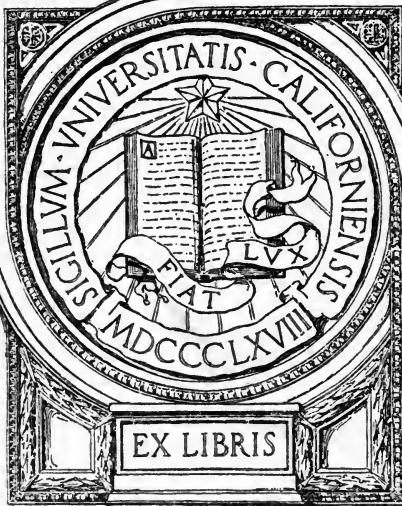
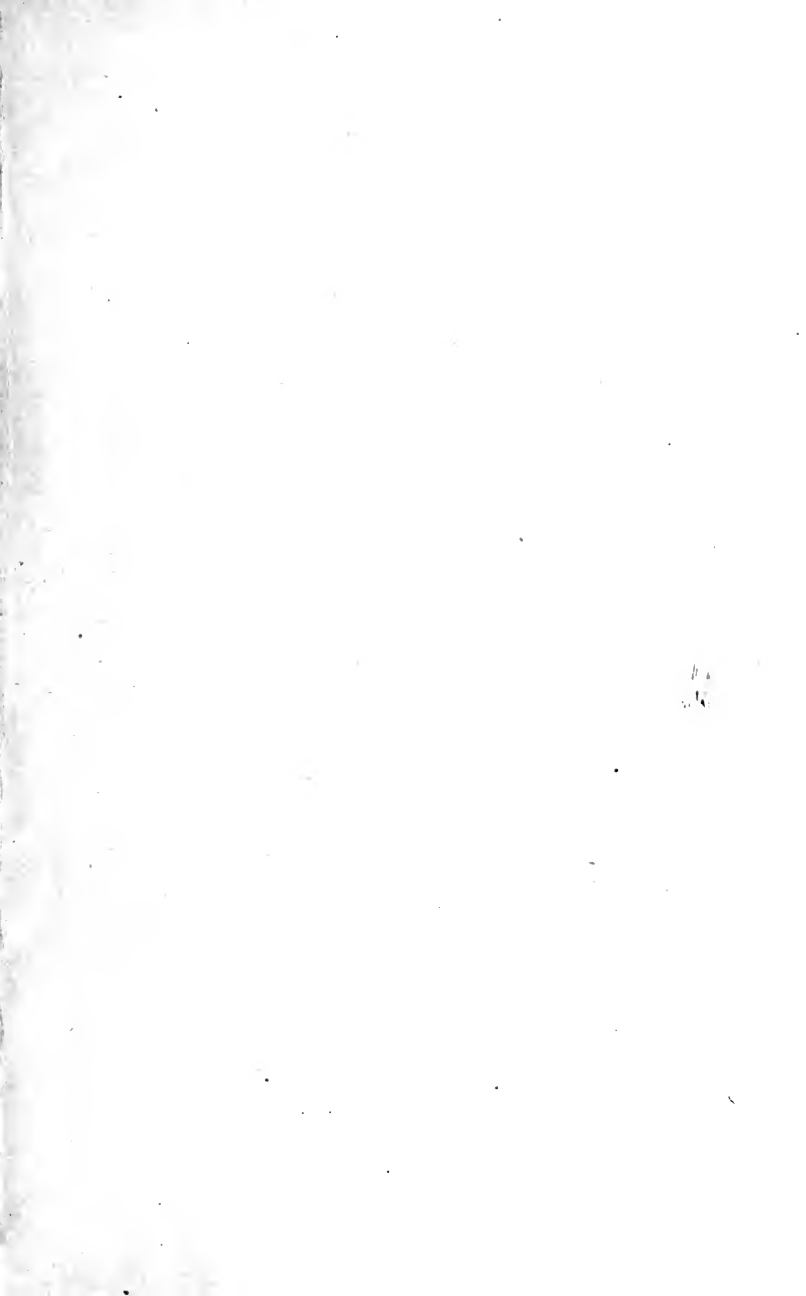




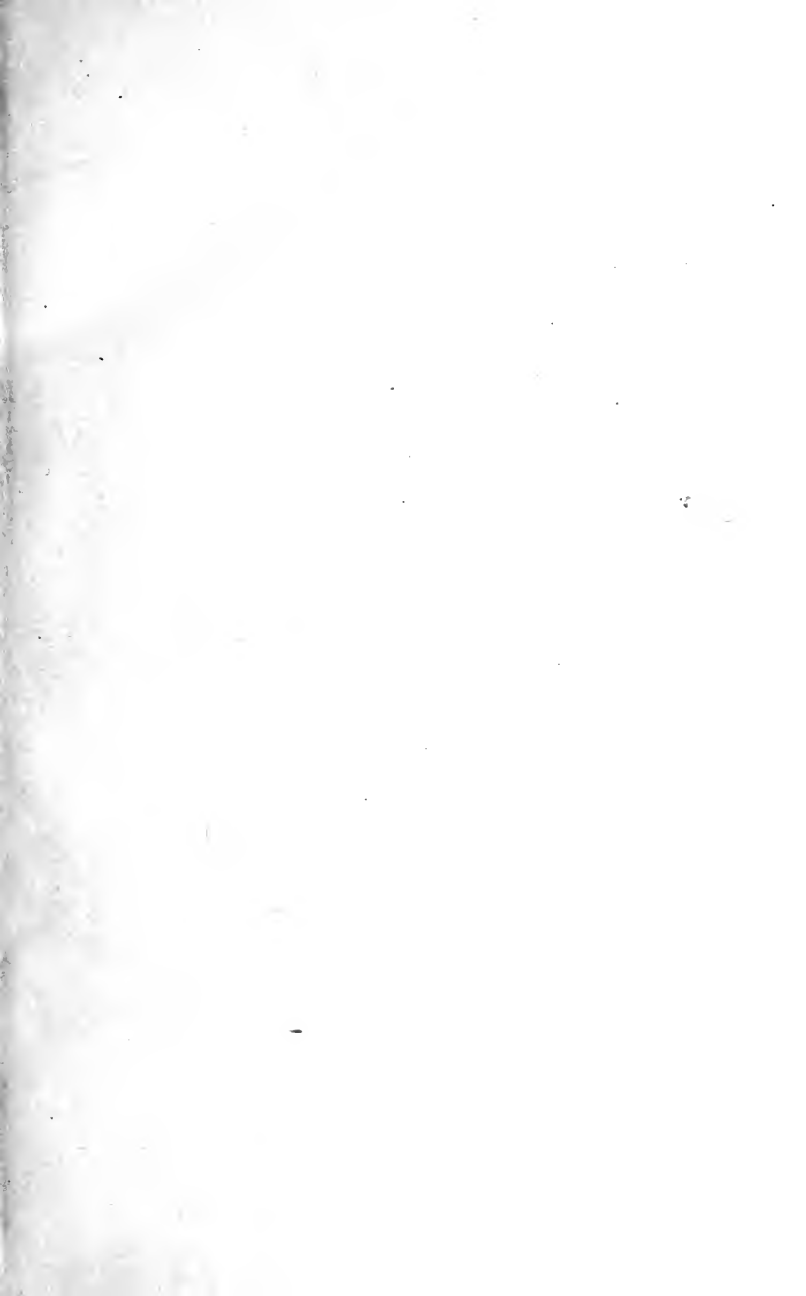
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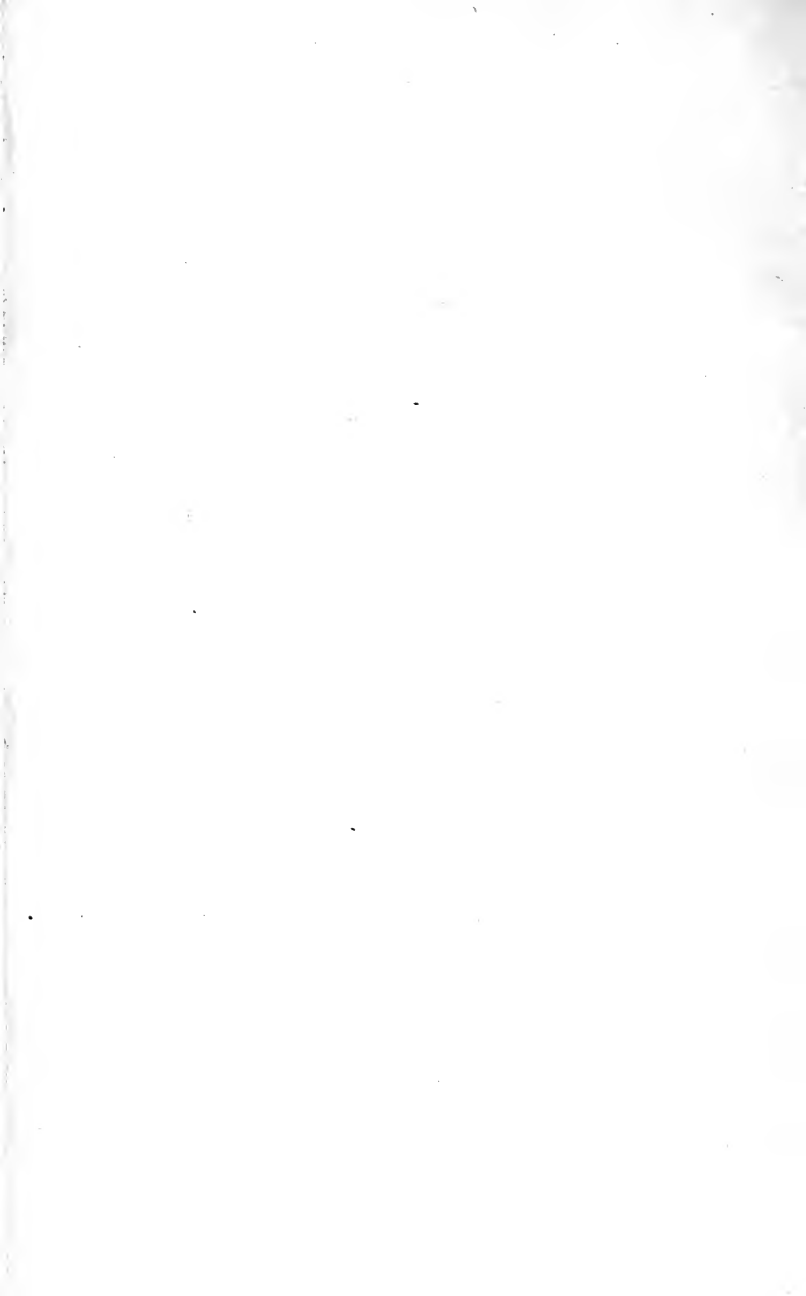


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THE  
ENGLISH PARLIAMENT

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A SHORT HISTORY  
OF THE  
ENGLISH PARLIAMENT

BY  
ANDREW BISSET



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## A SHORT HISTORY

OF THE

# ENGLISH PARLIAMENT.



### CHAPTER I.

#### INTRODUCTORY.

THERE was a time—or rather there were times, for Thucydides, as well as later writers, records the fact—when the business of a robber, by land or sea, was reckoned an honourable calling; when, in the words of a writer older than Thucydides, ‘the tabernacles of robbers prospered.’ The head robber or pirate captain was usually a man of ‘royal strain,’ or ‘royal siege.’ It had been from the beginning of time, at least from the earliest records or traditions that have come to us, the received opinion that the only worshipful person was the man of rapine and blood, and that quiet industry was the mark of a coward and slave. In short, the robber or pirate was a gentleman—a gentleman rover, and his captain a sea-king—the merchant a pedlar, the labourer a serf or villain.

It is only in this sense that we can understand the meaning of a popular writer, who describes a man for whom has been claimed descent from a Scandinavian pirate, as a man ‘sprung from an ancient and illustrious race.’ Give the title king, whether sea-king or land-king, to a robber and

murderer, and in the eyes of those who see through a certain telescope, the blood-stained robber becomes 'illustrious.' A certain sea robber described by Sir Walter Scott was also, like Hastings, a sea-king, and 'came of a regal strain;' but the writer who introduces us to Count Witikind does not leave him quite so much in the odour of 'illustrious' sanctity as sea-king Hastings is left in the passage above quoted. The passage introducing Count Witikind is edifying as conveying in a few words the title of a pirate to be styled 'illustrious':—

Count Witikind came of a regal strain,  
 And roved with his Norsemen the land and the main.  
 Woe to the realms which he coasted! for there  
 Was shedding of blood, and rending of hair,  
 Rape of maiden, and slaughter of priest,  
 Gathering of ravens and wolves to the feast:  
 When he hoisted his standard black,  
 Before him was battle, behind him wrack,  
 And he burn'd the churches, that heathen Dane,  
 To light his band to their barks again.

The noble baron who has designated Hastings as 'sprung from an ancient and illustrious race,' on the ground of his descent from the Scandinavian pirate, has also dilated on the dignity of being descended from the lords of Daylesford; and after having introduced him as sprung from a Scandinavian pirate, leaves him in the character of an English country gentleman. We are happily enabled to form a conception of the transformation from pirate to country gentleman by Scott's description of the transformation of Count Witikind.

We are informed that in process of time Count Witikind grew old, and submitted to be thus addressed by Saint Cuthbert's bishop:—

'Thou hast murder'd, robb'd, and spoil'd,  
 Time it is thy poor soul were assol'd.'

The result was the following offer on the part of the old pirate:—

' Give me broad lands on the Wear and the Tyne,  
My faith I will leave, and I'll cleave unto thine.'—  
Broad lands he gave him on Tyne and on Wear,  
To be held of the church by bridle and spear.

The conversion of the heathen pirate presented an edifying spectacle:—

Count Witikind was a joyful man,  
Less for the faith than the lands that he wan.  
The high church of Durham is dress'd for the day,  
The clergy are rank'd in their solemn array:  
There came the Count in a bear-skin warm,  
Leaning on Hilda his concubine's arm;

and, having abjured the gods of heathen race, and bent his head at the font of grace, he qualified himself to have his name enrolled in the roll of honour of 'the county families.'

The 'county families' have indeed suffered in their 'gentility' by the encroachments of the trading, or what Sir John Falstaff designates 'the mechanical salt butter' class, though the pirate could hardly always get fresh butter. Thus we are informed that of the manor of Daylesford, in Worcestershire—whose lords claimed to be considered as the heads of the family, which traced its pedigree to the Danish sea-king, in other words, pirate—a part was lost in the civil war of the seventeenth century, and in the following generation the remainder was sold to a merchant of London. The London merchant was of course regarded as an upstart by those who were proud of boasting a descent from a pirate captain; and this same process was performed five hundred years before. Those who were selected by Henry I. to be the constructors of his judicial and financial organisation, though of good Norman descent and founders of great English families, not being among the tenants in chief of Domesday, were regarded by the nobles of the Conquest as upstarts, 'and this scornful estimate of them is reflected in the writings of the historians. They were, in fact, for the most part too poor as yet to make themselves friends among the monks and clergy, as their rivals did, by founding churches and monas-

teries.<sup>1</sup> Their rivals had acquired the means of founding churches and monasteries by robbery on a large scale, some of them having 200 and some 400 manors.

As has been said, the pirate was a gentleman, the merchant a pedlar, the labourer a villain or serf. For quiet industry was reckoned the mark of a coward and slave. And indeed the habit of facing death gives a certain feeling of stubborn independence, whatever may be the goodness or badness, the justice or injustice of the cause in which life is risked. This feeling was expressed with some humour by a law student, who after losing an eye in a skirmish, when he was midshipman on board a pirate, took to the study of English law in a lofty set of chambers in Essex Court in the Temple. 'Ah,' said he, 'those were my honest days. Gad! did I ever think when I was a pirate that I was at the end to turn rogue and study the law!' Johnson, some of whose definitions are curious, defines 'Pirate' thus: '1. A sea robber. 2. Any robber; particularly a bookseller who seizes the copies of other men.' In French, at least in old French, the word *boutique* meant a pedlar's box as well as a shop; and when the largest land pirate of modern times called the English a nation of *boutiquiers*, it amounted to the same thing as calling them a nation of pedlars. We shall perhaps learn something from endeavouring to discover whether the existence on this earth of the pirate or the pedlar, in the struggle for life carried on through a series of ages, is to be regarded as 'the survival of the fittest.'

The Roman Empire began with a band of robbers, and ended in a band of robbers. The Turk, of whom I will say a few words presently, claimed after the conquest of Constantinople to be the heir of all that the Roman claimed, in other words to be the emperor of the world. It is useless to cite to conquerors the 'discite justitiam moniti, et non temere divos.' Conquerors do not, or did not, render obedience to words. Down to a time not remote success was observed to follow, not justice and mercy, but the strongest battalions.

<sup>1</sup> Stubbs, *Constitutional History of England*, i. 312, 313.



Take pirate and pedlar as the two great divisions of mankind. Why do men rather boast of a descent from the pirate than from the pedlar division? The rage for brag or boast is great among men, and the pedlar's obscure and humble drudgery presents no materials from which his descendant could sculpture armorial bearings over the grave of the nameless pedlar, while the blood-stained robber becomes, in the language of so eminent a rhetorician as Baron Macanlay, the root of 'an ancient and illustrious race.' If we did not know how few have any ancestors, real or imaginary, worth boasting of, and how still fewer have anything of their own to make show of; we might be surprised to find that any man could boast of an ancestor that had only at best been one of the crew of a pirate or fleet of pirates.

Of those qualities in governments which indicate dissolution Asia furnishes abundant examples. Such, indeed, is the Asiatic wealth in the elements of destruction, that if an Asiatic experimentalist were permitted to work upon that Constitution, the foundations of which were laid by Simon de Montfort, the Asiatic would only require time to work its destruction.

I will give an instructive example of an Asiatic government which has lasted longer than most Asiatic governments.

The pirate age has had a duration in Europe longer by centuries than otherwise it might have had, in consequence of the irruption into Europe of a horde of Asiatic barbarians, who from first to last followed the course and held the polity of pirates and robbers; for their faith was falsehood, and their peace was war. I have said that the Roman Empire began with a band of robbers, and ended in a band of robbers. These robbers acted in open defiance of all faith and all mercy. It might seem an insult to Europe to name justice in connection with them. Six of Scanderbeg's officers having been taken prisoners, were by the orders of Mahomet II. flayed alive, the operation being prolonged over fourteen days. In 1471, when they conquered Negropont (Euboea), the Venetian governor Erizzo, who had stipulated for the safety of his head, had his body sawn asunder. In 1570,

Selim II., notwithstanding the peace which had been sworn by him, sent a powerful armament against Cyprus, then held by the Venetians. The Turks took Lefkosa by storm, and massacred about 20,000 people. They then laid siege to Famagosta, which was long and gallantly defended by Marcantonio Bragadino. In August 1571 the Venetians were obliged to capitulate. The conditions were that the Venetians should be sent safely home; and the Pacha Mustapha signed the capitulation. But when Bragadino and the other Venetian officers repaired to the Pacha's tent to deliver the keys, he ordered them all to be seized and put to death with the exception of Bragadino. Some days after he caused Bragadino to be led naked to the square of Famagosta, where, in the pacha's presence, the executioner proceeded to flay him alive. Bragadino expired in the midst of the torments, which he endured to the last with the greatest fortitude. His skin was filled with straw and hung up to the yard-arm of the admiral's ship, in which Mustapha returned to Constantinople. Besides sawing asunder, flaying alive, and impalement, the Turks have exerted their talents for cruelty in various other ways, one of which was to drop the victim from a high place upon hooks; 'to which,' says Johnson, under the word *ganch*, 'Smith alludes in his *Pocockius*.'

. . . pendulive  
Sanguineis trepidant in uncis.—*Musæ Angl.*

In this device the Turks had gone beyond the Romans in the art of cruelty; for the Romans had no word to express the form of cruelty designated under the word *ganch*, which Johnson derives from *gancio*, an Italian word for hook.

Mr. Gladstone, in his speech at the meeting in Southwark on July 20, 1878, said of this Government to the history of which I have referred: 'We have seen a horrible and a debasing despotism, withering and blighting some of the fairest portions of the earth; we have seen the people of those countries degraded by the action of this despotism; and we have seen the degradation which despotism had produced pleaded as a reason why the despotism should continue. We

have seen that degrading despotism bursting out at times into a fury of cruelty, savagery, lust, and every imaginable depravity, such that no words are equal to describe it.'

This being so, how are we to account for the fact that the man who spoke these words descriptive of the Turks and their government remained a member of an administration which involved England in the Crimean war for the purpose of continuing the foul despotism which has given itself the title of the Sublime Porte? Furthermore, how are we to account for the fact that in 1571 Europe, which had advanced somewhat beyond pure and simple barbarism, did not, on hearing of the Turk's audacious violation of the law of nations in the case of the Venetian garrison of Famagosta, say, as was said of a government of ancient days, 'We will destroy this place, because the cry of them is waxen great before the face of the Lord, and the Lord hath sent us to destroy it,' and act in accordance therewith? The answer to the last question may be that Europe was not so strong then as it is now. The answer to the first may be given partly from the same speech of Mr. Gladstone:—'I was in my early life a follower of Sir Robert Peel, of the Duke of Wellington, and of Lord Aberdeen, and although I regret some things that I did, and have altered some opinions that I then held, yet, in point of honour and public duty, I am not in the least ashamed of any act of my public life.'

Mr. Gladstone has on several occasions assigned an additional reason for the course he has taken in the Eastern question since the publication of Mr. MacGahan's letters in the *Daily News* in the autumn of 1876. The additional reason assigned by Mr. Gladstone is his having been a member of the Government which entered into the Crimean War; and therefore his being the more bound now that the Turkish Government had totally failed to fulfil their part of the agreement to take a decided action for the protection of the Christians under the Turkish yoke. Now Mr. Gladstone either did or did not know the true history of the Turks. If he had read as much about their history as he has about the Homeric poems, he would have

known how they had acted in their treatment of the garrison of Famagosta; and as a man of honour and humanity would have rather shrunk from such allies unless under very urgent circumstances, such as those indicated in the saying of Hobbes, that 'if he were cast into a deep pit and the devil should put down his cloven foot, he would take hold of it to be drawn out by it.' Whether the amount of urgency expressed in Hobbes's words or a less serious danger was that which produced the countenance given by England for so long a time to the government of the Turks, it is certain that a policy had for a considerable time existed among English statesmen which led them to shut their eyes as much as they could to a state of things in Turkey which, though known to many English travellers, was never publicly known till those letters appeared in the *Daily News* in the autumn of 1876. If such a revelation had been made in 1853, it would, at least it might, have prevented England's going into the Crimean War of 1854, as it prevented England's being driven into another war for the upholding of Turkish misgovernment in 1877.

The Turks, when at the height of their strength, aimed at universal plunder and universal dominion. Whenever this is the principle of a government, the experience of all history shows that the days of that government are numbered. The Assyrians, the Persians, the Macedonians, the Carthaginians, the Romans, the Mongols, have all in their turns united the strength and courage with the morality of a strong band of robbers; and they have all perished. It would seem as if the practice of falsehood, injustice, and cruelty on a gigantic scale, ate like a mortal disease into their vitals, corrupting the springs of all healthy strength and vitality. What nation was safe from the rapacious cruelty of the Turk and the Spaniard in the day of their power? There is a law observable in the life of nations, that the great crimes committed by them, though they may seem for a time to be very pleasant and profitable, recoil at last upon their authors, and become their own punishment; their plunder, the fruit of those crimes, acting like poison upon them.

The Venetians do not appear to have been altogether a match for the Turks. The first great overthrow sustained by the Turks was given them by Montecuculi in 1664, when he gave them a signal defeat at St. Gothard, with the loss to them of more than 16,000 men, the best of both their infantry and cavalry. The power of the Turks at the time they took Constantinople in 1453, and for more than a century after, is shown by the fact that in England 250 years ago histories of the Turks were as much read as histories of the Romans. Johnson makes more quotations in his Dictionary from Knolles's *History of the Turks* than he does from Clarendon or Raleigh. And though the decline had begun towards the end of the sixteenth century, the power of the Turks was still formidable during the whole of the seventeenth century. This is proved by the fact that Montecuculi, generalissimo of the troops of the Emperor, has devoted two-thirds of his celebrated *Military Memoirs* to the subject of the military strength and mode of warfare of the Turks. The whole of his second book is devoted to the subject of 'war against the Turk;' and his third book to an account of his own campaigns against the Turks in the four years from 1661 to 1664, in which last year, as mentioned above, he defeated the Turks at St. Gothard.

It may perhaps be said that the Turks never quite recovered from the defeats they received, first from Montecuculi at St. Gothard in 1664; secondly from John Sobieski, under the walls of Vienna, in 1683; and thirdly, thirty-three years later, from Prince Eugene, at Peterwaradin. The strength of their position still protected them from total destruction; and they exhibited to the world an instructive example of a military despotism suffered to run out its full course. All the qualities—courage, hardihood, sagacity—which raise a man to the head post, to be the first man, the premier, in a band of robbers, on board a schooner of pirates, or in a levy of men fighting for their native land against foreign oppressors—for men may have a native land to fight for, and a native oppressor whom they may prefer to a foreign oppressor—are by no means sure to appear in the heirs of the man who had won his

supremacy by his merits. When Montecuculi wrote, the mortal disease had commenced in the Turkish Government. He speaks highly of the military qualities of the Turks, but adds that corruption had made its appearance; men totally unfit being raised at once to the command of armies. The source of this abuse, he continues, is that the Sultan, plunged in sensuality, never goes to war in person.<sup>1</sup>

With the Turk there could be no true peace, it was necessary either to destroy him or be destroyed.<sup>2</sup> Of the Turk, as of the Roman, it might be said that he challenged all the world.<sup>3</sup> 'His shield always hung in the lists.' But most unlike that of the chivalrous ideal was the object for which the Turk, like the Roman, was always ready to fight. That object was not, like that of the good knight of the chivalrous ideal, to redress injustice, to free the oppressed, and punish the oppressor. It was, on the contrary, to bring tribe after tribe, nation after nation, under a yoke such that words having been found incapable of describing it, it has been summed up in the one word 'unspeakable;' and those who have seen the regions where it has been put in force have had recourse to the supposition that the denizens of the place of punishment had escaped from their adamant chains and penal fire and mastered the inhabitants of some of the fairest portions of the earth.

The extraordinary arrogance of the Turk was the growth partly of his own conquests, partly of the imagination that after the conquest of Constantinople he was the representative of the claim of the Romans to universal empire, to dominion over all the nations of the earth. Knolles says in his *History of the Turks*:—'The proud tyrant would many times say, that whatever belonged unto the empire of Rome was of right his, for-

<sup>1</sup> *Mémoires de Montecuculi, généralissime des troupes de l'Empereur*, p. 245. Paris, 1760.

<sup>2</sup> *Ibid.*, p. 222.

<sup>3</sup> 'Le Turc,' is the expression of Montecuculi, 'dévore dans son cœur la monarchie du monde; et il n'est pas disposé à se donner du repos, ni à en laisser prendre aux autres, qu'il n'ait éprouvé ses forces contre eux.' *Ibid.*, p. 409.

asmuch as he was possessed of the imperial sceptre which his great-grandfather Mahomet had by law of arms won from Constantine.' Montecuculi says that after the battle of St. Gothard, the Turkish government's asking for a twenty years' truce was a 'humiliation grande à l'orgueil de ces barbares.'<sup>1</sup> This assumption of superiority over all other nations gave rise to their constant violations of their promises and of the law of nations in putting to death with torture those to whom they had solemnly promised their lives, as in the cases above mentioned of Erizzo and Bragadino. I have said that the pirate age has been prolonged for centuries by the irruption into Europe of a horde of Asiatic barbarians, who from first to last have followed the career of pirates and robbers, without faith and without mercy; and the following fact proves the assertion. So late as 1812, when Belgrade submitted, the Turks butchered the men to whom they had promised their lives. 'Men still live who remember seeing their fathers writhing on the stake before the citadel of Belgrade.'<sup>2</sup>

What has been above related of the Turks is meant to apply to the Ottoman, not the Seljuk Turks. We have seen the pirates called Norsemen, afterwards Normans, as they were to be seen some 600 or 800 years back, and we have seen the robbers called Turks as they were to be seen for the last 500 years. But the Norsemen have changed very considerably for the better; the Turks have not changed at all for the better. I do not suppose any Ottoman Turk could be found who would display, like Saladin, as Sir Walter Scott remarks in his introduction to *The Talisman*, the deep policy and prudence of a European sovereign, while Richard I. of England showed all the cruelty and violence of an Asiatic sultan, each contending which should excel the other in bravery and generosity. But whether the qualities attributed to Saladin be fabulous or historical, no such qualities would be found among the Ottoman Turks. However, assuming that the Norsemen

<sup>1</sup> *Mémoires de Montecuculi, généralissime des troupes de l'Empereur*, p. 493.

<sup>2</sup> E. A. Freeman: *Ottoman Power in Europe*, pp. 172, 173. London: Macmillan & Co. 1877.

were as much robbers as the Turks at a certain time, pass over say 500 years, and we find the Norsemen changed into people who are not robbers pure and simple, but living by agriculture or commerce and what are called the liberal arts; while at the end of the same number of years we find the Turks living as they did before, cultivating neither agriculture, commerce, nor the liberal arts, but plundering and murdering, lying and cheating, as they did 500 years before. Is this the result of the difference between Europeans and Asiatics—the former betaking themselves to improved modes of life, the latter keeping to the occupation of their fathers, though that might be the occupation of a robber or pirate? This also supposes a thoroughly corrupt government, when everything is set up to sale, justice is sold to the highest bidder, and security of life and property is unknown.

Such is the pirate age, in some parts of the earth apparently destined to last for ever. How a prospect of a better state of things first appeared in England will appear in the subsequent chapters. But before I conclude this chapter I will say a few words on some attempts that have been made in our time to revive the pirate ages under the name of Imperialism.

The ideas indicated in the attempt to set up Imperialism has received the countenance of two men of eminence, one of them having been for a time prime minister of France under King Louis Philippe, the other prime minister of England from 1874 to 1880. The first thus speaks of what he terms Imperial Royalty:—

‘This is the personification of the state, the inheritor of the sovereignty, and the majesty of the Roman people. Consider the royalty of Augustus, of Tiberius; the emperor is the representative of the senate, of the comitia, of the entire republic. Who would not recognise this in the modesty of the language of the first emperors. They feel themselves in presence of the people, lately sovereign, and who have abdicated in their favour; they speak to them as their representatives, as their ministers, but in point of fact, they exercise all the power



of the people, and with the most formidable intensity. It is easy for us to understand such a transformation; we have ourselves been present at it, we have seen the sovereignty pass from the people to one man—it is the history of Napoleon. He, too, was a personification of the sovereign people; he constantly said so; he said, “Who, like me, has been chosen by 18,000,000 of men? Who, like me, is the representative of the people?” And when on his coin was read on one side *République Française*, on the other *Napoléon empereur*, what was that but the fact which I describe, the people become king.’<sup>1</sup>

The short and simple answer to M. Guizot’s assumption that Cæsar and Napoleon received the sovereignty of the people by inheritance, that the people had abdicated in their favour, is the incontestable fact that they were heirs solely in the sense in which the pirate or robber is the heir of the man whom he has murdered. And in regard to the other prime minister who has favoured the world with his opinion respecting the excellence of the policy which combined the two things, ‘*imperium et libertas*,’ it may be shown that the greatest man connected with that policy called Imperialism, Caius Julius Cæsar, from whom it has received the name of Cæsarism, expressed an opinion by no means favourable to it—an opinion amounting to pretty much what is expressed in the words of Bacon, that ‘*imperium et libertas*’ were ‘*res insociabiles*.’

Plutarch relates of Cæsar, whose far-sighted intelligence could not fail to perceive the consequences of the act which he was meditating, that before passing the Rubicon he ‘discussed at length with his friends who were present all the difficulties, and enumerated the evils which would ensue to all mankind from his passage of the river.’<sup>2</sup> Plutarch then goes on to say that ‘at last, with a kind of passion, as if he were throwing himself out of reflection into the future, and

<sup>1</sup> *Cours d’ Histoire Moderne*. Par M. Guizot, Professeur d’ Histoire à la Faculté des Lettres de Paris. Paris, 1828–1832. *Histoire Générale de la Civilisation en Europe*. Leçon 9, p. 21.

<sup>2</sup> Plutarch, C. Cæsar, c. 32.

uttering what is the usual expression with which men preface their entry upon desperate enterprises and daring, "Let the die be cast!" he hurried to cross the river.<sup>1</sup>

The words quoted above show that Cæsar himself took a very different view of the matter from that taken by some modern writers, who have attempted to prove that despots are necessary to the progress of civilisation. Such men as Cæsar and Frederic II. of Prussia are not to be deceived by the shallow sophistries by which inferior minds have sought to defend evil deeds. Frederic, though he might in manifestoes insert stories about his antiquated claim on Silesia, in his memoirs said, 'Ambition, interest, the desire of making myself talked about, carried the day; and I decided for war.' These are the words which Voltaire transcribed from the work when it was shown to him by Frederic. In Frederic's work, as afterwards published, the words are somewhat altered. Voltaire's reflections on the words as they stand in the original MS. of Frederic's work are worth transcribing: 'Un aveu si rare devait passer à la postérité, et servir à faire voir sur quoi sont fondées presque toutes les guerres. Nous autres gens de lettres, poètes, historiens, declamateurs d'académie, nous célébrons ces beaux exploits: et voilà un roi qui les fait et qui les condamne.'<sup>2</sup>

It may be said that Cæsar, who was a philosopher as well as Frederic, also passed a judgment condemning his own actions, if we can trust Plutarch's account given above, that he 'enumerated the evils which would ensue to all mankind from his passage of the river.' And as Plutarch mentions Pollio Asinius (C. Asinius Pollio) as being present when Cæsar entered into the discussion; and as C. Asinius Pollio was with Cæsar at the Rubicon and at the battle of Pharsalia, and also wrote the history of the civil wars, which furnished materials for anecdotes about Cæsar, we may infer that Plutarch took his account from Pollio's work—a good authority. I will only add that one of the evils which Cæsar

<sup>1</sup> Plutarch, C. Cæsar, c. 32.

<sup>2</sup> *Mémoires pour servir à la vie de M. de Voltaire, écrits par lui-même.*

would probably not specify, of his passage of the river, was that Rome would never again produce a man of such genius as himself—for genius cannot grow under imperialism. If Cæsarism had not destroyed alike courage in the soldier and genius in the commander, if Cæsarism had not rendered impossible the existence of such a man as the ‘bald first Cæsar,’ and of such soldiers as the tenth legion, with which Cæsar ‘*magnis itineribus ad Ariovistum contendit,*’ as he tells us himself, when alarming rumours came of the cruelty and military skill of Ariovistus, and the strength and ferocity of the hordes he commanded; the military genius and courage which overthrew Ariovistus would have overthrown the Turks, and hindered them from making some of the finest countries of Europe and Asia scenes of rapine, of murder, of crimes unspeakable, for five hundred years. This was the work of Cæsarism, that an Asiatic barbarian, without letters, without science, without arts—save the arts of torture and falsehood—should style himself the representative of Caius Julius Cæsar, the orator, the scholar, the historian, as well as the general who never encountered an enemy he did not subdue. One would almost see in the German invader of Gaul, as described by the Gauls to Cæsar, an image of the Ottoman Turk, of a time distant from Cæsar’s time more than a thousand years. ‘*Ariovistum autem, ut semel Gallorum copias prælio vicerit, superbe et crudeliter imperare, obsides nobilissimi cujusque liberos poscere, et in eos omnia exempla cruciatusque edere si qua res non ad nutum aut ad voluntatem ejus facta sit. Hominem esse barbarum, iracundum, temerarium.*’<sup>1</sup>

The Roman soldiers were seized with a panic at the accounts which they received of the great stature and courage of the Germans. But imperialism not having yet been introduced among the Romans, Cæsar was able by his eloquence to infuse his own courage into the minds of his soldiers; and totally defeated Ariovistus, who escaped across the Rhine in a small boat. The description of Ariovistus is applicable to

<sup>1</sup> Cæsar, *De Bello Gallico*, i. 31.

the Ottoman Turks, the tyrants who have so long turned some of the fairest regions of Europe into a hell. But where were the Cæsars to destroy them? Cæsarism had stopped the growth of such men as Caius Julius Cæsar. It only needs the consideration of some facts to see clearly the effects of imperialism, or Cæsarism, on the characters of those subjected to its corroding influence, withering and destroying all things within its reach. It is through this pestilential influence that large tracts of the globe, including regions such as Macedonia, that once produced men who conquered the world, should be reduced to such a condition of degeneracy in the first qualities of manhood—those, namely, that prompt a man to risk his life freely in protecting his home and family from the assault of robbers—as to suffer themselves to be overrun by hordes of Asiatic barbarians, as the south-eastern countries of Europe were overrun by the Turks some five hundred years ago. It would seem to follow from this fact that the courage which undoubtedly once existed among the populations of some at least of the countries referred to had ceased to exist under the government which has received the name of Cæsarism, which had been the curse of the world for more than a thousand years, and had reduced the inhabitants of south-eastern Europe to the condition of a people

Without even savage virtue blest,  
Without one free or valiant breast.

Imperialism is always the same, whether the representative of it be European, Greek, or Roman, or Asiatic Tartar; and its influence is steadily exercised to foster the vices of luxury, idleness, and injustice in the rulers, and to discourage industry, independence, courage, and all the virtues which spring from those sources in the subjects. Those who have personally witnessed the state of the countries subject to the Ottoman Government have been forcibly impressed by the effects of slavery on a people, and the difficulty of recovering from those effects even with the help of free institutions—of “libertas” without “imperium.”

It may be worth mentioning as a curious coincidence, considering the contrast between the Greeks and Turks of the present time, that a certain shade of resemblance may be traced between the Spartan of 500 to 300 B.C. and the modern Turk. For the Spartan system of training, while it cultivated the physical qualities of bodily strength, activity, and hardihood, or endurance, did not cultivate in the least degree the moral qualities of justice and humanity. On the contrary, in their aggressions on other States, and in their treatment of those they had subjugated, such as the Messenians, who suffered from the Spartans as much, perhaps, as any people suffered from the Turks, they practised combinations of injustice, fraud, and atrocity, which, as Mr. Grote has observed, 'even yet stand without parallel in the long list of precautions for fortifying unjust dominion.'<sup>1</sup>

The system of government established by the Roman emperors had prepared the south-east of Europe for the Turkish yoke. 'The fiscal severity of the Roman Government had for centuries been gradually absorbing all the accumulated wealth of society, as the possession of large fortunes was almost sure to entail their confiscation. Even if the wealth of the higher classes in the provinces escaped this fate, it was responsible for the deficiencies which might occur in the taxes of the districts.'<sup>2</sup> 'The increase of the public burdens at last proceeded so far that every year brought with it a failure in the taxes of some province, and consequently the confiscation of the private property of the wealthiest citizens of the insolvent district; until at last all the proprietors and cultivators were reduced to nearly the same level.'<sup>3</sup> The following description reminds us of some stories we have lately read of taxes being demanded by the Turkish Government even from those whose property had been destroyed or carried off. 'Amidst the ravages of the Goths, Huns, and Avars, the imperial tax-gatherers had

<sup>1</sup> Grote's *History of Greece*, vol. ii. p. 497.

<sup>2</sup> *Greece under the Romans*, by George Finlay, 1844, p. 238.

<sup>3</sup> *Ibid.*, p. 268.

never failed to enforce payment of the tribute as long as anything remained undestroyed, though the Roman Government had forfeited its right to levy the taxes when it failed to defend the population.'<sup>1</sup>

It is instructive, since imperialism has again been dragged forward, to remind men of its ancient glories; of the varied modes in which it worked its wantonness of cruelty; of Phalaris, who baked living men in a brazen bull, that he might make the bull seem to roar; of Nero, the burner of Rome, who had the Christians covered with pitch and then set alight as torches, or sewed them up in the skins of beasts and then exposed them to the attacks of savage and powerful wild beasts; of the tiger Borgia, of Philip II., of Henry VIII.; of Tiberius, Domitian, Commodus, Caracalla, Elagabalus, called also Heliogabalus. Some critics have thought that there must be some exaggeration in the accounts of the short reign of this last-mentioned specimen of imperialism, and that he could not have crowded such an amount of profligacy, prodigality, and cruelty into so short a space as three years. Other critics have accounted for it by his Asiatic birth and education.

We shall see what repeated efforts were necessary to make tyrants forego their trade of oppressing and robbing mankind. We shall see that in the first fight for parliamentary government the mail-clad robber used the argument of the sword, and that in the third fight the champion of a 'free monarchy' sought to attain his object by bribing in a wholesale way the people's representatives with the people's own money. A change had come over the scene, indicating that of the two modes of obtaining the services of others—namely, the power of inflicting evil in case of disobedience, and thus of procuring services by fear, and the power of conferring good in the shape of money in case of obedience—the latter mode had superseded the former. Of these two modes of obtaining command over the services of others, it has been observed by philosophers that the range of the former is much more

<sup>1</sup> *Greece under the Romans*, p. 408.

extensive than that of the latter. For the range of obedience obtained by fear is not limited by the necessity of paying for it, and may comprehend many millions, while the range of obedience obtained by hope is circumscribed by financial considerations within narrower limits.

The description of parliamentary government as 'government by speaking' can hardly be said to comprehend all that the words 'parliamentary government' imply. An assembly may have all the signs and marks of a 'Representative Assembly,' and be but a shadow of that measure of power to which the word government can be correctly applied. In the parliaments of Charles the First, which preceded the Long Parliament, there sat as eloquent speakers, and as good debaters, and as learned constitutional lawyers as ever have sat since in an English parliament, but King Charles and his favourite, the Duke of Buckingham, neither feared nor respected them. On the contrary, they laughed at them; for if, as Andrew Fletcher of Saltoun said, Charles made the mistake of attempting to take the purse before he had got hold of the sword, if he had not got a firm hold of the sword, the parliament had got no hold of it at all at the time when the Commons of England made an attempt to vindicate their claims to a share at least in the government of England, by their impeachment of the Duke of Buckingham. Such at that time was Buckingham's sense of impunity, that during the speech of Sir Dudley Digges at the bar of the Lords he sat jeering at his expressions. And his jeers must have been sufficiently loud to pass the bounds of ordinary parliamentary utterances of disapprobation. For Serjeant Glanville was so provoked by his insolence, that, turning to the duke, he exclaimed, 'My lord, are these things to be jeered at? My lord, I can show you where a man of greater blood than your lordship, as high in place and power, and as deep in the favour of the King as you, hath been hanged for as small a crime as the least of these articles contain.' There had indeed been in England a time when such a criminal as Buckingham would have been hanged.

But it was not the year 1626, though the time was to return, and to return sooner than might have been expected.

It returned near twenty years after this year, 1626, the first great manifestation of its return being in 1644, at the battle of Marston Moor, when a remarkable body of men first appeared in sufficient force to make their mark—a body of men formed by a man of genius, whose integrity was unhappily not equal to his genius, and whose later career has given encouragement to those who worship crime provided it be successful crime. This man's genius formed a body of troops which never found an enemy which could stand its onset. It was this army, the army of the parliament of England, that made the name of parliament famous and terrible over the world. And never more would a Duke of Buckingham or any other court minion venture to jeer at the words of any man, worthy at the bar of the Lords, or anywhere else, to be its representative. But that is a somewhat different thing from a man, although he may be a perfect adept, not only in the art of rhetoric, but in the art of sneering, putting himself forth, under the garb of a parliamentary leader, as the representative of England in the eyes of the world. For it is manifest that the thing called a parliament does not exercise political power by virtue of its capacity for talk, but as having, when matters come to their *ultima ratio*, been recognised for a time as the index of men who never found an enemy who could stand their onset, and who swept the world clear of pirates by land and sea.

The description then of parliamentary government as 'government by speaking,' having reference to that fearful capacity for talk before mentioned, is apt to remind people of the objection which has been made by an eminent writer to parliament, in these words: 'It does so little and talks so much, that the most interesting ceremony I know of in connection with it was performed (with very little state indeed) by one man, who just cleared it out, locked up the place, and put the keys in his pocket.' These words have been translated from the language of caricature into the language of



truth in the following passage of a speech of Mr. Bright, who in the same speech says he had been thirty-eight years in the House of Commons. 'The House of Commons,' Mr. Bright says, 'is a very clumsy machine, but it works, and on the whole it turns over a good deal of work. But I must say that it would be a better machine if men were a little less vain, and would adopt a policy of silence. If they would be anxious to get through the business of the House without so much anxiety for self-exhibition as I have sometimes observed, I think the House of Commons might do a good deal more work, and very much better work than it does at present.'<sup>1</sup>

What is of weight in the argument of parliamentary government being as a government by talking apt to fall into the hands of incapable men, is well brought out in a remark made to me by a man whose opinion was not formed hastily, or expressed rashly. This man, who was a great lawyer without being a great advocate, once said to me of a man who was a great advocate without being a great lawyer, that he could attack and defend, but that he was *inops consilii*. There are men who, as parliamentary debaters, can attack and defend, and are as much *inopes consilii* as the man referred to. The two faculties do not seem to flourish together in the same soil—at least they are more often found separately than together. Benjamin Franklin and George Washington and Oliver Cromwell would not have had much chance of earning their bread as advocates. Nevertheless all of these men might have said what one of them, Cromwell, said to Hampden, when the latter observed that he 'talked a good notion, but an impracticable one.' 'Truly I told him,' said Cromwell, 'I would do somewhat in it; I did so.' All the men named above, though they were as far as possible from being great or even passably good debaters, could do what great debaters could not do. When a crisis came which the great debaters were unequal to, these men stepped into

<sup>1</sup> Mr. Bright's speech at Fishmongers' Hall on Wednesday evening, April 27, 1881.

the post of difficulty and danger ; and the great debaters had to stand aside and draw back into their proper place.

It may be observed as a characteristic of parliamentary government that it occasionally borrows or assumes some of the qualities of personal government, while personal government will not be found capable of exhibiting any of the better qualities of parliamentary government. A friend of mine once observed to me as he was preparing to go down to the House of Commons, of which he was a member, that he was making a slight change in his dress to render himself fit to appear among the 650 kings. He, however, and several others whom I knew, and who were men of mark, did not assume any regal majesty of deportment, while others, from the hour they became members of parliament, seemed to say, though not in words, to their former associates, what, according to Sir Anthony Weldon, Bacon said on a certain occasion, 'Know your distance'; which recalls a remark of Swift: 'If a man makes me keep my distance, the comfort is he keeps his at the same time.'

The quality of personal government indicated by the term '650 kings,' is this: The leaders in parliament, if by their fluency and readiness in debate raised very prominently above the crowd of gentlemen who can talk in public, are apt to put on, almost unconsciously, the domineering temper with the accompanying insolence which is an incident of personal government. They may not go so far as to slay on the spot the messenger of bad tidings, or even, as if in a fit of absence while reading a letter full of disagreeable news, pin with a sharp iron staff the messenger's foot to a step of the staircase; but some of them have been, even when ranting about liberty, as lofty in their insolence as any autocratic tyrant. It is curious to observe the resemblance in some points between parliamentary and personal government. The 650 kings must now be approached somewhat as the one king was formerly. While the courtiers of the one king told him that he was more than man in wisdom, learning, and virtue, those who are either prime ministers or aim at being so tell the assembled members of the House of Commons that they are 'all men of great in-

telligence.' Lord Palmerston at one time got very domineering, and having ventured to hint a doubt of the 650 kings being *all* men of great intelligence, was turned out of his post by a vote of the dominant kings in a very short time. However, he soon recovered it, and took very good care not to repeat the blunder he had made.

This incident is a most instructive exemplification of the difference between parliamentary and personal government. Under parliamentary government the evil we are now considering, namely, the insolence of the head of the Government, is remedied by a vote. Under personal government the evil could not be remedied without a civil war and a revolution. The ease with which the English parliament got rid of the insolence of Lord Palmerston, compared with the difficulty, insuperable but for assistance from without, which France had to get rid of the more and worse than insolence of Louis Napoleon Bonaparte, is conclusive evidence of the advantages which parliamentary government possesses over personal government. And one principal advantage of parliamentary over personal government is that, great powers of speech united to small powers of judgment being the curse of parliamentary government, we can get rid of this curse of parliamentary government more easily and at infinitely less cost than we can get rid of the many curses of personal government.

The appearance under representative government of men who, like Hampden in England and Franklin in America, spoke shortly and seldom, and yet by force of character exercised a powerful influence, can hardly be viewed otherwise than as an exception to the ordinary course of parliamentary government. Franklin was never known to make anything like an elaborate harangue. His speeches often consisted of a single sentence, or of a story well and shortly told; yet, with his plain and mild manner, and his solid and penetrating judgment, he was able to confound the most eloquent and subtle of his adversaries. With a single observation he would render of no avail an eloquent and lengthy discourse, and determine the fate of

a question of importance. And Patrick Henry, himself a man renowned for eloquence, being asked who was the first man in the congress, replied, 'If you speak of eloquence, Mr. Rutledge, of South Carolina, is the greatest orator; but if you speak of a solid knowledge of things and clear judgment, Colonel Washington is incontestably the greatest man in the assembly.'

But though of the two kinds of government parliamentary is better than personal, we must not deceive ourselves as to what parliamentary government can do. It was not parliamentary government that enabled us to repeal the bread tax; neither was it parliamentary government that enabled us twenty years after the Crimean War to escape a war with Russia in defence of the tyranny of the Turk. It was the liberty of the press and of public meetings for the free discussion of public affairs that enabled the people of England to hold their ground against the Whig and the Tory aristocracy. No Tory could have despised the class of men that formed the Anti-Corn Law League more than the Whig Prime Ministers Lord Melbourne and Lord Palmerston. Though without a shadow of pretension to figure in the Domesday Survey, and probably belonging rather to the pedlar than the pirate division of mankind, they looked down upon the 'men of cotton and cant,' as some of their organs phrased it, with as lofty scorn as if they had been able to prove a lineal descent from the pirate's boatswain. They laughed at the Anti-Corn Law League and its proceedings, and treated its efforts to influence the mind of the public as the tricks of mountebanks. In his speech at Wolverhampton on the occasion of unveiling the statue of the Right Hon. C. P. Villiers, on June 6, 1879, Lord Granville said: 'An offer to him to become Governor of Bombay was withdrawn in consequence of objections raised by the East India Company, exclusively owing to the political antecedents of Mr. Villiers, and the low company he had kept in his communications with the Anti-Corn Law League.'

The Anti-Corn Law League being 'low company' in the estimation of the noble viscount, it may be desirable to dis-

cover what the noble viscount considered high company—company fit to be introduced to the Queen of England and the English nation.

When Louis Napoleon Bonaparte had accomplished his object of assuming the power of Emperor of the French with the title of Napoleon III., he looked about him for allies whose respectability might help to give currency to himself and such associates as Maupas, Morny, Fleury, and Le Roy. It is related that the Empress-Queen Maria Theresa, in her thirst for revenge against Frederic of Prussia for robbing her of Silesia in defiance of the most sacred engagements, condescended to write with her own hand a note full of expressions of esteem and friendship to the mistress of Louis XV., Madame de Pompadour. But there hardly appears so powerful an inducement as Maria Theresa's thirst for revenge for bringing the Court of England into alliance with the Court of France, when the Queen of England might be described almost as the Empress-Queen has been described—as the haughtiest of princesses, as the most austere of matrons. With the haughty man, who defied and opposed with indomitable resolution the first Bonaparte, the man bearing the name of Bonaparte who had suddenly sprung up in December 1851, and made himself conspicuous by deeds having no resemblance or affinity to the first Bonaparte's passage of the bridge of Lodi at the head of his grenadiers under a storm of Austrian artillery, would have had small chance of succeeding in his overtures for an alliance against Russia. There was a moral as well as intellectual pride about Pitt which would have recoiled from alliance with men whose hands had upon them as much innocent blood as those of the men who were engaged in the September massacres of the first French Revolution. Pitt would have looked with suspicion and haughty coldness on the advances of such a fraternity as is described in the following passage of the historian of the Crimean War:—

‘There came to us five men heavily laden with treasure. . . . There was something about them which made us fear that if we repulsed them they would carry their treasures

to the very man who at that moment was giving us trouble. In truth, it seemed that either from us or from somebody else they must and they would have shelter. Upon their hands there was a good deal of blood. We shrank a little, but we were tempted much. We yielded, we struck the bargain.'<sup>1</sup>

We were, it would appear, somewhat similarly situated to the youth in Scott's romance who rescues from the wreck of his ship the captain of a band of pirates on one of the Shetland isles. We had got into the society of persons whose morals had an unpleasant affinity to the morals of a band of robbers or the crew of a pirate.

Louis Napoleon, with his usual regard to the truth of his announcements, declared that the 'Empire' was peace; and some who might have been supposed likely to know better proclaimed it as their opinion that the French people elected him their emperor 'to maintain, in the first place, as he is pledged to do, the principles of 1789; and, in the next, to preserve order, keep the peace, and enable them to prosper. Nobody,' say they, 'denies that these were the objects desired by France. Yet we are told that he will, regardless of public opinion, plunge the country into war.'

The answer to this is simple and short enough. Did or did not Louis Napoleon plunge the country into war? What else could he do indeed? He was compelled, for the very life of him, to do something to other people to help to make Frenchmen forget what he had done to them.

<sup>1</sup> Kinglake's *Invasion of the Crimea*, vol. i., pp. 335-337, 5th edition, 1874.



## CHAPTER II.

### CONSEQUENCES OF THE STRUGGLE BETWEEN HENRY I. AND THE GREAT FEUDATORIES.

THE other day I saw a letter in a newspaper from a person who boasted of having had an ancestor who had come over with William the Conqueror. It would be very difficult to *prove* a descent from an ancestor who came over with William and was present at the battle of Hastings. It may be shown that many names which appear in Thierry as the names of those who won the battle that made William the Norman King of England, though introduced by the monks into the roll of Battle Abbey, or appearing in the archives of some continental churches on sheets of vellum with the title of *livre* or *livret des conquéreurs*, are not in the Domesday Survey. In fact, within a few years of the battle of Hastings, the most powerful and opulent of the Conquest families were defeated in an insurrection against Henry I., and deprived of their enormous territorial possessions in England.

That system of government which has received the name of the English Constitution is the result of a struggle, continued for a long series of years, indeed of ages, between opposing forces. The action of those forces can be traced with some degree of clearness to within fifty years of the Norman conquest.

Though I have been favoured by a French writer with the information that 'generally the people of a nation being ignorant concerning the phenomena of their own land, must turn to strangers for the solution of them,' and have studied Guizot's writings on English history, and have read a little of

Baron Stockmar's speculations on the English Constitution, I am not impressed with the truth of the French writer's remark. Guizot, who was at least equal in intelligence to Baron Stockmar, never attained to a thorough knowledge of English Constitutional questions. For instance, when he says that in England from the conquest of the Normans all was collective on the part of the feudatories, he appears to have been unacquainted with the history of the reign of Henry I., more particularly with the characteristic features of the contest between Henry I. and the great feudatories which ended in the defeat and humiliation of the latter. Of that contest Professor Stubbs has given the clearest and most complete account which I have met with.

After saying that Robert Malet and Robert de Lacy forfeited their great estates in Yorkshire and Suffolk;<sup>1</sup> that Ivo of Grantmesnil divested himself of all his fiefs in favour of the Count of Meulan; that Robert of Belesme, Earl of Shrewsbury and Arundel, a tyrant of the worst feudal stamp, on the confiscation of his English domains retired to Normandy; and that Arnulf of Montgomery and Roger of Poitou<sup>2</sup> shared in 1103 the fate of their brother, Robert of Belesme, Earl of Shrewsbury, and lost their English fiefs, Professor Stubbs adds, 'And thus fell the greatest and most thoroughly representative of the Conquest families.'<sup>3</sup>

Those who were selected by Henry I. to be the constructors of his judicial and financial organisation, though of good Norman descent and founders of great English families, not being among the tenants-in-chief of Domesday, were regarded by the nobles of the Conquest as upstarts, 'and this scornful estimate of them is reflected in the writings of the historians.

<sup>1</sup> Stubbs, *Constitutional History of England*, i. 308. 'Ilbert de Lacy, the father of Robert, had 164 manors in the Domesday Survey; Robert Malet had 221 in Suffolk; Dugd. *Baron*, p. 11.' Ibid. note.

<sup>2</sup> 'Roger de Poitou had 398 manors in the Domesday Survey. He had great part of Lancashire, and was first of the long line of lords of Lancaster.' Stubbs, i. 309, note.

<sup>3</sup> Stubbs, i. 308, 309.



They were, in fact, for the most part too poor as yet to make themselves friends among the monks and clergy, as their rivals did, by founding churches and monasteries.'<sup>1</sup> Their rivals, who had acquired by robbery on a large scale the means of founding churches and monasteries, gained in that way the advantage contemplated by Bonaparte, who showed his knowledge of the weak parts of human nature when he said that he envied Alexander the Great his power of proclaiming himself the son of Jupiter Ammon, which had been worth more to him in his subjugation of Egypt than twenty battles gained. It is power that is worshipped, and Robert of Belesme, though a tyrant and a robber, is apt to be considered a more respectable ancestor than a man less powerful and more just.<sup>2</sup>

The substitution of the Clintons and the Bassets for the families which had been gorged by the plunder acquired by a successful robbery on a large scale, and were represented by such men as Robert of Belesme and Roger of Poitou, took place scarce half a century after the Conquest; and between that time and the present, an interval of more than 700 years, how many crops of 'upstarts' have sprung up? There was a large crop in the time of Henry VIII., gorged with the plunder of the Church. In the time of James I. there was another crop; and another in the time of William III.; all contributing to make up the illustrious roll of 'the county families,' who look down with unspeakable disdain on the dwellers in towns, on whose shoulders, however, they are condescending enough to throw as much as they can of their own share of the burden of taxation—not content with the enormous gains they had secured by their land-tax acts.

<sup>1</sup> Stubbs, *Constitutional History of England*, i. 312, 313.

<sup>2</sup> The spirit of the pirate age is reflected in the words which Scott puts into the mouth of the laird of Ellangowan: 'I wish you could have heard my father's stories how the Bertrams went to Jerusalem and Jericho—they had better have gone to Jamaica, like Sir Thomas Kittlecourt's uncle—and how they brought home relics, and a flag that's up in the garret—if they had been casks of sugar and puncheons of rum it would have been better for the estate—but there's little comparison between the auld keep at Kittlecourt and the Castle of Ellangowan. I doubt if the keep's forty feet of front.'

Those who are styled by Professor Stubbs 'the greatest and most thoroughly representative of the Conquest families,' though they might not be old families like some of the English or Anglo-Saxon families they superseded, were not styled 'upstart,' because robbers by sea and land are not styled upstarts—that term being applied to those who have risen by some sort of *useful* occupation. Those whose deeds are confined to judicial and financial reforms bear somewhat the relation to the men of blood and iron that those who only hunt wild animals bear to those who are hunters of men, for 'the chace hath no story, its hero no star.' One descendant, however, of the family brought over from Normandy to England by Henry I. to carry out the judicial reforms he had projected, Ralph Basset of Drayton, who fell at Evesham with Simon de Montfort, has cast a spell over the name, partaking in some degree of the spell which will remain woven to all time round the name of Simon de Montfort. For like his leader Simon de Montfort, Ralph Basset of Drayton died not as robbers die, in the act of plunder accompanied by murder, but he died fighting for the protection of those who had been so long the victims of the robber—a distinction which has been observable occasionally in the darkest times, when justice had left the earth, and even hope would seem to have departed also.

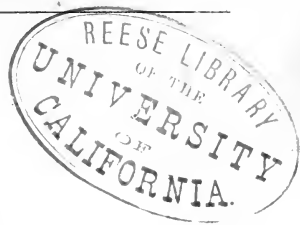
The associations connected with the word upstart as used in the preceding pages are instructive. A large robber, such as William Duke of Normandy, Robert of Belesme, and Roger of Poitou, are not called upstarts, however new their families may be, because to substitute upstart for robber would be an anticlimax, for 'large robber' sounds more aristocratic than large ironmaster, large cotton-spinner or calico-printer, or large brewer. And if the large robber succeeds in dominating the world, the insolent words of Livy, 'Hoc gentes humanæ patiantur æquo animo, quam imperium patiuntur,' must be swallowed with other indignities which are the fruit of the want of that invincible spirit in defence of freedom (*devota morti pectora liberæ*), which deliberately

prefers death to slavery ; and which acts on the principle that the only cure for tyrants is the enforcement on them of the knowledge that they have a joint in their necks.

We must endeavour to grasp and keep constantly in view the fundamental distinction between the grants to the father of Robert of Belesme and Roger of Poicton, and the grants to the favourites of subsequent kings sitting on the throne which William the Norman had won by the sword of himself and such companions as the father of the barons above mentioned, who possessed lands forming large portions of counties. When the work performed by Simon de Montfort was accomplished, a new principle of government was established in England, which contained within it germs of vitality so indestructible, that though at times it might seem to be dead, it not only was not dead, but contained within it a living spirit which was in process of time to overspread the world. Now the distinction above indicated leads us to some important conclusions. The grant under which Roger of Poicton was lord of 398 manors, amounting to a great part of Lancashire, was coeval with the title by which William the Norman claimed to be King of England—the title conferred by a successful battle. So it was with many others who had fought under the standard of the Duke of Normandy. ‘By the sword they won their land, and by the sword they held it still.’ That is, they held it as long as they and their suzerain agreed to live amicably together. When that state of things came to an end, and the matter came again to the decision of the sword, it was likely to happen, and it did happen, that their suzerain, being able to bring into the field stronger battalions, would remain master of the field, and of the many manors of which they had been the lords ; but which must now return into the hands of their over-lord or suzerain. What consequences would follow such a change as the establishment of a representative or parliamentary government we shall see in the chapter which will follow this chapter.

This struggle between Henry I. and the great feudatories had consequences exceedingly important ; for among its

consequences was the rise of parliamentary government. If the great feudatories in England had succeeded in establishing their independence of the king, a state of things would have arisen similar to the condition of France, where at that time the king was little if at all more powerful than one of the great feudatories. But the result of Henry the First's struggle with the great feudatories in England showed that the king in England was so powerful that if his authority were to be resisted, union or league would be necessary; and this led to the league which obtained the Great Charter. It may therefore be said that the struggle in which Henry I. showed that he could crush opponents so powerful as Robert of Belesme and Roger of Poitou, when he had to deal with them one by one, proved to the barons who suffered from the tyranny of John that their best chance of successful resistance to that tyranny lay in a firm and well organised union of their forces; which union should become a counterpoise to the unity of the royal power. It thus appears that the defeat of Robert of Belesme and Roger of Poitou may be viewed as the natural, we might almost say necessary, antecedent to the victory of the barons of Runnymede. There is therefore an error in the statement of those writers, such as M. Guizot, who say that in England from the conquest of the Normans all was collective on the part of the feudatories; since it appears that in the first struggle of the feudatories with the king, about half a century after the Conquest, the success of the king arose from his being able to crush his adversaries one by one, and from their not having learnt the necessity of association, of acting in concert, instead of isolating themselves in order to set up as petty sovereigns.



## CHAPTER III.

THE FIRST FIGHT FOR PARLIAMENTARY GOVERNMENT.—SIMON DE MONTFORT.

THE fate of the man who first reduced to practice, if he did not first devise, that which has been designated the grand discovery of modern times, the principle of representative government, which the greatest philosophers of antiquity had missed, and for want of which all the attempts at good government made by the most free and enlightened nations had failed, is a melancholy example of the truth of the lines :—

See nations slowly wise, and meanly just,  
To buried merit raise the tardy bust.

And when we contemplate the fall of De Montfort on the bloody field of Evesham, the savage slaughter by enemies who were to De Montfort's forces well-nigh as four to one, and still more when we read of the barbarous insults heaped on De Montfort's mangled remains, we feel how little the perpetrators of those deeds had altered from those whom they represented, and whose deeds of rapine and murder were such as 'would excite admiration in a den of robbers, or on board of a schooner of pirates.' When, further, we behold triumphant tyranny blackening for centuries the very memory of its victim, we are led to recall the fate of another man who also performed immortal services to all human kind, and received a recompense of persecution and calumny from the same *hostes humani generis* who destroyed and defamed De Montfort, and are reminded of the significant lines :—

If dreams yet flatter, once again attend,  
Hear Lydiat's life, and Galileo's end.

The great power attached to the office of Seneschal or Lord High Steward of England is probably meant in the following words of Barrington: 'Mr. Petyt hath copied a treatise upon the office of the High Steward of England from a manuscript in the Cotton Library (Vespasian, b. vii. fo. 99*b*), which he says *is dangerous to be printed.*'<sup>1</sup> The italics are in Barrington's note, and probably have reference to the inconsistency of the power of such a *senescallus* or *dapifer Angliæ* as Simon de Montfort with the prerogative pretensions supported by the free use of the rack of the Tudors and the Stuarts. The fact of the army opposed to the king in the war in which were fought the battles of Lewes and of Evesham being headed by Simon de Montfort, the *Senescallus* or *Dapifer Angliæ*, shows the reason why Simon de Montfort was the last person, *not* a son of the king of England, by whom the office of Seneschal of England was held; that office being first taken into the royal family and then abolished, an analogous office being created only for special occasions, the office of Lord High Steward *pro unicâ vice*.

As the prominent part taken by Simon de Montfort in this war against Henry III. led ultimately to the abolition of the office of *Senescallus Angliæ*, or Steward of England, so the part taken in it by Hugh Despenser, Chief Justiciary, led to the abolition of the office of Chief Justiciary of England; for the office, though given to Philip Basset after the battle of Evesham, in which the Chief Justiciary, Hugh Despenser, was slain, was abolished at the death of Philip Basset, who was thus the last Chief Justiciary of England; and afterwards there was no *Capitalis Justitiarius Angliæ*, but the title was *Capitalis Justitiarius ad placita coram Rege tenenda*; which Lord Chancellor Ellesmere translated Chief Justice of the King's Bench, and rebuked Sir Edward Coke for styling himself Chief Justice of England, though of late years there seems a disposition to confer the title on the Chief Justice of the King's Bench.

Of the family of Basset above mentioned, there were four

<sup>1</sup> Barrington's *Observations on the Statutes*, p. 286, note *b*, 5th edition. London, 1796. Cites *Pet. MSS.*, vol. xix., p. 293.

Chief Justiciaries of England, all barons by tenure: Ralph Basset of Weldon, in the reign of Henry I.; Richard Basset, his son and heir, in the reign of Stephen; Gilbert Basset, of Hedendon, in the reign of Henry II.; and Philip Basset, of Wycombe, in the reign of Henry III. Philip Basset was the last *Capitalis Justitiarius Angliæ*, the last Chief Justiciary of England; the title being changed, when the office of Chief Justiciary of England was abolished, from *Capitalis Justitiarius Angliæ* to *Capitalis Justitiarius ad placita coram Rege tenenda*, i.e. Chief Justice of the King's Bench. The first Chief Justice of the King's Bench was Robert de Bruis, appointed in the fifty-second of Henry III.<sup>1</sup> There is a significance in this abolition of the office of Chief Justiciary; for the office was one of great power and importance, the Chief Justiciary being, by virtue of his office, regent of the kingdom during the king's absence, and at those times writs running in his name and being tested by him.<sup>2</sup> Consequently, if the Chief Justiciary in an appeal to arms between the king and the barons should join the side of the barons, his name carried a certain weight with it, as appeared in the war between the king and Simon de Montfort, when Hugh Despenser, the Chief Justiciary, was slain at Evesham fighting on the side of De Montfort. And the appointment of Philip Basset by the king as the successor of Despenser, instead of the great office of Chief Justiciary being at once abolished, was as a reward to Philip Basset for acting as a counterpoise—by taking the opposite side to his relative Ralph Basset of Drayton, slain at Evesham with Simon de Montfort. This Ralph Basset of Drayton was a great-grandson of Ralph, before-mentioned Baron Basset of Weldon, Chief Justiciary in the reign of Henry I. Philip Basset of Wycombe and Ralph Basset of Drayton were both descended from Ralph Basset of Weldon; but while Philip Basset obtained the office of Chief Justiciary for supporting the government of Henry III., Ralph Basset sacrificed his life in the struggle to obtain a somewhat better government.

<sup>1</sup> Dugd. Orig. 38.

<sup>2</sup> Madox's *History of the Exchequer*, p. 16.

Although at Evesham the numbers were something like two against seven, all were as ready as their leader, Simon de Montfort, to sacrifice their lives in a cause which they deemed sacred. Henry de Montfort, his cousin Peter, Hugh Despenser, the Chief Justiciary, and Ralph Basset, fell at the side of the old warrior, who, after his horse was killed under him, grasped his two-handed sword in both hands and dealt vigorous blows to right and left until he received a mortal stroke from behind. The vengeance wreaked upon the body of Simon de Montfort shows that though Simon de Montfort and Ralph Basset died in the attempt to obtain some improvement in the condition of the people of England, the bulk of their peers, the compeer barons of England, had made but very small if any advance above the condition of their pirate forefathers.

The importance of the office of seneschal or dapifer will tend to explain the influence of Simon de Montfort, since he held an office which of itself rendered him, though a foreigner, the first subject in England. I cannot say whether at the time when the incident of the cooking of the crane which excited the king's wrath against his dapifer, William Fitz-Osbern, Earl of Hereford, occurred, William I. had granted the office of hereditary seneschal or dapifer, but he did grant that office to the Grantmesnils, the last of whom leaving no male heir, it descended to his daughter, who married Robert Fitz-Parnell, Earl of Leicester. Half of the earldom of Leicester devolved upon the family of Montfort, by the marriage of Simon III., Count of Montfort, with Amicia, sister and co-heir of Robert Fitz-Parnell. At the close of King John's reign, the possessions of the Montforts in England were forfeited in consequence of their opposing that tyrant, whom a writer of the most profound and exact historical learning, Professor Stubbs, has characterised as 'the very worst of all our kings . . . polluted with every crime that could disgrace a man.'<sup>1</sup> On the death of Simon IV., Count of Montfort, his estates descended to his eldest son, Amalric, and a younger son Simon—who became the famous Simon

<sup>1</sup> Stubbs's *Constitutional History of England*, ii. 17.



de Montfort slain at Evesham—was confirmed in the earldom of Leicester and seneschalship of England by Henry III. with the consent of Amalric, his elder brother. Thus as Simon de Montfort may be said to have inherited (standing in the place of his elder brother by the consent of that brother) the place of first subject in England, he cannot be correctly described as being with regard to England either an upstart or a foreigner. Indeed none of the English nobility at that time had been settled in England more than 150 years at the most. The writers who speak of Simon de Montfort as an 'upstart foreigner' seem to forget that Europe at that time had hardly emerged from the fermentation of 'the pirate age,' when pirate captains became by some trick of fortune suddenly metamorphosed into kings, and their boatswains and boatswain's mates into barons and earls; and to imagine that they are treating of Dutchmen and Hanoverians who came into England with William III. and George I. at the end of the seventeenth and beginning of the eighteenth century.

If Simon de Montfort had not been of moral materials, which made a broad difference between him and the common run of the founders of thrones; if he had not been a man as remarkable for a scrupulous observance of truth, justice, and honour, as for genius and valour, there can, I think, be little doubt that the name of the kings of England might for some generations have been De Montfort instead of Plantagenet. The ordinary morality is well set forth by Schiller's Wallenstein in a passage which has thus been translated by Coleridge:—

If we only

Stand in the height with dignity, 'tis soon  
Forgotten, Max, by what road we ascended.  
Believe me, many a crown shines spotless now  
That yet was deeply sullied in the winning.  
To the evil spirit doth the earth belong,  
Not to the good.'

In an unpublished drama on the career of Simon De Montfort, there is a scene in which De Montfort is represented as

expressing the conclusions which the writer of the drama may have formed respecting the character, opinions, and designs of the man who achieved, though the achievement cost him his life,

Something perchance that may for ever live  
In honour where'er man is most divine.

The scene is the interior of De Montfort's tent. De Montfort has fallen asleep from fatigue, while seated at a table, on which are parchments and materials for writing. De Montfort has a dream in which he holds a colloquy with a being in the shape of an armed figure.

*De Montfort.*

Who and what art thou,  
That bear'st the mail'd form of my ancestor,  
With half-clos'd visor and that shadowy grandeur  
Of step and gesture? Speak!—I have not made  
Danger and knowledge my familiars now  
To tremble at a shadow—as thou seemest.

*Armed Figure.*

I am the spirit of thine ancestor,  
Who by his valour rais'd thy line to be  
Among the noblest in thy fatherland.  
I come not to upbraid thee with degeneracy,  
For thou art not degenerate, but wert born  
To raise that line to regal sovereignty,  
Or sink it into dark annihilation.

*De Montfort.*

Then to annihilation let it fall.  
The cause of which I am the champion is  
A holier one than kings are wont to bleed for.  
I am not of those fools who fight for empire;  
My folly may perchance be not less shown  
In the pursuit of that more perfect knowledge  
Which my soul thirsts for.

*Armed Figure.*

And may have hereafter.  
Meanwhile the dark clouds lower upon thy fortunes,  
Though at this very hour thy star may seem

To human vision in its blazing zenith,  
And thy great power rock-seated ; it may be  
De Montfort's name is soon to pass away—  
Soon to be blotted from the rolls of honour,  
Where kings record their virtues, while their vices  
Are left to dark oblivion.

*De Montfort.*

I have liv'd  
Not altogether for this fragile clay ;  
Though as to what is given for man to know  
That is not much. Yet I have ponder'd o'er  
The history of man in ages past,  
And for the knowledge books can never give,  
I have read living men, and rul'd and led them  
In peace and war.

*Armed Figure.*

The aspirations of thy vision'd youth  
Have been of aim too high.

*De Montfort.*

Ay ! shadowy form,  
I have had my visions too—but let them pass—  
They are gone long since, and will return no more.  
Ay ! grim, gaunt shadow, I might be happy yet,  
But that I have had dreams that did beguile  
My vision'd youth. But I will dream no more.  
Come horrible realities—come all—  
All but the thought of the past. Henceforth to me  
The dust of battle is the breath of life ;  
Its voice my music.

*Armed Figure.*

Death then unto thee,  
That which the living dread, doth bring no terror.

*De Montfort.*

No. I have pray'd for death, but yet he came not ;  
And having seen those who enjoyed their being  
Nor felt life's weariness fall fast around me,  
I bear this weary load of worn-out clay  
About with me to the unlaurell'd grave  
Which must be mine at last.

*Armed Figure.*

Aspiring mortal,  
Thou talkest still of thy unlaurell'd grave  
As 'twere a thing to talk of.

*De Montfort.*

Ay! I said 'unlaurell'd,'  
Because perchance I might have one day dream'd  
That men would wreath a laurel round my urn.  
That dream with all that I have dreamt is past—  
Ay! that is vanish'd too; and the desire  
That it had e'er been other than a dream  
Is dead within me. I despise too much  
Man and his thoughts and actions e'er to crave,  
Much less to court his homage.

The evil spirit who would seem to be introduced as the tempter of De Montfort in the drama then sets forth the means by which supreme power may be attained.

*Armed Figure.*

If thou seekest  
That men should bind a laurel round thine urn,  
Become at once a conqueror and a tyrant;  
And then thy slaves will be thy worshippers—  
Ay! they will bow before thy very name;  
And when thou speakest will cry, 'Lo, a God!'  
And will applaud unto the very echo,  
Though thou should'st drivel like one of themselves,  
Affirming that thy very lusts are godlike.  
And when thou diest, they will embalm thy dust,  
And swear thy soul is gone to reign in Heaven—  
Making thy mortal name a spell and watchword  
For turning the wide world into a hell.

\* \* \* \*

There is but one man who has strength of brain  
To be a counterpoise to thee. The rest  
Thy leading truncheon will outweigh them all,  
And thousands more such. But this one strong man—  
Strong in himself, and stronger still from that  
Which is not given by nature but by fortune—  
This man is in thy power. One word of thine

Can blot him from the sum of living things.  
Most of the thrones at present in the world  
Stand on more questionable deeds than this.

To this Simon de Montfort thus replies :—

*De Montfort.*

Thou mean'st Prince Edward. Now I see thou art  
A fiend sent here to tempt me on to crime.  
This is my answer. I know that his escape  
From the mild keeping which he hath from me  
(A state indeed of personal liberty)  
Is not improbable ; and the consequence  
Evil so probable to me that I  
Might urge his close imprisonment, nay, his *sure*  
*Custody where escape could never be,*  
An act of self-defence. But I have made  
Unto myself a law and a tribunal,  
Where I am judged for all I do. This judge—  
Sitting in the recesses of my soul,  
Where the mind works least clogg'd by earth's pollution,  
And in a purer air and clearer clime,  
Adjusts the balanc'd scale of right and wrong,  
Which some call conscience—would judge and condemn me  
In such sort for such deed I would not do it,  
Not for a thousand worlds—ten thousand Englands.  
I know the consequence—  
Be it so. I am content. In this my kingdom,  
Which is my mind, I will not be dethroned.  
No ; let Plantagenet, and not De Montfort,  
Go on to rule in England, with a crown  
Sullied by many a crime. My coronet  
Is stainless and shall be so to the last.

\* \* \* \*

I may with truth say that my life hath been  
No life of idleness, but one of toil—  
Of toil of body and of mind incessant.  
But now my work on earth is nearly finish'd.  
The objects I have faithfully pursued  
Are either now within my grasp, or will be  
Most surely even without another battle,  
Within a space of time short at the utmost.  
And then my cause will be so firmly fix'd,  
That all the principalities and powers

Of kings and popes, of earth and hell together,  
 Shall not prevail against it. This being so—  
 The noisy utterance of the breath of slaves .  
 To make a demigod—a king's frown or friendship  
 Appear to me no better than the dust,  
 Whence we arise and whither we return.

\*                     \*                     \*                     \*

In this strange world we see strange transformations ;  
 Kingdoms and empires sprung from dens of robbers—  
 Robbers by land and sea, and all alike—  
 Sea kings and land kings, consuls, emperors—  
 Till the small gang of thieves and cut-throats grows  
 To hosts that shake the earth.  
 The robber-conqueror's—Sulla's, Cæsar's laurels  
 Dripping with blood, and stain'd with every crime  
 That brought down Heaven's fire on the Dead Sea cities—  
 Possess no charm for me.  
 Yet have I mingl'd in men's broils and battles—  
 Not so I mingle now. I am resolv'd  
 To make the earth other than it is or leave it.

The writer of these lines, though he may have carefully studied the character of Simon de Montfort, can hardly have brought to his work the same amount of knowledge of that epoch of English history which Professor Stubbs has brought to his history, from which I will make an extract showing, among other things, that Simon de Montfort had but too much cause for this melancholy view of the world's condition and prospects in having been thrown into contact with two such specimens of human nature as the English kings John and Henry III.

'John's heart was of millstone, Henry's of wax. . . . Both contrived to make inveterate enemies, both had a gift of rash, humorous, unpardonable sarcasms; both were utterly deficient in a sense of truth or justice. Henry had no doubt to pay for some of the sins of John; he inherited personal enmities and utterly baseless ideas as to the character of English royalty. . . . Coming between the worst and the best of our kings,<sup>1</sup> he shares

<sup>1</sup> Such is the moral of Professor Stubbs's learned book. Now compare 'the best of our kings' with Washington and De Montfort, who were not kings.

the punishment that his father deserved and the discipline that trained the genius of his son without himself either unlearning the evil or learning the good. His character is hardly worth analysis except as a contrast to that of his brilliant rival.

'Simon had all the virtues, the strength, the grace that Henry wanted; and what advantages he lacked the faults of the king supplied. If he be credited with too great ambition, too violent a temper, too strong an instinct of aggression, his faults will not outweigh his virtues. His errors were the result of what seemed to him necessity or of temptations that opened for him a position from which he could not recede. . . . The means he took for admitting the nation to self-government wear very much the form of an occasional or party expedient, which a longer tenure of undivided power might have led him either to develop or to discard. The idea of representative government had, however, ripened in his head; and although the germ of the growth lay in the primitive institutions of the land, Simon has the merit of having been one of the first to see the uses and the glories to which it would ultimately grow.'<sup>1</sup>

There is one very marked and very important distinction between Simon de Montfort and Thomas à Becket that ought not to be passed over. Whether or not Becket was actuated in what he did or attempted to do by a sincere desire to benefit the oppressed English, the means he employed to accomplish his objects were totally different from those employed by Simon de Montfort. Becket called in the thunders of the Pope of Rome against the King of England, while De Montfort sought to defend both the people and church of England against the tyranny both of king and pope, both of domestic and foreign tyrant. This accounts for the treatment De Montfort meets with from such writers as Dr. Lingard. With the Pope and the Pope's ministers and subjects Becket of course is a saint defending the holy rights of the blessed church of Christ against the impious encroachments of a tyrant. But De Montfort is an excommunicated rebel and traitor, whose

<sup>1</sup> Stubbs's *Constitutional History of England*, ii. 99.

obstinacy and perversity led him into armed resistance to his king and liege lord; and the mean and treacherous tyrant whose long career of misgovernment and perfidy had provoked that resistance is a just and clement monarch, as the case is stated by Dr. Lingard and writers of his school. The Court of Rome took up the cause of Henry III. with the zeal with which it had taken up the cause of all tyrants. Henry, like his father John, and his remote successors Charles I. and his two sons, took his most solemn oaths in full reliance on papal absolution. The result of the battle of Evesham gave his Holiness exceeding delight, even as that of the battle of Hastings had done his predecessor. The papal heart was filled with joy when 'the tabernacles of robbers prospered.' For this we have the testimony of Dr. Lingard, who says, 'The news of the victory of Evesham filled him with joy. He instantly wrote to the king and the prince to express his gratitude to the Almighty for so propitious an event.'<sup>1</sup>

One can understand why the Pope should rejoice at the defeat and slaughter of Simon de Montfort, Earl of Leicester; but it is not so easy to understand why David Hume should brandish his brush to further the process sanctioned by papal authority of blackening De Montfort's memory. In the twelfth chapter of his 'History of England' Hume says: 'Leicester had no sooner obtained this great advantage (the victory at Lewes), and gotten the whole royal family in his power, than he openly violated every article of the treaty, and acted as sole master, and even tyrant of the kingdom. He still detained the king in effect a prisoner, and made use of that prince's authority to purposes the most prejudicial to his interests, and the most oppressive of his people. . . . His avarice appeared barefaced. He seized the estates of no less than eighteen barons, as his share of the spoil gained in the battle of Lewes. He engrossed to himself the ransom of all the prisoners; and told his barons, with a wanton insolence, that he had saved them by that victory from the forfeitures and attainders which hung over them.' It is unnecessary to

<sup>1</sup> Lingard's *History of England*, vol. iii. p. 207, 2nd edition.



discuss the authorities Hume gives for these statements, because Mr. Freeman and Professor Stubbs, who have thoroughly examined the evidence, and duly weighed the value of the contemporary authorities of early English history, have announced a conclusion respecting the character of Simon de Montfort, Earl of Leicester, diametrically opposed to that announced by David Hume. Furthermore I have minutely examined the authorities and references given by Hume for his statements regarding facts belonging to a portion of English history, of which I have examined carefully all the original evidence, and I have come to the conclusion that Hume has dealt in such a manner with the history of England during the seventeenth century as to have incurred the charge made in the following words:—

‘If it be the duty of an historian, as it is that of a judge, to state the evidence with equal care, with equal fulness, and with equal accuracy on both sides; and if it be true that few crimes equal in magnitude those of the man who, pretending to write history, deliberately perverts the materials of history, suppresses and misstates evidence, and produces a story which he calls a history, and which is not only without evidence, but in direct opposition to evidence, I fear that there are few of the writers of the books called histories who will escape censure. David Hume is certainly not one of those few.’

But it is possible to deprive a man of all the credit due to him for public services, and transfer all the honour arising from the beneficial result of those services to others, so that those others shall reap all the honour and all the profit. De Montfort, not Plantagenet, gave representation to England, when on the 12th of December, 1264, he issued writs requiring the several sheriffs to return, besides two knights for each shire, two citizens for each city, and two burgesses for each borough. Plantagenet got all the honour and all the profit. De Montfort got death, confiscation, and a blackened memory.

I do not purpose to write a history of the origin and progress of that system of government which has received the

name of the English Constitution. But I wish to notice some remarkable omissions in the statements of Blackstone, who in his Commentaries says that 'towards the end of the reign of Henry III. we find the first record of any writ for summoning knights, citizens, and burgesses to parliament.'<sup>1</sup> And he then bursts forth into a song of praise of that grandson of John and son of Henry III., who, he informs us, 'hath justly been stiled our English Justinian.' Here he avoids all mention of Simon de Montfort, speaking as if the summoning of citizens and burgesses were the spontaneous act of Henry III. and his son, the destroyer of all men who stood up for the liberty of the subject—of De Montfort, of Llewellyn, of Wallace. And in his introduction to his edition of the charters, Blackstone says: 'The most observable part of the new charter, A.D. 1264, here printed, is the clause giving liberty to the king's subjects to rise against him, notwithstanding the allegiance which they owed him, in case he should transgress the conditions therein agreed on. This seems to be plainly copied from King John's great charter, chapter 61, with some alterations, particularly in that there is here no exception in respect of the safety of the king's royal person and family. And yet, in both these cases, the instant they got out of the hands of their respective enemies, neither father nor son paid any regard to concessions thus compulsorily extorted. So impracticable is the attempt to restrain even limited monarchs by any express provisions, which argue a degree of distrust inconsistent with monarchy itself.'<sup>2</sup>

The last sentence, coming from such a source, is very significant and suggestive as to the value of a king's word or a king's oath. The great charter was in fact a dead letter, for the kings broke it whenever it suited their convenience to do so; and down to the execution of Charles I. they never made an oath to their subjects with the intention of keeping it.

While Blackstone has transferred De Montfort's inval-

<sup>1</sup> 4 Blackstone's *Commentaries*, 425.

<sup>2</sup> Blackstone's *Law Tracts*, pp. 337, 338, 3rd edition, Oxford. Printed at the Clarendon Press, 1771.

able services in the great work of establishing representative government to his regal destroyer, a man who, if he had a better brain, had as bad a heart as either his father or his grandfather, Mr. Freeman says: 'England may be as justly proud of rearing such step-children as Simon of Montfort and Edward the First as of being the natural mother of Ælfred and of Harold;' <sup>1</sup> and again, 'When the great statesmen of the thirteenth century, Earl Simon and King Edward, fully established the principle of representation.'<sup>2</sup> This would seem to ascribe equal merit to Edward and to Simon in the work of the establishment of the principle of representation. The truth, as far as I can see, though I consider exact historical truth to be unattainable, appears to be that what Simon had done rendered representation a necessity, and Edward had brain enough to see that. But as his heart was of millstone, as Professor Stubbs says his grandfather John's was, I do not think that Edward would ever have adopted, unless compelled, any measure calculated to lessen his own power of robbing and insulting, which in his case meant trampling on his fellow-men—the only object of ambition of the whole herd of crowned robbers to which he belonged. Mr. Freeman may be proud of being the fellow-countryman of Edward the First; but I rather doubt if he would have entertained such a sentiment in regard to Edward the First if an honoured ancestor of his had been executed by Edward with circumstances of great barbarity for having presumed to fight against this crowned Norman robber in defence of the independence of his native land. Scott has given in his 'Lord of the Isles' a summary of those sanguinary executions:

'Enough of noble blood,' he said,  
'By English Edward had been shed,  
Since matchless Wallace first had been  
In mockery crown'd with wreaths of green,

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<sup>1</sup> *History of the Norman Conquest*, vol. i. p. 2, Oxford, 1867.

<sup>2</sup> *Ibid.*, p. 110.

And done to death by felon hand,  
 For guarding well his fatherland.  
 Where's Nigel Bruce? and De la Haye,  
 And valiant Seton—where are they?  
 Where Somerville, the kind and free?  
 And Fraser, flower of chivalry?  
 Have they not been on gibbet bound,  
 Their quarters flung to hawk and hound?  
 Was not the life of Athole shed  
 To soothe the tyrant's sicken'd bed?'

All this manifests the same savage, inhuman spirit, the same ferocious pride which made Attila say that the grass never grew on the spot where his horse had trod. When the prisoners taken at the castle of Kildrummie, who had surrendered on condition that they should be at King Edward's disposal, were brought to where the king was lying on his death-bed, and he was asked what was to be done with them, his answer was, 'Hang and draw.'

But a terrible retribution was to fall upon this man's son when he led to destruction at Bannockburn the most numerous army that England had, or I believe has, ever sent into the field against an army less than a third in numbers. But

Arm'd at their head in stern glory appear'd  
 The hero of heroes so hated and fear'd;  
 'Twas the exile of Rachrin that led the array,  
 And Wallace's spirit was pointing the way;  
 His eye was an omen of ruin and wrath,  
 And grav'd on his helmet were 'Vengeance or Death!'

A man, though king, who makes an unprovoked aggression on the territory of a neighbour is as much a robber as Count Witikind, who

Came of a regal strain,  
 And rov'd with his Norsemen the land and the main,

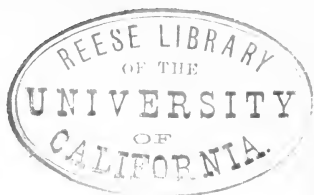
and Captain Goffe, of the good ship 'Fortune's Favourite,' who was so practical in his jokes that he fired his pistol under

the table, when they were at the great council, shot Jack Jenkins in the knee, and cost the poor man his leg with his pleasantry.

Whatever good may have ultimately come from the union of England with Wales and Scotland, the destroyer of De Montfort, of Llewellyn, and of Wallace, though he was a man of ability and courage, is not entitled to much, if any, credit for that ultimate good. All the immediate fruit of King Edward the First's aggression on Wales and Scotland was unmixed evil. Neither has he a claim to anything like an equal share with Simon de Montfort of the merit of establishing and reducing to practice the principle of representative government.

If Earl Simon's eldest son had possessed even a small portion of his father's military capacity he would not have allowed his army to be surprised at Kenilworth by Prince Edward; and by joining his forces to his father's, would have made the result of a battle with Prince Edward's forces very different from the result of the battle of Evesham. We might then have had Simon the First and Simon the Second, instead of Edward the First and Edward the Second; and we should have had the root of their title, of those whose image and superscription appear on our coin, indissolubly connected with the establishment of parliamentary government, instead of being indissolubly connected with an act of a very different description—with the landing on our coast of the fleet of a man who said our country belonged to him as much as if he had raised it out of the sea; who brought with him an army of men who sought to improve their circumstances, in other words to become rich, not by patient and peaceful industry, but by the short cut which is so much in favour with gamblers, as well as with pirates and robbers. Whether or not the line of Simon I. would have favoured the world with more inviting subjects than those which the writer of a voyage to Laputa says he has too great a veneration for crowned heads to dwell on, it is certain that the very fact of its founder issuing the writs of summons to citizens and

burgesses would have surrounded such a line with a very different class of associations from those connected with the fleet under William Duke of Normandy which invaded England in the year 1066. The difference would have been somewhat similar to the difference if Robert Bruce had lost instead of winning the battle of Bannockburn.



## CHAPTER IV.

## THE CROWN LAND.—THE ACTS OF RESUMPTION.

FROM the death of Simon de Montfort in 1265 at Evesham, to the second fight for parliamentary government at Marston Moor and Naseby in 1644 and 1645, there are 380 years. For the first 250 years of this period of 380 years, that is to the sixth of Henry VIII., there was a constant struggle going on between the king and the parliament, the king repeatedly plundering the nation of its landed property by giving it to his favourites, and the parliament taking back the plunder by repeated acts of resumption.

In the preceding chapter Simon de Montfort is represented as expressing his confidence that his work has not been done in vain ; that it will not perish, that all the powers of kings and popes will not prevail against it. The actual result agrees with this statement. For though the principle of representation had been recognised and employed in England for four hundred years when Charles I. succeeded to the English throne, it cannot be truly said that parliamentary government had been firmly established during those four hundred years. For the first two hundred of those four hundred years there was a constant struggle going on between the king and the parliament, in which sometimes the king was the strongest, and sometimes the parliament. When the king was, or thought he was, strong enough to do as he liked, he gave away portions of the Crown lands which were understood by those who had inquired into the matter to have been given for the charges of government. It is superfluous to inquire whether those to whom they were given were men of merit or not men of merit,

since the question was simply whether the king was to be allowed to give away what belonged to other people.

By the fundamental constitution of England, there were two principal sources of public revenue: the first, the income or produce of the lands, the property of which was vested in the king or nation; the second, the payments or services annexed to the grant of lands to private subjects. There was a distinction of land in England before the Norman Conquest into folcland and bôcland. After the Norman Conquest the term *terra regis*, or Crown land, took the place of the word folcland; and the bôcland, or private estate of the king, came to be mixed up with it. This is the *terra regis* of Domesday Book.

‘The *terra regis* of Domesday,’ observes Mr. Allen, ‘was derived from a variety of sources. It consisted in part of land that happened at the time of the survey to be in the king’s hands by escheat or forfeitures from his Norman followers. It was constituted in part of the lands of Saxon proprietors which had been confiscated after the Conquest, and had not been granted away to subjects. But it was chiefly composed of land that had been possessed by the Confessor in demesne, or in farm, or had been held by his thegns and other servants. Of the last description, part was probably the private bôcland of the Confessor, which had belonged to him as his private inheritance. But if we compare the number of manors assigned to him as his demesne lands in Domesday, with the estates of bôcland possessed by Alfred, it seems incredible that the whole should have been his private property. A great part must have been the folcland or public property of the State, of which, though the nominal proprietor, he was only the usufructuary possessor, and, with the license and consent of his witan, the distributor on the part of the public. The land which is called *terra regis* in the Exchequer Domesday, is termed in the original returns of the Exon Domesday demesne land of the king belonging to the kingdom.’<sup>1</sup>

<sup>1</sup> Allen’s *Inquiry into the Rise and Growth of the Royal Prerogative in England*, p. 153. The conclusions of another eminent Anglo-Saxon



I will not try the reader's patience by inflicting on him a host of legal authorities in support of the position that a considerable part of what was called *terra regis* or Crown land was the property of the nation. Even Mr. Justice Blackstone, who will hardly be classed among the persons not friendly to 'ancient descent and large property in land,' admits that there has been a large amount of plunder—the words he uses are 'general plunder'—whereby the 'public patrimony'—these also are Blackstone's words—'being got into the hands of private subjects, it is but reasonable that private contributions should supply the public service.'<sup>1</sup>

This argument of Mr. Justice Blackstone is such an extraordinary logical performance that it is worth while to take it to pieces that its beauties may have a chance of being appreciated. 'The public patrimony being got into the hands of private subjects, private subjects should supply the public service.' Unless my memory of technical logic fails me, this is a syllogism with what the formal logicians call an undistributed middle term—the middle term here being private subjects, and the two extremes being public patrimony and public service. Translated into other language it runs thus: Queen Elizabeth, King James I., and King William III. gave large grants of the public patrimony to private subjects, and Mr. Justice Blackstone says 'it is but reasonable that those private subjects should supply the public service.' But it is not so reasonable that those private subjects who never got a farthing of the grants of Elizabeth, James, and William should be called on to pay the purchase-money of their large 'landed property,' which had been part of the fund for the public service of the English nation.

Of Mr. Justice Blackstone's elaborate argument, it may be scholar, Mr. John M. Kemble, formed without any knowledge of Mr. Allen's line of argument, coincide with Mr. Allen's views on this point. See the Introduction to the *Codex Diplomaticus Ævi Saxonici*. Mr. Kemble's results have been adopted by Dr. Müller in his *Lex Anglorum*.

<sup>1</sup> Bl. *Comm.* 307.

truly said that between the premisses and the conclusion there is no connection whatever. It may be true, or it may not, that the total abolition of taxes is 'by no means to be wished in a land of liberty;' <sup>1</sup> but the truth or falsehood of that proposition has no more connection with the proposition 'that every gentleman in the kingdom would find himself a greater loser by being stripped of such of his lands as were formerly the property of the Crown, and again subjected to the *obligations* of the feudal tenures' [for they have retained the *rights* of those tenures and cast off the *obligations*] 'by paying his *quota* to such taxes as are necessary to the support of government,' <sup>2</sup> than it has with the proposition or axiom, that the whole is greater than its part, or that four is greater than one. Unfortunately for the conclusiveness of the learned and accomplished commentator's reasoning, and for a very large proportion of those whom the result of his reasoning concerns, there is a very considerable number of persons in these kingdoms who pay their *quota* of taxes without possessing any lands that were formerly the property of the Crown, or any lands that were formerly subject to feudal services. If all the taxpayers of Great Britain and Ireland were gentlemen possessed of such lands as Mr. Justice Blackstone describes, nothing could be more just, more sound, more conclusive, than the learned judge's reasoning. But his conclusion is entirely based on the hypothesis that the said taxpayers are identical in every respect with the said landholding gentlemen, and that hypothesis having not the slightest foundation, the superstructure raised upon it must of necessity fall to the ground.

It might perhaps be shown that some of the objections made to the land tenures of England are not so much to feudality in connection with property, while feudality preserved its obligations as well as its rights—its obligations being to defend against all foreign aggressors the lands which it held—but to feudality connected with property when, as in the Convention Parliament of 1660, it shook off by a majority of two

<sup>1</sup> Bl. *Comm.* 308.

<sup>2</sup> *Ibid.*, 307.

—151 to 149—its obligation to defend the country and compelled those who were not tenants in capite, but who earned their bread by the sweat of their brow, to pay the purchase-money of their land in the shape of a tax called excise.

It will be observed that in the quotation given above Mr. Justice Blackstone applies to the grants of Crown lands to private subjects the words 'plunder,' whereby 'the public patrimony got into the hands of private subjects.' The legitimate conclusion is that in the opinion of Blackstone an act of public robbery was committed. Moreover, in the first parliament of Charles I., Sir Edward Coke and Sir Robert Cotton, or rather Sir John Eliot, to whom Cotton, who had intended to speak, handed the precedents he had collected, urged without effect a return to the ancient constitutional course for supplying the wants of the government without overburthening the subject with taxation. 'The king's ordinary charge in Edward III.'s time,' said Coke, 'was borne by the king's ordinary revenues;'<sup>1</sup> and Sir Robert Cotton insisted much on 'acts of resumption of the Crown lands' as 'the just and frequent way to supply the wants of the government, for all,' he said, 'from Henry III. but one, till the sixth Henry VIII., have used it.'<sup>2</sup> It appears, then, that the *just* way to supply the wants of the

<sup>1</sup> *Parl. Hist.* ii. 11, 12 (ed. 1807).

<sup>2</sup> *Ibid.*, ii. 14-17 (ed. 1807). 'It was,' says Mr. Forster, 'Cotton's intention to speak in the debate, and with that view he had collected precedents. But he abandoned his original purpose, and handed over to Eliot the precedents he intended to have used. Eliot used them with decisive effect, and the speech in which he did so, now first printed as his, is not only reported by him in his memoir, but has been found by me among other papers at Port Eliot in his own handwriting. Strange to say, however, almost the whole substance, and much of the expression of this speech, have already been printed in the *Parliamentary Histories* as delivered by Cotton; a mistake probably originating in the circumstance that a draft of the speech, as originally intended to have been spoken by himself, with matter suggested by Eliot, had been found among his papers when Charles's seizure and closing of his library broke the old man's heart, and was published by Howell in his *Cottoni Posthuma*, two years after Charles's death.'—Forster's *Life of Sir John Eliot*, i. 412, 413, 2nd edition. London: John Murray. 1865.

government was by acts of resumption of the Crown lands. If the lands were thus restored to the nation by acts of parliament their restoration could not be correctly described as if they had been the work of Jack Cade; which Lord Macaulay's description implies in the words '*violently taken away*' by acts of resumption.<sup>1</sup>

It would seem that Lord Macaulay does not coincide with Sir Edward Coke and Sir Robert Cotton in his view of some rather important constitutional questions. Lord Macaulay has occasion to discuss the matter in connection with the grants made by William III. to his Dutch favourites. Lord Macaulay's exordium to his discussion of the king's rights and the favourites' deserts or merits might form a neat summary of the virtues of a 'Free Monarchy.' 'The king,' he says, 'had set his heart on placing the house of Bentinck on a level in wealth and dignity with the houses of Howard and Seymour, of Russell and Cavendish. Some of the fairest hereditary domains of the Crown had been granted to Portland, not without murmuring on the part both of Whigs and Tories. Nothing had been done, it is true, which was not in conformity with the letter of the law and with a long series of precedents.'<sup>2</sup>

Here I interrupt the quotation to direct attention to Lord Macaulay's dogmatic statement of what he terms the letter of the law. There is no such letter of the law. Even if there were, and the thing were legal, it would not therefore be either just or constitutional. The words quoted above of some men, who were at least as good lawyers as Lord Macaulay, prove that in their opinion those grants of the property of the public to private subjects were unjust, and that they were *justly* taken back by 'acts of resumption.' Lord Macaulay goes on to say:—

'Every English sovereign, from time immemorial, considered the lands to which he had succeeded in virtue of his office as his private property. Every family that had been great in England had been enriched by royal deeds of gift.'<sup>3</sup>

<sup>1</sup> Macaulay's *Hist. of England*, iv. 220.

<sup>2</sup> *Ibid.*, vol. i. p. 128.

<sup>3</sup> *Ibid.*

What does 'royal gift' mean? After the battle of Hastings, royal gift meant the share which the army which was victorious in that battle had of the plunder assigned to them by their commander. In the Domesday Survey instituted by that commander, Roger of Poitou had, as we have seen, 398 manors; Ilbert de Lacy had 164 manors; Robert Malet had 221 manors. Well, these were not 'royal gifts' in the sense in which the gifts of Queen Elizabeth to the Earl of Leicester, of Charles II. to his mistresses and their descendants, and of William III. to his Dutch favourites, were 'royal gifts.' The grants first mentioned were part of the spoils of a bloody battle won with peril and toil—the spoils of war or of piracy in short. The grants subsequently made were not of the same kind at all. They were in fact grants made by persons giving what was not their own to certain persons who had made themselves useful or agreeable to the persons granting or making the grants, and made in a shape which recalled to the English nation the bitter thoughts of what it had suffered when the Normans had first landed on their coasts; and it did not matter very much whether the grants, certainly unconstitutional if not illegal, were made to a man whose name is linked with some of the most base, treacherous, and cowardly murders; to the issue of duchesses of more than doubtful character, or to a respectable Dutchman.

In the preceding sentence I had first written 'Norman robbers,' but on reflection I struck out the word 'robbers.' Angles, Saxons, Jutes, Danes, Norsemen—Britons, wolves. Landed properties have gone through strange vicissitudes. The Normans having defeated the English in battle, treated the land of the English as their own. And as the Normans had got possession by knocking the English on the head, the English had got possession by knocking the Britons on the head, and the Britons by knocking the wolves on the head. The process may be seen still going on in other parts of the world. If we take India and substitute tigers for wolves, we see how a man may gain ascendancy over his fellow-men by delivering them from their formidable enemies the tigers.

Some forty years ago the tigers had taken to themselves the whole of the country between the eastern skirts of the great chain of the Syadric Ghauts and the Surat coast. A young officer of the East India Company, who afterwards made himself a name, not as a robber like Hastings, the sea-king, but as a destroyer of robbers and other beasts of prey, tigers, panthers, and such-like, obtained over the Bheels an influence powerful enough to turn them from robbers into soldiers, through the respect, amounting to veneration, which they felt for his daring exploits in the extirpation of their dreaded enemies, the tigers. This man might have made himself a king of those wild Bheels; and so some two thousand years before might a Briton, in daring and intelligence excelling his fellows, have become a king in Britain by extirpating the wolves. But the Angles came and destroyed the Britons, or a great part of them, and drove the remnant of them into Wales. Then came the Normans, of whom it has been said that they treated their conquered serfs or bondmen better than the Celts treated those to whose swords they owed their lands. For not only did the Norman leader give portions of the conquered lands to his followers, but even the conquered, who as serfs or villeins tilled the lands of their lords, in process of time acquired, by the liberality of their lords, a vested interest in a portion of the lands they tilled, and became the copyholders of England.

I have said that if lands formerly part of the folcland of the English nation, and after the Norman invasion termed *terra regis*, were granted by kings or queens of England to private subjects, and were subsequently taken back by Acts of Parliament called Acts of Resumption, such resumption of lands granted by persons who were granting what did not belong to them is not, as it seems to me, accurately described in the following words:—‘Anciently, indeed, what had been lavishly given was not seldom violently taken away.’<sup>1</sup> When the land of the State is taken back by the State by a statute solemnly and deliberately made in Parliament, it certainly does appear surprising that the operation of such statute

<sup>1</sup> Macaulay's *History of England*, iv. 220.

should be designated as a violent proceeding, as if it were the result not of a deliberative assembly in which sat men whose proceedings received the deliberate approval of Sir Edward Coke, Sir Robert Cotton, and Sir John Eliot, but of a violent and ignorant mob or rabble headed by Jack Cade.

After the sentence above quoted Lord Macaulay thus proceeds:—‘Several laws for the resumption of Crown lands were passed by the Parliaments of the fourteenth and fifteenth centuries. Of those laws the last was that which, in the year 1485,<sup>1</sup> immediately after the battle of Bosworth, annulled the donations of the kings of the House of York. More than two hundred years had since elapsed without any Resumption Act.’

And why had there been no Resumption Act for more than two hundred years? There had been no Resumption Act because England had been for the time specified under a tyranny which was supported, not indeed by a standing army, but by the weakness of those who had formerly checked the tyranny of the Crown, but whose power had been quite destroyed by the Wars of the Roses; by the devices of crafty kings and queens, by the servile subtlety of Crown lawyers, and by the rack, which was in constant use, in violation of the law of England.

Lord Macaulay goes on:—‘An estate derived from the royal liberality had long been universally thought as secure as an estate which had descended from father to son since the compilation of Domesday Book.’

I have in a preceding chapter<sup>2</sup> observed that there is a fundamental distinction between the grants to those who had shared with William I. the toils and perils of his battles and sieges, and the grants by successors of William I. to those who had had no share in the battles and sieges of the

<sup>1</sup> Sir Robert Cotton designates ‘Acts of Resumption of the Crown Lands’ as ‘the *just* and *frequent* way to supply the wants of the Government, for all,’ he added, ‘from Henry III. but one, till the 6th Henry VIII. have used it.’—*Parl. Hist.* ii. 14–17 (ed. 1807).

<sup>2</sup> Chapter II., towards the end.

Conqueror. It had been repeatedly declared by the voice of the English Parliament that the land which had been since the Conquest designated *terra regis*, or Crown land, was not to be given to private subjects, but was to be appropriated for the maintenance of the royal dignity, and for the charges of carrying on the government. There had, indeed, been no Act of Resumption since 6th Henry VIII., that is, since the English king had, by the result of the Wars of the Roses, been transformed into an Asiatic sultan; and there is not more reason for accepting Lord Macaulay's proposition that because some two hundred years had elapsed without any Resumption Act, an English Parliament which represented the English nation should have no more Resumption Acts, than to accept the same prescriptive usage of the rack for the same period as a precedent that England was for all time to come to enjoy the government of the Tudors together with their principal instrument of government, the rack.

Lord Macaulay further says:—'That these grants, however prodigal, were strictly legal, was tacitly admitted by the Estates of the Realm, when in 1689 they recounted and condemned the unconstitutional acts of the kings of the House of Stuart. Neither in the Declaration of Right nor in the Bill of Rights is there a word on the subject. William, therefore, thought himself at liberty to give away his hereditary domains as freely as his predecessors had given away theirs.'

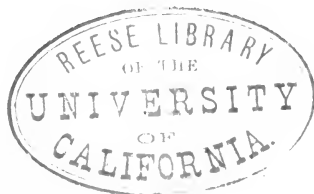
It would be a difficult piece of chemistry to ascertain how much of the root of the title of William the Norman could be traced in William the Dutchman—the root of the title as indicated by the words of Lord Macaulay—whether there was one drop of the original elixir to authorise him to call the land of England 'his hereditary domains.' Moreover, as he has been by his panegyrists put forward as a just man beyond the average measure, it might be a curious question whether he knew what was the average measure of justice adopted by his predecessors. What might be their notions of just or unjust when they had not given any special promise to pursue a certain course it were hard to say. But in the case of Henry



VIII., with regard to the enormous mass of church property that he seized when he brought about the dissolution of the monasteries, that property was given by the prodigal king to private subjects, some of them the ancestors of those who, of course, would avoid so delicate a subject in the Declaration of Right and in the Bill of Rights, in direct violation of the king's promise, solemnly declared in Parliament, that none of it for ever, in time to come, should be converted to private use ; but that it should be used for the necessary expenses of government, and the subject never afterwards charged either with taxes or loans.<sup>1</sup>

To take one case. An accurate history of Sherwood Forest would be profoundly instructive as well as interesting to the student of the land law of England. It has been shown by competent authorities that the property in the greater part of this large tract of country was at no distant time vested in the king as representing the people of England. The whole of this tract of country has now become the property of private subjects ; and it would not be easy to prove that any of the purchase-money has gone into the public exchequer. What has become of it ?

<sup>1</sup> See Coke, 4 Inst. 43, 44.



## CHAPTER V.

THE SECOND FIGHT FOR PARLIAMENTARY GOVERNMENT.—THE  
PURITAN SOLDIERS.

IN the revolution of ages a time came when there rose up in England a body of men who, before they became soldiers and seamen, had been men of peaceful industry—farmers, tradesmen, artisans—a body of men who, by the force of military discipline judiciously exercised, came to be formed into an army that never, either in the British islands or on the continent, found an enemy that could stand its onset.

These persons formed one of two religious sects that have appeared in England. One of these religious sects, by taking the Old Testament, and the other by taking the New Testament for their guide, arrived at such opposite conclusions that the one, commonly called the Puritans, may be called the fighting Puritans, the other, commonly called the Peace Party, may be called the non-fighting Puritans, who, having succeeded sometimes in gaining their objects by passive resistance, have erroneously concluded that England could have been delivered from the tyranny of the Stuarts, and America from the tyranny of George III., without fighting. A correspondent has some remarks which I will quote on this subject:—“Did the “passive resistance” party mean to say that if the king of Ashantee was coming into London with the avowed intention of turning the Trafalgar Square fountains into blood baths, we should be content with “passive resistance”? If they did not, their dictum upon the “sinfulness of war” would seem to sink to the truism that there is a good deal of war that is sinful. To my apprehension, if all war is wicked, police is wicked too. Suppose a ruffian to take post at Charing Cross

and shy brickbats at the passers, I suppose the passive resistance party would bestow their countenance and their blessing on the policeman who should collar him. But suppose the ruffian pulls out a pistol and threatens to shoot the policeman. Suppose he gets some hundreds of other ruffians to back him, and makes it plain that he is not to be collared by anything short of powder and bullet. Are we to resign our skulls to his brickbats, and betake ourselves to passive resistance—which, I presume, means trusting that our skulls may in the long run prove harder than the bricks, and that the bricks will be tired of it first? If not, we make war.’

Of the fighting Puritans some idea may be formed from the character of probably their greatest and most thoroughly representative man, Oliver Cromwell. I will give the character of this great Puritan, drawn by himself in one of those letters published by Mr. Carlyle in *Fraser's Magazine* for December 1847. Mr. Carlyle says: ‘No date, no address now left. Probably addressed to the Committee at Cambridge.’ Mr. Carlyle puts the probable date, ‘London, July 1642.’

The letter runs thus: ‘Dear Friends,—Your letter gave me great joy at reading your great progress in behalf of our great cause.

‘Verily I do think the Lord is with me. I do undertake strange things, yet do I go through with them, to great profit and gladness, and furtherance of the Lord's great work. I do feel myself lifted on by a strange force, I cannot tell why. By night and by day I am urged forward on the great work. As sure as God appeared to Joseph in a dream, also to Jacob, He also has directed—[*some words eaten out by moths*]—Therefore I shall not fear what man can do unto me. I feel He giveth me the light to see the great darkness that surrounds us at noonday—[*five words gone by moths*]—I have been a stray sheep from the fold; but I feel I am born again; I have cast off—[*moths again; nearly three lines lost*]—

‘I have sent you 300 more carbines, and 600 snaphances;<sup>1</sup>

<sup>1</sup> Snaphances were flintlocks, as distinguished from matchlocks.

also 300 lances; which, when complete, I shall send down by the wain with sixteen barrels powder.

‘We [*of the Parliament*] declare ourselves now, and raise an army forthwith: Essex and Bedford are our men. Throw off fear, as I shall be with you. I get a troop ready to begin, and they will show the others. Truly I feel I am Siloam of the Lord; my soul is with you in the cause. I sought the Lord; and found this written in the first chapter of Zephaniah, the 3rd verse: “I will consume man and beast; I will consume the fowls of the heaven, and the fishes of the sea, and the stumbling-blocks with the wicked; and I will cut off man from off the land, saith the Lord.”

‘Surely it is a sign for us. So I read it. For I seek daily, and do nothing without first so seeking the Lord.

‘I have much to say to you all, when I do see you. Till I so do, the Lord be with you; may His grace abound in all your houses. Peace be among you, loving friends; so do I pray daily for your souls’ health. I pray also, as I know you also, for His mercy to soften the heart of the king—[*mothruins to the end; the signature itself half-eaten; indistinctly guessable to have been:*]

‘I shall be at Godmanchester, if it please the Lord, on Monday.

‘OLIVER CROMWELL.’

In saying that those whom I have called the fighting Puritans took the Old Testament as their guide, so far as it encouraged, by the examples which it recorded, a spirit of resistance rising even to ferocity, they also so far studied the New Testament as to perceive a startling inconsistency between the precepts of the New Testament and the practice of those who were their worldly superiors—of those whose power and wealth made them be looked up to as the great ones of the earth. It is one of the privileges of power to throw an impenetrable veil over such of its deeds as it wishes to conceal from public view. Yet from time to time the Puritans obtained glimpses into the palaces of their princes and the halls of

their nobles, and they beheld many things there which they found it hard to reconcile with the commands of that Book which, they believed, was no respecter of persons, but which was intended alike for the rich and the poor, for the prince in his palace and the peasant in his hut. They were Christians; and they diligently read, and much pondered on, the precepts of the Christian morality, and when they saw a king acting in a manner directly opposed to the precepts of their cherished religion, and a church which was the tool of that king, they concluded that such a king and such a church were bad and ought to be put down. And they set about the work of putting them down; but they found that work no child's play, and might have failed in accomplishing it—for at first they met with many overthrows—had they not had the luck to find among them a man of genius, the man whose letter I have just quoted.

This man, bred to peaceful occupations, having been an indifferent brewer and an indifferent gentleman farmer, when more than forty years of age accepted a commission in the Parliamentary army, and at once proceeded to form and drill a regiment of horse, with extraordinary energy and still more extraordinary intelligence. He saw, with the eye of genius, what those who had commanded the Parliamentary armies for the first two years of the struggle had not seen, that it was necessary to oppose the Royalists with a different sort of troops from those hitherto composing the army of the Parliament. He saw that there were materials to reconstruct the army of the Parliament. He began with a troop, as he says in the letter which I have quoted above: 'I get a troop ready to begin, and they will show the others.' The recruits with which he filled this troop were not mere mercenaries, but men of respectable station, small freeholders, farmers, tradesmen, men of grave character, fearing God and zealous for public liberty. With such men he filled his troop, and his regiment when he enlarged his troop to a regiment; and while he subjected them to a discipline 'more rigid,' to borrow the words of Lord Macaulay, 'than had ever before been known

in England, he administered to their intellectual and moral nature stimulants of fearful potency.<sup>1</sup>

Cromwell proceeded to organise the whole army, as he had organised his own regiment. The Royalists had now to encounter courage equal to their own, enthusiasm stronger than their own, and discipline such as neither they nor any other troops of that age possessed. At Naseby took place the first great encounter between the Royalists and the remodelled army of the Parliament. The victory of the Roundheads was complete and decisive. It was followed by other successes, and in a few months the cause of the Parliament was triumphant over the whole kingdom.

There is a circumstance not unworthy of remark regarding the battle of Naseby. The field on which the battle of Naseby was fought sinks towards the middle, while the south and north extremities of it form long low ridges of rising ground, so that, the Parliamentary army occupying the south ridge and the Royalists the north, neither had any advantage of ground. But Fairfax, considering that it might be of advantage to draw up his army out of sight of the enemy, retreated about a hundred paces from the brow of the eminence, that the enemy might not perceive in what form his battle was drawn up. The enemy, perceiving this retreat, thought Fairfax was drawing off to avoid fighting, and advanced with so much haste that they left part of their ordnance behind them. When Bonaparte on the morning of the battle of Waterloo mounted his horse to survey Wellington's position, he could see but few troops. This led him to suppose that Wellington had retreated, leaving only a rear-guard. General Foy, who had served long in Spain, is said to have made this observation: 'Wellington never shows his troops; but if he is there, I must warn your Majesty that the English infantry in close combat is the devil' ('l'infanterie Anglaise en duel c'est le diable').

'Such was the intelligence, the gravity, and the self-command of the warriors whom Cromwell had trained, that

<sup>1</sup> *History of England*, i. 57.

in their camp a political organisation and a religious organisation could exist without destroying military organisation. The same men who off duty were noted as demagogues and field preachers, were distinguished by steadiness, by the spirit of order, and by prompt obedience on watch, on drill, and on the field of battle.

‘In war this strange force was irresistible. The stubborn courage characteristic of the English people was by the system of Cromwell at once regulated and stimulated. Other leaders have maintained order as strict. Other leaders have inspired their followers with zeal as ardent. But in his camp alone, the most rigid discipline was found in company with the fiercest enthusiasm. His troops moved to victory with the precision of machines, while burning with the wildest fanaticism of Crusaders. From the time when the army was remodelled to the time when it was disbanded, it never found either in the British Islands or on the Continent an enemy who could stand its onset. In England, Scotland, Ireland, Flanders, the Puritan warriors, often surrounded by difficulties, sometimes contending against threefold odds, not only never failed to conquer, but never failed to destroy and break in pieces whatever force was opposed to them.’<sup>1</sup>

These Puritan soldiers were men whose constitutional intrepidity, joined to religious enthusiasm, made them regard the day of battle as the day of triumph. So that Turenne, a competent judge of military qualities, was startled by the shout of stern exultation with which his English allies advanced to the combat, and, as Lord Macaulay has eloquently related the story, ‘expressed the delight of a true soldier when he learned that it was ever the fashion of Cromwell’s pikemen to rejoice greatly when they beheld the enemy; and the banished Cavaliers felt an emotion of national pride when they saw brigade of their countrymen, outnumbered by foes and abandoned by friends, drive before it in headlong rout the finest infantry of Spain, and force a passage into a counterscarp

<sup>1</sup> Macaulay’s *History of England*, i. 58.

which had just been pronounced impregnable by the ablest of the marshals of France.'

Those men had so little before their eyes the fear of the Pope, who had blessed the banner of the Norman robber, that they cut off the head of the Norman robber's representative, and issued the following instructions to their Admiral, Robert Blake :—

'You shall remonstrate forthwith to the King of Portugal that those ships now in his ports, *de facto* commanded by Prince Rupert, are of a nature not capable of neutrality; for that they were part of the navy of England, in the real and actual possession of the Parliament, armed, equipped, and furnished by them in their own ports; the mariners being also their own servants, hired by them, and placed in those ships in the immediate service of the Parliament; from which service, and from their duty, the said mariners have perfidiously apostatised and made defection; and as fugitives and renegades have run away with the said ships, and in the same as pirates and sea-robbers they have made depredations, and by adding to their number the ships by them taken, were growing to a strength like to prove dangerous to the interruption, if not the destruction, of all trade and commerce. That they are such fugitives and renegades as have not place in the world which they can pretend to be their own, nor have any port of their own whither to carry their prizes, and where to make show of any form of justice; but whatever they can by rapine take, from any whomsoever, like so many thieves and pirates, they truck the same away when they can get admittance for that thievish trade. And being as they are *hostes humani generis*, they may neither use the law of nations, nor are capable of protection from any prince.

'You shall signify the strict charge laid upon you by the Commonwealth of England to surprise or destroy those revolted ships wherever you can find them.'<sup>1</sup>

It is not unimportant to observe that the term *hostes humani*

<sup>1</sup> *Order Book of the Council of State*, 20th April, 1650. MS., State Paper Office.



*generis* is not strictly classical Latin, that is, is not to be found in any writer of the age of Latin classical purity, as a term stamping a robber or pirate as an enemy of the human race; for the Romans of the classical age were not likely to adopt a term that expressed so accurately their own character. And the term is a noteworthy landmark in the progress of civilisation, denoting that a time had come at last when men dared to give to evil deeds the name that belonged to them.

The Romans had been robbers chiefly by land. The Norsemen had been pirates or robbers by sea. It would appear that a not inconsiderable change had taken place, at least in the west of Europe, since the time when the pirate

Count Witikind was a joyful man,

Less for the faith than the lands that he wan;

and when the Pope blessed the blood-stained banner of Duke William of Normandy, and that a reaction, if but a temporary reaction, had arisen against those blood-stained tyrants and robbers and their representatives. The reaction was, however, to be but temporary, and there was to be a return to the old system of robber and victim till such time as nations slowly wise should be awakened to the necessity of another reaction against land robbers and pirates, or sea robbers. For the pirate spirit is by no means extinct among mankind; and from time to time we meet with elaborate panegyrics on successful and powerful oppressors, which, to borrow the words of an eminent writer, 'would excite admiration in a den of robbers, or on board of a schooner of pirates.'

'Most of the Greek despots, according to Aristotle, rose from the position of demagogues, who had abused the confidence which had been reposed in them by the people.'<sup>1</sup> It would have been, perhaps, an immoderate desire to have wished that the man who had done so much in delivering Englishmen from tyranny should have been able to resist the temptation to set up for tyrant on his own account. I do not

<sup>1</sup> *An Inquiry into the Credibility of the Early Roman History.* By the Right Hon. Sir George Cornewall Lewis, Bart., M.P., vol. ii., p. 230. Cites *Aristot. Pol.* v. 5 and 10.

suppose that Oliver Cromwell had ever heard of Aristotle's statement about the Greek despots having been men who had abused the confidence reposed in them by the people. Oliver was a man who did not value the authority of a name; and who, if he felt disposed to commit a breach of faith, would do it on his own motion and his own responsibility. But in corroboration of the statement of Aristotle, who was an accurate observer and recorder of facts, a modern historian has on this point expressed himself more strongly than Aristotle, saying, 'In every age the vilest specimens of human nature are to be found among demagogues.'<sup>1</sup>

Oliver Cromwell had delivered parliamentary government from an implacable enemy by his overthrow of King Charles the First's armies at Marston Moor and Naseby; and that king's public execution had broken the spell of impunity for crimes that the divine right fictions of the two preceding centuries had woven round kings. But when Oliver saw fit to turn suddenly round upon the parliamentary government he had fought for and set himself up in its place, he gave parliamentary and good government of every kind a blow that it was not easy to recover from. Yet so strong at that time was the conviction against 'the government of a single person,' that Cromwell himself, even after he had concentrated all the powers of government in his own person, is reported to have said, 'I approve the government of a single person as little as any man.' This remark of Cromwell is reported to have been made with reference to Harrington's 'Commonwealth of Oceania,' which work Harrington dedicated 'To His Highness the Lord Protector of the Commonwealth of England, Scotland, and Ireland.' A commonwealth, in the sense of a republic, with such a 'Protector' is a contradiction in terms. The Cæsars might as well be called 'Protectors of the Roman Republic,' or the boa-constrictor the protector of the rabbit he has swallowed. The truth of the assertion by which Cromwell qualifies his disapproval of 'the government of a single person,' that he 'was forced to take upon him the

<sup>1</sup> Lord Macaulay's *History of England*, vol. i., p. 280.

office of a high constable to preserve the peace among the several parties of the nation,' is involved in the other assertion that Cromwell governed better than the Long Parliament. Indeed, one foreign writer on English History asserts that no party could govern like Cromwell. This remark is only true as applied to the state of things after Cromwell's death, when it was found, by those who attempted to cause the public affairs to revert to their former channel, that, as the writer of the preface to 'Ludlow's Memoirs' observes, 'Oliver had so choked the springs that the torrent took another course;' and after a short period of struggle among parties, Monk, according to the opinion of some, sold the nation to Charles II.; according to the opinion of others, restored the monarchy by pacific means. M. Guizot, who is not quite so much of an authority on political questions now as he was when he figured as Minister to Louis Philippe, says in the preface to his historical study of Monk: 'From two quarters did good sense concur to effect the restoration of the English monarchy in 1660—the good sense of a man, and the good sense of the country, or, to speak more exactly, of the monarchical party in the country. Two centuries ago it was said in England, too, that the monarchy had disappeared without hope of return, and that the commonwealth alone was possible. Monk saw that this was false. . . . Monk made up his mind in favour of the monarchy. But in advancing towards his object, Monk so used and abused falsehood that to prejudiced and superficial minds it must have appeared doubtful whether his mind was made up. . . . He uttered lies with a cool determination which confounded his most intimate adherents.'

It would seem from this that M. Guizot is of opinion that falsehood is a necessary part of the science of government, according to the Machiavellian or Borgian maxim that the science of government is the science of lying—'Qui nescit dissimulare nescit regnare.' The words used by M. Guizot may seem to justify the use of falsehood; a justification which politicians of average honesty most firmly refuse to admit. Nevertheless I will give M. Guizot the advantage of

Burke's opinion on this point. Burke says, 'It must be admitted that Monk freed this nation from great and just apprehensions both of future anarchy and of probable tyranny in some form or other.' 'It must be observed that Burke, while he approves of the restoration of monarchy in England, does not speak like a court parasite of the man whom Monk brought in upon England. 'The person given to us by Monk,' says Burke, 'was a man without any sense of his duty as a prince, without any regard to the dignity of his crown, without any love to his people; dissolute, false, venal, and destitute of any positive good quality whatsoever, except a pleasant temper, and the manners of a gentleman.'

When this man's brother, if possible a worse man than himself, had succeeded to him as a punishment to the nations of England, Scotland, and Ireland for their sins; when this tyrant had fled from England, warned by the fate of his father; when, after taking refuge in France, he went to Ireland with some assistance furnished him by the King of France, and there, by the persecution of the Protestants, by the issue of base money, by the great Act of Attainder, 'a law,' says Lord Macaulay,<sup>1</sup> 'without a parallel in the history of civilised countries,' he inflicted unspeakable evils; when every messenger from Ireland brought evil tidings, 'it was natural,' says Lord Macaulay, 'that Englishmen should remember with how terrible an energy the great Puritan warriors of the preceding generation had crushed the insurrection of the Celtic race. The names of Cromwell, of Ireton, and of the other chiefs of the conquering army, were in many mouths. One of those chiefs, Edmund Ludlow, was still living. At twenty-two he had served as a volunteer in the parliamentary army; at thirty he had risen to the rank of lieutenant-general. He was now old, but the vigour of his mind was unimpaired. His courage was of the truest temper; his understanding strong but narrow. What he saw he saw clearly; but he saw not much at a glance. In an age of perfidy and levity, he had, amidst manifold temptations and

<sup>1</sup> *History of England*, ii. 345.

dangers, adhered firmly to the principles of his youth. His enemies could not deny that his life had been consistent, and that with the same spirit with which he had stood up against the Stuarts he had stood up against the Cromwells. . . . A small band of vehement and determined Whigs regarded Ludlow with a veneration which increased as years rolled away, and left him almost the only survivor, certainly the most illustrious survivor, of a mighty race of men, the conquerors in a terrible civil war, the judges of a king, the founders of a republic. More than once he had been invited by the enemies of the House of Stuart to leave his asylum, to become their captain, and to give the signal for rebellion; but he had wisely refused to take any part in the desperate enterprises which the Wildmans and Fergusons were never weary of planning.’<sup>1</sup>

When Cromwell, on his return from Ireland to London, came to Tyburn, the place of public execution, where a great crowd of people was assembled, a flatterer exclaimed, ‘What a number of people come to welcome you home!’ Cromwell replied, ‘But how many more would flock to see me hanged!’ About a hundred and fifty years after that day Washington entered New York in a bark which had thirteen pilots for rowers, representing the thirteen States; and his feelings have been thus described by himself: ‘The movement of the boats,’ he says in his journal, ‘the decking out of the ships, the music, the roar of cannon, the shouts of the people, whilst I went along the quays filled my soul with painful instead of pleasing emotions; for I thought of the scenes altogether different which perhaps would take place some day in spite of the efforts I should have made to do good.’

‘Curious analogy and glorious difference,’ says M. Guizot, in his historical study of Washington, ‘between the sentiments and the words of a great man corrupted, and of a great man virtuous.’

The difference between the conduct of Cromwell in 1653 and that of Washington in 1782, who refused, ‘with great

<sup>1</sup> *History of England*, iii. 126.

and sorrowful surprise' (those were his words), the supreme power and the crown which certain discontented officers offered him, had most momentous consequences. Lord Macaulay considers the cause of the difference between the politicians of the Long Parliament and the politicians who succeeded them to lie in the difference between the moral qualities 'which distinguish the men who produce revolutions from the men whom revolutions produce.' If this be true, and if the moral qualities of Shaftesbury, of Danby, of Churchill, of Jefferys, of Lauderdale, of Claverhouse, were the natural fruit of the great English Revolution—why then, it may be asked, did not the American Revolution produce an equally abundant crop of such men? The answer is, that it would have produced such a crop if Washington had acted the part which Cromwell acted; that is, if he had turned round, and made use of the military power which he possessed to ruin the cause for which he had fought, and the men with whom he had acted, and who had entrusted him with that military power. By such a proceeding he would have driven away, or imprisoned, or destroyed, as Cromwell did, all the men who had fought and acted for something higher than self; and would have let loose, as Cromwell did, all the men whose god was like his own, to borrow a phrase of John Lilburne's, 'self in the highest.' The character of Shaftesbury was a sort of archetype of the characters of the politicians who appeared in England, not only after the restoration of Charles the Second, but after the expulsion of the Long Parliament by Cromwell. From that time, if we except Blake—who continued to fight the foreign enemies of England, but who never in any sense became the creature of Cromwell<sup>1</sup>—none of the great spirits, whose fixedness of purpose and terrible energy had fought the great fight for liberty in the hall of debate as well as on the field of battle, had borne down the opposition alike of adverse opinions and of hostile armies,

<sup>1</sup> Neither Admiral Blake nor his brother Benjamin, nor his nephew Robert, ever set their hands to the declaration of approval of Cromwell's expulsion of the Parliament, to which Cromwell obtained the signatures of

and extorted even from enemies a reluctant admiration, ever more acted with Cromwell. Between him and them there was a deep and impassable gulf fixed. Henceforth, he must seek for other instruments of his will; for those who had been his fellow-labourers in the great work of delivering England from civil and religious tyranny would never more work with Cromwell. Though Cromwell had particularly insulted Sir Henry Vane when, as Charles Dickens has expressed it, he 'cleared out the Parliament, locked up the place, and put the keys in his pocket,' he knew well the importance of obtaining Vane's countenance to his usurpation, and applied to him to become a member of his Council of State. From Belleau,<sup>1</sup> his house in Lincolnshire, to which he had retired after April 20, 1653, Vane wrote a brief answer to the application from the Council, that 'though the reign of saints was now no doubt begun, he was willing, for his part, to defer his share in it till he should go to heaven.'<sup>2</sup>

The last meeting recorded in the Order Book of the Council of State is on Friday, April 13, 1653. No business of any particular importance is recorded in the minutes. There were eighteen members of the Council present, including Vane, Scot, the Earl of Salisbury, and Sir Arthur Haselrig. Bradshaw was not President of the Council for this month, though he took a prominent part in answering Cromwell when, after having expelled the Parliament on the morning of April 20, in the afternoon of the same day he went to the Council of State, accompanied by Lambert and Harrison, and said: 'Gentlemen, if you are met here as private persons, you shall not be disturbed; but if as a Council of State, this is no place for you.' The Earl of Salisbury was President of the Deane, Monk, Penn, and many of the captains of the ships. See the declaration in Granville Penn's *Memorials of Sir William Penn*, vol. i., pp. 489-491. London, 1833. See also Dixon's *Robert Blake*, p. 247, 8vo. edition, London, 1852.

<sup>1</sup> Forster's *Life of Sir Henry Vane*, p. 172. London, 1837.

<sup>2</sup> Forster's *Life of Oliver Cromwell*, vol. ii., p. 129. London, 1839. Cites an intercepted letter of Mr. T. Robinson to Mr. Stoneham, at the Hague, in Thurloe's *State Papers*, vol. i., p. 265.

Council for the month preceding—namely, from February 23 to March 23.<sup>1</sup> For the month following, namely, from March 23 to April 23—which last day the Council did not live to see—Dennis Bond<sup>2</sup> was President of the Council.

The hard fact is indeed widely different from the parliamentary elysium described by Blackstone as the result of his imaginary constitutional balance;<sup>3</sup> and instead of the condition of blissful rest painted by the eloquent and learned commentator on the laws of England, we perceive, on a close inspection, a perpetual struggle, which seems to end only to begin again after a few years. The great struggle of the first half of the 17th century had to be renewed in the second half of that century. And even that great struggle itself, though an essential preliminary to parliamentary government, did not immediately produce what we now understand by that term. The Government of England, established in 1649, though called a Commonwealth with a Parliament, was not strictly parliamentary government. It wanted the essentials of true parliamentary government—a second chamber and a parliamentary opposition. It thus was deprived of the counterpoise necessary to protect any man or body of men from themselves when exposed to the corrupting influences of unchecked power. However, Cromwell soon put a stop to the existence of the short-lived Commonwealth; and while he lived parliamentary government was as much dead as it was under Charles I. Under Charles II. it came again into a sort of unwholesome and feeble vitality, able, however, by a majority of 2—151 to 149—to substitute the excise for the feudal payments to the Government, and thus make the tenants in chief a present of a large proportion of the land of England. There must have been, to judge from the large

<sup>1</sup> 'That the Earl of Salisbury be appointed President of the Council for the month ensuing.'—*Order Book of the Council of State*, Wednesday, 23 February, 165 $\frac{2}{3}$ . MS. State Paper Office.

<sup>2</sup> 'That Mr. Bond be appointed President of the Council for the month ensuing.'—*Order Book of the Council of State*, Wednesday, March 23, 165 $\frac{2}{3}$ . MS. State Paper Office.

<sup>3</sup> See 1 Bl. *Comm.* 53, 54.



minority of 149, a stronger representation of the towns and trading classes as contrasted with the landed interest, than we have seen in the Parliament elected in 1874. Be that as it may, 'the great majority of the House of Commons,' says Lord Macaulay, writing of the Parliament of 1661,<sup>1</sup> 'were zealous royalists. All the means of influence which the patronage of the Crown afforded were used without limit. Bribery was reduced to a system. The king, when he could spare money from his pleasures for nothing else, could spare it for purposes of corruption. The gold of France was largely employed for the same purpose. Yet it was found that there is a natural limit to the effect produced by means like these. It is curious to observe how, during the long continuance of this Parliament, called the Pension Parliament, the power of the Crown was constantly sinking, and that of the Commons constantly rising. The meetings of the Houses were more frequent than in former reigns; they had begun to make peace, to make war, to pull down, if they did not set up, administrations.'

The Cavaliers who formed a large proportion of the members of Parliament, and who thus found themselves able to make peace and war, showed, as might be expected, less gratitude for these benefits, which they owed to the swords of the Roundheads, than exasperation for the humiliations they had suffered. They were, indeed, but little aware of the vast advantages the parliamentary war had given them—so little that on the accession of James II., or soon after his accession, when he was at the height of power and prosperity, the Cavaliers, or the Tories, as they then began to be styled, looked upon the Roundheads, or Whigs, as they also about the same time began to be styled, pretty much as the Tories of the present day look upon persons who have been contaminated by having been members of the Anti-Corn Law League. 'The name of Whig,' says Lord Macaulay,<sup>2</sup> 'was never used except as a term of reproach. The Parliament was devoted to the king.

<sup>1</sup> *Essay on Sir William Temple.*

<sup>2</sup> *History of England*, vol. i., pp. 319, 320.

. . . It seemed, indeed, that it would not be easy for him to demand more than the Commons were disposed to give. Already they had abundantly proved that they were desirous to maintain his prerogatives unimpaired.'

In the nineteenth century those who, whether belonging to the denomination of Whig or Tory, Liberal or Conservative, are the representatives of the tenants in chief of Domesday, would seem to consider themselves as a very ill-used portion of the community. Sir Robert Peel, in his address to the electors of Tamworth, June 28, 1841, is reported to have said: 'The proposition of buying corn in the cheapest market is certainly tempting in theory; but before you determine that that is just, you must ascertain the amount of burdens to which land in other countries is subjected, and compare them with the burdens imposed on land in this country. Look at the amount of poor rates levied from land in this country, compared with the amount levied from the profits of manufactures. Who pays the highway rate? Who pays the church rate? Who pays the poor rate and the tithes? I say not altogether, but chiefly, the landed occupier of this country; and if there be corn produced by other land not subject to those burdens, it would clearly be not just to the land of this country to admit that corn on equal terms.'

Nearly forty years after the time when Sir Robert Peel spoke the words quoted above, another Prime Minister, the Earl of Beaconsfield, spoke the following words in the House of Lords, on Friday, March 28, 1879: 'If there is anything in the state of our system of taxation which acts unfairly to the British farmer, we have shown that we were prepared, and even eager to remove it, by the series of relief which we have given him.' The noble earl then proceeded to state five items, amounting together to more than two millions, and added, 'every one of those five items during the past five years has been carried, and every one of those burdens paid out of the Consolidated Fund.'

All this, however, failed to give complete satisfaction to the agricultural mind, as would appear, or might be inferred,

from these words of the Marquis of Huntly: 'I said, thanks to the Government, real property has been relieved by two millions, but that other charges had been put upon it.' To this the reply of the Earl of Beaconsfield was in these words: 'The other charges were for the poor, but after discussions of great length all parties and all governments came to the resolution that to make the relief of the poor an affair of the State, and to fasten and fetter it upon the general fund of the country, would be one of the most disastrous and pernicious measures that could be proposed.'

In the next chapter some facts will be given, on the authority of acts of parliament, which show that if the tenants in chief are now an ill-used and down-trodden portion of the community, there was a time, some two hundred years back, when they were able to make their interests paramount to the interests of all other classes in England.



## CHAPTER VI.

CAN THE EXCISE OR CAN THE LAND TAX BE CONSIDERED AN  
EQUITABLE EQUIVALENT FOR THE PROFITS OF THE FEUDAL  
TENURES ?

THE Normans took from the Anglo-Saxons or English their country, but bound themselves by the most solemn engagements, which they fulfilled for 600 years, to defray the charges of governing England in peace and defending it in war. In the course of ages a time came when the holders of the land of England proposed as a boon to the people whose land had been taken from them that those who held it as the representatives of the captains of William the Norman conqueror in 1066 should hold it for the future discharged from the 'oppressive' incidents of their tenure; in other words, that the people of England who had nothing but their labour to subsist on should in future pay all the expenses of governing it in peace and defending it in war. Some of the conditions on which lands were held in England were of such a nature as to make it desirable for the tenants to exchange them for others of a less objectionable character; and in the reign of James I. a plan, of which Coke has in the fourth part of his *Institutes* given an account, 'was moved on the king's behalf to Parliament for commuting the feudal services into a competent yearly rent.'<sup>1</sup> The amount of the rent proposed as a substitute for the king's feudal rights was 200,000*l.* a year;<sup>2</sup> and since it appears from the account of James's revenue during the first fourteen years of his reign that his ordinary income did not exceed 450,863*l.*,<sup>3</sup> it follows that at that time those feudal rights of the crown were equal

<sup>1</sup> 4 *Inst.*, 202, 203.

<sup>2</sup> 1 *Sincl. Hist. Reven.*, 233.

<sup>3</sup> *Ibid.*, 244.

to nearly one-half of the whole revenue of the kingdom. To the statement given on the authority of Lord Chief Justice Coke it may be added that Mr. Justice Blackstone has characterised the proposal of an annual rent-charge, or fee-farm rent, as 'an expedient seemingly much better than the hereditary excise, which was afterwards made the principal equivalent for these concessions.'<sup>1</sup>

We have heard a good deal lately about parliamentary and personal government. Circumstances which it would be tedious to enumerate have led me to examine somewhat minutely the machinery of parliamentary as well as of personal government. The result of my enquiry was that stratagem in legislation is by no means confined to personal government, but has been practised to a very considerable extent by parliamentary government. The reign of Henry VII. in England was an example of stratagem in legislation practised by personal government. By stratagem in legislation is meant that laws are made professing to be one thing and being another thing. To take one example out of many, the statute of fines for landed property was, says Blackstone, 'craftily and covertly contrived to facilitate the destruction of entails, and make the owners of real estates more capable to forfeit as well as to alien. . . . In short, there is hardly a statute in this reign, introductive of a new law or modifying the old, but what either directly or obliquely tended to the emolument of the exchequer.'<sup>2</sup>

If we pass over two hundred years, we find a great change in England. It is no longer the king who is the dominant power, and can mulct the landholders for the emolument of his exchequer; but it is the landholders who are the dominant power and can mulct all who are not landholders by throwing off from their own shoulders the burden of taxation. This they accomplished very much as Henry VII. had accomplished his objects, that is, by Acts of Parliament 'craftily and covertly contrived' to *seem* to be one thing, and to *be* another thing.

The result of the great and sanguinary struggle between the king and the parliament which took place between 1640

<sup>1</sup> 2 Bl. Comm., 77.

<sup>2</sup> 4 Bl. Comm., 429.

and 1650 was not by any means favourable to those who were the representatives of the individuals to whom the land of England had been portioned out more than 500 years before as private property. If those persons had succeeded in defeating both the king and the portion of the people of England who were not among those holding the land of England as private property, they might, by the usual logic of conquerors, have claimed to hold their land in future discharged of all obligations towards those they had conquered in fields of battle. But instead of having been victorious, they were thoroughly and repeatedly beaten; and therefore the conqueror's logic was entirely on the side of their opponents. The people of England, who had so thoroughly beaten on many fields of battle those who called themselves the representatives of the conquerors of 1066, might reasonably have hoped to derive some advantage from their victories. But instead of advantage they were called upon to pay contributions towards the public revenue, which had been payable for 600 years by those who had received grants of land on the express condition that they should pay those contributions to the State.

As has been before mentioned, there were from the time of the Norman Conquest of England two principal sources of public revenue: the first, the income or produce of the crown lands, as they are now called; the second, the emoluments arising from certain rents and services annexed by way of condition to the grant of such lands as were granted to individuals. These rents and services constituted, in fact, the purchase-money of the lands in question; and could no more be equitably taken away<sup>1</sup> without an equivalent than the purchase-

<sup>1</sup> The statute 12 Car. II. c. 24 is intitled, 'An Act for taking away the Court of Wards and Liveries, and tenures *in capite*, and by knight-service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof.' 'The title of the Act,' observes Mr. Hargrave, 'expresses that it was made for taking away tenure *in capite*, and the first enacting clause proceeds on the same idea. But had the Act been accurately penned it would simply have discharged such tenure of its oppressive fruits and incidents, which would have assimilated it to *free and common socage*, without the appearance of attempting to annihilate the *indelible* distinction

money of an estate at the present time could be withheld or left unpaid while the defaulter insisted on retaining possession of the estate. However, though they might not be *equitably* taken away, they were taken away, and a tax, under the name of an excise on beer and ale, was substituted for them—a tax which amounted in fact to taking away an immunity from taxation from the very considerable portion of the population of England who were not tenants *in capite*, and conferring it upon those who were tenants *in capite*.

The motion for substituting the excise for the feudal dues was carried by a very narrow majority of two, the numbers being 151 to 149. The vote of those 151 men may be, I believe, correctly described as perpetrating an act of injustice on a large scale. In other words, this act may be described as a great political crime perpetrated, not, as great political crimes have often been, by one great man, but by 151 small men. But among the members of that Convention Parliament there were many men whose sense of justice was so strong as to induce them to give most decided opposition, both by speech and vote, to an act which they saw was an act of the most flagrant injustice. And indeed it is matter not of wonder but of admiration that 149 men should have been found in that Parliament who had the honesty and the courage to vote against a fraud so profitable to themselves, and that some of them should so boldly utter their opinions to those public plunderers under colour of law. In the debate which preceded the division of 151 to 149, the greater number of speakers were against the excise; and though the Court of Wards certainly afforded a very fair subject for invective, the strongest expression of opinion came from those who spoke against the excise, Mr. Annesley saying that ‘if this bill was carried, every man who earns his bread by the sweat of his brow must pay excise to excuse the Court of Wards, which would be a greater grievance upon all than the Court of Wards was to a few;’ and Mr. Prynne saying, between holding *immediately* of the king, and holding of him through the medium of other lords.’ Hargr. *Co. Litt.* 108 a. n. (5).

'it was not fit to make all housekeepers hold *in capite*, and to free the nobility; and inveighed passionately, says the diary, against the excise.'<sup>1</sup>

The Act of Parliament (12 Car. II. c. 24) which abolished the Court of Wards and Liveries, and tenures *in capite*, and by knight-service, completely altered the fundamental element of the constitution of this country. The government previously to that Act was a feudal monarchy, the very essence of which is that the public expenses of the government, both in war and peace, shall be defrayed by the various feudatories, the deficiency, if any, being provided for out of the public property in land vested in the monarch for the time being, and by taxes or subsidies granted by Parliament. But in order to guard against the confusion of ideas caused by raising a cry against the evils of feudalism, and the advantage of getting rid of them, it is to be observed that this Act gave to the feudatories a complete discharge from the *oppressive* incidents of their tenure, without enforcing an equivalent for this benefit. It confirmed their rights, discharged from the correlative obligations; and thus created the moral and legal anomaly of rights without obligations—an anomaly which cannot exist without a legal and logical absurdity and a moral fraud. For it is perfectly clear that the excise cannot be considered as an equitable equivalent for the profits of the feudal tenures abolished by the statute 12 Car. II. c. 24.

At the Revolution an attempt was made to redress the injustice perpetrated at the Restoration of Charles II., and a *bonâ-fide* property tax was levied by annual Acts of Parliament, erroneously called Land Tax Acts.<sup>2</sup> By these Acts an

<sup>1</sup> *Comm. Journ.* November 21, 1660. 4 *Parl. Hist.* 148, 149.

<sup>2</sup> Men of great intelligence and historical knowledge have written about the origin of the land tax as if it were a very simple transaction. Lord Macaulay concludes his flowing narrative of the affair with a reference at the bottom of the page 'See the old Land Tax Acts,' conveying the impression that his lordship had read what he calls 'the old Land Tax Acts' from beginning to end, and could recommend them to 'the general reader' as rather light reading. In order to 'see the old Land Tax Acts' the enquirer must have recourse to the Record Commissioners' edition of the



aid was granted for each year, without specifying any *fixed* sum, of 4s. in the pound on the true yearly rental of real property, and 24s. for every 100l. of personal property (except debts, stock on land, and household goods). This was the principle of the 1 Will. and M., sess. 1, c. 20, the 1 Will. and M., sess. 2, c. 1; the 1 Will. and M., sess. 2, c. 5. The statutes 2 Will. and M., sess. 2, c. 1, and 3 Will. and M. c. 5, are a departure from the principle of the three statutes before mentioned, inasmuch as in these two statutes a *fixed* sum is to be made up. In 1692 Parliament, in the statute 4 William and M. c. 1, returned to the principle of the three statutes, 1 Will. and M. sess. 1, c. 20; sess. 2, c. 1; and sess. 2, c. 5. But the *principle* of the statute 4 Will. and M. c. 1, which was strictly observed in the five succeeding Acts called Land Tax Acts, was in 1697 altogether and finally departed from in the 9 Will. III. c. 10, by which, as in the two Acts above mentioned—namely, the 2 Will. and M., sess. 2, c. 1, and the 3 Will. and M. c. 5—a *fixed* sum was granted, by words which directed that sum to be made up in a way which was never carried into practice, for what reason not even the chairman of the Board of Stamps and Taxes, nor the registrar of the Land Tax (see their evidence before the Select Committee of the House of Commons on Agricultural Distress in 1836) seems to have any accurate knowledge.

If the statute 9 Will. III. c. 10, of which all the subsequent statutes. In the common printed edition, the statute 4 Will. & M. c. 1 is the only one of the Land Tax Acts of which more than the title is printed. As the knowledge of the land tax question could only be acquired by a careful perusal of many old Acts of Parliament, I may be permitted to state that it became necessary for me to go through that labour some years ago in writing an answer to a case submitted to me professionally on behalf of the Council of the Anti Corn Law League. The Council printed at the time two thousand copies of the argument which I drew up in answer to their questions. This publication, if it may be so called, has long been out of print. Having been repeatedly applied to for copies, as also was Mr. Cobden, who frequently referred applicants to me, I have thought that a summary of the argument as given in the text might be of use.

statutes called Land Tax Acts are little else than copies, had been but a temporary expedient, the strange repugnance between the name as well as apparent purpose of the Acts called Land Tax Acts and their true character might have arisen from the blunders of the draftsmen and the ignorance of Parliament. But when for a whole century a scheme for raising money was re-enacted in almost identical words every year—when every year for a hundred years a law was framed in such a shape that it appeared to be one thing, and was in fact another thing; the inference is that the statute of 9 Will. III. c. 10 was, like the statute of fines in the reign of Henry VII., ‘craftily and covertly contrived’ for the benefit of those who in the reign of William III. possessed the political power which when the statute of fines was made was possessed by Henry VII.

Lord Chief Justice Coke,<sup>1</sup> Mr. Attorney-General Noy,<sup>2</sup> and Mr. Justice Blackstone,<sup>3</sup> all proposed an annual rent-charge, or fee-farm rent, as an expedient much better than the hereditary excise, which was made the principal equivalent for the feudal payments. But Sir Heneage Finch, when the business of the Court of Wards was disposed of, moved the resolution ‘that the income to be settled on the king in lieu thereof might be raised by an excise on beer and ale,’ and Sir A. A. Cooper spoke for the excise. I am sorry to have to add that while Lord Macaulay has treated the character of Sir A. A. Cooper, afterwards Earl of Shaftesbury, with great, but hardly too great severity, he has altogether passed over his conduct in this matter of the feudal tenures.

Lord Macaulay says: ‘It is certain that, just before the Restoration, Shaftesbury declared to the Regicides that he would be damned body and soul rather than suffer a hair of their heads to be hurt, and that, just after the Restoration, he

<sup>1</sup> 4 Inst., 202, 203.

<sup>2</sup> *The Treatise on the Rights of the Crown* may be considered as of nearly equal authority, whether it was by Noy or Sir Robert Cotton.

<sup>3</sup> 2 Bl. Comm., 77.

was one of the judges who sentenced them to death. It is certain that he was a principal member of the most profligate Administration ever known, and that he was afterwards a principal member of the most profligate Opposition ever known.'<sup>1</sup> This is not a panegyric, yet it would seem, from Lord Macaulay's manner of narrating in his 'History of England' the abolition of the feudal tenures, that Sir A. A. Cooper merited a panegyric from Lord Macaulay for the part he took in the debate on the business of the Court of Wards. For we are informed that 'Sir A. A. Cooper spoke against the Court of Wards and for the excise.'<sup>2</sup> Lord Macaulay speaks only of the grievances and the wishes of 'the landed proprietors,' or 'landed gentlemen.' He says, 'These abuses had perished with the monarchy. That they should not revive with it was the wish of every landed gentleman in the kingdom,'<sup>3</sup> seeming to forget that there were a good many persons in England who were not landed gentlemen; and even that, according to the opinion of some members even of the Convention Parliament, 'if that bill' (introduced by Sir Heneage Finch, and supported by Sir A. A. Cooper) 'were carried, every man who earns his bread by the sweat of his brow must pay excise, to excuse the Court of Wards, which would be a greater grievance upon all than the Court of Wards was to a few.'<sup>4</sup>

It would appear that the members of the Select Committee of the House of Commons on Agricultural Distress in 1836 considered the landed interest to have been somewhat hardly dealt with. This opinion will not be shared by those who have really examined the Land Tax Acts, and have been led to ask the question, what reason was there for framing a law in such a shape that appeared to be one thing, and was in fact another. The Acts 1 Will. and M. sess. 1, c. 20; 1 Will. and M., sess. 2, c. 1; 1 Will. and M., sess. 2, c. 5; 4 Will. and M. c. 1; 5 Will. and M. c. 1; 6 and 7 Will. and M.

<sup>1</sup> *Essay on Sir William Temple.*

<sup>2</sup> *4 Parl. Hist.*, 148, 149, *Comm. Journ.*, Nov. 21, 1660.

<sup>3</sup> *History of England*, i. 73.

<sup>4</sup> *Parl. Hist.*, 148, 149.

c. 3; 7 and 8 Will. III. c. 5; 8 and 9 Will. III. c. 6 and c. 24, imposed a *bonâ fide*, an actual, a substantial tax on real property, a *real, not a nominal land tax*, at the rate of 4s. in the pound for the year, to be raised in each of these six years on the full and true annual rental, at the time of assessing thereof, of all the real property in the kingdom. But by the statute 9 Will. III. c. 10, and all the subsequent statutes called 'Land Tax Acts,' down to the 38 Geo. III. c. 5, the frame of the law was totally changed, and a certain specified sum was then to be raised by a certain specified rate imposed on the personal property of the kingdom, 'according to the true yearly value thereof.'<sup>1</sup> Now a rate of 4s. in the pound on all the personal property of the kingdom, even at the time of the last annual Land Tax Act (the 38 Geo. III. c. 5), much more at the present time, would amount to very much more than the whole sum specified by the Act. Therefore there would be no residue or deficiency to be made up from the pound rate ordered to be levied upon the lands, tenements, &c., of the kingdom, with so much 'equality and indifference;' and therefore it may be considered as clear that the tax called the land tax has been levied in an illegal manner; that is, that it has not been levied in strict conformity with the words of the Act of Parliament creating it.

Moreover, the words, as before observed, were 'of the full yearly value at the time of assessing thereof.' Now I apprehend that these words may be considered as having some application to all the years in which this tax was levied, at least down to the passing of the Act 38 Geo. III. c. 60, which made the specified amount, as then levied, perpetual on certain terms. In all the Acts down to the 38 George III. c. 5 inclusive the commissioners are directed to appoint 'assessors'<sup>2</sup> for the purpose of assessing all the property, real as well as

<sup>1</sup> 38 Geo. III. c. 5, s. 3. The words are preserved unaltered from year to year for a century. They were used also in the clauses relating to *real* property till the 9 Will. III. c. 10, after which they never occur as applied to *real* property, but always to *personal*.

<sup>2</sup> See 38 Geo. III. c. 5, s. 8.

personal. Now if there be any meaning in all this, the meaning surely is, that there was to be every year a *new* assessment, for otherwise what need would there be of assessors for the real estates? *Collectors* of the moneys to be levied would be sufficient, whereas there is always a distinct and separate clause for the appointment of '*collectors* of the moneys which shall be assessed as aforesaid.'<sup>1</sup> What was to be the *valuation* of the real property on which the pound rate was to be levied? It is true the words 'according to the full true yearly value thereof' are omitted after 1696, but there are no express words to exclude the implication of them. I have met with no clause declaring the will of the Legislature to be, that the *valuation* made in the fourth year of King William and Queen Mary shall prevail in future years. I have met with a clause declaring that the proportions shall be used; but the proportional rate of contribution means something quite different from the real rate. The Acts after the 7 and 8 Will. and M. c. 5 being obscure as to the manner in which the rate was to be levied upon real property, if we adopt from the previous Acts the words 'of the full true yearly value at the time of assessing thereof,' we find some meaning given to the clauses in the subsequent Acts ordering with such minuteness the appointment and marking out the particular duties of 'assessors.' Nor is this construction repugnant to specifying the total amount to be levied under the Act for the year. As the rate is not fixed at which the assessment is to be made on real estates, the magnitude of the amount on which the rate is to be made would only have the effect of diminishing the amount of the rate itself, since, where the sum to be raised, and the value of the property on which it is to be raised, are given, but the rate in the pound not given, the amount of the rate will be in the inverse ratio of the amount of the fund on which it is to be raised. This seems to me further confirmation of the opinion that the commissioners of the land tax, as they are called, have been all along proceeding in an illegal manner.

<sup>1</sup> See 38 Geo. III. c. 5, s. 8.

In regard to the question, 'Whether a constitutional right now exists to a revaluation of the land, for an assessment for the land tax, by a pound rate on the full yearly value at the time of assessing thereof, as appears to have been the intention of Parliament at the Revolution,' it is necessary to call attention to the words 'legal' and 'constitutional.' Although I have said that the commissioners of the land tax have been proceeding in an illegal manner, inasmuch as they have been departing from the precise words of the Acts of Parliament giving them existence, I do not say that the present land tax is *illegal*, since those who have the power of making the laws can make anything they please legal. They may make a law imposing a tax upon one class of persons which ought to be borne by another class, which tax, though in natural equity a downright robbery, it would be a contradiction in terms to denominate *illegal*. They may make a law enabling them to sell a certain number of Englishmen for slaves, and put the money in their pockets. They may even strangle a nation in the night-time by a thing they may call a plébiscite or a prerogative—it does not much matter which—but though there are probably few words used more vaguely and loosely, with less precise and definite meaning, than the words 'Constitution' and 'Constitutional,' yet I do not think that any man—any Englishman at least—who has received a legal education, and possesses the cerebral substance, the want of which no education can supply, will be found who will term such an act 'constitutional,' who will not, on the contrary, term it 'unconstitutional.' And it appears to me that the term 'unconstitutional' has about an equal right to be applied to the land tax in its present state. Between a *constitutional right* and a strictly *legal right* there exists also, I apprehend, this important distinction, that the former neither falls within the jurisdiction of the ordinary tribunals, nor within the ordinary statutes for limiting the time in which the legal right may be recovered. Consequently, in that court, viz. the High Court of Parliament, which is the proper tribunal for the determination of constitutional as

distinguished from legal rights, those who may feel themselves aggrieved by the loss of certain constitutional rights in the present case must seek for the recovery of those rights.

In reference to the objection that the statute 38 Geo. III. c. 60, 1798, which made the then payment on account of the land tax perpetual, subject to redemption, has cut off all further right to increase or alter the *modus* then established, the answer to that argument is, that all that was done by the above Act was to guarantee to those who were willing to purchase a perpetual annuity, secured on the land tax, that a less sum should not be levied by way of land tax, thereby providing a security for the payment of the annuity they had purchased. But this is a totally different thing from securing to them the payment of a *larger* annuity than they had contracted and paid for, which would be the effect of holding that there could be no increase of tax laid upon the land on which the former land tax had been redeemed. In fact, this view is supported by the provisions made in section 37 of the Act itself, for the case of any person redeeming the land tax who has not an estate of inheritance. By that section of the Act it is provided that any person not having an estate of inheritance, but nevertheless being entitled, under section 35 of the Act, to redeem the land tax, redeeming the land tax out of his own estate, and declaring his option to be considered as a purchaser, shall hold the land tax redeemed as an annuity issuing out of the lands (subject to the reversioner's right of redemption, under section 18); and when any such person shall not at the time of entering into the contract for the redemption of such land tax, whereby such lands, &c., will be exonerated from the tax, have declared his option as aforesaid, such lands, &c., shall become chargeable for the benefit of such person, his executors, administrators, or assigns, with the amount of the 3 per Cent. Bank Annuities, transferred as the consideration, with interest equal to the land tax redeemed.

It appears from a carefully prepared table, subjoined to the 'Argument on the Constitutional Right to a Revision of the Land Tax,' published in 1842, by the Council of the

Anti-Corn Law League, that from 1689 to 1702 the annual proportion of the land tax to the total revenue of the country was 34 per cent. ; from 1702 to 1714, 38 per cent. ; on the whole reign of George I., 23 per cent. ; of George II., 22 per cent. ; that it went on diminishing through the reign of George III. till in 1815 it reached 2 per cent. ; that in 1831 and 1841 it was 4 per cent. The proposition that this is an equitable equivalent for the benefits and advantages which the holders of land obtained by the abolition of the feudal tenures is manifestly untenable. By a careful comparison of the produce of the feudal tenures at the time of their abolition, with the produce of the land tax for the first twenty years after its institution, it appears that the land tax was intended as a substitute and equivalent for the feudal dues, which dues were in the strictest sense the purchase-money of the land. That purchase-money may be very accurately described to have been made payable as a perpetual annuity to the State, increasing in value as the land increased in value.

If it should be contended on behalf of the landed interest that it would be unjust, and an especial hardship upon those who have purchased land since 1660, to disturb an arrangement that has now stood as law for a period of two hundred years, the answer is: first, that this very arrangement was introduced in the place of a totally different one, which had been the law of the land for a period of six hundred years ; and if the landholders, for their benefit, altered a law that had stood for six hundred years, the rest of the community, who are not landholders, would be perfectly justified in altering a law for their benefit which has stood two hundred years ; secondly, that those who have purchased land during the period that has elapsed since the law was altered as above stated have exempted their capital from the taxes that pressed on personal property, and consequently having enjoyed an undue exemption from taxation during the said period, cannot with justice complain now if they are called upon to pay a somewhat more equitable proportion of the taxes of their country.





## CHAPTER VII.

THE THIRD FIGHT FOR PARLIAMENTARY GOVERNMENT.  
GEORGE III. AND JUNIUS.

THE first fight for parliamentary government was, as has been shown, fought by the mail-clad barons. The second was fought by the fighting Puritans, whose cut-and-thrust blades were as formidable weapons as the two-handed swords of the old barons. The third fight was to be fought with other weapons. Such was the change between 1642 and 1760.

After the Revolution the Court, finding itself compelled to abandon designs against the existence of Parliament, discovered that the forms of a free and the ends of an arbitrary government were things not incompatible. On the accession of George III. a new scheme was devised totally different from the system of administration which had prevailed since the accession of the House of Hanover, and forming a not uninteresting subject of study to those who are curious in the devices which at various times man has hit upon for governing man. The substance of the scheme is thus described by Burke: 'Two systems of administration were to be formed; one which should be in the real secret and confidence; the other, merely ostensible, to perform the official and executory duties of government. The latter were alone to be responsible; whilst the real advisers, who enjoyed all the power, were effectually removed from all the danger. . . . Parliament was to be taught a total indifference to the rank, abilities, and character of the ministers of the Crown. It was to be avowed as a constitutional maxim, that the king might appoint one of his footmen, or one of your footmen, for minister; and that

he ought to be, and that he would be, as well followed as the first name for rank and wisdom in the nation. Thus Parliament was to look on, as if perfectly unconcerned, while a cabal of the closet and back-stairs was substituted in the place of a national administration.'<sup>1</sup>

Though the government of the Duke of Newcastle could not be reckoned a good government, it was good when compared with the government of the Tudors, the Stuarts, the Sultan, or the Czar. It is clear from the statement of Burke that there was a deliberate plan, by whomsoever framed, at the commencement of the reign of George III. to assimilate the government of England to that of Turkey, strikingly evidenced in the inculcation of the '*constitutional maxim*,' that as the Sultan might appoint the lowest slave in his seraglio to the post of Grand Vizier, so the King of Great Britain might appoint one of his footmen to the post of Prime Minister. It appears that the scheme above referred to had a very considerable amount of success.

During the early part of the reign of George III., that is during more than twenty years, the ostensible or outer cabinet was powerless; the inner cabinet worked in secret and counter-worked the outer cabinet. No writer except Burke seems to be fully aware of the true state of things. Burke, having been in parliament and private secretary to the Marquis of Rockingham during his one year's administration, made himself thoroughly acquainted with the facts. Other writers speak of a set of politicians calling themselves the *king's friends*, but they do not explain clearly and fully the meaning of the term. If a king should devote half a million sterling annually to the payment of members of parliament, he will have power over the votes of those members of parliament. Such members of parliament also who received from a king so considerable a sum for their private use might be expected to announce themselves as 'the king's friends.'

It may be said that a king who should devote so large a

<sup>1</sup> 'Thoughts on the Cause of the Present Discontent. *Burke's Works*, vol. i., pp. 315, 316, Bohn's edition. London, 1854.

portion of his revenue to the purpose above indicated must have been a man of unostentatious character. Such a man was George III. There were indeed in this king's character conflicting elements that led to conflicting opinions respecting him, some calling him a hypocrite, others calling him a good king. Those who had come into personal communication with him as his ministers complained of having suffered from his insincerity and cunning, treatment which left a bitterness of hatred sufficient to stamp itself in words which have made the 'Letters of Junius' outlast their century. To those who had not had the experience of the ministers he had betrayed--the experience of Chatham, of Rockingham, of Earl Temple, of George Grenville--he appeared a model of a respectable gentleman, who rose early, dined at three o'clock on mutton and lemonade, never missed church, and at church never missed a response. Such was 'the good king,' who spent the taxes he took out of the people's pockets, not in costly palaces, costly banquets, and more costly concubines, but in bribing the people's representatives with the people's own money.

Burke's pamphlet, 'Thoughts on the Cause of the Present Discontent,' wherein he gave an analysis of the process by which parliamentary government was to retain its name as a shadow to deceive the people, while the substance was entirely withdrawn from them, was published in 1770, at the time when the 'Letters of Junius' were appearing in the *Public Advertiser*. Burke's pamphlet and the 'Letters of Junius,' both able expositions of the unconstitutional proceedings of the Court from the commencement of the reign of George III., might be expected to produce some effect. But the steady continuance of the parliamentary majority in favour of all measures which the Court wished to carry against such an inference; and we are forced to the conclusion that the Court had in a great measure succeeded in destroying parliamentary government. What is the use, then, of Junius or any one else telling us that he knew that nature had intended George III. 'only for a good-humoured fool,' when George III. showed that he could do more than any

who had preceded him on the seat he occupied since the time of William the First to make his power absolute?

This state of things went on for more than twenty years. In 1778 William Pitt, Earl of Chatham, died. In 1779 died his brother-in-law, Earl Temple. It was not till 1783 that a fatal blow was given to the system of government worked by means of the bribed members of parliament styled the king's friends. In 1783 William Pitt, the second son of the Earl of Chatham, who was to show himself more powerful than his father had ever been, entered upon his long career of power. From the day on which he was placed at the head of affairs there was an end of that strange anomalous government the machinery of which did credit to the ingenuity of its inventors. When any attempt was made to defeat any of his measures by the instrumentality of the *king's friends*, Pitt at once tendered his resignation, and as he alone stood between the king and the Coalition he could dictate his own terms.

Burke and Junius, writing at the same time of the same matters, have occasion to express each of them his indignation at the proceedings of the Court party. But it is curious to note the contrast between the two writers, which is so strongly marked that one is surprised that Burke should ever have been numbered among the many persons to whom the 'Letters of Junius' have been ascribed. For Burke is singularly free from that bitter, one might say savage personality, in which Junius revels, and to which probably his letters owed some part of their popularity. While Burke, painting in strong colours the hypocritical injustice meted out to Wilkes, names no one who, though he had been the associate of Wilkes, was not viewed by the Court with any prudery; Junius attacks the impersonal entity here indicated by Burke, as having the vices of Wilkes with the crime of servility added to them, under the name of 'the Duke of Grafton,' telling him, 'I do not give you to posterity as a pattern to imitate, but as an example to deter; and as your conduct comprehends everything that a wise or honest minister should avoid, I mean to make you a negative instruction to your

successors for ever.’<sup>1</sup> And he tells the Duke of Bedford,<sup>2</sup> ‘You are so little accustomed to receive any marks of respect or esteem from the public, that if in the following lines a compliment or expression of applause should escape me, I fear you would consider it as a mockery of your established character, and perhaps an insult to your understanding. . . . The highest rank, a splendid fortune, and a name glorious till it was yours, were sufficient to have supported you with meaner abilities than I think you possess.’

It is rather curious that almost the only time Burke was provoked into departing from his habit of avoiding personalities was when in his letter to a noble lord, on the attacks made upon him and his pension in the House of Lords, by the Duke of Bedford and the Earl of Lauderdale, Burke showed that he could hit as hard as Junius, in language more varied and picturesque, without the advantage Junius possessed of minute secret intelligence respecting those he attacked, for undoubtedly Junius showed that he was intimately acquainted with the highest members of the political parties in England, and that he was prepared to use his knowledge of their secrets with a boldness which, as he said in a private note to Woodfall, would cost him his life if discovered. It might be difficult to say whether the King or Lord Mansfield, or the Duke of Grafton or the Duke of Bedford, enjoyed the largest portion of the hatred of Junius, with whom hatred was a commodity of which he had always a large stock on hand. But the language used to express this hatred is apt to savour too much of that ‘effeminate licence of tongue,’ as an orator calls it who indulged largely in it himself, which is not the characteristic of the best manner of expressing thoughts in words. For instance, Junius thus expresses his feelings with regard to the Duke of Bedford, in a private note to Woodfall, dated *Thursday night* [October 5, 1769]:—

‘I reserve some things expressly to awe him in case he should think of bringing you before the House of Lords. I

<sup>1</sup> Junius, Letter xii.

<sup>2</sup> *Ibid.*, Letter xxiii.

am sure I can threaten him privately with such a storm as would [make] him tremble even [in] his grave.’<sup>1</sup>

There is a singularly temperate tone, strangely contrasted with the tone of Junius, in the short allusion Burke makes to the Earl of Bute. ‘It may seem,’ says Burke, ‘somewhat affected that in so much discourse upon this extraordinary party, I should say so little of the Earl of Bute, who is the supposed head of it. But this was neither owing to affectation nor inadvertence. I have carefully avoided the introduction of personal reflections of any kind. Much the greater part of the topics which have been used to blacken this nobleman are either unjust or frivolous. At best, they have a tendency to give the resentment of this bitter calamity a wrong direction, and to turn a public grievance into a mean personal, or a dangerous national quarrel. Where there is a regular scheme of operations carried on, it is the system, and not any individual person who acts in it, that is truly dangerous. This system has not arisen solely from the ambition of Lord Bute, but from the circumstances which favoured it, and from an indifference to the constitution which had been for some time growing among our gentry. We should have been tried with it if the Earl of Bute had never existed; and it will want neither a contriving head nor active members when the Earl of Bute exists no longer. It is not to rail at Lord Bute, but firmly to embody against this Court party and its practices, which can afford us any prospect of relief in our present condition.’<sup>2</sup>

<sup>1</sup> This flight of hyperbolic rhetoric, the learned editor of the *Grenville Papers* thinks may have been suggested to Junius by the following lines in Churchill’s dedication of his poem, the *Rosciad*, to Bishop Warburton:—

‘Methinks I hear the deep-toned thunders roll,  
And chill with horror every sinner’s soul—  
In vain they strive to fly—flight cannot save:  
And Potter trembles even in his grave.’

*Introductory Notes relating to the Authorship of Junius. Grenville Papers, vol. iii., p. 39.*

<sup>2</sup> ‘Thoughts on the Cause of the Present Discontents.’ *Burke’s Works, vol. i., p. 330, Bohn’s edition. London, 1854.*

George III., after the most searching enquiries, was convinced that the 'Letters of Junius' were not the work of one person. I was at one time inclined to think that the balance of evidence leaned to the conclusion that George Grenville was the principal writer. But George Grenville died November 13, 1770, and therefore could not have written any of the later Junius' letters. Did George Grenville's elder brother, Earl Temple, or his younger brother, James Grenville, write any of them? After a careful examination of the evidence adduced by Mr. William James Smith in his introductory notes relating to Earl Temple and the authorship of Junius, in the third volume of the 'Grenville Papers,' I have come to the conclusion that the evidence brought forward by Mr. W. J. Smith is strongly in favour of the view that the 'Letters of Junius' were mostly or wholly the work of Earl Temple. I do not indeed presume to say more than Mr. W. J. Smith has said, 'that if ever Junius is satisfactorily identified, it will be from the discovery of some very trifling circumstance which the author himself, in his anxiety for concealment, had possibly overlooked.'<sup>1</sup>

Mr. W. J. Smith, the editor of the 'Grenville Papers,' having been librarian at Stowe, speaks with significance when he uses the words just quoted; for he says<sup>2</sup> that though William Gerard Hamilton was in very frequent and most confidential correspondence with Lord Temple, and there is no reason to doubt but that their intimacy continued during the time of the appearance of the 'Letters of Junius,' only one letter (in 1768) from Hamilton to Temple has been found of a later date than 1767. It is equally certain that the intimacy of Calcraft with Temple continued during the life of the former; but no letter from Calcraft to Temple has been found dated in the year when Junius was writing his celebrated letters.<sup>3</sup> 'Nor are there,' continues the editor of the 'Grenville Papers,' and librarian at Stowe, 'any letters at

<sup>1</sup> *Grenville Papers*, vol. iii. p. 228.

<sup>2</sup> *Ibid.*, p. 93, note 2.      <sup>3</sup> *Ibid.*

*this time* [sic] from Almon, a certain and constant purveyor of news to Earl Temple; not one from Wilkes, from Humphrey Cotes, from Beardmore, from Mackintosh, one only from Dayrell, all intimate friends of Temple, and all, as I believe, unconscious instruments in his hands to serve the purposes of the "Letters of Junius." <sup>1</sup> The next sentence is most significant as regards the inference which naturally arises from it respecting the destruction by Lord Temple of the greater part of his correspondence at this period. 'For special reasons Lord Temple must certainly have destroyed the greater part of his correspondence at this period.' In a letter to Almon, dated *Ingress*, December 29, 1771, Calcraft says: 'Many thanks to you for your correct and constant intelligence. If Mr. Hamilton is in town, I should like to hear what he thinks will be the consequence. What childish stories do they propagatè! *You cannot*<sup>2</sup> *conceive either the questions I am asked, or the innumerable reports about Lord Temple.*'<sup>3</sup>

It would appear that a writer in the *Public Advertiser*, under the signature of SCÆVOLA, incurred the wrath of Junius in more than an ordinary degree, as appears by his private notes to Woodfall. And there does not appear to be anything in the letters of Scævola to warrant the very harsh terms applied to him by Junius in his private notes to Woodfall; 'unless indeed it were, as I believe,' says Mr. W. J. Smith, 'that the assertions of Scævola approached too near the real truth of the case, and that Junius was not, at any time, so near being unmasked as by Scævola, who had the unpardonable temerity to accuse Lord Temple of being the *patron* of Junius, and William Gerard Hamilton the writer.'<sup>4</sup>

In a letter addressed to Junius in the *Public Advertiser* of Saturday, November 9, 1771, and cited in the notes relating to the authorship of Junius in the third volume of the 'Grenville Papers,'<sup>5</sup> Scævola says:—

'You call yourself a man of rank and wealth. To say the

<sup>1</sup> *Grenville Papers*, vol. iii. p. 94.

<sup>2</sup> Italics in original.

<sup>3</sup> *Ibid.*, p. 94.

<sup>4</sup> *Ibid.*, p. 92.

<sup>5</sup> *Ibid.* p. 94.



truth, there are some perhaps over-acute, who will have it that you belong to a *certain malcontent peer of this realm* [Lord Temple]; . . . that your politics are to make every public man either odious or despicable: that you have uncommon malignity, except as to Mr. Grenville.' Scævola then proceeds to draw a distinction between the writer, 'whose abilities,' he says, 'are his own,' and the patron of Junius; and appears to be of opinion that Lord Temple did not possess the abilities requisite to write the 'Letters of Junius.' This letter then runs thus: 'I for one declare that I shall wait for mathematical demonstration before I can agree to associate Junius with *one of the narrowest, most vindictive, and perfidious of human beings.*' The words italicised had been applied by Lord Camden in such a way as when thus used by Scævola to associate Junius with Lord Temple.<sup>1</sup>

Again on November 18, Scævola writes:—

'I have dropped a hint with regard to the patron of Junius. The fair way to examine this hint is to read the whole series of letters attributed to Junius, applying them to the supposed patron or party, and so correcting and establishing the idea. However, to give the reader some excuse for my arrogance in suggesting a notion which differs from the most prevalent one [that Edmund Burke was the writer], let me observe that Junius never speaks of Mr. Grenville with disrespect; that when he speaks of times and measures in which Mr. Grenville bore a principal share, and which he attacks with great freedom, he avoids even the name of Mr. Grenville; for he describes his Grace as called in "to support an Administration which Lord Bute had pretended to leave in full possession of authority; but which (as he would have us believe) became servile to my Lord Bute from the moment of his Grace's accession to the system, and by means of stipulations between the duke and the favourite." Here he transfers all the odium of that servility from his friend Mr. Grenville to the Duke of Bedford; though in truth it belongs

<sup>1</sup> *Grenville Papers*, vol. iii. p. 90.

equally to both. What is the ground of his inveteracy to the Duke of Bedford? He shall tell you in his own words: "Apparently united with Mr. Grenville, you waited until Lord Rockingham's feeble Administration should dissolve in its own weakness. The moment their dismissal was suspected, you thought it no disgrace to solicit once more the friendship of Lord Bute." <sup>1</sup>

'The Duke of Bedford forsook Mr. Grenville, and therefore Junius persecuted him with such rancour. But his panegyric upon the Stamp Act in his very first letter, and his anxious vindication of Mr. Grenville,<sup>2</sup> from the most vulnerable and most indefensible part of his political life, announce to us that gentleman's attached and partial friend. Out of many other passages that point out the suspected person,<sup>3</sup> I must remind the reader of two or three instances which evince that Junius, at two critical periods, disclaims Lord Rockingham and Lord Chatham: "When the Duke of Cumberland's first negotiation failed, and when the Favourite was pushed to the last extremity, you saved him by joining in an Administration in which Lord Chatham had refused to engage. Lord Chatham formed his last Administration *upon principles which you certainly concurred in*, or you could never have been placed at the head of the Treasury. By deserting *those principles*, and by acting in direct contradiction to them, in which he found you were secretly supported in the closet, you soon forced him to leave you to yourself, and to withdraw his name from an Administration which had been formed on the credit."<sup>4</sup> What caution is here used to avoid a compliment to Lord Chatham, or to those unstated *principles*, in the midst of invectives upon the Duke of Grafton for deserting them. I presume the conclusion is not a rash one from these premises (to omit for the present several others), that

<sup>1</sup> 'Junius, vol. i., p. 538.'

<sup>2</sup> 'Letter xviii., to Sir William Blackstone, Solicitor-General to Her Majesty.'

<sup>3</sup> 'William Gerard Hamilton.'

<sup>4</sup> 'Letter xii., to the Duke of Grafton.'

the patron of Junius is the person<sup>1</sup> characterised in my last.'<sup>2</sup>

Scævola's hypothesis thus appears to be framed with a care and discrimination which are more frequently found absent than present in hypotheses. There is a use and there is an abuse of hypotheses. Of the use Newton afforded a most instructive example. Though Newton said 'Hypotheses non fingo,' he had a hypothesis that the same law by which he had demonstrated that the planets gravitate towards the sun regulated the gravitation of the moon towards the earth. But he did not put forth his hypothesis as a fact till, after waiting sixteen years, he was enabled to prove that his hypothesis was a truth. Of the abuse of hypotheses it is far easier to find examples than of the use. All history, ancient and modern, is filled with them. Writers who have obtained even a great reputation have furnished many examples. I am satisfied, from the evidence given in Sir George Cornewall Lewis's 'Enquiry into the Credibility of the Early Roman History,' that most of Niebuhr's so-called hypotheses are nothing better than mere 'guesses.' But some of the most extraordinary examples of hypotheses are perhaps those afforded by the attempts to solve the mystery respecting the authorship of the 'Letters of Junius.'

When it is borne in mind that the 'Letters of Junius' are, from the very nature of the case, all written in a disguised hand; when even that disguised hand is not ascertained to be the hand of the author of the Letters, but is supposed to be the hand of an amanuensis, a hypothesis put forth by an 'expert' in handwriting, that he has settled the question of authorship in these Letters by close and microscopic examination of the handwriting, cannot be received as a hypothesis bearing the most distant affinity to such a hypothesis as Newton had conceived respecting the law of gravitation, but which he modestly kept back until he was able to verify it by accurate observation of facts. In addition to the observa-

<sup>1</sup> 'Lord Temple.'

<sup>2</sup> *Public Advertiser*, November 18, 1771, signed SCÆVOLA.

tions of judges and lawyers, that 'the identity of handwriting is very much a matter of opinion,'<sup>1</sup> and that 'any of the modes of proof of handwriting by resemblance are worth little—in a criminal case nothing,'<sup>2</sup> I will quote some remarks of the editor of the 'Grenville Papers':—

'There are few things more difficult, even to the most experienced eyes, than to form a correct judgment upon a question of disguised handwriting; it is one upon which there will always be a variety of opinions, and I confess that after having, during a long course of years, examined and copied with accuracy the handwritings of some hundreds of remarkable persons of all classes and all times, I am still very slow in forming a decided opinion where there is any question of comparison. Some facsimiles are appended to these volumes in order to afford an opportunity for arriving, in that respect, at a due appreciation of the theory which I have endeavoured to support, viz. : that Lord Temple was the author of "Junius," and Lady Temple his amanuensis.'<sup>3</sup> In a subsequent page he says: 'Upon the supposition that Lord Temple was the author of "Junius," I believe that Lady Temple was the amanuensis, by whose hand all the writing part of the correspondence was executed. Lord Temple's autograph was evidently not capable of being adapted to the handwriting of "Junius;" he wrote with difficulty, the letters are large and badly formed, and the whole appearance of it such as his person is supposed to have been, awkward and ungainly. Lady Temple, on the contrary, had very considerable facility in the use of the pen. In her handwriting at several periods of her life are to be found many of the characteristics of the writings of "Junius," the minute and delicate fineness of the letters, the regularity and clearness, the perfect formation of every letter, the unevenness of the lines, the peculiarity of commencing with a small letter instead of a capital, and close

<sup>1</sup> Mr. Justice Coleridge, in *Smyth v. Smyth and others*, at the Gloucester Assizes, August 1853.

<sup>2</sup> Best on *Presumptions of Law and Fact*, p. 233. London, 1844.

<sup>3</sup> *Grenville Papers*, vol. iii., p. 78.

to the left-hand edge of the paper, the habit of occasionally omitting small words and single letters in words, the invariable attention to the dotting of the letter *i*, the similarity in the form of individual letters and the general appearance of her *early* handwriting as compared with the feigned hand which she subsequently adopted for the writing of "Junius."<sup>1</sup> 'Nor does the theory,' he says in another page, 'of Lady Temple being the amanuensis in any way invalidate the solemn declaration of Junius, that he was the *sole* depositary of his own secret. I believe that declaration to have been true—with this reservation only, that "Junius" considered his wife to be part of himself, in accordance with the highest authority; bone of his bone and flesh of his flesh. He could not, without danger, have confided the secret to any human being but his wife; with her it was safe: their very existence depended upon concealment.'<sup>2</sup>

Richard Grenville, who in 1752 succeeded his mother, Hester Temple, wife of Richard Grenville, Baroness and Viscountess Cobham and Countess Temple, as Baron and Viscount Cobham and Earl Temple, is described on good authority as a man of a very haughty and impracticable temper, yet easily conciliated by small attentions.<sup>3</sup> He is also represented as a man of talents for business; and altogether as a very superior man to the description of him by Lord Macaulay, taken from Horace Walpole. 'His talents for administration and debate,' says Lord Macaulay in his second article on the Earl of Chatham, 'were of no high order. But his great possessions, his turbulent and unscrupulous character, his restless activity, and his skill in the most ignoble tactics of faction, made him one of the most formidable enemies that a Ministry could have.' One of the charges here made, that Lord Temple's talents for administration were of no high order, has received a circumstantial contradiction. 'Mr. Pitt, during the whole of his administration, relied entirely upon the advice and opinions

<sup>1</sup> *Grenville Papers*, vol. iii. p. 194.

<sup>2</sup> *Ibid.*, pp. 65, 66.

<sup>3</sup> *Ibid.*, p. 27.

of Lord Temple in the management of the war, and, indeed, entirely confided in him on the adoption of all measures of importance.<sup>1</sup> 'During the Seven Years' War Mr. Pitt held the seals of Secretary of State; and at the same time his brother-in-law, Lord Temple, was in office, either as First Lord of the Admiralty or Lord Privy Seal, and in Mr. Pitt's frequent attacks of gout he entirely confided to Lord Temple the duties of the Secretary's office, he invariably consulted his opinion, and much of the success of the war has been attributed to Lord Temple's management of it.'<sup>2</sup> 'Wolfe's appointment to the expedition against Quebec had been made by Mr. Pitt and Lord Temple, and principally, it is believed, at the recommendation of the latter.'<sup>3</sup>

While it may be true that Lord Temple was a man of a temper at once haughty and impracticable, the statement as to his 'turbulent and unscrupulous character,' and his 'skill in the most ignoble tactics of faction,' must be taken in connection with the statements given by Burke, that the Court commenced the war against parliamentary government, and carried it on in the most unscrupulous manner, and that Lord Temple might consider it not only a right, but a duty, to defend his country's institutions by all means resorted to in a war of life and death. It is, indeed, surprising to find that the real issues involved in the conflict between 'Junius' and George the Third should have been so mistaken or misrepresented as they have been.

Lord Macaulay, after depreciating to the last degree Horace Walpole's historical judgment, takes him as an authority on matters where it would appear he is no authority. For instance, George Grenville has been described as using unbecoming language to the King, and as being extremely distasteful to George the Third; chiefly on the authority of Horace Walpole, who personally disliked George Grenville, and never lost an opportunity of sneering at him. On the other hand it has been said, upon authority quite as

<sup>1</sup> *Grenville Papers*, vol. iii. p. 42.

<sup>2</sup> *Ibid.*, p. 49.

<sup>3</sup> *Ibid.*, p. 88.

trustworthy as that of Horace Walpole, that on the death of George Grenville the King expressed to Lord Suffolk his great regard for his memory, and said he lamented the loss of 'that great and good man, Mr. Grenville, who was an honour to human nature.'<sup>1</sup> The words in Mr. Grenville's Diary afford a distinct refutation of Horace Walpole's statements. In a conversation between the King and Mr. Grenville, on Tuesday, May 21st, 1765, 'Mr. Grenville conjured the king, in the most earnest and solemn manner, if ever he had served him faithfully, or in a manner acceptable to him, that he would grant him the request he was then going to make to him. The king asked him what it was. Mr. Grenville said that what he entreated of him was, that if the continuing him in his service was in any degree a force upon his inclination, or done with any reluctance, he did conjure him not to do it on any consideration whatever; that he always had endeavoured to serve him with the fidelity, duty, and attachment,

<sup>1</sup> *Grenville Papers*, vol. iii., p. 182, note. As an example of the difficulty of extracting historical truth out of conflicting evidence, I give the following passage from the *Mitchell Papers*, vol. i., p. 183. 'Count Finkenstein insisted on the absolute necessity there was to recall Sir Charles Hanbury Williams, and to replace him by some man of temper and conduct, who might be able to restore our affairs in that Court [Russia] by acting cordially and confidentially with the Great Chancellor.' As a counterpart to this portrait of Sir Charles Hanbury Williams by Count Finkenstein, I subjoin the following portrait of Count Finkenstein by Sir Charles:—'He has very much the air of a French *petit-maitre manqué*, and is extremely affected in every thing he says and does. . . . Count Finkenstein, whom everybody calls Count Fink, is very like the late Lord Hervey, and yet his face is the ugliest I ever saw. But when he speaks, his affectation, the motion of his eyes and shoulders, all his different gestures and grimaces, bring Lord Hervey very strongly into my mind.'—*Walpole's Memoirs of the Last Ten Years of George II.*, vol. i., p. 515, appendix F, G, H. This was rather a strange topic to select for the amusement of Horace Walpole the younger, who resembled in bodily and mental qualities Lord Hervey much more than either Sir Robert Walpole, or Sir Robert's brother, Horace Walpole the elder, of each of whom the characteristics were those of English country gentlemen, not those of a gentleman-usher, or of a French *petit-maitre manqué*.

which had been the rule of his conduct towards him ; and that he hoped that during the whole course of this conversation no word had dropped from him in which he had been wanting in respect and duty to his Majesty. The king said he always did behave to him in the most respectful and becoming manner.<sup>1</sup>

Lord Temple having been described as a man possessed of 'talents for administration and debate of no high order,' but remarkable for 'his turbulent and unscrupulous character, his restless activity, and his skill in the most ignoble tactics,' justice requires the hearing of the other side, namely, Lord Temple's or his friends' statements, with regard to 'unscrupulous character' and 'ignoble tactics.'

'It may be stated, upon the authority of Almon, who, it should be remembered, derived his information principally from Lord Temple himself, that in March 1763 Lord Bute caused an offer to be made to Lord Temple and Mr. Pitt, by Hans Stanley, that if they would withdraw from the Whigs he would make an opening to them to return to administration. He was, however, unsuccessful, and he then returned to Mr. Grenville, and this was the cause of the sudden succession of Mr. Grenville to the Ministry.

'Again, in January 1766, Lord Bute is said to have made another unsuccessful attempt at a reconciliation with Lord Temple, through the medium of Lord Eglintoun ; and Almon asserts that, notwithstanding the failure of this project, Lord Bute found means, through one of the Princess's confidants, to amuse Lord Temple with assurances that a *carte blanche* would shortly be offered to him, and this manœuvre succeeded so well, that Lord Temple was completely duped by it, and for some time believed the assurances.'<sup>2</sup>

This manœuvre of Lord Bute throws a light on his character, which shows that he possessed, at least, some portion of the genius for laying a trap, which has im-

<sup>1</sup> *Grenville Papers*, vol. iii., pp. 181, 182.

<sup>2</sup> *Ibid.* pp. 47, 48.



mortalised Borgia and Bonaparte. The object seems to have been to cause a quarrel between Lord Temple and his brother, George Grenville, and his brother-in-law, Pitt; and thus break up the Pitt and Grenville connection. It succeeded for a time and may partly account for Temple's great bitterness against George the Third and his favourites.

That Lord Bute was more successful in gaining Lord Chatham is thus alluded to by the author of 'Junius,' in one of the earliest letters attributed to him, dated June, 1767:—

'It was then his good fortune to corrupt one man, from whom we least of all expected so base an apostasy. Who, indeed, could have suspected that it should ever consist with the spirit or understanding of that person to accept of a share of power under a pernicious Court minion, whom he himself had affected to detest or despise, as much as he knew he was detested and despised by the whole nation? I will not censure him for the avarice of a pension, nor the melancholy ambition of a title. These were objects which he, perhaps, looked up to, though the rest of the world thought them far beneath his acceptance.'

But even Lord Temple's friends admit those tendencies to excesses of anger and intemperate language which were a great drawback to his friends, and a great advantage to his enemies. The writer I have before frequently quoted, the editor of the 'Grenville Papers' and formerly librarian at Stowe, says: 'With a disinterested patriotism, and genuine love of liberty, Lord Temple is supposed to have delighted in faction, and the libellous abuse of men in power.'<sup>1</sup> Thus arises the contradiction which causes the puzzle respecting the character of a man of true love of country and capable of generous acts, passing what may seem the limits of fair controversy, and attacking those he considered public enemies with savage violence. But there is this to be said for Lord Temple. He appears to have felt what, as I have shown, at least one man, who saw farther than most men of his generation, also felt—Edmund Burke, though Burke, as I have also shown,

<sup>1</sup> *Grenville Papers*, vol. iii., p. 28.

sedulously avoided personal attack in expressing his opinions, the vehemence of Burke's nature being different from the vehemence of Temple's—he felt that the liberties of his country were as much endangered by the men he attacked with his pen, as they had been endangered by the men Cromwell attacked with his sword.

'Horace Walpole,' says Mr. W. J. Smith, editor of the 'Grenville Papers,'<sup>1</sup> 'who was for many years acquainted with Lord Temple, has, in his Memoirs and Letters, made frequent allusions to his character and habits.' He gives the following passage, as what he terms a very apt illustration:—'This malignant man (Lord Temple) worked in the *mines* of successive factions for near thirty years together. To relate them is writing his life.'<sup>2</sup>

Lord Macaulay, in his second article on the Earl of Chatham, has expanded Walpole's sketch of his friend, which he, in that humane spirit so free from the malignity which he so liberally bestows on his victims, left to be published after his death—as a malignant and tricky, if not treacherous, man, who worked in darkness—into a historical portrait of a man of mean abilities for administration and debate, but of dark malignity and crooked and foul political practices, that formed a combination of Borgia and Guy Fawkes. And while Lord Macaulay has here taken Horace Walpole as an authority, he had before said of him that he had no discernment of the characters of men, beyond sneering at everybody, and putting on every action the worst construction which it would bear.

As Lord Temple appears to me to have received from Horace Walpole and Lord Macaulay but scant justice, to say nothing of mercy, I should wish to say for Lord Temple what I think may be fairly said. Lord Temple has been shown to have possessed talents for administration, not, as Lord Macaulay affirms, 'of no high order,' but of an order which, as things go, may be justly termed 'high.' On the other

<sup>1</sup> *Grenville Papers*, vol. iii., p. 28.

<sup>2</sup> *Memoirs of George III.*, vol. ii., p. 359.

hand, Lord Macaulay may be right in saying that his 'talents for debate were of no high order.' I know not whether they were high or low, or neither high nor low; but I think it extremely probable that they were like those of many other men, very much below his talents for writing; as the talents for debate of his brother-in-law, Chatham, were very much above his talents for writing. I have known intimately, and observed closely, several great debaters; and I am inclined to think that it would be a serious obstacle to any man's becoming a great debater, his being in his person, what Lord Temple was, awkward and ungainly. I do not say that such an obstacle is insurmountable; but a certain ease and freedom in a man's bodily movements may be taken as a type of those mental movements which constitute a talent for debate. Lord Brougham, who may be accepted as an authority on the point, has a striking observation in his sketch of Erskine. 'It used to be a common remark,' he says, 'of men who observed his motions, that they resembled those of a blood horse; as light, as limber, as much betokening strength and speed, as free from all gross superfluity or incumbrance.'<sup>1</sup>

Might not Lord Temple, then, be one of those men who do much of the work of which others get all the honour? And if Lord Temple wrote those letters, which have made so much noise in the world, he has really left far more enduring memorials behind him than the famous orator of whose speeches scarce even a fragment has survived. But Lord Temple, who was not more insensible to fame than Lord Chatham, went to his grave, and his secret perished with him. Lord Macaulay himself knew well that in public affairs one man often gets all the honour and all the profit, while other men do all the work; and he has shown a signal example of it in his account of Louis XIV. When everything was ready for the surrender of a town, the holiday king came in great state, with an army of royal carriages and royal concubines to receive the surrender, as if he had made the dispositions for the assault and borne the heat and burden of

<sup>1</sup> *Statesmen of the Time of George III.* First Series, p. 237.

the day. And men submit to this mockery and injustice because they cannot help themselves, save in the case of a man like Lord Temple, who had in him much of that 'fierce haughtiness' which has been noted as the characteristic of the elder Pitt. According to Horace Walpole, indeed, Temple was an 'impertinent poltroon;' but then we know Horace to be an unsafe guide in politics, and an untrustworthy authority as to character. According to Horace Walpole, our first writers were seven persons who had among them two seats in the House of Lords, two seats in the House of Commons, three seats in the Privy Council, a baronetcy, a blue riband, a red riband, about a hundred thousand pounds a year, and, in the opinion of Lord Macaulay, 'not ten pages that are worth reading.' This seems a strange sage to pass judgment from the seat of the historian upon the men of his time. If Thucydides and Clarendon are not infallible, what must such a thing as this be?

We can now, perhaps, see a glimpse of the initial impulse of the 'Letters of Junius.' We can understand a haughty English nobleman, whose family history had made him take special note of monarchical oppression, exercised by Plantagenets as well as Stuarts, subjected to exasperating interference in the fulfilment of his duties as minister by backstairs reptiles, and personally insulted by the German successor of the Plantagenets and Stuarts. We can understand any Englishman who happened to possess a portion of the old English stubbornness which had animated the Commonwealth cuirassiers and pikemen—when the battle had shifted from the fresh air of a heath, such as Marston Moor and Naseby, to the close atmosphere of the backstairs, where he feels stifled and suffocated by foul vapours and the reptiles nourished thereby, determined to stamp and record his vengeance in words that should outlast the brass and marble of his oppressor's monument. We can understand all this, and also that the man must be of station that places him on an equality with the highest of the land; but we cannot understand that such work could be done by a clerk in the

War Office without private fortune, and entirely dependent upon patronage and place.

Lord Macaulay says, in his article on Warren Hastings: 'As to the position, pursuits, and connections of Junius, the following are the most important facts which can be considered as clearly proved: first, that he was acquainted with the technical forms of the Secretary of State's Office; secondly, that he was intimately acquainted with the business of the War Office; thirdly, that he, during the year 1770, attended debates in the House of Lords, and took notes of speeches, particularly of the speeches of Lord Chatham; fourthly, that he bitterly resented the appointment of Mr. Chamier to the place of Deputy Secretary at War; fifthly, that he was bound by some strong tie to the first Lord Holland. Now Francis passed some years in the Secretary of State's Office. He was subsequently chief clerk of the War Office. He repeatedly mentioned that he had himself, in 1770, heard speeches of Lord Chatham; and some of these speeches were actually printed from his notes. He resigned his clerkship at the War Office from resentment at the appointment of Mr. Chamier. It was by Lord Holland that he was first introduced into the public service. Now, here are five marks, all of which ought to be found in Junius. They are all five found in Francis. We do not believe that more than two of them can be found in any other person whatever. If this argument does not settle the question, there is an end of all reasoning on circumstantial evidence.'

Let us now see if we can find 'any other person whatever' in whom more than two of these marks can be found. I have shown that during the Seven Years' War, when Mr. Pitt held the seals of Secretary of State, in his frequent attacks of gout he entirely confided to Lord Temple the duties of the Secretary's office, that he invariably consulted his opinion, that Wolfe's appointment to the command against Quebec had been made by Mr. Pitt and Lord Temple, principally, it has been said, at the recommendation of the latter. It follows

that Lord Temple was much more intimately acquainted with the Secretary of State's Office than Mr. Francis could be; and that he had also the opportunity of knowing minutely everything that occurred in the War Office. Two of Lord Macaulay's marks are thus found in Lord Temple.

Lord Macaulay's third mark, that during the year 1770 Junius attended debates in the House of Lords and took notes of speeches, particularly of the speeches of Lord Chatham, may also be said to be found in Lord Temple.

Lord Macaulay's fourth mark is that Junius 'bitterly resented the appointment of Mr. Chamier to the place of Deputy Secretary at War.' The words 'bitterly resented' may apply to Mr. Philip Francis, but neither to Junius nor to Lord Temple. The ground for this opinion is the words used by Junius in reference to Francis's connection with the War Office. Having failed to obtain the appointment of Deputy Secretary at War, Francis resigned, or, as Junius describes it, Lord Barrington contrived to *expel* him—an expression by no means likely to be employed by Francis in speaking of himself on such an occasion. Mr. Calcraft, whose business as an army contractor would oblige him to go often to the War Office, and through him Lord Temple, would become acquainted with the intrigues of the office. Neither Junius nor Lord Temple 'bitterly resented' the appointment of Chamier, the broker, and brother-in-law of Bradshaw; though the appointment afforded an opportunity for attacking Lord Barrington, who had incurred the wrath of Lord Temple by deserting the Grenvilles, by holding an adverse opinion on the subject of the Middlesex election, and moving the expulsion of Wilkes from the House of Commons in February 1769.

This, which Lord Macaulay calls his fourth mark, is in fact a mark, not that Francis was Junius, but that Lord Temple was Junius. The bitter resentment mentioned by Lord Macaulay, though a commodity of which Lord Temple always had a considerable stock in store, would not be roused by Chamier in Lord Temple, but it would in Francis; while, on

the other hand, Bradshaw, who had been lately promoted to a seat at the Board of Admiralty, seems to have roused some personal resentment in Lord Temple, who when First Lord of the Admiralty may have come in contact with him.

There is another mark of Francis not being Junius which Lord Macaulay does not include in his five marks. Junius manifested partiality, personal as well as political, towards George Grenville and John Wilkes. Francis showed no partiality for either.

Lord Macaulay's fifth mark is that Junius 'was bound by some strong tie to the first Lord Holland.' It may be sufficient to say that this mark of Francis being Junius is disposed of by the statement in the autobiography that Francis concurred with his father in regarding Lord Holland as a 'scoundrel' who had ill-treated them. On the supposition that Junius appeared to spare Lord Holland, I will quote a few words from the well-informed writer already cited:—

'In the letter addressed to the printer of the *Public Advertiser* on the 16th of October, 1771, and signed "Anti-Fox," which has by general agreement been attributed to Junius, he says:—

"I know nothing of Junius, but I see plainly that he has *designedly spared* Lord Holland and his family. Whether Lord Holland be invulnerable, or whether Junius should be wantonly provoked, are questions worthy the Black Boy's consideration."

'This letter was evidently intended as a friendly warning (or even a threat, for it implies that Lord Holland was *not* invulnerable) to the Black Boy (meaning Charles James Fox, Lord Holland's second son), who was suspected by Junius of having been the author of some recent communications to the newspapers, as well as that Junius knew that the Black Boy had made himself busy in the affair of Luttrell and Wilkes, in favour of the former. Charles Fox was at this time M.P. for Midhurst, and a subaltern in the Tory ranks; it was not until he quarrelled with Lord North, two or three

years later, that the Whigs were able to detach him from their adversaries.<sup>1</sup>

‘That Lord Holland was not more frequently attacked by Junius, I believe to have been solely caused by the circumstances I have stated, without the slightest reference to Mr. Philip Francis or his supposed gratitude. With all his faults, Lord Holland had more friends than enemies. His apparent frankness of disposition gained him many adherents, who were attached to him by strong personal friendship; his agreeable manners and constant good humour rendered him ever a welcome companion in social life.’<sup>2</sup>

I suppose by the words ‘circumstances I have stated’ he alludes to what he had said two pages before (p. 24), that when Lord Holland was designated by the Livery of London in their petition to the King as a public defaulter of unaccounted millions, Junius, at least Lord Temple, knew that Lord Holland was not singular in that respect. He knew that Lord Chatham’s accounts ending with 1755 were even then unsettled, and that the accounts of his brother George Grenville, as Treasurer of the Navy, an office which he had quitted for seven years, were not yet closed, and in fact remained unsettled at the time of his death in 1770.

But though it may be not altogether useless to show the futility of the claims of some of the most prominent of the many persons who have been brought forward as the authors of the ‘Letters of Junius’ (for since the publication of the first or author’s edition of the Letters, in 1772, about forty persons have at various times been proposed as candidates for the authorship),<sup>3</sup> the value of the letters in a constitutional point of view is quite independent of the individual author-

<sup>1</sup> *Grenville Papers*, vol. iii., p. 24. See pp. 48, 49, for the squabbles among the War Office clerks.

<sup>2</sup> *Ibid.*, p. 26.

<sup>3</sup> *Ibid.*, p. 16. The editor of the *Grenville Papers* adds in a note: ‘The references in these volumes to the *Letters of Junius* are to Woodfall’s *second edition*, 3 vols. 8vo., 1814 [edited by Dr. Mason Good].’ *Ibid.*, note i., Woodfall’s *first edition* was published in 1812.



ship. Whether they were written by a king or a beggar, by a prime minister or a government clerk, their constitutional value is the same; only there are marks about the writing which seem to render it a matter of surprise that a person of Lord Macaulay's knowledge should have supposed it possible that they could have been written by Sir Philip Francis.

Whatever may be the literary or political merits or demerits of the 'Letters of Junius,' the influence they exercised on a past generation is a historical fact, and it is altogether independent of the question by whom they were written. In regard to the controversy which has been revived as to one of those named as the possible or probable writer, it may be remarked that the 'Letters of Junius' exhibit more knowledge both of law and politics, as well as more intimate and familiar acquaintance with the habits of the highest class of English society at that time, than Mr. Philip Francis possessed. I agree with the editor of the 'Grenville Papers' that Lord Temple was the author of the Letters, and Lady Temple his *amannensis*. It would seem that there was some resemblance between the handwriting of Lady Temple and that of Mr. Philip Francis, but I do not think there is the least probability that any of the Letters were written by Francis, not even those concerning the squabbles among the War Office clerks; which, it might be thought, Junius would hardly have condescended to enter into; for the tone of Junius reminds one somewhat of the Pitt character. Moreover, several of the 'Letters of Junius' appear to have been written by a man who had received the education of a lawyer, and had also had considerable practical experience as a politician; neither of which conditions would apply to Francis. George Grenville had been bred a lawyer, and like his relative, the second Pitt, was one of the lawyers who became Prime Ministers. George Grenville was turned out of his office as Prime Minister by the King for leaving the name of the Princess Dowager out of his Regency Bill. This might account for a hostile feeling towards the King and the Princess Dowager. But indeed not only Grenville, but Rockingham and Chatham, complained that they had been induced

by royal entreaties and promises to undertake the administration of the government at a difficult conjuncture, and that, as soon as they had served the turn for which they were wanted, their ungrateful master began to intrigue against them. Grenville, Rockingham, Chatham, though differing widely in other matters, agreed in thinking that the King, whose Prime Minister each of them had been, was one of the most insincere of men. His confidence, they said, was placed, not in the responsible ministers, but in a vile band of mercenaries who called themselves the King's friends. This will in some measure account for the unmitigated bitterness and severity of the language which Junius uses in speaking of the King.

In his letter to the Duke of Grafton, dated July 8, 1769, Junius says:—'Since the accession of our most gracious Sovereign to the throne, we have seen a system of government which may well be called a reign of experiments. Parties of all denominations have been employed and dismissed. The advice of the ablest men in this country has been repeatedly called for and rejected; and when the royal displeasure has been signified to a minister, the marks of it have usually been proportioned to his abilities and integrity. The spirit of the *favourite* had some apparent influence upon every administration; and every set of ministers preserved an appearance of duration as long as they submitted to that influence.' What follows may be compared with Burke's account of the *inner Cabinet* given in a former page:—'But there were certain services to be performed for the favourite's security, or to gratify his resentments, which your predecessors in office had the wisdom or the virtue not to undertake. The moment this refractory spirit was discovered, their disgrace was determined. Lord Chatham, Mr. Grenville, and Lord Rockingham have successively had the honour to be dismissed for preferring their duty as servants of the public to those compliances which were expected from their station. A submissive administration was at last gradually collected from the deserters of all parties, interests, and connections; and nothing remained but to find a leader for these gallant, well-disciplined

troops. Stand forth, my Lord ; for thou art the man. Lord Bute found no resource of dependence or security in the proud, imposing superiority of Lord Chatham's abilities ; the shrewd, inflexible judgment of Mr. Grenville ; nor in the mild but determined integrity of Lord Rockingham. His views and situation required a creature void of all these properties ; and he was forced to go through every division, resolution, composition, and refinement of political chemistry, before he happily arrived at the *caput mortuum*<sup>1</sup> of vitriol in your Grace. Flat and insipid in your retired state ; but brought into action, you become vitriol again.'

Lord Macaulay says on the subject of handwriting (I have before observed that there was some resemblance between the handwriting of Lady Temple and that of Mr. Philip Francis):—'The handwriting of Junius is the very peculiar handwriting of Francis, slightly disguised.' An attempt was made about ten years ago to settle the question of the authorship of these letters by having 'the handwriting of Junius professionally investigated by Mr. Charles Chabot, Expert.' Lord Macaulay did not perhaps attach so much importance to the evidence of handwriting as Mr. Charles Chabot, Expert, and the Honourable Edward Twisleton ; nevertheless, it may be of use to show that it might be safer to attach none at all. The question of the authorship of the 'Letters of Junius' is not a question that can be determined by an 'expert' in handwriting, as may, I think, be inferred from the following facts and judicial opinions on the evidence of handwriting.

In the case of *Smyth v. Smyth and others*, tried at the Gloucester Assizes in August 1853, Mr. Justice Coleridge said : 'The identity of handwriting is very much a matter of opinion, and anybody might be deceived in a matter of evidence like that.' And in the case of *Roupell and another v. Haws and others*, tried at the Chelmsford Assizes in July 1863, the jury could not agree whether a certain signature was genuine or forged ; some of them thinking that it was

<sup>1</sup> *Caput mortuum*, the old term for what remains in a retort after the more valuable part has been drawn off. *Residuum* is the modern term.

genuine, others that it was not; and the conflicting evidence of the numerous witnesses tended to confirm the above-cited observation of Mr. Justice Coleridge, that 'the identity of handwriting is very much a matter of opinion.' Indeed it is a rule of English law that evidence of handwriting based on the comparison between the handwriting of a party to a document, and other documents proved, or assumed to be his handwriting, as well as evidence of handwriting by knowledge acquired from specimens, is not receivable.<sup>1</sup> Among the cases collected by Mr. Best are two which strikingly show the deceptive nature of this kind of evidence. The first is related by Lord Eldon.<sup>2</sup> A deed was produced at a trial purporting to be attested by two witnesses, of whom one was Lord Eldon. The genuineness of the document was strongly attacked; but the solicitor for the party setting it up, who was a most respectable man, had full confidence in the attesting witnesses, and had compared the signature of Lord Eldon to the document with that of several pleadings signed by him. Lord Eldon had never attested a deed in his life. In the other case, on a trial for forgery of some bank notes, one of the banker's clerks, whose name was on a forged note, swore that it was his signature, while as to another signature which was really his, he spoke with hesitation. 'Standing alone,' says Mr. Best, 'any of the modes of proof of handwriting by resemblance are worth little—in a criminal case nothing.'<sup>3</sup>

One should have thought that assassination as a mode of satisfaction for injuries among the more wealthy and educated classes had gone altogether out in England by the middle of the eighteenth century. It is, therefore, somewhat startling to find Junius, in a letter to Sir William Draper, dated September 25, 1769, writing in these terms:—'As to me, it is by no means necessary that I should be

<sup>1</sup> Best on *Presumptions of Law and Fact*, p. 221, *et seq.*, and the cases there collected. London, 1844.

<sup>2</sup> In the case of *Engleton v. Kingston*, 8 Ves. jun. 476.

<sup>3</sup> Best on *Presumptions of Law and Fact*, p. 233.

exposed to the resentment of the worst and most powerful men in this country, though I may be indifferent about yours. Though you would fight, there are others who would assassinate.' And in a private note to Woodfall he says: 'I sh<sup>d</sup> [*sic*] not survive a discovery three days; act honourably by me, and at a proper time you shall know me. I am persuaded you are too honest a man to contribute in any way to my destruction.' Again Junius, writes privately to Woodfall: 'I am sure I sh<sup>d</sup> not survive a discovery three days, or, if I did, they wo<sup>d</sup> attaint me by bill.' The meaning is that if he left the country to escape private vengeance, he would incur the forfeiture of his estates. The expression leads to the inference that the author of the 'Letters of Junius' was a man of rank and fortune. Lord Temple was a man possessed of large estates. Mr. Philip Francis was not possessed of any estates, large or small, as far as I know. Moreover, among the bearers of one of the titles which Earl Temple had inherited—that of Baron Cobham—was the famous Sir John Oldcastle, who obtained the title by marrying the heiress of Lord Cobham, and who, notwithstanding the military distinction he had gained in the French wars under Henry V., incurred the persecution of the clergy by editing the works of Wycliff, and, a bill of attainder having been passed against him, was hung in chains on a gallows in St. Giles's Fields, and burnt to death in December 1417. Oldcastle was not an ancestor, though a predecessor in the title of Cobham, of Lord Temple, who might be supposed to have heard of the bill of attainder above referred to. But an ancestor of Earl Temple, the Lord Cobham who had the misfortune to be involved in Raleigh's conspiracy in the time of James the First, was reduced to beggary by his attempt to get rid of that king's government, and is said to have died in a wretched loft of starvation in 1619.

No wonder then if Lord Temple should have a keener foresight than many other men of the contingencies of attempting to oppose a bad government and a treacherous king. The man whose ancestral memories carried his associations back

to conflicts with the Plantagenets and the Stuarts was, it would seem, more likely to assume the tone of Junius towards the German successor of the Plantagenets and the Stuarts than a man whose ancestral memories did not go so far back. Still 'assassinate' is a word that has a strange sound when used as Junius used it towards the end of the eighteenth century in England. It seems to throw us more than a century back.

The author of the 'Letters of Junius' was evidently a man who, if not a lawyer by profession, or even a man who had received a legal education, was a man in the habit of consulting law books for himself. The editor of the 'Grenville Papers,' who had been librarian at Stowe, informs us that the collections that remain in Lord Temple's own handwriting show his extensive researches into old law books and authorities, as well as the public records and journals of Parliament. Besides his brother George, who, as I have said, was bred to the Bar, Lord Temple's brother, James Grenville, was a barrister of Lincoln's Inn, and his intimate friends were the barristers Dayrell and Mackintosh. The editor of the 'Grenville Papers' informs us that Dayrell lived in an old manor-house which formerly stood in the village of Lamport, within half a mile of Stowe. He adds, writing about 1853, that this manor-house 'was pulled down about a dozen years ago, and its site is now included in Stowe gardens.' He further says, what may seem to connect Lord Temple with the 'Letters of Junius:' 'There has always been a tradition at Stowe that Dayrell furnished Junius with the legal argument for his letter to Lord Mansfield; I have heard it frequently from the late Duke of Buckingham, and it is very possible to have been true, for if it were enclosed to Woodfall and addressed to Junius, it would have reached the hands of Lord Temple, and have been used by him, without any suspicion on the part of Dayrell, who might indeed have been even urged by Lord Temple to send it to Junius. Dayrell died at Lamport Manor House, in May 1816, at the age of seventy-three, and was buried in the church at Stowe.'<sup>1</sup>

<sup>1</sup> *Grenville Papers*, vol. iii., p. 168.

Notwithstanding, however, Lord Temple's advantages both in regard to law books and professional friends, if he had not had a thorough legal education, and moreover had seen legal maxims reduced to practice, which he could only have done as a practising lawyer, he might always be liable to throw himself open to such remarks as Lord Mansfield made in his speech in the House of Lords in 1758, in the proceedings to explain and amend the Habeas Corpus Act—remarks which have been thought to have had some influence on the opinion respecting lawyers afterwards announced by Junius. Lord Temple having spoken much and warmly of the importance of Liberty, Lord Mansfield began with—

‘Excusing the great zeal shown by many persons for the Bill, from their total ignorance of what it was, and their groundless imagination that Liberty was concerned in it, which had no more connection with the Bill than with the Act of Navigation, or that for encouraging the cultivation of madder. That ignorance on subjects of this kind was extremely pardonable, since the knowledge of positive laws required a particular study of them, and the greatest genius, without such study, could no more become master of them, than of what was contained in the Japanese history without understanding the language of the country.’<sup>1</sup>

Where Lord Mansfield can put his case with clearness and knowledge such as this passage exhibits, Lord Temple had but small chance in the dispute with him. But Lord Mansfield was not always on such advantageous ground as when Junius says in his letter to Lord Mansfield, dated November 14, 1770: ‘The Roman Code, the laws of nations, and the opinion of foreign civilians, are your perpetual theme; but who ever heard you mention Magna Charta, or the Bill of Rights, with approbation or respect? By such treacherous arts the noble simplicity and free spirit of our Saxon laws were first corrupted. The Norman conquest was not complete, until Norman lawyers had introduced their laws, and reduced

<sup>1</sup> Cited, *Grenville Papers*, vol. iii., p. 43, from Lord Hardwicke's Papers.

slavery to a system. This one leading principle directs your interpretation of the laws, and accounts for your treatment of juries.' In the remonstrance from the army presented to the House of Commons on the 20th of November, 1648, it is set forth that the 'Court maxims, devised by the blasphemous arrogance of tyrants, concerning the absolute impunity of kings, their accountableness to none on earth, and that they cannot do wrong, which remain in our law books as heirlooms only of the Conquest, serve for nothing but to establish that which begot them, tyranny; and to give kings the highest encouragement to do wrong and make war even upon their own people. If, therefore, our kings claim by right of conquest, God hath given you the same against them, and there is an end to their pretensions, as if the whole people were made only for them, and to serve their lusts.'<sup>1</sup>

Junius himself, while he attacks Lord Mansfield's political principles, does justice to his abilities. Yet while Lord Mansfield's mind was admitted to have been clear and powerful, the depth of his legal learning has been questioned. And such want of depth may account for his sometimes making law instead of expounding it—a thing which, though extremely difficult to do well, is easier to do ill or indifferently than it is to unravel and set forth in luminous order a large and confused mass of law already existing on a given subject. It follows that those judges who are the least profound lawyers, and consequently least able to say when law needs to be made, will be the most likely to evade the difficulty of elucidating the old law by making new. Lord Mansfield's judicial legislation has been most successful in some branches of commercial law. In the law of real property he was less successful. His decision in the case of *Perrin v. Blake*, which involved an alteration in the old established rules of law, particularly as regarded what is called the rule in Shelley's case, was reversed in the Exchequer Chamber.

Lord Brougham, in reference to the judgment which Lord Mansfield delivered in the celebrated case of *Perrin v. Blake*,

<sup>1</sup> *Struggle for Parliamentary Government in England*, vol. ii., p. 286.



says:—‘It must be observed that here, as in the former instance, he had the concurrence of his learned brethren, excepting only Mr. Justice Yates, whose difference of opinion led to his leaving the Court of King’s Bench, and removing to the Common Pleas for the very short residue of his truly respectable and useful life.’<sup>1</sup> In a note to this passage Lord Brougham says:—‘This able, learned, and upright judge showed a courage greatly extolled in those times, but which, it is to be hoped, every member of the bench would now display as a matter of course. The minister having tampered with him in vain, previous to some trial involving rights of the Crown, the King was foolish or wicked enough to write him a letter, and he returned it unopened. Alderman Townsend stated this in Parliament, and it was not contradicted.’ The former instance referred to above by Lord Brougham, and stated by him in a preceding page (p. 108), was a case where upon application for a mandamus to make an order of filiation upon a foreign ambassador’s secretary, Lord Mansfield somewhat hastily refused it. ‘This view,’ says Lord Brougham, ‘was manfully resisted by the counsel who moved; and Mr. Justice Yates took part with them. In the end Lord Mansfield gave way, and the remedy was granted as sought. But it must be observed that the third judge present, Mr. Justice Aston, at first entirely concurred with the Chief Justice, and only changed his opinion upon further consideration, being moved by the reasoning of the dissenting judge.’

Perhaps one of the most remarkable circumstances about these ‘Letters of Junius’ is that they should have had so much success notwithstanding the degree by which their virulence and acrimony overpass the bounds of fair and temperate discussion. A notable instance of this is afforded by what Junius says of this Mr. Justice Yates, whom he exalts by flagrant injustice towards the other judges of the Court of King’s Bench. ‘The name of Mr. Justice Yates,’ says Junius in the letter to Lord Mansfield last quoted, ‘will naturally revive in your mind

<sup>1</sup> *Statesmen of the Time of George III.*, first series, pp. 109, 110.

some of those emotions of fear and detestation with which you always beheld him. That great lawyer, that honest man, saw your whole conduct in the light that I do. After years of ineffectual resistance to the pernicious principles introduced by your Lordship, and uniformly supported by your *humble friends* [*sic*] upon the bench, he determined to quit a court whose proceedings and decisions he could neither assent to with honour, nor oppose with success.'

It will be observed that Junius here says 'uniformly supported,' whereas in the case of the foreign ambassador's secretary, the third judge present, Mr. Justice Aston, changed his opinion, which at first agreed with that of the Chief Justice; such changes having been produced by the reasoning of the dissenting judge, Mr. Justice Yates. Junius ought to have obtained correct information; and if he either neglected to obtain it, or having obtained it, wrote 'uniformly supported' in defiance of it, he acted the part of a slanderer and a dishonest man.

In regard to Lord Brougham's criticism<sup>1</sup> of the style of Junius, which Lord Brougham calls 'polished, though very far from being a correct one, and farther still from good pure English,' whatever faults of style Junius may have, his 'polished style, the vehicle of sarcasm and pointed invective,' has given to his '*nominis umbra*' a longer life already than could be safely predicted to the production in the 'Edinburgh Review,' which Lord Byron, whom it attacked, said 'was a masterpiece of low wit—a tissue of scurrilous abuse.' Byron was at least as good a judge of style as Brougham; and Byron's opinion was different from Brougham's as to Junius, into the mouth of whose shade he puts these words:—

'Passion!' cried the phantom dim,  
 'I loved my country, and I hated him.  
 What I have written, I have written: let  
 The rest be on his head or mine!  
 My charges upon record will outlast  
 The brass of both his epitaph and tomb.'

<sup>1</sup> *Statesmen of the Time of George III.*, first series, p. 115.

If Brougham and Temple had been set to talk against each other, Brougham would have beaten Temple; if to write, Temple would have beaten Brougham. Brougham wanted knowledge and accuracy for writing; and his style is poor, wordy, and illogical. James Mill, who knew him well, once said of him, 'He does not know when his premisses and his conclusion are connected.'

It may, however, be said for the writer, whoever he was, of the words in the 'Edinburgh Review,' 'We are well off to have got so much from a man of this lord's station, who does not live in a garret, but has the sway of Newstead Abbey,' that even Walter Scott, when alluding to the attack on him in 'English Bards and Scotch Reviewers,' said something not complimentary about 'this whelp of a lord.' Lord Byron, indeed, with his popularity as a writer, added to his pretensions to descent from a robber or pirate of the eleventh century instead of the sixteenth, reached an arrogance which looked upon the House of Lords as a set of dull fellows, and the rest of the world as a set of low fellows. The writer of the review, instead of sneering at the boy lord's bad poetry, might have usefully employed himself in showing the true extent and nature of the ground the Byron family might have for saying that they had come to England with William and had 'led their vassals proudly to battle on Palestine's plains;' in showing also that the Byrons, like many other Anglo-Norman families whose names figure in the roll of Battle Abbey, though they may have come from Normandy to England, were not at the battle of Hastings at all. Stubbs has shown that several names which figure in Thierry as copied from the *livre* or *livret des conquéreurs* were the names of men introduced by Henry I. into England from Normandy to superintend his judicial and financial reforms, soon after he had defeated and expelled from England the most powerful and most truly representative of the Conquest families.

I have only mentioned the case of *Perrin v. Blake* here—for to comprehend the technical reasoning in it requires some measure of legal education—as affording some evidence of Lord

Temple's connection with the 'Letters of Junius.' The evidence referred to may be described as a knowledge, however imperfect or inaccurate, of the laws of England derived partly from books, partly from the conversation of professional lawyers. I do not think it probable—to take one of the proposed candidates for the authorship of the 'Letters of Junius,' who has been most prominently brought forward and influentially supported—that Mr. Philip Francis had, any more than any other clerk in the War Office, ever heard of the 'celebrated case of *Perrin v. Blake*,' or of Fearne's once celebrated book on 'Contingent Remainders' to which that case gave birth. While there was no special inducement to make Mr. Francis conversant either with English constitutional law or with those details of English government which a man could only become familiar with as a member of the Cabinet, it appears that Lord Temple, besides having been in the habit of consulting law books and the public records, and of discussing legal questions with barristers of admitted legal knowledge, had been an important member of Chatham's administration under George II. and George III., which entitled him to say, as he said to Sir William Draper, 'I should have hoped that even *my* name might carry some authority with it,'<sup>1</sup> words which are of themselves a conclusive proof that Junius was not Francis, was not Lord George Sackville, was not William Burke (that he was not Edmund Burke it is needless to repeat), that he was not any of the forty persons proposed as candidates, and not one of whom had a name to carry an atom of authority with it in 1769, if they ever had. I am inclined to think that of all the persons who have been named as the possible authors of the 'Letters of Junius,' Lord Temple was the one who could with least inaccuracy have used these words, 'I should have hoped that even *my* name might carry some authority with it.' For Lord Temple, without having attained fame like his brother-in-law Pitt, had held high and important offices of State, in which he had shown

<sup>1</sup> Letter of Junius to Sir William Draper, Knight of the Bath February 7, 1769. Letter iii. of the *Letters of Junius*.

talents for administration, though perhaps not for debate. This was precisely the position in which a man might feel that though he had not made himself famous, he had something of a name, which neither Lord George Sackville (who had it indeed in a negative sense), nor Philip Francis, nor William Burke could say at that time. William Gerard Hamilton had so much more fame, as single-speech Hamilton, than Lord Temple, that the expression might have come in the sense of 'name' from him, but not in the sense of 'authority,' as Lord Temple might use it, since Hamilton had not held such high offices as Temple, nor had any pretensions to hold them.

While Junius, whether Lord Temple was Junius or not, protested against being taken for a lawyer himself, of being taken for a member of a profession where, according to him, 'subtlety is mistaken for wisdom and impunity for virtue,' he manifested a taste for legal studies. There is unquestionably something in a legal education—apart altogether from the habits of a legal practitioner—something of that knowledge which enables a man to act so far at least on Coke's advice as to 'beware of chronicle law reported in our annals'—a sort of knowledge which is of great value to a man through life—a sort of knowledge of which Lord Temple possessed some portion.

The evidence of handwriting I have already disposed of. In an elaborate article in the *Times* of May 22, 1871, on an attempt to prove by an expert that the 'Letters of Junius' were written by Francis, there occur these very significant sentences:—

'The common estimate of Francis, prior to the revival of the topic by Lord Macaulay, was expressed by Tierney when he said, "I know no better reason for believing the fellow to be Junius, than that he was always confoundedly proud of something, and no one could ever guess what it could be." Mr. Pitt told Lord Aberdeen (the late Premier) that he and his father (Lord Chatham) knew who wrote the Junius Letters, and that it was not Francis. Lord Aberdeen repeated this statement to his son, the Hon. Arthur Gordon, now Governor

of the Mauritius. The Right Hon. Thomas Grenville told Lady Delamere and Miss Williams Wynn (his nieces) and the Hon. Mrs. Rowley (his great-niece), as a matter of personal knowledge, that Junius was not one of the persons to whom the letters had been popularly ascribed. Soon after the publication of the "Diaries of a Lady of Quality," in which the Grenvilles were mentioned as possessed of the key, Lady Grenville sent a message to the editor, through Dr. James Ferguson, to say that Lord Grenville told her he knew who wrote the Junius Letters, and they were not written by Francis.

'It would appear from this that Mr. Thomas Grenville did not make any communication to the same effect to the editor of the "Grenville Papers," who says:—"It has been supposed that the late Mr. Thomas Grenville had some peculiar knowledge respecting the authorship of Junius. I have no reason to join in that belief, for I never heard him speak upon the subject, nor did I ever hear it mentioned in his presence. He had not seen these letters addressed to his father until they were shown to him by myself at Stowe, about ten or twelve years ago, I believe in October 1840. After having appeared to read them with great attention, he returned them to me without any observation whatever—it is possible, because he felt no interest in the subject, or that I did not presume to ask him any questions upon it. I remember considering that his manner upon this occasion was significant, because it was unusual. I revert with very great pleasure to the many hours which I had the honour and advantage of spending with him at various times in the library at Stowe, and he always appeared to be much pleased in giving one the benefit of his extensive and most accurate information upon the books and manuscripts which I produced, either for his amusement, or upon which I desired to ask his opinion or advice."'

The editor of the 'Grenville Papers' has some observations bearing on this point in his introductory notes relating to the authorship of Junius. 'It was not,' he says, 'until the end

<sup>1</sup> *Grenville Papers*, vol. iii., p. 15, note 2.

of the year 1829, after the late Duke of Buckingham's return from a tour on the Continent, that I first suggested to his Grace the possibility that Lord Temple might have been the author of Junius. Although it had not occurred to him, nor had he heard it as a family tradition, the Duke did not discourage the supposition; and in all our subsequent conversations upon the subject, we found no reasons for considering it in any respect improbable. In the year 1831 a book was published in America by Mr. Newhall, in which the claims of Lord Temple to be Junius are advocated in a series of letters to a friend at Salem.

'I have read with more or less attention nearly all the numerous publications on the authorship of Junius; and nothing which has been written upon the subject has in any respect shaken my conviction that of all the persons hitherto named, the probabilities are greatly in favour of Lord Temple.'<sup>1</sup>

There are facts mentioned in the 'Letters of Junius' which were known only to three persons, Lord Chatham, Lord Camden, and Lord Temple. The manner in which Lords Chatham and Camden are spoken of by Junius precludes the supposition that either of them was Junius. There remains but Lord Temple. The objection to his having been the author of the Letters which has been made by Scævola and others is also made by a writer who has left some volumes of prose and verse known only to the students of literary history. This writer says that in a conversation between Lord Camden and himself, the former said that 'many things in Junius convinced him [Lord Camden] that the materials were prompted by Earl Temple, and he mentioned in particular a confidential statement which had been made in

<sup>1</sup> *Grenville Papers*, vol. iii., p. 16. I have mentioned in a former page that since the publication of the first or author's edition of the Letters, in 1772, about forty persons have been proposed as candidates for the authorship. Woodfall's *first* edition appeared in 1812. Woodfall's *second* edition, 3 vols. 8vo., edited by Dr. Mason Good, appeared in 1814.

private between Lord Chatham, Lord Temple, and Lord Camden, which, from the nature of it, could only have been disclosed by Lord Temple, through Junius, to the public.'<sup>1</sup> The writer of this passage, Mr. George Hardinge,<sup>2</sup> says in the third volume of his works: 'I know enough of Junius to know that he was of Lord Temple's school, and that in one<sup>3</sup> of the letters to Lord Camden he touched upon a fact, known only to three persons, Lords Chatham, Camden, and Temple.' Mr. George Hardinge then takes upon him to pronounce a very decided judgment upon the extent and limits of Lord Temple's 'eloquence and parts,' saying 'Lord Temple had not eloquence or parts enough to have written Junius; but I have no doubt that he knew the author.' The words of Scævola in a letter addressed to Junius in the *Public Advertiser* of Saturday, November 9, 1771, are: 'These particulars are proofs not of the writer (whose abilities are his own), but of the *Patron of Junius*.'<sup>4</sup>

Burke's remark that 'Wilkes is pursued for the spirited dispositions which are blended with his vices; for his unconquerable firmness, for his resolute, indefatigable, strenu-

<sup>1</sup> *Nichols's Illustrations of Literary History*, vol. i., p. 146, cited *Grenville Papers*, vol. iii., p. 130.

<sup>2</sup> *Miscellaneous Works in Prose and Verse* of George Hardinge, Esq., Senior Justice of the Counties of Brecon, Glamorgan, and Radnor, 3 vols. 8vo., Nichols, 1818. Cited, *ibid.*, p. 131.

<sup>3</sup> Junius addressed only one of his Letters to Lord Camden, the last in the series of his acknowledged writings, and in that letter 'there is only one sentence in which by any possibility,' says the editor of the *Grenville Papers* (vol. iii., p. 131), 'such a fact can be involved.' The following is the sentence:—'But it was said that Lord Chief Justice Wilmot had been *prevailed upon* to vouch for an opinion of the late Judge Yates, which was supposed to make against you; and we admit the excuse.' 'The above passage,' continues the editor of the *Grenville Papers*, 'probably contains the *fact* alluded to as being known only to Lords Chatham, Camden, and Temple. In what manner Lord Chief Justice Wilmot was *prevailed upon*, or what was the opinion of Mr. Justice Yates, or upon what occasion it was given, I regret that, after most diligent search, I have hitherto been unable to discover.'

<sup>4</sup> *Grenville Papers*, vol. iii., p. 94.



ous resistance against oppression,'<sup>1</sup> indicates the cause of Lord Temple's support of Wilkes, which was associated with the good part of Wilkes's character, not with the bad. Before Wilkes went out to fight with Lord Talbot, he said he had some business to attend to, and he wrote a letter to Lord Temple recommending his daughter to the care of Lady Temple in the event of his death. Lord Temple had proved a friend to Wilkes on all occasions, and had stood forth in defence of Wilkes, as of one in whose honour and integrity he placed the highest confidence. Wilkes in his letter in December 1766 to the Duke of Grafton, whose desertion of Wilkes, his former associate, Lord Temple regarded as a base and cowardly act, mentions Lord Temple as 'one of the greatest characters our country could ever boast.'<sup>2</sup> In short Wilkes seems to have been the only man living as a contemporary of Lord Temple who formed an estimate of his abilities such as might indicate him as able to write the 'Letters of Junius.' To Wilkes Lord Temple had never been wanting—the first to visit him after his arrest under the General Warrant, and on his imprisonment in the Tower, and in the King's Bench Prison. Lord Temple, who, besides assisting him at various times with large sums of money, applied in person for the writ of Habeas Corpus, accompanied him into the Court of Common Pleas, and offered to become bail for him to any amount that might be necessary.<sup>3</sup> But Lord Chatham, his brother-in-law, did not find Lord Temple by any means so invariable in friendship. One of the arguments used against the hypothesis of Sir Philip Francis being the author of Junius is the scurrility of the epithets applied to Lord Chatham in some of the earlier letters of the author of Junius under various signatures. If we substitute Lord Temple for Sir Philip Francis the difficulty does not disappear, for the amount of inconsistency is

<sup>1</sup> *Thoughts on the Causes of the Present Discontents*, Burke's Works, vol. i., p. 354, Bohn's edition. London, 1854.

<sup>2</sup> *Grenville Papers*, vol. iii., p. 82.

<sup>3</sup> *Ibid.*, vol. iii., p. 81.

startling in the change from 'a man purely and perfectly bad'; 'so black a villain that a gibbet would be too honourable a situation for his carcase'; 'a lunatic brandishing a crutch';<sup>1</sup> to 'recorded honours shall gather round his monument, and thicken over him. It is a solid fabric, and will support the laurels that adorn it. I am not conversant in the language of panegyric. These praises are extorted from me; but they will wear well, for they have been dearly earned.'<sup>2</sup>

If we are to wait till it can be shown by mathematical demonstration that Earl Temple had 'eloquence and parts' enough to have written the 'Letters of Junius,' we shall have to wait longer than Lord Eldon had waited to make up his mind about the construction of a certain will, respecting which he began his decision by saying, 'Having had doubts upon this will for twenty years.'<sup>3</sup> When a mystery has succeeded in establishing itself in the popular mind, it is by no means an easy matter to dislodge it. An example of this is afforded by the controversy which has arisen respecting the publication professing to be the work of Charles I. The work was the production of a clergyman of the Church of England of the name of Gauden. Gauden was desirous of being made a bishop, as is proved by letters of his in the supplement to the third volume of the 'Clarendon Papers.' With this view Gauden wrote a book purporting to be meditations of Charles I., of which Perrinchief says, 'It was imagined that the admiration of following ages might bring it into the canon of holy writings.' In Johnson's Dictionary Gauden is always quoted under the title of 'King Charles.'

Though Dr. John Gauden himself states in a letter to Lord Clarendon, printed among the 'Clarendon Papers,' that he wrote the *Εἰκὼν*, and further that Charles II. was satisfied that he wrote it;<sup>4</sup> so late as 1824 and 1828 the

<sup>1</sup> *Grenville Papers*, vol. iii., p. 23.

<sup>2</sup> *The Letters of Junius*, Letter liii.

<sup>3</sup> Maddock's *Court of Chancery*, preface, p. 9.

<sup>4</sup> *Clarendon Papers*, vol. iii., supplement, p. 29.

Master of Trinity College, Cambridge, the Rev. Christopher Wordsworth, D.D., produced two elaborate volumes in which he unhesitatingly ascribed the authorship of 'Icōn Basilike' to Charles I. Lord Macaulay, on the other hand, not on the authority of Gauden's own letter in the 'Clarendon State Papers,' but on the authority of a book written by an old clergyman named Walker, who in the time of the Civil War had known Gauden intimately, as unhesitatingly ascribed its authorship to Gauden, as he ascribed the authorship of Junius to Francis. I have not seen the book, which, according to Lord Macaulay, 'convinced all sensible and dispassionate readers'; and I am inclined to think that Lord Macaulay has not strengthened his position by the expression of his opinion, that all who should not be convinced by Walker's book, as his lordship was convinced, were hot-headed fools; though it is very possible that many of them might not be wise men. I am also much inclined to the opinion that no amount of circumstantial evidence can ever conclusively settle such a question. If Mr. Pitt or his father Lord Chatham had stated in a credible way, that is by writing, or by words to a credible witness, that Earl Temple was the author of the 'Letters of Junius,' such statement would amount to nearly as conclusive evidence as Gauden's letter to Clarendon. But the evidence which has yet been produced does not go farther than the statement of credible witnesses, members of the Grenville family, or very near connections of that family, that they knew who wrote the Junius Letters, and that Junius was not one of the persons to whom the Letters had been popularly ascribed.

This is an instructive illustration of the distinction between direct and circumstantial evidence. Evidence is direct in respect of every fact of which the witness represents himself as having been a percipient witness. It is circumstantial in respect of every fact of which the witness does not represent himself as having been a percipient witness, and the existence of which therefore is matter of inference. Whenever the body of proof, to make it complete, stands in need of

any, even a single inference, in so far an article of circumstantial evidence forms a necessary part of it. The connection between direct and circumstantial evidence is so close and subtle, that the boundary line which separates them is often scarce determinable.<sup>1</sup> In the case, however, of the celebrated 'Letters of Junius' we may, I think, almost venture to say that the circumstantial evidence has altogether broken down, at least has failed to settle the question; and the direct evidence contained in the alleged positive statements of Mr. Pitt, of Mr. Thomas Grenville, and of Lord Grenville, quite upsets nearly all the conclusions that circumstantial evidence had attempted to establish.

<sup>1</sup> The distinction between direct and circumstantial evidence, as well as the intimate connection between them, will be found fully expounded in the fifth book of Bentham's *Rationale of Judicial Evidence*. Any clear and consistent exposition of that distinction and that connection will be sought for in vain either in the Roman or the English system of law.



## CHAPTER VIII.

THE GREAT WAR BETWEEN PARLIAMENTARY AND PERSONAL GOVERNMENT.—WILLIAM PITT AND NAPOLEON BONAPARTE. .

THE state of political affairs which has been described in the preceding chapter continued for some twenty years. As has been said, in 1778 William Pitt, Earl of Chatham, died; and in 1779 died his brother-in-law, Earl Temple. But a man was now coming upon the stage who was to put an end to the servile condition of the English Parliament. This man was William Pitt, the second son of the first Earl of Chatham. After he was placed at the head of affairs when any attempt at interference with him was made by 'the king's friends,' he at once tendered his resignation, and as he alone stood between the king and the coalition he could dictate his own terms. A state of parties had arisen which enabled Pitt, when in 1783 he entered upon his long career of power, to put an end to the back-stairs government of the persons who styled themselves 'the king's friends.' Pitt thus appears in a different light from that in which many persons have been accustomed to see him. I have not been one of Pitt's admirers, and it is only since I had occasion to study minutely Pitt's career, that I have come to the conclusion that, before the force of circumstances drove him into determined hostility to Napoleon Bonaparte, Pitt went as far in his political opinions as his uncle Earl Temple had gone, or as any member of that ultra-Whig party which the persecution of Wilkes and the Middlesex election had called into existence, and which the disastrous events of the American War and the

triumph of republican principles in America had made formidable.

Burke died on July 9, 1797; and though he saw the beginning of the Bonaparte system when Napoleon Bonaparte was appointed to the command of the army of Italy in 1796, he did not live long enough to be able to recognise the advent of a robber and tyrant such as Europe had not beheld for centuries.

In regard to the attempt to represent the interference of George III. in parliamentary proceedings as 'the first great effort of George III. to restore to the English people the blessings of their "old free monarchy,"' if a free, that is an absolute monarchy be a blessing, it may be granted that George III. was willing to confer that blessing upon the people of England. Yet can it be that George III. wished to restore the government of the rack, which was the government under which the people of England lived when they had a 'free monarchy,' that is, a monarchy without check or control? During some two centuries, from the time when Edward IV., freed from the check of the warlike nobility, and transformed from an English King into an Asiatic Sultan, was free to give the reins to his evil passions, resistance to tyranny in England did not merely involve a violent death, but tyrants had invented slow and exquisite tortures by which and the dread of which their 'free monarchy' was maintained.

There would appear to be men even of great abilities who profess to entertain an admiration of Burke's genius and yet do not seem to have accurately reported his meaning. One of these eminent men does not appear to have studied with sufficient care Burke's admirable analysis of George III.'s *double cabinet*, and of the persons called the *king's friends*; another writes as if he supposed that Burke approved of the attempt of George III. to reduce the English people to slavery, or as this writer phrases it, 'to restore to the English people the blessings of their old free monarchy.' Such a charge as that Burke took such a view of the proceedings of George III. is so serious as well as strange, that it seems worth while to quote Burke's own words in answer to it.

Burke thus speaks of government or the method of governing by a man of parliamentary interest like the Duke of Newcastle and a man of parliamentary eloquence like Pitt, afterwards Earl of Chatham. 'This method of governing by men of great natural interest or great acquired consideration was viewed in a very invidious light by the true lovers of absolute monarchy. It is the nature of despotism to abhor power held by any means but its own momentary pleasure; and to annihilate all intermediate situations between boundless strength on its own part, and total debility on the part of the people. To get rid of all this intermediate and independent importance, and *to secure to the Court the unlimited and uncontrolled use of its own vast influence, under the sole direction of its own private favour,*<sup>1</sup> has for some years past been the great object of policy. If this were compassed, the influence of the crown must of course produce all the effects which the most sanguine partisans of the Court could possibly desire. Government might then be carried on without any concurrence on the part of the people; without any attention to the dignity of the greater, or to the affections of the lower sorts. A new project was therefore devised by a certain set of intriguing men, totally different from the system of administration which had prevailed since the accession of the House of Brunswick. This project, I have heard, was first conceived by some persons in the Court of Frederic, Prince of Wales.'<sup>2</sup>

Burke then enters into the details of this scheme which Lord Beaconsfield calls 'the first great effort of George III. to rescue the sovereignty from the Great Revolution families,' and 'to restore to the English people the blessings of their old free monarchy.' 'The earliest attempt,' says Burke, 'in the execution of this design was to set up for minister a person in rank indeed respectable, and very ample in fortune, but

<sup>1</sup> The italics are in the original. The reader may judge whether Edmund Burke or Lord Beaconsfield is the most correct expounder of the policy of George III.

<sup>2</sup> *Thoughts on the Cause of the Present Discontents*, Burke's Works, vol. i., pp. 314, 315, Bohn's edition. London, 1854.

little known or considered in the kingdom. But that idea was soon abandoned. The instrumental part of the project was a little altered.

‘The first part of the reformed plan was to draw a *line which should separate the Court from the ministry*. Hitherto these names had been looked upon as synonymous; but for the future court and administration were to be considered as things totally distinct. By this operation two systems of administration were to be formed; one which should be in the real secret and confidence; the other merely ostensible to perform the official and executory duties of government. The latter were alone to be responsible; whilst the real advisers, who enjoyed all the power, were effectually removed from all the danger.

‘Secondly, *a party under these leaders was to be formed in favour of the Court against the ministry*: this party was to have a large share in the emoluments of government, and to hold it totally separate from, and independent of, ostensible administration.

‘The third point, and that on which the success of the whole scheme ultimately depended, was *to bring Parliament to an acquiescence in this project*. Parliament was to be taught a total indifference to the persons, rank, influence, abilities, and character of the ministers of the crown. It was to be avowed as a constitutional maxim, that the king might appoint one of his footmen, or one of your footmen, for minister; and that he ought to be, and that he would be, as well followed as the first name for rank or wisdom in the nation. Thus Parliament was to look on, as if perfectly unconcerned, while a cabal of the closet and back-stairs was substituted in the place of a national administration.

‘With such a degree of acquiescence any measure of any court might well be deemed thoroughly secure. The capital objects, and by much the most flattering characteristics of arbitrary power would be obtained. Everything would be drawn from its holdings in the country to the personal favour and inclination of the prince. His favour would be the sole introduction to power, and the only tenure by which it was to



be held, so that no person looking towards another, and all looking towards the court, it was impossible but that the motive which solely influenced every man's hopes must come in time to govern every man's conduct; till at last the servility became universal, in spite of the dead letter of any laws or institutions whatsoever.<sup>1</sup>

That the back-stairs cabinet might be able to compass the ends of its institution, its members were not to aim at the high offices of the State. They were distributed through the subordinate offices and through the households of all the branches of the royal family. The principal object being a salary sufficient for the dignity of a member of Parliament, when that object was attained the member of Parliament's vote was at the service of the crown, and thus 'the king's friends,' though individually obscure placemen, 'possessed all the influence of the highest posts.'<sup>2</sup>

When we peruse the lineaments of a haughty parliamentary potentate in William Pitt, and those of a consummate military tyrant in Napoleon Bonaparte, we may ponder the question whether the insolence of the mighty men of the tongue, who are the heroes of parliamentary government, is more or less intolerable than the worse than insolence of the mighty men of the sword, who are the heroes of personal government. I shall have to deal with facts which present a somewhat paradoxical result, inasmuch as they exhibit the two English political parties—those parties which have borne the names of Cavalier and Roundhead, of Court and Country, of Tory and Whig, and lastly of Conservative and Liberal—as transformed for a time—the Whig standing forth as the champion, the Tory as the adversary, of the greatest tyrant, the most universal aggressor and largest robber of modern times. Under these circumstances parliamentary government was enabled to do some things which, however misrepresented by party spirit, have been beneficial, not merely to England

<sup>1</sup> *Thoughts on the Cause of the Present Discontents*, Burke's Works vol. i. pp. 315, 316.

<sup>2</sup> *Ibid.*, p. 327.

but to Europe, in saving them from a yoke such as Asiatic Sultans impose on their slaves. And this portion of the history of Europe, exhibiting parliamentary government in the most marked antagonism to personal government, will enable any one who reads it to understand clearly the distinguishing characteristics of the two kinds of government. This object will be promoted by substituting historical facts for the legends respecting Napoleon Bonaparte or Napoleon I. that have passed for history. When in England we find writers such as General Sir William Napier and Mr. Cobden holding up Napoleon I. not only as not the aggressor in the great European war, *after* 1796, but as 'the champion of equality,' it is time to make some attempt to show the confusion into which Mr. Cobden's notions respecting 'the ordinary workings of the moral law'<sup>1</sup> were calculated to throw the science of ethics. The difficulties in the way of attaining truth in this matter have been much lessened by the valuable labours of a modern French historian, M. Lanfrey, who has written a history of Napoleon I., and not a political pamphlet or Bonapartist legend.

It will be necessary to say a few words in order to attempt to do that justice to Pitt which he has not received between the blind admiration of his friends and the blind depreciation of his enemies. Napoleon Bonaparte has filled so large a space in the history of the world from 1796 to 1815, that it seems almost absurd, if not presumptuous, to say that till Bonaparte appeared the man who filled the largest space in the eyes of mankind was not a great general, a great king, or a great emperor, but simply Mister William Pitt, an English barrister, who 'if he had been dismissed from office after more than five years of boundless power would hardly have carried out with him a sum sufficient to furnish the set of chambers in which, as he cheerfully declared, he meant to resume the practice of the law.'<sup>2</sup> But a part of Pitt's power was asso-

<sup>1</sup> Preface to Mr. Cobden's '1793 and 1853.'

<sup>2</sup> Lord Macaulay's *William Pitt*, in his *Miscellaneous Writings*, p. 347. When Pitt died, in his forty-seventh year, on January 23, 1806, he had been

ciated with his poverty—much as has been said about the power of wealth. ‘About treaties, wars, budgets, there will always be room for dispute. But pecuniary disinterestedness everybody comprehends. It is a great thing for a man who has only three hundred a year to be able to show that he considers three thousand a year as mere dirt beneath his feet, when compared with the public interest and the public esteem. Pitt had his reward. No minister was ever more rancorously libelled; but even when he was known to be overwhelmed with debt, when millions were passing through his hands, when the wealthiest magnates of the realm were soliciting him for marquises and garters, his bitterest enemies did not dare to accuse him of touching unlawful gain.’<sup>1</sup>

In this pecuniary disinterestedness there is a certain resemblance between Pitt and Washington, who in a letter to a friend in 1797, very soon after his official career had terminated, says, ‘To make and sell a little flour annually, to repair houses going fast to ruin, and to amuse myself in agricultural and rural pursuits, will constitute employment for the few years I have to remain on this terrestrial globe.’ While Washington retired from the command of armies and the government of a great nation ‘to make and sell a little flour annually,’ Pitt was willing to retire from the government of a great nation, and return to the uncertain chances of practice at the Bar. But at the time of the date of the letter of Washington quoted above, Pitt found himself, as head of the English government, engaged in a conflict with the most formidable enemy that England had ever encountered since the time when William, Duke of Normandy, landed with an army on the coast of Sussex.

twenty-five years in Parliament and during nineteen years Prime Minister. ‘Since Parliamentary government was established in England no English statesman has held supreme power so long. Walpole, it is true, was First Lord of the Treasury during more than twenty years; but it was not till Walpole had been sometime First Lord of the Treasury that he could be properly called Prime Minister.’—*Ibid.*, p. 359.

<sup>1</sup> Lord Macaulay’s *William Pitt*, p. 339.

One consequence of not making the just distinction between the war with France from 1792 to 1796 and the war with France after the latter date has been a continued misrepresentation of the character of Pitt, who, to use the words of a staunch Whig politician, 'was a lover of peace and freedom, and liked neither war nor arbitrary government.'<sup>1</sup> Yet Pitt has been held up to obloquy as the oppressor of England, and the disturber of Europe. Coleridge represented the demons Famine, Slaughter, and Fire, declaring the first that she would raise the multitude against him in madness; the second that she would drive them to tear him limb from limb; the third that she would cling round him everlastingly. The French press and the French tribune charged all the evils and all the crimes that afflicted France upon 'the monster Pitt and his guineas.' The 'monster Pitt' is, however, gradually emerging from the abyss of darkness and calumny in which it suited Bonaparte to envelope history; and the word 'monster' will be found applied not to Pitt but to Bonaparte by a French writer who has done for Bonaparte what Tacitus did for Tiberius. 'The spouter Tacitus,' as Bonaparte termed him, was not much of a spouter, not much of a wordy declaimer; and Bonaparte did not relish the idea of having his deeds of darkness laid open as Tacitus had laid open the Roman tyrant's character and deeds in his dissection of Tiberius, by which he at once enables us to perceive the tyrant's vices and the transparent covering used to conceal them. Bonaparte did not relish the idea of the dissector's knife laying open the brain and heart of the Corsican oppressor of mankind, nor the idea of the dissector's pen tracing, as Tacitus had done in the case of Tiberius, the gradations by which the senator of a republic joining in

<sup>1</sup> Lord Macaulay's *William Pitt*, p. 349. 'There can be little doubt that if the French Revolution had not produced a violent reaction of public feeling, Pitt would have performed, with little difficulty and no danger, that great work which at a later period Lord Grey could accomplish only by means which for a time loosened the very foundations of the commonwealth.'—*Ibid.*, p. 347.

debate with his fellow-senators and mingling with his fellow-citizens was transformed into an Asiatic Sultan, without associates except slaves; and who would never more, as heretofore, walk through the streets amidst a crowd of people, with an air of calm composure, occasionally loitering in conversation, his guards following at a distance.<sup>1</sup>

Pitt's memory is more indebted to the short memoir of him by a man who was a staunch adherent of the political party of his great rival than to the ponderous biography by the senior wrangler who had been his private tutor at Cambridge; whom his pupil before he had completed his twenty-eighth year made Bishop of Lincoln and Dean of St. Paul's; and who showed his gratitude by writing a life of his pupil which has been described as 'enjoying the distinction of being the worst biographical work of its size in the world.'<sup>2</sup>

The opprobrium implied in such terms as 'the monster Pitt and his guineas' was extended to the nation which Pitt governed. The man who had at that time got France under his iron heel styled the English a nation of *boutiquiers*, which, as before remarked, amounted to the same thing as calling them a nation of pedlars, the word *boutique* in old French denoting a pedlar's box as well as a shop. To Napoleon Bonaparte that a man not military—a *péquin*—who had never won a battle except through his admiral, Nelson, should dare to oppose him in any way appeared a piece of frightful presumption.

It is to be remarked that the estimate made by M. Lanfrey of the effect of Pitt's exertions against the projects of Bonaparte awards more merit to Pitt as a war minister than the estimate made by Lord Macaulay does. M. Lanfrey in a passage which I will quote in another page, speaks of Fox as an adversary who would give Bonaparte far less trouble

<sup>1</sup> Tacit. *Ann.* ii. 34.

<sup>2</sup> Lord Macaulay's *William Pitt*, p. 329. Lord Macaulay characterises the biographical work of Boswell, who was not a man of senic wrangler type, as the best in the world.

than 'the great minister whom he had everywhere met in his path, denouncing his projects as soon as they were formed, and whose penetrating eye and cold contempt had so often disconcerted imperial charlatanry.' On the other hand, Lord Macaulay speaks as if Pitt's opposition to the projects of Bonaparte was a failure; as if it were a very easy thing for such a statesman as Chatham to create with such means one of the finest armies in the world, and discover generals worthy to command such an army. As to Chatham, the great military genius of his time, Frederic of Prussia, was on his side, while the great military genius of his son's time was his son's opponent. Moreover, Chatham had no part in the successes of the King of Prussia except subsidising him; to any merit in the exploits of Clive and Coote, Chatham had not the shadow of a claim; Wolfe he may have discovered to be a man of promise.

But it is by no means so easy to discover capable generals as Lord Macaulay seems to assume. War cannot be conducted by a man sitting at a desk. Even Napoleon Bonaparte, when, during the short time he passed in the topographical office, he drew up instructions for the commander-in-chief of the army of Italy—which constituted in fact the plan of his famous Italian campaign—while his plan of campaign was only known as the plan of a man at an official desk, was laughed at rather than honoured as a prophet. One general commanding the army of Italy to whom the plan was sent said the man who drew it up was a fit inmate for a lunatic asylum. Bonaparte had drawn up his plan from having personally studied the ground when he was with the army of Italy as an artillery officer; and he executed the plan, with what success is well known, when he was appointed to the command of the army of Italy. Therefore, when a man, bred a soldier, drawing up a plan of a campaign to be executed by others, even though that plan contains a clear exposition, based upon political as well as strategic considerations, of all the principal combinations which made the first campaign in Italy be described as 'the masterpiece of military art and the

most brilliant conception of the genius of Napoleon Bonaparte,'<sup>1</sup> fares no better than being considered fit for a lunatic asylum, it is hardly to be expected that the plans even of a man of Pitt's abilities should meet with the approval of his political opponents. But that he had the discernment to perceive and appreciate military talent before repeated success had made it conspicuous appears from his remark to the Marquess Wellesley on his brother Arthur, in the last meeting between the two friends just before Pitt's death—'I never,' he said, 'met with any military man with whom it was so satisfactory to converse.'

It is related that Coleridge on one occasion undertook to report for a newspaper a speech of Pitt's; that he was exhausted before Pitt rose to speak, and fell asleep soon after Pitt began to speak. Finding the editor anxious for the report of Pitt's speech, he wrote offhand a speech for Pitt, on which Canning said, 'It does more credit to the author's head than to his memory.' This speech has been reprinted in Gillman's 'Life of Coleridge,' and suggests some reflections on Coleridge's character of Pitt, which has also been reprinted in the same work. Coleridge says that Pitt's education had been chiefly an education in the management of words; and that 'an education of words, though it destroys genius, will often create, and always foster, talent.' The inference of Coleridge, of course, is that Pitt was a man of talent, but not of genius; that the bulk of Pitt's speeches consisted of a repetition of words, and words only. Now, from the speech<sup>2</sup>

<sup>1</sup> Lanfrey's *History of Napoleon the First*, vol. i., p. 47 (English translation). Macmillan & Co., London, 1871.

<sup>2</sup> The following is the exordium of the speech, extracted by Mr. Gillman from the *Morning Post* of February 18, 1800:—'The honourable gentleman calls upon ministers to state the object of the war in one sentence. I can state it in one word: it is Security. I can state it in one word, though it is not to be explained but in many. The object of the war is security—security against a danger the greatest that ever threatened this country; the greatest that ever threatened mankind; a danger the more terrible because it is unexampled. It is a danger which has more than menaced the safety and independence of all nations; a danger which Europe has strained all its sinews to repel; and which

which Coleridge wrote as a specimen of his notion of Pitt's speaking, it seems that Coleridge's opinion was that Pitt's speaking was less of a mere flow of words than Coleridge's own speaking; for did any one ever carry away with him any distinct impressions of what Coleridge said in his interminable talk? Nevertheless Coleridge is admitted to have been a man of genius. Moreover, Coleridge brings as an argument against Pitt's being an original man that 'he was cast rather than grew'; that his father's position 'controlled the free agency and transfigured the individuality of his mind.' The answer to this is that the position of the father of Hannibal as commander of the Carthaginian armies did not hinder his son Hannibal, whom when a child his father made to swear eternal hatred to Rome, from being not merely a man of genius, but perhaps the man of the greatest genius for war the world has ever seen. And yet Hannibal, as much as Pitt, 'was cast rather than grew,' to use Coleridge's expression, which appears to be a very apt example of a man's paying himself with words.

M. Lanfrey speaks of Pitt as 'the haughty man whose penetrating eye and cold contempt had so often baffled im-

no nation has repelled so successfully as the British; because no nation has acted so energetically, so sincerely, so uniformly on the broad basis of principle; because no other nation has perceived with equal clearness the necessity, not only of combating the evil abroad, but of stifling it at home; because no nation has breasted with so firm a constancy the tide of Jacobinical power; because no nation has pierced with so steadfast an eye through the disguises of Jacobinical hypocrisy; but now, it seems, we are at once to remit our zeal and our suspicion; that Jacobinism, which alarmed us under the stumbling and drunken tyranny of Robespierre; that Jacobinism which insulted and roused us under the short-sighted ambition of the five Directors; that Jacobinism to which we have sworn enmity through every shifting of every bloody scene, through all those abhorred mockeries which have profaned the name of liberty to all the varieties of usurpation; to this Jacobinism we are now to reconcile ourselves, because all its arts and all its energies are united under one person, the child and the champion of Jacobinism, who has been reared in its principles, who has fought its battles, who has systematised its ambition—at once the fiercest instrument of its fanaticism and the gaudiest puppet of its folly.'



perial charlatanry;'<sup>1</sup> but he takes an undue liberty with Hansard in his manner of stating the debate in the British House of Lords on January 28, 1800, and in the Commons on February 3, 1800, on the King's Message respecting Overtures of Peace from the Consular Government of France. M. Lanfrey says, 'When Bonaparte's sincerity was vouched for amid laughter in the House of Lords, Lord Grenville recapitulated,' &c. Now in Hansard the debate is opened by Lord Grenville, whereas M. Lanfrey's words lead to the supposition that he rose after other speakers. Lord Grenville then used words, according to Hansard, not very different from those attributed to him by M. Lanfrey. But M. Lanfrey's statement, that Lord Grey exclaimed that those were the faults of the Directory, looks like an example of the French practice of confounding history and poetry, for 'Lord Grey' did not enter the House of Lords till 1807, and was then Mr. Grey in the House of Commons; and there is no trace in Hansard of this interruption of Lord Grenville by any one about the Directory. The hypothesis of Bonaparte's sincerity was brought forward by the Duke of Bedford and Lord Holland, and the announcement of such an hypothesis does not say much for the care and accuracy with which they had studied the history of their time, for Lord Grenville's statements are confirmed by the investigations of historians—at least one historian, M. Lanfrey—three-quarters of a century after. Lord Grenville's statement is this:—'If a treaty was concluded and broken with Sardinia, it was concluded and broken by Bonaparte; if peace was entered into and violated with Tuscany, it was entered into and violated by Bonaparte; if armistices were ratified and annulled with Modena and the other petty states of Italy, they were ratified and annulled by Bonaparte; if Venice was first drawn into the war, and afterwards forced to conclude a treaty of peace, and after having been mocked with the gift of a Consti-

<sup>1</sup> Lanfrey's *History of Napoleon the First*, vol. ii., p. 545 (English translation). Macmillan & Co., London, 1872.

tution, delivered over as a slave to Austria,—all this was the work of Bonaparte.’<sup>1</sup>

Coleridge, in his essay on Pitt published in the *Morning Post*, March 19, 1800, says: ‘And now came the French Revolution. This was a new event; the old routine of reasoning, the common trade of politics, were to become obsolete. He appeared wholly unprepared for it; half favouring, half condemning; ignorant of what he favoured and why he condemned, he neither displayed the honest enthusiasm and fixed principle of Mr. Fox, nor the intimate acquaintance with the general nature of man, and the consequent *prescience*, of Mr. Burke.’

Now, in answer to Coleridge’s assertion that Pitt’s education had been a mere education of words, and that he did not display the honest enthusiasm and fixed principles of Mr. Fox, may be given his speech in the House of Commons on February 3, 1800, on the King’s Message respecting Overtures of Peace from the Consular Government of France. It will be seen most clearly from this speech that Pitt had studied minutely and had thoroughly seen through the character of Napoleon Bonaparte, while Fox was a dupe to his artifices. ‘Bonaparte had had some personal intercourse with Fox,’ says M. Lanfrey, ‘at the time of the Treaty of Amiens, and had endeavoured to flatter this benevolent optimist, whose character was ill fitted to penetrate the calculations of so sinister a policy. He had regarded him as an adversary who would be easily duped, and who would give him far less trouble than the great minister whom he had everywhere met on his path, denouncing his projects as soon as they were formed, and opposing them with an indomitable resolution. What unhopèd-for good luck was the substitution [by the death of Pitt] of the good and generous Fox for the haughty man whose penetrating eye and cold

<sup>1</sup> Speech of Lord Grenville in the debate in the Lords on the King’s Message respecting the Overture of Peace from the Consular Government of France, January 28, 1800, as printed in Hansard’s *Parliamentary History of England*, vol. xxxiv., p. 1215.

contempt had so many times disconcerted imperial charlatany!' <sup>1</sup> Here we have the deliberate opinion, formed after long and careful study more than half a century after Pitt's death by a foreigner totally unconnected with English party warfare and party prejudices; and that, too, by a foreigner who has written a history of Napoleon I. and of that great war, and not a mere political pamphlet or Bonapartist legend.

In the debate above mentioned in the House of Commons on February 3, 1800, Mr. Pitt said in the course of a long speech <sup>2</sup>:—' If we look at the catalogue of the breaches of treaty, the acts of perfidy, which are precisely commensurate with the number of treaties made by the Republic (for I have sought in vain for any one which it has made and which it has not broken); if we trace the history of them all, or if we select those which have been accompanied by the most atrocious cruelty, the name of Bonaparte will be found allied to more of them than that of any other in the history of the crimes and miseries of the last ten years. His entrance into Lombardy was announced by a proclamation, April 27, 1796, which terminated with these words—“ Nations of Italy! the French army is come to break your chains; the French are the friends of the people in every country; your religion, your property, your customs shall be respected.” A second proclamation, dated Milan, May 20, and signed “ Bonaparte,” repeated the assurance of respect for property, personal security, and religion, and contained these words—“ The French, victorious, consider the nations of Lombardy as their brothers.” In testimony of this fraternity and respect for property, this very proclamation imposed on the Milanese a provisional contribution of twenty millions of livres, or near one million sterling; and successive exactions were levied on that single state to the amount of near six millions sterling. So much for Bonaparte's respect for property. As regards his respect for religion and personal

<sup>1</sup> Lanfrey's *History of Napoleon the First*, vol. ii., p. 545 (English translation). Macmillan & Co., London, 1872.

<sup>2</sup> The speech fills fifty-two columns of Hansard.

security, the churches were plundered and the whole country was made a scene of disorder and rapine; and the resistance offered by the people was put down by Bonaparte carrying military execution over the country. The transactions with Modena were of the same character. Bonaparte began by signing a treaty, by which the Duke of Modena was to pay twelve millions of livres, and neutrality was promised him in return. This was soon followed by the personal arrest of the Duke, and by a fresh extortion of two hundred thousand sequins; after this he was permitted, on the payment of a further sum, to sign another treaty, which was only the prelude to further exactions.<sup>1</sup> 'In the proceedings towards Genoa,' Mr. Pitt continues, 'we shall find a continuation of the same system of extortion and plunder in violation of the pledge solemnly made in the usual proclamation. But of all the scenes which took place in Italy in 1796 and 1797, those which passed at Venice are perhaps the most striking and the most characteristic. At length, in the spring of 1797, occasion was taken to *forge, in the name of the Venetian Government, a proclamation hostile to France*; and this was made the pretence for military execution against the country and the subversion of the Venetian Government. Sir, all this is followed by the expedition to Egypt, which I mention, not merely because it forms a principal article in the catalogue of those acts of violence and perfidy in which Bonaparte has been engaged; not merely because it was an enterprise peculiarly his own, of which he was himself the planner, the executor, and the betrayer; but chiefly because, when from thence he retires to a different scene, to take possession of a new throne from which he is to speak upon an equality with the kings and governors of Europe, he leaves behind him, at the moment of his departure, a specimen which cannot be mistaken of his principles of negotiation. The intercepted correspondence,

<sup>1</sup> Speech of Mr. Pitt in the debate in the Commons on the King's Message respecting Overtures of Peace from the Consular Government of France, February 3, 1800, as printed in Hansard's *Parliamentary History of England*, vol. xxxiv., pp. 1333-1335.

which has been alluded to in this debate, seems to afford the strongest ground to believe that his offers to the Turkish Government to evacuate Egypt were made solely with a view "to gain time"; that the ratification of any treaty on this subject was to be delayed with the view of finally eluding its performance, if any change of circumstances favourable to the French should occur in the interval. But whatever gentlemen may think of the intention with which these offers were made, there will at least be no question with respect to the credit due to those professions by which he endeavoured to prove in Egypt his pacific dispositions. He expressly enjoins his successor to insist in all his intercourse with the Turks that he came to Egypt with no hostile design, and that he never meant to keep possession of the country; while on the opposite page of the same instructions he states in the most unequivocal manner his regret at the discomfiture of his favourite project of colonising Egypt, and of maintaining it as a territorial acquisition. Now, Sir, if in any note addressed to the Grand Vizier or the Sultan, Bonaparte had claimed credit for the sincerity of his professions, is there any one argument now used to induce us to believe his present professions to us which might not have been equally urged on that occasion to the Turkish Government? Would not those professions have been equally supported by solemn asseverations, by the same reference which is now made to personal character. At present that he has an interest in making peace is at best but a doubtful proposition. That it is his interest to negotiate I do not deny. It is his interest to engage this country in separate negotiation, in order to dissolve the Confederacy on the Continent, and thus either to break off his separate treaty or to apply the lesson which is taught in his school of policy in Egypt. . . . His hold upon France is the sword, and he has no other. Is he connected with the soil, or with the habits, the affections, or the prejudices of the country? He is a stranger, a foreigner, and an usurper; he unites in his own person everything that a pure republican must detest; everything that an enraged Jacobin has abjured;

everything that a sincere and faithful royalist must feel as an insult.'<sup>1</sup>

Such was the leader in 1800 of the great political party which, whatever might be its errors or its crimes, committed neither error nor crime in opposing the Corsican whose aim was to reduce all the nations of Europe to the level of Asiatic slaves.

Pitt, though at fifteen his health was better than it had been previously, was never, any more than his great admiral, a man either of strong frame or hardy constitution. And if he had not, like Nelson, suffered from wounds and pestilential climates, he had to endure, throughout his not long life, years of great mental labour and anxiety, of nights passed in debate, and of summers passed in London. But Pitt, though a civilian, or a *péquin* as the military insolence of the Corsican banditti of his time termed civilians, was not less than Nelson a man of high and determined spirit, and like Nelson, notwithstanding Coleridge's bitter libel on him, to which I have already referred, he might declare himself to be a man of peace with as much justice as any member of the Peace Society; for whose benefit I will transcribe here a short speech of Nelson, made in the House of Lords, November 23, 1802. 'My Lords,' said Nelson, 'I have in different countries seen much of the miseries of war. I am therefore in my inmost soul a man of peace. Yet would I not, for the sake of any peace, however fortunate, consent to sacrifice one jot of England's honour. Our honour is inseparably combined with our genuine interest. Hitherto there has been nothing greater known on the Continent than the faith, the untarnished honour, the generous public sympathies, the high diplomatic influence, the commerce, the power, the valour of the British nation.'<sup>2</sup>

<sup>1</sup> Hansard's *Parliamentary History of England*, vol. xxxiv., pp. 1335-1340.

<sup>2</sup> Speech of Lord Nelson in the debate in the Lords, November 23, 1802, as printed in Hansard's *Parliamentary History of England*, vol. xxxvi., p. 937. Lord Nelson concluded his short speech with these words:—'My professional education will plead my excuse for the imperfect manner in which I deliver my sentiments; but I should not have done my duty if I had not, even in this plain seamanlike manner, seconded the present address.'

The argument which men of plain sense would have addressed to the Emperor of Russia or any other Emperor, King, Khan, Sultan, or President, would be that, if he committed a breach of the peace, the consequence would be such a result as he met with at the battles of the Alma and of Inkerman. Until some miraculous change has come over this world, which shall render possible revolutions made of rose-water, a deputation from the Peace Society to supplicate an armed king or emperor to save Europe from the calamities of war could only lead the armed personage to believe that the nation from which such a deputation came was no longer the nation which had more than once stood alone for constitutional liberty against the world; and that he might safely count upon doing what seemed good in his own eyes without fear of any let or hindrance from the English people.

Mr. Cobden says, in his work published in 1853, under the title of '1793 and 1853' (p. 11): 'If you would really understand the motives with which we embarked upon the last French war, you must turn to Hansard, and read the debates in both Houses of Parliament upon the subject from 1791 to 1796.' Now if Mr. Cobden had continued his careful study of Hansard beyond 1796, he could not have failed to perceive that circumstances had changed prodigiously in and after 1796. I do not think he could have failed to be forcibly impressed by the passages I have quoted from Pitt's speech in the House of Commons on February 3, 1800. Admitting that England was the aggressor in 1792, I will give the authority of a French writer who has studied the whole question in all its bearings for the fact that in and after 1796 France was the aggressor against all Europe, indeed against all the world—witness Bonaparte's marauding expedition to Egypt and Syria. Before 1796 the republican soldiers of France had often listened to addresses about the destruction of tyranny and the planting of liberty in its place; but till Bonaparte obtained the command of the army of Italy and issued his proclamation, no one had attempted to inflame their courage by holding up to them the acquisition of riches

as an incitement to war. 'In reading,' says M. Lanfrey, 'the first words addressed to the army of democrats by this powerful tempter, we think with sadness of the subsequent mad and gigantic adventures into which he was destined to draw them by the false allurements of grandeur. Not in a day did the soldiers of the Republic become the soldiers of the Empire, but the commencement of the change dates from this proclamation, in which Bonaparte pointed to Italy—Italy, not as a nation to deliver, but as a prey to seize.'<sup>1</sup> 'The struggle between France and Europe had hitherto been a defensive war; for the reasons which had led to our occupation of Savoy and Belgium were not only identity of race, and the almost unanimous wish of the inhabitants of the two countries, but also the enormous increase of territory which Russia and Germany had acquired by the partition of Poland. We had only invaded Holland when compelled to do so in self-defence, and without intention of encroaching in any respect on the rights and possession of the country. In entering Italy with the hidden notion of disposing of territories wrested from the enemy, not by any rule of right, not to ensure their independence, but on false pretences to make use of them, the Directory not only commenced a policy of offensive warfare, but they substituted force for right; they returned to the old routine of wars of aggrandisement, and by an inevitable consequence they gave a preponderating force in the Republic to the military element.'<sup>2</sup>

But these ominous signs in the Directory, that the France of 1796 was not the France of 1792, were rendered far more ominous by the fact that since 1792 a man had appeared in the revolutionary armies of France whose talents for war would alone have made him formidable; but who was rendered incomparably more formidable by his art in deceiving those with whom he negotiated, in which he bore a resemblance to Cæsar Borgia, who is said to have been able to assume a

<sup>1</sup> Lanfrey's *History of Napoleon the First*, vol. i., pp. 60–62 (English translation). Macmillan & Co., London, 1871.

<sup>2</sup> *Ibid.*



geniality and apparent simplicity of manner which, notwithstanding his often proved perfidy, amused men and put them off their guard, throwing them perpetually into his trap. In all negotiations or transactions the quality which predominated in the proceedings of Bonaparte was that quality which led him to advance towards his ends by laying traps for those with whom he had dealings—traps which might be called stratagems if the dealings were military, but if they were diplomatic must receive another name.

‘It may be asserted,’ says M. Lanfrey,<sup>1</sup> ‘that no one has ever excelled him in the art of laying snares for an enemy, of enticing him step by step towards an abyss into which he wished to precipitate him, and, to use his favourite expression, of lulling him to sleep till the moment of his awakening. His whole diplomacy was nothing else than the art of imputing conspiracies invented by himself to all the governments that he wanted to attack. This trait of character is also displayed in his military strategy, the most remarkable for surprises, feints, and stratagems that has ever been known.’

From a careful perusal of the statements of Lord Grenville and Mr. Pitt, and of the statements of M. Lanfrey, the French historian of Napoleon I., it would appear that the two English political parties had at this time suffered a transformation similar to that which occurred during the reign of George I., when, as Macaulay has remarked in his second essay on the Earl of Chatham, the Tory became the champion of freedom and the Whig the apologist of despotism. Such is one of the effects—there are no doubt more beneficent effects—of party spirit. It seems incredible that any man of average intelligence who had the means of studying Bonaparte’s proceedings in Italy—which means any English member of Parliament had—could have come to any other conclusion than that contended for by Lord Grenville and Mr. Pitt. This transformation Macaulay compares to the transformation described by Dante as the result of the encounter in Malebolge between a human form and a serpent, when the serpent

<sup>1</sup> Lanfrey’s *History of Napoleon the First*, vol. ii., p. 305.

stood up a man, and spake; the man sank down a serpent, and glided hissing away. 'Something like this,' Lord Macaulay says, 'was the transformation which during the reign of George I. befell the two English parties. Each gradually took the shape and colour of its foe, till at length the Tory rose up erect the zealot of freedom, and the Whig crawled and licked the dust at the feet of power.' But the question of party definition is not an easy one. The writer who has given this picturesque account of the transformation of the two English parties gives this description of the Tories of the reign of George II. :—'The Tories furnished little more than rows of ponderous foxhunters—men who drank to the king over the water, and believed that all the fundholders were Jews; men whose religion consisted in hating the Dissenters, and whose political researches had led them to fear, like Squire Western, that their land might be sent over to Hanover to be put in the sinking-fund.' If any Tories were to be under any circumstances viewed as the 'zealots of freedom,' they would not be likely to be men like Parson Trulliber and Squire Western. And yet, says the same writer, 'such were the people who composed the main strength of the Tory party during the sixty years which followed the Revolution.' The best example I find of the Tory, not precisely rising erect the zealot of freedom, but standing forth the enemy of despotism, is the case of Pitt and Grenville—if they are to be counted Tories—opposing Bonaparte with indomitable resolution.

Mr. Cobden pays a just tribute of praise to the manner in which Fox opposed the war in 1792. But there is no doubt that Fox's frank and open character rendered him liable to be duped in political transactions with Bonaparte. In illustration of this I will quote a passage from M. Lanfrey :—

'Fox's premature death at the very commencement of his administration, added to the admiration felt for his character, gave rise to very exaggerated regrets from those who maintained that Napoleon's ambition was not incompatible with the peace of Europe. Bonaparte himself endeavoured to gain

credit for this erroneous opinion. "Fox's death," he often said, "was one of the fatalities of my career. . . . If he had lived, the people's cause would have gained him, and we should have created a new order in Europe."<sup>1</sup> The proof, however, that this opinion is very questionable is that in the first place Fox, after all the philanthropic effusions by which he began, was afterwards forced to adopt, purely and simply, Pitt's policy; and secondly, that the first effect produced upon Napoleon by Fox's elevation to the Ministry was to render him much more exacting towards the Continental Powers. He had had some personal intercourse with Fox at the time of the Treaty of Amiens, and had endeavoured to flatter this benevolent optimist, whose character was ill fitted to penetrate the calculations of so sinister a policy. He had regarded him as an adversary who would be easily duped, and who would give him far less trouble than the great minister whom he had everywhere met in his path, denouncing his projects as soon as they were formed, and opposing them with an indomitable resolution. What unhopd-for good luck was the substitution of the good and generous Fox for the haughty man whose penetrating eye and cold contempt had so many times disconcerted imperial charlatantry!<sup>2</sup>

It follows from this exposition of the true state of facts that Mr. Cobden is in error in saying (p. 88) that but for the public opinion in England being misled, 'Fox and his friends would have prevented the last great war.' Moreover, so far is it from being true, as affirmed by Mr. Cobden, that 'Napoleon was brought forth and educated by us,' that Napoleon's career might have been stopped at its commencement had he encountered British troops in his early Italian campaigns. His extraordinary success in his first Italian campaign at so early an age threw his mind off its balance, and led him, among other indications of insanity, to say that he envied Alexander the Great the power of proclaiming himself the son of Jupiter

<sup>1</sup> Las Cases.

<sup>2</sup> Lanfrey's *History of Napoleon the First*, vol. ii., p. 545 (English translation). Macmillan & Co., London, 1872.

Ammon, which had been worth more to him in his subjugation of Egypt than twenty battles gained.

There is one argument of Mr. Cobden to which I shall return in subsequent pages, but which it will be convenient to mention here. 'We never had,' says Mr. Cobden ('1793 and 1853,' p. 5), 'forty thousand British troops on one field of battle on the Continent during the whole war.' And he infers that any suggestion as to *quality* rather than *quantity* of troops is a mere piece of despicable vanity, saying, 'When shall we be proof against the transparent appeal to the "liberties-of-Europe" argument?' No doubt Mr. Cobden, if he refused to recognise any difference between good troops and bad troops, might not have assented to what is said in the following paragraph. But the question is by no means one that can be settled by a summary and off-hand character of courage as 'the cheapest and most common quality of human nature.'

It suited Mr. Cobden's argument to run down courage, which, so far from being, as Gibbon says, the most common, is, in that degree of it which makes it of use, the rarest quality of human nature. Brigadier-General Brooke, who was killed at Candahar while carrying Captain Cruickshank of the Royal Engineers wounded to the rear, said to the editor of, or to a writer in, the *Bombay Gazette*, in reference to the perfect coolness under fire which he had an opportunity of seeing in Sir Robert Napier, now Lord Napier of Magdala, 'I never knew half a dozen men of whom it could with truth be said that they were quite indifferent to shot and shell; I know I am not. Of course men do their duty. They have no idea of running away; but there are very few who do not feel that it would be as well if all were comfortably over. Lord Clyde was one of the men who might be said to be free from this feeling.' He adds that once, when a young officer stooped as a shot passed close overhead, and Lord Clyde involuntarily followed the example and stooped too, he reprimanded the officer, saying, 'You see, sir, your folly has made me do what I never did before in my life.' Yet, to judge from the rhetorical

phrases of historians and orators, nothing is more common than courage—perhaps they mean what has been called orator-courage, a somewhat different commodity from the courage which can go on watching with perfect coolness the movements of an enemy while a cannon-ball is passing close overhead.

If courage be 'the cheapest and most common quality of human nature,' it is strange that a man who possessed such knowledge of human nature as Napoleon Bonaparte is admitted to have possessed should in speaking of Moreau to Bourrienne have placed courage before the intellectual faculties that made Moreau be esteemed the best general in France next to Bonaparte, saying, 'Moreau possesses some high qualities; his bravery is undoubted.' And in the case of Bonaparte himself, though in his later battles he did not expose himself as in his earlier campaigns, courage was the pre-eminent quality. In the retreat from Syria, when the troops, exasperated by their sufferings, shouted, 'Shoot the tyrant! shoot the Corsican rebel!' with many other abusive words, he answered them coolly, 'You are too many to assassinate me, and too few to intimidate me.' ('Vous êtes trop pour me tuer, et trop peu pour m'intimider.') Whereupon the soldiers exclaimed, 'Quel courage a ce — là!' ('What courage the fellow has got!')<sup>1</sup>

To the statement of a certain French Vice-Admiral that all invasions of England have been successful, an answer may be given in the words of the French historian of Napoleon I., M. Lanfrey:—'The French addresses invariably invoked the remembrance of Cæsar and William the Conqueror, but times had changed prodigiously since those

<sup>1</sup> This anecdote is from a MS. journal left by an Italian, who was with the French army in Egypt; went to Malta and then to England, where he entered into the service of Admiral Bisset; then into that of Sir Thomas Hardy; and finally as steward into that of Admiral Lord Keith, when Lord Keith commanded the Channel fleet. As admiral's steward he had the opportunity of showing much attention to Bonaparte when a prisoner on board the 'Bellerophon'; and he received from the fallen Emperor, on his departure for St. Helena, a strong expression of thanks, with the decoration of the Legion of Honour.

two epochs. Cæsar had not found a single bark of the enemy to oppose the approach of his eight hundred vessels to the shore ; he had only had to fight in England with half-savage hordes. The conquest of William had not met with much more formidable obstacles. Since then, all the different elements, Celtic, Danish, Saxon, Norman, which form the stock of the English nationality, had been merged and blended ; and from this fusion had resulted a people admirably balanced, and made as it were for politics, accustomed to govern themselves, proud of their liberties, placed in the first rank by their intelligence, their energy, their culture, their wealth, and their national spirit. For a century especially their strength and resources had increased to such an extent, and they had so many times fought against us with advantage, in spite of the numeric inferiority of the population, that they could without fear regard the tempest that was about to burst upon them. The British Government did not conceal from themselves that it was no longer an ordinary war, but a mortal duel, in which they had engaged with the First Consul. They knew, if by nothing else, by the spectacle of the whole of Europe, complaisant or subjugated, all that the genius of their adversary was capable of. Acquainted from the commencement with all the phases of the struggle, through the daily discussions of a free press and the admirable speeches of their statesmen and great orators, the English people had not remained in ignorance on a question in which their honour was so directly interested ; they had enlisted with passionate ardour, they had regarded Bonaparte's insults to their representatives and institutions as addressed to themselves.'<sup>1</sup>

How much might be done by a body of British troops much smaller than forty thousand was proved before Wellington commenced his career of victory.

There was a certain general of the name of Regnier who was with the French army in Egypt, and having been defeated by the English at the battle of Alexandria, had

<sup>1</sup> Lanfrey's *History of Napoleon the First*, vol. ii., pp. 252, 253 (English translation). Macmillan & Co., London, 1872.

written a book about the campaigns in Egypt (one of the books which would of course obtain the Bonaparte licence for publication), denying every claim of the British to military skill and even to courage, treating both officers and men as unworthy of the name of soldiers, and imputing the loss of Egypt solely to the incapacity of Menou, under whom he (Regnier) had served as second in command. So far were General Regnier's statements from being in accordance with those of other Frenchmen that the French prisoners taken in the battle of Alexandria said that the battles in Italy were nothing compared to those they had fought since the landing of the British in Egypt. And the French regiments under Menou had formed a part of the army of Italy, and bore on their colours, with the names of many other victories, 'le Pont de Lodi.' General Regnier was destined to have an opportunity of bringing his opinion of the want of the 'warrior spirit,' an opinion, as has been seen, also expressed by Vice-Admiral Dapetit Thouars, to a satisfactory test. On July 6, 1806, Sir John Stuart, who had served under Abercrombie in Egypt, who had at the battle of Alexandria been directly opposed to Regnier, and who had with him the 58th Regiment, which had also fought at Alexandria, and therefore as well as Sir John Stuart could appreciate the statements made respecting the English officers and men in General Regnier's book, fought the battle of *Maida* against General Regnier. Sir John Stuart in his despatch states his total number, rank and file, including the Royal Artillery, at 4,795; and he was obliged to report to the English parliamentary government his actual numbers. On the other hand, the French government being a purely personal government, the French generals reported merely to the Emperor; consequently there is no reliance to be placed on the French War Office returns at that time. But upon a comparison of various French and Italian accounts, it appears that Regnier mustered a total of 7,000 foot and 300 horse; and his force included the favourite French regiment of light infantry, the 1<sup>ère</sup> Légère. The British commanding officer, perceiving that his men were

suffering from the heat and were embarrassed by the blankets which they carried at their backs, halted the line for a few seconds that they might throw their blankets down. This short halt was mentioned to Sir Walter Scott by an officer present at the battle. It was also mentioned to a friend of mine by a Calabrian who had viewed the fight from the neighbouring heights, and mentioned a short sudden halt of the English, which he interpreted as if the English were about to turn and run, 'but,' said he, 'Santo Diavolone! in the next instant there was a shout and a rushing onwards, and then it was the French that were running.' The French, who were veterans, while the English were for the far greater part young beardless recruits who had never been under fire before, mistook the pause for the hesitation of fear, and advanced with a quickened step and cheers. It was the boast of the French, which had grown louder since the encounter with the Russians at Austerlitz, that no troops in Europe would stand their bayonet charge. The boast was now to be tested. As soon as the English were freed from their incumbrances, they gave one English hurrah and rushed on with their bayonets levelled. It is hardly necessary to tell what followed. 'They went down,' said an eye-witness, my friend's Calabrian, 'like grass before the mower.'

Among the various devices which personal government has employed in its conflict with parliamentary government, there is none of more importance than its suppression of liberty of the press. In 1791 the two great rivals, Pitt and Fox, united their parliamentary powers and succeeded in adding to the English statute-book the law which places the liberty of the press under the protection of juries. There had never been liberty of the press in France. With the existence of liberty of the press such a measure of ethnological knowledge could hardly be co-existent as is exhibited in the evidence of a French Vice-Admiral, appended with that of other witnesses to the report of the French *Enquête Parlementaire* nominated in November 1849. I have cited the answer of an eminent French writer to the argument of this



French Vice-Admiral, founded on the success of former invasions of England. I will now give another sentence of the same witness's evidence: 'The English have not the warrior spirit; and if we have war with them, we should have but one thing to do, that is, a landing.'<sup>1</sup> Here is most valuable information, for which we owe a debt of gratitude to Vice-Admiral Dupetit-Thouars; if for nothing else, for the tendency it may have either to correct in us that weak and foolish spirit of vanity to which Mr. Cobden (p. 5) says we are addicted, or to enable us to see by what means a person who might be expected to be so well informed as a French Vice-Admiral is so far from being well informed as these utterances of Vice-Admiral Dupetit Thouars show him to be.

We are helped to an understanding of the means by which Vice-Admiral Dupetit Thouars attained to his knowledge of the English character by what we have seen done recently by the Turkish government when it vouchsafed to give to the world through its press a minute history of Mr. Gladstone. The Turkish government, like most if not all Asiatic governments, not only claimed dominion over the persons and property of its subjects, but sought to destroy utterly that part of man which distinguished him from the other animals—namely, the power of reasoning upon facts—for the Turkish government did not recognise the existence of facts, or did not recognise any distinction between truth and falsehood. This was the condition to which it was the object of Napoleon Bonaparte to bring all Europe. In 1803, soon after he had obtained the Consulate for life, the state to which he had then reduced France is thus described by M. Lanfrey: 'Not only was all political discussion interdicted to the French nation, but news—that is to say, facts themselves, the material, immutable, indestructible part of truth, which is independent of our interpretations, and which, when they have once taken place, exist eternally—were only to be made known to them so far as it suited their government. By this means all the

<sup>1</sup> *Enquête Parlementaire*, quoted at page 326 of *Our Naval Position and Policy*, by a Naval Peer. London, Longmans & Co., 1859.

facts which would have enlightened their minds, and enabled them to judge the policy of their country, were suppressed by law. An event did not exist till it had been duly stated and legalised by the *Moniteur*. Nelson might destroy our navy at Trafalgar: the insolent fact was not recognised, and woe to him who should dare to allude to it; it only began to exist at the fall of the Empire. This was not even the disposition of the ancient régime. We must go back to Asiatic barbarism in order to find anything analogous to it.'<sup>1</sup>

That Bonaparte sought to destroy the liberty of the press in England as well as in France appears from the fact that an order for Coleridge's arrest for writing certain essays in the *Morning Post* which did not please Bonaparte had been sent from Paris while Coleridge was in Rome during the winter of 1805-6. The brother of the celebrated traveller Humboldt, of whom Coleridge enquired whether he could pass through Switzerland and Germany, and return by that route to England, said that having passed through Paris on his journey to Rome, he had learnt that he, Coleridge, was a marked man, and he advised him to be careful to keep out of the reach of Bonaparte, whose wrath was excited against Coleridge in consequence of Mr. Fox having asserted in the House of Commons that the rupture of the truce of Amiens had its origin in certain essays published in the *Morning Post*, which were known to have been written by Coleridge. As soon as Bonaparte learnt that Coleridge was at Rome, an order for his arrest was sent from Paris. Early one morning a noble Benedictine brought Coleridge a passport signed by the Pope, and a carriage, and advised instant flight. Hastening to Leghorn, he embarked on board an American vessel ready to sail for England. On the voyage they were chased by a French vessel, which so alarmed the American that he compelled Coleridge to throw his papers overboard, and thus were lost the fruits of his literary labours in Rome.<sup>2</sup>

It might be expected that a soldier like General Sir

<sup>1</sup> Lanfrey, vol. ii., pp. 245, 246.

<sup>2</sup> Gillman's *Life of Coleridge*, pp. 180, 181. London, 1838.

William Napier, devoted to his profession, should in his just admiration of so great a soldier as Napoleon Bonaparte fail to penetrate the real character of that extraordinary man; and affirm in the passage quoted by Mr. Cobden from his 'History of the Peninsular War,' that 'the English ministers hated Napoleon, not because he was the enemy of England, but because he was the champion of equality.' But it might have been hoped that Mr. Cobden would have been able to form a more just estimate of the character of Napoleon than to quote such words with approval. The equality of which Bonaparte was the champion was the equality of Asiatic slaves, to which it was the unremitted labour of his life to reduce all the people of Europe. I will here quote a French writer on this point: 'From the time when Bonaparte unmasked his system of conquest and his despotic designs, all who took up arms against him were fighting for the independence of Europe. The war which England was waging against us, so iniquitous in the beginning, had become, thanks to our aggressive policy, a guarantee and a protection to small states.'<sup>1</sup>

There is another sense in which the word equality may be here taken. The French Revolution had been fertile beyond example in military genius, and had produced several great soldiers besides Napoleon Bonaparte, all of whom he had contrived to get rid of by death or exile, except such as he found willing to be his slaves. A man like Moreau, of military genius equal to his own, but a man of humanity, generosity, and honour, whose ambition was to serve his country as Nelson and Wellington served theirs, and did not aim at empire over her, as Bonaparte's ambition did, had no chance against Bonaparte, in whom in the nineteenth century reappeared on a colossal scale the genius and the policy of Caesar Borgia.

But though it might have been hoped that General Sir William Napier and Mr. Cobden would have been able to avoid the more obvious misconceptions, it is not surprising

<sup>1</sup> Lanfrey, vol. ii., p. 81.

No.  
Moreau  
by the  
equality  
Napoleon

that they should have failed to penetrate the subtle depths of the character of Napoleon Bonaparte. As M. Lanfrey has observed: 'A generation issued from the eighteenth century could not understand this contemporary of Cæsar Borgia. Hence the illusions and mistakes of which he was the object during his life; hence the inconceivable errors of judgment that have been made about him since his death. Men of great intelligence have spent twenty years of their lives in studying this character without understanding more of its springs and motives than if they had to judge a Pharaoh of the Twentieth Dynasty. We do not recognise him under the good-natured *bourgeois* mask that they have placed over the subtle and hard visage of steel.<sup>1</sup> The figure, no doubt, gains in morality by this disguise; but they thus cut away the original and profound side of his character, to give place to a certain insipid mediocrity that singularly diminishes its depraved grandeur.'<sup>2</sup>

Men of much less power, both mental and political, than Napoleon Bonaparte have succeeded in throwing a veil, apparently impenetrable, over proceedings that form portions of what is called history. The public archives being in the power of the government, where the government is personal and not parliamentary in the proper sense of the word, no paper will be found in the public archives that will disclose anything which the government may wish to conceal. Thus no papers will be found in the English archives before the

<sup>1</sup> An English lady of rank who saw him in 1802 reviewing his troops in the *Place de Carrousel* thus describes him:—'He was thin, and his figure appeared to be *mesquin*, but how grand was his face, with its handsome features, its grave and stern and somewhat melancholy expression! A face, once seen, never to be forgotten. It fascinated and acted upon me like a rattlesnake, for, though a mere child, I felt all the English horror of the man, and yet could not look at him without admiration mixed with awe.'—*The Countess of Brownlow's Reminiscences*. Murray, 1867. Lady Brownlow describes Barras as a man of an 'ignoble figure,' and of 'a lowering, bad face.' She also says of Wellington that he spoke to her as if in early life he had not been a stranger to fear.

<sup>2</sup> Lanfrey, vol. ii., p. 221.

time of the Commonwealth—except a few fragments preserved by some accident defeating the intention of their destruction—which will let out anything against the government, or expose to view the true characters of the persons who occupied the throne. In the case of Great Britain no events in its history have been more completely falsified than the murder of the Earl of Gowrie and his brother, the death of Prince Henry, and the murder of Sir Thomas Overbury. In the case of France, no events in its history have been ‘more completely and more daringly falsified,’ says M. Lanfrey, ‘then the conspiracy of Georges, the tragic end of Pichegru and of the Duc d’Enghien, and the trial of Moreau. Never have blacker plots been enveloped in thicker clouds; and this fact is easily explained when we think of the interests that so many powerful persons had in obliterating all trace of their acts. When we reflect on the facilities that they had for destroying proofs which would tell against them, on the forced silence of the press, on the absence of all control and all publicity, on the terror that hung over the public, we are surprised that so many elements of information have been allowed to survive. It is notorious that our archives have at different times been ransacked by interested parties, that some deeds have been suppressed, others forged, so that we can only judge the guilty by such documents as they have chosen to leave us, and by such as have escaped their notice.’<sup>1</sup> The manner in which the public archives were dealt with by Bonaparte may be exemplified by the fact that he caused all the papers relating to the battle of Marengo to be abstracted from the archives, in order to substitute an imaginary bulletin, drawn up many years after the event.<sup>2</sup>

‘To all these causes of obscurity,’ continues M. Lanfrey, ‘may be added the lies artfully invented to deceive posterity. These fictions form part of the Napoleonic legend. In the first rank of these inventions we must place the various stories that were fabricated at St. Helena, under the inspiration of Napoleon, and the *Mémoires* of Savary, Duke of Rovigo.

<sup>1</sup> Lanfrey, vol. ii., p. 294.

<sup>2</sup> *Ibid.*

Some of our most accredited historians seem too often to have had no other object than that of developing the theme with which this double tradition has furnished them. It is certain that no evidence should be rejected till after a serious examination, even though it be full of obvious and palpable misstatements; the accounts from St. Helena ought not, therefore, to be absolutely set aside, for they contain admissions that are useful, and their artifice itself reveals the character of the man who conceived them.'<sup>1</sup>

Bonaparte hated Moreau with that intense hatred which a successful intriguer naturally felt for a man of honour whose great actions he could not obliterate from the records of France, and who would not bow the knee to the successful intriguer. 'And people exclaim,' says M. Lanfréy, 'at the supposition that Bonaparte was true to the habits of his whole life, concerning a man whom he detested the most, as the most dangerous to him; towards Moreau, whom, up to his last day, he endeavoured to calumniate and ruin. They are indignant at the idea that he ever thought of ruining Moreau—he who would have ruined even Kléber, and who had so often set a price upon the head of his adversaries. By what feeling, or by what scruples, should he have been deterred? The word 'scruple' excites a smile applied to a man who, in our memory, caused the two thousand prisoners of Jaffa to be slaughtered with the bayonet. Improbability is not, in this case, on the side of those who accuse, but of those who justify.'<sup>2</sup>

<sup>1</sup> Lanfréy, vol. ii., p. 294.

<sup>2</sup> *Ibid.*, vol. ii., pp. 305, 306. Bourrienne relates in his *Mémoires* that a few days before the execution of Georges and his associates, Bonaparte said to him in private:—'What do you think I ought to do with Moreau? Detain him in prison? No! Let him sell his property and quit France. That will be best for all parties. . . . I wanted to attach him to me. . . . Well! I have ascended a throne, and he is the inmate of a prison! Had he attached himself to me, doubtless I would have made him the first marshal of the empire.' In the same passage of Bourrienne there is a remark which may throw light on that peculiarity which enabled Bonaparte to triumph over Moreau, even if the genius of Moreau for war was equal or

The genius for deception which was so strong in Bonaparte would seem to have been connected with the Oriental character of his mind, which imposed on the people of France, and sought to impose on all Europe, such a yoke as Tartars imposed on Chinese, and Turks on Greeks and Bulgarians. This same Oriental quality of his mind led him to surround himself with those Mamelukes whom he had brought with him from the East, and employed, according to the general, if not universal, opinion at the time, as the executioners of Pichegru in his dungeon—fit agents for this Oriental execution.<sup>1</sup> On this subject I will quote the French historical writer whom I have already frequently referred to as having

superior to that of Bonaparte. He said, 'Moreau possesses some high qualities, his bravery is undoubted, but he is indolent and self-indulging. When with the army, he lived like a pasha; gave himself up to the pleasures of the table, and was almost constantly smoking.' Now Bonaparte certainly lost no time either in the pleasures of the table or in smoking. Even if smoking should be called an intellectual pleasure, Bonaparte had little taste for pleasure, even for intellectual pleasure. The need of activity in Bonaparte, which haunted him day and night, and woke him with a start in the middle of his sleep, was accompanied by a prodigious power of work, and (says one who is not his panegyrist) 'by a rapidity of conception that no other man has probably ever possessed to the same extent (Lanfrey, vol. ii., p. 220). In the letter to his wife, written three days after he had received his fatal wound in the battle near Dresden, in 1813, Moreau says, '*Ce coquin de Bonaparte est toujours heureux.*' While in earnest conversation with the Emperor of Russia on the progress of operations, the hated rival of Bonaparte, who had been living an exile in America, was struck by a French cannon-ball, which, passing through the body of his horse, carried away both his legs. During the surgical operation which followed he smoked his cigar and displayed the greatest coolness and fortitude.

<sup>1</sup> 'The prisoners related that during the night they had heard the noise of a struggle in Pichegru's dungeon. Savary asserts that many years later an official gentleman who was his friend spoke to him of Pichegru's murder as "a fact of which there was no doubt." Baron de Dalberg, who then represented Baden at Paris, expressed the general feeling of the diplomatic body when he announced to his government "that Pichegru had been chosen as a victim. The history of the Roman emperors, the Lower Empire," he added, "that is the picture of this country and of this reign."' Lanfrey vol. ii., p. 345.

written a history of this period, and not a mere political pamphlet or Bonapartist legend.

'Time,' says M. Lanfrey, 'which so weakens all impressions, has almost obliterated the suspicions to which the death of Pichegru gave rise; but if we go back to the epoch, and examine, with calm attention, all the circumstances of the event, the motives for suspicion remain intact. Pichegru's death suggests a twofold question. Was Bonaparte *capable* of employing such means to rid himself of Pichegru? The murder of the Duc d'Enghien, victim infinitely more pure, more innocent, and more interesting than Pichegru, and who had been sacrificed a fortnight before, relieves us from replying to this question. It may next be asked if he had an *interest* in doing so? Pichegru had constantly declared in his examinations that he would only answer before the Tribunal; after he discovered that he had been the dupe of Réal, he spoke in very bitter terms of the First Consul; it was known that he had been entrusted with more than one secret concerning General Bonaparte, both before and after the 18th Fructidor; every one was aware of his resolute and energetic character, and they also knew that he was driven to extremities, and was ready to rend every veil. It certainly did not require more to decide an all-powerful enemy, in whose eyes the life of a man did not count for more than that of a fly.' I break off this quotation here to say, in explanation of the importance of the secrets concerning General Bonaparte in the possession of Pichegru, that Pichegru and Bonaparte had both been very much mixed up with the leaders of the terrorist government, Robespierre and St. Just, and that Pichegru had been the confidant of St. Just, and the favourite general of the terrorist government of France. Pichegru had threatened to speak out on his public trial; to make known the means by which he had been entrapped into the conspiracy by Bonaparte's police; and to reveal what he knew of the First Consul's correspondence with the Bourbons. Pichegru and Bonaparte had been together in the military school of Brienne, and had obtained their commissions as



lieutenants of artillery on the same day. St. Just and the younger Robespierre had accompanied in the field the armies which they superintended as commissiouers, where the younger Robespierre had been the friend of Napoleon Bonaparte, then an officer in the army of Nice. I resume the quotation from M. Lanfrey at the point where it was broken off.

‘But had not the First Consul, it is often asked, a much greater interest in getting rid of Moreau, and in that case why strike Pichegru? The reply is clear. Pichegru was so compromised that he had no longer anything to care or to hope for; he could only raise himself in public opinion by openly attacking the tyranny of Bonaparte; Moreau, on the other hand, was in a situation in which he could not even hint blame on the First Consul’s policy, without exposing himself to a suspicion of personal hostility; there were only very light charges against him, and he would have given them weight if he had appeared in the trial as a rival, or even as an opponent; he had to confine himself strictly to the discussion of the facts brought against him. These were sufficient reasons for not fearing from him what they dreaded from Pichegru; and, moreover, who would have believed that Moreau, against whom they had no proof, would have so far given way to despondency as to commit suicide! Such a determination could only be explained by a desperate situation. Nor is this all. Pichegru was discredited; he no longer inspired any interest except with the emigrants; he could be put out of the way without danger. Moreau was esteemed even by his enemies, he was adored by his former soldiers, he had numerous partisans among the chiefs of the army, and even in the Senate, and if such a man had been strangled in his prison, the Consular Government would not have gone long unpunished. The result of all these considerations is, that if the murder of Pichegru cannot be given as a fact rigorously proved, it is at any rate not improbable. The mystery will never perhaps be cleared up, and an accusation would be rash; but suspicion will remain legitimate.’<sup>1</sup>

<sup>1</sup> Lanfrey, vol. ii., pp. 345-347.

The case of Captain Wright is, if possible, more illustrative of the character of the son of the obscure Corsican lawyer, who was then tyrant of France, than those of Pichegru and Moreau. This modern Borgia never hesitated at assassination when it seemed to suit his purposes and was not likely to lead to dangerous consequences. His ambition, though the ruling passion, was only one of many passions that stirred his mind. Among those other passions, hatred, envy, and vindictiveness were pre-eminent. When he was informed that Wright's vessel, which had been captured after a desperate resistance on the French coast, was the same which had landed Pichegru, and that Wright had been a lieutenant on board Sir Sidney Smith's ship, and had distinguished himself under Sir Sidney in the defence of Acres, Wright's fate was sealed; and his suicide in prison was announced in the *Moniteur*, but was universally declared to be another case of assassination. Indeed it has been said that if Bonaparte could only have caught Sir Sidney Smith, whether or not engaged in landing royalists and conspirators, Sir Sidney would have had a remarkably good chance of making his exit from this world after the manner of Pichegru and Wright.

I have referred to the opinion of General Sir William Napier respecting Napoleon Bonaparte. In a letter to Mr. Henry Wellesley, in April 1810, published in the 'Wellington Despatches' (vol. vi., p. 62), there are two passages which General Napier characterises as 'reprehensible' in an article on the Duke of Wellington published in the *London and Westminster Review* for January 1838. The first passage is, 'If it should suit Bonaparte's purpose to murder Ferdinand, he will not be prevented from executing it by knowing that the right of the Princess of Brazil to succeed to the crown is acknowledged.' The second passage is, 'First, if the Allies should succeed in obliging the French to evacuate the Peninsula, which is not a very probable event at present; and secondly, if the Allies should fail, and the French should obtain possession of the Peninsula;—in either case, but particularly in the last, it is most

probable that Ferdinand and his brother would be murdered.'<sup>1</sup> The Duke of Wellington's opinion, then, of Bonaparte's ethics is pretty much that of M. Lanfrey, and, it may be added, that of General Moreau; and the last named had had more means of knowing the true character of Bonaparte than General Sir W. Napier. General Sir W. Napier having in a former page of the same paper remarked that 'there are some men, and Napoleon was one of them, who are permitted at times to rule the world with single unapproachable majesty of mind,' says, in answer to the words quoted above from Wellington's letter:—'Napoleon was no murderer; he was himself most inhumanly baited to death to satisfy the insatiable revenge of a tyrannical aristocratic faction in England; but he was too great, in every sense of the word, to have recourse to such dark practices himself.' What is the meaning of 'to satisfy the insatiable'? And in saying that he (Bonaparte) 'was baited to death, but was too great to have recourse to such dark practices himself,' General Sir W. Napier would seem to imply that some *dark* practice was employed in the death of Bonaparte, but that no *dark* practice was employed in the deaths of Pichegru and Wright. The sentence in General Sir W. Napier's article following the words 'dark practices himself,' runs thus:—'The man who gave the Princess of Hatzfeld the letter which contained the only evidence against her husband was incapable of assassination, and there was a want of magnanimity in thus gratuitously attributing such a sentiment to him.'

This sentence proves the success of Bonaparte in getting up a scene, which, though only one of the innumerable fictions of the great artist who threw so many 'lights upon history,' appears to have completely imposed upon General Sir W. Napier. The facts of the case which General Napier has considered a proof that Bonaparte 'was incapable of assassination,' prove, on the contrary, that Napoleon was a mean as well as a cruel and rapacious tyrant; whose 'majesty of mind' many if not most persons might desire to be 'un-

<sup>1</sup> *Wellington Despatches*, vol. vi. p. 62.

approachable,' as far as they were concerned, and 'single' if that meant no repetition of it upon earth. On October 27, 1806, Napoleon made a triumphal entry into Berlin at the head of his army. At the head of the magistrates of the town who came to present to him the keys of Berlin was the Prince von Hatzfeld, to whom the King of Prussia had entrusted the civil government. Napoleon received the deputation with a haughty and irritated countenance, and said to the Prince von Hatzfeld, 'Do not present yourself before me; retire to your estates.' Bonaparte's first care on entering Berlin had been to lay hands on the post, and open all the correspondence, public and private. The Prince had just written to his sovereign to give him an account of the entrance of the French under Bonaparte into Berlin; and, says M. Lanfrey, the French historian of these events, 'he was so far from suspecting that there could be anything criminal in so natural an act that he had not hesitated to trust his communication to the post. This letter, a copy of which has been preserved, and which is extremely insignificant, was shown to Napoleon. He immediately seized it as the pretext of which his policy had need to make an example of the Prussian nobility. He forthwith issued a decree to bring the Prince von Hatzfeld before a military commission *composed of seven colonels*,<sup>1</sup> to be tried as *a traitor and a spy*. The appointment of the seven colonels recalled the evil history of Palm and of the Duc d'Engbien. It clearly announced what the judgment would be. With regard to the imputation of espionage and treachery, which they dared to cast on an honourable man for an inoffensive communication addressed to a prince without states and without an army, who was already menaced in his distant refuge beyond the Oder, as if the safety of over two hundred thousand soldiers had depended on the disclosure of events which had been witnessed by a whole nation, it was impudent and derisive to the highest degree. Napoleon's most intimate and most submissive generals, Duroc, Berthier, and Rapp, were indignant at the idea of seeing the

<sup>1</sup> The italics are M. Lanfrey's.

blood shed of an honourable and estimable man, whose only crime was that he had remained faithful to his sovereign. They surrounded Napoleon and entreated him in accents of the deepest grief not to tarnish his own glory nor make executioners of his companions. They found him so much the more inflexible that his resolution was the result of a cold and studied calculation. He merely applied methodically on this occasion the system which in all his letters he urged Joseph to adopt in Naples, to show himself terrible in the first moment, in order to suppress in the vanquished all idea of revolt, and to be able afterwards to gain all hearts by an unhopèd-for gentleness. Such was the revived precept of Cæsar Borgia, which the Emperor adopted as his favourite maxim, and which the mild Joseph could never bring himself to put into practice. The Prince von Hatzfeld was only chosen for a victim on account of his high position and the well-known part that he had taken in the declaration of war. Happily for him, his friends succeeded in hiding him for the first few days, and the delay saved his life. The impression of horror produced by the mere announcement of the fate that was reserved for him was so general that it became impossible to think of the execution. The right moment had slipped by, and Napoleon, feeling the effect of so atrocious an act, that had been rumoured abroad beforehand, arranged that scene of clemency by which historians, with more sensibility than penetration, have so often been touched. Never was a man more loudly extolled for having abstained from assassination.<sup>1</sup>

If Bonaparte in this case escaped the fate of being justly styled a murderer, the result certainly does not entitle him to the praise of magnanimous clemency which General Napier's words imply; and the case of Palm, the bookseller of Nuremberg, if no other case existed, would negative General Napier's proposition—'Napoleon was no murderer.' 'Palm,' says M. Lanfrey, like all other booksellers, had committed the crime, not of publishing but of selling and distributing, the

<sup>1</sup> Lanfrey, vol. ii., pp. 602, 603.

pamphlets written in favour of the liberty of his country. Among these pamphlets was the eloquent publication of Gentz, entitled "The Deep Degradation of Germany," a work of which the fervour and vehemence had powerfully contributed to rouse the national spirit. Napoleon did not know two ways of refuting writings: not being able to suppress the author, he laid the blame on the booksellers. In this affair he employed a remedy which in all his letters he had recommended to his brother Joseph as an infallible means of quieting the Neapolitans—a remedy which he considered applicable to everything and everywhere, and expressed in a single word which was in his opinion the sum of all political wisdom—Shoot! On August 5, 1806, he sent Berthier this order:—"My cousin, you have, I imagine, arrested the booksellers of Augsburg and Nuremberg. I intend them to be brought before a military commission and shot within twenty-four hours. The sentence is to state that, being convicted of having attempted to rouse the inhabitants of Swabia against the French army, they are condemned to death." Everything was thus regulated beforehand, the guilt, the punishment, and the conviction, and seven colonels in the French army were found willing to accept the ignominious office of judges. But they might have said what Hullin wrote in reference to the Duc d'Enghien:—"We were obliged to condemn under pain of being condemned ourselves." Palm, arrested in Nuremberg, was handed over to the military commission, who obeyed their orders and condemned him to death, together with three other booksellers, whom they did not succeed in apprehending. They rightly thought that it was useless to give him a counsel for his defence, but they altered their opinion on this point when they drew up the sentence, and in the judgment they added a lie to their atrocious deed by solemnly testifying that this formality had been observed. Palm met death with a courage and simplicity that moved even his executioners. He was very soon celebrated as a martyr by the patriotic songs which resounded throughout Germany. The murder of this innocent

man caused a shudder among all the German population. Shooting might have been an efficacious means in the half-savage provinces of Naples, but in the heart of civilised Europe, and in the midst of a people that had not yet been fashioned to servitude, the effect produced was far less that of fear than of indignation.<sup>1</sup>

But certain advocates of the Bonaparte system of ethics may say that the life of an obscure individual is of little importance, especially when he is struck in the name of a pretended interest of the state, 'for reasons of state,' as the phrase ran—the time-honoured phrase of the Borgias and their disciples. Palm was but one; Pichegru was but one; Wright was but one; the Duc d'Enghien was but one; four in all—what is that to bring against so great a man—a man who ruled the world with 'single unapproachable majesty of mind'? Ay! but let us look a little farther. The aggressor in a great war is a criminal on the very largest scale—a criminal who may receive with a smile of haughty contempt the charge of having murdered an obscure bookseller;—a criminal that sheds innocent blood as if it were water; in whose eyes the life of a man does not count for more than that of a fly;—a criminal withal whose power of sophistry is able to steel him effectually against all remorse. It has been shown, it has been demonstrated, that down to 1796—that is, for the first two or three years—England was the aggressor in the war with France; but that *in* and *after* 1796—that is, for the last nineteen years—Napoleon Bonaparte was the aggressor. I must here quote again two or three words of a short passage I have already quoted from General Sir W. Napier. These are the words: 'Napoleon was no murderer; he was himself most inhumanly baited to death to satisfy the insatiable revenge of a tyrannical aristocratic faction in England.' M. Lanfrey, in reference to the misstatements of facts by the apologists of Bonaparte, partly in consequence of their adopting his artfully-constructed fables for facts, has attempted—for no human voice or pen could do more than

<sup>1</sup> Lanfrey, vol. ii., pp. 571, 572.

attempt—to express in words the true interpretation of the government of Napoleon Bonaparte.

‘Let us learn,’ M. Lanfrey says, ‘to think and to speak like men, and not to mix adulation even with blame. Every idea of justice is profaned by those who say that Napoleon was punished because he signally failed in one of the most wicked enterprises which a crowned villain ever endeavoured to carry out. No! the shedding of so much innocent blood, so many families sacrificed, so many mothers reduced to despair, so many inoffensive men driven for years to murder without scruple, so many crimes conceived, committed, and persisted in with such cool premeditation, are not so easily expiated; and the lengthened inactivity of St. Helena was in itself nothing but an insignificant punishment when compared with the enormity of the crime. Let us not name punishment when speaking of this man, or if we do, let us place him boldly in a rank superior to the rest of mankind, and in that case we shall only be doing justice to ourselves by thinking that we are beings of an inferior nature, made to be for ever the prey and the playthings of a few privileged monsters.’<sup>1</sup>

That government which General Sir William Napier has called ‘ruling the world with single unapproachable majesty of mind,’ was in fact neither more nor less than a system of organised robbery on a large scale. Nor is the confusion in the science of ethics which General Napier’s words would tend to introduce greater than that which is created by the following passage in Mr. Cobden’s preface:—‘It is true that there were brief suspensions of hostilities at the peace, or, more properly speaking, the truce of Amiens, and during Bonaparte’s short sojourn at Elba; but even if it were clear that Napoleon’s ambition put an end to the peace, it would prove nothing but that he had by the ordinary workings of the moral law been in the meantime raised into a retributive agent for the chastisement of those who were the authors of the original war. I am bound, however, to add that, if we examine the circumstances which led to the renewal of

<sup>1</sup> Lanfrey, vol. iii., pp. 278, 279.



hostilities after the short intervals of peace, we shall find that our government showed quite as great readiness for war in 1803 and 1815 as they had done in 1793.'

These opinions of General Sir W. Napier and Mr. Cobden furnish a most striking illustration of the truth of M. Lanfrey's observation, which I have before quoted, that 'men of great intelligence have spent twenty years of their lives in studying this character without understanding more of its springs and motives than if they had to judge a Pharaoh of the Twentieth Dynasty.'<sup>1</sup> That the words 'organised robbery' have been used not lightly, but advisedly, appears from the fact that the cry of the Directory being for money, Bonaparte plundered the Italian governments and sent the plunder to the Directory. Thus at first he robbed for the Directory, and in this way over-reached Moreau, his equal in military genius, who would not rob for the Directory. As Bonaparte got stronger he proceeded from robbery for others to rob for himself. In the term robbery for himself is included robbery for the instruments of his power. As the means of enriching these instruments out of the soil of France became more and more exhausted, Bonaparte cast his eyes over the whole of Europe as the *ager publicus* with which he was to reward the large bands of robbers which he kept up under the name of the Grand Army. 'In this,' says M. Lanfrey, 'he was consistent with his political system; he acted as the dictator and tribune of that military democracy which had elected him for their chief. Being no longer able to give them at home the spoils of the ancient privileged classes, he applied a sort of agrarian law to foreign nations by means of conquest. Even when he created a new nobility, these dupes of fanaticism continued to look upon him as their Gracchus as well as their Cæsar. They forgave him for having made dukes, because he had made one out of the son of a peasant, and they believed that their fortune would increase indefinitely like his own, thanks to that inexhaustible *ager publicus*, which was Europe.'<sup>2</sup>

I now approach a special illustration of the distinction

<sup>1</sup> Lanfrey, vol. ii., p. 221.

<sup>2</sup> *Ibid.*, vol. iii., p. 139.

between personal and parliamentary government—a case where a king's own personal interests are secured and protected against a dangerous and formidable aggressor by the rule that under the modern English system of government the king or queen shall correspond with foreign governments only through their ministers.

The operation of the Borgia method in politics is well exemplified in Bonaparte's treatment of Alexander, Emperor of Russia. 'Seduced by the promises made at Tilsit, Alexander had sacrificed to Napoleon the generous illusions of his youth, his popularity in Europe, and the almost superstitious attachment of his subjects; he had sacrificed to him his own self-respect; and yet, even after these sacrifices, the promises had not been kept.'<sup>1</sup> 'In 1808, as Spanish affairs grew more complicated after the affair of Baylen, Napoleon's demonstrations of friendship assumed a tone of tenderness. He grew impatient to see Alexander, to press him to his heart, to efface all recollection of temporary misunderstandings.'<sup>2</sup> All this was only to draw Alexander into a new trap.

This feature of Bonaparte's character furnishes a most instructive illustration of the difference between personal and parliamentary government. Bonaparte, knowing his skill in the art of deception, had made several attempts to draw the King of England into a personal correspondence; but he had never succeeded in extracting, in answer, one word signed by the King of England. But having succeeded in drawing the Emperor of Russia into a new trap, he thought that by presenting the name of the Emperor of Russia this time by the side of his own, he would force King George to swerve from his system—to do which would, in fact, have been at one blow to destroy parliamentary government and substitute for it personal government in England. In the proposal for peace which Napoleon and Alexander addressed, in the form of a letter, to the King of England (October 12, 1808), they appealed to the duty of 'yielding to the wishes and requirements of all nations, and of putting an end to the misfortunes

<sup>1</sup> Lanfrey, vol. iii., p. 300.

<sup>2</sup> *Ibid.*, vol. iii., p. 293.

of Europe. Peace was as much the interest of the people of the Continent as of the people of Great Britain. They joined therefore in begging his Britannic Majesty to hearken to the voice of humanity by silencing that of passion, so as to ensure the happiness of Europe and of the present generation.<sup>1</sup>

If Bonaparte had hoped to be able to see King George and to press him to his heart, as he had done the Emperor Alexander, he was doomed to disappointment, as he only obtained an answer from the king's ministers, addressed to him through Canning (October 28). Bonaparte's demonstrations of affectionate eagerness to press the Emperor Alexander to his heart remind one of what has been said of the Roman Republic—'Her enmity was dangerous; but her friendship was fatal. None ever escaped with honour from that deadly embrace.'

How much sincerity there was in the appeal for peace made by Bonaparte on this occasion may be measured by the fact that at the very time when he made it he was on the point of marching towards Spain with two hundred thousand men, for the purpose of seizing Spain and Portugal. One of the arguments used by Mr. Cobden (p. 5) to prove that the claim that the war made by England against Napoleon Bonaparte was in defence of the liberties of Europe was not a well-grounded claim, is that 'we never had forty thousand British troops engaged in one field of battle on the Continent during the whole war.' I admit that this is a specious argument; and when I first read it, it weighed with me, as I surmise it weighed with the Czar Nicholas in his deliberations before the Crimean war. Undoubtedly forty thousand troops seem a small number when set against two hundred thousand. Nevertheless, accepting Mr. Cobden's figures, it would appear that less than forty thousand British troops, led by an able man like Wellington, can do something to stop even a conqueror like Napoleon Bonaparte, who numbers his troops not by tens, but by hundreds of thousands. For General Sir William Napier says that in that war carried on in Spain and

<sup>1</sup> Lanfrey, vol. iii., p. 311.

Portugal against Napoleon Bonaparte, those British troops 'won nineteen pitched battles and innumerable combats; made or sustained ten sieges, and took four great fortresses; twice expelled the French from Portugal, once from Spain; penetrated France; killed, wounded, or captured two hundred thousand enemies—leaving of their own numbers forty thousand dead.'<sup>1</sup> Even at the Alma and Inkerman British troops, not more than half forty thousand in number, and led by generals not quite equal to Wellington, did something to show another despot that he was not to have everything his own way in this world.

Moreover, Wellington says in reference to sending the large expedition to Spain instead of to the Scheldt—'If we had had 60,000 men instead of 20,000, in all probability we should not have got to Talavera to fight the battle, for want of means and provisions. But if we had got to Talavera, we could not have gone further, and the armies would probably have separated for want of means of subsistence, probably without a battle, but certainly after.'<sup>2</sup>

It has been remarked of the battle of Prague that it was a battle more bloody than any which Europe saw during the long interval between Malplaquet and Eylau. The battle of Malplaquet was fought against the pretensions of Louis XIV. to conquer and oppress his neighbours; and it is usually supposed that the presence of the Duke of Marlborough and some thousands of British troops had some weight in obtaining a victory over the French in that hard-fought battle; but as the British troops did not amount to forty thousand on that occasion, they could not, according to Mr. Cobden's hypothesis, have done anything worth mentioning in defence of the liberties of Europe. The same remark applies to the battles of Blenheim, of Ramilies, of Oudenarde. And if the

<sup>1</sup> *English Battles and Sieges of the Peninsula.* Extracted from his *Peninsula War.* By Lieut.-Gen. Sir William Napier, K.C.B., &c., &c., p. 469. London: John Murray, Albemarle Street, 1855.

<sup>2</sup> Letter to Lord Castlereagh, August 25, 1809. *Wellington Despatches*, vol. v. p. 82.

actions of Marlborough and the British troops under his command had some influence on the affairs of Europe, a similar influence cannot be denied as due to the presence of Wellington and the British troops under his command—since an authority on such a matter, General Sir William Napier, has said that Wellington was ‘more than the rival of Marlborough, for he had defeated greater generals than Marlborough ever encountered.’<sup>1</sup> Eylau was a drawn battle after great slaughter on both sides—both French and Russians having fought with the most obstinate courage. I had been reflecting on what might have been the effect of even a much smaller number than forty thousand British troops to aid the Russians at Eylau, when I met with the following passage in a French writer:—‘Napoleon had remained master of the field of battle; and although he was incapable of attempting anything further, he was not a man not to take advantage of this circumstance to transform the check into victory. His army had, in reality, suffered so fearfully that it would have been impossible for him to keep his positions any longer before a resolute enemy. Bennigsen’s lieutenants, Generals Knorring and Tolstoï, entreated their commander to renew the fight; but he had sustained enormous losses, and his soldiers were dying of hunger. Napoleon’s inflexible will prevailed.’ The reflection contained in the next sentence is valuable as the opinion of a Frenchman, and is an instructive commentary on Mr. Cobden’s hypothesis. ‘Such is the value of tenacity in war, that it is not improbable that the obstinate and indomitable attitude of a Wellington would have constrained him almost immediately to retreat.’<sup>2</sup>

Mr. Cobden says (p. 5): ‘When shall we be proof against the transparent appeal to our vanity involved in the “liberties-of-Europe” argument?’ Mr. Cobden, who had travelled in Turkey, must have known that resistance to a man who

<sup>1</sup> *English Battles and Sieges of the Peninsula.* Extracted from his *Peninsula War.* By Lieut.-Gen. Sir William Napier, K.C.B., &c., &c., pp. 198, 199. London: John Murray, Albemarle Street.

<sup>2</sup> Lanfrey, vol. iii., p. 42.

sought to impose upon all Europe such a yoke as the Turks had imposed on all who had the misfortune to be conquered by them was a matter that had very little to do with vanity. Mr. Cobden also says in the same page, in reference to the assertion that the war against Bonaparte had been in defence of the liberties of Europe, that he had sought for the liberties of Europe from Cadiz to Moscow without having been so fortunate as to find them. To this the answer is that, even such a condition as Mr. Cobden found the people living in from Cadiz to Moscow, when compared with what he found the subjects of the Turk living in, might receive the title of 'liberties of Europe.' Mr. Cobden found the nations from Cadiz to Moscow under the yoke of their native oppressors. But what was that to the yoke of a Bonaparte? And it was to deliver the nations from that yoke that England fought the long fight by sea and land which ended at Waterloo.

And now as to Mr. Cobden's grand argument of our never having had forty thousand British troops engaged in one field of battle on the Continent during the whole war. Let us look at it again. Napoleon said to De Pradt, at Dresden, 'I will destroy Russian influence in Europe. Two battles will do the business. Spain costs me very dear; but for that I should be master of the world.' It thus appears that Bonaparte himself, who was likely to know something of the matter, even before he found what less than twenty-five thousand British troops (many of them new levies, and not his old Spanish infantry, with which Wellington said he felt he could go anywhere and do anything) could do at Waterloo, rated somewhat higher than Mr. Cobden what they could do in Spain; that he counted Russia somewhat formidable, but to be crushed in two battles; but that Spain, *backed by England, he counted more formidable than Russia.* At the conclusion of his account of the battle of Essling, M. Lanfrey says: 'Whilst the different nations questioned themselves as to the issue of the great duel, another actor had appeared on the scene. Far away, at the other extremity of the horizon, on the confines of the land of

marvels, called Spain, a tumultuous mass may be discerned that draws nearer and grows larger from hour to hour. It is Wellington's army, which advances from Portugal, driving before it the legions commanded by Soult.'<sup>1</sup>

I will quote another passage from M. Lanfrey on the character of this man whom General Napier and Mr. Cobden have represented as 'the champion of equality'—whatever that may mean—and have, at the same time, failed to discern his true character, while they have overrated his genius. 'He,' says M. Lanfrey, 'who had lied<sup>2</sup> to everybody, found everybody united against him. His imposture was unmasked, and a few months after Austerlitz the Continent was armed to attack us afresh. . . . When we think of the marvellous instrument that he had in his hands, and the unworthy use to which he put it for so long a time with impunity, imagination turns to those magic powers which play so important a part in Eastern tales. So long as the hero is in possession of the talisman, everything he attempts succeeds, even that which is most improbable. . . . For him madness becomes genius, iniquity justice; and the more he treads under foot

<sup>1</sup> Lanfrey, vol. iii., p. 403.

<sup>2</sup> This was personal government. Sir John Kaye, the historian of the first Afghan war, has thus described the conduct of parliamentary government, when the ministry of Lord Melbourne dragged England into that war. 'The character of Dost Mohamed was lied away; the character of Burnes was lied away. Both, by the mutilation of the correspondence of the latter, have been represented as doing what they did not, and omitting to do what they did.'—Kaye's *History*, vol. i. p. 203-4. When small men copy great men they are apt to leave a good many matters out of account. Lord Melbourne, and other parliamentary prime ministers, in negotiating a war with the Afghans, might support themselves with the example of the man who first drew up on paper the plan for others, and then executed himself that Italian campaign which has been called the masterpiece of military art. While it is impossible to read without admiration either the plan on paper or the execution in the field of the first Italian campaign, it is also impossible to read without an emotion the reverse of admiration the same man's proceedings in picking quarrels with weak states; which these representatives of parliamentary government have copied without having either drawn out on paper or fought in the field the first Italian campaign.

all the rules of wisdom, of right, and of common sense, the more his success increases. Men contemplate with superstitious awe the sinister splendour of the meteor. They are ready to deify the privileged and invulnerable mortal whose astounding fortune no folly and no crime can mar. One day the talisman is lost or broken, and suddenly the god has disappeared. Nothing remains but a poor fool; and the bewildered mind, hesitating between horror and pity, asks whether this elect of destiny was not rather its victim. Such is the history of Napoleon and the Grand Army.'<sup>1</sup>

If we compare this character of Napoleon Bonaparte with some of the aspects of his character presented by Bourrienne, we obtain a curious result. Those who, like Simon-de Montfort, like Washington and others, looked to institutions for good government, Bonaparte called *idéologues*. He had no idea of power except in direct force. To look for power in institutions he called metaphysics; and those who had faith in institutions were regarded by Bonaparte as dangerous, because their principles were diametrically opposed to the harsh and arbitrary system he had adopted.

There is a certain resemblance between Bonaparte's notion of metaphysics and some men's notion of Berkeley's theory of the non-existence of matter. The most popularly effective argument, as Mill has observed, next to a 'grin,'<sup>2</sup>

<sup>1</sup> Lanfrey, vol. ii., pp. 574, 575.

<sup>2</sup> The allusion is to the line:—

'And coxcombs vanquish Berkeley with a grin,'

a line which, though generally attributed to Pope by those who quote it, is not Pope's. It was quoted as Pope's in the first edition of J. S. Mill's *Logic*. In a letter to me, dated Blackheath Park, Kent, April 15, 1870, Mill says: 'The error was pointed out to me, soon after the publication of my *Logic*, by a man of some knowledge of books, who said that the writer was John Brown, author of *Essays on the Characteristics* and *An Estimate of the Manners of the Time*. I have never had the means of verifying this statement, but I have struck out the name of Pope in the subsequent editions.' The line occurs in *An Essay on Satire*, by J. Brown, M.A. printed at the end of some editions of Pope's works, and is the only good line in Brown's performance, for it is a line containing so much of the polish and terseness of Pope as to have been mistaken for Pope's.



against Berkeley's theory, the argument of some men like Samuel Johnson, of practical understanding without any turn for metaphysical speculation, and the stock argument of a certain school of metaphysicians, consists, like Bonaparte's favourite idea of power, direct force, in knocking a stick against the ground.

It has been remarked that Napoleon was not only a great general, but that he possessed some of the qualities which give point to the writing of a reviewer. This is exemplified in a fragment of criticism on the second book of the *Æneid*, from which the following passage is a quotation:—

‘If Homer had treated the taking of Troy, he would not have treated it like the capture of a fort, but he would have employed the time necessary; at least eight days and eight nights. In reading the *Iliad* one feels every instant that Homer had seen actual service, and had not passed his life, as the commentators say he did, in the schools of Chios; in reading the *Æneid* one feels that it is the work of a pedagogue, who had never seen anything at all. . . . Scipio required seventeen days to burn Carthage; it took seven days to burn Moscow, though for the most part built of wood. Troy was a great city, for the Greeks, who had 100,000 men, never attempted to surround it.’ After saying that Virgil compresses operations for which more than a fortnight is required into a space of three hours, he adds, ‘Such ought not to be the march of epic poetry, and such is not the march of Homer in the *Iliad*. The diary of Agamemnon could not be more accurate for distances and time, and the probability of military operations, than that masterpiece is.’







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