhat overpower you. Some general idea must be formed of them by some sort of general perusal; but the king's cause may, from this time, be rested on this very remonstrance alone, a paper drawn up by the parliament itself, and quite decisive of the comparative merits of the king and the House of Commons, from the moment that it was delivered.

Once more, therefore, and finally, to recall to your minds what I conceive are the points of this great question.

During the first interval of four years, the conduct of the king seems infatuated, and highly reprehensible; and during the second interval of eleven years, even more and more to be reprobated, I had almost said to be abhorred. During the third interval, of little more than a year, the blame still remains with the king, and the praise with the commons; clearly, however, with one exception, the execution of Strafford; and perhaps with another, their vote for their own continuance. During the fourth interval, however, from the journey to Scotland in August 1641, to the commencement of hostilities, the commons, in their turn, became wrong; but the question of their conduct is still *for some time*, in the opinion of many, somewhat difficult; the question is, whether they were pushing their victory too far, or only securing their ground. Hyde decided one way, and Hampden another; and perhaps the student may, at this distance of time, and after the event, on the whole perceive that Hyde was the more rational patriot of the two.

I have thus proposed, not to your acquiescence, but to your examination, such general conclusions upon the different intervals which I have selected, as the transactions which they exhibit, appeared to me fairly to suggest. But these transactions were so numerous, yet all so important, that, not only was it impossible for me to give any detail of them, but it was impossible to state all the observations to which they successively gave rise, even in my own mind. What I have alone been able to offer to your consideration has been general results, founded on such observations.

I would recommend a similar course to each of my hearers; let such reflections as strike him, while he reads the history, be immediately noted down at the time; let the whole chain



be then surveyed, and general results and estimates formed, otherwise the *later* impressions which the mind receives in the course of the perusal, will have an effect more than proportionate to their comparative weight and importance.

Do not turn away from investigations of this nature ; there are those, no doubt, who proceed not in this manner ; practical men, men of the world, and respectable and even laborious writers : with them every thing on the one side is right, and on the other is wrong. This is not the way, in my opinion, to read history. It is not the way to judge of our fellow-creatures, or to improve ourselves.



## LECTURE XVI.

### CIVIL WAR.

**I**N my two last lectures, I offered to your consideration the results of such observations as had occurred to me on the great contest that subsisted between the king and parliament, prior to the breaking out of the civil war, more particularly with regard to their comparative merits and demerits.

The military transactions of the civil war that ensued, may be collected from Hume, and still more in the detail from Clarendon. In the former author will also be found a philosophic estimate of the strength and resources of the contending parties, and of their separate probabilities of success. Disquisitions of this kind, more particularly from such an author, are highly deserving of your attention. The entertainment and instruction of history can never be properly felt or understood, as I cannot too often remark, unless you meditate upon the existing circumstances of the scene; suppose them before you, and estimate the probabilities that they present; then marking the events that really take place, thus derive a sort of experience in the affairs of mankind, which may enable you to determine with greater precision and success, on occasions when you may yourselves be called upon to act a part, and when the happiness of your country and your own may, more or less, be affected by the propriety of your decisions.

Materials for such disquisitions, and such exercise of the judgment, are often supplied by Clarendon, and they constitute, indeed, one material and appropriate part of the value of all original writers of history. In original writers, the real scene is presented to you in colours more vivid and more exact.

The king seems to have been every way unfortunate. With

sufficient courage and ability to make him the proper general of his own forces, he was still not possessed of that military genius which is fitted to triumph over difficulties, which can turn to its own purposes the dispositions of men, and the opportunities and unsuspected advantages of every situation: which can seem by these means to control the decisions of chance, and to command success. That a soldier, however, of this description, should arise against him on the popular side, was to be expected; a captain like Cromwell was sure to appear, at least to exist, in the ranks of his opponents. But that such a general as Fairfax should be found among the men of distinction in the country, and yet be opposed to his cause, this might surely be considered by the king as a hard dispensation of fortune. Still harder, if it be considered, that Fairfax was, of all other men that history presents, the most fitted for the purposes of a soldier like Cromwell: too honest to have criminal designs of his own: too magnanimous to suspect them in those around him; superior to every other in the field; inferior in the cabinet; enthusiastic enough to be easily deceived, but not enough to be a hypocrite and to deceive others.

The character of Cromwell seems the natural production of the times, though, it must be confessed, the most complete specimen of their influence that can well be imagined; still, the character itself consists but of the common materials—courage, fierceness, decisive sense, clear sagacity, and strong ambition; all, no doubt, given in a very eminent degree, added to such qualities as resulted from an age of religious dispute; and the whole nourished and drawn out in the most extraordinary manner, by the temptations and urgencies of a revolutionary period. Hampden early predicted his future eminence, on one supposition—the breaking out of a civil war.

From the moment that the sword was drawn, all wise and good men must, with Lord Falkland, have been overpowered with the most afflicting expectations. One of two alternatives, equally painful, could alone have occurred to them as probable; either that the king would conquer, and the privileges of the subject, and all future defence of them, be swept away in his triumph: or that the parliament would

prevail, and the result be, that the whole government, for want of some proper constitutional head, would fall into the disposal of the army, and be seized upon by some of its great captains, to the total degradation, and probably to the destruction of the existing monarch; perhaps even of the ancient forms of monarchy itself.

I must leave you to examine for yourselves the various events of the civil war—the military operations in the field, and the transactions in parliament—all of them very interesting. They may be found in the regular historians (particularly Clarendon), and in the accounts that have come down to us of the debates in the long parliament.

I can only make a few observations on some of the leading transactions, chiefly those of a civil nature.

Among other objects of attention, the self-denying ordinance should be noticed. On this occasion, the two parties came to issue—the Presbyterians and Independents; the one who wished for Presbytery and monarchy; the other, who had abandoned themselves to their own imaginary schemes of perfection in religion and government; most of them, probably, without any settled notions in either. Violence and enthusiasm, the great banes of all public assemblies in times of disorder, at last prevailed, and the self-denying ordinance was carried.

By this ordinance the members of both houses were excluded from all the important civil and military employments. The Presbyterians, who were in power, were, by this contrivance, obliged to resign it. Yet, when the evasion of the ordinance by Cromwell is also considered, a more barefaced, political expedient cannot easily be imagined; the very idea of it, not to say the success of it, as described by Lord Clarendon, and as seen in the speeches and subsequent conduct of Cromwell, who contrived to elude it, and retain his command, are quite characteristic of this strange period of our history. It was in truth, an expedient to clear the army from all the more moderate men who were then in command.

After the self-denying ordinance, the treaty of Uxbridge must be considered, as the next principal object of attention. The proceedings are very fully detailed by an actor in the scene, Lord Clarendon; and as this was quite a crisis in the

contest, the question is, when the negotiation did not lead to accommodation and peace, which party was in fault? To me, I confess, the conclusion from the whole seems to be that the Presbyterians were in fault, and that they cannot be forgiven for not closing with the king immediately on the terms which he proposed, not merely from a sense of propriety and justice, but from the apprehension with which Cromwell and the Independents ought to have inspired them. It even appears, from a curious conference mentioned by Whitelocke, which was held one night at Essex House, *before* the self-denying ordinance had been moved in the house, that Cromwell was already dreaded; yet no danger, no distress could produce any reasonable effect either on the Presbyterians in parliament or on the king.

Religious considerations had unhappily interfered to make what was difficult, impossible. The king could not entirely give up Episcopacy, and the Presbyterians, with still more of theological infatuation, were determined to have their Presbytery exclusively established.

All hopes of accommodation were at an end. "Most sober men," says Whitelocke, "lamented the sudden breach of the treaty."

The victory of Naseby followed, and the cause of the king was desperate. This is again a sort of epoch in this contest. Charles, not possessed of the genius that can sometimes make even a desperate cause at last triumphant, repaired, without speculating very long or reasonably upon the consequences, to the Scotch army.

The Scotch army could discover in their new situation no better course to pursue than at all events to make the king a means of procuring their arrears from the English parliament, and to barter the person of their sovereign for the money that was due to them.

It might have been thought that a common question of account might have been settled by the godly (so they termed themselves) on each side of the Tweed on the usual principles of arithmetic and honesty—certainly without so unusual a transfer as the person of their monarch; but not so: it was in this manner, it seems, that the differences between the two parties could best be adjusted. The bargain was settled,

the king delivered up, and the Scotch retired to their own country.

Their posterity have ever since been ashamed of this coarse and disgraceful transaction, for after every explanation of it, such it is; and if the English were ashamed also, they would do themselves no injustice.

From this period we must be occupied in observing the mistakes and faults of the king and the Presbyterians, on the one side; the guilt of Cromwell and the Independents on the other.

In the first place, we must cast our eyes on the conduct of the army.

The scene that by reasonable men must have been long expected, now opened. The army having no enemy to contend with in the field, began under the direction of Cromwell, to control the parliament, the Presbyterians.

The proceedings of an armed body of men like this, on such an occasion, are unhappily but too deserving of our very particular observation.

But the conduct of the Presbyterians, and of those in the house who meant well, continued as injudicious as ever.

The soldiers had real cause of complaint, and the parliament made the usual mistake of all regular assemblies, when dealing with irregular combinations of men; they did not take care, in the first place, to do them justice; they did not take care (as soon as possible) to put themselves entirely in the right; they were, as usual, too proud to be wise; they, therefore, no doubt, gave Cromwell and those who meant ill every advantage.

They even committed other mistakes still more unpardonable, by sending down to the army Cromwell and the very incendiaries themselves to compose differences.

When the parliament became more reasonable and just, it was, as is usually the case, too late.

And now was the season when the king was to commit *his* political mistakes.

While he was in fact at the disposal and in the hands of the army, he had to deal with the parliament and the Presbyterian faction, and the Scotch Covenanters, as one party; with the army and Independents, as another.

There is something of doubt hangs over the intentions of Cromwell and the army on this occasion—whether they really meant to support the king, and restore him to his constitutional authority or not.

Sir John Berkely's Memoirs speak of a very fair and reasonable negotiation on their part. His account may be found also incorporated into the history of Ludlow.

Clarendon seems not to think much of the importance of this negotiation; but he did not like Berkely. It is on the whole, however, plain, that Charles unfortunately supposed he should, in the existing situation of the parties of the state, be called in as an umpire: many prudent men, according to Lord Clarendon, expected the same; and in this fatal indecision and vain wish to keep well with all descriptions of men, Charles could not be properly trusted by any, least of all by men violent and decided like Cromwell and Ireton. Charles was no controller of circumstances and of the minds of others, and no discerner of characters and opportunities. He made no advantage of his situation, and insensibly approached his scaffold, not his throne.

The last specimen of political infatuation in the Presbyterians and the king yet remained; their conduct during the treaty in the Isle of Wight: another important point of attention.

The army had, in the most illegal manner, interfered with the parliament, had become their masters, and perfectly tyrannized over them. In this state of things insurrections in favour of the king appeared in different parts of the kingdom; and a regular attempt was made by the Scotch with all their forces in favour of him and of the parliament. For one precious interval, therefore, the Presbyterians were relieved from the domination of Cromwell and the army, who were sent to put down these insurgents.

As the Presbyterians were all of them attached to a monarchical form of government, there was once more a possibility of a conciliation between them and the king. Cromwell and his army were employed, and at such a distance, that they could give no interruption. A treaty was begun, but no adequate progress was made—no progress, till the army returned—returned triumphant, and with all their

counsels of violence and guilt; the opportunity of peace was lost for ever.

The question then, is here, as before in the treaty of Uxbridge, was the king or the parliament most in fault?

The great load of political folly, even of moral criminality, must fall upon the parliament; for their terms were abominably unfeeling and unjust.

In consequence of the pertinacious, dilatory, impolitic conduct of the Presbyterians, before the king's final propositions for peace could be adjusted and debated, Cromwell and the army had marched to the metropolis, and every member of the house who delivered an opinion consonant to right and justice, and favourable to any accommodation with the king, did it at the hazard of imprisonment and death.

In this calamitous state of things, the famous Prynne rose up in his place, and delivered a speech in defence of the king's answers to the propositions of parliament. Long as it is, I cannot but recommend it to an entire and attentive perusal. Allowance must be made for the violence of the author's prejudices in favour of Presbytery and against Popery, and when this allowance has been made, it will be found that a train of persuasion more fairly drawn out and more clearly conducted to effect a particular purpose has seldom been produced before a public assembly. You will see it in Cobbett. Certainly a more striking exhibition of principle never occurred. Prynne was speaking in an assembly overawed by soldiers, in a situation that might have made a Roman shrink. Every reason that could irritate the heart of man concurred to render him inveterate against the king. He had to preface his arguments with relating what he had endured from him. He said "that at two different times he had suffered mutilations in the most barbarous manner (these are specimens, it is to be observed, of the conduct of Charles and Laud—note them); that he had been set upon three several pillories: that his licensed books had been burnt before his face by the hangman; that *two* fines each of five thousand pounds (what a sum in those days!) had been imposed upon him; that he had been expelled out of the Inns of Court and university of Oxford, and degraded in both, that he had lost his calling almost nine years' space;



that his books had been seized, and his estate ; that he had been eight years imprisoned in several prisons ; that four of these years had been spent in close imprisonment and exile, at Carnarvon, and in the Isle of Jersey, where he was debarred the use of pen, ink, paper, and all books almost but the Bible, without the least access of any friend, or any allowance of diet for his support ; and all this for his good service to the state in opposing Popery and regal tyranny.”

Yet did this virtuous man continue to reason out his conclusion, hour after hour, with the most patient and penetrating sagacity—continue to show himself superior alike to the meanness of fear from Cromwell and the soldiers, and the remembrance of all the ferocious insults and all the abominable pains and penalties which he had endured from Charles and his advisers ; in defiance of all, he continued to enforce upon the house, by the exertion of every faculty he could command, his own upright declaration, that they were bound in honour, prudence, justice, and conscience, to proceed upon the king’s propositions to the speedy settlement of the peace of the kingdom.

Still further to the credit of human nature, it is to be mentioned, that this speech had a most clear and positive effect, that many members were converted to his side, that his opinion prevailed, and would probably, have prevailed by a far larger majority, if nearly one-third of the house, from age and infirmities, had not been obliged to retire.

The debate had lasted without intermission for a day and a night.

The subsequent events are but too well known. Cromwell and the army sent Colonel Pride to clear the house of all who were disposed to an accommodation with the king. The public execution of the sovereign followed.

This cruel and dreadful outrage has given occasion to much reasoning with respect to the nature of government, and the original grounds of civil obedience. No subject can be more interesting, and it may very properly employ your meditations when you arrive at an event so afflicting and so awful as the public execution, in the midst of a civilized community, of the great and high magistrate of the realm.

On such a subject, the observations of such a writer as Hume will naturally engage your attention.

“Government,” says this philosophic historian, “is instituted in order to restrain the fury and injustice of the people; and as it is dangerous to weaken the reverence which the multitude owe to authority, it is the doctrine of obedience which ought alone to be inculcated in popular reasonings and discourses; nor is there any danger that mankind by this prudent reserve, should universally degenerate into a state of abject servitude. When the exception really occurs, it must, from its very nature, overpower the restraint imposed by teaching the general doctrine of obedience; but between resisting a prince and dethroning him there is a wide interval, and another still greater between dethroning and punishing him. We stand astonished that, amid a civilized people, so much virtue as was possessed by Charles could ever meet with so fatal a catastrophe.”

To this weighty reasoning something must be added (and it is not added by the historian), or the discussion of this subject will be surely left most materially imperfect.

Government is no doubt instituted for the restraint of the people, but it is also instituted for the promotion of their happiness; and while obedience is the duty that should be inculcated on the people, resistance is the doctrine that should be ever present to the rulers. There may be intervals between resisting, dethroning, and executing a sovereign, and the last may be an extremity which ought never to be supposed possible; but there is a wide interval, in like manner, between rational obedience and servile submission; and though rational obedience be necessary to all human society, servile submission is inconsistent with all its purposes and enjoyments. No people can be long happy that do not reverence authority; but no governors will long do their duty who do not respect the public.

“Obedience,” says Mr. Hume, “is the doctrine to be alone inculcated; nor is there any danger that mankind should degenerate into a state of servitude: when the exception occurs, it will overpower the restraint imposed by the general doctrine.”

But it is no resistance to begin till such extremes of oppres-

sion arise, as create an exception to all general rules? If such is to be the nature of resistance and obedience, as Mr. Hume seems to suppose, it will then be found that resistance, when it does come, has come too late; it will then be found that the people can seldom resist their governors without fatally injuring themselves.

This therefore, is neither the resistance, nor the obedience that is wanted, and something very different from either must be generated by some means or other in a community, or the great political problem of the public happiness and security is neither solved, nor its solution in any reasonable degree even approached. It can only be solved by one expedient.

Some power of criticism must be given to the people upon the conduct of their rulers; must be introduced into the political system, to be so reasonably and yet so constantly exercised, that it shall be respected in time by those rulers, and be so taken into their account, while they are forming their measures, that it shall always have an effective tendency to render their proceedings sufficiently agreeable to the public good. Some power of criticism like this, if by any machinery of government, by representative assemblies for instance, it can be made to exist, can never exist without being a cause of the most complete improvement and advantage to both parties, to those who are to command, and to those who are to obey. The constitution, therefore, of a country is good exactly in proportion as it supplies this power of peaceable yet operative criticism; it cannot be good without it, and the reasons for civil obedience are so many, and so powerful, that the rulers of mankind are always secure, in their honours and their situation, while they administer the high office which they bear, with any tolerable portion of wisdom and integrity.

The character of Charles has been drawn by the first masters, and may be now considered as sufficiently understood. The truth is, that his situation at successive periods of his reign was so different, that we view him with sentiments the most different, though his character was always intrinsically the same. He is no object of our affection and respect, but of reprehension, and almost of contempt, while we observe him in the early part of his life, though a prince destined for

empire, finding the friend of his bosom in Buckingham, the unworthy favourite of his father, without capacity as a minister, or virtue as a man.

For the first few years after his accession, his conduct is only fitted to create in us very warm disapprobation, strong dislike of his measures, and suspicion of his intentions.

Afterwards, from the years 1629 to 1640, while endeavouring to rule without parliaments, he appears before us in no other light but in that of a prince of narrow mind and arbitrary nature; incapable of respecting the civil and religious liberties of his country; hurrying on to the destruction of them; and the proper object of our unequivocal hatred and indignation.

These emotions, however, gradually subside, soon after the meeting of the long parliament, as he gradually relinquishes, though by compulsion, the dangerous prerogatives he had attempted to establish.

But when a still further change of situation takes place, and when the parliament, in its turn, becomes unreasonable and bigoted, his offences are forgotten, for he ceases to be the offender; and as we begin to dislike the parliament, he is necessarily considered, first, with complacency, and then with favour.

But yet another change, still more affecting, is to be witnessed; and we do not deny him, we willingly offer him, our esteem, when we survey him at last supporting, with firmness and courage in the field, the honour of his crown against men, whom it was impossible to satisfy by any fair concessions in the cabinet.

Once more are our sentiments altered; and this esteem is softened into kindness when his fortunes lour; when the battle of Naseby is lost, and when the sword which he has drawn in vain must be at last thrown down and abandoned.

But scenes still more gloomy and affecting are to be opened. He is to be a monarch "fallen from his high estate;" he is to fly he knows not whither, to try expedients without hope, and plans without a meaning; to negotiate with his conquerors; to be called upon to proscribe his friends, and to stigmatize his own cause; to be required by formal treaty, and in the face of the world and of posterity, to be his own

accuser—his own accuser, and the accuser of everything he holds venerable and dear; to be passed from prison to prison, and from enemy to enemy. We are to see him solitary and friendless; his “grey discrowned head, with none to reverence it,” and, alone and unprotected, left to expostulate with enthusiasts, no longer within the reach of the common workings of our nature, or with ferocious soldiers, who call aloud, they know not why, for justice and execution; arraign him before a court of their own formation, and proclaim him a traitor to his country, and a murderer of his people!

With what sentiments are we now to behold him? With our former suspicions and dislike, indignation, and terror? Is it Charles that is before us; the friend of Buckingham; the patron of Laud; the opponent of Hampden; the corrupter, the encourager, the deserter of Strafford; the dissolver of parliaments; the imposer of liturgies; the violator of privileges? These are images of the past no longer to be recalled; these are characters of offence with which he has now no concern. It is the monarch unsubdued by adversity; it is the hero unappalled by death; it is the Christian sublimed by piety and hope; it is these that occupy our imagination and our memory. It is the tribunal of violence, it is the scaffold of blood, that banish from our minds all indignation but against his destroyers; all terrors but of the licentiousness of the people; that render all regular estimation of his character odious and impossible; and that leave nothing in the heart of the generous and humane, but compassion for his misfortunes, and reverence for his virtues.

Sentiments like these, so natural at any period, so powerful at the time as to have produced almost his deification, it is not the province of true philosophy to destroy, but rather to temper and enlighten.

It is turning history to no adequate purpose, if we do not accept the instruction which it offers. The lives and actions of men have been in vain exhibited to our view, if we make not our moral criticisms, even when to make them is a task painful and repulsive to our nature. The early part of the reign of Charles must be remembered as well as the close; the obscure as well as the brighter parts of his imperfect character. His faults should be studied, that there never may

again be a necessity for the display of his virtues. Those faults were the faults of all those sovereigns who, though men of principle, have involved themselves and their country in calamities. Such sovereigns have always wanted, as did Charles, that simplicity and steadiness which could afford good men the means of understanding and depending upon their conduct; that enlightened benevolence which could make them think more of their people than of themselves; that magnanimity which might enable them to call to their councils statesmen who would announce to them the real sentiments of the community, not echo and confirm their own; and lastly, and above all, that political sagacity, which could discern the signs of the times, the new opinions that had arisen, and which could draw forth, with equal wisdom and benevolence, such principles of improvement as the constitution of the country contained, and adapting them according to the justice of the case, ere it was too late, to the ever shifting scene before them, save the state and themselves alike from the fury of the passions of the people, and the treachery of their own.

At the conclusion of these remarks on the contest between Charles and his parliaments, it may not be amiss to observe that there are two mistakes which are continually made, though it is not very intelligible how they can be made by those, who are at all acquainted with the history of these times. First, the execution of Charles is always reasoned upon as if it had received the sanction of a regular parliament; as if it had been a great national act; but nothing can be further from the truth. On the 4th of the preceding December (the king was executed on the 30th of January), there were present in the house, as Mr. Prynne informs us, three hundred and forty members. Two days after, Cromwell and his soldiers expelled nearly a hundred, and imprisoned nearly fifty: so that the next day, such was the general terror, only seventy-three met; and after that day never more than fifty-three. It was by this inconsiderable part of a house, to which more than five hundred members originally belonged, that all the outrageous proceedings against the king and the constitution of the country were resolved upon, and never more than fifty-three members could be collected; not more

than forty members of the house signed the death-warrant of Charles. Only fifty-eight commissioners could be brought to sign it, out of a court consisting of about one hundred and fifty. Of these one hundred and fifty, not more than seventy could ever be brought to sit, though recourse was had to the officers of the army, and though the country had been for five years inured to all the disorders of a civil war, and to the influence of every passion and every principle of civil and religious hate, that can render men barbarous and unjust; only seventy could be found capable of acting. In the House of Lords not a single peer could be found to countenance these proceedings of the soldiery; and the assembly expired with their sovereign.

The second mistake which has been made with respect to these extraordinary times is more excusable. The Presbyterians have been always accused as the destroyers of the monarchy. This is not accurate; the long parliament originally consisted of five hundred and thirty-four members; one hundred and seventy-five of them (Hyde one of them) left the house, and repaired to the king at Oxford. On the whole, in the progress of the dispute, two hundred out of the original five hundred and thirty-four were disabled, and new writs issued. Those that remained must have therefore been all Presbyterians and Independents almost to a man.

Now, from all the speeches, and proceedings, and memoirs of the times, it appears, that these two parties continued in the house almost to the last, and that the former at least, the Presbyterians, though they were resolved to have the Episcopal form of church government altered, never had the least intention of abolishing the monarchy. A king, limited by law, and a church without bishops, these were their objects, and no other. More than half a year *before* the execution of the king, the leading Presbyterian members of the house, eleven in number, the famous Holles at their head, men that had been the most distinguished through the whole of the contest, were impeached, and, in fact, driven from the house by the menaces of the soldiery and the Independent party. They had been found in the way when designs of violence and usurpation began to be entertained.

The speech of Prynne, to which I have alluded, delivered

only two months before the execution of the king, shows clearly what were the sentiments of the Presbyterians to the last. He was one of them.

In Scotland, a large party of the Presbyterians appeared in arms, and resolved to march into England against the army in defence of the parliament and the royal cause. If the king could have subscribed the covenant, the whole of that part of the island would have united in his favour.

The memoirs of Holles are very decisive on this point, particularly at the close. They are worth reading, are not long, and strongly paint the rage and disappointment of a man of ability and principle, at seeing his party (the Presbyterian party) overpowered by men of hypocrisy and blood, like Cromwell and his associates; and the labours of his own life thus ending in total despair.

It is in this book, that there is the remarkable charge brought against Cromwell of cowardice. Holles was one of the members who had forcibly held the speaker in the chair in the year 1628; and in 1641, was one of the five members whom the king had meant to arrest, when he so unhappily entered the house for the purpose.

Even Walker, in his history of Independency, though indulging himself in the most unlimited censures of both parties as to money concerns, speaks of the Independents (page 20, part ii.) as men who carried on war against the king with an intent, from the beginning, to pull down monarchy, and set up anarchy; "*notwithstanding* (continues he) the many declarations, remonstrances, abortive treaties, protestations, and covenants, which were *obligations* from time to time *extorted* from them by the Presbyterians."

The accusation, therefore, of the Presbyterians seems to be not that they intended to overthrow the monarchy, but that they committed political mistakes which enabled others to do so. Their fault seems rather to have been of a religious nature; their terror of popery, their hatred of bishops, their religious intolerance, carried indeed, to a most senseless and disgusting excess. Much of this blame must, however, be shared by the king himself: and if his intolerance was more pardonable, because episcopacy was already established (and because his religious persuasions were not debased by cant



and grimace, and were of a more liberal and sober nature, still his political mistakes were far greater than those of the Presbyterians; and both his religious and political mistakes (which is a most important point), were prior in order of time. .

The most violent philippics that ever appeared against this party, may be found in the prose works of Milton. The invectives of this great poet against prelates and Presbyterians will perfectly astonish those, who as yet are only conversant with his immortal work, his descriptions of the Garden of Eden, and the piety and innocence of our first parents.

This period of the civil wars—the most interesting in our history—has given occasion to so many publications, that there is some danger lest the student should be overwhelmed by the extent and variety of his materials. In Rushworth he will find an inexhaustible collection of important documents. These should be consulted, and compared with the collection of Nalson, who professes to correct his faults. The works of king Charles, published by Royston, should be looked at, particularly the king's letters taken at Naseby. When any doubt is entertained of the conduct of Charles, Mrs. Macauley may be referred to; and a charge against him, if it can possibly be made out, will assuredly be found, and supported with all the references that the most animated diligence can supply. These may be compared with the representations of Clarendon, and his defenders.

A general summary of the particulars of this reign, not very favourable to the king, will be found in Harris's *Life of Charles I.* Harris fortifies the positions in his text, like Bayle, by copious notes, which will, at least, bring the subject, and all the learning that belongs to it, in full review before the reader. There is a *History of the Long Parliament*, by May, which is not without its value, though from the shortness of the period which it embraces, and the cold and general manner in which it is written, it will disappoint the reader, who might naturally expect much more curious matter from one who was secretary to the house, and wrote from the midst of such unprecedented scenes.

Clarendon is always interesting, and continually provides

materials for the statesman and the philosopher. He is partial, no doubt; but, as it has been well observed by Lord Grenville, in his Preface to the late Lord Chatham's Letters (a preface which is worth reading, even with a reference to our present subject), the partiality of one who means to tell the truth, will always be distinguishable from his, who means to deceive.

The Memoirs of Holles I have already mentioned; and the History of Independency by Walker should be looked into. But books like these two last cannot be at all understood, unless a knowledge of the history has previously been obtained.

Whitelocke's journal is a collection of facts, with occasional disquisitions, very short and very few, but always very interesting and important. It must, by all means, be looked over in conjunction with the more regular narrative of other historians.

On the whole, with regard to books, I may say that the parliamentary history, or Cobbett's edition of it, should form the groundwork of the student's perusal; and that this, with the explanations and comments of Hume and Clarendon on the one side, and Millar and Rapin on the other, will leave him little further to seek, if he will but sufficiently meditate on the materials thus supplied to his reflections. Rapin is always full and valuable, and a sort of substitute in the absence of all other writers.

Finally, I must remind you, that I have already mentioned the great work of Mr. Hallam, and the very important Memoirs of Charles I. by Miss Aikin. These lectures were written many years ago, but I have thus been enabled, I hope, the better to estimate the interest and value of these late publications.

When the king had perished on the scaffold, the Independents and the army alone remained to triumph. All other parties, the royalists and moderate patriots, with Lord Falkland and Hyde; the Presbyterians, with Holles, had been swept away from the field.

We are, now, therefore, to observe what was the conduct of the Independents, and what of Cromwell, and the army.

Those of the Independents, who were not mere wild or drivelling fanatics, were Republicans, like Ludlow and

Hutchinson; and it was now their business to establish their Commonwealth.

Hume accuses them of wanting that deep thought, and those comprehensive views, which might qualify them for acting the part of legislators. This may be true.

But it seems impossible, even at this distance of time, to propose any system of conduct which could have enabled them to carry their political theories into execution. They were now at last to pay themselves the penalty of all their violence and enthusiasm.

The great difficulty which the Presbyterians had not been able to overcome, remained—the army—a difficulty now equally invincible to the Republicans.

A general like Cromwell, and men like his soldiers, were not likely to acquiesce in any system of government which materially abridged their power; and unless their power was abridged, there could be no peace, or security for the subject, under any form of government, monarchical or republican.

The Republicans were themselves only the last residue of the long parliament; the sole expedient, therefore, that offered, was the dissolution of this remaining garbled part, and the calling of a new one, fully and regularly chosen. Such a parliament might have been considered as a fair indication of the public will.

But this could not be attempted for some time, after so enormous an act of violence as the king's execution; and whenever attempted, it must have appeared to the Republicans a measure very doubtful in its success, and likely to have filled the house with a large majority of concealed Royalists and exasperated Presbyterians; neither of whom would have tolerated the Independents or the republic; they therefore temporized, and waited to avail themselves of the chance of events.

But this conduct, though natural, was, after all, neither just nor prudent.

It was not just; for if the political opinions of the nation were against their republic, they had no right to endeavour to establish it, whether by force or by contrivance.

It was not prudent; for Cromwell had already shown himself to be a far greater master of the art of managing events, than they could possibly be; and none but the most

contemptible enthusiasts could be now ignorant, that his hypocrisy was unceasing, his influence with the army unbounded, and his views ambitious.

The only possible mode, therefore, of controlling his conduct, or favourably influencing his designs, was the summoning of a regular parliament, which might attract the respect of every man of principle in the army and in the kingdom.

It is true, that even this measure might not have answered to the views of the Republicans, but it was their only chance.

To remain as they were, the last remnant that military violence had spared, and therefore respected by no party; to remain, ready to be overthrown at the first difference that arose between themselves and the army, was certain destruction.

In this state, however, the parliament *did* remain during the first year of their administration—1648.

In 1649, Cromwell and the army were employed in Ireland; in 1650, against the Scotch Presbyterians, who had made a very injudicious attempt to restore royalty, or rather the covenant and royalty; and had persuaded the young king (afterwards Charles II.) to commit himself, very thoughtlessly, to the disposal of their intolerance and fanaticism. In both these campaigns Cromwell and the army were victorious. In 1651, the young king was defeated at Worcester. This defeat of his enemy was what Cromwell declared to be the last crowning mercy of the Lord; that is, it was the finishing step to his own power, and the cause of the Republicans was now more than ever hopeless.

They seem to have had an opportunity in 1649, when Cromwell was in Ireland, to have made some effort for the establishment of their civil authority, but they lost it. In the mean time, petitions with respect to the settlement of the nation were continually presented to them; instead of attending, however, to the public expectations, and the duties of their situation, they contented themselves with returning, like other unwise governments, sometimes menaces, punishments, and statutes of high treason, sometimes plausible answers to gain time, and occasionally debating the question of their dissolution, and of a new representation; but on the whole, coming to no decision on the subject, while it was

their best policy to do so. When at last it did come to a vote, in November, 1651, after the power of Cromwell was finally established, their resolution only was, "that they would dissolve themselves three years afterwards, in 1654;" a resolution that could satisfy no one, but much the contrary.

They had, therefore, not chosen to make a common cause with the public, and being thus without support from within and from without, Cromwell took a few soldiers with him, expelled them from the house, and locked up the doors of it, as soon as he found them an incumbrance to his ambition. He first, indeed, acquainted them, "That the Lord had done with them."

The public, who never favour those who have no visible merits to produce, still less those who have seemed attentive chiefly to their own selfish interests, saw this new act of military violence with indifference, and probably with pleasure.

Certainly these Republicans, after a trial of three years, had entirely failed as politicians, and had established no republic.

But they had great merits in endeavouring to introduce improvements into the law. The laudable efforts of the long parliament on this subject have never been properly acknowledged. The state of all the real landed property of this kingdom is, at this moment, materially influenced by the happy effect of their legislative provisions; and those men of property who inquire, will find, that their estates have been as much indebted, as themselves, to these parliamentary leaders, for any freedom that belongs to them; both the one and the other were emancipated from feudal manacles.

Cromwell now alone remained, supreme and unresisted; and thus at length terminated, in the usurpation of a military chief, the original struggle between the king and parliament.

And this, as I have already announced at the beginning of this lecture, has been always considered as the necessary issue of any successful appeal to arms on the part of the people; a position to which I do not indiscriminately assent, and on which I shall therefore offer some observations in my next lecture.



## LECTURE XVII.

### CROMWELL. MONK. REGICIDES.

**T**OWARDS the conclusion of my last lecture, we had arrived at the usurpation of Cromwell ; and this usurpation of a military chief, I then observed, has been always considered as the natural issue of any successful appeal to arms on the part of the people.

This position, it appears to me, has been always laid down too broadly and indiscriminately. The question seems to admit of a distinction, and it is this:—

If a people have been long subject to all the evils of an arbitrary government, and at last break out into insurrection, it is to be expected, no doubt, that the last favourite of the army, who survives the contest, will gradually procure for himself the power which the former sovereigns had abused and lost. There is no material shock here given to those habits of thinking and feeling, which, notwithstanding all the intermediate troubles, must still form the genuine character of the great body of the nation ; but the case is materially altered, if we suppose a people, *before*, possessed of constitutional rights, and endeavouring to defend or enlarge them, in opposition to those who would limit or destroy them. Here the event, if the popular party succeed, seems more naturally to be, the ultimate strengthening and enlarging of the prior constitutional privileges, under some form of government similar to the former one.

In this case an usurpation is either not attempted, as in the instances of Switzerland and Holland, and in our own times, of America, or if attempted, the usurper finds himself impeded with such political difficulties, at every movement which he makes, that the continuance of his power is always a matter of uncertainty ; and the original and irremediable

disposition of the people, the result of their former better government, is sure at last to prevail, either over himself, or over his successors.

In illustration of this general reasoning, may be cited the difficulties which Cromwell had to overcome, while he was endeavouring to seize the power of the state, and still more while he was labouring to retain it.

I will give a general representation of them. Together they form a strong testimony to the permanent nature of the English mixed constitution, particularly of the monarchical part of it; and they go far to prove that the usurpation of Cromwell was not, as has been generally supposed, a successful one.

These are the principal topics of reflection to which I would at present wish to excite your attention. Hume and Millar, and the regular historians and writers, will supply you with many others.

Cromwell had to subdue not only the royalists, but the Presbyterians; and this, not merely by force, but by the most extraordinary performances of cant and hypocrisy that human nature ever yet exhibited.

But why? Because these descriptions of men bore fresh upon their minds the impression of the constitution of England, and were only solicitous, according to the best of their judgment, to support or improve that constitution.

By the same arts and means were the Independents, the Republicans, to be overpowered by the usurper, and for the same reason. They too were impressed with the original stamp which had been received from the popular part of this constitution; and they had only deviated from it, because they thought that the monarchical part had been found, from trial, incompatible with the interests of the country.

That a military usurper, that any single person should rule, was not in the contemplation or wishes, probably, of any one disinterested Englishman at the time.

And it is here that may be found the great proof of the talents of Cromwell, which is not only, as Mr. Hume states, that he could rise from a private station to a high authority in the army; but still more, that he could afterwards bend the refractory spirits, and direct the disordered understand-

ings of all around him, to the purposes of his own ambition, to the elevation of himself to the protectorate, in violation of all his former professions and protestations, public and private, and in defiance of all the men of principle and intrepidity, who had been so long his associates and friends in the parliament and in the army.

The gross and ignorant soldiers might, indeed, be well content, that he who gave them pay and plunder, should have every thing to dispose of: and in their idolatry of a successful general, they might, for a time, forget their country, and those forms of established authority to which they had once been accustomed. But still, it was these coarse and brute instruments upon which Cromwell could *alone* depend; and, after all, as the mass of an army must always be managed through the medium of its officers, it was here (in this management of the officers) that his extraordinary powers were exhibited in a manner so striking. Some he could make his creatures by mere bribery, by lucrative posts and expectations: but the rest, and not unfrequently many of the common soldiers themselves, he was obliged to cajole, by every art and labour of hypocrisy; to surround and bewilder them with a tempest of fanaticism, of sighs and prayers, of groans and ejaculations; in short, to elevate and involve his heroes and himself in a cloud, till he was able there to leave them, and himself to descend and take undisturbed possession of the earth.

Whoever reads the history of these times, cannot well believe that this military usurper, daring and powerful as his abilities were, both in the cabinet and in the field, could possibly have succeeded, if the religious principle had not unfortunately found its way into every part of the dispute between the king and his people, and so disturbed the natural tendency of things, as to render any achievement practicable, which could well be conceived by a man of military skill and fanaticism united. But observe his progress.

When the young king had been finally defeated at Worcester, when the Republicans had been turned out of the House of Commons, when Cromwell, with his council of officers, was left alone on the stage, and when it would generally be said, that the natural termination of the contest had



arrived, and Cromwell had now only to enjoy what he had acquired; his difficulties, on the contrary, seemed rather to multiply than to cease. Cromwell, though triumphant, and without a rival, could never be at ease, and he was continually labouring to make his government approach, as much as possible, to the model of the old one, and to those forms which he knew could alone be considered as legitimate.

He was now himself precisely in the situation in which the Independents (the Republicans) had lately been. He, like them, durst not appeal to a full and fair representation of the people, yet it was necessary to have a parliament; he could not otherwise colour his usurpation; he therefore proceeded to manufacture one with all expedition.

But as he had violated the feelings and opinions of every man of principle and consideration, he could trust no one who possessed much of either; and his parliament contained, though with a mixture of others of a superior class, men of low condition and foolish fanaticism.

The parliament which he collected and made was the parliament known by the ludicrous appellations which were gravely assumed by many of its members, "Praise God Barebones," &c. &c.

These creatures he seems to have let loose upon the courts of law, probably for the sake of terrifying the lawyers. Courts of law are never very popular with the vulgar; and, therefore, senators like these soon proceeded to the attack of the Court of Chancery, *nem. con.* If you look into Cobbett, their language will amuse you. They showed a rapidity of movement which must have appeared not a little marvellous to the court itself; certainly the court could not have been taught to comprehend it from any experience in its own proceedings.

But a parliament of this kind, so little fitted to be a part of an English government, was found by Cromwell, after a few months' trial, unfit to answer his purposes; so their power was partly resigned and partly taken from them, and they returned to their more natural occupations in private life.

Still a parliament and a constitutional government of some kind or other was necessary. Cromwell, therefore, and his council of officers drew up an instrument of government,

spread the power of representation over the whole of England and Wales very fairly, and began again.

Even in this instrument it is observable that the supreme legislative authority is made to reside in one person and in the people, assembled in parliament; that is, in a king and House of Commons; and that the provisions are far more unfavourable to the executive power than those in the English constitution, with one exception. This exception is contained in those articles on which, no doubt, Cromwell depended for his own protection, the twenty-seventh and three following. These provided for the maintenance of a standing military force of ten thousand horse and twenty thousand foot. The powers, however, that were given to the parliament might soon have been converted to the destruction of any protector who was not a favourite with the army.

Three hundred members assembled, and Cromwell was soon obliged, on account of the freedom of their debates, to make them a long harangue, and to declare that, "after seeking counsel from God, he must prescribe to them a test to sign." The debates still continued disagreeable to him. At length, after the manner of the very king whom he had dethroned, he dissolved them.

After an interval of two years and a half, he still thought it expedient to call once more a parliament (the third); and every effort was made to pack together an assembly devoted to his designs; but all in vain. He had to deny particular members admittance, was resisted by a large portion of the house, assailed by a spirited remonstrance, and felt in his turn, like his misguided master, that it is in vain to expect sufficient countenance to illegal proceedings from any tolerable representation of the people of England.

Still anxious and dissatisfied, still desirous to rest his authority upon some established principle, he meditated the assumption of the title of king.

He got the affair put into motion in the house. The lawyers told him, and probably with great sincerity, that this title of king, to use their own words, was a wheel upon which the whole body of the law was carried: that it stood not on the top, but ran through the whole veins and life of the law; that the nation had ever been a lover of monarchy, and of

monarchy under the title of king ; that, in short, this title of king was the title of the supreme magistrate, which the law could take notice of, and no other.

Cromwell desired time to "seek God for counsel;" that is, he wished to know the opinions of the army; and while he was ascertaining them, he hesitated from day to day, and renewed from day to day his long replies—replies which gave no answer, and were full of broken sentences, interrupted conclusions, doubts and insinuations, perplexity and more than Egyptian darkness; but having at length satisfied himself that the measure was disagreeable to his *army*, his elocution cleared up in an instant, and nothing can be more distinct than his short final speech, "that he could not undertake the government with the title of king."

Legitimate authority, or even the appearance of it, was now impossible; a new settlement of the government was therefore adjusted, under the form of a petition and advice, in its articles still very favourable to the liberties of the subject, but with the same material exception of the grant of a revenue to maintain the army of the executive power. Cromwell was to be solemnly inaugurated Protector; a second house was to be added to the House of Commons. Lords were to be called to it by Cromwell; that is, the form of government was thus made still more and more to approach to the model of the original constitution.

Cromwell, however, was still overpowered with impossibilities. The few real peers that he summoned to his upper house, with one base exception (Lord Eure), forbore to take their places; the commons relished not their title and questioned their authority; and the protector, enraged at their impracticable behaviour, dissolved them. This was the last experiment in the way of a parliament that he made: having dissolved the assembly in February, he died in September.

Now this after all is not a specimen of successful usurpation. He maintained his power for five years, but it seems very doubtful whether he could have done it much longer; his friend Monk thought not; his power still continued to be, as it began, merely that of the sword; no appearance of legitimate rule could be contrived for him; there was no principle existing in the English constitution which he could work up

to accomplish his designs ; there was no train of habits in the minds of the people of England which could afford him any foundation on which to build authority for himself ; he was not assassinated, but he lived in continual apprehensions of it ; he was not hurled from the government by his soldiers, but it was the labour of his life to prevent it. Abroad was the young king ; at home were the Royalists, the Presbyterians, the Republicans, and enthusiasts of every description, the most insane and dangerous ; most of whom he had in turn deceived, and therefore exasperated. Even in the bosom of his family, the great questions of religion and politics had interfered to disturb his peace ; and his example seems to show, as far as the example of so extraordinary a character in times so extraordinary can afford any general conclusion on such points, that amid a people whose constitution has been free, a brave and able man may sometimes seize upon the chief executive power, and even possess it for some time, but that he will neither be able to enjoy it, nor engraft it upon the former constitution of the kingdom ; that he will not be able to introduce a new line of arbitrary sovereigns (himself the first) ; and on the whole, that in public as well as private, success, as it is called, will be for ever fatal to all ideas that even an ambitious man can entertain of happiness and repose.

If this reasoning be just, and the facts, at least, I have not misstated, the conclusion is—first, a strong testimony to the permanency of the monarchical part of our constitution, arising from the steadiness and intelligence of the English character ; and again, that when freedom has been at all enjoyed in any country (for this is the supposition), resistance to arbitrary encroachments is not necessarily followed, even if a revolution is to be endured, by any military usurpation that will be ultimately successful.

Cromwell, I must contend, did not succeed ; he could not become the peaceful and acknowledged sovereign of his country. He did, however, what alone it was in his power to do. He was a good discerner of character, and he therefore selected lawyers of ability from the profession, and persuaded them to administer to the people, though he might sometimes disregard them himself, the known laws of the

country; he employed officers of courage and capacity by land and sea; he wielded with effect the formidable energies of a people that had been lately and might still be considered as in a state of revolution; and, like other usurpers, he endeavoured to hide in a blaze of glory a throne that was defiled with blood.

To understand the conduct of Cromwell and the Republicans, not only must the *Memoirs of Hollis* be read, but those of Ludlow. Ludlow's work becomes very important after the account of the battle of Naseby. There is also a book which has been lately published, the *Life of Colonel Hutchinson*, printed from a manuscript account, drawn up by his widow, a woman of singular merit; who, if her political opinions (the opinions of her husband) be forgiven her, will appear without a blemish; will be thought to have united the opposite virtues of the sexes, and to have been alike fitted to give a charm to existence amid the tranquillity of domestic life, and in an hour of trial to add enterprise and strength to the courage of a hero.

Both these memoirs (those of Ludlow and of Colonel Hutchinson) are original works, and as those parts that relate to military concerns may be slightly glanced over, they will be found neither long nor tedious, and they ought, in this manner, by all means to be carefully read. Mrs. Hutchinson is often a painter of manners as minute and far more forcible than even Clarendon.

It is evident from these different memoirs that the character of Cromwell was seen through, by the intelligent men of every description of opinion, not only by Hollis, the Presbyterian, but by the Republicans Ludlow and Hutchinson. It appears too that Cromwell himself was unremittingly employed in ascertaining the views and character of every one around him; that his whole life was a constant train not only of political hypocrisy, but of political speculation and enterprise; as specimens of his manner, Ludlow may be consulted at pages 79. 105. 135, in the quarto edition, and Hutchinson 287. 309. 340; here will be found dialogues that passed between these men and Cromwell; and no doubt he sounded all the principal men near him as opportunity offered, and those of inferior rank and intelligence in ways far more

curious than those that are here recorded, or can now be known.

These works are also both of them very interesting, as exhibiting to us those views of this important contest, in all its different stages, which were entertained by such of the Republicans as were men of regular sense and clear honesty. The rapid unceremonious manner in which Ludlow, from the first, arrives at his conclusions, as well as Mrs. Hutchinson, and their reasonings and views of the contest, should be considered in contrast, not only with those of the King's State Papers, but in comparison with the suggestions of the reader's *own* mind. It may be useful to observe the manner in which men of good understandings and good intentions may reach very opposite extremes of opinion, though exercising their judgments upon the same materials. Habits of candour and patient investigation may be thus introduced, and the character, on the whole, improved and humanized.

Is it not curious, for instance, to observe that Hutchinson "applied himself, before the breaking out of the civil war," as his wife relates (I quote page 78), "to understand the things then in dispute, and read all the public papers that came forth between the king and parliament, besides many other private treatises both concerning the present and foregoing times, whereby he became abundantly informed in his understanding, and convinced in conscience of the righteousness of the parliament's cause in point of civil right." And, again, is it not affecting to perceive that before he signed the fatal warrant for the execution of the king, "he addressed himself to God by prayer, desiring the Lord, that if through any human frailty he was led into any error or false opinion in those great transactions, He would open his eyes, and not suffer him to proceed; but that He would confirm his spirit in the truth, and lead him by a right enlightened conscience; and finding no check, but a confirmation, in his conscience that it was his duty to act as he did, he, upon serious debate, both privately and in his addresses to God, and in conferences with conscientious, upright, unbiassed persons, proceeded to sign the sentence against the king."

Many other curious particulars may be drawn from this work: that the king, for instance, sent forth commissions for

array, and the parliament gave out commissions for their militia, so as in many places (page 95) there were fierce contests and disputes, almost to blood, even from the first; "that all the nobility, gentry, and their dependents were generally for the king, while most of the middle sort, the able substantial freeholders, and the other commons who had not their dependence upon the malignant nobility and gentry, adhered to the parliament." And from page 344, and other places, we may conclude that the Puritans were not always men of minds disordered by religious zeal and debased by vulgar cant and enthusiasm; but when men of consideration, like Colonel Hutchinson, were very fair models of the English country gentlemen, such as the character appears under its best aspect, men properly interested in the civil and religious liberties of their country, accomplished and well informed according to the notions of their age, active in the duties of the neighbourhood and county, pious, hospitable, and domestic.

It must be observed that this manuscript of Mrs. Hutchinson can only be valuable to those who have already acquainted themselves with the English history. They can thus only be enabled to derive full benefit from her short, rapid, forcible summaries and statements of the circumstances and characters that pass in review before her. Her comment extends from the time of Henry VIII. to her husband's death, after the Restoration.

In addition to Ludlow and Hutchinson, Whitelocke should be looked at. The most important passages are generally in italics; and there are some with respect to Cromwell very remarkable: I allude to a dialogue between him and the usurper in St. James's Park. There are different editions of this work; the last is the proper one.

There is a great work of seven quarto volumes, Thurloe's State Papers, which contains much matter, but it is not often interesting; and the whole, therefore, would naturally be passed by; yet this need not be the case, for there is a most excellent index, from which a sufficient idea of the contents of the volumes may be acquired; they are sometimes important, and the reader may be enabled to find whatever the perusal of other works may lead him to look after. At the end there

is given an account of the remarkable conferences that took place with Cromwell on the subject of his assuming the title of king, most of which should be read: these are the conferences I alluded to at the beginning of this lecture.

With respect to the situation of Charles II. some idea may be formed from Clarendon; more particularly there is an account of the young king's escape after the battle of Worcester, not only in itself romantic, but often very descriptive of the manners of the times, a merit that generally belongs to this writer; there is a very curious one also in the Pepys library at Magdalen.

Sir Edward Walker, in his *Historical Discourses*, gives an account of the young king's proceedings in Scotland; and in this account may be seen the state papers of the Presbyterians in all their own ridiculous cant and phraseology; for this reason the work is valuable. But with respect to other particulars, Hume has already seized upon all that were much worthy of notice, and transferred them to his history.

There is a work by Mr. Noble, *Memoirs of the Cromwells*, which may occupy a morning or two very agreeably and usefully; a variety of information respecting the protector and his family is given, and many sources of further information are presented to the reader, with an account of the different lives that have been written of the protector, and many particulars of his government and connexions, of the persons he employed and honoured, and of some of the leading characters that appeared in these singular times.

There is a *Life of Cromwell* by Harris, in the manner of his other historical treatises, and equally valuable.

There has been lately a life published by one of his descendants, of the same name, a respectable lawyer at the Chancery bar; it is, as might be expected from its origin, very tedious, and ceases soon to interest, for the reader perceives that the author is too determined a defender and panegyrist of his ancestor to deserve much attention.

The description of Cromwell given by Cowley (his *Vision*) is well known, and this *Vision* is easily reduced (and as always happens in such cases), is *more* than reduced to the standard of propriety and truth by a few calm observations from the reasoning and balancing mind of Mr. Hume. The



two paragraphs in the sixty-first chapter of Hume, the quotation from Cowley, and the comment, contrast agreeably enough the opposite merits of Cowley and of Hume, of the poet and the philosopher.

At the end of the sixtieth chapter of Hume there is a summary of the whole contest, remarkable, among other accounts, for its admission that the king had in some instances stretched his prerogative beyond its just bounds; and, aided by the church, had well nigh put an end to all the liberties and prerogatives of the nation.

Thus much for the general topics that belong to this period of our history, and the writings where they may be found.

But it is desirable that a more intimate knowledge should be acquired of the revenue that was drawn from the public during these times than can readily be gathered from a perusal of the historians. The work of Sir John Sinclair may be referred to, and ought to be consulted; our general expectations will appear verified by the details. These show the profligate waste of James I. the infatuated expense and arbitrary impositions of Charles I. and the immense expenditure and embezzlement of the public treasure during the civil wars and the domination of the protector. These expenses of the long parliament and Cromwell have been produced to prove that republics are not less expensive than arbitrary governments. But no conclusion, either favourable or otherwise, can be drawn from cases of this kind, where republics are struggling for existence amid wars domestic and foreign, in a situation necessarily exposed to every species of mismanagement and irregularity.

The question should rather be, whether republics or arbitrary governments are most liable to official extortion and plunder, and which are most disposed to engage in wars; and arguments must be drawn from the conduct of each, when in a state of composure, and at liberty to follow the real genius of their respective constitutions.

A far more accurate conclusion may be drawn from these financial details with respect to the endless miseries that must have been occasioned by these civil wars; miseries such as appeared in no siege or field of battle, and such as no historian has, or could delineate. We see in the abstract of

the money raised from 1640 to 1659 three millions and a half from sequestrations of the lands from bishops, deans, and inferior clergy for four years. Another article is, one million and a half for the tenths of all the clergy, and other exactions from the church, and this at a time when the millions of the subject did not roll into the exchequer in the countless progressions of modern times. Yet, even in these times of our ancestors, when the general affluence of the country was comparatively insignificant, the figures of Sir J. Sinclair still move onward into rows of dreadful millions, and in the following manner :

Sale of church lands . . . . .	10,000,000
Sequestrations of the estates and compositions with private individuals in England . . .	4,500,000
Compositions with delinquents (as in the jar- gon of civil hate they were denominated), those in Ireland . . . . .	1,000,000
And for the sale of the estates of those in Eng- land more than . . . . .	2,000,000
For the sale of Irish lands, more than . . .	1,000,000

A long list this, in all of more than 23,000,000, every item of which is indicative of domestic wretchedness; nothing is here included of subsidies, poll-money, assessments, and other levies, which were 60,000,000, more. These are articles of account that in every shilling of them, to the amount of these 23,000,000, suppose the loss of prosperity, families reduced, the scenes of private tranquillity filled with alarm and terror, the comforts of society at an end, and the affluent, the aged and the defenceless often thrown into a world of violence, to encounter privation, poverty, and every sad mutation of fortune that can sink the comfort or try the patience of the human heart.

Such are the afflicting monuments of civil and religious hatred. We do not speak of the thousands that perished by sickness or the sword.

#### RICHARD CROMWELL.

Upon the death of Oliver, the protectorate was quietly transferred to his son, and he received addresses from all

quarters, that left him to expect the peaceable possession of his honours. But the sky was soon overcast; he had fallen upon evil days; was unfit to control the soldiery; and, after consulting with Thurlow and other experienced counsellors, to learn how he could best maintain his authority, too amiable to contend for power by the sanguinary measures which were proposed to him, and too rational, perhaps, to be much concerned about the loss of it, he dissolved the parliament which he had assembled, the only civil authority that existed, and therefore the only power that could be friendly to him, and left Fleetwood, Desbrow, and the army to dispose of the affairs of the public as they thought proper. Monk was in Scotland with an army, and nothing very certain was known about him but that Lambert and he were no friends.

And now it was that the nation very narrowly escaped the greatest of all evils—the contentions of rival generals at the head of their armies, the *plusquam civilia bella*.

Happily the officers that Cromwell left behind him were none of them like himself, fit to rule the world when it was wildest. Of this, Monk might be sufficiently aware. Lambert only could have been an object of apprehension to him.

Monk must have been also aware that not only the Cavaliers, but all the Presbyterians, constituting together, as he must have suspected, a large majority of the nation, longed ardently for the restoration of the monarchy. His own opinions, or, at least, ideas of interest, probably inclined the same way.

His line of conduct was therefore clear (that is, clear to such a man); he could attain to no real consequence but by overpowering Lambert and the officers; *that* danger he had to risk, and that only; the parliament which they had collected, and which was the remainder of the long parliament, were decided Republicans; those he could easily keep on good terms with, for they were on bad terms with their masters, the army; and in the mean time, by marching to London he could ascertain, as he passed through the country and the city, the real wishes of the people of England, and be prepared to provide for his own safety and fortunes, on every turn of the political wheel, whether to monarchy or republicanism.

The result was, that with far less difficulty than could possibly have been expected, he restored the young king to the throne of his ancestors.

Monk was a leader of armies and of fleets, and upon every occasion displayed the most consummate valour: yet is he never considered as a hero, so inseparable from our idea of heroism is that *fearless sincerity*, that open, *impetuous generosity*, which formed, in fact, no part of his character.

The services of Monk were of the most solid and striking nature; he rescued his country from the domination of an army that had grown invincible among the civil wars, and that lived upon her ruin.

Yet has Monk never been honoured with the appellation of a patriot, for he interested not himself in her laws and liberties, and temporized till he seemed to follow rather than to lead the current of public sentiment.

Monk was originally the friend of Cromwell. He was employed by the Republic; he received their pay, and led their armies; he has been therefore denied even the common praise of a gentleman and a soldier—integrity and honour. So deep a shade will always involve the fame of him, who has ever, in politics, obviously shifted his ground, and at last adopted, whether from a real change of principle or not, the side which was favourable to his interest.

These sweeping decisions of mankind, on the characters of public men, are not to be regretted; public men should be taught that their virtues are at all events to be clear and intelligible; that their conduct is to explain itself.

Such expectations in the community are the best discipline that public men can conform to. Even when this discipline has had its full effect, under every form of government, the public men will be always too much disposed to sink themselves beneath their own natural standard of excellence, to be satisfied with wishes and intentions, rather than positive exertions and acts of service, and to be too ready unworthily to yield to the suggestions of shuffling meanness and ingenious self-interest.

The historian, indeed, may come afterwards with the exercise of that candour and intelligence which can never be expected from the public, and it may be *his* province, and his

more proper province, to make his distinctions and explanations, and to weigh out in his faithful balance those more minute and doubtful portions of merit that belong to the characters he has to estimate. It may be for *him* finally to decide what there is of virtue in the vicious, and of fault in the virtuous. In the instance, therefore, before us, it is but justice to the memory of a man who acted so important a part in our history as Monk did, not slightly to disregard the representation of his character by Hume; it is too favourable, but it is easily contrasted with the severer estimates of opposite writers.

There is a life of Monk, by his chaplain Price, which I have at length been able to procure, but it disappointed me. There is another by his chaplain Dr. Gumble, who was *originally* connected with the Cromwells, and writes like a violent Royalist. Violence on a change of party or character is not indeed, very unusual, and as disgraceful at last as it was at first. Gumble's narrative is interesting; from his subject, and connexion with Monk, it could not be otherwise; but his account is, after all, what might be expected from the known facts of the history; and the particulars are interwoven into Hume's more concise account. There is also a History of Monk by Webster, or rather by Dr. Skinner, Monk's physician, for Webster is only the editor of the doctor's manuscript. This work is also a minute and favourable account of Monk, and the Restoration. Gumble's Life, at least, should be looked at, as it is always quoted.

Monk is represented by these writers as always resolved in secret to restore, if possible, the monarchy; but as this, from his professions and dissimulation, must always be doubtful, the clear merit of Monk is, that he effected, without bloodshed and completely, that which it was most desirable should be done by some one, and which at the time could only be so done by himself. This is his clear merit; but the clear accusation against him is the heavy one of selfishness and baseness. He received his commission and his army from the Republicans; then converted it to the purpose of restoring royalty; and above all, he immediately afterwards sat in a court where Republicans were tried for their lives and condemned.

But another capital fault in him was, that he made no

effort for the security of the liberties of his country, neither publicly by stipulations made with the king before he came over, nor privately by expectations intimated to him in the communications that took place previous to the Restoration.

His great praise was his advice to the king from the first to pass an act of indemnity on the past offences of his subjects; but even this advice, it must be confessed, was at the time, both for himself and the sovereign, the best policy; as the soldiers and officers who had dethroned Charles I. might have been otherwise rendered desperate.

This part of the history is drawn up with great ability by Hume. It may be read in conjunction with the parliamentary proceedings; and the Journal of Whitelocke now contains more passages than usual, which, however short, are most valuable, from being so descriptive of the times. His papers seem to have been burnt by his wife, in some moment of very natural alarm; *still* there remains the Journal, marked occasionally with those lively touches of personal observation and feeling which can alone be given by an actor in the scene. Whitelocke was from the first right in his judgment; he took Fleetwood aside, predicted the conduct of Monk, and told him that he must either immediately vanquish him in the field, or anticipate him in an accommodation with the young king.

Whitelocke's Memorials were published by the Earl of Anglesea in 1682. He took considerable liberties with the MS. Another edition was published in 1732, which restored many important passages struck out by the earl; and hence the different price of the two editions, ten shillings or five guineas. Hume always refers to the old or truncated edition. See D'Israeli, page 144, vol. i. of second series of *Curiosities of Literature*.

The representations of the two Republicans, Ludlow and Hutchinson, are also now more than ever interesting.

The difficulty of the Republican party was always the same, and always unsurmountable. They never could attain to power without the support of the army, and they then could never retain the army in civil obedience.

But the ardour with which they pursued their republic is very remarkable, and it seems to have blinded them to all the

interests of the constitution, and of themselves. An important distinction existed in their opinions.

Ludlow was prepared to borrow assistance for his political measures from the army.

Hutchinson's republicanism was more pure and intelligent; he always considered such expedients as unlawful, and unfit to be resorted to.

We follow, therefore, Hutchinson to his retirement with stronger feelings of respect than Ludlow to his exile.

Having now passed through the usurpation of Cromwell, the speedy fall of his son, and the failure of the Republican party, I must briefly notice, before I conclude my lecture, the opening scenes of the Restoration.

## RESTORATION OF CHARLES II.

On the restoration of the king, as public opinion is ever in extremes, the probability was, that the liberties of the country would have been laid by the parliaments at the feet of the monarch. But this cannot with any propriety be said of the first parliament—the convention or restoration parliament. They sat from May to the end of the year. They passed an act, or rather confirmed an act of the long parliament, for taking away the courts of wards and liveries, together with tenures in capite, knights' service, tenures in purveyance. This was the great legislative merit of the long parliament, to which I alluded in my last lecture, as one not sufficiently noticed by historians. I must again refer you to the note book on the table. They were careful of grants of the public money; they did not make the king independent of the parliament, either by the revenue which they fixed upon him, or the standing force which they suffered to remain; though, in exchange for this court of wards, they allowed him for life, and very reasonably, a grant of particular imposts on ale, beer, and other liquors, and left him Monk's regiment, about four thousand men, which were not disbanded, a standing force, no doubt, that, however small, was still a precedent, and as such, dangerous.

I stop for a moment to observe, that the question of a

standing army is very different in different situations of society. Our situation now, in the midst of our large manufacturing towns and counties, is very different from what it was in certain periods of our history ; our liberties, that is, the regular administration of the laws and the maintenance of order, can now only be secured by the very same sort of force by which before they might have been endangered.

Now, one of the great reasons why the general maxims of the constitution were at this very critical period, tolerably preserved, must have been that so large a number of the Presbyterians had been elected into the parliament : an important obligation this, which, as their faults are remembered, should not be forgotten.

The king and parliament met and parted with mutual expressions of kindness. And after we have travelled through the horrors of a civil war ; through all the ill-timed perseverance of the one party, the deplorable cant of the other, and the intolerance of all ; it is very pleasing to us to hear at last the parliament claiming to themselves the title of the "healing parliament:" and the Chancellor Clarendon, in one of his speeches, declaring that "the king was a suitor to them ; was a hearty suitor ; that they would join with him in restoring the whole nation to its primitive temper and integrity ; to its old good manner, its old good humour, and its old good nature."

It is on occasions like these that the character of this minister is so attractive and respectable. It is understood that, even during the sitting of this parliament, he dissuaded the king from an attempt to procure an independent revenue for life. And, on the whole, it sufficiently appears that he never failed, while he possessed any influence, to use it to purposes the most noble, by recalling his sovereign's mind, whenever a fair opportunity offered, to those great principles and free maxims of the English constitution, which as the chancellor's good sense and bitter experience had told him, were not only the safeguard of the liberty of the subject, but the best security of the crown.

The mind of the chancellor was ardent ; and when the punishment of the Regicides came to be decided upon, his own sufferings, and those of his first unhappy master, made



him, and still more the court and the lords, but too much forget the recommendations he had so well expressed in his speeches.

The trials of these state criminals are not long ; and must by all means be read. Curious particulars are mentioned in them respecting the trial and condemnation of Charles, and the views and conduct of Cromwell and his adherents. But the great feature of the whole is, the frightful enthusiasm of these misguided men ; frightful, because society can never be considered as perfectly safe, since human nature appears, from instances like these, capable of so wide a departure from all sobriety and reason. The observation of Hume, which from him might be at first suspected, will be found true :—" That no saint or confessor ever went to martyrdom with more sure confidence of heaven than was expressed by these regicides amid the terror of death."

" It may be," said Harrison on his trial, " I might be a little mistaken ; but I did all according to the best of my understanding, desiring to make the revealed will of God in his Holy Scriptures as a guide to me."—(320). " I have followed not my own judgment ; I did what I did as out of conscience to the Lord."

" I say," cried Carew, another of the regicides, " in the presence of the Lord, who is the searcher of all hearts, that what I did was in his fear ; and I did it in obedience to his holy and righteous laws."

" I take God to witness," said Scott, " I have often, because it was spoken well of by some, and ill by others, I have by prayers and tears often sought the Lord, that, if there were iniquity in it, he would show it to me."—(336). This man in the interval which passed between the going and returning of the sledge, that was first to take his fellow-sufferer to execution and afterwards himself, fell asleep !

Of all spectacles, the most alarming to a reflecting mind is the feebleness of reason to oppose religious or even political enthusiasm. It is not only the vulgar, but it is men of education the most liberal, of talents the most brilliant, men like Sir Harry Vane, who are almost equally exposed to these fatal eclipses of the understanding. Every protection that can be afforded to us by the powers of reasoning has been offered

to us by Locke in his observations on enthusiasm. Practically, there seems nothing to be added, in the way of caution, but in religion never to lose sight of morality; and in political speculation, never to depart from the great leading forms and maxims of the constitution.

These humble principles, however, so obvious and so safe, are soon despised by men of ardent temperament; and it is the first symptom of religious or political enthusiasm to deny or disregard them.

The feelings of the public do not appear to have been outraged by the horrid mode of the execution of these regicides; and as they would be so at the present day, the national humanity must be considered as having most materially improved: an indication this of improvement in many other important points.

With respect to the number that were put to death, the conclusion is on the whole, considering the nature of these times and the occasion, tolerably favourable to the court and to the kingdom. About thirteen were executed; but most of the regicides lost their estates; and of those who did not fly, many were kept to die in imprisonment, and very improper cruelty seems here to have been exercised.

Men must, no doubt, be deterred from crimes against the state by positive punishments; but the more complete and wide the acts of indemnity and oblivion are made in national dissensions, the better. The rancour of contending parties is thus softened. What is of still more consequence, the returns to peace in the course of national contests are afterwards more practicable. The great impediment to conciliation is always that the parties dare not trust each other.

He who draws his sword against the prince, must throw away the scabbard. The steps between the prisons and graves of princes are few. These maxims, the dreadful maxims of civil dispute, have been the cause of more misery and destruction to sovereigns and their subjects than all the real causes of contention that ever existed between them.

The history of our country during these wars was not defiled by those massacres, assassinations, proscriptions, or, with the exception of the execution of the king, with those outrages which have marked the progress of civil and reli-

gious fury in other countries and ages: a striking testimony to the merits of the English constitution, which could have alone infused into all ranks those manly feelings which are so indispensably necessary to the maintenance of honourable warfare; an indirect proof, at the same time, that the constitution had not been of the arbitrary nature that was by some supposed.

This lecture was written many years ago, and there has been lately published a work on this subject by Mr. Godwin. It should by all means be read; it is always interesting, and sometimes contains anecdotes and passages that are curious and striking. Godwin is always a powerful writer, and, above all, it is the statement of the case of the Republicans.

But on the whole, in these volumes of Godwin there is no sufficient intimation given of the religious hypocrisy and cant of the Presbyterians first, or of the independents and Cromwell after. The history is an effort in favour of the Republicans of those times, founded on the paramount merit of a Republic at all times. It is also very nearly a panegyric of Cromwell; certainly so, as far as regard for the Republicans admitted.

From these pages it may be collected that Charles was never sincere; that is, would never have adhered to any engagements if he could have helped it: that the Presbyterians sacrificed everything to their hatred of Episcopacy, as Charles did his love of it; that the English nation was never sufficiently Republican for the purposes of the Independents; afterwards, that Cromwell could never manage Royalists, Presbyterians, and Republicans, all of whom united against him.

It is not sufficiently shown how Cromwell contrived to manage those whom he did manage: all is made to depend on his *personal* powers of persuasion; but it is plain that his was an unsuccessful usurpation after all.

CHARLES WHITTINGHAM,  
CHISWICK.

