

THE  
EDINBURGH REVIEW,  
OR  
CRITICAL JOURNAL:

FOR  
MARCH 1824 . . . JULY 1824.

TO BE CONTINUED QUARTERLY.

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JUDEX DAMNATUR CUM NOCENS ABSOLVITUR.

PUBLIUS SYRUS.

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VOL. XL.

EDINBURGH:

*Printed by the Heirs of D. Willison,*

FOR ARCHIBALD CONSTABLE AND COMPANY, EDINBURGH: AND  
LONGMAN, HURST, REES, ORME, BROWN AND GREEN,

LONDON.

1824.



Printed by J. Hutchison,  
for the Heirs of D. Willison.

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THE  
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MARCH, 1824.

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N<sup>o</sup>. LXXIX.

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ART. I. *Considerations on the Accumulation of Capital, and its Effects on Exchangeable Value.* London, 1822.

IT would obviously be a matter of great convenience, both for practice and speculation, to have some plain and accessible standard of national prosperity, to which we might refer when we wanted to ascertain the comparative state of different countries, or of the same country at different periods; and accordingly, the discovery of such a standard has long been an object of research among Politicians and Political Economists. Their investigations, however, have not yet led to any very satisfactory result. On the contrary, almost all the standards suggested seem to us to be essentially defective; and to be calculated rather to deceive and perplex the judgment, than to afford the means of coming to any sound conclusion. It has been supposed by many, that the comparative density of the Population of different countries afforded the best test of their condition; and that those nations which had the greatest population must necessarily be the best governed, and the most prosperous and happy: But the examples of Ireland and the United States, and the principles unfolded in Mr Malthus's work on Population, have shown the fallacy of this criterion; and have indeed at length effected a complete change in the public opinion on this subject. An excess of Exports over Imports was also long considered, by the most eminent practical statesmen and theorists, as at once a cause and a measure of increasing wealth; and, even to this day, we are annually congratulated on the circumstance of the balance between exports and imports being in our favour. It so happens, however, that in the United States the value of the imports uniformly exceeds the value of the exports; and yet the Ameri-

cans have always carried on a most advantageous commerce ! But it is needless to refer to America for a refutation of the opinion in question. Common sense tells us, that no merchant ever did, or ever will, export a single package of goods, unless he expects to be able to import a greater value in its stead ; so that, in truth and reality, *the excess of imports over exports* is the proof of a favourable, and not of an unfavourable, commerce. If you ask an Agriculturist, what he considers the test of national prosperity, he will answer, 'the weekly returns from Mark-lane !' without reflecting that, although a high price of corn may, in certain circumstances, be advantageous to him, it is always disadvantageous to every other class of individuals. When Ministers, in like manner, are anxious to represent the country as in a flourishing situation, they generally refer, in proof of their statement, to the growing amount of the national Revenue placed at their disposal ; although the increase of this revenue be, in most instances, owing infinitely more to an increase of taxation, and to improved methods of collection, than to any increase in the power of paying taxes.

But, notwithstanding the ill success that has attended the previous attempts to discover a correct standard of national prosperity, we are by no means of opinion that it is really *introwable*. On the contrary we think, that a very short investigation into the sources of wealth will be sufficient to establish that there *is* such a standard, and that it may be appealed to with the utmost confidence on every occasion.

However much the theories of Political Economists may differ in other respects, they all agree in this, that it is by the amount of the *circulating capital* in any country, or, in other words, by its supply of materials necessary for the subsistence and maintenance of its workmen, that its power to employ labour must always be measured ; and they also agree, that it is by the amount and efficiency of the *fixed capital*, or of the tools and machines which workmen are employed to set in motion, that the productiveness of industry must mainly be regulated. The accumulation and employment of both these species of capital, are therefore indispensably necessary to raise any nation in the scale of civilization ; and it is only by their conjoined operation that wealth can be largely produced and universally diffused. An agricultural labourer might have an ample supply of horses or oxen ; he might have a surplus of carts, ploughs, and other instruments used in his department of industry ; but if he were unprovided with a supply of food and clothes, he would be unable to avail himself of their assistance, and, instead of tilling the ground, would



have to betake himself to some species of industry which would yield an immediate return; and, on the other hand, supposing the agriculturist to be abundantly supplied with provisions, what could he do without the assistance of fixed capital, or tools? What could the most skilful husbandman perform, if he were deprived of his spade and his plough?—the weaver, if he were deprived of his loom?—the carpenter, if he were deprived of his saw, his hatchet, and his planes? Without capital, labour would never have been divided, and man would never have emerged from barbarism. For, without capital, man could never have engaged in those employments—and many of them, as agriculture, contribute in the most essential manner to his subsistence and his comfort—in which any considerable period must necessarily elapse before the products can be brought into a state fit to be used: And, even supposing this insuperable difficulty to be got over, we shall find, if we run over the vast catalogue of arts practised in a highly polished and civilized society, that there are very few indeed that can be carried on by the unassisted agency of the fingers, or the rude tools with which man is furnished by nature. It is almost always necessary to provide ourselves with the results of previous industry, or, in other words, with capital, and to strengthen our feeble hands by arming them, if we may so speak, 'with the force of all the elements.'

It is an admitted, and indeed almost a self-evident principle, that the produce of the labour of a nation cannot be increased otherwise than by *an increase in the number of its labourers, or by an increase in the skill or productive powers of those already existing.* But without an increase of capital, it is, in most cases, impossible to employ an increased number of workmen. If the food and clothes destined for the support of the labourers, and the tools and machines with which they are to operate, be all required for the maintenance and efficient employment of those now in existence, there can be no additional demand for others. In such circumstances, the rate of wages cannot rise; and if the number of inhabitants is increased, they must be worse provided for. Neither is it possible to augment the productive powers of the labourer, without a previous increase of capital; for these powers can never be materially improved except by the better education and training of workmen, by the greater subdivision of their employments, or by an improvement in the machinery they are employed to manage: And in all these cases an increase of capital is almost invariably required. It is only by an outlay of additional capital that the workman can be better trained, or that the undertaker of



any work can either provide his workmen with better machinery, or make a more proper distribution of labour among them.

‘When,’ says Dr Smith, ‘we compare the state of a nation at two different periods, and find that the annual produce of its land and labour is greater at the latter than at the former, that its lands are better cultivated, its manufactures more numerous and flourishing, and its trade more extensive, we may be assured that its capital must have increased during the interval between these two periods, and that more must have been added to it by the good conduct of some, than had been taken from it, either by the private misconduct of others, or by the public extravagance of the government.’ (*Wealth of Nations*, II. p. 23.) It is therefore apparent, that no country which accumulates additional capital, can ever reach the stationary state. So long as capital is increased, so long must there be a constantly increasing demand for labour, and a constant augmentation of the mass of necessities, conveniences and luxuries, and consequently of the numbers of the people. But with every diminution of the rate at which capital had previously been accumulating, the demand for labour will decline. When no fresh additions are made to capital, no more labour will be, or indeed can be, employed: And when capital is diminished, the country begins to retrograde, and the condition of the great body of the people is rapidly deteriorated; the wages of labour are reduced, and pauperism, with all its attendant train of vice, misery and crime, spreads its ravages throughout society. ‘It is,’ as Dr Smith has justly observed, ‘in the *progressive state* of society, while it is advancing to the further acquisition, rather than when it has acquired its full complement of riches, that the condition of the labouring poor, or of the great body of the people, seems to be the happiest and most comfortable. It is hard in the stationary, and miserable in the declining state. The *progressive state* is, in reality, the cheerful and hearty state to all the different orders of society.’

But as capital, or the means of supporting and facilitating labour, is nothing more than the accumulated produce of previous industry, it is easy to see that the rate of its increase must be most rapid where industry is most productive, or, in other words, where the PROFITS OF STOCK are high. The man who can produce a bushel of wheat in three days, has it plainly in his power to accumulate twice as fast as the man who, either from a deficiency of skill, or from his being obliged to cultivate a bad soil, is forced to labour six days to produce the same

quantity: And the capitalist who can invest his stock so as to yield him a profit of 10 per cent., has it equally in his power to accumulate twice as fast as the capitalist who can only obtain 5 per cent. for his capital.\* It is true that high profits, without *parsimony*, could never occasion any accumulation of capital. But such is the wise arrangement of nature, that they are almost always conjoined. High profits not only afford the *means* of saving, but they give additional force to the parsimonious principle. Economy is in no respect different from the other virtues; and it would be unreasonable to expect that it should be strongly manifested, where it does not bring along with it a corresponding reward. Before a man can accumulate, he must live: and if the sum that remains to him, after his necessary expenses are deducted, be but small and trifling, the probability is, that he will rather choose to consume it immediately, than to hoard it up in the expectation, that, by the addition of farther savings, it may, at some future and very distant period, become the means of making a small addition to his income. The truth is, that the pressure of want is seldom or never productive of economy. In a state of indigence,—and every fall in the rate of profit brings us nearer to that state,—there is neither the power nor the wish to save. Want is the parent of idleness and dissipation, and not of frugality. The lower we descend in the scale of society, the less forethought, the less regard to future and distant consequences, do we find to prevail. The labourer is less prudent than the little tradesman or shopkeeper, the beggar than the labourer. Few or none will deny themselves an immediate gratification, when the contingent and future benefits to be derived from their self-denial appear extremely limited. But, wherever profits are high, there is a proportionally great power of accumulation; and we deny ourselves immediate gratifications, because we have a certain prospect that, by doing so, we shall speedily attain to a state of comparative affluence, and that our means of obtaining an increased supply of conveniences and luxuries will in the end be greatly increased by our present forbearance. Give to any people the power of accumulating, and you may depend upon it they will never be disinclined to use it effectively. If you examine the state of the different countries of the world, you will find that the power of accumulation, or, which is the same thing, the rate of profit, is always greatest in those countries which

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\* This is, in reality, understated. It is plain, inasmuch as both parties must live on their profits, that those who gain double could accumulate more than twice as fast as the others.



are most rapidly augmenting their wealth and population, and conversely. In the United States, for example, the rate of profit is twice as high as in Great Britain or France; and it is to this that the more rapid accumulation of capital in that Republic, and consequently, her more rapid advancement in wealth and population, is wholly to be ascribed. The desire of adding to our fortune, and improving our condition in society, is inherent in the human constitution; and is the fundamental principle—the *causa causans* of all the improvements that have ever been made. No single instance can be produced of any people having ever missed an opportunity to amass. Wherever the bulk of the citizens have had the power of adding to their stock, they have never failed to do so, and the wealth and population of the society have been continually augmented.

It may perhaps be stated, in opposition to these principles, that the rate of profit is high in Eastern countries, and that they are, notwithstanding, either retrograding, or advancing only by very slow degrees. We doubt, however, whether the rate of profit be really higher in Eastern countries than in Europe. That the rate of *interest* there is higher, is certain; but that is a consequence of the hazard to which the principal is exposed, because of the prejudices against usury, and the vicious and defective system of the government.\* We do not, however, mean to affirm, that great productiveness of industry, or a high rate of profit, is *necessarily*, and in every instance, accompanied by a great degree of prosperity. Countries with every imaginable capability for the profitable employment of industry and stock, may have the misfortune to be subjected to an arbitrary government, which does not respect the right of property; and the insecurity resulting from this circumstance, may be of itself sufficient to paralyse all the exertions of those who are otherwise placed in the most favourable situation for the accumulation of capital and wealth. But we have no hesitation in laying it down as a principle which holds good in every case, and from which there is really no exception, that *if the governments of any two or more countries be about equally tolerant and liberal, and property in each equally well protected and secured, their comparative prosperi-*

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\* All taking of interest is prohibited by the Coran; and it is for this very reason, that it is so much higher in the East. 'L'usure,' says Montesquieu, 'augmente dans les pays Mahometans à proportion de la sévérité de la défense. Le preteur s'indemnise du péril de la contravention.'—(*Esprit des Loix*, liv. 21. cap. 19.)



*ty will be in proportion to the rate of profit in each.* Wherever profits are high, capital is rapidly augmented, and there is a proportionally rapid increase of wealth and population; but, on the other hand, wherever profits are low, the means of employing additional labour are proportionally limited, and the progress of society rendered so much the slower.

It is not, therefore, by the absolute amount of its capital, but by *its power of employing that capital with advantage*—a power which will be always correctly measured by the common and average rate of profit—that the capacity of any country to increase in wealth and population is to be estimated. Before the laws regulating the rate of profit and the increase of capital had been thoroughly investigated, the great wealth and commercial prosperity of Holland, where profits, from 1670 downwards, were comparatively low, were considered by Sir Josiah Child, and many later writers on economical subjects, as the natural result, and were consequently regarded by them as a convincing proof of the superior advantages, of low profits and interest. But this was really, as we shall afterwards show, mistaking the *effect of heavy taxation* for the *cause of wealth*! A country, whose average rate of profit is considerably less than the average rate of profit in surrounding countries, may, notwithstanding, abound in wealth, and be possessed of immense capital; but it is the height of error to suppose, that this lowness of profits could have facilitated their accumulation. The truth is, that the low rate of profit during the 18th century, was at once the cause and the symptom of the decline of Holland. Sir William Temple, in his *Observations on the Netherlands*, written about 1675, mentions, that the trade of Holland had then passed its zenith; and it is certain, that the vast capitals of the Dutch merchants had been principally amassed previously to the wars in which the Republic was engaged with Cromwell, Charles II., and Louis XIV., when the rate of profit was much higher than at any subsequent period.

But without referring to the cases either of America, Holland, or any other country, the smallest reflection on the motives which induce men to engage in any branch of industry, is sufficient to show that the advantages derived from it are always *directly as the rate of profit*. What is the object which every man has in view when he employs either his capital or his personal powers in any industrious undertaking? Is it not to gain the greatest possible amount of profit on his capital, or the greatest possible reward for his labour? One branch of industry is said to be advantageous, for the single and sufficient reason that it yields a comparatively large profit; and an-

other is, with equal propriety, said to be disadvantageous, because it yields a comparatively small profit. It is always to this *standard*—to the high or low rate of profit which they yield—that every individual refers in judging of the comparative benefits of different undertakings;—and what is true of individuals, must be true of States.

No certain conclusion respecting the prosperity of any country can ever be drawn from considering the amount of its commerce or its revenue, or the state of its agriculture or its manufactures. Every branch of industry is liable to be affected by secondary or accidental causes. They are always in a state of flux or reflux; and some of them are frequently seen to flourish when others are very much depressed. The AVERAGE RATE OF PROFIT is the real barometer—the true and infallible criterion of national prosperity. A rise of profits is the effect of industry having become *more* productive; and it shows that the power of the society to amass capital, and to add to its wealth and population, has been increased, and its progress accelerated: A fall of profits, on the contrary, is the effect of industry having become *less* productive, and shows that the power to amass capital has been diminished, and that the progress of the society has been clogged and impeded. However much a particular, and it may be an important branch of industry, is depressed, still, if *the average rate* of profit is high, we may be assured the particular depression cannot continue, and that the condition of the country is really prosperous. On the other hand, though there should be no distress in any one branch—though agriculture, manufactures and commerce, should be carried to a greater extent than before—though a nation should have numerous, powerful, and well-appointed armies and fleets, and though the style of living among the higher classes should be more than ordinarily sumptuous,—still, if the rate of profit has become *comparatively low*, we may confidently affirm, that the condition of such a nation, however prosperous in appearance, is bad and unsound at bottom; that the plague of poverty is secretly creeping on the mass of her citizens; that the foundations of her power and greatness have been shaken; and that her decline may be confidently anticipated, unless measures can be devised for relieving the pressure on the national resources, by adding to the productiveness of industry, and, consequently, to the rate of profit.

It is often difficult to determine what is the precise average rate of profit at any particular period; but it is never difficult to determine whether it is higher or lower at one period than another, or whether it is rising or falling. This is the really im-



portant point in the inquiry; and this may always be learned, with the greatest facility, from *the customary rate of interest* paid for capital lent on good security. Interest rises as the rate of profit rises, and falls as it falls. The one is always directly as the other. Where property is well protected, and the rate of interest high, as in the United States, it is a conclusive proof that the profits of stock are also high, or that industry is comparatively productive: And where, on the other hand, the rate of interest is low, as in Holland and England, it is an equally conclusive proof that the profits of stock are also low—that those are countries in which it is no longer possible to employ capital and labour with much advantage, and that they are approaching the termination of their career.

Having thus ascertained that the average rate of profit, in countries in which property is equally well protected, furnishes an unerring standard whereby to measure their comparative prosperity, or the rate at which each is advancing in the career of wealth and civilization, we shall now proceed to the second, and most difficult and important branch of our inquiry, and shall endeavour to discover the circumstances which regulate the rate of profit.

Dr Smith was of opinion, that the rate of profit varied inversely as the amount of capital, or, in other words, that it was always greatest when capital was least abundant, and lowest when capital was most abundant. He supposed, that, according as capital increased, the principle of competition would stimulate capitalists to encroach on the employments of each other; and that, in furtherance of their object, they would be tempted to offer their goods at a lower price, and to give higher wages to their workmen. (*Wealth of Nations*, II. page 38.) This theory was long universally assented to. It has been espoused by MM. Say, Sismondi, and Storch, by the Marquis Garnier, and, with some modifications, by Mr Malthus. But, notwithstanding the deference due to these authorities, we think it will not be difficult to show, that the principle of competition could never be productive of a general fall of profits. Competition will prevent any single individual from obtaining a higher rate of profit than his neighbours; but, most certainly, competition does not diminish the average *productiveness of industry*, or the average return of capital and labour, which must always determine the rate of profit. The fall of profits, which invariably takes place as society advances, and population becomes denser, is not owing to competition, but to a very different cause—to A DIMINUTION OF THE POWER TO EMPLOY CAPITAL WITH ADVANTAGE, *resulting either from a decrease in the*



*fertility of the soils which must be taken into cultivation in the progress of society,—from a more rapid increase of capital than of population,—or from an increase of taxation.*

It is admitted on all hands, that the rate of profit in any particular department of industry, can never either permanently exceed, or fall below, the rate of profit commonly obtained in other departments. But Agriculture is a branch of industry which must be carried on at all times, and in all circumstances. It is plain, however, that it would not be carried on if it did not yield *as great* a return for the capital, and industry employed in it as other businesses; and it is equally certain that these other businesses would not be carried on if they yielded a *less* return than that derived from agriculture. It necessarily follows, therefore, that *the rate of profit in agriculture is the standard rate*; or that the average value of the returns obtained from capital employed in agricultural industry, must always govern the average value of those obtained from the capital employed in every other department. If the value of the various outgoings of the farmer be, as they always may be, reduced into corn, he is able, by comparing them with the produce of his farm, to learn the precise additional return or profit he has realized; and it is by the amount of this return, that the amount of the return, or the profit, of all other businesses will be regulated. Whenever, for example, the average return for an outlay of capital or labour worth 100 quarters of wheat, employed in the cultivation of the soil, amounts to 110 quarters, we may know that 100*l.* employed either in manufactures or commerce, will yield 110*l.* For a regard to their own interest will not permit those concerned in these businesses to carry them on with less profit than is derived from agricultural investments; and the competition of the agriculturists will not permit them to obtain more.

It being thus established that the average return to, or the profit derived from, the capital employed in agriculture is the standard which determines the rate of profit in all other businesses, we have next to inquire into the circumstances which determine this return. But before entering on this inquiry, it may be proper to observe, that these circumstances can in no degree be affected by the payment of *rent*. If additional capital could be always laid out on the best lands with undiminished advantage, no one would ever think of cultivating those of inferior fertility, the business of farming would be generally in the hands of the land-owners, and no such thing as rent would ever be heard of; except that name should be given to the fixed consideration payable at the time, for the use of *borrowed capital* of any de-

nomination. The best lands in any country of moderate extent are, however, speedily exhausted; and as produce of the same goodness must sell for the same price, however great the difference in the qualities of the land from which it may have been obtained, it is abundantly plain, that this price must be such as will sufficiently remunerate the cultivators of the worst soils,—as otherwise they would not continue their cultivation. But the price which will remunerate them, will more than remunerate the cultivators of the more fertile lands, precisely in proportion to the greater quantity of produce obtained from them: And, as there cannot be two rates of profit in the same country, any more than two prices, this excess of produce necessarily constitutes rent; which is, therefore, altogether extrinsic to the cost of production. It is impossible, indeed, to conceive a case in which rent could enter, for any considerable period, into the cost of that portion of the produce of a country which is raised by the agency of the capital last applied to the soil, whether it be laid out on new land or in the improvement of the old. For, if such capital yielded both rent and profit, it would be a proof that agriculture was the best of all businesses, and in consequence capital would be immediately attracted to the land, and would most certainly continue flowing in that direction, until the produce raised by the portion last employed in cultivation would yield only the common and ordinary rate of profit. It may, therefore, be laid down as a general principle, which is universally true, that wherever industry is free, *raw produce is always sold at its necessary price*—that is, at the price which is just sufficient to yield the common and average rate of profit, and no more, to the producers of that portion which is raised in the most unfavourable circumstances, or by means of the capital last laid out on the soil.

We now begin to get on with our deduction: For, as no rent is paid out of that portion of the produce raised by the capital last employed in agriculture, it is immediately seen that the value of that produce must be entirely made up of profits and wages. And hence it results, supposing taxation to be invariable, that the rate of profit in agriculture, and consequently in all other branches of industry, must entirely depend on the proportion in which this produce is divided between labourers and capitalists. When the share of the one is increased, that of the other must necessarily be diminished. In other words, *profits must always vary inversely as wages*,—that is, when wages rise profits must fall; and when wages fall profits must rise. The circumstance of the labour last applied to the soil being more produc-



tive at one time than another, does not affect this conclusion; for the products of equal quantities of labour are always of equal value, however different in magnitude; and the rate of profit depends entirely on the proportion in which this equal value is divided between capitalists and labourers. But in all inquiries having a practical bearing and tendency, and which are not exclusively directed to the establishment of theoretical principles, it is necessary to attend not to values only, but also to quantities. Where the lands last cultivated are fertile, there is a comparatively large amount of produce to be divided between profits and wages; but with every successive diminution in the fertility of the soils to which recourse is had in the progress of society, the quantity, though not the value, so to be divided, must necessarily be reduced; and if wages either continue stationary, or do not fall in the same ratio, it is plain not only that the absolute amount of the quantity of produce constituting profits will be diminished, but that the *proportion* which profits bear to the whole produce, or the value of the produce, will also decline. Mr Ricardo has demonstrated that such diminution both of absolute and proportional profits must, when reference is made to periods of average duration, always take place as society advances. We shall, however, endeavour to demonstrate this principle in our own way, and in such a manner as will show, from other considerations than those previously stated, that the fall of profits which all old settled and densely peopled countries have hitherto uniformly experienced, is not owing to the accumulation or competition of capitals, but to the diminished fertility of the soil, accelerated in many cases by a vicious and defective system of domestic economy.

We shall afterwards endeavour to trace and exhibit the precise effects of fluctuations in the market rate of wages on profits; but in the meantime we may leave them out of view, and assume with Mr Malthus that population has not only a constant tendency to equal, but to *exceed* the means of subsistence. A peculiar combination of favourable circumstances may occasionally cause capital to increase faster than population, and wages will in consequence be augmented; but such augmentation will rarely be permanent; for the additional stimulus it must, in the great majority of cases, give to the principle of population, will, as Mr Malthus has shown, by proportioning the supply of labour to the increased demand, infallibly reduce wages to their old level. If, therefore, it were possible always to employ additional capital in the raising of raw produce, in the manufacturing of that raw produce when raised, and in the conveying of the raw and manufactured products from place to

place, with an equal return, it is evident, supposing taxation to continue invariable, that no conceivable increase of the national capital could occasion the slightest fall in the rate of profit. So long as labour can be obtained at the same rate, and so long as the productive power of that labour is not diminished, so long *must* the profits of stock continue unaffected. Assuming then, that the mere increase of capital has of itself no lasting effect on wages, it must obviously be the same thing, in so far as the rate of profit is concerned, whether ten, or ten thousand millions be employed in the cultivation of the soil, and in the manufactures and commerce of this or any other kingdom; provided the last million so employed be as productive, or yields as large a return as the first. Now this is invariably the case with the capital employed in manufactures and commerce. The greatest possible amount of capital and labour may be employed in fashioning raw produce and adapting it to our use, and in transporting it from where it is produced to where it is to be consumed, without a diminished return. If a given quantity of labour will now build a ship of a given burden, or construct a machine of a given power, it is certain that an equal quantity of labour will, at any future period, be able to build a similar ship, or to construct a similar machine; and it is also certain, that although these ships and machines were indefinitely increased, the last would be equally well adapted to every useful purpose, and equally serviceable as the first. The probability, indeed, or rather we should say, the certainty is, that the last would be much more serviceable than the first. No possible limits can be assigned to the powers and resources of genius, nor consequently to the improvement of machinery, and of the skill and industry of the labourer. Future Watts, Arkwrights and Wedgwoods will arise; and the stupendous discoveries of the last and present age will doubtless be equalled, and perhaps surpassed, in the ages that are to come. It is, therefore, clear to demonstration, that if equal quantities of capital and labour could always raise *equal quantities of raw produce*, the utmost additions to the capital of the nation could never lessen the capacity to employ that capital with advantage, or sink the rate of profit. But here, and here only, the bounty of Nature is limited, and she deals out her gifts with a frugal and parsimonious hand.

—Pater ipse COLENDI

• *Haud facilem esse viam voluit*—

Equal quantities of capital and labour do not always produce equal quantities of raw produce. The soil is of limited extent, and of still more limited fertility; and it is this limited fertility



that proves the only real check—the only insuperable obstacle—which prevents the means of subsistence, and, consequently, the inhabitants, of every country, from increasing in a geometrical proportion, until the space required for carrying on the operations of industry should become deficient.

But it is easy to see, that the decreasing productiveness of the soils to which every improving society is obliged to resort, must not, as we previously observed, merely lessen the *quantity* of the produce to be divided between profits and wages, but must also increase the *proportion* of the value of this produce falling to the share of the labourer. It is utterly impossible to go on increasing the cost of that raw produce, which forms the principal part of the subsistence of the labourer, by taking inferior lands into cultivation, without also increasing his wages. A rise of wages is seldom indeed exactly coincident with a rise in the price of necessaries, but they can never be very far separated. The price of the necessaries of life is in fact the cost of producing labour. The labourer cannot work if he is not supplied with the means of subsistence—And although a certain period of varying extent, according to the circumstances of the country at the time, must generally elapse, when necessaries are rising in price, before wages can be proportionally augmented, such an augmentation must necessarily be brought about in the end.

It is plain, therefore, inasmuch as there is never any falling off, but a constant increase, in the productiveness of the labour employed in manufacturing and commercial industry, that the subsistence of the labourer could never be increased in price, and consequently that no additions could ever be made to his *necessary* wages—that is, to the wages required to enable him to subsist and continue his race—were it not for the diminished power of agricultural labour, originating in the inevitable necessity under which we are placed, of resorting to poorer soils to obtain increased supplies of raw produce. *The decreasing fertility of the soil is therefore, at bottom, the great and only natural cause of a fall of profits.* The *quantity* of produce forming the return of capital and labour would never diminish, but for the diminution that uniformly takes place in the productiveness of the soil: nor is there any other physical cause in existence why the *proportion* of wages to profits should be increased, and the *rate* of profit diminished, as it uniformly is, in the progress of society.

A few words will serve to show the importance of carefully attending to the distinction we have made between absolute and proportional wages and profits. Wages and profits, considered

absolutely, depend on the quantity of the necessities, conveniences and luxuries of human life, or of the various products of art and industry, which actually come into the possession of the labourers and capitalists: But wages and profits, considered proportionally—and they are so considered in all investigations respecting the distribution of wealth—depend exclusively on the proportion or ratio, according to which, the produce of industry, or the value of that produce, under deduction of rent, is divided between the two great classes, of labourers and capitalists. It is plain, from this statement, that proportional wages may be increased, at the same time that wages estimated absolutely—that is, estimated by quantities of silver, corn, cloth, or any other commodity, would be found to be diminished; and, in point of fact, such is invariably the case when recourse is had to poor soils. Suppose, for the sake of illustration, that the produce obtained, from a given amount of capital applied to the land last taken into cultivation in America, yields 100 quarters—the labourers will perhaps receive 60 quarters, or 60 per cent. of the produce as their wages. In this case, *absolute* profits and wages would consist, the one of 40 and the other of 60 quarters; and *the proportion* in which the produce or its value was divided between profits and wages, would be as 4 to 6, or as 2 to 3. But the same amount of capital that would yield 100 quarters on the land last cultivated in America, would most probably yield rather below than above 50 quarters, if laid out on the land last cultivated in Britain. Now, supposing that the English labourer gets 40 quarters of this produce, as his absolute wages, the absolute profits will be only 10 quarters,—being a reduction of 20 quarters on the former, and of 30 on the latter, compared with the absolute wages and profits derived from the same capital and labour when employed in America. It must be remembered, however, that as the 50 quarters of wheat produced in England are the produce of the same quantity of capital or labour as the 100 quarters produced in America, they are of precisely the same value. Though, therefore, the English labourer has a less amount of wages, estimated in wheat, than the American labourer, he has a *greater real value*, or the produce of a greater quantity of labour; and profits in England would be lower whether estimated by quantities of commodities, or by real values. In England the labourer gets 80 per cent. of produce, having the *same value* as that of which the American labourer gets only 60 per cent. The ratio of profits to wages in England would, on this supposition, be as 2 to 8, or 1 to 4, while in America it would be as 2 to 3.



This statement shows the fallacy of the opinion of those who contend, that *both* wages and profits are high in America, and that, therefore, the theory which we have been endeavouring to establish, and which makes profits in every case to depend on wages, must be erroneous. It is by *proportions*, and not by absolute quantities, that we are to estimate the effect of wages on profits. The American labourer receives a less proportion of the produce, or of the value of the produce, produced by his assistance, than the British labourer, and profits are consequently high in America; but as the American labourer cultivates none but the best soils, and which yield a very large produce, his smaller share of that large produce gives him a great absolute quantity of necessaries and conveniences, and his condition is, therefore, comparatively prosperous.

It appears, therefore, that wherever superior lands only are cultivated, absolute profits and wages are both high; for in such circumstances industry is comparatively productive, and there is consequently a large stock of commodities to be divided between the parties. As society advances, however, and as the productiveness of industry is diminished in consequence of the necessity of cultivating inferior lands, absolute wages and profits are both reduced; though, as the labourer must always have wherewithal to subsist and continue his race, he invariably gets, with every decline in the powers of industry, a greater value, or a greater proportional share of the produce of industry.

Thus, then, we arrive by a different route at our former conclusion, that profits—whether estimated by quantities of produce or by values or proportions—must always fall with every diminution in the productive power of the industry applied to extract produce from the earth; and though proportional wages rise in the progress of society, the situation of the labourer is, notwithstanding, generally changed for the worse. When cultivation is confined to the superior lands, a large stock of produce has to be divided between capitalists and labourers; and a smaller proportional part of this large stock gives the labourers a greater quantity of necessaries and conveniences, than a greater proportional part of a comparatively small stock.

We have thus endeavoured to exhibit the ultimate and certain effect which the necessity of resorting to poorer lands for supplies of food to feed an increasing population, must always have on profits and wages. But though this cause of the re-



duction of profits be of such magnitude and power as finally to overwhelm every other, \* its operations may be, and indeed frequently are, counteracted or facilitated by extrinsic causes. It is obvious, for example, that every new discovery and improvement in agriculture which enables a greater quantity of produce to be obtained for the same expense, must really have the same effect on profits as if the supply of superior soils had been increased, and may, for a considerable period, increase the rate of profit.

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

But the circumstances regulating the real and exchangeable value of raw produce in an improving society; are extremely different. Even there, it has, as we have seen, a constant tendency to rise; for, the rise of profits consequent on every improvement, by occasioning a greater demand for labour, gives a fresh stimulus to population, and thus by increasing the demand for food, again inevitably forces the cultivation of poorer soils, and raises prices. But it is evident, that these effects of this great law of nature, from whose all-pervading influence the utmost efforts of human ingenuity can never enable man to escape, are rendered less palpable and obvious in consequence of improvements. After inferior soils are cultivated, more labourers are, no doubt, required to raise the same quantities of food; but, as the powers of the labourers are improved in the progress of so-

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\* Malthus's Principles of Political Economy, &c. p. 317.

ciety, a smaller number is required in proportion to the whole work to be performed, than if no such improvement had taken place. It is in this way that the natural tendency to an increase in the price of raw produce is counteracted in the progress of society. The productive energies of the earth itself gradually diminish, and we are compelled to resort to soils of a constantly decreasing degree of fertility; but the productive energies of the labour employed to extract produce from these soils, is as constantly augmented by the discoveries and inventions that are always being made. Two directly opposite and continually acting principles are thus set in motion. From the operation of fixed and permanent causes, the increasing sterility of the soil must, in the long-run, overmatch the increasing power of machinery and the improvements of agriculture—and prices must experience a corresponding rise, and profits a corresponding fall. Occasionally, however, improvements in the latter more than compensate for the deterioration in the quality of the former, and a fall of prices and rise of profits take place, until the constant pressure of population again forces the cultivation of poorer lands.

The previous reasoning, in so far as the general principle is concerned, is equally applicable to the commercial world in general, as to a single nation. It is quite plain, however, that the fall in the rate of profit, and the consequent check to the progress of society originating in the necessity of resorting to poorer soils, will be more severely felt in an improving country, which excludes foreign corn from its markets, than in one which maintains a free and unfettered intercourse with her neighbours. A highly manufacturing and commercial country, like England, which should deal with all the world on fair and liberal principles, could avail herself of all those capacities of production wherewith providence has endowed different countries; and, besides obtaining supplies of food at the cheapest rate at which they can be raised, the numberless markets to which she could resort, would prevent her from feeling any very injurious consequences from the occasional failure of her own harvests, and would not only secure her constant plenty, but, what is of hardly less importance, constant steadiness of price. Such a nation would have the foundations of her greatness established on a broad and firm foundation; for, they would rest, not on the productive energies of her own soil only, but, on those of all the countries in the world; nor is there any natural and necessarily operating cause, why her profits should be reduced, and she should get clogged in her progress, until the gene-



ral increase of population had forced the cultivation of inferior soils in all the countries whence she had been in the custom of drawing a portion of her supplies. Even then, she would not be surpassed by her neighbours; her progress would only be retarded by the same cause which must also retard theirs; her *relative* power therefore would not be impaired; and should new markets be opened, or new discoveries made in agricultural industry, in any quarter of the world, she would instantly reap her full share of the advantage, and be renovated and strengthened for a new career of exertion.

But the case would be very different indeed, if England, or any nation which had made a very great progress in manufacturing and commercial industry, and whose population was therefore comparatively dense, chose to exclude foreign corn from her markets. Such a proceeding would most certainly hasten her decline; and inevitably sink her into decrepitude and decay, at a period when, if she had acted on a more enlarged and liberal system, she might have been still 'green in youth,' and advancing with giant steps in the career of population and wealth. A people who exclude foreign corn from their markets, must necessarily have recourse to poor soils at home, and expose themselves to ruinous fluctuations of price. They shut themselves out from all those facilities of production they might otherwise have met with in distant and less densely peopled nations; and cannot feel the benefit of the wise provision made by nature for equalizing the variations in the harvests of particular countries. It is indeed quite impossible, that a country in the situation of Great Britain—a country abounding in all the various products of art and industry, in merchandise suited to the wants of every people—could ever, were her ports thrown open to the free importation of foreign corn, experience a deficiency of supply. There is always abundance of food in the world; and to enjoy a constant plenty, we have only to abolish our restrictions and prohibitions, and to cease to counteract the benevolent arrangements of Providence.

But we have chosen to act on the restrictive system. We have not exerted ourselves to retard but to accelerate the period of national weakness and decline! The legislature of the greatest manufacturing and commercial country in the world has excluded all foreign corn from her markets, until the home prices have risen to about *twice their average height* in the other countries of Europe. Poor soils requiring an immense outlay to render them productive, have thus been forced into premature cultivation; and the rate of profit—that rate which forms the



only certain standard of national prosperity—has in consequence been reduced extremely low! How long this system—a system so utterly at variance with every principle of sound policy—is to be supported, we know not; but we are bold to say that no people emerged from barbarism ever before subjected themselves to such a scourge. Its effects have already been most disastrous; and if it be not abandoned, it is easy to see that it must ultimately affect all classes with the curse of universal poverty, and complete the ruin of the country.

The relative lowness in the rate of profit in Great Britain, arising from the diminished power of employing capital with advantage, and principally caused by the restrictions on the importation of foreign corn, has not only lessened the power to accumulate capital, or to add to that fund by which the productive industry of the country must always be regulated; but it has also created a strong temptation to transmit capital to other countries. The rate of profit has a constant tendency to equalize itself. The same principle that would prevent the employment of capital in Yorkshire, if it did not yield as great a rate of profit there as in Kent or Surrey, regulates its distribution among the different countries of the world. It is true that the love of country—the thousand ties of society and friendship—the ignorance of foreign languages, and the desire to have our stock employed under our own inspection, would make a greater difference in the rate of profit necessary to occasion a transfer of capital from one country to another, than from one province of the same country to another. But this love of country has its limits. The love of gain—the *auri sacra fames*—is a no less powerful and constantly operating principle; and if capitalists are once assured that their stock can be laid out with tolerable security, and with considerably greater advantage, in foreign states, an efflux of capital to a greater or less extent will certainly take place.

Profits were lower in Holland during the whole of last century, than in any other country of Europe; and in consequence her commerce and manufactures gradually declined, and her merchants, instead of laying out their savings at home, preferred investing them in other countries where the rate of profit was higher. It is stated by the well informed author of the *Richesse de la Hollande*, published in 1778, that the Hollanders had at that period about 1500 millions of livres (62 millions Sterling) in the public funds of France and England! It is unnecessary, however, to refer to the case of Holland for illustrations of this principle. What Holland was, England has become. The experience of the last six or seven years has shown, that the low-

ness of profits in this country is sufficient to counterbalance the most extreme risk; and has power to determine the current of English capital into the coffers of Holy Leaguers, mining adventurers, and Poyaisian Caciques!

Much has of late been said about the necessity of securing a remunerative price to the agriculturists. But had those who have set up this claim known any thing of the subject, they must have seen that prices are equally remunerative at one limit as at another. Remunerative price is justly defined by Mr Ricardo, to be 'that price at which corn can be raised, paying all charges, including rent, and leaving to the grower a fair profit on his capital.' It must, therefore, rise according as population increases, or as restrictions on the importation of comparatively cheap foreign corn, force recourse to poor soils. It is stated by Messrs Iveson, Wakefield, Harvey, and other agriculturists examined by the Committee of the House of Commons in 1822, that the best lands under cultivation in England yield from 32 to 40 bushels an acre of wheat, while the poorest lands under cultivation yield only from 8 to 12 bushels. Now, it is plain from this statement, that if the best lands only were cultivated, the remunerative price of corn would not exceed a *third* or a *fourth* of what it must amount to when the worst lands are cultivated. When a given expenditure of capital and labour applied to the cultivation of the best soil, obtains a return of 36 quarters, and when the *same* expenditure, applied to an inferior soil, obtains only a return of 18 quarters, the price, in order to be remunerative, must be *doubled*,—when a return of only 12 quarters is obtained, the price must be *tripled*,—and when the return sinks to 9 quarters, it must be *quadrupled*! It is absurd, therefore, to attempt to found any argument in favour of the restrictive system on the alleged necessity of securing a remunerative price to the farmer. If the ports were thrown open to the free importation of foreign corn, prices would fall to about 55s. or 60s. a quarter, and would continue steady at about that elevation. But as in such circumstances inferior lands would be thrown out of tillage, the price would still continue sufficiently high to remunerate the farmers who continued to cultivate the superior lands. In fact, prices, if they are steady, are equally remunerative at 50s. as at 100s. a quarter! The only difference is, that in the first case, none but superior soils being cultivated, industry is comparatively productive, and the rate of profit proportionally high; and in the last case, cultivation being extended over poor soils, industry is comparatively unproductive, and the rate of profit proportionally low!



But there are other, and still more cogent reasons, why the restrictions on the corn trade should be put down. They do not merely render industry unproductive, lower the rate of profit, and force capital abroad, but, by raising our average prices so much above the average prices of other countries, they prevent all exportation in years when the harvest happens to be unusually abundant, and consequently occasion such an alternation of high and low prices as is at one time ruinous to the consumers, and at another to the farmers. Certainly, however, no wise government would ever adopt a system which must necessarily occasion great and sudden variations in the price of the chief article of national subsistence, even though, in other respects, it were really advantageous. Such a system must be destructive of the public tranquillity, and must prove an inexhaustible source of tumult and confusion. There is much truth in the verses of Lucan:—

——— Summa favoris

*Annona momenta trahit.—Namqueasserit urbes  
Sola fames, emiturque metus, cum segne potentes  
Vulgus alunt.—NESCIT PLEBES JEJUNA TIMERE.*

Mobs and popular commotions are in fact the natural and necessary consequences of a dearth of corn. A man who will draw his sword neither for his character, his country, nor his king, becomes as bold as a lion the instant his flesh-pots are endangered. We have no idea, indeed, that it is possible for the corn laws and the constitution long to exist together. It must be obvious to every one, that were our restrictions and prohibitions abolished, the price of corn in a country so well supplied with merchandise as England, could never rise considerably above the level of the surrounding markets. When, therefore, the prices rise above this their natural limit, as they are doing at this moment (March 1824), the cause of the enhancement must be obvious to the whole world. Every one must see, that the high price is not real but artificial;—that ‘it is not by the dispensations of Providence—dispensations which it would be unavailing to canvass, and impious to censure,’—but by the perverse regulations of man, that he is oppressed, and his means of existence compromised. The public mind will in consequence be alienated from the Legislature, and riot and intestine commotion will be the result. The restriction on importation was the sole cause of the high price of 1817 and 1818; and it was this high price that drove the manufacturing classes to despair, and produced those commotions which were made the pretext for the employment of spies, for the Manchester carnage, and for the violent inroad on the constitution effected by the Six Acts!



We have throughout this discussion been supposing Taxation to be invariable. It is plain, however, that when it is increased, such increase must either immediately fall wholly on profits or wages, or partly on the one, and partly on the other. If it falls on profits, it must make an equivalent deduction from them; and if it falls on wages, it must proportionally depress the condition of the great mass of the people. There are limits, however, and those not very remote, to the power of the labourer to pay taxes; and whenever these limits have been attained, they must entirely fall on profits. It has, therefore, been most justly and truly observed by Dr Smith, that a heavy taxation has exactly the same effects as an increased barrenness of the soil, and an increased inclemency of the heavens.

It was the excessive weight of taxation that was the real cause of the lowness of profits in Holland, and consequently of the decline of her manufacturing and commercial prosperity. Notwithstanding the rigid and laudable economy of her rulers, the vast expense which the republic incurred by her revolutionary struggle with Spain, and by her subsequent contests with France and England, having led to the contraction of an immense public debt, she was obliged, in order to provide funds for the payment of the interest and other necessary charges, to lay heavy taxes on the most indispensable necessities. Among others, high duties were laid on foreign corn when imported, on flour and meal when ground at the mill, and on bread when it came from the oven: the oppressiveness of taxation affected all the sources of national wealth; and it was a common saying at Amsterdam, that every dish of fish brought to table, was paid once to the fisherman, and *six times* to the State! Wages being necessarily raised so as to enable the labourers to subsist and continue their race, the weight of these enormous taxes fell almost wholly on the capitalists. Profits being in consequence reduced below their level in other countries, the prosperity of Holland gradually declined; and her capitalists were tempted, as we have previously seen, to employ their stocks in other countries rather than at home. '*L'augmentation successive des impôts, que les paiements des intérêts, et les remboursements ont rendu indispensable, a détruit une grande partie de l'industrie, a diminué le commerce, a diminué ou fort altéré l'état florissant ou étoit autrefois la population, en resserrant chez le peuple les moyens de subsistance.*'—(Richesse de la Hollande, tome ii. p. 179.)

With the exception of tithes, which do not, as was formerly supposed, form a deduction from rent, but really make an equivalent addition to the price of raw produce, the taxes on tea,

sugar, soap, candles, and beer, are those which in this country fall heaviest on necessities, and consequently exercise the greatest influence on profits. It is not easy to say how much of the decline in the rate of profit is to be ascribed to the increase of these taxes, and how much to the corn-laws. There can be no doubt, however, that the latter have had by far the most extensive and injurious operation; and in conjunction with tithes, the burden of which increases in a geometrical proportion as cultivation is extended over poorer soils, they will form a dead weight on the industry of the country, whose pressure must, if it be not cast off, prove in the long-run sufficient to overpower all the springs of exertion, and to subject us to the same sinister fate that has overtaken the once flourishing republic of Holland.

Besides the effects on the rate of profit occasioned by improvements in agriculture, by the opening of an intercourse with markets whence raw produce may be imported at a cheaper rate, and by an increase or diminution of the amount of taxation, it is liable to be affected, to a considerable extent, by such variations in the rate of wages as are occasioned by the different progress that is sometimes made by capital and population. If a given specific quantity of certain articles was necessary to enable labourers to exist, it would obviously follow, that the rate of wages could not be reduced, for any considerable period, below what would procure them these articles; and whenever their cost was raised, in consequence either of the imposition of taxes, or of its being necessary to derive that portion of them which consists of raw produce, and which is always the largest, from poorer soils, the labourer would have to receive a *greater proportion* of the produce of his industry, or of its value, and profits would sustain a precisely equivalent diminution. In point of fact, however, there is no such *absolute standard of natural wages*. It depends essentially on custom and habit. The articles considered as necessities are perpetually changing. The labourers of Hindostan subsist principally on rice, those of England on wheaten bread and beef, and those of Ireland on potatoes. In one country, it is discreditable for the lowest class of labourers to be destitute of comfortable clothing, and of shoes and stockings; while in others, shoes and stockings are looked upon as luxuries, to be used only by the rich. In many provinces of France and Spain, a certain allowance of wine is considered indispensable to existence; and in England, the labouring class entertain nearly the same opinion with respect to beer and porter. Nor have the habits of the people, and the stand-



ard by which the natural rate of wages has been regulated at different periods in the same country, been less fluctuating and various. The relation which capital and population bear to each other is perpetually changing, and exercises a powerful influence on the rate of wages. When capital increases faster than wages, there is a proportionally increased demand for labour; higher absolute wages are given; the labourer mounts in the scale of society; and as he obtains a greater command of the necessaries and conveniences of human life, his habits become improved, and he learns to form more exalted notions respecting what is necessary for his comfortable and decent subsistence. But when capital increases less rapidly than population, the condition of the labourer is changed for the worse; and though his wages can never fall, at least for any considerable period, below the sum necessary to enable him to subsist and continue his race, they may be reduced to this miserable pittance. The powerful influence which these fluctuations must have on profits is obvious: And as the supply of labourers cannot be increased, when a greater demand for them is experienced, in less than eighteen or twenty years, nor be diminished when the demand for them declines, except by an increase of mortality or of moral restraint, neither of which operates speedily, the influence of these fluctuations on profits must be long as well as powerfully felt.

But if a rise of profits, occasioned by improvements in machinery or the arts, by the discovery of new and cheaper markets, and by the reduction of taxation, be, as it always is, of the greatest advantage to all classes of the community, a rise of profits, occasioned by a fall of wages, is as certainly injurious to the most numerous, and, we will also add, the most important and valuable class. We are anxious for high profits, because they are, in general, at once the symptom and the cause of national prosperity—the symptom, inasmuch as they show that industry is highly productive, and that the industrious classes are amply supplied with the necessaries and comforts of life—and the cause, inasmuch as they give to these classes a more extensive command over the instruments of production, and enable them to employ a constantly increasing number of labourers with advantage. But such a high rate of profit, as is productive of these effects, can never be occasioned by a fall of wages! It can only proceed from an increase in the productive powers of industry, and must, in consequence, tend materially to improve, and cannot possibly be the result of a degradation in, the condition of the labouring class.—That the labourers are themselves possessed of power to ward off such



a calamity, and to preserve their wages at a proper level, is certain; and nothing could redound so much to their own and the national advantage, as their learning to avail themselves of that power. If they understock the market with labour, wages will continue high, even though the means of employment should be diminished; while, if they overstock the market with labour, wages will be low, although these means should be ever so much increased. The power of regulating wages is really placed in their own hands. And we confess we see no reason whatever to think that their condition will ever be materially improved, until they are thoroughly acquainted with the circumstances which govern the rate of wages, and are impressed with a full conviction of the great and important truth, that they are themselves the masters of the only means by which their command over the necessities and luxuries of life can be really and permanently extended. 'The rich,' to use the just and forcible expressions of Mr Malthus, 'have neither the power, nor can it be expected that they should all have the will, to keep the market understocked with labour. Yet every effort to ameliorate the lot of the poor generally, that has not this tendency, is perfectly futile and childish. It is quite obvious, therefore, that the knowledge and prudence of the poor themselves are absolutely the *only* means by which any general improvement in their condition can be effected. They are really the arbiters of their own destiny; and what others can do for them is like the dust of the balance compared with what they can do for themselves. These truths are so important to the happiness of the great mass of society, that every opportunity should be taken of repeating them.'—(Principles of Political Economy, &c. p. 306.)

But although the labourers should not avail themselves of the power they possess of raising wages, by understocking the market with labour, it is certain that any rise of profits, occasioned by a fall of wages, though it may continue for a few years, cannot be permanent. For this very rise, by increasing capital in a more rapid proportion, must necessarily increase the demand for labour, and raise wages. The real evil of a fall of wages, consists not so much in the privations to which it immediately subjects the labouring class, though these are often sufficiently distressing, as in its ultimate consequences. When wages are considerably reduced, the poor are obliged to economize; and there is, in consequence, an extreme risk lest the coarse and scanty fare that is thus, in the first instance, forced on them by necessity, should ultimately become congenial from habit. Should this, unfortunately, be the case, the

*standard of natural wages would be reduced*; and the increased demand for labour, resulting from an increase of capital, would serve more to stimulate population than to make a lasting improvement in the condition of the labourers; so that profits would be kept down in future, less by a rise of wages than by an increase of population forcing the cultivation of inferior soils.

If we had sufficiently accurate accounts of the state of prices, the pressure of taxation, and the rate of wages at different periods, we should be able to give a satisfactory explanation of those fluctuations in the rate of profit, which to superficial observers seem inconsistent with the law of profits we have endeavoured to establish; whereas they are really quite inexplicable on any other hypothesis.

It has been supposed, for example, that the low rate of profit, from the accession of George II. in 1727 to the commencement of the war in 1739, and the rise of profits during the greater part of last war, and their fall since, are irreconcilable with our theory. It is extremely easy, however, to show that this is not the case. The price of corn, as every body knows, was considerably lower in England, from 1727 to 1739, than it had been either in the previous or succeeding ten or twenty years; or indeed during any period of equal length either before or after. But many authors, and among others Dr Smith, state, that although corn fell, *labour rose*—a statement which the very slow progress of population during the first half of last century strongly corroborates. But if we suppose only that labour continued stationary, still, as corn fell, it shows that the labourer was getting a greater proportion, or the value of a greater proportion, of the produce of his labour, and the fall of profits is satisfactorily and fully accounted for.

During the late war, again, wages sunk in value as compared with corn, and a rise of profits was the consequence. According to the researches of Arthur Young, to whom we are indebted for much valuable information respecting the rate of wages at different periods, the mean price of labour in England in 1767, 1768, and 1770, was very nearly 1s. 3d. *per diem*: And he further states its mean price in 1810 and 1811, when at the highest, at about 2s. 5d., being a rise of nearly 100 per cent. on the former. But the price of wheat, according to the authentic account kept at Eton College, during the first mentioned years, was 51s. a quarter; and during 1810 and 1811 its price was 110s., being a rise of 115 per cent.; and Mr Young estimates that butcher's meat had, in the same period, risen 146; butter 140; and cheese 153 per cent.; being, on an average, a rise of 138½ per cent.; so that wages, as compared with these, the

principal products of agricultural industry, had *declined*, in the interval, considerably more than *one-third*! And as the rise in the price of these products took place almost wholly during the late war, a rise of profits during that period was a necessary and unavoidable consequence.

The price of labour in England is so much affected by the poor-rates, that no very precise conclusions can be drawn from it. To obviate this defect, Mr Malthus has, in his recent pamphlet on Value, published an authentic account of the price of day labour at Kirkcudbright, in the Stewartry of that name, a district where there are neither manufactures nor poor-rates. We subjoin this Table, to which we have annexed the *fiar* prices of wheat in the Stewartry:

Years.	Rate per day in Winter.	Rate per day in Summer.	Price of Wheat per boll of 11 Winchester Bushels.
1793	9d.	12d.	L.2 15 0
1798	11	14	3 1 5
1799	12	15	5 1 9
1800	14	16	7 14 0
1802	16	18	3 11 6
1811	18	22	5 8 6 $\frac{1}{4}$
1812	20	24	6 8 4
1816	18	22	3 19 9
1817	16	20	5 3 1 $\frac{1}{2}$
1819	15	18	no quotation.
1822	12	15	2 7 5 $\frac{1}{4}$

N. B.—In the intermediate years not quoted, wages remained stationary at the rates last mentioned.

Now, it appears from this Table, that the mean price of labour at Kirkcudbright in 1793, was 10 $\frac{1}{2}$ d. *per diem*, and its mean price in 1812, when at the highest, 22d. *per diem*, being an advance of 109 $\frac{1}{2}$  per cent.; but, in the same period, the price of the boll of wheat had risen from 55s. to 128s., being an advance of 133 per cent.; showing that husbandry labourers got 22 $\frac{1}{2}$  per cent. less of the produce, or of the value of the produce, raised by them in 1812 than in 1793—a fall of proportional wages sufficient to account for a very great rise of profits!

This table affords an equally satisfactory solution of the fall of profits that has taken place since the peace. The average price of wheat at Kirkcudbright in 1811 and 1812, was 5l. 18s. 5d. per boll, and its price in 1822 was 2l. 7s. 5d., being a fall of very nearly 60 per cent. But the money price of labour



had, in the same period, only fallen 39 per cent., so that its relative value, as compared with the main article of agricultural produce, had really risen 21 per cent., accounting completely for the fall of profits in the interval !

We have thus enumerated the various circumstances—improvements in the arts—discoveries of new markets—increase or diminution of taxes—and different progress of population and capital—which appear to us to retard or accelerate that fall of profits which, in the long-run, must inevitably overtake every society. We say *must* overtake; for, as we have already shown, every improvement and every fall of real wages that raises profits, must, by so doing, increase capital and the demand for labour, and must thus again, by increasing population, and forcing the cultivation of poorer soils, raise wages and sink profits.

If we exclude the consideration of that portion of taxation which falls directly on profits, and not indirectly on them through a rise of wages, it will be found that all the circumstances we have enumerated, or that possibly can be enumerated, as affecting profits, may be classed under the names of high or low real wages. In fact, it is only because they operate on wages, that they operate on profits. The produce obtained by the agency of equal quantities of capital and labour laid out on the land, however much it may differ in *quantity* at different periods, is *always of equal value*; and it is, as we previously showed, *on the proportion in which this equal value is divided between capitalists and labourers, that the rate of profit must ever depend*. Whatever has the effect to increase the productive powers of industry, or to lower the cost of the necessities consumed by the labourers, has the effect to sink proportional wages; and must consequently check for a time, though it cannot overcome, the natural and constant tendency which profits have to fall in the progress of society: And, on the other hand, whatever has the effect to diminish the productive powers of industry, or to raise the cost of the necessities consumed by the labourers, has the effect to raise proportional wages, and must consequently, by accelerating the fall of profits, accelerate the period of national feebleness and decline.

A manufacturing and commercial people have no reason whatever to be alarmed at the effects of competition in any department of industry, for instead of losing, they are always sure to gain by every discovery which tends to facilitate production, or to reduce cost. It is not by improvements among their neighbours, but by a decline in the productiveness of industry at home—a decline which will always be indicated and correctly measured by the fall of profits it must

infallibly occasion—that either their absolute or relative situation can ever be injuriously affected. But every such fall of profits will undoubtedly tend to sink them in the scale of national power and importance, and enable their rivals to outstrip them in the career of wealth and greatness. Neither the skill and industry of the most intelligent and persevering artisans, nor the most improved and powerful machinery, can permanently withstand the paralysing and deadening influence of a relatively low rate of profit—And, let it never be forgotten, that such relative lowness must necessarily be produced by every system or regulation which, by excluding foreign corn or otherwise, forces the premature cultivation of poor soils at home, and artificially raises prices; and can only be prevented by acting on a liberal commercial system, and enforcing the strictest economy in the expenditure of the public money.

Landlords are the only class of society who are ever benefited by a low rate of profits; but that they are so is undeniable. A fall of profits enables such of them as are embarrassed to obtain loans at a lower rate of interest; and as low profits are caused, in all countries at least in which taxation is not oppressive, by cultivation being extended over very inferior soils, and as rent is nothing but the difference, or the value of the difference between the produce obtained from the best and the worst lands in tillage, or by the agency of the capital first applied to the soil, and that which is last applied to it, it follows that they must always be accompanied by high rents, and *vice versa*. In this respect, the interest of the landlords is always opposed to that of all other classes. In newly settled countries, where industry is most productive, and capital and population accumulating most rapidly, no rent is ever paid; and it is only when the productive powers of the land begin to fail, and recourse must be had to inferior soils, that profits begin to fall and rent to appear. When, therefore, a rise of rent and a fall of profits take place in the natural course of things, and under a system of perfectly free intercourse with other countries, they should be submitted to without murmuring, inasmuch as they result from the operation of that great law of nature whose effects we have endeavoured to trace and exhibit. But when rent rises and profits fall, in consequence of a system of exclusion from foreign markets, it is not nature but man that is in fault. And to continue such a system for the sake of the landlords, is to sacrifice the real and lasting interests of nine-tenths of the community to give an unreserved, unjust, and temporary advantage to the other tenth. It is indeed an obvious contradiction and absurdity to pretend

that any nation can ever be benefited by a system which has the effect to render its industry much less productive than it would be, were it abolished! Such a system may be beneficial to a few individuals, but its operation is necessarily injurious, in the last degree, to the community in general; and must, if allowed to run its full course, certainly end in national disgrace and ruin.

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ART. II. *Extracts from a Journal written on the Coasts of Chili, Peru, and Mexico, in the years 1820, 1821, 1822.* By Captain BASIL HALL, Royal Navy, Author of a Voyage to Loo Choo. In two volumes. Edinburgh, Constable & Co. 1824.

IT is a fortunate thing for the public when sailors take to writing, if they write with any portion of sense and skill; or even if they write without the commission of gross and palpable faults. Their opportunities of seeing new countries and extraordinary events are greater than those of other people; and many pleasing narratives and striking histories have been lost to the world, from the dread which nautical men too often entertain of becoming authors, and appearing before the public with hands washed clear of tar and besmeared with ink.

Young men too who are desirous of rising in their profession, and establishing a character as good officers, are afraid of doing any thing which may make their superiors imagine that their time and attention have been dedicated to objects which are not nautical, to the exclusion of more important studies. Reputation, however, will follow facts, and must depend upon them. If a diligent officer writes well, he will be thought a good officer and a good writer. If he neglects professional duties for literary fame, he will of course suffer in professional reputation. But there is ample time for both; and the presumption will always be in favour of the superior talent and energy of an officer who observes accurately, and describes pleasingly what he has seen. It gives to a young man of abilities an additional chance of making himself known, of emerging from the mass, and recommending himself to the public and his superiors; nor do we know any reason why a Captain of the navy, after publishing two agreeable volumes in octavo, should not silence a battery, or sink a French man-of-war,—and figure in the Gazette as an hero, at the very time that he is advertised in the Times, and praised in the Edinburgh Review as an author.

Captain Basil Hall published some time since an account of the Loo Choo Islands, a very agreeable and sensible work, and



the same laudable activity of disposition has now led him to give an account of all that he observed in his station on the coasts of Chili, Peru and Mexico, under the command of Sir Thomas Hardy, in the years 1820, 1821 and 1822. This task he has executed with the greatest possible success; and has produced a work of very great interest and amusement, which we can most honestly and warmly recommend to the notice of our readers. The style is natural, and seems to belong to the man; he is fully occupied with the great and important scenes which are acting under his eyes, but he mingles with more serious matters very amusing pictures of character and manners. Though wholly devoid of rash and foolish enthusiasm, he every where appears to love and value the rising freedom of the nations he visits, and to rejoice in the great victory obtained over the tyranny and bigotry of Old Spain. One of the highest merits indeed of his book, is the firm expression of liberal and manly feelings called forth by the great events of the time; and this is done in a manner which convinces us that he reflects faithfully upon his reader the images formed at the moment in his own mind.

Captain Hall has very considerable merit in his descriptions. They are done with great boldness in sketching, and great brilliancy of colouring. Of these we shall give some examples.

#### *Passage round Cape Horn.*

‘ The progress of improvement in navigation and seamanship has, indeed, stripped the Cape of its terrors; and the passage, which formerly cost so much labour and suffering, is now performed with comparative ease and certainty. But there is still left enough of romance about this great promontory to excite no inconsiderable curiosity; and, accordingly, on the evening of the 25th of November, all eyes were anxiously directed towards the west, in which quarter the Cape was situated. Several groups of the more curious amongst the officers were perched at the mast heads, ready, with telescopes and sketch-books, to take advantage of the first glimpse of the land. Others, whose energy did not equal their curiosity, mounted a few steps of the rigging, and came down again, saying they would see it all in the morning without trouble. The sailors, in the mean time, habitually indifferent to every thing of this nature, amused themselves with a noisy game of leap-frog along the deck.

‘ Meanwhile the sun set, and our anxiety lest we should not discover land before night, increased every moment; but towards the end of the long summer twilight, the looked-for Cape, to our great joy, appeared in the western horizon, where the outline of the land, distant about fifty or sixty miles, was for a short time distinctly pencilled on the sky, still lighted up by the last rays of the setting sun, but was soon lost sight of in the darkness. I. 2, 3.

*Arrival at Valparaiso.*

'We were fortunate in having reached Valparaiso at a moment when the Christmas festivities were at their height, and multitudes of people had been attracted from the country to witness the bull-fights and other shows. On the evening of Christmas day, which corresponds nearly with our midsummer, every body seemed to be abroad enjoying the cool air in the moonlight. Groups of merry dancers were to be seen on every hand—and crowds of people listening to singers bawling out their old romances to the sound of a guitar; gay parties sauntered along, laughing and talking at the full stretch of their voices; wild-looking horsemen pranced about in all quarters, mixing amongst the people on foot, drinking and talking with them, but never dismounting. From one extremity of the town to the other, along the base of the cliffs, and all round the beach of the Almendral, was one uninterrupted scene of noise and revelry.' I. 7, 8.

*An Earthquake.*

'18th Jan.—I went in the evening to visit a family in the Almendral, or great suburb of Valparaiso. The ladies were ranged, as usual, along the wall, in a compact line, with their shawls drawn over the head and across the chin, so as nearly to conceal the face. One young lady played the harp, another the guitar, while some occasionally joined with their shrill voices, in singing the patriotic songs of the day. Others were chatting, or working, and the evening was passing away pleasantly enough, when, without any apparent cause, the whole party jumped up, cast away their music and work, and flew in the most frantic style out of the house, screaming aloud, *Misericordia! misericordia!* beating their breasts at the same time, and looking terrified beyond description. I was astonished at all this, but followed the company into the street, calling out *Misericordia* as loud as any of them. It was a bright moonlight evening, and the street, from end to end, was filled with people; some, only half dressed, having just leaped from their beds—children, snatched from their sleep, were crying in all directions—many carried lights in their hands—in short, such a scene of wild confusion and alarm was never seen, and all apparently occasioned by a spontaneous movement, without any visible motive. After standing in the street for about a minute, the whole crowd turned round again and ran into their houses, so that, in the course of a few seconds, the hubbub was stilled, and not a mortal was to be seen. I now begged to know the cause of this amazing commotion, having a vague idea of its forming some part of a religious ceremony, when, to my surprise, I learned that it had been produced by an earthquake, so severe, that the people had been afraid of the houses tumbling about their ears, and had run into the open street to avoid the danger; for my part, I was totally unconscious of any motion, nor did I hear the sound,

which they described as unusually loud. On mentioning this fact afterwards in company, I was assured, that for a considerable period after the arrival of foreigners, they are in like manner insensible to shocks, which a native can at once distinguish.' I. 47-49.

The following sketch of the Andes, and the desert at their feet, is very impressive.

'The gentle stream of water hissed along the sand in its course through the grounds, which owed all their fertility and beauty to its influence. Ten minutes walk on either side of the rivulet brought us to the edge of the desert, condemned, for want of moisture, to perpetual sterility; and, indeed, along the whole coast of Peru, no rain ever falls, though at some few places the soil is occasionally refreshed by mists and dews.

'The tract of country, which is an irremediable desert, may be said to extend for more than sixteen hundred miles along the shores washed by the Pacific; that is, from Coquimbo in Chili, nearly to the entrance of Guayaquil River, or from  $4^{\circ}$  to  $30^{\circ}$  south latitude. This vast and desolate region lies between the great chain of the Andes and the sea, varying in breadth from thirty to a hundred miles, having very few rivers, and none of any magnitude; but wherever a stream does occur, the adjacent soil of the valley becomes capable of the highest cultivation; and except at these rare spots, no trees are found, and the scenery is everywhere uninteresting. The barren high country along the inner margin of this uninterrupted desert is rich in mineral treasures; and there prevails, in consequence, an idle notion in the country, that nature, in such cases, capriciously withholds her treasures from the surface, and conversely, when the country is capable of high cultivation, denies to it the riches of the mine. Such is the stubborn nature of prejudice and error once admitted, that although this absurd notion is contradicted by a thousand well known facts, the multitude still go on repeating the fallacy, and reasoning upon it with the same confidence as if it were true.

'On the 9th of June we sailed from Arica, and steered along shore to the north-west. In the evening of that day we had a fine view of the Cordillera, or highest ridge of the mountains, not less than between eighty and a hundred miles off. It was only when the ship was at a considerable distance from the shore that the higher Andes came in sight; for when near to it, the lower ranges, themselves of great height, intercepted the remote view. But when we stretched off thirty or forty miles, these intermediate ridges sunk into insignificance, while the chain of snowy peaks rose in great magnificence behind them. It sometimes even happened that the lower ranges, which had entirely obstructed the view of the Cordillera, when viewed at no great distance from the coast, were actually sunk below the horizon, by the curvature of the earth, when the distant ridges were still distinctly in sight; and more magnificent than ever. We were occasionally surprised, when we had little expectation of seeing the



Cordillera, to behold their snowy tops towering above the clouds, and apparently so close, that it required a considerable degree of experience, and a strong effort of reason, to remove them in imagination to their real distance. At first we were disappointed to find them so much lower than we had anticipated; but this arose from a misconception of their distance, and gave way gradually to the highest admiration, when we became sensible by measurements, and by due reflection, how far they were from us.

'The pleasure which these constant observations on the Andes afforded is not to be described; and we watched every morning for the day to break with the greatest anxiety, certain of the highest gratification. Our enjoyment from this source was at times very short lived, at others it lasted throughout the whole day. We were mortified one morning when the day dawned, to see no mountains in the eastern quarter, since we were not above a hundred miles from the shore; no land, however, could be distinguished. Presently the sun began to show himself above the horizon, and I cannot tell the degree of interest which was excited, when we discovered on his disk, as he rose, the outline of a distant summit of the Cordillera clearly and sharply traced, but which was so far removed as to be totally invisible, except at the moment when, being interposed between us and the sun, it intercepted a portion of his light, betrayed its situation for a few seconds, and then vanished again into thin air.' I. 194-198.

It is impossible to omit the account of the Lasso.

'On our way homeward our host entertained us, by making his people show us the South American method of catching cattle. The instrument used is called in English a Lasso, from the Spanish Lazo, which signifies slip-knot or noose, and the operation of using it is called Lassoing. It consists of a rope made of strips of untanned hide, varying in length from fifteen to twenty yards, and is about as thick as the little finger. It has a noose or running-knot at one end, the other extremity being fastened by an eye and button to a ring in a strong hide-belt or surcingle, bound tightly round the horse. The coil is grasped by the horseman's left hand, while the noose, which is held in the right, trails along the ground, except when in use, and then it is whirled round the head with considerable velocity, during which, by a peculiar turn of the wrist, it is made to assume a circular form; so that, when delivered from the hand, the noose preserves itself open till it falls over the object at which it has been aimed.

'The unerring precision with which the lasso is thrown is perfectly astonishing, and to one who sees it for the first time, has a very magical appearance. Even when standing still it is by no means an easy thing to throw the lasso; but the difficulty is vastly increased when it comes to be used on horseback and at a gallop, and when, in addition, the rider has to pass over uneven ground, and to leap hedges and ditches in his course; yet such is the dexterity of the

guassos, that they are not only sure of catching the animal they are in chase of, but can fix, or, as they term it, place their lasso on any particular part they please; over the horns, round the neck, or the body, or they can include all four legs, or two, or any one of the four, and the whole with such ease and certainty, that it is necessary to witness the feat to have a just conception of the skill displayed, which, like that of the savage Indian in the use of his bow and arrow, can only be gained by a whole life's practice. It is, in fact, the earliest amusement of these people, and I have often seen little boys just beginning to run about, actively employed in lassoing cats, and entangling the legs of every dog that was unfortunate enough to pass within reach. In due season they become very expert in their attacks on poultry, and afterwards in catching wild birds; so that, by the time they are mounted on horseback, which is always at an early age, they begin to acquire that matchless skill from which no animal, of less speed than a horse, has the slightest chance of escaping.' I. 146-8.

The following little sketch of the remnants of the Indian population in Mexico is graphic and interesting.

22d April.—I was walking through the market-place this morning, with one of the officers of the ship, when our attention was arrested by a party of native Mexican Indians, who had come from the interior to purchase maize and other articles. Each of them carried a bow, and about two dozen of arrows, and wore in his girdle a long broad knife. Their dress was a coarse cotton shirt made of cloth manufactured by themselves; and a pair of leather small-clothes, loose at the knees, and fringed with a line of tassels, and short strips of leather, each, as I was told, being intended to represent some article belonging to the wearer, one being his horse, another his bow, another larger and more ornamental standing for his wife, and so on. The most striking circumstance, however, was, that all these Indians wore feathers round their heads, precisely in the manner represented in the cuts which embellish the old accounts of the conquest. Some had tied round their straw hats a circle of red flowers, so much resembling feathers, that it was not easy to distinguish between the two. Several of them wore necklaces of white beads made of bone, the distinctive mark, as we were told, of being married. A little old man of the party, who seemed much entertained by our curiosity, begged our attention to a rod about two feet long, which he carried in his hand, and to the skin of a little bird of brilliant plumage, suspended at his left knee: these two symbols he gave us to understand belonged to him as chief of the village. The only woman of the party stood apart, wrapped in a coarse kind of blanket, holding the bridles of the mules. At first they were rather alarmed at the interest we took in their dress and appearance, and as they did not understand Spanish, shrunk back from us. But an obliging person in the market-place came forward to interpret for us, which soon reassured them, and they came round us afterwards with



confidence: but it was with great reluctance they parted with their bows and arrows, and their feathered ornaments. The old man could not be prevailed upon to part with his rod of authority, nor his official bird; neither could we induce them to sell, at any price, that part of their dress to which the inventory of their goods and chattels was appended.

‘ These Indians were a small and feeble race of men, resembling in this respect the aboriginal inhabitants of the country. Their bows and arrows were suited to their strength, being more like those of school boys than the arms of men who had their country to defend. And it was impossible not to look back with pity upon the unequal contest waged in this unfortunate country, when the musket and bayonet of the disciplined Spaniard were first opposed to weapons so contemptible, in such feeble hands.’ II. 221-4.

These will suffice as a specimen of Captain Hall’s powers of description.

Nothing appears to have produced a greater effect among the people in favour of the revolution, than the sudden introduction of the products of Europe, and the free use of all those articles of manufacture which, under the ancient Government, were either contraband, or obtained only by the payment of immense duties; nor is it, after all, a very bad reason for wishing and admiring a change of government, that pots, pans, bread, cheese, cotton and woollen goods are found to fall an hundred per cent. under the new dynasty. One of the great objects of all civil policy is, that men may dine and breakfast comfortably and cheaply, and procure tea, wine, and sugar upon reasonable terms. On this test of revolutions, Captain Hall has some very striking passages. The following contrast between Valparaiso, where the revolution was established, and Lima, where it had not yet been admitted, leads to the most interesting and important reflections.

‘ We left Valparaiso harbour filled with shipping, its custom-house wharfs piled high with goods, too numerous and bulky for the old warehouses; the road between the port and the capital was always crowded with convoys of mules groaning under every kind of foreign manufacture; while numerous ships were busy taking in cargoes of the wines, corn, and other articles, the growth of the country; and large sums of treasure were daily embarked for Europe, in return for goods already distributed over the country. A spirit of intelligence and inquiry animated the whole society; schools were multiplied in every town; libraries established, and every encouragement given to literature and the arts; and as travelling was free, passports were unnecessary. In the manners, and even in the step of every man, might be traced the air of conscious freedom and independence. In dress also, a total change had very recently taken place, and from the same causes; the former uncouth, and almost savage

costume of the ladies, and the slovenly cloaks invariably worn by the men, had given way to the fashions of Europe: and, although these may be deemed circumstances almost too minute to mention, they are not unimportant when connected with feelings of national pride, heretofore unknown. It is by these, and a multitude of other small changes, that the people are constantly reminded of their past compared with their present situation; and it is of essential use to their cause, that they should take delight in assimilating themselves, in however slight a degree, with other independent nations of the world.

‘No such changes, and no such sentiments, were to be found as yet in Peru. In the harbour of Callao, the shipping were crowded into a corner, encircled by gun-boats, close under the fort, with a boom drawn round them. The custom-house was empty, and the door locked; no bales of goods rose in pyramids on the quays; no loaded mules covered the road from Callao to Lima; nor during the whole ascent was an individual to be seen, except, perhaps, a solitary express galloping towards the fortress. In Lima itself the difference was as striking; jealousy and distrust of one another, and still more of strangers, filled every breast; disappointment and fear, aggravated by personal inconvenience and privation, broke up all agreeable society, rendering this once great, luxurious, and happy city, one of the most wretched places on earth.’ I. 87-9.

‘At Huacho,’ says Captain Hall, ‘we found the governor at dinner with two or three friends. He was of the aboriginal race of the country, spoke a little Spanish, and was probably a discreet and clever fellow, otherwise he would not have been left in a command by San Martin. The dinner was placed on a low table in the middle of a shop, and the whole party forked their meat out of one dish. It was interesting, on looking round the shop, to observe the effect of the recent political changes. A roll of English broad-cloth was resting on a French wine-case, marked *menoc*; on the table stood a bottle of champagne; the knives and forks were marked “Sheffield,” and the screen which divided the apartment was made of a piece of Glasgow printed cotton.’ I. 264, 265.

The author has given us a good deal respecting Lord Cochrane and his exploits. We wish he had been still more diffuse on this point. Lord Cochrane is such a miracle of nautical skill and courage,—his cause of banishment from his country is so lamentable,—his adventures have been so romantic, and his achievements so splendid, that no Englishman can read them without pride that such things should have been done by his countryman, and without solemn concern that such talents and genius should be lost to the land that gave them birth! We shall give one extract from Captain Hall on this subject, earnestly requesting him that, in the second edition of his work, he will add all he can to the information he has already given us respecting this remarkable man.



‘ In the mean time, while the liberating army, under San Martin, were removing to Ancon, Lord Cochrane, with part of his squadron, anchored in the outer Roads of Callao, the sea-port of Lima. The inner harbour is guarded by an extensive system of batteries, admirably constructed, and bearing the general name of the Castle of Callao. The merchant-ships, as well as the men-of-war, consisting, at that time, of the *Esmeralda*, a large 40 gun frigate, and two sloops of war, were moored under the guns of the castle, within a semicircle of fourteen gun-boats, and a boom made of spars chained together. Lord Cochrane having previously reconnoitered these formidable defences in person, undertook, on the night of the 5th of November, the desperate enterprise of cutting out the Spanish frigate, although known to be fully prepared for an attack. He proceeded in fourteen boats, containing 240 men, all volunteers from the different ships of the squadron, in two divisions, one under the immediate orders of Captain Crosbie, the other under Captain Guise, both commanding ships of the squadron.

‘ At midnight, the boats having forced their way across the boom, Lord Cochrane, who was leading, rowed alongside the first gun-boat, and, taking the officer by surprise, proposed to him, with a pistol at his head, the alternative of “Silence or death!” No reply was made, the boats pushed on unobserved, and Lord Cochrane, mounting the *Esmeralda*’s side, gave the first alarm. The sentinel on the gangway levelled his piece and fired, but was instantly cut down by the cockswain, and his Lordship, though wounded in the thigh, at the same moment stepped on the deck. The frigate being boarded with no less gallantry, on the opposite side, by Captain Guise, who met Lord Cochrane midway on the quarter-deck, and by Captain Crosbie, the after part of the ship was carried sword in hand. The Spaniards rallied on the fore-castle, where they made a desperate resistance, till overpowered by a fresh party of seamen and marines, headed by Lord Cochrane. A gallant stand was again made for some time on the main-deck, but before one o’clock the ship was captured, her cables cut, and she was steered triumphantly out of the harbour, under the fire of the whole of the north face of the castle. The *Hyperion*, an English, and the *Macedonian*, an American frigate, which were at anchor close to the scene of action, got under weigh when the attack commenced, and, in order to prevent their being mistaken by the batteries for the *Esmeralda*, showed distinguishing signals; but Lord Cochrane, who had foreseen and provided even for this minute circumstance, hoisted the same lights as the American and English frigates, and thus rendered it impossible for the batteries to discriminate between the three ships, and the *Esmeralda*, in consequence, was very little injured by the shot from the batteries. The Spaniards had upwards of 120 men killed and wounded, and the Chilians 11 killed and 30 wounded.—This loss was a death-blow to the Spanish naval force in that quarter of the world.’ I, 71-74,



There is nothing more curious in revolutions than to see the real leaders of mankind, the aristocracy of nature, taking their place and exercising their authority among their fellow-creatures, and the men of seals and coronets, and painted coach-doors, shrivelled and collapsed into their real dimensions. The price paid for this luxurious justice is often too high, and the observation is wholly inapplicable to a country like this, where many of the most opulent and noble in either house of Parliament are also the most remarkable for their talents. But in other countries in a state of revolution, the emersion of genius, and the occultation of titled pomp and insignificance, is among the most striking and pleasing subjects of political speculation. One of the most important leaders of the Spanish American Revolution is San Martin, of whom Captain Hall has drawn the following spirited portrait.

‘*25th June.*—I had an interview this day with General San Martin on board a little schooner, a yacht of his own, anchored in Callao Roads for the convenience of communicating with the deputies, who, during the armistice, had held their sittings on board a ship in the anchorage.

‘There was little, at first sight, in his appearance to engage the attention; but when he rose up and began to speak, his superiority was apparent. He received us in very homely style, on the deck of his vessel, dressed in a loose surtout coat, and a large fur cap, and seated at a table made of a few loose planks laid along the top of some empty casks. He is a tall, erect, well-proportioned handsome man, with a large aquiline nose, thick black hair, and immense bushy dark whiskers, extending from ear to ear under the chin; his complexion is deep olive, and his eye, which is large, prominent, and piercing, is jet black; his whole appearance being highly military. He is thoroughly well-bred, and unaffectedly simple in his manners, exceedingly cordial and engaging, and possessed evidently of great kindness of disposition; in short, I have never seen any person, the enchantment of whose address was more irresistible. In conversation he went at once to the strong points of the topic, disdaining, as it were, to trifle with its minor parts; he listened earnestly, and replied with distinctness and fairness, showing wonderful resources in argument, and a most happy fertility of illustration, the effect of which was, to make his audience feel they were understood in the sense they wished. Yet there was nothing showy or ingenious in his discourse, and he certainly seemed, at all times, perfectly in earnest, and deeply possessed with his subject. At times his animation rose to a high pitch, when the flash of his eye, and the whole turn of his expression, became so exceedingly energetic as to rivet the attention of his audience beyond the possibility of evading his arguments. This was most remarkable when the topic was politics, on which subject, I consider myself fortunate in having heard him express

himself frequently. But his quiet manner was not less striking, and indicative of a mind of no ordinary stamp; and he could even be playful and familiar, were such the tone of the moment; and whatever effect the subsequent possession of great political power may have had on his mind, I feel confident that his natural disposition is kind and benevolent.' I. 210-212.

It is no wonder that the tyranny of Old Spain should have given birth to such men as San Martín; they are the checks which nature has formed against the encroachments of despotism; and never did despotism beset the natural liberties of mankind with greater jealousy, or produce more practical oppression, than the Spanish Government exhibited in the management of their South American colonies. Agriculture, as Captain Hall justly observes, was not allowed to extend itself, and, even as late as 1803, orders were received to root up the vines in the northern colonies, because they checked the sale of Spanish wines. For similar reasons the extensive and flourishing tobacco plantations of New Galicia were destroyed. The culture of flax, hemp and saffron, were entirely prohibited. Upon the same principles, the cultivation of the grape and olive were forbidden, and yet not totally, for at Buenos Ayres they were allowed to grow enough for the table. Colleges could not be founded; schools were prohibited; taxes, tithes and duties, were levied with unparalleled severity. The duties on the precious metals operated as a very serious check to South American industry. Tobacco, salt, gunpowder and quicksilver, were royal monopolies. The Alcabala was a tax upon every transfer of property. Nothing escaped tithing. Every body was forced to spend his money liberally in Papal bulls. Whoever dared to die without possessing the bull of confession, could receive no absolution, and make no will. Such was the state of justice, that the whole of South America was a Court of Chancery, without a Mr John Williams! Endless pleading,—utterly impervious to common sense,—the common ruin of plaintiff and defendant. Both these being alive, the cause could not come on. The cause being settled, both of these were dead,—and their children and grandchildren. Or if any suitor remained alive at the end of his suit, he was probably insane, and found raving for despatch in some tropical bedlam, and cursing the Peruvian masters in Chancery. For the smallest crimes men were condemned to be bitten to death by bugs and fleas, or to be laid waste by fevers and apothecaries in Spanish prisons. A Spanish prison in the old or new world is death,—the key is turned and the wretch is forgotten.



' The following extract from the *Bibliotheca Americana*, No. 3., (a periodical work recently published in London), puts this branch of the subject in a strong light :—

" In America, as well as in Spain, there were collected together, in obscure, humid, and infected dungeons, men and women, young and old, guilty and innocent ; the hardened in crime, along with those who had erred for the first time ; the patriot and the murderer ; the simple debtor, with the most determined robber—all were confounded together. The filth—the wretched fare—the naked ground—the irons—were all in South America the same, or worse than those of Spain. The *Alcaldé*, generally taken from the dregs of the people, was a kind of Sultan ; and his satellites, so many bashas, to whose severe and capricious decrees the unhappy prisoners were compelled to submit, without appeal. It is impossible to paint in colours sufficiently vivid the miseries to which all prisoners were subjected, or the inhumanity with which they were treated by their keepers. They were stripped of every thing,—deprived of all motive to exertion,—occasionally put to the torture, to confess imaginary crimes,—and in all the prisons corporal punishment was allowed. Such was the state of the prisons all over South America during the domination of the Spaniards." II. 248, 249.

Nor were those rigors confined to the native subjects of the government. Foreigners were liable to their full share of the tyranny, and that down to the last moment of its existence.

' In proportion to the apprehensions which the Spaniards felt that the presence of strangers might lessen their authority, they enforced their prohibitory laws with rigour. When the Spanish General Morillo captured Carthage, he seized all the British and foreign merchants, threw them into dungeons, and would unquestionably have shot them all, for a breach of the laws of the Indies, had it not been for the timely interference of the British admiral on the West India station. It was a capital crime, according to that code, for any foreigner to enter the Spanish dominions without a license. An apprehension of the resentment of other nations has generally prevented the enforcement of the law to its utmost extent : but the same end was, perhaps, more effectually served by the most barbarous imprisonments. In Mr Robinson's interesting *Memoirs of the Mexican Revolution*, many curious anecdotes are given, which show the pertinacious and vindictive determination with which these regulations were enforced. Mr Robinson's cruel confinement of two years and a half, for no other crime than having been found in the country without a license, is an ample commentary on the whole subject. " The dungeon in the Castle of San Juan de Ulua, in which he was confined, was fourteen feet under the arches of the castle, and a faint gloomy light was admitted by a small grating at the top." One of his fellow-prisoners, a citizen of the United States, had the skin of his leg chafed by the iron. " From the want of dressings and



wholesome aliment, the sore rapidly increased. The irritation and pressure of the iron caused the flesh and muscles to become completely ulcerated to the bone: and the whole leg became a mass of putrefaction. Unavailing were his petitions to have his irons taken off; though his groans and excruciating agonies, at length, so far arrested the attention of his keepers, that he was removed to the hospital. The physician, on examining the horrid state of the leg, immediately addressed a representation to the governor, stating, that unless the irons were removed, death would inevitably ensue. Upon the margin of the memorial, the governor wrote the following inhuman reply, and sent it to the officer of the guard: "Que los lleva, mientras respira."—"Let him wear them while he breathes."—In a few hours this victim of Spanish barbarity died." II. 239-42.

The commercial system was in strict conformity with every other branch of misgovernment. No South American could own a ship, no cargo could be assigned to him. No foreigner was allowed to reside in the country. No foreign vessel permitted to touch at an American port. Even vessels in distress were seized as prizes. In short there was no tyranny, and no indignity to which these vast colonies were not subjected by the cupidity, cruelty, and ignorance of the Spanish government.\* Never was a revolution so justified, so called for, pregnant with more happy consequences, more deserving the sympathy of good and wise men.

We end these few observations by recommending very earnestly to our readers Captain Hall's book. They will derive from it great amusement and considerable instruction. It is the production of a sensible, acute, and right-headed man,—and if sailors and soldiers can write such books as these, we must reverse the motto, and make it—*Cedant Armis Togæ*.

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\* The population of these new States, according to the best accounts, is nearly as follows:—Mexico, 8 millions; Columbia, 3; United Provinces, 2; Chili,  $1\frac{1}{2}$ ; Peru,  $1\frac{1}{2}$ —in all, about 16 millions. Of those probably not more than 2 millions are of pure European descent. The mixed races of European and Indian about 4 or 5 millions. The rest is of the pure Indian blood, or mixtures with Charibs and Negroes. There are many very considerable cities—Mexico has nearly 150,000 inhabitants; Buenos Ayres 65,000; Lima 50,000; St Jago nearly the same; Bogota 35,000.

ART. III. *A Visit to Spain, detailing the Transactions which occurred during a Residence in that Country, in the latter part of 1822, and the first four months of 1823, with an Account of the Removal of the Court from Madrid to Seville, and General Notices of the Manners, Customs, Costume, and Music of the Country.* By MICHAEL J. QUIN, Barrister at Law, and Fellow of the Royal Society of Literature. London, Hurst, Robinson & Co. Edinburgh, Constable & Co. 1823. 8vo. pp. 383.

As in this book, Mr Quin professes to report the observations which he made upon the proceedings of the Spanish patriots, and the state of public opinion at a very interesting crisis; and as much of the credit due to his testimony obviously depends upon the prejudices with which he set out, we shall begin our account of the work by stating the circumstances in which it was planned and prepared for publication.

'The singular situation,' says he, 'in which Spain was placed towards the close of the year 1822, the probability that the revolution of that country would be brought under the consideration of the Congress of Verona, and a curiosity to see the theatre of so many British victories, were my principal inducements to visit the Peninsula. The reader has here the results of such observations, as considerable opportunity, and the most perfect freedom from bias, enabled me to make during the six months immediately preceding the French invasion—perhaps the most important and diversified period that has occurred since the close of the Peninsular war.'

Now, we cannot altogether admit this 'most perfect freedom from bias.' And first, let it be remarked, that the 'inducements' mentioned, though they may have been the 'principal,' were apparently not the only ones, for 'visiting the Peninsula.' In the Postscript, we are apprized of a fact which occasions a very reasonable conjecture that his visit had another motive, beside those stated in the introduction. It seems, that 'parts of the narrative and descriptive matter of this volume were communicated' to a London newspaper. Of course, they must have been inserted from time to time, and while the author was in Spain; in a word, he must have been the correspondent there of the newspaper; and it follows, that unless this paper, differing from all others, were perfectly neutral upon the questions connected with Spanish affairs, and foreign policy generally, a person could hardly go to Spain in order to fur-

nish it with intelligence and dissertations, wholly unbiassed in his opinions, or, being there, unconnected with the Journal, transmit his observations for its use, without any leaning to either side. Indeed, if his letters were sent by the post, we question whether they could have found their way through France, and its post-office police, had they contained any expressions or statements favourable to the Spanish cause. We admit, however, that, ignorant as we are of the paper in which the communications made their appearance, we are arguing somewhat conjecturally when we infer, that he must have taken a part from the beginning. But reading a few pages seems to change suspicion into certainty, and to show, that, though very possibly our author might not be aware of it, and may even now deny it, he has been all along a pretty decided enemy of what is called the 'Liberal Party' upon the Continent. The present Government of France, for example, claims his passing tribute of respect. 'A man of industry, good conduct, *proper sentiments of liberty*, and of due regard for the laws, might live for half a century here (at Paris) without knowing that there was such a thing as an active and refined system of police.' (p. 4.) Who then feel it and know it? We presume the *Liberals* are intended to be depicted in the following sketch. 'Those only who are inimical to order, who wish to push their own fortunes at the expense of the community, who can live only in the torch-light of conspiracies; men who, in fact, are little less than banditti.' Now, it must be admitted, that to decide so confidently upon such a nice and complicated question, after exactly five days' residence in Paris, either betokens great rashness, or shows that Mr Quin brought his opinions with him to the French capital. He says, indeed, 'What I have observed with my own eyes, would be sufficient to sustain these observations;' as if any man's eyes could, in so short a time, enable him to draw such sweeping conclusions; but he adds, that his observation was confirmed by 'a native of Burgundy, with whom he casually conversed.' This gentleman is then described as 'intelligent, well informed, of no school in politics, who neither loved nor hated the monarchy,' &c. &c. Now, of his entire impartiality and excellent information, let the reader judge from this. He said, that 'as to Lafayette, Lafitte, Constant and Foy, they were absolutely nothing. Their discourses in the Chamber had not the slightest influence in the country.—Men of no connexion,' &c. Surely the wise and paternal French Government, which now makes itself felt without necessity, does a somewhat superfluous thing in making such efforts to crush those 'absolute nothings,' and to exclude them from a Chamber where



'their discourses have not the slightest influence.' It is plain enough, therefore, that however well qualified Mr Quin may have been, in other respects, for the task he undertook, and whatever merits his book may have, he went to Spain under the influence of strong prejudices against the patriots; not, indeed, that he absolutely wished them to fail in their efforts against one of the most profligate aggressions in modern times; but, belonging to the class who are satisfied with a very little liberty, and who regard all enthusiasm for popular rights, and for the progress of human improvement, as visionary and ridiculous, he *expected* to find the Spaniards indifferent to the struggle they were engaged in—and he found them so! he expected to meet no friends of the constitution, and he found none; he was suspicious, at a distance, of all that had been done to amend the Government and the system; and when he came to the spot, he could descry nothing but failures and faults. With such feelings he made his observations, and, in general, his reports bear the marks of their influence; but, when he comes to reason, we admit that nothing can be more fair than his language. With all his prepossession in favour of the French Government, he cannot avoid condemning their conduct unequivocally, in so far as regards Spain; and the following passage, which closes the book, while it does credit to his good sense when he allows reflection to operate, must be taken as a most unexceptionable testimony against the conduct of France, and the ultimate success of her violence and her perfidy.

'But if any reader, after perusing these sheets, conclude from them that I am unfriendly to the liberties of Spain, I should regret it extremely. I went to that country perfectly unbiassed; I soon saw that the Constitution was impracticable, and I perfectly agreed with those who wished that it was as much as possible assimilated to the Constitution of England. But I did then abhor, as I do still, and ever shall abhor, the entry of a foreign power armed for the purpose of carrying those improvements into effect. Under such auspices no alterations can be effectual; and I am sure they cannot be for the benefit of freedom. The French bayonets may prescribe a new Constitution for Spain, but they will write it in sand. As soon as they retire, the tide of liberty will set in again, and break up all their futile and laborious calculations.' p. 359.

A regard to justice, and the gratitude which all freemen owe to the suffering Spaniards, has compelled us to state our clear opinion, derived from internal evidence, that Mr Quin saw and wrote under the influence of much prejudice,—more than he was probably aware of; because there is a semblance of moderation in his language which might tend to mislead, by giving more weight to his opinions than belongs to them, and a constant as-

sertion of impartiality, which might be taken for the possession of that quality, so indispensable in an observer. Indeed, we have seen his statements cited as quite decisive of the fact, that the Spaniards were either indifferent or hostile to the constitution. It is fit, then, that his authority should pass current at its real value only; and, though his work is one of very considerable merit, that it should be received with due allowance as a correct report of political facts.

He went to Spain by the common route, through Tours and Bourdeaux; and though this portion of his tour is rather introductory to the rest, it is written, as the whole book is, in a lively and agreeable manner, and with considerable powers of description. The following picture of the Loire and the country from Blois to Tours is very striking, and does the artist no small credit.

' The next town you pass through after leaving Beugency is Blois, the approach to which is picturesque in the extreme. The road runs along the half-ascent of a lofty hill. On your right hand are numerous little villas, built in a modern style, without much regularity as to their location, but perched wherever a gentle declivity or a level spot could be found. They have small gardens before them, and are covered in front with vine trees. On the left, the descent is abrupt from the road; but immediately below, between the road and the Loire, there is a charming valley, planted with ash, poplar, and elm trees, whose tops are overlooked by the traveller. The valley is intersected by several streams, and in summer it must afford a delightful retreat from the excessive warmth of noontide. Beyond this valley spreads the broad mirror of the Loire, for such it seems to be, so unruffled is its surface, so calm and silent is the passage of its ever flowing waters.

' It is impossible to paint in any language the variety and enchantment of the scenery which extends on each side of the Loire, from Blois to Amboise, Chanteloup, and Tours. Imagine this magnificent river, wider than the widest part of the Thames, as it is seen in London, flowing in its simple grandeur between two lofty ridges of hills, each of which is crowded with innumerable chateaus, villages, and churches, planted with red and white vines of the richest flavour, diversified with poplars and shaded with underwood—a sweep of hill and vale, than which the sun throughout his course sees not one more friendly to the industry of man, or more fascinating to his senses. As we travelled along, we observed the water-side occupied almost the whole way to Tours with casks of the new vintage ready for embarkation. The river was well sprinkled, though not crowded, with boats ascending to Orleans; their white sails and whiter flags glittering in the evening sun.

' As the night set in, we observed along the verge of the river several tents, which seemed to belong to persons who had debarked,

for greater convenience of cooking, from neighbouring boats, or to persons intrusted with the care of the wine prepared for embarkation. They were like gypsy tents; the fires which were lighted in them were reflected from the river, and they presented a curious and very picturesque effect.' pp. 7-9.

He is not always so happy; for sometimes he tries flights, and falls into matter of a trashy kind; as Cubzac, where 'you first begin to feel the warm climate of the south, and 'to recognise those scenes fit for the refuge and enterprise 'of banditti, as well as for the softer inspirations of fancy in its 'earlier season, when all is hope and brightness, overcast only 'now and then by those spring-clouds of melancholy, which 'cherish, while they shade, the sources of imagination.' The Bridge at Bordeaux, eighteen hundred feet in length, is described as making Waterloo Bridge appear diminutive in the comparison. Three steam-boats ply on the Garonne at this city; but the shallows of the Loire prevent their establishment upon that great river. One only of the two diligences that used to travel between Bordeaux and Bayonne, being now kept up, our author had to wait eight days for a place. He then found himself in company with two Spaniards and several French officers, who were on their way to join the 'Army of Observation.' One of them had served under the Emperor Napoleon; and we are told, that 'it required the interposition of strong 'interest at the war department' to obtain employment for any person of this description. 'Indeed' (says our author), 'so 'far as I could understand, one of the results to which the 'Government looked, in the formation of the legions in the 'Pyrenees, was the constitution of what may be designated as 'a Royal, in contradistinction to the Imperial Army. New 'men were preferred to veterans, unless where it was shown 'that the veterans might be entirely depended upon for their 'zeal in the royal service. This, doubtless, is a policy which 'the suspected veterans would censure, because it militated against their interest, but it is also one which circumstances 'seemed to have rendered eminently expedient.' No doubt, such were the views of the prevailing party in the French cabinet; and it seems absurd to contend that, with such a design, they would have been stopt in their course by any change in the Spanish constitution, unless they had plainly perceived that the English Government felt with the people upon their conduct. As soon as its fixed intention to maintain neutrality was ascertained, the check which had been given to the proceedings of France, by the debates at the opening of the British Parliament, was removed, and no submission of Spain could have prevented the invasion. At Bayonne he comes up with the



Army of Observation itself, and finds the whole neighbourhood in the bustle of marches and preparations. The Spanish refugees were confident that it was soon to pass the frontiers; and the French officers spoke of the invasion 'as a matter of which it would be ludicrous to doubt.' Our author himself saw, that the reception given to the refugees was 'calculated to sustain the spirit of the Royalist party under every reverse of fortune.' Twenty or thirty coasting vessels arrived in the port, laden with artillery, mortars, carriages, shells and balls, which were all stowed in a neighbouring arsenal on the road to Spain. The troops were employed all day in shamfights, in firing at a target, ascending eminences, and marching through narrow defiles; in a word, they were practising the part to be performed by an army entering Spain. It is probable, that the fixed determination to invade that country was known to every person who had any means of information upon the subject, except the English Government,—who began to open their eyes when the French King solemnly announced his intention to march forthwith,—and completely opened them when the army crossed the Bidassoa.

The journey from Bayonne to Madrid, presents little that is worthy of notice. After travelling about three days, our author hears a number of boys shouting, '*Viva la Constitucion!*' and one of them being offered a small piece of money by a person in company, if he would cry, '*Viva el Rey,*' rejected the proposition; whereupon Mr Quin takes occasion to observe, that this was the first place where he had perceived any signs of enthusiasm in favour of the constitution. The following is his sketch of the accommodation which the road affords to travellers, at what he absurdly enough calls the 'auberges.'

'We were now pretty well acquainted with the disadvantages of travelling in a country reputed to be disturbed. Every body with whom we had to do turned this state of things, in some way or other, to the purposes of profit. If the auberge were not well provided, the excuse was, that either the factious had taken away their stores, or they had none, for fear they should be taken away. Our arrangements with the voiturier we also found to have been little better than a gross deception on his part. We allowed him liberally for our expenses on the road; but in return he set us down at the very worst auberges to which his experience could direct him, in order that he might make the most of his bargain. At Cobillo a supper was served, which not even native Spaniards could touch. Imagine us all seated round a rickety deal table, covered with an old, worn, stained green baize, upon which were placed a soiled cloth, a bowl of pottage, the colour of which was of itself an antidote to hunger, and a round deep dish of baked clay, in which were huddled

dled together shreds of meat and vegetables exhausted of their nutriment. Two knives, three pewter forks, with one wooden spoon, were the only utensils upon which we could reckon, had we been disposed to use them. The room was little larger than the table. On each side were two bed-rooms, and on the same floor were the kitchen, the landlady's bed-room, and another sleeping-room, full of strange faces of carriers, muleteers, and pedestrian travellers, all very proper or very dangerous men, for aught we knew. The hostess, an immense muscular woman, with a face as red as the fire at which she cooked our supper, and a voice as rude as the noise of a door creaking on rusty hinges, completely ruled every thing and every body. She abused us all in the lump, for not eating of the dishes she had so much trouble in preparing; and from the time we entered her auberge until we left it, her tongue never ceased to wage war, except for the hour or two that it was subdued by slumber. The only symptom of gentleness about this horrid place was one of our attendants, a little girl of about nine or ten years of age; she was of slender figure, a mild and beautiful countenance, animated by eyes of dark hazel; her brown hair was negligently folded up on her head, her bodice was laced, in the old Spanish fashion, across the breast, and round her neck hung a silver cross, a locket, and one or two little silver trinkets. Her person, though cruelly neglected, seemed to belong to a very different sphere from that in which she was now placed. She was assisted by another little girl about her own age, quite a contrast to her in appearance, with rough hair, and a pallid fierce countenance; both seemed to be timorously submissive to the hostess, and performed the few duties with which they were troubled as if they were frightened at what they were doing. It was observable that the only occasions on which our hostess spoke in any thing like woman's accent were when she addressed the pretty little girl; to the other she was as rude as to any body else.' pp. 51-53.

Arrived in the capital, our author launches at once into the midst of politics; and first gives us a description of the ministry. We may judge of its impartiality by this, that he says in one part of it, 'probity is a rare quality in the Spanish cabinet;' and yet, of the seven members, he distinctly commends three for their integrity; while against the others he brings no specific charges, except that one is said to show partiality to his friends in the distribution of employments; an accusation which our author admits has no weight; and another is reported, perhaps, as he allows, calumniously, to have profited by the Spanish American expedition. There can hardly be a more glaring proof of bias against the new constitution, and all that belongs to its administration, than such a sweeping charge, so supported.

The reader will doubtless perceive, that we are very far from

rejecting Mr Quin's authority altogether, even where he most blames the proceedings of the Spanish patriots; we only desire it to be received as the testimony of a prejudiced observer. Nor are we the less disposed to regard it in this light, by his constant introduction of balancing and modifying phrases, with a manifest design of obtaining credit for extreme moderation. The following observations upon the suppression of convents, is full of these expressions; but, after all deductions that can be made, we cannot avoid coming to the conclusion, that in this, as in other instances, the new rulers acted in too hasty and uncompromising a manner, considering the people over whom they were called to rule.

'The Cortes had brought upon themselves no slight degree of unpopularity, by the precipitate manner in which they suppressed the convents; and they gained no recompense for it in the accession of revenue which was derivable from this class of national property. Let it not be supposed that I defend the establishment of convents in such numbers as they formerly existed in Spain. Men's minds in that country are naturally of a pensive turn, and more than any other people, perhaps, they have need of retirements, where they can wholly devote themselves to that luxury of melancholy meditation, which is amongst the most amiable weaknesses of the human heart. Still the custom of religious seclusion increased to such a magnitude, that it was necessary to reduce it within rational limits. But the Cortes might have gone to work with it in a different manner. They might have said to a certain number of convents, "You shall receive no further addition to your present numbers: you may remain peaceable in your cells; you enjoy a revenue of six thousand dollars; the urgent necessities of the state demand that you shall pay a yearly contribution of two thousand dollars, and in proportion as your numbers are lessened, this contribution must be increased until the brotherhood ceases to exist. When that is the case, the convent, and lands attached to it, shall become national property." To others they might have said, "You may remain as you are, on the condition that you confine your numbers to a certain amount, which you may perpetually preserve by filling up vacancies as they may be caused by deaths, and on the further condition that you contribute a third part of your revenue to the state." Had the Cortes done this, the conditions required to be performed, on the part of the convents, would probably have been fulfilled; the government would have had a secure revenue to a very considerable amount, and they would have saved themselves from the disagreeable task of turning out communities of poor old men, whose grey hairs entitled them to more lenient consideration, from those cloisters where they had hoped to measure the few remaining days of their existence. And what has been the result of it? Those convents which have been so rudely suppressed



have been exposed to sale, as well as the lands appertaining to them, and in very few places has a purchaser been found. It may be called religious fanaticism, or monkish influence; but such is the character of the people, they would deem it a sacrilege to appropriate to their own use the lands of a convent. See then the consequences. Those very resources which the Cortes imagined the most ready and the most productive, turned out to be mere incumbrances on their hands. They raised for themselves hosts of well organized and influential enemies, in every part of the country, in the ruined communities; and there is no calculating the extent of the odium which they incurred among the people, who deemed their religion insulted, and felt all their early prejudices offended by this sweeping annihilation of the monasteries. I do not defend their prejudices; I well know that monasteries form no essential part of their religion; nor do I think they have much reason to regret the decline of that monkish influence, which, whether exerted for good or evil ends, was at least liable to suspicion. All I say is, that such were their prejudices, such their feelings and dispositions; and he must be little acquainted with human nature who would wantonly wage war against these strong foundations of national character. pp. 92, 93.

It may easily be inferred from what has already been stated, that Mr Quin is in all things an advocate of the existing administration of England. They are, of course, perfect in all their proceedings; and an elaborate defence is offered of their unaccountable conduct in the negotiations at Verona. We cannot follow this detailed examination of the parliamentary papers; but, perhaps, it may not be thought that such defences as the following lay any Government under very weighty obligations.

‘With respect to the other point, namely, the opposition given by the British plenipotentiary to the intended invasion of Spain by France, it is equally apparent that mere words would have had little effect, unless we were prepared to send our armies and fleets to support them. There never was a second opinion in the cabinet, or in the country, upon the impolicy of such a measure; but many have thought that England ought to have unfolded, in a solemn document, her reprobation of this most unjust and indefensible aggression of France against Spain. Perhaps at the moment when this audacious violation of international law was on the eve of taking place, such a document might have contributed to encourage the weak, and rouse the indifferent of Spain, to present a manly front to the invader. But, on the other hand, it must be recollected, that, in that moment of importance, England stood in the capacity of a friend to both parties; and without being invested with the formal character of a mediator, she was requested by both sides to exert her good offices for the prevention of war. In these circumstances a public and solemn declaration of her sentiments would have only embarrass-

ed her mediatorial proceedings; though possibly an occasion may arise hereafter, in which she may send forth such a document, and heal, as far as in her lies, the wound that has been inflicted on public liberty and the rights of nations by the lawless ambition of France.' p. 138.

In one so fond of the powers that be, it seems a strange vagary of liberality, or, speaking more charitably, a tribute to correct taste, to condemn the freaks of courtly architecture, which have sometimes been exhibited among us. 'Upon Ferdinand's return, he ordered his palace to be repaired; but little progress was made by the time the revolution broke out, and prevented him from pursuing his wishes. No injury was done to good taste by the occurrence of this impediment, as the style in which the new buildings were commenced is Chinese. One or two of them are finished, and, so far as they go, resemble parts of the palace at Brighton. By some good fortune, an equestrian statue of Philip IV. was preserved from the rage of the modern Vandals.'

Although our author asserts generally that he saw only the marks of apathy among the people towards the new constitution, we frequently meet with proofs of the contrary in the course of his narrative. Thus, in Madrid, he describes the audience at the theatre as full of enthusiasm; and the political pieces selected for representation, and applauded, prove sufficiently the temper of those before whom they were performed. The feelings of the Cortes need not be particularly described; nothing could exceed their unanimity and zeal upon every question touching the national independence. Mr Quin, too, while he complains of the King for accepting the constitution 'in its objectionable and impracticable form,' is compelled to admit, that 'such as it was, it touched the slumbering intellect of the nation, and awakened it to new life and exertion.' In proof of this, he cites the number of political pamphlets which issued weekly from the press, and the great increase in the circulation of newspapers. Before the restoration of the constitution in 1820, there were only two papers published at Madrid, one of which contained only advertisements; the other was the official paper of Government. Neither of these Journals published above two thousand. Beside many papers which appeared and disappeared, there are, it seems, of new ones which acquired a permanent existence, the *Universal*, the circulation of which was at some times above seven thousand; the *Espectador*, five thousand; the *Zurrias*, five thousand, but sometimes as many as fourteen; and several others of less note. The *Telegrafo* was printed on common ballad paper, and sold for one half-



penny ; it was intended for the lower ranks. No observations upon the apathy of the people which can be made by the most calm traveller, in the slowest conveyance, are of sufficient authority to countervail these facts. They show to demonstration that the people felt intensely upon the great questions of public policy and national independence ; and they wholly take the sting from such sneers as this—‘ I observed, without meaning ‘ any disrespect to the constitution, that the tailors and barbers ‘ particularly signalized their ardour for the system by large ‘ tablets and letters, and more than one article of the code ;’ alluding to the appearance of political feeling, which Mr Quin admits at Cadiz to be universal, as displayed by the inhabitants fixing up on their houses articles of the constitution, expressive of some favourite principle, in letters of gold on wooden tablets.

An interesting account is given of the debate in the Cortes upon the message or address to the King, in consequence of the demands of the Holy Allies. We can only extract the description of the eloquence of Arguelles and Galiano ; but we shall prefix to it the notice of what passed during the adjournment which took place after the three despatches were first read, and before they were taken into consideration.

‘ In the course of the afternoon, a report was spread of the important communications which had been made to Cortes, and of the manner in which they were received. It caused a strong sensation in the capital, and at night a number of people paraded through the principal streets, attended by a band of music, which played patriotic airs. They carried large torches in their hands, and shouted at intervals *Viva la Constitucion !*

‘ The following day a detailed account of the debate, and copies of the notes and answers were published in the principal journals. From an early hour of the morning the offices of the *Universal* and the *Espectador*, and the streets leading to them, were thronged with applicants for papers. During the whole day the demand was so great, that it was impossible to satisfy it ; but a plan was adopted which, in some measure, compensated for this defect. When a lucky patriot succeeded in getting a paper, he posted to the Puerta del Sol, or to the arcades of the post-office ; and here, as soon as he produced his prize, a crowd collected around him, and he read aloud the whole of the journal from the beginning to the end. I saw several of these groups so employed, all ears to catch the hurried sounds of the reader. In general the Spaniards pronounce their beautiful language in a clear and distinct manner ; but I was surprised at the energy of elocution which some of these politicians displayed. The remarks which the listeners occasionally made were short and pithy. “ Hear,” said one, “ hear this Prussian king, who once promised a constitution to his own subjects ;” “ and who never gave it,” added another. “ Only observe how tender he is of the



Catholic church; he himself a heretic." This caused a laugh. "Now for the Russian bear," remarked another. "Down with the parricidal race! down with the tyrant!" they said, as the reader proceeded. The acuteness which the people composing these groups displayed, though their raiment was not, perhaps, altogether of a courtly fashion, was surprising. They showed it not, perhaps, so much in any observations which they made, as in the eagerness with which they received and understood every word they heard.' pp. 151, 152.

'Senor Don Joaquin Ferrer made a few observations, which were not much attended to, in consequence of the anxiety of the audience to hear Augustin Arguelles. This gentleman is deemed the most eloquent speaker in the Cortes. His oratory is full of strong reasoning and crowded with facts; it is convincing, and sometimes irresistible, from the sudden diversion which he makes from powerful logic to the seat of those feelings which govern the resolutions of men. He seemed on this occasion to hold a sceptre over the minds of his auditors, and to awaken in them such sentiments as he wished to inspire. While he spoke, every one of the deputies appeared to be entranced by his eloquence; and when he concluded, there was a general look up to the ambassador's tribune, to see what effect it produced there. He spoke for an hour and ten minutes; and when he first rose, often during his speech, and immediately after he sat down, he was cheered by the populace, and even by the deputies, in the most lively and affectionate manner.

'Senor Alcala Galiano followed in the debate. He is yet a young man; and, as I have already observed, a little affected and pompous in his delivery. He was the editor of a provincial journal at the time of the declaration of the army of the Isla in favour of the Constitution. His style of speaking is more poetical than that of Arguelles, and calculated more to win the ear than to convince the understanding. He is fond of long periods and sounding expressions, and very frequently pours out sentences in continuation, at each of which the audience is inclined to exclaim, "beautiful." His gesture is also particularly forcible, picturesque, and varied, and altogether he is such a man as a public assembly would put forward to make a holiday speech.

'Several other deputies demanded the right of speaking, but it was decided by a majority that the question was sufficiently discussed; and the message was, of course, agreed to unanimously. It was ordered, that the debate should be printed in a form separate from the "Journal of Cortes," and distributed gratuitously through the whole kingdom and its dependencies. A deputation was appointed to present the message to the king.

'When the Cortes rose, the crowd in the galleries rushed down to the deputies' door, and waited until Galiano and Arguelles came out, when they seized on them by main force, and carried them off in triumph on their shoulders. They were obliged to exert all their

eloquence to get permission to descend again, and they took refuge in the president's carriage. The populace followed the carriage to the president's house, singing all the way patriotic songs, and shouting *Viva la Constitucion!* In the evening bands of music paraded the streets by torch-light, and the night passed away in perfect tranquillity.' pp. 157-159.

Nor must it be imagined that the popular feelings which such passages describe, was confined to the capital and the great city of Cadiz. The journey of Sir William A'Court from Madrid to Seville afforded a striking proof of its universal diffusion; and how much soever the conclusions to be drawn from thence may thwart our author's prepossessions, he gives the details in a very candid manner.

'Sir William A'Court, who had left Madrid after the King, arrived in Seville a few days before him. His excellency's journey was a kind of triumph all the way. In several of the towns where he stopped for the night, the authorities presented themselves to pay their respects. In one place, a large crowd assembled before the windows of the house where he was lodged, and sent in a deputation to present their respects, and request that he would show himself in the balcony. He complied with their desire, and they hailed him with repeated shouts of *Viva el Ministro Ingles! Viva la Constitucion!* In another place he was addressed by the title of "your Majesty!" and almost every where he stopped he was serenaded with music. He had an order for private lodgings at every stage of his route, and nothing could exceed the attention with which the proprietors of the different houses designated for his residence received him and Lady A'Court. They brought with them their own provisions, and were anxious to give as little trouble as possible. But their hosts, generally persons of rank, were prodigal of their civilities, and expressed themselves particularly favoured by having the English minister under their roof. They were attended by an escort of Cuirassiers all the way, who conducted themselves with marked respect and attention. At one of the towns through which they passed, the Intendant said he had orders to escort the English minister to the borders of the province with the whole troop of local cavalry. This was unnecessary, and of course declined. But the Intendant said his orders were positive, that the cavalry were anxious to discharge the honourable service appointed for them, and if the attendance of the whole corps were not deemed necessary, he would take it as a particular favour if six were allowed to proceed with the minister to the precincts of the province. This compromise was accepted, for it was in vain to refuse such hospitable entreaties. In more than one of the houses where they rested, a splendid dinner was provided for the whole party; an extraordinary mark indeed of civility, for it is generally one of the last things they offer in Spain. But this was exceeded by another of Sir William's hosts, who of-



ferred him money to any amount which he might think fit to take. This was the most superfluous compliment of all to a minister of England, though probably the intention was sincere, as it was undoubtedly respectful.—The house in which Sir William A'Court resides in Seville, belongs to the family of Saavedra, and was handsomely offered free of expense for his use. Of course this civility was not accepted.' pp. 315, 316.

After this, it seems hardly credible that Mr Quin should, in the very next page, broadly state, that the constitution 'had not succeeded in gathering around it the sentiments and good wishes of a majority of the people;' but that, on the contrary, 'a state of apathy, to use the mildest term, prevailed in all the towns through which he passed after leaving Madrid.' He went by the very route, and passed through the same towns, with Sir William A'Court, whose 'journey was a kind of triumph all the way.' It may certainly be very true, that 'the great majority of the people desired nothing so much as peace.' The sufferings they had undergone for so many years, under the French, in resisting and expelling them, and under their own king, restored, by their exertions, to punish them for their loyalty, may well be supposed to have inclined them towards repose. But that they were attached to the new system, in proportion as they detested the old, and with good reason, derived from their own cruel experience, can admit of no doubt; if it did, Mr Quin's reluctant testimony, with all its inconsistencies, arising from the unwillingness of the witness, would remove that doubt. He does not affect to say, that their liking or disliking Ferdinand and his government is a matter of the least uncertainty; on the contrary, he seems to admit, that no one class in the community really adhered to him (p. 200); and in the concluding passage of his book, already quoted, we find him broadly, and with a tone of decision wholly foreign to his wonted manner, predicting, that 'as soon as the French retire, the tide of liberty will set in again, and break up all their futile and laborious calculations.' What is the meaning of all this? What, but that the people of Spain are for the constitution; but, whether from want of skill in their leaders, or from the effects of corruption, or, to adopt the least favourable construction, from weariness in struggling against foreign armies, they have yielded to brute force, and are, for the moment, held in subjection by the violence of a crafty and profligate invader. The necessity of maintaining, by his armies, the order of things which these alone restored, demonstrates how general is the hatred of Ferdinand's yoke, and how ardent the popular feeling for the new and liberal order of



things. Whether the constitution of 1812 and 1820 be the best for them; whether they are united in preferring it to all others; whether many of them may not prefer it, with certain modifications, and be disposed to concur in these, when the change is left entirely to their own free choice, upon uninterrupted deliberation—are questions of little or no importance; because it is plain, both that a government upon popular and even democratic principles, a monarchy in which the people exercise a direct and efficient controul over the administration of affairs, is the wish of the Spaniards, and also that they are determined to let no alterations in the form actually adopted, be dictated to them from abroad, although they may have been for a while subdued by external force. We may rely upon the unconquerable pertinacity which forms a striking feature in their national character, for their persisting in the same determined resolution; and the only question is, how long the French may be permitted by the rest of Europe to occupy Spain, and how long they may find so bootless a possession worth the cost and the risk attending it. As soon as they quit their hold, the new order of things, in one shape or other, is restored; and, without pretending to great foresight, we may venture to predict, that it will not again be put down by a French invasion, or endangered by the intrigues of the Spanish Bourbons.

To point out the errors which were committed by the constitutional government, would now be an easy, but an ungracious task. The leading one certainly was, that over-scrupulous adherence to forms, and dread of strong measures which, proceeding from the most amiable motives, and in ordinary times forming the test of good qualities in rulers, is nevertheless extremely ill adapted to meet the exigencies of a revolutionary crisis. The whole body of a nation may be perfectly well disposed, nay eager to exert themselves for the defence of the country, and yet no individual will stir of himself; each will leave the necessary sacrifices to be made by the rest of the community; and a certain degree of force must be applied to call forth the resources of the State. The difficulty of raising any thing like adequate supplies of money was almost insuperable; but all expenditure, save that which the arming and provisioning of the forces required, should have been neglected, and a rigorous conscription enforced, to embody men who wished well to the cause, and would have fought had they been arrayed, but were averse to the fatigues and sufferings of a campaign, if the evil could be avoided. The following passages afford melancholy proofs of want of vigour in every department of the

government. The first relates to the difficulty of raising a few thousand pounds in Madrid, for the expenses of removing the king to Seville.

'It was doubted whether the treasury could obtain sufficient funds within the time appointed, to effect this important object. It was confidently stated, that in order to procure supplies, the government had recourse to proceedings of an extraordinary character: that they were obliged to melt down the king's plate; and that they seized on all the deposits of money which were in the hands of the junta of "public credit," pledging the treasury, of course, in both instances, to refund. This was not all. There is a society of sheep-owners established in Madrid, whose interests are managed by a committee for the general benefit. The flocks are sent every year to pasture in Estremadura; and when the season comes, they are removed to the neighbourhood of Segovia and shorn. This society is called the Mesta, which literally means a code of regulations for the government of agricultural or pastoral transactions. The Mesta had a deposit with its bankers in Madrid, of about a hundred thousand dollars. The Minister of the Interior sent an order to the bankers to deliver this deposit to officers, whom he named, upon the faith that the whole amount, together with the interest, should be repaid. The chest in which the money was deposited had three locks, and only one of the keys was in Madrid. The minister ordered the officers to bring away the chest itself, which accordingly was done.

'By these and other means, the government succeeded in collecting a sum sufficient for the expenses of the journey; and it was finally arranged that the king and royal family should leave Madrid at eight o'clock on the morning of the 20th, and travel by short stages to Seville.' p. 255, 256.

'The procuring of men and horses went on as badly.

'The last conscription went on in the most torpid manner, and out of every fifty of the horses which had been seized for the use of the cavalry, forty-five had been found unfit for service. A small sum, five or six pounds, was allowed by government for each horse—that is, a treasury order to that amount was given in lieu of money. Those who possessed valuable horses removed them, and substituted for them broken down defective animals, not worth a dollar, and thus a traffic had been carried on in which the government was generally the loser.

'In Galicia, the youths called out for the conscription openly refused to repair to their destinations, and a spirit of insubordination to the general mandates of the constitutional authorities prevailed there, which the force under Quiroga was quite inadequate to put down. Similar, if not greater resistance was experienced by the civil and military authorities in the province of Bilboa. In order to avoid the conscription, as well as the requisition for horses, the people abandoned their houses and fields; agriculture was neglected, industry paralyzed, and commerce inactive. The opponents of the

Constitution, every where in that province, carried on their exactions and combinations in the most public manner, nor had the "allocutions," as they were styled, of the political chief, the least influence.

'Hitherto the province of Asturias had scarcely been heard of amidst the agitations of the other parts of Spain. It had been remarkable neither for any exhibitions of attachment or resistance to the Constitution. By the last accounts, however, from that province, it appeared that Oviedo, the capital of the Asturias, had risen against the system, and that there were no troops there to support it.

'Intelligence arrived also stating that Ulman had made himself master of Murviedro, the ancient Saguntum of the Romans, and a most important fortress, as it commands Valencia, and the fruitful district in its neighbourhood as far as the Ebro.

'Several of the militia of Madrid, who, in the fervour of their enthusiasm, volunteered to escort the king to Seville, had already returned. They were fatigued with the marches of the two first days, and on the road they found nothing to eat, no beds, no comfort of any sort. Such privations, however common to military life, suited but little with the feelings of the homely tradesmen of Madrid, who were accustomed to good beds and a sufficiency of diet.' pp. 275, 276.

When the seat of government was transferred to Seville, our author removed thither also. His journey is described in a lively and entertaining manner; and the various groups he encounters of soldiers guarding the royal family, deputies moving singly or in small bodies, and public functionaries repairing to their new station, give a peculiar interest to the scene. The constant rumours of each place he quits to pursue his route, would have peopled the country also with banditti; but he never actually saw any, although some robberies appear to have been committed upon other travellers, during the same period. The reader may desire to see a specimen of this journey.

'We left Madrideojos after breakfast, at nine o'clock. Our road lay through olive trees and vines for some part of the way. Before us was a *sierra*, or group of mountains, whose declivities, as well as the plains at their feet, were covered with olives. These trees are usually planted in regular lines; they are short, and shoot forth numerous branches, which are seldom without leaves, not exactly of a grass-green hue, but rather of a deep slate colour. They can scarcely be said to form picturesque objects, because they are too regularly planted; but from the richness and general usefulness of their produce, they are always agreeable to the eye. Soon after leaving Madrideojos, we came up with a convoy, consisting of seventy-five covered waggons, eight or ten private carriages, *calesinas*, and other vehicles, which joined company for mutual safety. There were with them two or three companies of the Madrid local militia, some of



whom appeared sufficiently fatigued; others were riding on donkies and old Rozinantes, which they picked up on the road. After passing this convoy, we overtook, at ten o'clock, the Deputies of Cortes, and beyond these two regiments of troops and militia, so that altogether the road from Madridejos, for nearly three leagues, to Puerto Lapiche, was quite gay with military and equipages. It would have been difficult for so great a number of travellers to obtain provisions on the road, but most of them carried with them their own wine, meat, and kitchen utensils. Those who travelled in the covered waggons slept in them also, and occasionally amused themselves with guitars. As for the soldiers, they must have bivouacked, unless where they were fortunate enough to obtain a roof to sleep under; and then they may have been well contented with the hard floor for a bed, and a knapsack for a pillow.

We were here at the commencement of the Sierra Morena, the scene of that beautiful episode in Don Quixote, which has served as the ground-work for the popular drama of the Mountaineers. The mountains had not as yet increased to any considerable height; they were here rocky and covered with shrubs, though here and there they presented patches of green pasture. After taking chocolate we proceeded on our way, and soon began to ascend high mountains, through which we found a superb road. In some places a high wall was built up from the bottom of a precipice, to support the road which winds along its brow; in others, the rocks on one side have been hewn to afford sufficient breadth. The first ascent of these mountains is what is called the pass of the Sierra Morena. The road winds through lofty rocks, is in some places narrow, and at every point so exposed to the neighbouring heights, that a few brave guerilla parties might stop the progress of a host of enemies. The road every moment ascends; and as it must traverse the very tops of the mountains, it follows as much as possible their natural windings, so that one part is in some places, for a considerable length, parallel to the other. The ascent is so great, that travellers and carriers, whom we had just passed on the lower road, appeared suddenly diminished of half their proper size. It was still the grey of morning, and here and there we observed a number of men sitting or sleeping around fires made in some recesses of the rocks. A lone and strange traveller would have felt no small alarm on encountering these groups in such a dangerous place as the Sierra Morena. We soon learned from the implements which we saw near them, and the earlier activity of some of their companions, that they were employed in repairing the road for the passage of the King. Where it was rough for a carriage they strewed it thickly with clay, and broke down all the prominent stones which might have given shocks to the royal invalid.

As the sun rose we found several groups of men thus employed, and met their wives and children riding towards them on donkies with provisions for the day. The mother and two children were

sometimes crowded on the same donkey, one carrying the basket of bread, another a goat skin of wine, and the third for company, or haply from fear of staying at home alone. We encountered also in these mountains several hundreds of donkeys laden with oil, which was contained in skins. For these animals there are several by-roads not larger than footpaths, which shorten their way in those places where the high road takes a circuitous course. As we were ascending a height, the postillion having dismounted, the mayoral having also left his seat, and both walking behind the diligence, the mules suddenly set off at a round trot, and one of the leaders, as if impelled by a mischievous purpose, deviated into one of the by-paths above mentioned, which descended into a deep and precipitous valley. The passengers cried out; and had the mayoral delayed half a minute longer in running to check the career of the mule, the diligence, and every person it contained, must inevitably have been dashed to pieces.' pp. 281-288.

In no place that he visited, does Mr Quin seem to have found less zeal for the constitution than at Seville; indeed, he would give us to suppose that the Sevillians had become adverse to it, after having espoused the cause at first, from disgust with the frequent changes of the ministers, and the insolence of local superiors, suddenly elevated to power in rapid succession. 'The early and rational friends of the constitution,' he says, 'found fifty petty tyrants where only the influence of one was formerly felt; they accordingly retired from the scene of public affairs altogether.' Here then, if any where, the King might have expected a favourable reception among men described as flying 'from petty tyrants to the throne.' Yet here, as every where, he was received with the most unequivocal marks of dislike. Our author gives a minute account of his entry; but the result may be gathered from one sentence. He followed the royal cavalcade; and he says, 'I never saw any thing more like a funeral procession; no waving of handkerchiefs from the fair sex; no *vivas* or shouts of any sort from the men, though the balconies were crowded.' In every part of his book he testifies the dislike entertained of this wretched tyrant, although he speaks of him with as little disrespect as possible; and he justly observes in one place, that the French government 'betrayed a great ignorance of the public feeling in Spain, when they mentioned one word about Ferdinand,--still more when they designated him as the grand-son of Henry IV.' (p. 200.)

It is but doing justice to Mr Quin to add, that he expresses himself with a laudable disapprobation concerning other crowned heads as well as the Bourbons, though always with something of the same cautious reserve. Thus he cites Napoleon's



well known saying, so completely fulfilled by later events, that the two most false and faithless men he had ever known were Ferdinand and the Emperor Alexander; and when, upon his arrival at Cadiz, he sees the three Russian frigates breaking up by the carpenters, he takes occasion to remind us that these were sold to the Spanish government for the purpose of conveying troops to South America; but as they were found wholly unfit to keep the sea, the troops refused to embark, and proclaimed the constitution; and from the Isla the flame spread rapidly over Spain. Upon this result of the Russian fraud, Mr Quin moralizes in a strain not likely to find open admirers at St Petersburg. 'Has that constitution cost the Emperor Alexander any sleepless nights? Has it compelled him in any degree to increase his multitudinous army? Will the historian of 1900 have to relate, that, with the progress of light, the free spirit of the Spanish constitution has overthrown the rule even of the Russian autocracy, and has substituted for it a representative system? In the details of that event, can the transaction of the three frigates be forgotten?' (235.)

We have already given several specimens of Mr Quin's talent for description. We must add his sketch of the houses in the south of Spain.

'In Seville the houses are mostly built according to the eastern fashion, seldom consisting of more than two stories, and constructed round the four sides of an open area, which, as I have elsewhere observed, is called the *patio*. The front door, which is open from morning till night, leads to a short entrance, which is very neatly paved with brick or polished tiles. From this passage, called the *zaguan*—an Arabic word for a porch, another door, which is generally shut, leads to the interior square or *patio*. This inner door is sometimes of oak or mahogany; but usually it is formed of iron bars, arranged often in a light and fanciful style, handsomely painted and gilt. Through this door, any one passing in the streets may observe the economy of the patio, which is floored with polished tiles, sometimes planted with shady trees, but more generally decorated with vases, in which the most fragrant roses and other flowers are growing. Not contented with the number of flower-pots which they can conveniently arrange on the floor of the patio, they have also half-flat vases, which are suspended on the walls all round. In this place are also sometimes glass cupboards, in which all the riches of the house in china ware are set out, and wired cases, where books are arranged in the shade. It is quite refreshing to pass from the burning streets into one of these nymph-like abodes, where coolness and shade are at once to be obtained. In some there are handsome fountains, ever yielding pure and cool streamlets; and the tiles are kept constantly cool by sprinkling them frequently with water.



'As yet most of the inhabitants were living above stairs, and the rooms on the first story were shut up. Numbers might easily have let their lower apartments, but they preferred to keep them for their own use, as they would remove down stairs about the latter end of May. The communication of the rooms above stairs with each other is usually by an external gallery, which runs all round the square. To the edges of this gallery pulleys are attached, by means of which a canvas awning may be stretched over the patio in summer.' pp. 299, 300.

He is not always so fortunate. The following account of the ceremony of the *Ave Maria* is not peculiar to Seville, though he gives it as the remains of the 'ancient piety of the place.' It is universal, we believe, in Italy, certainly in the south of Italy, as well as of Spain.

'There is a custom in Seville, which is characteristic of the ancient piety of the place. At sunrise a large soft-toned bell is tolled from the tower of the cathedral three times, summoning all the inhabitants wherever they are, or however occupied, to devote a few moments to the performance of a short prayer in honour of the Virgin, called the 'Angelus Domini.' At the close of evening the bell tolls again, and to a foreigner it is curious and not uninteresting to observe the sudden and fervent attention which is paid in the streets, within and without doors, in the Alameda, on the river, by every body high and low, the idler and the labourer, the horseman and the pedestrian, infancy and age, to this solemn sound. The crowds in the promenade all suddenly stop, and each group repeats within its own circle the consoling prayer. The lover suspends his compliments, the mistress changes her laughing eyes to a demure look, and closes up her fan, the politician breaks off in his argument, the young men are abashed in their gay discourse, and take off their hats, the carriages are drawn up, and all worldly business and amusement are forgotten for about three minutes, till the cheerful tinkling of lighter bells announce that the orison is over.' p. 332.

We shall close our extracts from this volume with the account of our author's adventures in passing through the French army upon his return home from Madrid; premising, that, in a situation of some difficulty and delicacy, he appears to have conducted himself with exemplary propriety.

'It was nightfall when I approached Sarracin, where I encountered an advanced post of the French army, consisting of about four hundred men. The entrance was guarded by sentinels, one of whom looked into my cabriolet, and asked me if I were alone? Upon my answering in the affirmative, they allowed me to pass on. While the horses were changing, the Colonel commanding the post presented himself to me, and politely requested to see my passport. Upon finding that I had just come from Madrid, he told me that I was the first who attempted to penetrate through the French lines, but

that I might be assured of meeting with no sort of impediment to my journey. He asked me "Whether the *Somosierra* was fortified?" I answered, "I believed it was not; but that I had passed it during the night, and, of course, could not answer him with exactness." "Did you meet any guerillas?"—"A few." "Would you have the goodness to tell me whether a report is given in any of the *Madrid Journals*, that the French army is about to return again to France?"—"I never read any such report—never heard of it." "Is *Madrid* for the king?"—"It is impossible for me to say—it is certainly less constitutional than it was." I began to find myself in rather an unpleasant situation, for if I were to be catechised in this manner by every French commandant, I should experience great delay; besides, I felt strongly the injustice of this French invasion, and, as an Englishman, experienced a rising pride which forbade me to answer any more questions. I begged, therefore, that he would excuse me; that I was greatly hurried, and requested my passport. He gave it me, and at the same time added—"the duke of *Reggio* is at *Burgos*—he would be delighted to have some conversation with you. Might I request that you would be good enough to present yourself to him on your arrival at *Burgos*, and mention that you have been questioned by me?"—This was going too far. I told him "that I had answered his questions through mere politeness; but that as my government had declared itself neutral in this contest, I could not think of complying with his request. I was passing through the country, and would have nothing to do with either party." He admitted the propriety of this observation, and I drove off.

I arrived at *Burgos* at half-past nine at night, and after delivering my passport to the proprietor of the hotel, who told me it must be vised by the restored government, I had scarcely taken off my cloak, when a Spanish adjutant presented himself to me all breathless and said, "His Excellency the governor-general of Old Castile has seen your passport, and would feel great pleasure in forming your acquaintance." Without bestowing any reflection on the matter, it remained on my mind that the duke of *Reggio* was the personage who sent this invitation, and I declined it on the ground that I was sitting down to supper and was very much hurried. The adjutant, however, returned to the point, and spoke in a strain approaching to command. Upon this I positively refused to go, and observed that I was an Englishman, and acknowledged no authority in the duke of *Reggio* to compel me to attend his presence. Here the adjutant interposed, and said it was not the duke of *Reggio* who wished to see me, but *Don Carlos O'Donnell*, the governor-general of Old Castile, just nominated to that office by the *true government*. I observed that there would be no use in my waiting on the governor he mentioned. The object of sending this invitation to me was that I might answer questions, and I was resolved to answer none, from whatever quarter they might proceed. Upon this the adjutant went



away ; and soon after returned with my passport, and requested, in a subdued, imploring tone, dyed to the heart with servile hypocrisy, that I would tell him something about the king. I said that I really knew nothing about the king ; but that when I was in Seville, I saw him in excellent health. He then added, that the house of the governor was just by, and that if I would permit him, he would conduct me to it. A certain curiosity to see Carlos O'Donnel, who has been so famous as a factious chieftain, together with the altered tone of the adjutant, induced me to comply so far as to present myself. I accordingly proceeded a few doors from my hotel, preceded by the adjutant and a little boy, with a lantern in his hand. We entered a gloomy antiquated house, and, in a large apartment on the first floor, I found Carlos O'Donnel. An officer and two or three other persons were sitting by the fire ; the governor was standing near the table—an elderly man, with a small sharp countenance, dressed in a brown surtout, and distinguished by no peculiar elegance of manners. My friend the adjutant presented me to him, and he addressed me in English. “ You are English ? ”—“ Yes. ”—“ I have sent you your passport, and you are at liberty to continue your journey. ” He said this half asleep and awake : the lamp was almost out, as if it was going to sleep too. I took advantage of the circumstance to apologize if I had detained him from going to bed, and wished him good night. The adjutant was surprised that his Excellency the governor-general of Old Castile permitted me to go away without attempting to ask a single question about the king, and tried to renew the theme. But my “ Good night ” was returned, and I took my departure. It was a curious fact, that my passport, which was vised by Count Abisbal, as the Constitutional political chief of Madrid, should have been examined by his brother at Burgos, as the Royalist governor-general of Old Castile. Carlos O'Donnel, however, paid so much respect to fraternal feelings as not to sign his name under that of his brother. He merely looked at the paper, and when he saw his brother's signature, gave it back without one observation. pp. 339-342.

Before concluding our remarks on this book, there is one, relating to the periodical press, which we cannot help making. It has been observed already, that part at least of his object in visiting Spain was apparently to communicate information to a respectable newspaper ; we know not which, but from the opinions of Mr Quin, we should presume, a ministerial paper. Nothing can more distinctly show the great pains bestowed in editing those journals, or at the same time prove more clearly the superior class of men into whose hands this important branch of the press has of late years fallen. In former times, a gentleman of the highly respectable profession to which Mr Quin belongs, would not so readily have avowed this circumstance. In the present day, no man, be his station or acquire-



ments what they may, has any reason for concealing his connexion with the public journals—we mean, of course, with those which, whatever be the principles they support, are conducted in the spirit of fair and honest controversy. This is a circumstance greatly to be rejoiced at. Whatever tends to raise the character of so important a class of literary and political men, materially serves the cause both of letters and of good government, and affords the best security for keeping the press free from the foul pollution of private slander. They who affect (for it can only be an affectation) to condemn the public journals, hold light the reputations of their conductors; and we have sometimes heard of senators, and even judges and juries, regarding them as of little account. Do they think to frown down what Mr Windham called ‘a new power in Europe?’ If not, how short-sighted is the policy which would teach those who wield so great an instrument to lose their self-respect! The question is no longer whether or not newspapers shall be universally read; that has been long ago decided; but it is, whether that which every one reads shall come from a pure or from a tainted source. And this depends wholly on the character of the class in whose hands the periodical press is placed.

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ART. IV. *Imaginary Conversations of Literary Men and Statesmen*. By WALTER SAVAGE LANDOR, Esq. 2 vols. pp. 750. Taylor and Hessey. London, 1824.

THIS work is as remarkable an instance as we have lately met with of the strength and weakness of the human intellect. It displays considerable originality, learning, acuteness, terseness of style, and force of invective—but it is spoiled and rendered abortive throughout by an utter want of temper, of self-knowledge, and decorum. Mr Landor's mind is far from barren in feeling or in resources; but over the natural, and (what might be) the useful growth of these, there every where springs up a luxuriant crop of caprice, dogmatism, extravagance, intolerance, quaintness, and most ludicrous arrogance,—like the red and blue flowers in corn, that, however they may dazzle the passenger's eye, choke up the harvest, and mock the hopes of the husbandman. We are not ignorant of the school to which our author belongs; and could name other writers who, in the course of a laborious life, and in productions numerous and multiform—some recent and suited to the

times, some long and luckily forgotten,—in odes, inscriptions, madrigals, epics,—in essays, histories and reviews,—have run into as many absurdities, and as many extremes: But never did we see, bound up in the same volume, close-packed, and pointed with all the significance of style, the same number of contradictions, staring one another in the face, and quarrelling for the precedence. Mr Landor's book is a perfect 'institute and digest' of inconsistency: it is made up of mere antipathies in nature and in reasoning. It is a *chef-d'œuvre* of self-opinion and self-will, strangling whatever is otherwise sound and excellent in principle, defacing whatever is beautiful in style and matter.

If it be true (as has been said) that

'Great wits to madness rarely are allied,'

we know few writers that have higher or more unequivocal pretensions in this way than the author of the 'Imaginary Conversations.' Would it be believed, that, trampling manfully on all history and tradition, he speaks of Tiberius as a *man of sentiment*, who retired to Capri merely to indulge a tender melancholy on the death of a beloved wife: and will have it that Nero was a most humane, amiable, and deservedly popular character—not arguing the points as doubtful or susceptible of question, but assuming them, *en passant*, as most absolute and peremptory conclusions—as if whatever was contrary to common sense and common feeling carried conviction on the face of it? In the same page he assures us, with the same oracular tranquillity, that the conflagration of Rome, and the great fire of London, were both wise and voluntary measures, arising from the necessity of purifying the cities after sickness, and leaving no narrow streets in their centres! and on turning the leaf, it is revealed to us, that 'there is nothing in Rome, or in the world, equal to—the circus in Bath! He spells the words *foreign* and *sovereign*, 'foren' and 'sovrän,' and would go to the stake, or send others there, to prove the genuineness of these orthographies, which he adopts on the authority of Milton; and yet he abuses Buonaparte for being the ape of Antiquity, and talking about Miltiades. He cries up Mr Locke as 'the most *elegant* of English prose writers,' for no other reason (as we apprehend) than that he has often been considered as the least so; and compares Dr Johnson's style to 'that article of dress which the French have lately made peace with,' (a pair of pantaloons), 'divided into two parts, equal in length, breadth, and substance, with a protuberance before and behind.' He pronounces sentence upon the lost works of two ancient writers, Democritus and Menander, that the former would be



worth all the philosophical remains of antiquity, and the latter not be worth having,—precisely because he can know nothing about the matter; the will to decide superseding the necessity of any positive ground of opinion, and the spirit of contradiction standing him in lieu of all other conviction. Boileau, according to our critic, had not a particle of sense, wit, or taste: Pope, to be sure, was of a different opinion—and we take it to be just possible that Boileau would have thought himself indemnified by the homage of the one for the scorn of the other! He speaks of Pitt as a poor creature, who did not see an inch before him, and of Fox as a charlatan; and says modestly in reference to some history he is writing, that he trusts ‘Posterity will not confound him with the Coxes and ‘the Foxes of the age.’ It would be rather too much in his own manner perhaps to say, that no one who could write this sentence, will ever write a history—but we hazard the conjecture notwithstanding—and leave it to time to decide. He announces that Alfieri was the greatest man in Europe, though his greatness has not yet been generally acknowledged. This, however, is exactly the reason that Mr Landor vouches for it, because whether he was so or not, rests solely on his *ipse dixit*. It is a fine thing to be one of the oracles of Fame! With equal modesty and candour he declares literary men to be as much superior to lords and kings as these last are to the meanest of their vassals. In a dialogue between Prince Maurocordato and General Colocotroni, he wishes the Greeks to substitute the bow for the use of fire-arms; and to this experimental crotchét, we suspect, he would sacrifice the Greek cause,—or any other. He has a hit at Lord Byron, and another at Mr Thomas Moore, and a compliment to Lady Morgan. It is hard to say which he hates most—the English Government or the French people—Buonaparte or the Bourbons. He considers Buonaparte as a miracle, only because no man with so little talent ever gained such an ascendancy; and certainly with the qualifications our author allows him, he must have dealt with the Devil to do what he did; and, as if determined to conciliate no party and have all the world against him, he takes care to inform the reader at the same time, that in the most remarkable English victory in the last fifty years, ‘the prudence ‘and skill of the commander (Wellington) were altogether ‘wanting.’ He brings it as a proof of Buonaparte’s stupidity, that ‘he knew nothing of judicial astrology, *which hath ‘certain laws assigned to it*, and fancied he could unite it with ‘atheism, as easily as the iron crown with the lilies.’ He tells us, that ‘he did his utmost in pursuing this tyrant to death,

‘ recommending and insisting on nothing less : ’ but that now he is dead, ‘ he is sorry for it. ’ So hot, indeed, is he on this scent, that he is for bringing Louis XIV. to life, in order to have him ‘ carted to condign punishment in the *Place de Grève*, or at Tyburn. ’ We cannot understand this coincidence in the proposed fate of two persons so different ; nor how Mr Landor should call ‘ the battle of Waterloo the most glorious to the ‘ victors since that of Leuctra, ’ while he recommends a resort to tyrannicide, and points out its objects, to get rid of the legitimate consequences of that battle ; nor why he should strike ‘ his marble table with his palm, ’ or call his country names— ‘ degenerate Albion, ’— ‘ recreant slave, ’ &c. &c. for not aiding ‘ in the cause of freedom in Greece, ’ when she has his thanks and praise for putting down the principle, at one blow, all over the world ! Kings and nations, however, do not change like whiffling politicians. The one are governed by their prejudices, the other by their interests ;—Mr Landor and his friends by the opinion of the moment, by a fit of the spleen, by the first object that stirs their vanity or their resentment.

The work before us is an edifying example of the spirit of Literary Jacobinism,—flying at all game, running *a-muck* at all opinions, and at continual cross-purposes with its own. To avoid misconstruction, however, we should add, that we mean by this term, that despotism of the mind, which only emancipates itself from authority and prejudice, to grow impatient of every thing like an appearance of opposition, and to domineer over and dictate its sudden, crude, violent, and varying opinions, to the rest of the world. This spirit admits neither of equal nor superior, follower nor precursor : ‘ it travels in a road so narrow where but one goes abreast. ’ It claims a monopoly of sense, wit, and wisdom. To agree with it is an impertinence : to differ from it a crime. It tramples on old prejudices : it is jealous of new pretensions. It seizes with avidity on all that is startling or obnoxious in opinions, and when they are countenanced by any one else, discards them as no longer fit for its use. Thus persons of this temper affect atheism by way of distinction ; and if they can succeed in bringing it into fashion, become orthodox again, in order not to be with the vulgar. Their creed is at the mercy of every one who assents to, or who contradicts it. All their ambition, all their endeavour is, to seem wiser than the whole world besides. If they are forced to adopt a *commonplace*, they exaggerate it into a paradox, by their manner of stating it. So, in the ‘ *Imaginary Conversations*, ’ we learn, that ‘ for every honest Italian, there are, ’ not ten, or a hundred, but ‘ a hundred



‘thousand honest Englishmen.’ They hate whatever falls short of, whatever goes beyond, their favourite theories. In the one case they hurry on before to get the start of you; in the other, they suddenly turn back, to hinder you, and defeat themselves. It is not the love of truth, or of mankind, that urges them on—but the love of distinction; and they run into every extreme, and every folly, in order to indulge their overweening self-complacency and affected singularity.

An inordinate, restless, incorrigible self-love, is the key to all their actions and opinions, extravagancies and meannesses, servility and arrogance. Whatever soothes and pampers this they applaud; whatever wounds or interferes with it they utterly and vindictively abhor. If an author is read and admired, they decry him; and if he is obscure or forgotten, or unintelligible, they extol him to the skies. But if they should succeed in bringing him into notice, and fixing him in the firmament of fame, they soon find out that there are spots in the sun, and draw the cloud of envy over his merits. A general is with them a hero, if he is unsuccessful or a traitor: if he is a conqueror in the cause of liberty, or a martyr to it, he is a poltroon. Whatever is doubtful, remote, visionary in philosophy, or wild and dangerous in politics, they fasten upon eagerly, ‘recommending and insisting on nothing less;’—reduce the one to demonstration, the other to practice, and they turn their backs upon their own most darling schemes, and leave them in the lurch immediately. With them every thing is *in posse*, nothing *in esse*. The reason is, that they would have others take all their opinions implicitly from their infallibility: if a thing has grounds or evidence of its own to rest upon, so that they are no longer called in like prophets, to vouch for its truth, this is a sufficient excuse for them to discard it, and to look out for new *terræ incognitæ* to exercise their quackery and second-sight upon. So they cry up a *protégé* of their own, that nobody has ever heard of, as a prodigious genius, while he does nothing to justify the character they give of him, and exists only through the breath of their nostrils;—let him come forward in his own person, encouraged by their applause, and convince the world that he has something in him, and they immediately set to work to prove that he has borrowed all his ideas from them,—and is besides a person of bad moral character! They are of the church-militant; they pull down, but they will not build up, nor let any one else do it. They devote themselves to a cause, to a principle while it is in doubt or struggling for existence;—let it succeed, and they become jealous of it, and revile and hate the man by whom it has risen, or by whom it stands, like a triumphal arch over the ruins of

barbaric thrones! For any one to do more for a cause than they have done, to be more talked of than they are, is a piece of presumption not hastily to be forgiven.

We consider the spirit which we have here attempted to analyze, as maintained in a state of higher concentration in this work than in any other we have for some time seen. Some of Mr Southey's lucubrations contain pretty good samples of it; but in him it is 'dashed and brewed' with other elements. He has been to court, is one of a *firm*, and mixes something of the cant of methodism with his effusions. But Mr Landor keeps a *private still* of his own, where the unrectified spirit remains in its original vigour and purity,—cold indeed, and without the frothy effervescence of its first running, but unabated in activity, strength and virulence. We have pointed out what we regard as the 'damning sin' of this work; and having thus entered our protest, and guarded the reader against its mischievous tendency, we hold ourselves at liberty to extract what amusement or instruction we can from it. We are far from wishing to represent our author as 'to every good word and work reprobate.' On the contrary, we think he is naturally prone to what is right, but diverted from it by the infirmity we speak of. He has often much strength of thought, and vigour and variety of style; and we should be mortified, indeed, and deserving of mortification, if the petty provocation he has attempted to give us, could deter us from doing him that justice. He is excellent, whenever excellence is compatible with singularity. It is the fault of the school to which he belongs, not that they are blind to truth, or indifferent to good—but truth to be welcome must be a rare discovery of their own; they only woo her as a youthful bride; and are too soon satiated with the possession of what they desire, out of fickleness, or as the gloss of novelty wears off—or sue out a divorce from jealousy, and a dread of rivals in the favour of their former mistress!

This was the reason, whatever might be the pretext, why the same set of persons raised such an outcry against Buonaparte, and alone insisted on his assassination. They had no great objection to what he was doing—but they could not bear to think that he had done more than they had ever dreamt of. While they were building castles in the air, he gave law to Europe. He carved out with the sword, what they had only traced with the pen. 'Never,' says Mr Landor, 'had been such good laws so well administered over a considerable portion of Europe. The services he rendered to society were great, manifold, and extensive.' But these services were hateful in their eyes—because he aggrandized himself in performing them. The power



he wielded, the situation he occupied, excited their envy, much more than the stand he made against the common enemy, their gratitude. They were ready enough at all times to pull down kings, but they hated him worse who trampled, by his own might, on their necks—as more rivals to themselves, as running in the same race, and going farther in it. Any service, in short, any triumph is odious in their eyes, be it over whom, or in favour of what it will. Their great idol now is Washington: but this is because he acted upon comparatively a narrow theatre, and belongs to a people whose greatness is rather prospective than present; and also, because there is something in his mechanical habits and cold formality that appeases their irritable spleen.

The Dialogues are thirty-six in number, and on a great variety of curious and interesting topics. The style of the period is sometimes well imitated, without being mimicked; and a good deal of character, and sometimes of humour, is thrown into the tone of the different speakers. We give the following, between Roger Ascham and Lady Jane Gray, as one of the most pleasing, and as a relief to the severity and harshness of our introductory speculation.

*Ascham.* Thou art going, my dear young lady, into a most awful state: thou art passing into matrimony and great wealth. God hath willed it so: submit\* in thankfulness. Thy affections are rightly placed and well distributed. Love is a secondary passion in those who love most, a primary in those who love least. He who is inspired by it in a great degree, is inspired by honour in a greater: it never reaches its plenitude of growth and perfection, but in the most exalted minds . . . . Alas! alas!

*Jane.* What aileth my virtuous Ascham? what is amiss? why do I tremble?

*Ascham.* I see perils on perils which thou dost not see, although thou art wiser than thy poor old master. And it is not because Love hath blinded thee, for that surpasseth his supposed omnipotence, but it is because thy tender heart having always leaned affectionately upon good, hath felt and known nothing of evil. I once persuaded thee to reflect much; let me now persuade thee to avoid the habitude of reflection, to lay aside books, and to gaze carefully and steadfastly on what is under and before thee.

*Jane.* I have well bethought me of all my duties: O how extensive they are! what a goodly and fair inheritance! But tell me, wouldst thou command me never more to read Cicero and Epictetus and Polybius? the others I do resign unto thee: they are good for the arbour and for the gravel walk: but leave unto me, I beseech thee, my friend and father, leave unto me, for my fire-side and for my pillow, truth, eloquence, courage, constancy.

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\* One of Mr Landon's refinements in spelling.

' *Ascham*. Read them on thy marriage-bed, on thy child-bed, on thy death-bed ! Thou spotless, undrooping lily, they have fenced thee right well ! These are the men for men : these are to fashion the bright and blessed creatures, O Jane, whom God one day shall smile upon in thy chaste bosom . . . . Mind thou thy husband.

' *Jane*. I sincerely love the youth who hath espoused me ; I love him with the fondest, the most solicitous affection. I pray to the Almighty for his goodness and happiness, and do forget, at times, unworthy supplicant ! the prayers I should have offered for myself. O never fear that I will disparage my kind religious teacher, by disobedience to my husband in the most trying duties.

' *Ascham*. Gentle is he, gentle and virtuous ; but time will harden him : time must harden even thee, sweet Jane ! Do thou, complacently and indirectly, lead him from ambition.

' *Jane*. He is contented with me and with home.

' *Ascham*. Ah, Jane, Jane ! men of high estate grow tired of contentedness.

' *Jane*. He told me he never liked books unless I read them to him. I will read them to him every evening : I will open new worlds to him, richer than those discovered by the Spaniard : I will conduct him to treasures . . . . O what treasures ! . . . . On which he may sleep in innocence and peace.

' *Ascham*. Rather do thou walk with him, ride with him, play with him, be his faery, his page, his every thing that love and poetry have invented ; but watch him well, sport with his fancies ; turn them about like the ringlets round his cheeks ; and if ever he meditate on power, go, toss up thy baby to his brow, and bring back his thoughts into his heart by the music of thy discourse. Teach him to live unto God and unto thee : and he will discover that women, like the plants in woods, derive their softness and tenderness from the shade.' II. 54.

We must say we think this Dialogue is written *con amore*. It is imbued with the very spirit of some of those old writers, where 'all is conscience and tender heart.' Mr Landor's ever-anxious mind reposes on the innocence of youth and beauty, on the simplicity of his subject, on the reverence due and willingly paid, because silently exacted, to age and antiquity ! Even the quaintness, the abruptness, the wanderings and the puerility, are delightful, and happily characteristic. While we are in good humour with our author, we will extract another conversation of the same period, and distinguished by the same vein of felicitous imitation, in the sentiment of which we also go along with him heart and hand,—that between Elizabeth and Burleigh, on the trite subject of Spenser's pension.

' *Elizabeth*. I advise thee again, Churlish Cecil, how that our Edmund Spenser, whom thou calledst most uncourteously a whining



whelp, hath good and solid reason for his complaint. God's blood! shall the lady that tieth my garter and shuffleth the smock over my head, or the lord that steddeth my chair's back while I eat, or the other that looketh to my buck-hounds lest they be mangy, be holden by me in higher esteem and estate than he who hath placed me among the bravest of past times, and will as safely and surely set me down among the loveliest in the future?

'Cecil. Your highness must remember he carouseth fully for such deserts . . . . A hundred pounds a year of unclipt monies, and a butt of canary wine.\*

'Elizabeth. The monies are not enow to sustain a pair of grooms and a pair of palfreys, and more wine hath been drunken in my presence at a feast. The monies are given to such men, that they may not incline nor be obligated to any vile or lowly occupation; and the canary, that they may entertain such promising Wits as court their company and converse; and that in such manner there may be alway in our land a succession of these heirs of Fame. He hath written, not indeed with his wonted fancifulness, nor in learned and majestic language, but in homely and rustic wise, some verses which have moved me; and haply the more so, inasmuch as they demonstrate to me that his genius hath been dampened by his adversities. Read them.

'Cecil. How much is lost when neither heart nor eye  
Rose-winged Desire or fabling Hope deceives;  
When boyhood with quick throb hath ceased to spy  
The dubious apple in the yellow leaves;

'When, springing from the turf where youth reposed,  
We find but deserts in the far-sought shore;  
When the huge book of Faery-land lies closed,  
And those strong brazen clasps will yield no more.

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\* Calculating the prices of provisions, and the increase of taxes, the poet-laureate, in the time of Elizabeth, had about four times as much as at present; so that Cecil spoke reasonably, Elizabeth royally.—*Note by the Author.*

We were unwilling to suppress this hint for the increase of the laureate's salary, considering how worthily the situation is filled at present; and Mr Landon's recommendation must be peremptory at court. We observe that our author's spelling of the word 'laureate' is the same as Mr Southey's. Is the latter indebted to the same source for the learned Orientalism of *Tatar* for Tartar? What a significant age we live in! How many extravagant conclusions and false assumptions lurk under that one orthoepy! He who innovates in things where custom alone is concerned, must be proof against its suggestions in all other cases; and when reason and fancy come into play, must indeed be a law to himself.

' *Elizabeth*. The said Edmund hath also furnished unto the weaver at Arras, John Blaquieres, on my account, a description for some of his cunningest wenches to work at, supplied by mine own self, indeed as far as the subject-matter goes, but set forth by him with figures and fancies, and daintily enough bedecked. I could have wished he had thereunto joined a fair comparison between Dian . . . . : no matter . . . . he might perhaps have fared the better for it . . . . but poet's wits, God help them! when did they ever sit close about them? Read the poesy, not over-rich, and concluding very awkwardly and meanly.

' *Cecil*. Where forms the lotus, with its level leaves  
And solid blossoms, many floating isles,  
What heavenly radiance swift-descending cleaves  
The darksome wave! unwonted beauty smiles

' On its pure bosom, on each bright-eyed flower,  
On every nymph, and twenty sate around . . .  
Lo! 'twas Diana . . . from the sultry hour  
Hither she fled, nor fear'd she sight nor sound.

' Unhappy youth, whom thirst and quiver-reeds  
Drew to these haunts, whom awe forbade to fly,  
Three faithful dogs before him rais'd their heads,  
And watched and wonder'd at that fixed eye.

' Forth sprang his favorite . . . . with her arrow-hand  
Too late the Goddess hid what hand may hide,  
Of every nymph and every reed complain'd,  
And dashed upon the bank the waters wide.

' On the prone head and sandal'd feet they flew—  
Lo! slender hoofs and branching horns appear!  
The last marred voice not even the favorite knew,  
But bayed and fastened on the upbraiding deer.

' Far be, chaste Goddess, far from me and mine,  
The stream that tempts thee in the summer noon!  
Alas, that vengeance dwells with charms divine . . . .

' *Elizabeth*. Psha! give me the paper: I forwarned thee how it ended . . . pitifully, pitifully.

' *Cecil*. I cannot think otherwise than that the undertaker of the aforecited poesy hath choused your Highness; for I have seen painted, I know not where, the identically same Dian, with full as many nymphs, as he calls them, and more dogs. So small a matter as a page of poesy shall never stir my choler, nor twitch my purse-string.

' *Elizabeth*. I have read in Plinius and Mela of a runlet near Dodona, which kindled by approximation an unlighted torch, and extinguished a lighted one. Now, Cecil, I desire no such a jetty to be celebrated as the decoration of my court: in simpler words, which your gravity may more easily understand, I would not, from



the fountain of Honour, give lustre to the dull and ignorant, deadening and leaving in 'cold obstruction' the lamp of literature and genius. I ardently wish my reign to be remembered: if my actions were different from what they are, I should as ardently wish it to be forgotten. Those are the worst of suicides, who voluntarily and pre-pensely stab or suffocate their fame, when God has commanded them to stand up on high for an ensample. We call him parricide who destroys the author of his existence: tell me, what shall we call him who casts forth to the dogs and birds of prey, its most faithful propagator and most firm support? The parent gives us few days and sorrowful; the poet many and glorious: the one (supposing him discreet and kindly) best reproves our faults; the other best remunerates our virtues. A page of poesy is a little matter—be it so—but of a truth I do tell thee, Cecil, it shall master full many a bold heart that the Spaniard cannot trouble—it shall win to it full many a proud and flighty one, that even chivalry and manly comeliness cannot touch. I may shake titles and dignities by the dozen from my breakfast-board—but I may not save those upon whose heads I shake them from rottenness and oblivion. This year they and their sovran dwell together, next year they and their beagle. Both have names, but names perishable. The keeper of my privy seal is an earl—what then? The keeper of my poultry-yard is a Cæsar. In honest truth, a name given to a man is no better than a skin given to him: what is not natively his own, falls off and comes to nothing. I desire in future to hear no contempt of penmen, unless a depraved use of the pen shall have so cramped them, as to incapacitate them for the sword and for the council-chamber. If Alexander was the Great, what was Aristoteles who made him so? who taught him every art and science he knew, except three, those of drinking, of blaspheming, and of murdering his bosom-friends. Come along: I will bring thee back again nearer home. Thou mightest toss and tumble in thy bed many nights, and never eke out the substance of a stanza: but Edmund, if per chance I should call upon him for his counsel, would give me as wholesome and prudent as any of you. We should indemnify such men for the injustice we do unto them in not calling them about us, and for the mortification they must suffer at seeing their inferiors set before them. Edmund is grave and gentle,—he complains of Fortune, not of Elizabeth,—of courts, not of Cecil. I am resolved, so help me God, he shall have no further cause for his repining. Go, convey unto him these twelve silver-spoons, with the apostols on them, gloriously gilded; and deliver into his hand these twelve large golden pieces, sufficing for the yearly maintenance of another horse and groom;—besides which, set open before him with due reverence this bible, wherein he may read the mercies of God towards those who waited in patience for his blessing; and this pair of cremisin silken hose, which thou knowest I have worn only thirteen months, taking heed that the heel-piece

be put into good and sufficient restauration, at my sole charges, by the Italian woman at Charing-Cross.' I. 91.

We think that this is very pleasant and brave 'fooling,' and that our author has hit off the familiar pedantic tone of the Maiden Queen well. The sentiment with which Elizabeth seems in the foregoing Dialogue, to regard the Muses as among her Maids of Honour, and the patronage she is ready to extend to poets as the most agreeable and permanent class of court-chroniclers, must be considered as characteristic of the person and the age, and not attributed to the author. His literary *fier-té* is quite in the tone of the present age, nor can he be suspected of representing poets as destined to nothing higher than to be dangles upon the great. He has put his opinion on this subject beyond a doubt. In a very different style, he makes Salomon, the Florentine Jew, thus address Alfieri, the tragic poet.

'Be contented, Signor Conte, with the glory of our first great dramatist, and neglect altogether any inferior one. Why vex and torment yourself about the French? They buzz and are troublesome while they are swarming; but the master will soon hive them. *Is the whole nation worth the worst of your tragedies?* All the present race of them, all the creatures in the world which excite your indignation, will lie in the grave, while young and old are clapping their hands or beating their bosoms at your *Bruto Primo*. Consider, to make one step further, that kings and emperours should, in your estimation, be but as grasshoppers and beetles,—let them consume a few blades of your clover, without molesting them, without bringing them to crawl on you and claw you. The difference between them and men of genius is almost as great, as between men of genius and those higher Intelligences who act in immediate subordination to the Almighty. Yes, I assert it, without flattery and without fear, the Angels are not higher above mortals, than you are above the proudest that trample on them.'

We think Mr Landon's friend, the poet-laureate, cannot do better than turn this passage into hexameter verse, and present it as his next Birth-day Ode. The author's dislike of the French has here inspired him with a contempt for emperors and kings, and with an admiration for men of genius. He sets out with a fit of the spleen, rises to the sublime, and ends in the mock-heroic. We do not soar so high. Without pretending to settle the precedence between poets and any higher order of Intelligences, we certainly think they have something better to do than to varnish over state-puppets, and hold them up to the gaze of posterity. Yet this menial use of their talents seems to have been the highest which even persons like Elizabeth formerly contemplated in their patronage of them.



If Spenser had merely distinguished himself by his flattering and fanciful portraits of his royal mistress, we should think no more of him now than of 'the lady that tied on her garter.' He has entitled himself to our gratitude, by introducing us into the presence of his mistress, Fancy, the true Faery Queen, 'the fairest princess under sky;' and showing us the purple lights of Love and Beauty reflected in his tremulous page, like evening skies in pure and still waters. What is it that the poets of elder times have indeed done for us, besides paying awkward compliments and writing fulsome dedications to their patrons? They spread out a brighter heaven above our heads, a softer and a greener earth beneath our feet. They do in truth 'paint the lily,' they throw a perfume on the violet, and add another hue unto the rainbow.' From them the murmuring stream borrows its thoughtful music; they steep the mountain's head in azure, and the nodding grove waves in visionary grandeur in their page. Solitude becomes more solitary, silence eloquent, joy extatic; they lend wings to Hope, and put a heart into all things. Poetry hangs its lamp on high, shedding sweet influence; and not an object in nature is seen, unaccompanied by the sound of 'famous poets' verse.' They add another spring to man's life, breathe the balm of immortality into the soul, and by their aid, a dream and a glory is ever around us. Queen Elizabeth ordered Shakespeare to *continue* Falstaff. He has indeed been *continued*; for he has come down to us, and is living to this day! Otway would have thought it a great thing to have had *Venice Preserved* patronised, and a box taken by a dutchess on the night of its first appearance. But is this 'the spur that the clear spirit doth raise?' Is it for this that we envy him, or that so many would have wished like him to live, even though doomed as the consequence, like him to die? No, but for the sake of those thousand hearts that have melted with Belvidera's sorrows, for those tears that have streamed from bright eyes, and that young and old have shed so many thousand times over her fate! This is the spur to Fame, this is the boast of letters, that they are the medium through which whatever we feel and think (that we take most pride and interest in) is imparted and lives in the brain, and throbs in the bosoms of a countless multitude. We breathe the thoughts of others as they breathe ours, like common air, in spite of the distance of place, and the lapse of time. Mind converses everywhere with mind, and we drink of knowledge as of a river. We ourselves (Mr Landon will excuse the egotism of the transition) once took shelter from a shower of rain in a ruined hovel in the Highlands, where we found an old shepherd apparently regardless of the storm

and of his flock, reading a number of the *Edinburgh Review*! Need we own that this little incident inspired us with a feeling of almost poetical vanity? From that time the blue and yellow covers seemed to take a tinge from the humid arch, that spanned the solitude before us, and our thoughts were commingled with the elements!

The *Conversation between Oliver Cromwell and Walter Noble* on the beheading of Charles I., displays a good deal of the blunt knavery of old Nol, and a mixture of honour and honesty in the old Roundhead. We here also find some touches that illustrate Mr Landor's political views. Thus Cromwell is made to say, 'I abominate and detest kingship;'—to which Noble answers—'I abominate and detest hangmanship; but in certain stages of society, both are necessary. Let them go together, we want neither now.' The same dramatic appreciation of the intellect of the speakers, and of the literary tone of the age, appears in the *Eighth Conversation, between King James I. and Isaac Casaubon*; and in many of the others, whether relating to ancient or modern times. The verisimilitude does not arise from a studied use of peculiar phrases, or an exaggeration of peculiar opinions, but the writer seems to be well versed in the productions and characters of the individuals he brings upon the stage, and the adaptation takes place unconsciously and without any apparent effort. A remarkable instance of this occurs in the dialogue between Ann Boleyn and Henry VIII., into which the rough, boisterous, voluptuous, cruel and yet gamesome character of that monarch, whose gross and pampered selfishness has but one parallel in the British annals, is transfused with all the truth and spirit of history—Or of the Author of *Waverley*! In the *Fourth Dialogue* 'between Professor Porson and Mr Southey,' we meet with an assertion which we think Mr Landor would hardly have hazarded in the lifetime of the former, and to which we cannot assent, even to show our candour. 'Take up,' says the Laureate, 'a poem of Wordsworth's, and read it; I would rather say, read them all; and knowing that a mind like yours must grasp closely what comes within it, I will then appeal to you whether any poet of our country, since Shakespear, has exerted a greater variety of powers, with less strain and less ostentation.' Some persons (we do not know whether the poet himself is of the number) have, we understand, compared Mr Wordsworth to Milton; but we did not expect ever to see a resemblance suggested between him and Shakespear. If ever two men were the antipodes of each other, they are so; and even this we think is paying compliment enough to Mr Wordsworth. We are also of o-



pinion, in the very teeth of the *dictum* of the brother bard, that let his other merits be what they may, no English writer of any genius has shown *less* variety of powers, with *more* effort and more significance of pretension. Mr Southey, in the *Imaginary Conversation*, goes on to lay before the Professor 'an unpublished and incomplete poem' of the same author, the *Lao-damia*, and recites it, but only *in imagination*; after which some ingenious verbal criticisms are made on one or two particular passages. This poem has since been published; and we have no hesitation in saying, that it is a poem the greater part of which might be read aloud in Elysium, and that the spirits of departed heroes and sages might gather round and listen to it! It is sweet and solemn; and, though there is some poorness in the diction, and some indistinctness in the images, it breathes of purity and tenderness, in very genuine and lofty measures. We have great pleasure in saying this—but we must be permitted to add, that we are firmly persuaded Mr Wordsworth would never have written this classical and manly composition, but for those remarks on his former style, for which we have the misfortune to fall under the lash of Mr Landor's pen.

The *Ninth Conversation* ('*Marchese Pallavicini and Walter Landor*') contains scandal against the English Government—*Conversation X.* ('*General Kleber and some French Officers*') scandal against the French—*Conversation XI.* ('*Buonaparte and the President of the Senate*') scandal against good taste and common decency. Let Mr Landor cancel it—let his publishers strike their asterisks through it. It is short, and not sweet. These fabulous stories about the expedition into Egypt, these low-minded and scurrilous aspersions on Buonaparte, which the Tories palmed upon the credulity of their gulls, the Jacobin poets, have been long discarded by the inventors, and linger only in the pages, rankle only in the hearts of their converts. We would recommend to Mr Landor, before he writes on this subject again, to read over the allegory of his friend Spenser, describing *Occasion* and *Furor*, and not to be refreshing his groundless and mischievous resentments every moment with a 'Cymocles, oh! I burn!' It is by no means a sufficient reason to believe a thing that it provokes our anger, or excites our disgust; nor is it wise or decorous to bay the moon, and then quarrel with the echo of our own voice. Mr Landor keeps up a clamour raised by the worst men to answer the worst purposes, only to persuade himself, if possible, that he has not been its dupe. This is the worst of our author's style—it continually explodes and *detonates*—one cannot read him in secu-

rity, for fear of springing a mine, if any of his prejudices are touched, or passions roused. He is made of combustible materials—sits hatching treason, like the Guy Faux of letters, and is equally ready to blow up a Legitimate Despot, or pounce upon an usurper! Let us turn to Humphrey Hardcastle and Bishop Burnet,—in which the garrulous, credulous, acute, vulgar, and yet graphic style of the latter, is very pleasingly caricatured.

' *Hardcastle*. The pleasure I have taken in the narration of your Lordship is for the greater part independent of what concerns my family. I never knew that my uncle was a poet, and could hardly have imagined that he approached near enough to Mr Cowley for jealousy or competition.

' *Bishop Burnet*. Indeed, they who discoursed on such matters were of the same opinion, excepting some few, who see nothing before them, and every thing behind. These declared that Hum would overtop Abraham, if he could only drink rather less, think rather more, and feel rather rightlier; that he had great spunk and spirit, and that not a fan was left on a lap when any one sang his airs. Poets, like ministers of state, have their parties; and it is difficult to get at truth upon questions not capable of demonstration, nor founded on matter of fact. To take any trouble about them, is an unwise thing: it is like mounting a wall covered with broken glass: you cut your fingers before you reach the top, and you only discover at last that it is within a span or two of equal height on both sides. Who would have imagined that the youth who was carried to his long home the other day, I mean my Lord Rochester's reputed child, Mr George Nelly, was for several seasons a great poet? Yet I remember the time when he was so famous an one that he ran after Mr Milton up Snow Hill, as the old gentleman was leaning on his daughter's arm, from the Poultry, and treading down the heel of his shoe, called him a rogue and a liar, while another poet sprang out from a grocer's shop, clapping his hands, and crying, "*Bravely done! by Belzebub! the young cock spurs the blind buzzard gallantly.*" On some neighbour representing to Mr George the respectable character of Mr Milton, and the probability that at some future time he might be considered as among our geniuses, and such as would reflect a certain portion of credit on his ward, and asking him withal why he appeared to him a rogue and a liar, he replied, "I have proofs known to few: I possess a sort of drama by him, entitled *Comus*, which was composed for the entertainment of Lord Pembroke, who held an appointment under the King; and this very John has since changed sides, and written in defence of the Commonwealth." —Mr George began with satirizing his father's friends, and confounding the better part of them with all the hirelings and nuisances of the age, with all the scavengers of lust and all the linkboys of literature; with Newgate solicitors, the patrons of adulterers and forgers, who, in the long vacation, turn a penny by puffing a ballad,



and are promised a shilling in silver, for their own benefit, on crying down a religious tract. He soon became reconciled to the latter, and they raised him upon their shoulders above the heads of the wittiest and the wisest. This served a whole winter. Afterwards, whenever he wrote a bad poem, he supported his sinking fame by some signal act of profligacy—an elegy by a seduction, an heroic by an adultery, a tragedy by a divorce. On the remark of a learned man, that irregularity is no indication of genius, he began to lose ground rapidly, when on a sudden he cried out at the Haymarket, *There is no God!* It was then surmised more generally and more gravely that there was something in him, and he stood upon his legs almost to the last. *Say what you will*, once whispered a friend of mine, *there are things in him strong as poison, and original as sin.* Doubts, however, were entertained by some, on more mature reflection, whether he earned all his reputation by that witticism: for soon afterwards he declared at the cockpit, that he had purchased a large assortment of cutlasses and pistols, and that, as he was practising the use of them from morning to night, it would be imprudent in persons who were without them either to laugh or boggle at the Dutch vocabulary with which he had enriched our language . . . . Having had some concern in bringing his reputed father to a sense of penitence for his offences, I waited on the youth likewise in a former illness, not without hope of leading him ultimately to a better way of thinking. I had hesitated too long: I found him far advanced in his convalescence. My arguments are not worth repeating. He replied thus: “I change my mistresses as Tom Southern his shirt, from economy. I cannot afford to keep few; and I am determined not to be forgotten till I am vastly richer. But I assure you, Doctor Burnet, for your comfort, that if you imagine I am led astray by lasciviousness, as you call it, and lust, you are quite as much mistaken as if you called a book of arithmetic a bawdy book. I calculate on every kiss I give, modest or immodest, on lip or paper. I ask myself one question only—what will it bring me?” On my marvelling, and raising up my hands, “You churchmen,” he added, with a laugh, “are too hot in all your quarters for the calm and steady contemplation of this high mystery.” He spake thus loosely, Mr Hardcastle, and I confess, I was disconcerted and took my leave of him. If I gave him any offence at all, it could only be when he said, “*I should be sorry to die before I have written my life,*” and I replied, “*Rather say before you have mended it.*”—“But, doctor,” continued he, “the work I propose may bring me a hundred pounds;” whereunto I rejoined, “that which I, young gentleman, suggest in preference will be worth much more to you.” At last he is removed from among the living: let us hope the best; to wit, that the mercies which have begun with man’s forgetfulness will be crowned with God’s forgiveness. L. 164.

In the *Conversation between Peter Leopold and the President du Paty*, there is a good deal of curious local information and

sensible remark; but there is too constant a balance kept up between the arguments in favour of reform, and the difficulties attending it. Our author is one of those *cats-cradle* reasoners who never see a decided advantage in any thing but indecision, one of those adepts in political Platonics, who are always in love with the theory of what is right, till it comes to be put in practice. On the subject of this dialogue, we have but one remark to repeat, which is, that in such matters to be *nominally* humane is to be *practically* so—that where there is a disposition in governments to lessen the sum of human misery, there is the power—and that the spirit of humanity is the great thing wanting to society!

We own we like Mr Landor best when he introduces the great men of antiquity upon the carpet. He seems then to throw aside his narrow and captious prejudices, expands his view with the distance of the objects he contemplates, and infuses a strength, a severity, a fervour and sweetness into his style, not unworthy of the admirable models whom he would be supposed to imitate. Such in great part is the tone of the observations that pass between Demosthenes and Eubulides.

‘*Eubulides*. In your language, O Demosthenes! there is a resemblance to the Ilissus, whose waters, as you must have observed, are in most seasons pure and limpid and equable in their course, yet abounding in depths, of which when we discern the bottom, we wonder that we discern it so clearly: the same river at every storm swells into a torrent, without ford or boundary, and is the stronger and the more impetuous from resistance.

‘*Demosthenes*. Language is part of a man’s character.

‘*Eubulides*. It is often artificial.

‘*Demosthenes*. Often both are so. I spoke not of such language as that of Gorgias and Isocrates, and other rhetoricians, but of that which belongs to eloquence, of that which enters the heart, however closed against it, of that which pierces like the sword of Perseus, of that which carries us away upon its point as easily as Medea her children, and holds the world below in the same suspense and terror.—I had to form a manner, with great models on one side of me and Nature on the other. Had I imitated Plato (the writer then most admired) I must have fallen short of his amplitude and dignity; and his sentences are seldom such as could be admitted into a popular harangue. Xenophon is elegant, but unimpassioned, and not entirely free, I think, from affectation. Herodotus is the most faultless, and perhaps the most excellent of all. What simplicity! what sweetness! what harmony! not to mention his sagacity of inquiry and his accuracy of description: he could not, however, form an orator for the times in which we live. Aristoteles and Thucydides were before me: I trembled lest they should lead me where I might raise a recollection of Pericles, whose plainness and concise-



ness and gravity they have imitated, not always with success. Laying down these qualities as the foundation, I have ventured on more solemnity, more passion: I have also been studious to bring the powers of *action* into play, that great instrument in exciting the affections, which Pericles disdained. He and Jupiter could strike my head with their thunderbolts and stand serene and motionless: I could not.' I. 233.

The Dialogue, in the second volume between Pericles and Sophocles breathes the spirit of patriotism and of antiquity, perhaps in a still higher strain, with a bastard allusion, we suspect, to recent politics. The Conversations between Aristotle and Callisthenes, and between Lord Chatham and Lord Chesterfield, (also in the second volume), contain an admirable estimate, equally sound and acute, of the characters of Aristotle and Plato. Our critic appears to have studied and to have understood these authors well. In our opinion, he rates Cicero too high; we do not mean as to style or oratory, but as a thinker. In this respect, there is little memorable, or new, or profound, in him; and 'he was at best' (as it has been said) 'but an elegant reporter of the Greek philosophy.' Neither can we agree that his historian, Middleton, is so entirely free from affectation as our author supposes. It is Lord Chatham who is made to pronounce the panegyric upon Locke, as 'the most elegant of English prose writers,' which, if our author were not a deliberate paradox-monger, might seem an uncivil irony. His eulogist does not mend the matter much by his definition of elegance, which one would think intended as a test of Lord Chesterfield's politeness. He makes it to consist in a mean between too much prolixity and too much conciseness. Now, (supposing this to be intended seriously) Mr Locke was certainly one of the most circuitous and diffuse of all writers. This distinguished person neither excelled in the graces of style, according to our author's singular assertion, nor was he (according to the common opinion) the founder of the modern system of metaphysical philosophy. The credit of having laid the basis of this system, and of having completed the great outline of the plan, is beyond all question due to the philosopher of Malmesbury. Mr Locke's real *forte* was great practical good sense, a determination to look at every question, free from prejudice and according to the evidence suggested to him, and a patient and persevering *doggedness* of understanding in contending with difficulties, and finding out and weighing arguments of opposite tendency. The most valuable parts of his celebrated Essay are those which relate not to the *nature* but to the *conduct* of the understanding; and on that subject, he often

proves himself a most sage and judicious adviser. Mr Locke's *Treatise on Education* (with all its defects, and an occasional appearance of pedantry), laid the foundation of the modern improvements in that important branch of study; and his book upon Government (written in defence of the Revolution of 1688) remained unimpeached up to the period of the battle of Waterloo. The author of the *Essay on Human Understanding* undoubtedly ranks as the third name in English philosophy, after Newton and Bacon; yet perhaps others, as Hobbes, Berkeley, Butler, Hume, Hartley, and, even in our own times, Horne Tooke, have shown a firmer grasp of mind, as well as greater originality and subtlety of invention, in the same field of inquiry. This opinion may, however, be thought by some petulant and daring, not to say profane; and we may be accused, in forming or delivering it, of having encroached unawares on the exercise of Mr Landor's exclusive right of private judgment and free inquiry.

The controversy between the Abbé Delille and our author in person, of which Boileau is the leading subject, is an amusing specimen of verbal criticism. All that it proves however is, that this kind of criticism proves nothing but the acuteness of the writer, and also that those poets who pique themselves on being most exempt from it are the most liable to it. Pope is an example among ourselves. Those who are in the habit of attending to the smallest things, do not see the farthest before them; and, in polishing and correcting one line, they overlook or fall into some fresh mistake in another. The altering and retouching, after a lapse of time, or during the probation of Horace's 'nine years,' is sure to lead to inconsistency and partial oversights. Mr Landor, in some instances, we imagine, confounds humour with blunders. Thus the truism in the line—

'Que, si sous Adam même, et loin avant Noë,'

we should consider as a mere piece of *naïveté*, in the manner of La Fontaine. We will give up, however, without scruple, Boileau's mock-heroics, as we would some English ones of later date. But his satire and his sense we cannot relinquish all at once, though he was a Frenchman, and, what is still worse, a Frenchman of the age of Louis XIV.! It is hard that a people who arrogate all perfections to themselves should possess none; nor can we think that so vast and magnificent a reputation as their literature has acquired, could be raised, as Mr L. would persuade us, without either art or genius? The Dialogue between Kosciuszko and Poniatowski (a subject capable of better things) is remarkable for nothing but a mawkish philanthropy, and a problematical defence of General Pichgru for



betraying the Republic and leaguings with the Bourbons. We have nothing to say to this; but, as our author has dedicated one of these volumes to General Mina, will he forgive our recommending him to write a third, in order to inscribe it to Balasteros?

When our literary dramatist attempts common or vulgar humour, he fails totally, as in the *slang* Conversation entitled *Cavaliere Punto Michino, and Mr Denis Eusebius Talcranagh*. The interview between David Hume and John Home is another failure, at least in so far as relates to character. The author represents the latter as a quiet contented parish minister,—the fact being, that soon after the publication of his play, he abandoned the clerical profession, and went about a fine gentleman, with a blue coat and a pigtail. Horne Tooke's collision with Dr Johnson produces only some meagre etymologies and orthographical pedantry, and a tolerably just and highly pointed character of Junius; that between Washington and Franklin only a dull recipe for curing the disorders of Ireland. Prince Maurocordato and General Colocotroni defend the Greeks, in the Twelfth Conversation of the second volume, on very new and learned principles; but as we have no skill in wood craft, nor in flat-bottomed boats, we pass it over. The last Conversation (supposed to take place between Marcus Tullius Cicero, and his brother Quintus, on the night before his death) is full of an eloquent and philosophic melancholy, which makes it on the whole our favourite:—that between Lopez Banos and Romero Alpuente, we dare be sworn, is the author's; at least it had need, it will be *caviare to the multitude*. *Par exemple*.

‘*Banos*. At length, Alpuente, the saints of the Holy Alliance have declared war against us.

‘*Alpuente*. I have not heard it until now.

‘*Banos*. They have directed a memorial to the king of France, inviting him to take such measures as his Majesty, in his wisdom, shall deem convenient, in order to avert the calamities of war, and the dangers of discord, from his frontier.

‘*Alpuente*. God forbid that so great a king should fall upon us! O Lord, save us from our enemy, who would eat us up quick, so spitefully and hungrily is he set against us.

‘*Banos*. Read the manifesto . . . . why do you laugh? Is not this a declaration of hostilities?

‘*Alpuente*. To Spaniards, yes. I laughed at the folly and impudence of men, who, for the present of a tobacco-box with a fool's head upon it, string together these old peeled pearls of diplomatic eloquence, and foist them upon the world as arguments and truths. Do kings imagine that they can as easily deceive

as they can enslave? and that the mind is as much under their snaffle, as the body is under their axe and halter? Show me one of them, Lopez, who has not violated some promise, who has not usurped some territory, who has not oppressed and subjugated some neighbour; then I will believe him, then I will obey him, then I will acknowledge that those literary heralds who trumpet forth his praises with the newspaper in their hands, are creditable and upright and uncorrupted. The courage of Spain delivered these wretches from the cane and drumhead of a Corsican. Which of them did not crouch before him? which did not flatter him? which did not execute his orders? which did not court his protection? which did not solicit his favour? which did not entreat his forbearance? which did not implore his pardon? which did not abandon and betray him?'

'*Tis a pretty picture*; and did the author suppose, in his blindness to the past and to the future, that the august personages of whom he speaks, after escaping from this state of abject degradation and subjection to that iron scourge, would voluntarily submit to be at the beck and nod of every puny pretender who sets up an authority over them, and undertakes to tutor and *cashier* kings at his discretion? But not to interrupt the dialogue, which thus continues:—

'No ties either of blood or of religion, led or restrained these neophytes in holiness. And now, forsooth, the calamities of war, and the dangers of discord are to be averted, by arming one part of our countrymen against the other, by stationing a military force on our frontier, for the reception of murderers and traitors and incendiaries, and by pointing the bayonet and cannon in our faces. When we smiled at the insults of a beaten enemy, they dictated terms and conditions. At last, his *most Christian Majesty* tells his army, that the nephew of Henry the fourth shall march against us . . . with his feather!'

'*Banos*. Ah! that weighs more. The French army will march over fields which cover French armies, and over which the oldest and bravest part of it fled in ignominy and dismay, before our shepherd boys and hunters. What the veterans of Napoleon failed to execute, the household of Louis will accomplish. Parisians! let your comic opera-house lie among its ruins; it cannot be wanted this season.

'*Alpuente*. Shall these battalions which fought so many years for freedom, so many for glory, be supplementary bands to barbarians from Caucasus and Imaus? Shall they shed the remainder of their blood to destroy a cause, for the maintenance of which they offered up its first libation? Time will solve this problem, the most momentous in its solution that ever lay before man. If we are conquered, of which at present I have no apprehension, Europe must become the theatre of new wars, and be divided into three parts, afterwards into two, and the next generation will see all her states



and provinces the property of one autocrat, and governed by the most ignorant and lawless of her nations. \*

' *Banos*. Never was there a revolution, or material change in government, effected with so little bloodshed, so little opposition, so little sorrow or disquietude, as ours. Months had passed away, years were rolling over us, institutions were consolidating, superstition was relaxing, ingratitude and perfidy were as much forgotten by us, as our services and sufferings were forgotten by Ferdinand, when emissaries, and gold and arms, and FAITH, inciting to discord and rebellion, crossed our frontier . . . and our fortresses were garnished with the bayonets of France, and echoed with the watchwords of the Vatican. If Ferdinand had regarded his oath, and had acceded, in our sense of the word *faith*, to the constitution of his country, from which there was hardly a dissentient voice among the industrious and the unambitious, among the peaceable and the wise, would he have eaten one dinner with less appetite, or have embroidered one petticoat with less taste? Would the saints along his chapel-walls have smiled upon him less graciously, or would thy tooth, holy Dominic, have left a less pleasurable impression on his lips? His most Christian Majesty demands that *Ferdinand the seventh may give his people those institutions which they can have from him only!* Yes, these are his expressions, *Alpuente*; these the doctrines, for the propagation of which our country is to be invaded with fire and sword; this is government, this is order, this is faith! Ferdinand was at liberty to give us his institutions: he gave them: what were they? The inquisition in all its terrors, absolute and arbitrary sway, scourges and processions, monks and missionaries, and a tooth of St Dominic to crown them all. . . . To support the throne that crushes us, and the altar that chokes us, march forward the warlike Louis and the *preux* Chateaubriant, known among his friends to be as firm in belief as Hobbes, Talleyrand, or Spinoza; and behold them advancing, side by side, against the calm opponents of Roman bulls and French charts. Although his Majesty be brave as Maximin at a breakfast, he will find it easier to eat his sixty-four cutlets than to conquer Spain. I doubt whether the same historian shall have to commemorate both exploits.

' *Alpuente*. In wars the least guilty are the sufferers. In these, as in every thing, we should contract as much as possible the circle of human misery. The deluded and enslaved should be so far spared as is consistent with security: the most atrocious of murderers

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\* We do not see this question in the same point of view as our author. By his leave (as a mere general and speculative question), the conquerors become amalgamated with the conquered: barbarism becomes civilized. The claim of tyrants to rule over slaves is the only principle that is eternal. These are the only two races, whose interests are never reconciled.

and incendiaries, the purveyors and hirers of them, should be removed at any expense or hazard. If we show little mercy to the robber who enters a house by force, and if less ought to be shown to him who should enter it in the season of distress and desolation, what portion of it ought to be extended towards those who assail every house in our country? How much of crime and wretchedness may often be averted, how many years of tranquillity may sometimes be ensured to the world *by one well-chosen example!* Is it not better than to witness the grief of the virtuous for the virtuous, and the extinction of those bright and lofty hopes, for which the best and wisest of every age contended? Where is the man, worthy of the name, who would be less affected at the lamentation of one mother for her son, slain in defending his country, than at the *extermination of some six or seven usurpers*, commanding or attempting its invasion? National safety legitimates every mean employed upon it. Criminals have been punished differently in different countries: but all enlightened, all honest, all civilised men, must agree *who are criminals*. The Athenians were perhaps as well-informed and intelligent as the people on lake Ladoga: they knew nothing of the *knout*, I confess; and no family amongst them boasted a succession of *assassins*, in wives, sons, fathers, and husbands: but he who endangered or injured his country was condemned to the draught of hemlock! They could punish the offence in another manner: if any nation cannot, shall that nation therefore leave it unpunished? And shall the guiltiest of men enjoy impunity, from a consideration of modes and means? Justice is not to be neglected, because what is preferable is unattainable. A house-breaker is condemned to die, a city-breaker is celebrated by an inscription over the gate. The murder of thousands, soon perpetrated and past, is not the greatest mischief he does: it is followed by the baseness of millions, deepening for ages. Every virtuous man in the universe is a member of that grand Amphictyonic council, which should pass sentence on the too powerful, and provide that it be duly executed. It is just, and it is necessary, that those who pertinaciously insist on so unnatural a state of society, should suffer by the shock things make in recovering their equipoise.' II. 269.

We have given this *tirade*, not with any view to comment on the sentiments it conveys, but to justify what we have said of the outrageous spirit that so frequently breaks out in the present work, and that might reasonably 'condemn the author 'to the draught of hellebore.' We believe the attempt to revive the exploded doctrine of tyrannicide is peculiar to the reformed Jacobins. We remember a long and well-timed article in the *FRIEND*, some years ago, on this subject; nor do the strong allusions to the same remedy, in a celebrated journal, form an exception to this remark, at a time when a renegade from the same school directed its attacks upon the Corsican



hero. These modern monks and literary jesuits, who would fain set up their own fanatic notions against law and reason, and dictate equally to legitimate kings and revolutionary usurpers, find fault with Napoleon for having thrown his sword into the scale of opinion; and now, finding the want of it, sooner than be baulked of their fancy, would (as far as we can understand their meaning) substitute the dagger. We cannot applaud their expedients; nor sympathize with that 'final hope' which seems 'flat despair.' If these pragmatical persons could have every thing their own way—if they could confer power and take away the abuse of it—if they could put down tyrants with the sword, and give the law to conquerors with the pen—we should not despair of seeing some good result from this new theocracy. The worst we could fear would be from their fickleness, rashness, and inconsiderate thirst for novelty; but they would not, by their ill-timed servility and gratuitous phrensy, help to bring down the iron hand of power upon us, or enclose us in the dungeons of prejudice and superstition! As it is, they have contrived to throw open the flood-gates of despotism—to shut exceeds 'their power:' they have got rid of one tyrant, to establish the principle in perpetuity, and to root out the very name of Freedom. Those of them who are sincere, who are not bribed to silence by places and pensions obtained by their momentary complaisance and seeming inconsistency, speak out, and are sorry for the part they have taken, now that it is too late. They strike 'the marble table with their palm'—they call their country recreant and base—they invoke the shade of Leonidas—they apostrophize the spirit of Bolivar—they polish their style like a steel breastplate—they point their sentences like daggers against the bloated apathy of legitimacy—they publish satires on the constitution, and print libels on departed ministers in asterisks—they invent new modes of warfare, and recommend new modes of extermination against despots;—and, in return for all this, the Holy Allies laugh at them, their credulity, their rage, their helplessness, and disappointment. There was one man whom they did not laugh at, but whom they feared and hated; and they persuaded Mr Landor and others that what they feared and hated above all other things, was out of love to Liberty and Humanity!

Mr Landor has interspersed some pieces of poetry through these volumes. His muse still retains her *implicit* and *inextricable* style. The author, some five-and-twenty years ago, published a poem under the title of *GEBIR*, in Latin and Eng-

lish, and equally unintelligible in both, but of which we have heard two lines quoted by his admirers.

' Pleas'd they remember their august abodes,  
And murmur as the ocean murmurs there.'

This relates to the sound which sea-shells make if placed close to the ear, and is beautiful and mystic, like something composed in a dream. His tragedy of Count Julian we have not seen.

ART. V. *A History of the British Empire, from the Accession of Charles I. to the Restoration; with an Introduction, tracing the progress of Society, and of the Constitution, from the feudal Times to the opening of the History; and including a particular Examination of Mr Hume's Statements relative to the Character of the English Government.* By GEORGE BRODIE, Esq. Advocate. 4 vols. 8vo. Edinburgh, Bell & Bradfute. London, Longman & Co. 1822.

THIS is the work of a resolute, learned, and industrious Whig;—and forms, we think, the most valuable contribution to the constitutional history of our country that has appeared since the commencement of our labours. It is not particularly well written; nor digested, in all places, in the most lucid order; and, on some of the nicer questions of prudence or principle, the author is not perhaps entitled to the praise of uniform moderation or absolute impartiality. Yet the work is by no means passionate or declamatory; but grave, conscientious, and argumentative;—while nothing can be more exemplary than the zeal and diligence with which the author has addressed himself to the task he has undertaken—nor any thing better than the general spirit of his performance. He proceeds on the principle of taking no fact on the credit of any recent historian without the strictest examination of his authorities, and admitting no questionable opinion, without the freest and most fearless discussion of the grounds on which it rests. In this way he has traced up almost all the leading statements of the history to their original sources; and thus not only secured for his own narrative the best and most authentic evidence that could in any way be obtained, but made innumerable corrections on the accounts of less scrupulous writers, and detected an incredible multitude of errors and misrepresentations in the most material and least suspected parts of their productions.



The author upon whom he has chiefly exercised this wholesome but severe discipline, it will readily be supposed, is Hume—to whose history of the same period the work before us may indeed be regarded as a professed answer or antidote—and who is here convicted of so many inaccuracies and partial statements, that we really think his credit among historians, for correctness of assertion, will soon be nearly as low as it has long been with theologians for orthodoxy of belief. It is this, indeed, we do not scruple to confess, that gives the work its chief value in our eyes—for, though an exact and trust-worthy history of the memorable period it embraces, must have been at all times of great interest and importance, we cannot help feeling that the greatest good it can do at present would be to counteract the many bad effects which the unlucky, though in many respects well merited, popularity of Mr Hume's work has had on the public mind. The true source of *practical* Toryism, or, in other words, of personal servility to the Government, is no doubt self-interest, or a strong desire for unearned emoluments and undeserved distinctions—but the great support of *speculative* servility and *sincere* Tory opinions—to which we are liberal enough to allow an actual existence, has of late years been found chiefly in Hume's history:—and we have really very little doubt that both the prejudices which infect the few genuine Tories of the present day, and the apologies by which the crowds who care nothing either for prejudice or principle, are enabled to make a plausible defence for their conduct, may be justly ascribed to the impression which the artful colouring and delusive reasonings of that book have made on public opinion—an impression which the excellence of the writing, the acuteness of the observations, and the apparent fairness of the deductions, have all tended powerfully to confirm. We are aware that to many practical politicians it may appear fantastic and even ridiculous to ascribe such effects to a book—and especially to a book in four quarto volumes, published near seventy years ago: But when it is considered how universally, and at how early an age, it has been read, especially during the latter half of that period—how pleasant it is to read, and how easy to understand and remember—how much clearer, in short, and concise and comprehensive it is than any other history of equal extent—how reasonable and sagacious are the greatest part of the observations it contains—and how plausible the most erroneous of its conclusions,—nay even how *just*, upon the premises of fact which it assumes, while so very few of its readers can be supposed to have either leisure or inclination to inquire into the truth of these assumptions,—our readers

will cease perhaps to wonder at the influence we have ventured to ascribe to it, and acknowledge that principles which fall in with so many of the baser parts of our nature, may be promoted almost as much by artful apologies as by present and actual temptation. But, however this may be, the errors of the most popular of our historians, as to the true origin and character of English liberty, are certainly of importance enough to give interest to any work which pretends to expose or correct them—and in the account we are now to give of Mr Brodie, we shall regard him accordingly chiefly as the censor of Mr Hume.

Let us begin, however, by doing justice to that admirable writer and most excellent man. He was, in his own person, of the most independent character; and utterly incapable of the mercenary subserviency for which his doctrines have furnished so many with an apology: and indeed, when he first published, these doctrines were not the best passports to promotion. He was also, we believe, on the whole, a sincere inquirer after truth, and thought his opinions substantially just;—though he could scarcely fail to be aware that he had not sought very curiously for facts and arguments that might make against them, and had given them the advantage not only of an artful and attractive statement, but of some exaggeration and some suppression of the evidence. In what circumstances his Tory partialities originated, it would perhaps be idle now to inquire. He had early in life conceived an antipathy to the Calvinistic divines, and his temperament led him at all times to regard, with disgust and derision, that religious enthusiasm or bigotry with which the spirit of English freedom was, in his opinion, inseparably associated. His intellect was also, perhaps, too active and original to submit, with sufficient patience, to the preparatory toils and long suspended judgment of an historian; and led him to form premature conclusions and precipitate theories, which it then became the pride of his ingenuity to justify. His personal character, too, which, though eminently kind and cheerful, was remarkably averse from all sorts of enthusiasm or strong emotion, and even somewhat indolent and timid, naturally disposed him rather to submit quietly to established authority than to question or withstand it; while the vanity of giving to the world a new view of the history and progress of the English Constitution, held out an almost irresistible temptation to exaggerate and overstate all those points on which he wished to prove that the common opinions had been erroneous.

The least of these considerations, we fear, would be sufficient



to account for all the partiality and infidelity with which we think this eminent writer chargeable. Impartiality, or even tolerable fairness of statement, is a far rarer and more difficult virtue than is commonly imagined. We see every day, that the existence of the slightest controversy, an inclination towards the most paltry theory, makes the most honest and candid individuals incapable of seeing what is before them, or describing truly what they see. In the account of a chemical experiment, an anatomical operation, or a geological survey, no man acquainted with the history of these sciences, peaceful and tranquilizing as they appear, will place much reliance on the statement of the most honourable and conscientious persons, if they are known advocates of a theory, or parties to a dispute, the merits of which may be affected by the result; and every body, at any rate, takes it for granted, that the facts would be differently represented by an observer of opposite inclinations. In questions of religion and politics, however, these disturbing forces must obviously act with still greater power,—and in the history of our own country, and especially in that mode of writing history of which Mr Hume is the great example, their influence may fairly be calculated to be at its *maximum*. For his sake, as well as for that of the subject, we must be indulged, on this last point, with a few words of explanation.

History may plainly be composed on two separate plans. According to the first and most simple, it should contain little more than a clear statement of facts, arranged in a lucid order, and interspersed perhaps with a few moral reflections on the most striking occurrences—giving *all* the accounts of the matter where good authorities differ, and only rejecting such as are manifestly absurd and incredible,—but being in substance and reality nothing more or other than a *narrative*, and pretending to no higher qualities than fidelity and perspicuity. The other plan is far more comprehensive and ambitious—professing not only to make a *selection* of the facts most worthy to be recorded, by abridging some and dwelling at length on others, but also to pass an authoritative judgment on the wisdom or folly, the merit or demerit, of all the acts and actors with which it is conversant—to trace memorable events back to their causes, and forward to their consequences—to furnish, in short, not only a true account of the facts as they occurred, but a satisfactory *theory* of their connexion and mutual dependency, and thus to teach far more of their true character and value than was probably known to those who produced them. Now, it is quite true, that this last sort of history requires far greater talents, and is, when suitably executed, not only infinitely more

interesting, but greatly more instructive than the simple story of the chroniclers. In the later ages of the world indeed, when records have accumulated, and affairs become complicated, some such concentrated and digested views of its past experience become almost indispensable; as few ordinary readers could be expected to labour through a mass of indigested annals—and still fewer to separate and connect what was valuable and important, or to deduce from them those great lessons of policy or morality, of which they are the most authentic teachers. In the course of time, therefore, more philosophical, discriminating, and concise histories naturally take the place of the diffuse compilations of their predecessors; and, for the great proportion of readers, Sismondi extinguishes Muratori and his followers in Italy, and Hume puts out Holinshed and Speed and Eachard in England.

But however superior in dignity and attraction this way of writing history may appear, it is obvious that it is attended with infinitely greater hazards, both to the writer and the reader; and affords scope and temptation to all kinds of erroneous impressions. When the business of the historian is no longer merely to make his readers acquainted with the facts he has ascertained, as they really occurred in past time, but also to furnish him with the opinions and moral impressions to which they should give rise, it is plain that he has it in his power, in most cases, to give any colour his own prejudices and passions may suggest, to every delicate or important transaction he records; and thus to dictate to posterity, with almost absolute authority, the sentiments they should entertain of their ancestors. Even if his partialities are not strong enough to suborn his integrity, they will generally be sufficient not merely to direct or misguide his eloquence, but substantially to distort his representations of the truth. He will not only lend all the colours of his style to enhance the merits, and palliate the crimes of his favourites, and to aggravate those of their opponents, but he will slur and abridge in his narrative the facts which it gives him pain to record, while he expatiates with graphic and circumstantial accuracy on those which seem to lend a triumph to his peculiar opinions. He will, perhaps unconsciously, be careless and negligent in investigating the details which tend to discredit the theories to which he is partial, and collect with malicious industry all the scattered intimations which seem to support them. In this way he will often give what are truly exceptions to the general rule, as illustrations of its actual tendency; or represent the whole scanty facts which the most anxious research could discover in



favour of his conclusions, as instances taken carelessly and at random from an immense multitude of still stronger examples. Above all, when he comes to describe and estimate the views and motives by which, at any critical period, the different parties in the State were actuated, he will not only bring prominently forward the prejudices or follies by which the wisdom or virtue of one side were alloyed, while all these debasing elements are kept out of sight in his representation of the other—but will lend to his favourites all the finer views and plausible apologies which his own ingenuity and the improved sagacity of his age can suggest for persons in their situation, without the least evidence of their having been actually entertained by those to whom they are ascribed; while their adversaries are left without addition or assistance to any crude and improvident exposition of their reasons which they may have happened to put on record. \*

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\* Mr Hume's summaries of the conflicting views of different parties at particular eras, have been deservedly admired for the singular clearness, brevity, and plausibility with which they are composed:—But, in reality, they belong rather to *conjectural* than to authentic History; and any one who looks into contemporary documents will be surprised to find how very small a portion of what is there imputed to the actors of the time had actually occurred to them, and how little of what they truly maintained is there recorded in their behalf. The object of the author being chiefly to give his readers a clear idea of the scenes he described, he seems to have thought that the conduct of the actors would be best understood by ascribing to them the views and motives, which, upon reflection, appeared to himself most natural in their situation. In this way, he has often made all parties appear more reasonable than they truly were; and given probability and consistency to events, which, as they actually occurred, were not a little inconceivable. But in so doing, he has undoubtedly violated the truth of history—and exposed himself to the influence of the most delusive partialities. Such a hypothetical *integration* of the opinions likely to prevail in any particular circumstances, seems at all times to have been a favourite exercise of his ingenuity. Very early in life, for example, he composed four Essays, to which he gave the names of the Epicurean, the Stoic, the Platonist, and the Sceptic—and prefixed to them the following very characteristic notice. 'The intention of these Essays is not so much to explain accurately the sentiments of the antient sects of philosophy, as to deliver the sentiments of *sects which naturally form themselves in the world*, and entertain different ideas of human life and of happiness. I have given each of them the name of the philosophical sect to which it bears the greatest affinity.' These very words, we think, might be applied, with very little variation, to most of the summaries

Such are a few of the obvious temptations to partiality, and even to abuse, in the composition of that more exalted and ambitious sort of history which an advanced period of civilization requires; and, as Mr Hume's work must be allowed to have combined, in an eminent degree, many of the excellencies and attractions of that species of writing, so it is not to be wondered at, though very much to be lamented, that it has also afforded a most conspicuous example of its dangers and defects. For, not to leave the matter on the ambiguous footing of insinuation, we mean distinctly to assert, that there is not one of the forms of partiality to which we have just been referring, of which he does not afford habitually the strongest examples. It is, if possible, still more unfortunate, however, that while the temptations to give false impressions are thus seductive and abundant, the task of correction and exposition should be so peculiarly difficult and ungrateful. A clear flowing and elegant narrative, interspersed with lively sarcasms, brilliant explanations, and artful remarks, is easily followed, readily remembered, and willingly believed—while the business of pointing out exaggerations, detecting inaccuracies, and supplying omissions, has always a heavy and cumbrous effect, and not only carries with it an air of petty cavilling and unreasonable austerity, but, in truth, can rarely be made intelligible to those who have not the precise tenor of the faithless story in their recollection, without so much resumption and repetition as deservedly to incur the reproach of tediousness and inelegance. When a work, therefore, like Mr Hume's, has once got possession of the public, it is wonderful to observe with what slowness and difficulty the proofs of its inaccuracy are received; and when the natural partiality with which we cling to early impressions, and recur to clear and elegant delineations, is reinforced by the seductions of self-interest and the applauses of a prevailing party, it may easily be conceived how unprosperous his task is likely to be who brings forward detached and laborious truths, to destroy the symmetry we had admired, and discredit the pretexts under which we were willing to yield to temptation. The cause of Truth and Liberty, however, is sure to triumph in the end; and their advocates may console themselves with the reflection, that they are always making more progress than they appear to do. The misrepresentations of Hume are every day more known and admitted; and the unostentatious labours of his correctors

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of which we have been speaking. They, too, are mere conjectural views of the different sentiments that may be supposed naturally to arise in the world at particular periods; and they are given under the name of the historical party to which they bear the greatest affinity.



have already shaken the very foundations of his authority with all intelligent readers. Professor Millar has done much to counteract the effect of his errors as to the earlier part of our history, and Mr Laing still more as to that portion of it which relates to the administration of the Stuarts in Scotland. Bishop Hurd, in the *first* edition of his 'Dialogues on the English Constitution'—for the latter are pitifully altered—has made a strong appeal against the partial statements and unconstitutional prejudices of this author. Dr Birch, in a very exact and elaborate treatise, has completely discredited his account of Glamorgan's transactions in Ireland—and Dr Towers, in a valuable tract published by him in 1778, has brought together many new proofs of his extraordinary misrepresentations. A great deal, however, was left to Mr Brodie; and as he has done his work with great vigour and perseverance, the result, we have no doubt, though not perhaps immediately conspicuous, will be strong and decisive. The truths here brought so forcibly into view will sink imperceptibly but deeply into the minds of the public; and—though their triumph will not probably be complete till some eloquent and philosophical writer shall arise, to recast the whole rude materials that have been collected, and supersede *all* our present histories by one more exact, comprehensive and emphatic—there can be no doubt that account is now taken of the value of these materials, and a proportionate deduction made from the credit against which they are placed.

It may now fairly be said, we think, to be the main scope and object of Mr Hume's history to show, that the English government, before the accession of the Stuarts, was an arbitrary and absolute monarchy; and that, though the Barons, in rude feudal times, asserted a barbarous and rebellious sort of independence, the body of the people had as little notion of liberty as in Turkey, or any of the Asiatic despotisms—that at this era the people encroached on the settled prerogative of the sovereign, and not the sovereign on the liberties of the people—that this new and audacious questioning of authority arose neither from any sense of actual oppression, nor any speculative ideas of fitness and justice, but from the fermentation of religious zeal and bigotry, by which the whole proceedings of the pretended patriots were actuated, and their notions debased—that the sovereigns, and especially the unfortunate Charles, made, though with natural reluctance, all reasonable concessions, and having, with perfect good faith, divested themselves of the power to do mischief, were trampled upon by the usurping Commons, and overwhelmed, with all the

known principles of order and authority, under the ruins of the monarchy and old constitution of the country,—from which they were at last revived, with the universal assent of the nation, at the Restoration, though again cast down, with less violence, by the same great agent of religious antipathy, at the Revolution.

Now, Mr Brodie holds the very reverse of this to be the true state of the fact. The English government, he maintains, was founded on principles of liberty from the time of the Saxons; and, though assimilated to the feudal kingdoms of the Continent at the period of the Conquest, was fortunately enabled, by its insular situation, to escape the subjugation which the establishment of standing armies soon after imposed on its neighbours. He proves accordingly, by the citation of numerous authorities, that the government of England was always spoken of, both by native and foreign authors, as clearly distinguished from those of the Continent by its greater freedom, and the higher rights of its people; and shows, that both these objects were provided for by various anxious statutes, long before the accession of the house of Tudor. The wars of York and Lancaster, by breaking the power of the greater Barons, had the double effect of strengthening the Crown by their suppression, and leading to the formation of Burghs and free associations among the lower people, whose vocation of private war was now in a great measure destroyed—and who were therefore driven both on the pursuits of industry and the independent assertion of their rights, by this revolution in the state of society. The Commons, therefore, grew into consideration precisely as the Barons declined; and succeeded naturally to the benefit of those limitations on the royal power, which the latter had established chiefly with a view to themselves.

The suppression of religious houses under Henry VIII. operated substantially in the same manner; and though the temper of that prince, and the wealth he had thus acquired, enabled him to venture on stretches of power unknown to his predecessors, there are the plainest indications both of a spirit of resistance in the Parliament, and of an independent supremacy in the law, that marks the true character of the Government as a limited, and not an absolute monarchy. The reign of Mary was that of a bigotted and vindictive faction—and that of Elizabeth, as to the true character of which Mr Hume has indulged in the greatest exaggerations, was that of a Sovereign deservedly popular for her wise administration, and naturally looked upon with peculiar veneration and indulgence, as the great stay of the Protestant cause in Christen-



dom. These advantages armed her with more power than belonged, in ordinary circumstances, to the crown she inherited—while the alarms excited by the machinations of Mary of Scotland and her adherents, and by the threatened invasion from Spain, tempted and almost justified her in occasionally using it in a way which, in other times, would have been more impatiently endured. Mr Brodie however maintains, and we think upon conclusive evidence, that, in spite of some arbitrary proceedings, the reign of Elizabeth was, on the whole, the reign of a constitutional sovereign; and afforded no warrant, in its general tenor, for those broad and systematic assumptions by which the succeeding monarchs endeavoured to establish for themselves an arbitrary and truly unlimited power. He alleges, therefore, and sets himself deliberately to prove, that the Stuarts originated and first proclaimed those tyrannical pretensions by which the whole spirit of the constitution was innovated and debased, and acted, or attempted to act, systematically and habitually upon maxims of government that had never been asserted before—turning occasional acts of power, on which their predecessors had ventured on great emergencies, into the habitual rule of their conduct—and not only claiming prerogatives beyond the warrant of any former precedent, but denying rights to their people, and privileges to their Parliaments, that had never been questioned in any preceding reign. He conceives, therefore, that the Commons were perfectly justified in insisting on the redress of those grievances, and the recognition of those rights, as conditions precedent to their granting any supplies; and that the consequent discontinuance of Parliaments and levying of money without their sanction, were as much without apology from the circumstances, as they were in themselves against all law and precedent. He farther maintains, and we think on strong grounds, that the conduct of Charles was throughout so faithless and insincere as entirely to justify the distrust which the Parliament showed of him, and to render necessary those extraordinary restrictions on which they ultimately insisted, and by the rejection of which the appeal to arms became unavoidable. The blame of the war, therefore, he lays wholly on the king; and contends that it was, in fact, a war waged by him on his people for the purpose of reestablishing his tyranny—and not a rebellion of subjects resolved, at all events, to cast off the trammels of monarchy. He justifies the Parliament accordingly, not only in all their belligerent measures, but in their proceedings against the king; and, looking favourably on the Commonwealth, reprobates the inconsiderate servility of the Restoration, and the poor vindictiveness with which it was followed up.

For our own parts, we are inclined to mediate between these opposite representations. Though we think Mr Brodie quite right in considering the English Government as greatly more free than those of the Continental kingdoms, we cannot but admit to Mr Hume, both that the checks upon royal power were in its early periods brought very irregularly into action, and that the influence of the Commons House of Parliament was very small, and the interests of the great body it represented very subordinate, in the original scheme of the constitution; and though we think it quite correct to assert, that when, from the increase of wealth and industry, they acquired more consideration, they proceeded legitimately in building upon those foundations of independence which the feudal Barons had laid for themselves, it is difficult to deny that this assertion of rights in the Third Estate was substantially a novelty in the government, and directed in many respects to new ends and objects;—although it should never be forgotten, that from the earliest periods, the protection of personal liberty, and the exclusive power of imposing taxations, had been jealously asserted by the Parliament for the benefit of all classes of the population. These, too, constitute undoubtedly the great securities and indications of political freedom; and though the civil expenses of the sovereign were in a great measure defrayed by his hereditary property, and the charges of war greatly diminished by the feudal services he could require, it is certain that these checks did at all times operate as an effectual limitation of his power, though greatly strengthened by the changes that took place on the general pacification of society. The Barons imposed *their* restrictions rather with their arms than their purses—and controlled the sovereign, not so much by withholding money, as by refusing to furnish men,—or plainly intimating that they would employ them if necessary to compel the concessions they required. When this untractable feudal army was dissolved, and with it the habitual threat and dangers of rebellion, the necessity of obtaining pecuniary supplies became of course more urgent and imperative, and the right of withholding them infinitely more valuable, and more likely to be used.

In like manner, we think it must be admitted to Mr Hume, that the pretensions of the Commons were at this time brought forward with more confidence and precision, and advanced with more systematic steadiness, than at any former period—and that we now find the idea of public liberty for the first time embodied in clear definitions, and asserted upon broad argumentative principles. But if this could at any time have been regarded as an usurpation or encroachment, and was



not plainly to be referred to the greater intelligence of the age, it ought at all events to be remarked, that there is room for a similar observation, and to a much greater extent, as to the principles of arbitrary power; and that the advocates of servility undeniably took the lead and set the example in this mutual provocation to the assertion of extreme opinions. It was in the reign of James chiefly, and in a particular manner in the acknowledged writings of that monarch himself, that the first solemn and precise claim of absolute authority was made in behalf of an English sovereign, and a naked and elaborate exposition attempted of the duty of passive obedience on the part of his subjects. That these doctrines should have called forth contradictions and denials, and led the way to the angry assertion of opposite opinions, was of course unavoidable; and if extravagant notions were ultimately maintained, upon either side, in the course of a controversy that could not well be altogether impartial or dispassionate, the chief blame should certainly rest on those who first gave the challenge, and courted that appeal to theory and first principles, which is often as hazardous in politics as it is beneficial in the abstract sciences. The truth is, however, that to a certain extent this had become unavoidable—not only because the age had become more speculative and intelligent, but because the increasing numbers and wealth in the body of the nation, together with the decay of the great nobility and the dilapidation of the royal demesnes, had deranged the old balance of the constitution; and brought on a crisis which could not possibly be managed without a thorough examination of those *reasons* upon which the pretensions of the conflicting parties were rested. But though the controversy itself was perhaps unavoidable, it is impossible to forget that the excesses by which it was so fatally embittered, all originated with that party by whom it had been first provoked. The cruel imprisonments, fines, pilloryings, brandings and cuttings of ears, by which the authors of offensive writings were punished in this season of contention, not only began with the government, but were never retorted to any thing like the same extent, even after their exasperated adversaries had succeeded to the possession of power.

The question of practical aggression is substantially resolved by that of the aggression of principle and pretensions—since the one was merely carrying into effect what the other authorized or commanded. Nor is it less idle to take a distinction between aggression by actual force, or menace of force, and aggression by the exercise of prerogative, or of legislative authority. If the last was justifiable, so of course was the former; and one was an obvious and unavoidable consequence of

persisting in the other. If the Parliament was guilty of rebellion when they voted an army to support their pretensions, they were no less guilty when they set forth those pretensions in their votes and resolutions—and if the blame of the war is to be laid on the king, it must be, not for raising his standard at Nottingham, but for insisting on those powers for the recovery of which it was lifted. The true beginning of the contest was when the king dissolved his first parliament for refusing to grant a supply till they obtained a redress of grievances; and war, we have always been of opinion, was substantially proclaimed, when he announced, on calling his second, that if they were not more liberal than their predecessors, he would have recourse to other counsels, raise a revenue by his own authority, and govern for the future without their assistance. When these threats were afterwards carried into execution—when members were ordered into arrest for their speeches in parliament—when parliament itself was again dissolved, money extorted by forced loans, monopolies and ship-money, and commissions issued to fine and imprison those who resisted these exactions; we hold it to be quite plain that the constitution was violently invaded on the part of the sovereign, and that force might have been justifiably employed to restore it.

It seems impossible, therefore, to deny that the first aggression, in every sense of the word, was on the part of the crown—and, indeed, Mr Hume has himself distinctly admitted, that up to the period of which we have been speaking, the Commons had done nothing which they were not clearly entitled to do by the law and constitution of the country, while the king had proceeded on the precedent of a few irregular acts of authority, in the face of the most clear and express enactments. He rests his allegations, therefore, of the reasonableness of the king's conduct and the aggression of the Commons, on the concessions which he *subsequently* made, and the extravagant nature of the demands that were notwithstanding pressed upon him. The liberties of the people, he says, were sufficiently secured by the Petition of Right and the bill for triennial parliaments; and when the Commons afterwards insisted on his giving up to Parliament, though for a limited time, the appointment of military officers and privy councillors; this, he maintains, was such an unprovoked invasion of the very principle of monarchical government as made all farther concession impossible, and threw upon those who made it the whole blame of the hostilities to which it inevitably led. Nothing, however, we conceive, can be more glaringly partial and even absurd than such a determination. The historian should have remembered that he had himself recorded, that when the king dissolved his se-



cond parliament, 'it was not improbable that if he had possessed any Military force on which he could rely, he would *at once have taken off the mask*, and governed without any regard to parliamentary privileges: But *his army was new levied, ill paid, and nowise superior to the militia*, who were in a great measure under the influence of the county gentlemen.' For these reasons, and these alone, the sovereign is represented as continuing to wear the mask—and postponing the war which, it is thus admitted, he was disposed to wage for the maintenance or recovery of his prerogatives. He did, to be sure, afterwards pass the petition of right, but confessedly with the greatest possible reluctance, and it is equally certain that he violated it in almost every article within a few years after its enactment. He restored monopolies, increased the tonnage and poundage—extorted loans, arrested members for their speeches in Parliament—and studiously and anxiously appointed to the lieutenancy of counties, and to other military commands, only such men as were implicitly devoted to his cause. The discontents in Scotland and Ireland had enabled him to increase and improve his forces—and left him, after their pacification, in possession of a very formidable army. It was in this situation and those dispositions, and when, as the eloquent historian observes, 'he had begun to speak in a firmer tone, and to retort the accusations of the Commons,' that the proposition for vesting in Parliament the substantial controul of the militia was brought forward, which is here represented by Mr Hume as an unprovoked attack on the monarchy, and a far more inexcusable breach of the constitution, than all that had been charged on the Sovereign. It was a strong, certainly, and extraordinary measure. But the disorders of the time were not to be met by common remedies—and, so far from having been the immediate cause of the war, we are fully persuaded, both that the concession might have saved all the horrors of that unnatural contest, and that the assumption of this power by the Parliament rather retarded than accelerated the actual commencement of hostilities. The king was evidently preparing for war—and, being completely deserted in both Houses, had indeed no other means of contention—and, after his retreat to York, was obviously employed in extending his military resources—nor do we believe that any intelligent reader of his history can now doubt that, if he had been allowed to settle the militia on his own plan, he would in a very short time have employed it against the Parliament—and thus not only precipitated, but rendered still more sanguinary and protracted, a struggle that could, after all, have but one result.

We differ from Mr Brodie as to many of the measures of the Parliament during the war—as to the necessity of the king's

death—and the merits of the Commonwealth and the Long Parliament. But we differ still more from Mr Hume as to most of these matters—and especially as to the triumph and satisfaction with which he speaks of that unqualified and unconditional Restoration by which all the fruits of this costly experiment were thrown away, and the necessity of a new contest created. We have altogether as little sympathy with his continual leaning to the side of the royalists, after the contention was begun—his plain wishes for their success, and almost ludicrous uneasiness at being obliged to record their defeats. Whatever difference of opinion there might be as to the merits of the controversy before it went to the arbitrament of force, we really do not understand how any candid man can doubt that, after it had come to that extremity, the liberties and the peace of the country could only be secured by the success of the Parliament. Even after that success, by which the rights of the people were necessarily established—the principle and foundation of the monarchy might still have been saved by large and timely concessions:—shorn indeed of its splendour, and deprived for a time of some of its most salutary powers, but still sound at the root, and capable of blossoming forth anew when the season of tempest was over. By the success of the royalists, on the other hand, liberty was disheartened for ages—if not extinguished for ever—for even Mr Hume himself could not believe that, if Charles had been triumphant in the field, he would ever again have allowed a free parliament to assemble, or left himself unprotected with a devoted army to control and put down all popular resistance: And time, which must have allayed the republican fervour, would only have added strength to the system of oppression: For authority has such a tendency to grow and expand itself, that the most limited monarchy requires constant watching and exertion, to prevent it from becoming tyrannical; while the excesses of liberty speedily correct themselves, and are in no danger of becoming perpetual.

We should now proceed to the details of Mr Brodie's arguments and corrections. But, before leaving Mr Hume to his castigation, we must be allowed to make one observation upon that eloquent writer's *inconsistencies*, and another on his rage for ascribing all the measures of the patriots to *religious bigotry* and insane enthusiasm.

The first, we think, is really curious. The History of Mr Hume is the most acute work of one of the most acute men that ever existed. It is carefully, and even artfully composed, and was several times revised and corrected with the greatest pains and diligence—and yet we will venture to say, that it contains more irreconcilable opinions, and indeed more contradictory representations and sentiments, than are to be found



in any historical work in existence. That its general tendency and spirit is what we have already attempted to describe, cannot, we suppose, be denied—but the author seems not to have had courage to keep up systematically to the same point—and has made so many remarks and admissions directly at variance with his favourite doctrines, as to have furnished, almost out of his own mouth, conclusive proof of their unsoundness. The key to all this inconsistency and wavering is to be found, we think, partly in a reluctant deference to the liberal maxims established at the Revolution, which could not, in his day, be decently or even safely impugned; and partly in some uncertainty or change of purpose which seems to have come over him in the course of the composition. At the time this history was written, the Whigs, it should be remembered, were still the predominant party in the State—and it was not allowable directly to question any of their principles, which had been solemnly sanctioned at the settlement of 1688. Nor did the author, we imagine, design at first indirectly to discredit or contest them. His original design, we are persuaded, was by no means so bold or lofty—and aimed at no more than an *apology* for the erroneous and *unjustifiable* conduct of the Stuarts. Admitting that their pretensions were utterly unjust, and that the principles of liberty had been happily established in despite of them, he seems to have thought that sufficient allowance had not been made for the difficulties of their situation—the prejudices incident to their state—the novelty of the circumstances in which they were placed—and the provocations they successively received; and that, without at all depreciating the benefits that had been derived from their expulsion, an explanation might be given of their conduct and that of their adherents, both more favourable to them, and more consistent with the truth of history and the ordinary principles of human nature, than had hitherto been offered. The design we think was fair, and certainly neither unreasonable nor ungenerous—and a great, and perhaps the best part of the work, is dedicated with sufficient correctness to its execution. As he went on, however, the author seems to have been intoxicated with his success; and without entirely renouncing the style of an apologist, to have assumed the feelings and adopted the character of a defender and eulogist—proceeding from excuses to justification—mixing up recrimination with defence, and presuming at last to question, by plain implication, the value of that liberty, and the merit of that patriotism, for which he was every now and then professing in set terms the most profound veneration. Thus his whole history of the Stuarts is composed on a double and discordant tone. Mild, but very distinct censures of the king are interchanged with pa-

thetic exaggerations of the harshness with which he was treated—spendid encomiums on the genius and virtues of the patriots, are followed up by the most contemptuous representations of their virulence, fanaticism, and vulgarity—acknowledgments of the strict legality of their proceedings, are balanced by broad assertions of their invasions of the constitution—and tributes to the inestimable value of parliamentary privilege and popular rights, neutralized by remarks on the superior despatch and authority which belongs to an executive and irresponsible magistrate.

It would be idle to think of exhibiting in this place, any part of the proofs which every page almost affords of these assertions. To make their meaning clear, however, we shall mention one or two instances which have happened to catch our eyes in turning over the volume before us. Thus, after saying of the leaders of opposition in Charles's first parliament, that 'these generous Patriots, animated with a warm regard to liberty, saw with regret an unbounded power exercised by the crown, and resolved to seize the opportunity which the king's necessities afforded them, of reducing the prerogative within reasonable compass;' and adding, 'that to grant or refuse supplies was the undoubted privilege of the Commons;' he chuses to represent their refusal to grant more than two subsidies till they had been heard on the national grievances, as 'a cruel mockery of the sovereign, and a proceeding unprecedented in an English Parliament;' and shortly after, stigmatizes the very persons of whom he had spoken in the terms we have now cited, as ambitious fanatics, who advocated 'furious measures,' and 'under colour of redressing grievances, which, during this short reign, could not have been very numerous, proposed to control every part of the government which displeased them.'

Of Hampden, he says, in an elaborate character, in itself neither very generous nor very consistent, 'Then was displayed the mighty ambition of Hampden, taught disguise, not moderation, by former restraint; supported by courage, conducted by prudence, embellished by modesty; but whether founded in a love of power or zeal for liberty, is still, from his untimely end, left doubtful and uncertain.' Now, if ambition means any thing, and especially a mighty, disguised and immoderate ambition, it *must* mean, we should think, a love of power;—but, while such an ambition is assumed as the undoubted basis and denominator of the character, it is admitted to be uncertain whether a love of power had any thing to do with it! But the eloquent writer does not startle even at greater inconsistencies than this, when the object is to lower the character of an anti-royalist. This illus-



trious person had at one time resolved, it seems, along with Pym and Cromwell, 'to abandon his native country and fly to the 'other extremity of the globe,'—and then, he who could be actuated *only* by mighty ambition—founded either in a love of power or a zeal for liberty, is eagerly degraded into a crazy fanatic, who had no other object but 'to enjoy lectures and discourses of any length or form that might please him !'

In the same reckless spirit of flagrant inconsistency, or rather perhaps we should say, of alternate candour and partiality, he first represents the people of England at the commencement of the war in these glowing colours. 'Never was there a people less corrupted by vice, and more actuated by principle, than the English at this period. Never were there individuals who possessed more capacity, more courage, more disinterested zeal. To determine his conduct in the approaching contest, every man hearkened with avidity to the reasons proposed on both sides.' But, both before and after, while we meet with perpetual and unvarying praise of the gallantry and generous loyalty of those who adhered to the king, we find nothing but invectives and sarcasms upon the furious bigotry, the base hypocrisy, and low arts of popularity by which their opponents are said to have been actuated. In like manner, he first says of Laud, that though not exactly a Papist, 'the genius of his religion was the same with that of the Romish, and that not only the puritans believed the church of England to be relapsing fast into that superstition, but the court of Rome itself entertained hopes of regaining its authority in this island, and twice offered him privately a Cardinal's hat,' which he declined with great civility; and then, when he comes to the account of his trial, does not scruple to say, that, 'the groundless charge of popery, though belied by his whole conduct, was continually urged against him.' In the same spirit, when he comes to the agitating scene of the king's trial and condemnation, he first represents it in these words as a proceeding of the most awful grandeur and sublimity. 'The pomp and dignity, the ceremony of this transaction, corresponded to the greatest conception that is suggested in the annals of human kind !' 'The delegates of a great people sitting in judgment on their supreme magistrate, and trying him for his misgovernment and breach of trust !' This, it must be confessed, is, at least, lofty and liberal enough; and would satisfy, we should imagine, the ambition of a professed regicide. But by and by, all this theatrical pomp is conjured away, and this magnificent temple of Justice converted into a den of paltry and contemptible assassins. Instead of his Judges being really the delegates of a great nation, we find even the Parliament by whom they were appointed dwindled into 'a diminutive assembly, no longer deserving

‘that honourable name,’ and disavowed by the body of the nation; while they themselves are called ‘hypocritical parricides,’ who, by sanctified pretences, had long disguised their treasons,’ and now consummated ‘the height of all iniquity and fanatical extravagance.’

It is needless, however, to multiply instances of what is so conspicuous in every part of the work; and we shall conclude this slight and passing notice of those glaring inconsistencies, which have hitherto been too little insisted on, by merely observing, that while he repeatedly, and with much emphasis, maintains, that ‘the king’s assent to the petition of right produced such a change in the government, as was almost equivalent to a revolution,’ he has himself cited it at length, as if to show, that *it is in every one clause a mere re-enactment of former statutes of the greatest notoriety and undisputed authority!*—while he seems to have forgotten that Clarendon has himself been compelled to admit, that ‘it was of no prejudice to the ‘Crown’—so rash and open to refutation are some of the most confident and fundamental of his assertions!

With regard again to *fanaticism*, even the few extracts we have now casually made may show with what exaggerated eagerness he refers to this as the moving spring of all the great transactions he records. It is the perpetual theme indeed of his derision and invective—of contemptuous ridicule and bitter abuse. An insane horror of Popery—a ludicrous antipathy to certain vestments and ceremonials of worship, are everywhere represented by him as the true causes of that pretended zeal for liberty which was the source of so many disorders; and all the resources of his pen are employed to darken and degrade the characters of the parliamentary leaders by the imputation of these vulgar and unphilosophical propensities. Now, though it may sound very liberal and reasonable at the present day to speak of Popery and Protestantism as mere varied forms of the same holy faith, and to smile at the intolerant zeal with which the external symbols of each were mutually rejected, it was otherwise, and *reasonably otherwise*, in the times to which Mr Hume would transfer these sentiments; and it is in truth as illiberal as it is absurd to judge the statesmen of that day by the feelings of ours. This very insignificant distinction of Papist and Protestant had, in point of fact, covered Europe with blood and crime for upwards of a century. This now innoxious Popery was *then* not only inseparably connected with the principles of political despotism, but had been the cause of the most sanguinary wars, the most inhuman persecutions—the most atrocious massacres. It had produced the eve of St Bartholomew and the massacres in the Netherlands and Switzerland—the wars of the League, of Flanders, and of Holland. In England itself, and so lately as Queen



Mary's time, it had lighted up the fires of Smithfield—in Elizabeth's it had produced various rebellions and alarms, and fitted out the Spanish Armada; and in James's it had occasioned the gunpowder treason, and various other plots and disorders. It was in those circumstances, with a war of extermination waging against the Huguenots in France—with a bigotted princess of that family married to the uxorious King of England—with the Primate more than half a Catholic—with a resident nuncio from the Pope,—and under a Prince who, after reluctantly enacting laws against the Papists, raised an unconstitutional revenue by dispensing with their execution—who chose many of his chief counsellors from men of that persuasion—and towards the end of his reign actually treated secretly with the court of Rome and other bigotted Catholic powers for supplies of men and arms to beat down by force the Protestant fanaticism and Protestant liberties of his people—it is with reference to these times, and to these recent and pending transactions that Mr Hume thinks fit to hold up as altogether ludicrous and contemptible those 'eternal complaints against Popery,' and that 'suspicion of a Popish faction about the person of the king,' to which he perpetually directs the attention of his readers as the mainspring of all the discontent and seditions he commemorates. Religious zeal formed, no doubt, one of the great agents in the important events of that age—and in the acrimonious controversies to which it gave rise, a spirit of intolerance was unquestionably generated, and importance attached to matters, that in a more tranquil state of men's minds would have been considered as insignificant: But nothing, we conceive, can be more uncandid and absurd than to represent the nation as on this account incapable of any other impulse, and actuated by a mere delirium of fanaticism, which superseded the use of reason in those under its influence. The truth is, that in spite of the existence of a good deal of bigotry—and a good deal of cant and hypocrisy, there never was an era in the history of the world where the leaders of a popular body were so little the dupes of their own passions or those of their followers—where the spirit of reformation was so uniformly tempered by respect to precedent and authority, or where sober judgment and patient research were so largely blended with national zeal and individual genius and courage.

The most interesting part, perhaps, of Mr Brodie's book, is the volume which contains his Introduction; which is dedicated to an examination of Mr Hume's Theory of the English Constitution, as it existed before the accession of the Stuarts; and in a particular manner of the doctrines contained in his three memorable Appendixes to the reigns of Elizabeth, James, and Charles, in which he attempts to show, that up to that pe-

riod the government was substantially arbitrary, and 'bore indeed a considerable resemblance to that of Turkey.' These extraordinary chapters are here subjected to a very minute dissection; and the statements and authorities they contain sifted and canvassed with such effectual severity, as entirely to change the character of the picture they present; and, as we think, totally to discredit the theory of the author. It is impossible for us, of course, to give more than a slight abstract of some of the points of correction—and these we must select, fully as much with a view to their admitting of abridgment, as of their absolute importance.

One of the most fundamental and popular of Mr Hume's positions, is, that the English up to the time of the Stuarts, were not aware of enjoying any political advantages over their Continental neighbours, and always speak of their government as an absolute monarchy; and in a note, where we commonly find his most deliberate and important opinions, he takes occasion to state, that in some of the King's Declarations—which, though acknowledged by Clarendon, he erroneously ascribes to Falkland—'is to be found the first regular definition of the constitution according to our present ideas of it, that occurs in any English composition—at least any published by authority. The three species of government, Monarchical, Aristocratical, and Democratical, are there plainly distinguished; and the English Government is expressly said to be none of them pure, but all of them mixed and tempered together. This style no former king of England could have used—and no subject been permitted to use,' &c. And in another note to the same volume, he says expressly, 'I have not met with any English writer of that age who speaks of England as a limited monarchy, but as an absolute one, where the people had many privileges—which is no contradiction; for in all European monarchies the people have privileges.'

Now, this we must be permitted to say, is a most extraordinary proposition,—and it is difficult to believe that it could have been made in good faith by a person of Mr Hume's intelligence. It is refuted by the tenor of the *Great Charter* and its history, and in an especial manner by the celebrated treatise of *Fortescue*, (who was Chancellor under Henry VI.), *De Laudibus Legum Angliæ*, and by his other tractate on the difference between *Regal*, and *Regal and Political* administration—both which not only attracted great notice soon after their publication, but were repeatedly printed in English translations in the reign of Elizabeth herself—the scope of both being expressly to show the singular felicity which



England enjoyed by being subject to a mixed or limited, not to a pure or absolute monarchy; and to point out the great practical advantage her people possessed over those of France, in consequence of this difference in the governments. Dr Ponet, who was successively bishop of Rochester and Winchester under Edward VI., also published 'a Treatise of politique power, and the true obedience which subjects owe to kings,' in which he points out the limitations to legal authority in kings, and of obedience in subjects—and maintains directly the right of punishing and deposing tyrants. Sir John Hayward, in like manner, in his History of Henry IV., published in Elizabeth's time, lays down the same doctrine, and draws a similar comparison, or contrast rather, between the governments of France and England; and Sir Edward Smith, who was Secretary of State both under Edward and Elizabeth, in his Commonwealth, written in the latter reign, goes still more largely into the same topics. Sir Thomas Overbury, who wrote an account of his travels in the beginning of James's reign, observes, that the government of the United Provinces was free, like that of England; that in Flanders it was more arbitrary; but that France was an absolute monarchy, where the Prince might act at discretion. One of the most remarkable authorities, however, which Mr Brodie has brought forward on this subject, is that of Aylmer, afterwards Bishop of London,\* who, in his well known answer to John Knox's 'First Blast of the Trumpet against the Monstrous Regiment of Women,' and in express vindication of the power and title of Elizabeth, has the following decisive expressions.

"Well," says he, "a woman may not reigne in England: but I say better in England than any where, as it shall wel appere to him that without affection will consider the kinde of regiment: whyle I conferre ours with other as it is in it selfe, and not maymed by usurpacion, I can fynde none either so good or so indifferent. The regiment of England is not a Mere Monarchie, as some for lacke of consideration thinke, nor a mere Oligarchie, nor Democratie, but a rule mixte of all those, wherein ech one of these have or shoulde have like authoritie. Thimage whereof, and not the image, but the thinge in dede, is to be sene in the Parliament hous, wherein you shal find these 3 estats. The king or quene, which representeth the Monarche. The noble men, which be the Aristocratie; and the burgesses and knights the Democratie. The verye same had Lacedemonia, the noblest and best gouerned city that euer was; thei had their kings, their senate and Hippagretes, which wer for the people. As in Lacedemonia none of these could make or breake lawes, or

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\* Dr Towers, we think, had the merit of first referring to this passage—though Mr Brodie seems to have been aware of the fact.

der for warre or peac, or do any thing without thother, the king nothinge without the senate and commons, nor either of them or both withoute the king, (albeit the senate and the ephori had greater authoritie than the kinge had). In like maner, if the parliament use their priuileges, the king can ordein nothing without them. If he do, it is his fault in usurping it, and their follye in permitting it:—"If, on thother part, the regiment were such, as all hanged uppon the Kinge's or Quene's wil, and not upon the lawes wrytten; if she might decre, and make lawes alone, without her senate; if she iudged offences according to her wisdom, and not by limitation of statutes and laws; if she might dispose alone of war and peace; if, to be short, she wer a mere monarch, and not a mixte ruler, you might, peradventure, make me to feare the matter the more, and the les to defend the cause. But the state being as it is or ought to be, (if men wer wurth theyr eares), I can se no cause of feare." I. pp. 313-315.

*Cartwright* again, in defending his System of Church Government, in the same reign, uses this remarkable illustration.

"The Church is gouerned with that kind of gouernment whiche the philosophers, that wryte of the best commonwealths, affirme to be the best. For, in respect of Christe the head, it is monarchie, and in respect of the auncients and pastours that gouern in common, and with lyke authoritie amongst themselves, it is an aristocratie, or the rule of the best men, and, in respect that the people are not secluded, but have their interest in Church matters, it is a democratie or a popular estate. *An image, whereof appeareth in the Pollicie of thys realme; for, in respect of the Queen her maiestie, it is a Monarchie, so in respect of the most honourable counsel, it is an Aristocratie, and having regard to the parliament, which is assembled of all estates, it is a Democratie.*" I. p. 316.

Mr Brodie has cited many other authorities to the same purpose; \* and yet Mr Hume tells us very composedly, and as a

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\* One of the few authorities referred to by Mr Hume on the other side, is 'Raleigh's Prerogative of Parliaments,' dedicated to King James, and written while he was in prison at his instance; a work which, though it contains much fulsome flattery, and some verbal concessions of absolute power in the Sovereign—which are industriously picked out and selected by our historian,—was in reality intended, as he must have known, to show that the King ought not to raise money, or make laws, declare war, or make peace, nay, should not even appoint his ministers or judges, without the interposition of the Legislature. There is no work, indeed, of that age, which contains such large and profound views of the change that had taken place in the structure of society, and of the peculiar hazards to which the monarch would then be exposed by attempting to extend his prerogative. Referring to the breaking down of the feudal aristocracy, he says, 'Thus the force, therefore, by which our kings, in former times,



thing which nobody could dispute, that till the time of the fanatical reformers under the Stuarts, nobody thought of the government as other than an absolute monarchy—and that until Charles's misfortunes had made him familiar with indignities, no subject *would have been permitted* to speak of democracy as an element in the constitution !

His representations, as to the original powers and importance of *Parliaments*, are, if possible, still more erroneous. His object, as all the world knows, is to discredit the Lower House as a branch of the legislature ; and he accordingly maintains, that it never possessed any considerable authority till towards the end of Elizabeth's reign—that before that time it was not worth the while of the sovereign to influence its deliberations, and that a seat in it was, in fact, looked upon rather as a burden than a privilege. In opposition to these statements, Mr Brodie shows that this House was from very early times the sole guardian of the public purse, and repeatedly from the reign of Henry III. to that of Henry VII. appointed treasurers of its own, to see that the money it had voted was truly applied to the purposes for which it had been required ; while it habitually annexed to its money bills a clause providing that the grant should not be drawn into precedent, but be attributed solely to the free gift of the Lords and Commons. In 15 Edward III. they even went so far as to claim the nomination of the Chancellor and other great officers of state.

With regard to the anxiety of the crown to stand well with this body, and consequently, if possible, to influence their elections ;—Mr Brodie appeals first to the histories of Henry VIII. and Queen Mary, in all of which the fact of such interference having been actually made, both by threats and by bribery, is distinctly recorded ; and then proceeds to show by a reference to the statutes of the realm, from how very early a period the legislature had seen cause to provide for the freedom of these important elections. As a specimen of

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‘ were troubled, is vanished away. But the necessities remain. THE PEOPLE, *therefore, in these later ages*, are no less to be pleased than the peers before ; for, as the latter are become less, so, by reason of the training through England, the Commons have all the weapons in their hands.’ And a little after, to the same effect. ‘ The power of the nobility being now withered, and the power of the People in the flower, the care to content them would not be neglected ; the way to win them often practised, or at least to defend them from oppression. The motive of all dangers that ever this monarchy hath undergone, should be carefully heeded ; for, this maxim hath no postern, *potestas humana radicitur IN VOLUNTATIBUS HOMINUM.*’

the minute industry with which he conducts his researches, we shall quote a few sentences on this interesting subject.

'Even in the third of Edward I. it appears by the statute of Westm. c. 5. that undue means were apprehended. For the statute runs thus: "And because elections ought to be free, the king commandeth upon great forfeiture, that no man by force of arms, nor by malice, or menacing, shall disturb any to make free election." The statute 7 Henry IV. c. 15. runs thus: "Our lord the King, at the *grievous complaint* of his commons in this present parliament, of the undue election of knights of counties for the parliament, which be sometime made of affection of Sheriffs and otherwise, against the form directed to the Sheriff, to the great slander of the counties and hindrance of the business of the commonalty," &c. This was confirmed by 1 Henry V. c. 1.—By 8 Henry VI. c. 7. divers penalties were ordained. The abuse had proceeded to a great height, as appears by 23 Henry VI. c. 14. By that statute any sheriff who made a false return, was to pay damages to the party aggrieved, of 100*l.*, besides being subjected to the penalties. The whole act is very precise in guarding against such practices. In the 50th of Edward III. the Duke of Lancaster is said to have so packed a parliament, that except twelve, all the Lower House were under his controul. Daniel, p. 232.

'It was one of the articles (the 19th) against Richard II. that he packed parliaments—"the aforesaid king, that, in his parliaments, he might be able more freely to accomplish the effects of his headstrong will, did very often direct his commands to his sheriffs, that they should cause to come to his parliaments, as knights of the shires, *certain persons by the said king named*; which knights, being his favourites, he might lead, as often he had done, sometimes by various menaces and terrors, and *sometimes by gifts*, to consent to those things that were prejudicial to the kingdom, and exceedingly burthensome to the people; and especially to grant to the said king a subsidy in wool, "for the term of his life," and another subsidy for certain years, thereby too grievously oppressing his people." Knighton, p. 2751. Howel's State Trials, vol. i. Holinshed makes it the seventeenth article, p. 502; and both he, and Hayward, (who by the way has it the 19th) express the article somewhat differently. We have already seen that the same charge was brought against his successor; and the Kentishmen under Jack Cade complain thus in their 13th article—an article which, whether true or false, proves the understanding of men in that age. "The people of the said shire of Kent maie not haue their free election in the choosing of knights of the shire: But letters haue beene sent from diuers estates to the great rulers of all the countrie, the which embraceth their tenants and other people by force, to choose other persons than the commons' will is." Holinshed, vol. ii. p. 633. By the way, the whole articles are curious: The people complained of being tricked out of their properties by great men. On the subject of early election laws, see Henry, vol. x.



p. 59. We have already seen how succeeding monarchs acted. In opposition to these facts and authorities, Mr Hume says, that, even in Elizabeth's time, "a seat was regarded as a burthen, rather than an advantage," (vol. v. p. 183.); and in a note to this he uses these words: "It appeared this session, that a bribe of four pounds had been given to a mayor for a seat in parliament. It is probable that the member had no other view than the privilege of being free from arrests." Now, every one must be aware of the difficulty of proving bribery at an election; and that where evidence can be brought, of any sum however small having been given, large sums are always presumed. But it may be alleged, that the notions of the present times are inapplicable to the ancient. The course pursued by the commons of that age, however, sufficiently evinced the reverse, for, in that very case, they annulled all *bonds* granted for votes!—a sure proof of their idea of the extent of the corruption. D'Ewes, p. 182. An. 1571.

' Mr Hume's observations in this place are also totally irreconcilable with his remarks upon the 8th Henry VI. c. 7. & 10. c. 2. which restricted the elective franchise in the shires to those possessed of freehold, to the annual value of forty shillings. He there says, "we may learn from these expressions" (those used in the statute) "what an important matter the election of a member of Parliament was now become in England," &c. vol. iii. p. 213. Now it is inconsistent with his theory to suppose that the commons fell back; and, therefore, we must conclude, that as he wrote the late part of his work first, he had formed a theory regarding the constitution incompatible with his subsequent discoveries. In regard to Beal, whose authority he treats with contempt, it may be observed, that, whether the facts narrated by him be true or false, they still afford clear evidence of the understanding on that subject of his own age; for why should he invent or relate circumstances which people never suspected the existence of? His testimony, however, derives strong corroboration from the other indisputable evidence transmitted.

' Archbishop Whitgift used all his influence "to prevent unfit men, especially disaffected to the present constitution of the Church, from coming there," that is, to Parliament. Strype's Life of Whitgift, p. 508.

' On this subject of corruption and undue influence at elections, we cannot forbear from remarking, that undertakers, as the agents for the crown on such occasions were denominated, were declared in 1614 to be worse than the gun-powder traitors. Journals of the Commons, pp. 470-478.' I. pp. 115-118.

As to the importance and supremacy of the Lower House of Parliament in the time of Elizabeth, Mr Brodie, along with many other authorities, has quoted the following remarkable passage from *Harrison*, whose 'Description of England' was published in 1577.

' "This House hath the most high and absolute power of the realme; for thereby kings and mightie princes haue from time to

time beene deposed from their thrones; lawes either enacted or abrogated; offenders of ail sorts punished; and corrupted religion either disannulled or reformed.—To be short, whatsoeuer the people of Rome did in their *centuriatis* or *tribunitiis comitiis*, the same is and may be doone by authoritie of our parlement house, which is the head and bodie of all the realme, and the place wherein euerie particular person is intended to be present, if not by himselfe, yet by his aduocate or attornie. For this cause also any thing ther enacted is not to be misliked, but obeyed of all men without contradiction or grudge.” I. pp. 316, 317.

In 1566, a similar doctrine was delivered in the Commons' address to the Throne, by the Speaker *Onslow*, then the *Queen's solicitor*; and, in the same Session, it appears from D'Ewes's *Journal*, that it was repeatedly stated, with the assent of the whole House, that it was nothing less than treason to assert that the Parliament had not power to determine of the Crown; and that the sovereign was undoubtedly under the law, —since it was by the law alone that he was sovereign. Even after the accession of James, and in the face of his impious assertions of supremacy, we find, in a similar address to the throne, a distinct intimation that ‘the power of the king was either negatively ‘to frustrate, or affirmatively to confirm, *but not to institute*,’ and, in the first great debate on that monarch's power of imposing new customs, it was openly stated, without censure, ‘that ‘the king of France, and the rest of the imposing princes *also* ‘made lawes,—which would soon bring all to a tyrannical course, ‘with confusion both to prince and people;—that there was no ‘sovereign who had not been originally elective; and there was ‘a double election, of person and of care; But *both came in by*, ‘consent of the people, and with RECIPROCAL CONDITIONS between ‘king and people.’

With regard, again, to the alleged subserviency of Elizabeth's parliaments, and the tameness with which Mr Hume says they submitted to *her* invasion of their privileges, as contrasted with their insolence towards her less imperious successor, Mr Brodie has brought the most overwhelming evidence of the utter groundlessness of the imputation—and the matter requires, and is worthy of a single word of explanation. Writs of election were originally returnable to the House itself; till by 7 Henry IV. they were made returnable to Chancery, whence they issued. But the House still had the sole power of declaring vacancies, and requiring the writs to be issued by their warrant to the clerk of Chancery. In the 28th of Elizabeth, some members having died after the return, but before Parliament met, the Chancellor, of his own authority, issued new writs, on which elections proceeded. This, however, was immediately resented by the Commons; who, though they re-



ceived the new members, resolved that no such writs could issue except by their warrant. The Queen, however, was not satisfied with this assertion of right, but, in the following year, sent a message to the House, informing them that ‘they had nothing to do with the ordering of the new writs, that being a matter belonging exclusively to the Lord Chancellor, by whom they were issued, and to whom they were returnable;’ and that she had directed him to take order for the new elections accordingly, with the advice of the other Judges. The House, however, without hesitation, resolved That no new writs could issue without an order of the House—that the Chancellor and Judges were competent authorities in their own Courts, *but not in Parliament*—‘and that no message whatever should be sent to the Chancellor, even to know what he had done in the business, because that would be derogatory to the power and privilege of the House.’ To this bold resolution Elizabeth was content to submit; and the House accordingly acted upon it, without dispute, in three several instances that occurred in the subsequent part of her reign.

Such was the domineering Elizabeth’s habitual contempt for Parliament. Let us now see how much more moderate and indulgent was her successor. A question of the same kind occurred at the meeting of James’s first Parliament; and the House having again asserted its right, that erudite monarch addressed them in the following incredible message, the most offensive part of which is prudently suppressed in Mr Hume’s account of the transaction. ‘He had no purpose,’ he said, ‘to impeach their privileges; *but since they derived all matters of privilege from him, and by his grant, he expected that they should not be turned against him.* That there were no precedents did suit this case fully; *precedents in the times of minors, of tyrants, of women, of simple kings,*—not to be credited, because for private ends. That by the law, the House of Commons ought not to meddle with returns, being all made into the Chancery, and to be corrected and reformed by that court alone.’ Mr Hume’s apology for this insolent and deliberate usurpation, ‘that as it happened so early in his reign, it should rather be ascribed to *precipitation and mistake*, than any design to invade the liberties of Parliament;’ contradicted as it is by the whole tenor of his subsequent conduct, is about as pitiful as any thorough-paced partisan ever hazarded in the most desperate emergency;—and with regard to the king’s contemptible sneer on the magnanimous Elizabeth, it is well observed by Mr Brodie, that ‘he thus distinctly avowed his resolution to disregard the precedents, as having passed *“in the times of minors, of tyrants, of women, of simple kings.”*’

‘—a catalogue in which he could have had no difficulty in ranking any sovereign, since the characters of all were to be determined by his own voice. As, however, there had been only two women on the English throne, of whom the first could scarcely be meant by him, as *all the precedents took place under her sister*, James must be considered as having distinctly avowed a purpose to govern on far more arbitrary principles than his immediate predecessor, whose administration has been so blackened to apologize for his.’

The main part, however, of Mr Hume’s argument in his famous Appendix is to show that, whatever might be the abstract theory of the constitution, the kings of England, at the accession of the House of Stuart, were substantially absolute, and the pretended rights of the people merely nominal, in consequence of the existence of the courts of *Star Chamber* and *High Commission*—the arbitrary and habitual recourse to *Martial law*—the legislative power exerted by *Royal proclamations*—the right of *dispensing* with statutes, and the acknowledged prerogative of levying money, without consent of parliament, by *forced loans* and *benevolences*, *ship-money*, *grants of monopoly*, &c. &c. Into every one of these points Mr Brodie has entered in the volume before us, with the greatest industry and vigour of research—and upon one and all of them we think he has convicted the courtly historian of the greatest exaggerations, the grossest inaccuracies, or the most unaccountable mistakes. Our limits will no longer permit us to follow him through the whole of those learned details—but we shall notice very shortly some of the most important results.

With regard to the *Star Chamber*, which Mr Hume describes as one of the *most ancient* instruments of power, our author, we think, makes out in the most satisfactory manner, that this ingenious writer is entirely mistaken, both in his account of the antiquity, and the established powers he has chosen to ascribe to it. He shows that, in point of fact, there is no court, known or described by this name, in any record or publication anterior to the time of Henry VII.; and that the earlier instances of its supposed interference, which have been erroneously referred to, were acts merely of the Council or Privy Council, whose occasional assumption of judicial powers, in the face of the leading provisions of the great charter, he proves to have been the subject of legislative correction in various statutes of Edward III., Richard II., Henry IV., and of several succeeding sovereigns. The court, in fact, owed its origin to the stat. 3 Henry VII. c. 1., which gave jurisdiction for the first time to certain high officers of state, with two of the judges, to



inquire into and punish certain offences, 'after the form and effect of the statutes thereof heretofore made.' The offences were chiefly such as the nobles and greater proprietors were in the habit of committing against the course of justice; and the court, which immediately fell into disuse, and was almost dormant till the time of Wolsey, was rather popular with the lower orders for some time after its revival under that prelate. Its gradual assumptions are well described in the following passage.

'When this pernicious court was first established by Wolsey, it proceeded with great caution. *The president of the king's council* was added by stat. 21 Henry VIII. c. 20. to the number of the judges—a clear proof that, even at this late period, it was conceived to be quite distinct from the council—and by certain acts of Parliament, both in that reign, and even in Elizabeth's, some particular kinds of cases were committed to its jurisdiction. But it, in no long time, assumed a bolder tone, till it even disowned its origin. The whole privy council arrogated the right of sitting there in judgment, and the question was no longer what the statutes allowed, but what *the council* in former times had done? Having once adopted this principle of precedent, it no longer submitted to any check upon its proceedings. Every act of the council in the worst times was raked up, though so many statutes were devised against such proceedings; cases were grossly misrepresented; strained analogies were resorted to; and where no shadow of a precedent could be discovered, ingenuity could invent—a proceeding the more simple, as no regular record was kept; while every abominable recent case was held to be conclusive in all future ones. Where no precedent could be discovered or invented, then the paramount, uncontrollable power of a court, in which the monarch might preside in person as sole judge, (for having held it to be the same as the council, they next assumed that principle), was entitled to provide a remedy for any alleged disorder. The judges of this court, too, neglected no means for advancing so arbitrary an institution. Under the pretext of desiring to be directed by the best legal advice, they usurped the power of nominating the counsel who should plead before them; a practice that operated to the exclusion of every man who had honesty and independence enough to assert the rights of his client. The great Plowden fell under their severe animadversion for reminding them of the stat. 3 Henry VII., and Serjeant Richardson, about thirty years afterwards, incurred a censure for a demurrer to the same effect. The consequences may, therefore, be easily figured: every precedent begot a worse; and, towards the close of Elizabeth's reign, though the Star-Chamber still retained some decency, it had reached a monstrous height; but, under the Stuarts, it threatened a general overthrow of popular rights, and the engrossment of all ordinary jurisdiction.' pp. 188–90.

Mr Hume describes the court as consisting entirely of members removeable at the king's pleasure, and as meeting under the presidency of the sovereign himself. But Mr Brodie justly observes, that the twelve judges, who formerly held their patents during good behaviour, were not made removeable at pleasure till the reign of Charles—and that there is no instance on record of any king presiding personally in this court, till the pedantry and conceit of James led him to this unseemly usurpation. So far therefore from being a part of the old machinery of the English constitution, this court was, at the accession of the Stuarts, a recent innovation on the original judicatures of the land—Never having been really in operation till the time of Wolsey; and having confessedly usurped, in the latter part of Elizabeth's reign, powers and authorities for which the statute by which it was erected afforded no warrant. Even then, too, it was viewed with the utmost jealousy and dislike—and Sir Edward Smith, in noticing two of its sentences fining juries for violation of their duty, a matter clearly within its statutory powers, has recorded that 'these doings were of many 'accounted very violent, tyrannical, and contrary to the liberty and custom of the realm of England.' It is not, however, and could not be denied by Mr Hume himself, that these recent and distasteful usurpations of Elizabeth were far outgone both by Charles and his predecessor; and while, in the general argument we are considering, he insinuates, that this unfortunate monarch encountered the most virulent abuse for a mitigated use of practices which had never been complained of in his predecessors, he is compelled, in the details of his history, to admit, that he carried the interference and oppression of the Star Chamber far beyond all former precedent,—while he keeps out of sight altogether both the recency of its worst usurpations, and the universal discontent they had all along excited.

With regard to the Court of *High Commission*, it is well observed in the work before us, that nothing can be more palpably absurd than to describe, as a part of the ancient establishment of the English monarchy at the accession of the Stuarts, an institution which *confessedly* owed its origin to a statute of the immediately preceding sovereign. By that act of Elizabeth, this court was erected as a *proper spiritual* or ecclesiastical tribunal, and confessedly without any power to fine, imprison, or inflict any temporal pain. Various commissions were afterwards issued by royal authority, containing new instructions; but even the last and most general of these directed all the proceedings to be 'according to the laws, ordi-



'nances, and statutes of the realm.' Many arbitrary acts, however, were no doubt committed by these commissioners towards the close of the Queen's reign; but Sir Edward Coke has distinctly recorded (4th Inst. p. 331), that 'no fine was levied by its authority in Elizabeth's time, nor any subject in his body, lands, or goods charged therewith.' During the whole of that reign, too, and for the greater part of King James's, the courts of law uniformly issued Prohibitions against the usurpation of the commissioners, whenever they were applied for; and in one memorable case (Simpson's 42d Eliz., 4th Inst., p. 332), where an individual had *killed* an officer of that court who insisted on searching his house under one of their warrants, the Judges declared he was not liable to prosecution, as the said warrant was utterly illegal, and dismissed him from the bar. And from the Lambeth Collection of MSS. (No. 943, Art. 25), it appears that a similar deliverance was made early in James's reign, in the case of a recusant, who was dismissed upon proving that his house had been searched under such a warrant.

Now, let any man compare this state of the law and practice, even under this new institution, with those flagrant and atrocious abuses which took place under Charles, where the most cruel imprisonments and ruinous fines were daily inflicted by this tribunal, and where the prohibitions of the courts of law were first disregarded by the commissioners, and at last these courts intimidated by Laud from issuing them,—and then say, whether there is so much as a plausible pretext for alleging, as Mr Hume has done, that this Prince did not in the least extend, but rather relax, the instruments of authority which he found established at his succession, and that, by the force of these familiar institutions, his predecessors had enjoyed a far more absolute authority than any to which he ever pretended! If he could be supposed ignorant of the authorities to which Mr Brodie has here referred, he might have read at least in his Clarendon, that 'this court had grown (in Charles's time) to so great a contempt of the common law, that prohibitions from supreme courts of law, which have and must have superintendency over *all* inferior courts, were not only neglected, but the judges reprehended for granting them—which, without perjury, they could not deny—and the lawyers discountenanced for moving for them, which they were obliged in duty to do,' (Hist. vol. i. 283, Edit. 1717.)

'But *Martial Law*,' says Mr Hume, 'afforded the former monarchs of England a still more prompt and violent method of decision, and any one might be punished under it whom the provost-martial, or lieutenant of a county, might be pleas-

‘ed to suspect of aiding or abetting any tumult or rebellion.’ Now what is the fact?—that all the legal authorities, up to the time of the Stuarts, are firm and unanimous against any such abuse of power, and that in point of fact *no one instance* has been produced of any such abuse in that early, and, according to him, most arbitrary period! Sir Edward Coke says, ‘If a lieutenant, or other having commission of Marshall authority, hang or otherwise execute any man *by colour of marshall law*, this is murder, for it is against Magna Charta;’ and he quotes the case of the Earl of Lancaster in Edward IV., who was found unlawfully slain, though executed by a solemn judgment of martial law, and confessedly taken *in open insurrection*,—because this was still held to be *tempore pacis*. Sir Matthew Hale (Pleas of C. i. p. 500) lays down the same doctrine, and refers to the same authority,—and Sir Edward Smith, after observing (Commonwealth, B. 11, c. iv.) that Martial law hath only place ‘*in war time and in the field*,’ adds these significant words: ‘This hath been sometimes used before any open war, *in suddaine insurrections and rebellions*,—But that not allowed of wise and grave men, who had consideration of the consequence and example, especially if, by anie meanes, the punishment might have been done by order of law.’ Accordingly, from the time of the Earl of Lancaster down to that of the Irish rebellion, Mr Hume has not been able to quote one instance of the actual infliction of this law, in any questionable case. All the authorities he refers to are cases in which the sovereigns or their servants *said* that they *might have had* recourse to such measures, or where they granted commissions or made proclamations to that effect,—but never, in any one instance, ventured on its actual execution. One, for example, is a letter of Elizabeth to the Earl of Sussex, after the suppression of the Northern rebellion, complaining that she had *not* heard of his executing any one by martial law: another is a story of her having proposed in council to proceed in this summary way against a fanatic of the name of Burchet, who had stabbed Hawkins the famous sea-captain; but the proposal was *rejected* by the council as illegal, and the man proceeded against at common law. These, as Mr Brodie has well observed, are instances *against* Mr Hume’s position, and not in support of it. His favourite instance, however, is that of a proclamation by Elizabeth, ordering martial law to be used against all who should import papal bulls or forbidden books from abroad. Now, in the *first* place, it is not pretended that this proclamation was ever acted upon, or even followed up by any commission or direction for its provisional execution. In the *second* place, we learn both from



Lord Coke and Sir M. Hale (Treatise in Hargrave, c. 9), that proclamations were frequently issued in those times, merely *in terrorem*, and without the least idea of acting on them. But, *thirdly*, when the date of the proclamation, to which Mr Hume is specially careful to avoid any allusion, is attended to, it will probably be thought, that, even if it had been acted on, the irregularity of the measure might have found an apology in the necessity of the situation. The proclamation is dated on the 1st of July, 1588; and the *Spanish Armada*, which had been previously at sea, sailed again for the English coast on the fourteenth day after! Preparatory to that great enterprise, the Pope had recently issued bulls, declaring Elizabeth accursed, depriving her of her crown, and appointing the King of Spain to carry that sentence into execution. This had been followed up by some English publications, calling on all true Catholics to cooperate in the holy work; and copies of these productions had been circulated with great industry in every part of the kingdom. The act of importing or circulating them was first made treason by a statute of that year; and then, while open war and rebellion were thus on foot in their most formidable shape, this proclamation was issued, denouncing the pains of martial law on all who should thus beat up for recruits in aid of so alarming an invasion. That Mr Hume should have singled out this act of wise and necessary policy as a proof that martial law was, at that time, habitually and arbitrarily resorted to for the enforcement of the prerogative, seems to us as striking an illustration of a disposition to pervert exceptions into general rules, as his suppression of the circumstances by which it is justified and explained, is of what, in a less popular writer, would generally pass for want of candour. An equally satisfactory explanation is given by Mr Brodie of the only other case referred to by Mr Hume, namely, that of a commission granted to Sir Thomas Wilford for putting down tumults in the city, and confessedly not acted upon to any farther extent than arresting the delinquents, and handing them over for trial to the courts of common law.

A still more triumphant refutation is given of the historian's strange misrepresentations of the powers intrusted to the offices of *High Constable* and *Marshall* of England—the former of which is shown to have finally expired so early as the 12th of Henry VIII., and the latter to have been always strictly confined to matters of blazons, chivalry and arms, till a new court was set up under that name by Charles, which is declared, by Lord Clarendon himself, to have been ‘a monstrous, usurped jurisdiction, and a court newly erected, without colour or sha-

‘dow of law.’ But we pass from these smaller matters to the important chapter of the Crown’s right to raise money without consent of Parliament.

Mr Hume states broadly, that the device of raising money by forced loans and benevolences was established, in the practice of the government, long before the accession of the Stuarts, and was not then considered as in any respect illegal. It is worth while to examine, a little minutely, the grounds of this confident assertion: and therefore, we shall say a word or two separately to the case of Loans and of Benevolences. And first, as to the legality of such compulsory loans, independent of the general principles of the constitution, and the express words of the Great Charter, that no taxation should be levied without consent of Parliament, it was enacted, in precise terms, by the 25th Edward III., ‘that no person shall be compelled to make any loans to the King against his will, because such loans are against reason and the franchise of the land;’ and the principle was so far from being lost sight of or abandoned, that it was one of the prominent charges against Richard II., that he had attempted to act in violation of it. That the sovereigns occasionally obtained *voluntary* loans, as they do at this moment, at such rate of interest as they could, is no doubt true; and it appears that Elizabeth was repeatedly obliged to enter into transactions of this sort both with the Jews and with the merchants of London, sometimes at the enormous rate of 14 per cent. interest. But Mr Hume says, she *often* raised loans by compulsion, on which, of course, no interest was payable—and that, he alleges, when there was no visible necessity for such a measure. Now, the fact is, that in the whole course of her reign, she made but *two* applications of this kind—both in circumstances of great emergency—and in one at least, but with partial and imperfect success. The first was on the breaking out of the Northern rebellion, when there was no Parliament in existence; and the warrant, which is extant in Haynes, bears expressly the plea of necessity, as ‘the requisite treasure, *now without Parliament*, cannot be had, but by way of *lone*.’ The sums lent were to be repaid in a year; and at the end of that time very humble and earnest instructions were given to the collectors to deal with the lenders ‘to be content to forbear demanding their money for the space of seven monthes longer.’ This, it must be confessed, is not like the proceeding of a monarch raising a revenue by the ordinary exercise of his prerogative. But the most instructive part of the story is, that with all her authority and popularity, the Queen failed in carrying through this loan in the city—and was obliged to take up money



in that quarter at the rate of 12 per cent. interest, as appears clearly from the statement of Stow, and the date of the transaction with the citizens, to which Mr Hume himself has made reference. The only other attempt at such a measure was made in the year of the Spanish Armada, when the emergency must have seemed to justify still more irregular proceedings. Such, however, are the whole precedents, if we add one ambiguous case of Henry VIII.—for it rather appears that his loan was made upon interest—on the authority of which Mr Hume represents this as a settled branch of the prerogative; and on this ground excuses Charles for issuing privy seals for a general loan, as an avowed and permanent substitute for a parliamentary revenue—and for the subsequent enforcement of it, not only by illegal billeting of soldiers, but by arbitrary imprisonment, seizure of goods, impressment, and other severities.

As to *Benevolences* again, the case is still clearer. That they were always against the principle, and the letter of the constitution in *Magna Charta*, cannot admit of dispute. With regard to the practice, it seems completely made out that it was unheard of till Edward IV., who on the eve of his war with France, applied to the people directly, without the intervention of Parliament, and pretending to appeal only to their generosity and affection. The request, however, was felt to approach so nearly to a demand, that it was deeply resented—and was not only insisted on accordingly by Buckingham in his enumeration of Edward's oppressions, but is stigmatized and expressly *declared to be illegal* in the strongest terms, in the stat. 1 Rich. III. c. 2. From that period, accordingly, no attempt was made at any thing so irregular till the time of Henry VII., who, in the height of his power, attempted in 1492, to levy a particular tax under this form; but it was resisted by the people, and he was obliged to apply to Parliament for the supply he required. In 1505, however, he seems to have renewed the attempt with better success—and this is accordingly the very first and indeed the only step of the kind that ever appears to have been taken without the express reprobation of the legislature. Henry VIII. is known to have made the experiment, upon Wolsey's instigation, early in his reign; but found it attended with such symptoms of resistance and rebellion, that, arbitrary as he was, he was *compelled to recall the warrants and disavow the measure entirely*. In 1546, he tried his luck again; but the discontent was still so great, that he was obliged to call a parliament and get their sanction for the imposition—nor was any thing of the kind ever again attempted by any Prince of the house of Tudor. The result of the whole examination therefore, is, that before the ac-

cession of the Stuarts, there had been just *five* attempts at raising money by Benevolence, and only *one* which can be fairly represented as successful.

Upon what grounds then, it may be asked, can Mr Hume have proceeded in saying, that 'the demand of Benevolence' was another invention of that age (*viz.* the age of Elizabeth) 'for taxing the people,' when it is certain that Elizabeth never made any such demand whatever, and that it had been avoided and substantially renounced by the least scrupulous of her predecessors? Why, the sum and substance of his authority is, first, a feeble attempt to show that some such thing had been attempted by Henry III. and Richard II. (and of the last we have spoken already), and 2d, the statement that 'the Commons in 1585, offered Elizabeth a *Benevolence*, which, though she refused, as having no occasion at the time for the money, yet proves that the thing itself was not conceived to be irregular.' Now, when it is stated that the Benevolence thus generously declined turns out to have been an *ordinary parliamentary subsidy or vote of supply*,—for which *Benevolence* is the regular and technical name,—we shall have cause to wonder at the simplicity, or incredible prepossession, which has led so acute a person into so ridiculous a blunder, as to refer to this most correct and unexceptionable transaction, as an instance of a taxation levied by the mere will of the sovereign.

In the *first* place, it is certain that, in the ample and entire annals of that memorable reign, there is not the slightest hint or trace of so extraordinary a transaction. But, in the *second* place, the statement itself is utterly absurd and incomprehensible, on any other supposition than that the word *Benevolence* is used, in the passage to which he refers, in its technical and proper sense of a *parliamentary* subsidy or supply. This benevolence, it seems, was offered by the Commons and *refused* by the Queen:—But the benevolences with which Mr Hume would class it, always proceeded, and could only proceed, on the *demand* or requisition of the Sovereign—and the essence of their iniquity consisted in the extortion by which this demand was made effectual. Again, *how* could the *Commons* offer a benevolence, or any thing else, if, by 'the Commons' is meant the people at large, by whom it was to be supplied?—and if the offer was made by the 'Commons House of Parliament,' what was it, or could it be, but an ordinary subsidy or vote of supply? Now, it is very remarkable, that though Mr Hume has used the ambiguous word 'the Commons,' *his only authority* says distinctly 'the Parliament.' But the whole matter is explained, and put, we think, in the clearest possible light in the following passage of Mr Brodie.



‘ But had Mr Hume bestowed a little more investigation on the subject, he would have discovered that the word *Benevolence* had, in parliamentary, and common language, totally different meanings, importing in the first, an ordinary Legislative supply to the throne, and in the other, a species of extortion at the mere will of the prince. So deeply rooted is the first meaning, that, from time immemorial, the assent of the sovereign to a money bill has been thus expressed in Norman French : “ *Le Roy, or, La Roigne remercie ses loyaulx subjects, accepte leur Benevolence, et aussi le veult.* ” Let us now take the passage founded on by Mr Hume, which is part of a speech by Sir Robert Cecil, in the year 1592 or 3, and we shall probably perceive small cause to infer that there had been any irregular offer of money. A very large supply, according to the opinion of those times, had been moved for ; and many contended that it would form a precedent for future grants, prejudicial to the nation. Sir R. Cecil, then Secretary of State, in order to remove this apprehension, observed, that “ In her Majesty’s time, it was not to be feared that this precedent would ever do them harm, for her Majesty would never accept any thing that was given unwillingly. Nay, IN THE PARLIAMENT the twenty-seventh of her reign, she refused a benevolence offered her, because she had no need of it, and would not charge her people. ” Now, on a strict examination of the journals for the year 1585, nothing of this kind appears ; and the only occasion in which she declined an offer of money, was in the ninth of her reign, when she remitted the third payment of a subsidy, tendered by bill in ordinary form, alleging that she had no need of money at that time, and that it was better in her subjects’ pockets than her own, though her real motive was to evade a condition of marriage on her part, which the gift imported. To this then must we presume that Sir Robert referred ; and we do it with the greater confidence, because we are informed by the editor of the Journals, that the speech founded on by Mr Hume was extracted, not from the original journals of the house, but from an anonymous journal (taken by some member) which he had in his possession ; and it is easy to conceive that an error of a date may have crept into it. But perhaps the word *Benevolence* may still startle the reader, since there may reasonably be supposed a difference betwixt a formal and unvaried response of the sovereign, and the common language of the two houses of Parliament. To remove this impression, we may observe, that upon a strict investigation of D’Ewes’s Journals, from beginning to end, we have discovered, that the word *Benevolence*, employed to denote a regular legislative grant, occurs not seldomer than twenty times. Nay, in reference to that very subsidy which Cecil was strenuously endeavouring to obtain, and to which his speech related—the word *Benevolence* is used four times, and once by the secretary himself. ’ I. 260–3.

Another independent source of revenue, which, according to

Mr Hume, the Stuarts found regularly established at their accession, was the right of increasing by royal authority alone, the rate or amount of customs imposed originally at a lower rate by Parliament. 'Queen Mary,' he says, 'increased the customs 'in some branches, and her sister followed her example.' Now, the principle of this is so plainly indefensible, as truly to admit of no argument—and as to the practice, it is decisively remarked by Mr Brodie, that

'There does not occur an instance of any imposition on merchandise having passed without being complained of in Parliament as a grievance, and being redressed; nor even of any attempt to impose, from the time of Edward III. till the fourth of Queen Mary, a period of nearly 200 years. The military achievements of Edward III. gave him great influence in such an age, and he availed himself of his popularity, to impose new duties on commerce: But parliament never permitted any thing of the kind to pass unnoticed, and he, far from pretending to the power of imposing, adopted the readiest way to recover his popularity, *by recalling the measure*, applying in the regular form for subsidies, and thankfully accepting of them as gifts—thereby directly disclaiming the idea of exacting any thing as a right. Queen Mary, who revived a practice which had been so often reprobated and repressed, and so long unattempted, *did not arrogate the right of imposing*, but evaded the law, which she did not venture avowedly to break.' I. 266, 267.

And then he goes on to explain, that in consequence of the increased exportation of *manufactured woollens*, the custom on exported *wool* had fallen off; and she therefore pretended that she might raise the customs on the exported *cloth*, so as to supply the deficiency. The attempt was vehemently resisted; and on her death, the year after, the question was laid by Elizabeth before the twelve Judges, who condemned the tax as unconstitutional; and Plowden composed a regular argument against it. There had been a previous judgment, indeed, to the same effect in the preceding reign, noticed both in Dyer's Reports and Coke's Institute. Such, however, are the precedents upon which Mr Hume justifies Charles for afterwards seeking nearly to double the whole customs that had been voted to him, by his single authority; an attempt in which, to the great disgrace of the profession, he was then abetted by some lawyers of eminence.

We have not left ourselves room to say more than a word on *Monopolies*. Under the pretext of encouraging useful inventions, it is no doubt true that these were granted to an enormous extent by Elizabeth—but they excited at all times the greatest discontent—and that politic Princess, finding it impossible to maintain them, wisely pretended to have been misled;



and, protesting that she had never granted one patent, except with a view to the public good, agreed to remit those that were objected to, to the courts of law, where they were speedily condemned and made void as illegal.

Another extraordinary allegation of Mr Hume is, that in the period preceding the Stuarts, the king was in the habit of *imprisoning arbitrarily*, by warrant of his council—and that in suspicious times the jails were full of such prisoners, often loaded with irons, and unable to procure any remedy by law. On this pathetic statement, Mr Brodie forcibly remarks—

‘ It is very unfortunate that the learned author has not thought proper to adduce some instances of this atrocious proceeding, and of justice having been denied, by courts of law: For the English, regarding imprisonment as torture and civil death, were ever jealous of their personal liberty, and had provided many statutes besides *Magna Charta*, to secure themselves from that evil. To such a degree did they carry their apprehensions of any encroachment of prerogative against their personal rights in this respect, that, after the defeat of the Spanish armada, the commons petitioned for leave to bring in a *bill of indemnity* for the illegal imprisonment of some Catholics on that momentous occasion; and, during Elizabeth’s time, as well as during that of her predecessors, the judges liberated individuals who had been imprisoned by the express command of the sovereign and council. In the 34th of Elizabeth, certain great men, having been offended at the liberation of some prisoners, procured a command to the judges not to proceed; but that venerable body continued to discharge their duty, by setting the prisoners at liberty in the face of this order; and having been desired to specify in “ what cases a person sent to custody by her majesty, or her council, some one or two of them, is to be detained in prison, and not to be delivered by her majesty’s court or judges,” they gave it as their opinion, which they delivered in writing to the chancellor and treasurer,’ &c.—‘ This opinion,’ he afterwards observes, ‘ was in vindication of the release of prisoners against an express order from the court; and the same principle was, subsequently, acted upon. See Selden’s argument in 1628. Franklyn, p. 267, whole speech, with the cases, &c. from p. 264 to 280. The opinion of the judges in the 34th of Elizabeth, had, in the case alluded to, been misrepresented, and Selden produced Chief Justice Anderson’s report of it to the House, “ which,” said he, “ will contradict all those apocrypha reports that go upon the case.” Frank. p. 250. When the cases in favour of the liberty of the subject, in this respect, were cited in 1628, not a precedent on the other side could be adduced. Rush. vol. i. p. 535. Selden chiefly managed the argument as to the book cases, but Sir Edward Coke also spoke upon the subject, and, after arguing the point on legal principles, he took occasion to add four book cases and authorities all in point, saying, “ that if the

learned counsel on the other side could produce but one against the liberties so pat and pertinent, oh how they could hug and cull it." Ib. See also Harl. MS. Brit. Mus. No. 37. Coke's 2d Inst. 54, 615. 4 Inst. p. 71, 182.' I. pp. 232-235.

It was scarcely necessary, however, for the learned author to refer to these authorities to refute the assertion of Mr Hume, as he might have recollected that that eloquent writer had, as is his custom, pretty effectually refuted himself, where he observes, on occasion of the trial of the five gentlemen imprisoned by royal warrant in the second year of Charles's reign, 'that it appeared, *beyond controversy*, to the nation, that their ancestors had been so jealous of personal liberty, as to have secured it against arbitrary power in the Crown by six several statutes, and by an article in the Great Charter itself;'—and he adds afterwards, that 'the King was astonished to discover that a power, exercised' [he is pleased to say, most erroneously] 'by his predecessors almost without interruption, was found, upon trial, to be directly opposite to the clearest laws, and supported by few (no) undoubted precedents in courts of judicature.'

'But in reality,' says Mr Hume, 'the Crown possessed the full legislative power, by means of *Proclamations*, which might affect any matter even of the greatest importance, and which the Star Chamber took care to see executed, even more rigorously than the laws themselves'—and then he quotes some proclamations of Elizabeth about woad, and others about swords and ruffs, which he says resembles the proceedings of the Czar Peter.

'Now this,' says Mr Brodie, 'is a very extraordinary statement. The legislature had conferred a certain power upon the throne in the time of Henry VIII. to issue proclamations, which, to a limited extent, were to have the effect of laws; but the power was withdrawn in the next reign, by the authority that conferred it, and no one ever ascribed to the prerogative of itself, any right to alter the laws of the land. With regard to the instances referred to by Mr Hume, they do not warrant his statement. Elizabeth deeming the smell of woad a nuisance, because she could not herself endure it, interdicted the cultivation of the plant; but parliament complained of the proclamation, and it was instantly recalled. As for the others, they may be supposed too ridiculous to require any remarks, since people might not choose to impugn the illegal exercise of the royal power on such trivial occasions, and yet, upon examination, the matter will appear in a very different light.' I. pp. 285, 286.

And so he proceeds to show, that these proclamations were precisely in terms of certain antecedent statutes, and constituted, in fact, a very mild and cautious way of executing the existing



laws. He has also subjoined, in an Appendix, an excellent and most instructive passage from Coke's Reports, in which that learned person gives an account of his being consulted on the subject of proclamations by the Lord Chancellor on behalf of King James, in 1610—when, upon his hinting that there was no precedent for such a power, and desiring time to consult the other judges, 'the Chancellor said, that every precedent had a commencement, and that *he would advise the Judges to maintain the power and prerogative of the King.*' But after consulting with the two Chief Justices, they concurred in a decided and very detailed opinion, which is here engrossed, 'that the king can neither make nor alter the law by his proclamations—*ergo*, that which cannot be punished without proclamation, cannot be punished with it: Also, the law of England is divided into three parts, common law, statute law, and custom; *but the king's proclamation is none of them*; also, "*malum aut est malum in se aut prohibitum*," that which is against the common law is "*malum in se*;" "*malum prohibitum*," is such an offence as is prohibited by act of parliament,—and not by proclamation. Also, it was resolved that 'the king hath no prerogative, but that which the law of the land allows him. But the king, for prevention of offences, may, by proclamation, *admonish* his subjects that they keep the laws, and do not offend them, upon punishment to be inflicted by the law,' &c. (p. 483); and yet, after all this, Mr Hume says, with oracular tranquillity, that in the reign of James and Charles, '*nobody pretended to doubt that proclamations had authority*' independent of any law, and might legally be 'put in execution'! We can scarcely conceive a stronger instance of prejudice, or infatuation.

We have now, we think, exhibited enough of this part of Mr Brodie's work, to enable our readers to judge for themselves of its true character and value; and shall abstain, therefore, from attempting to give any abstract of his equally successful examination of Mr Hume's allegations as to *the dispensing power*, the right of *impressment* and banishment, of *wardship* and *purveyance*, or any of the other prerogatives, by the undisputed exercise of which he is pleased to allege, that the Sovereigns of England were vested with a power pretty nearly as absolute as that of the Sultan in Turkey. We do not hesitate to say, that all the grounds of this extravagant theory are now effectually discredited; and that a more just and more pleasing picture is here drawn, both of the ancient pedigree, and the pure descent of English liberty, than is to be found in any work that has been produced since these things became matters of controversy.

The great length to which our observations have already extended, prevents us from following Mr Brodie into the part of his performance which is more properly historical, and in which, though his corrections of Mr Hume are still more numerous, they are less capable of being abridged, without such a reference to the occasions as would far exceed the limits that are assigned us. We shall content ourselves, therefore, with a very brief notice of such things as, on turning over the leaves, appear the most remarkable.

There is no passage, perhaps, in Mr Hume's whole book more reprehensible than that in which he observes upon the government of Charles, after his renunciation of Parliaments, that 'it was more gentle and equitable than that of most of his predecessors—that instances of rigour were rare—and that most of those who were subjected to great severities, might have escaped them by submission.' What else, we would ask, but submission, does any tyrant in modern times propose to himself by his severities? and what was the submission required in the case at issue, but submission to a government of will, in place of a government of law? The instances of rigour, too, whether few or many, were, as Mr Brodie has acutely observed, sufficient to give general effect to the illegal exactions, for resistance to which they were inflicted; and would certainly have been multiplied if they had not proved so. But, in point of fact, he has shown that they were exceedingly numerous. Mr Hume, he says, to give a colour to his statement, 'probably proceeds in this way. Though sixteen soap-boilers were prosecuted at once, that was but one case: But, surely, it is of no earthly importance whether they were prosecuted individually, or at once. About two hundred of the highest ranks were illegally prosecuted at once, in the Star-Chamber, for residing in town contrary to a proclamation, Rush. vol. ii. p. 288, *et seq.*; that, too, may be called one case. See also Straf. Let. and Disp. vol. ii. p. 142. The proceedings about buildings may be termed one case; but mark what occurred. The severity towards Moore brought 100,000*l.* of rents under the power of the court; and the owners, to save their property as a whole, were glad to compound at the rate of three year's rent. Now, if we allow 20*l.* for each house, we shall find that about 5000 houses were in this condition; I think we may also allow about a proprietor for every house. The severe fine upon Roper brought about SEVEN HUNDRED into composition, some for 1000*l.*, some for 500*l.*, others for 300*l.* The same thing happened in other cases. Why then are we told of the inconsiderable number of instances? They were such as left no man any thing he could call his own—not even the ears in his head.

'Mr Hume himself says, that, in consequence of the fine imposed upon Roper, above 30,000*l.* were brought into the Exchequer.



But, in the first place, he has not done justice to his authorities, Rush. vol. ii. p. 333. and Franklyn, p. 478, for both inform us that the commission which brought that sum extended only to the counties of Oxford, Cambridge, Warwick, and Nottingham, and that the like commissions were granted for other counties. In the next place, the sum actually imported into the Exchequer, was frequently a mere trifle in comparison of that levied.' II. pp. 399, 400. *note*.

The account of Strafforde and Laud is given with great spirit and vigour; and the various evasions and suppressions of their partial historian sifted and dragged to light with a powerful and unsparing hand. From the letters and despatches of the first of these personages, he has extracted redundant proof of his zealous and unqualified adherence to the principles of arbitrary power—and, indeed, when it is recollected that he repeatedly holds out to Laud the government which he had established in Ireland, as a desirable model for that of England, it might be enough to quote the passage in which, after putting down every appearance of liberty in that devoted island, and subjecting it to the utmost rigour of martial law, he says triumphantly in one of his letters, 'Now, the King is *as absolute* here as any Prince in the whole world can be.' His principles, however, are if possible, still more unequivocally spoken out in an elaborate letter addressed by him to Mr Justice Hutton, soon after the famous case of Ship-money, in which, after observing that the King is individually *the sole judge* of the necessity of such impositions, he proceeds,

'I conceive it was *out of humour* opposed by Hampden beyond the duty of a subject, and that reverence wherein we ought to have so gracious a sovereign, it being ever understood the prospects of kings into mysteries of state are so far exceeding those of ordinary persons, &c.; therefore it is a safe rule for us all in the fear of God to *remit these supreme watches to that regal power, whose peculiar indeed it is; submit ourselves in these high considerations to his ordinance, as being no other than the ordinance of God itself*, and rather attend upon *his will*, with confidence in his justice, belief in his wisdom, assurance in his parental affections to his subjects and kingdoms, than fret ourselves with *the curious questions, with the vain flatteries of imaginary liberty*, which, had we even our silly wishes and conceits, were we to frame a new commonwealth even to our own fancy, might yet in conclusion leave ourselves less free, less happy than now, thanks be to God and his majesty, we are.' III. 88. *note*.

Mr Brodie, we think, might have strengthened this part of his case, both against Strafforde himself and his apologist. Mr Hume, it should be remembered, has said, not only 'that he had governed Ireland for eight years with great vigilance, activity, and prudence,' but, upon the whole, that his conduct, as a

Statesman and Councillor, 'was *Innocent* and even *Laudable*.' Now, as to his Irish government, it was proved on his trial, by at least eight or nine *uncontradicted* witnesses, that he repeatedly said, and held it out indeed as his ruling maxim, 'that while he was Governor, he would make an act of State, or an act of the Council Board, as good as an act of Parliament'—'that he would not have his orders disputed by law, or lawyers'—'that the Irish were a conquered nation, with whom the King might do as he pleased; and, for their antiquated charters, they were binding no farther than he pleased.' That he acted, too, up to the full spirit of those principles, is established by all the contemporary histories; and, in particular, that, under the pretext of an Inquiry into Titles, aided by a most atrocious system of fining, imprisoning, and impressing such jurors as refused to find for the king, he confiscated a great part of the property of the kingdom, and especially of the province of Connaught, and put down all opposition or resistance by military force. He used the military indeed in a still more illegal and unconstitutional service:—For, in one of his despatches to the king, after boasting that he had so balanced the Protestant and recusant members in the Lower House as nearly to neutralize both, he adds, 'I will also labour to get as many *Captains* and *Officers* returned as Burgesses as I possibly can, who, having immediate dependence on the Crown, may almost sway the business which way they please.' All this, according to Mr Hume, was not only *innocent* and *laudable*, but *Prudent*. We shall say nothing as to the two first epithets; but as to its *prudence*, some notion may be formed from the character of the rebellion which broke out immediately after; and with reference to which, his conscious but ungrateful master, afterwards told his English parliament, 'that if he had been suffered to perform his engagements to his Irish subjects, there had been no rebellion.'

With regard, again, to the innocent and laudable nature of his general policy, it is needless to go farther than his own letters and despatches—in one of which he recommends to the king to give 'seasonable *Rewards* to the Judges for occasional services;' and adds, that 'by a constant and *quick applying of Rewards* and *Punishments*, he might soon be rendered, both at Home and abroad, the most *Powerful* and considerable king in Christendom, (*Despatches*, &c. vol. ii. p. 41.) In a subsequent letter, after observing that the infamous judgment in the case of ship-money 'was the greatest service the Profession of the Law had done the Crown in his time,' he adds, 'But unless his Majesty has the like power declared to raise A LAND ARMY



‘upon the same exigent of state, the Crown seems to stand but ‘upon one leg AT HOME, and to be considerable but by halves, to ‘foreign princes abroad.’ In the close of the same despatch, where he speaks of vindicating the Royalty from the restraints and conditions of subjects, he recurs to the same topic, and showing evidently that he was fully aware that the measure would be a complete innovation on the constitution, observes, that an army once raised by prerogative, would ‘*insensibly gain a precedent*, and settle an authority and right in the Crown to ‘levies of that nature;—which thread draws after it many huge ‘advantages, more proper to be thought on at some other season.’ (p. 612.) It is needless to pursue this any farther; and it is sufficient of itself to settle the whole question as to the character of Charles’s policy, that this Strafforde was, up to his last hour, his favourite and most trusted counsellor—and his yielding him to the justice of the nation, the only act of rigour of which he ever repented.

Mr Brodie has likewise noted with due reprobation the base and barefaced apostasy with which this great champion of tyranny began his career of oppression—and pointed out the mistake (or misrepresentation) of Mr Hume, who says that he went over to the Court ‘*after the dissolution* of Charles’s third Parliament, when the necessities of state had begun;’ whereas it is certain that he *ratted* during the prorogation—and, changing sides without the shadow of an apology, instantly took up the very height of those principles which he had just before been the most vehement in opposing.

One of the most remarkable passages in all Charles’s history, is his attempt to seize the five arraigned members by his personal appearance in the House—which, followed up by his ambiguous quest in the city, and his sudden retreat to Hampton Court, and thence to York, may be fairly regarded as the first substantive appeal to force and actual aggression in the course of the contest. It is curious, therefore, to observe the difference between Mr Hume’s account of that proceeding, and the corrected edition of Mr Brodie. According to the former, the King proceeded to the House ‘with his ordinary attendants only, armed as usual, some with halberts, some with walking swords.’ Now, Mr Brodie shows from contemporary documents, that the King had recently before not only got together an irregular military guard of discharged officers and others, but had prevailed on a number of the students in the Inns of Court to enrol themselves as an additional guard—that, the day before his visit, he had ordered them to be in readiness on an hour’s warning—that on that very morning 100 stand of arms,

with gunpowder and ammunition, had been brought from the Tower to Whitehall—and that he proceeded to the House with a tumultuous escort of about 500 armed men, many of them having pistols and fire arms, who would not allow the doors of the House to be closed after his entry, and used many threatening and insolent expressions during the whole extraordinary scene. It is also proved by no less an authority than Clarendon, that after the proscribed members took refuge in the city, 'it was proposed by Lord Digby to go after them with a select company of gentlemen, *whereof Lunsford was one*, and to 'seize and bring them away, DEAD OR ALIVE,' 'and without doubt,' adds the noble historian, 'he would have done it—*which must have had a wonderful effect.*' After this, Mr Hume represents the King as sojourning at Hampton Court in a state of shame, mortification and distress, while the Commons continued to harass him with the most insulting propositions, and to keep up their popularity by the most affected alarms, taking advantage of such ridiculous incidents to spread abroad their panics, that 'Lord Digby having entered Kingston in a coach 'and six, attended by a few livery servants, the intelligence 'was conveyed to London, and it was immediately voted that 'he had appeared in a hostile manner, to the terror of his 'Majesty's subjects, and had levied war against the king 'and kingdom.' Now, the truth, as clearly established by Clarendon, indisputably is, that *before leaving Whitehall*, the king had secretly despatched Newcastle to take possession of the garrison and stores at Hull—and the queen had previously obtained from the commander of Portsmouth, a promise to surrender that important fortress on the royal summons; so that the resolution to have recourse to military force, in opposition to the parliament, was unquestionably taken before his departure. Then it is distinctly admitted by *Digby himself*, in the statement which he afterwards published for his own vindication, and that of his master, that 'when the king retired to Hampton Court, *many Soldiers and Commanders* (who 'had assembled to solicit payment of their arrears from the 'Parliament) *waited on their Majesties*, and leaving them at 'Hampton, provided their own accommodation *at Kingston*, 'the highest place of resort, and still so used for the overplus 'of company which the court could not entertain. *To these gentlemen, and to this place, was I sent by his majesty, with some expression of his majesty's good acceptance of their service,*' &c. &c. From these unquestionable sources, it is thus established, that the king had been followed from London by a body of discontented officers and soldiers, who had quartered them-



selves as near his residence as possible, and that Digby had visited them by his majesty's orders, to accept and to thank them for their offer of service in this most critical emergency. When it is added, that it appears from the journals of parliament, that Kingston, thus spontaneously occupied by such a military force as has been described, was the seat of the magazines and stores for the country—that the troops amounted to upwards of 200 in number, and that their commander was that very *Lunsford*, whom Digby had proposed to take with him but a few days before, to drag the proscribed members,—*dead or alive*—from the city! it is left to the candid reader to judge, whether there was not more excuse for the Parliament voting that the meeting of those two champions and their soldiers, at Kingston, under such circumstances, was in a hostile manner, and for the purpose of levying war, than there can be for Mr Hume alleging that *the only ground for this vote* was, that Lord Digby had passed through Kingston in his coach and six, attended by a few livery servants!—a more extraordinary perversion and suppression of truth we scarcely know where to look for in history.

We shall mention one other, however, which to some readers may appear still more discreditable. It occurs in Mr Hume's account of Cromwell,—the whole tenor and strain of which Mr Brodie shows to be singularly partial and inaccurate. Among other things, however, he says, 'His name for above two years (after the meeting of Parliament in 1640) *is not to be found oftener than TWICE upon any committee*—and those committees into which he was admitted, were chosen for affairs which would more interest the *zealots* than the men of business.' Now, this sounds very authentic and arithmetical—and any ordinary reader would take it for granted, that there could be no material error in a statement which must have been made from an inspection of the journals. Mr Brodie, however, has had the curiosity to examine these records for himself—and what is the result? Why, that before the recess, and within the first ten months, he was appointed on EIGHTEEN committees of the greatest importance, besides having been sent up twice alone with important messages to the Lords; and that after the recess, and within the nine months of the 2d session, he was again named on no fewer than TWENTY-SEVEN other committees, besides *six* messages to the Lords, and *four* to the Lord Lieutenant of Ireland, making in all FORTY-FIVE committees and *twelve* special messages within the two years to which Mr Hume has referred! Mr Brodie has given the dates of all these committees; and has mentioned the subjects of most of

them, which embrace all the important business of the House, and prove the learned historian to be as egregiously and unaccountably mistaken in their nature as in their number. What reliance indeed can be placed in an author so incredibly negligent and inaccurate?

In his account of the trial and execution of the king, there is more excuse perhaps for passion and exaggeration. But there are some misrepresentations equally unworthy and foolish. 'Every night,' he says, for example, 'from his sentence till his death, the king slept sound as usual; though the noise of the workmen employed in framing the scaffold and other preparations for his execution, *continually resounded in his ears.*' Now, by far the best authority for this period of the history, is the *Memoirs of the faithful Herbert*, who was constantly in attendance on the king's person, day and night—and he distinctly states, that the king was lodged during all this interval at *St James's*, and of course *could not* be disturbed by preparations making at *Whitehall*! Mr Brodie informs us, that he has examined the copy of Herbert in the Advocates' Library, and recognised Mr Hume's pencil marks at this very passage; so that he must have been perfectly aware how the fact stood, which is confirmed, indeed, by all the other authorities. Yet has he thought fit to borrow this theatrical trait of the nightly disturbance from the scaffold making, from such a writer as Clement Walker, the only one who mentions it, and who, in point of fact, contradicts himself, and relapses into truth in the very next page,—where he has this entry: '30th January—the day appointed for the King's death.' He came on foot *from St James's to Whitehall* 'that morning.'

Another legend, borrowed from Perinchief, an author of still less credit than Walker, is exposed by Mr Brodie with equal force and acuteness. After mentioning that Fairfax had used every exertion to rescue the King from his murderers, Mr Hume gravely proceeds.

'Cromwell and Ireton, informed of this intention, endeavoured to convince him that the Lord had rejected the king; and they exhorted him to seek by prayer some direction from heaven on this important occasion: but they concealed from him that they had already signed the warrant for the execution. Harrison was the person appointed to join in prayer with the unwary general. By agreement he prolonged *his doleful cant*, till intelligence arrived that the fatal blow was struck. He then rose from his knees, and insisted with Fairfax that this event was a miraculous and providential answer, which heaven had sent to their devout supplications.' IV. 214. *note*.

Now, upon this extraordinary statement, which, in Perin-



chief's edition, is said only to be 'credibly reported,' though given without qualification by Hume, Mr Brodie forcibly observes, that—

'In order to prove Fairfax innocent, they proceed upon the assumption that he was destitute of common sense. But, in the first place, it is utterly impossible that Fairfax, who was at Whitehall, could be ignorant of the truth. Did he not see the scaffold erected? Did he not see the troops drawn out, and the crowd assembled? Did he not hear the noise of the drums which beat all the way from St James's to Whitehall? Was there not one even of his own regiment to apprise him of the circumstance? or, would not Colonel Tomlinson, upon whom Hume says, "the king's conduct had wrought a total conversion," have signified the circumstance? Would not all the Presbyterian clergy, who knew perfectly that it was to take place, and were vehement against it, have run with the tidings to Lady Fairfax, in order to obtain the interposition of her lord? These clergy were always about her, and, knowing her sentiments, could not fail to introduce the subject. We must suppose, that what all the world knew, Fairfax alone was ignorant of: *and yet he does not pretend any thing of this kind in his own memoirs*; and we may be well assured that he would not have allowed such a charge against Cromwell, Ireton and Harrison, to pass. He survived the restoration many years, and doubtless would have been adduced as a witness against Harrison, to prove a fact so calculated to excite execration against one whom the ruling party, now joined by Fairfax, wished so much to make abhorred. But what sets the matter beyond all dispute is, that it is disproved in the most direct manner, by the evidence against Colonel Hacker, as one of the regicides.' IV. 215, 216. *note*.

And then he details the evidence of Huncks, that, after the king was brought to Whitehall on the 30th January, and immediately before his execution, he saw Harrison in bed in Ireton's chamber, and enumerates the persons present, among whom Fairfax was not. It is also from this same veracious Perinchief, who gives a long account of the miracles performed by handkerchiefs dipped in the King's blood, and whom he does not venture to quote, that Mr Hume has condescended to borrow his pathetic and poetical account of the extraordinary effects produced by the general horror and agony excited by the King's death.

Our readers probably think they have enough of this now; and we are ourselves pretty much of that opinion; but we must say a word, before concluding, on that charge of insincerity against Charles which Mr Hume has repelled with so much vehemence, and which Mr Brodie here reasserts with equal intrepidity.

• The most remarkable part certainly of Mr Hume's statement

on this subject is, 'that the imputation is of a later growth than his own age; and that even his enemies, though they loaded him with many calumnies, did not insist on this accusation;' and then he proceeds to say, that Ludlow is the only Parliamentarian who imputes that vice to him; and that Clarendon and other royalist writers, while they justify him from other charges, do not think it necessary to vindicate him from this. Now, of these extraordinary allegations, we think it cannot be denied that Mr Brodie has brought forward, as indeed was abundantly easy, the most overwhelming refutation. In the first place, the whole ground of quarrel, after the petition of right, may be said to have rested on an avowed distrust of the King's sincerity, or rather on open imputations of the most atrocious perfidy. Mr Hume himself, indeed, in the course of his narrative, is repeatedly compelled to notice this circumstance. 'All his concessions,' he observes, 'were poisoned by their suspicions of his want of cordiality'—(meaning manifestly sincerity, for he goes on)—'and the supposed attempt to engage the army against them' (while he professed entire acquiescence in their measures) 'served with many as a confirmation of their jealousy.' What, indeed, was the imputation of the army plot but a charge of the most aggravated treachery? What other character had the proceedings with regard to the incident? or the perpetual accusation of favour shown to Papists, in the face of the most solemn denials? What was the object of the publication of the letters taken at Naseby, but to prove the utter faithlessness of the King's professions, and the contrast between them and his confidential communications? Could Mr Hume be ignorant that this was the sole scope and professed design of the introduction to 'The King's Cabinet opened,' and to Digby's Cabinet, as published by the Parliament? Such, accordingly, is the undisguised strain of most of their last remonstrances and addresses to the King himself,—as, for example, that of March 1642, where, after stating some of the points on which they required satisfaction, they proceed: 'But it is not words that can secure us in these our humble desires. We cannot but too well and sorrowfully remember what gracious messages we had from your Majesty this summer, when, with your privacy, the bringing up the army was in agitation! we cannot but, with the like affection, recal to our minds how, not two days before, you gave directions for the accusation against the six members, and your own coming to the Commons' house, that house received a gracious message that you would always have a care of their privileges as of your own prerogative; of the



‘safety of their persons as of your own children.’ There is no account, indeed, of any of the great debates in Parliament, in which this is not a leading topic. The main ground for rejecting the personal treaty was, that there could be no reliance on any treaty ‘with so *perfidious* and implacable a Prince.’ Nay, it is recorded in the contemporary documents, that, after the discovery of the King’s letters at Padstow, Fairfax himself dissuaded the Parliament from entering into any treaty on this very ground, and declared it as his opinion that the arrestment of Glamorgan ‘was only for a *present colour*, to *salve reputation* with the people.’ In the famous Declaration, too, when the house voted to send no more addresses, the charge with which they wind up their accusations against him, and which is held out, indeed, as the main ground of their resolution, is that of his faithlessness and dissimulation; so that, instead of being confined to one passionate Parliamentarian, the accusation is repeatedly and deliberately urged to his face by the whole Parliament in a body. But when Mr Hume said, that the charge of insincerity was not laid against this monarch in his own age, was he not aware that even the gentle Baillie has set him down in his lifetime as ‘excessively false and hypocritical,’ and one ‘who had all his life loved *trinketing* naturally?’ Did he not know how he had been treated in this respect by Milton, both in his *Iconoclastes* and his *Defence* of the people of England? Was he ignorant, in short, that Clarendon himself does—not indeed justify him against this charge,—but expressly concur in it?—as when he writes to Nicholas upon Glamorgan’s business—‘I wish the King would apply himself to the part he has to act—that is, to suffer resolutely, and *have no tricks*,’ &c. He has recorded too, without any attempt to contradict it—indeed the facts he himself relates, prove it to be true,—the charge brought publicly against him by Cromwell, in the course of the negociation at Carisbrook. We shall quote a still more decisive instance immediately.

‘Cromwell, before this vote, declared the king was a man of great parts and understanding, faculties they had hitherto endeavoured to have him thought to be without, but that he *was so great a dissembler and so false a man, that he was not to be trusted*, and thereupon repeated many particulars whilst he was in the army, that his majesty wished that such and such things might be done, which being done to gratify him, he was displeased and complained of it: That whilst he professed, with all solemnity, that he referred himself wholly to the parliament, and depended only upon their wisdom and counsel for the settlement and composing the distractions of the kingdom, he had, at the same time, *secret treaties with the Scottish*

commissioners, how he might embroil the nation in a new war, and destroy the parliament, vol. v. p. 91. IV. 123, 124. note.

But the great point certainly is, not whether he was *accused* of insincerity—which is plain enough,—but whether he was *guilty* of it. To settle this fully, it would be necessary to go into all those discussions that subsisted at the time between him and his opponents; in the greater part, if not the whole of which it seems impossible, since the publication of Clarendon's *Life and Letters*, to dispute that he had acted with the greatest duplicity. Unfortunately, however, there are some facts upon which no doubt can now be thrown, which seem to be decisive of the question.

*First*, After his retreat to the Scottish army, he, to please that party, sent a public ‘dispatch to Ormonde to break off all treaties with the Catholics, in order that, for their crimes and rebellion, they might be left to the punishment of the parliament; but, sensible that such a demand would be made of him, he had previously commanded that lord lieutenant to obey none of his public instructions. While, too, he was thus caballing with Ormonde, he was carrying on another correspondence with Glamorgan, calculated to involve the ruin even of the other. With an individual who acted thus, there could be no safety in negotiation; and so much was he accustomed to this disingenuous practice, that Clarendon, in one of his letters, mentions that a certain individual—probably himself—had lost the royal confidence for refusing to act in conformity with his secret intentions, in opposition to his warrants as monarch.’ It was during this time also that he is recorded to have told the Scottish commissioners, significantly, that, ‘if he were a prisoner, it was the opinion of many divines that promises made by a prisoner did not oblige.’

*Second*, It is distinctly stated by Clarendon, that before the war broke out, he consented to pass certain bills under a secret resolution of afterwards disavowing and disregarding them, on the pretext that the houses of parliament at the time of voting them were not perfectly free. The noble historian, with all his partialities, reprobates this fatal duplicity; which goes indeed to the root of the whole question,—for the same pretext would obviously apply to every subsequent negotiation or engagement with the Parliament\*—but Mr Hume has the courage to defend, or ra-

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\* Accordingly, we find it was so applied during the negotiations in the Isle of Wight. For after having given his parole not to leave that place, it is certain not only that he made various attempts to escape, but affected to make great concessions to the parliamentary commissioners, with a view to retract and disavow them if that escape had



ther to palliate it, by observing—"that Charles's secret purpose only referred to the bill about the bishops, and that for 'pressing troops;' though Clarendon, *his own only authority*, after stating that he had passed those two bills on that principle, says expressly, '*I doubt this logic had an influence upon other acts of no less moment than these.*' vol. ii. p. 430. And yet it is with this passage among others before his eyes, that he says, the charge of insincerity was unheard of in that age—and that Clarendon, in particular, held it to be so groundless and extravagant as to be unworthy of any refutation.

*Third*, His transactions in Ireland, after he took refuge with the Scotch, and especially his commission to Glamorgan, and his disavowal of that commission, are of themselves conclusive as to the question of his veracity and candour. Dr Birch had not left much for Mr Brodie to do on this subject—but what remained for him, he has done with equal vigour and effect. We shall not now go into any of these disgraceful details—For, even supposing that Glamorgan was not intended to act without Ormond's privacy and sanction—which is all that Mr Hume contends for—there is far more than enough admitted to settle forever the question we are now considering. 'So lately as April 1642,' as is well observed by Mr Brodie, 'he had called God to witness "*that he would never consent, upon whatsoever pretence, to a toleration of the Popish profession, or abolition of the laws now in force against Popish recusants in IRELAND;*" and took the sacrament from Archbishop Usher, that he would never connive at Popery,' (Birch, p. 278, 9. Husb. Col. p. 134. Rush. vol. iv. p. 346.), and yet *his own letters prove*, beyond all question, that he proposed to "bargain away" the whole penal laws on that subject. As for yielding to the desires of his Catholic subjects, had it not implied a breach of faith, and lust of power, it could not have been condemned. But the horrid guilt was in endeavouring to purchase the assistance of the atrocious actors in the Irish rebellion, to subjugate Britain: and then, had they succeeded, they might and would have imposed their creed. Yet this is, of course, defended by Hume, who alleges that it was necessary, for the safety of himself, his wife, children, and friends. But why were his own and their safety ever in danger? Because nothing short of the overthrow of the laws which made him king would content him. He might even still have reigned secure, by adequate concessions; and his friends, far from wishing him to pursue the course he took, were only prevented from

been effected. In a Letter to Sir W. Hopkins, he says, 'To deal freely with you, the great concession I made to-day was *merely in order to my escape*: of which, if I had not hope, I had not done it.'

deserting him as one man, by his denials of the truth. They all too (but Hyde, and perhaps one or two more, who could not brook their own proscription) urged Charles to enter into an accommodation with his parliament; and by doing so, they only brought against themselves, from this very king, a charge of villany and treason.

'After all this, the candour of Hume, I doubt, cannot longer be defended, any more than that of the monarch whose cause he undertook. But, possibly, the reader may conceive that he has afforded to Charles a defence of an unexpected nature. For if an historian can be vindicated for sitting down coolly to misrepresent facts, through so many volumes, in defence of that misguided prince, we cannot condemn the infatuated individual himself.' IV. 53, 54. *note*.

In concluding, we have to thank Mr Brodie for a great deal of information and sound doctrine—but we cannot part with him without a word of advice. His book has been too hastily published—and must, in fact, be entirely new cast in another edition. It contains a great deal of needless repetition—and, in spite of this, the facts and views that bear upon the same topics are frequently scattered in very distant passages, and divided between text and notes in a very unskilful and perplexing manner. There is a great collection of materials in short, and many very luminous and conclusive observations—but the work is extremely incomplete, either as a history or a series of constitutional elucidations. The most laborious part of his task, however, is over—and while we are not without sympathy for that impatience for his reward which has led him to seek it, we think, somewhat prematurely, it is our duty to admonish him that its ultimate value will depend very much on the exertions which are yet required of him,—and that if he grudge the moderate labour of a better arrangement and more vigorous concoction of his materials, he is likely to lose the best fruits of the great labour he has already bestowed in providing them, both as regards their utility to the public, and his own fame.

When he is at the work of revision, it might not be amiss if he were to revise some of his opinions. He is too bitter and too indiscriminate a disputant,—believes every thing against the royalists, and will find no fault in their opponents. He suspects strongly, for example, that Buckingham poisoned King James, and that King Charles abetted him; and opines that the republicans did quite right when they made a law to punish adultery with death;—and that it is very wrong to smile at the strange name of 'Mr Praise-God-Barebone,' as he always very respectfully calls him. There is also a long note against the doctrines of Adam Smith, which it would be for his credit to cancel—along with some others.



ART. VI. *Letters to and from Henrietta Countess of Suffolk and her second Husband, the Honourable George Berkeley.* 2 vols. London, 1824.

IT is well enough known in 'the Trade,' that any thing, now-a-days, will sell, which is stuck full of proper names, and holds out any reasonable promise of scandal in polite life; and it is equally well known, that publications which sell on the strength of these merits, and no other, pass vulgarly by the appropriate appellation of 'Catch-penny.' We have not often met with a more perfect specimen than that which is now before us. Here are two thick octavo volumes of letters, of which not above a dozen are in any way worthy of publication; they are written by and to a celebrated Countess, and came out of the collection of a Dowager Marchioness,—and are preceded by a meagre biographical notice, and followed by an account of how much Queen Caroline and her family paid for shifts and petticoats,—besides an accompaniment of notes, which are uniformly pert in their style, and generally inaccurate in their facts. If all these are not the true diagnostics of this worst form of the disease of book-making, we must confess that we know less than we thought we did, of the nature and symptoms of that dire epidemic of the nineteenth century.

Henrietta Hobart, Countess of Suffolk, was, as all the world, except the Editor of these volumes, knows, for many years the mistress of George the Second; and among her friends were numbered some of the most illustrious characters of that day. Pope, Swift, Arbuthnot, Gay, Bolingbroke, Peterborough, Chesterfield, Pulteney, the Dutchess of Queensberry, and, in later times, Horace Walpole, were of her intimate society, and are found in the list of her correspondents. Such names, at first sight, give promise of much entertainment to the readers of their letters: But Lady Suffolk was a cautious woman; she had lived long in a court, and her very existence depended upon her favour in it; consequently, she appears never to have committed to paper any anecdote or any opinion which could in any way compromise her. Her correspondents seem also to have caught the infection; their letters to her are for the most part composed of mere phrases of civility—of condolence at the illness of a prince or princess—of joy at their recovery—of uninteresting details of the every-day life of a court that went by clock-work—births, marriages, and deaths, of persons no longer interesting—'and trumpery lists of long for-

‘gotten peers.’ Mrs Campbell (Miss Bellenden) and Lady Hervey (Miss Lepel) now and then venture upon a coarse joke—Swift breathes forth the complaints of wounded pride and disappointed ambition. Gay’s pleasantry is generally strained and affected. Of Pope, there is but one letter—and that is of such a kind as to prevent our regretting the want of more. Three from Arbuthnot are serious and dull. One from Lord Bolingbroke, and several from Pulteney, partake of the same character—while the love-letters from Lord Peterborough to Lady Suffolk are the very perfection of tedious affectation; and present the melancholy picture of ‘Him whose lightnings pierc’d the Iberian lines,’ drivelling forth, in his old age, a series of hyperbolic protestations and ridiculous compliments, of which even a school-boy would be ashamed. It was neither fair by the public, nor by the memory of Lord Peterborough, to publish such ineffable trash. A few among the letters of Lord Chesterfield, one or two among those of Horace Walpole, and some passages in the Dutchess of Queensberry’s, partake of a better character than the rest. The following extracts from Lord Chesterfield are perhaps the most entertaining things in the book.

‘MADAM,

*Bath, Nov. 2d, 1734.*

‘A general history of the Bath since you left it, together with the particulars of Amoretto’s (the Hon. William Sawyer Herbert) life and conversation, are matters of too great importance to need any introduction. Therefore, without further preamble, I send you the very minutes, just as I have them down to help my own memory; the variety of events, and the time necessary to observe them, not having yet allowed me the leisure to put them in that style and order in which I propose they shall hereafter appear in public.

‘Oct. 27. Little company appeared at the pump; those that were there drank the waters of affliction for the departure of Lady Suffolk and Mrs Blount. What was said of them both I need not tell you; for it was so obvious to those that said it, that it cannot be less so to those that deserve it. Amoretto went upon Lansdowne to evaporate his grief for the loss of his Parthenissa (Mrs Blount), in memory of whom (and the wind being cold into the bargain) he tied his handkerchief over his hat, and looked very sadly.

‘In the evening, the usual tea-table met at Lyndsey’s, the two principal persons excepted, who, it was hoped, were then got safe to Newberry. Amoretto’s main action was at our table; but, episodically, he took pieces of bread and butter, and cups of tea at about ten others. He laughed his way through the girls out of the long room into the little one, where he *tallied* till he swore, and swore till he went home,—and probably some time afterwards.

‘The Countess of Burlington, in the absence of her Royal High-



ness, held a circle at Hayes's, where she lost a favourite snuff-box, but unfortunately kept her temper.

' Oct. 28. Breakfast was at Lady Anne's, where Amoretto was with difficulty prevailed upon to eat and drink as much as he had a mind to. At night, he was observed to be pleasant with the girls, and with less restraint than usual, which made some people surmise that he comforted himself for the loss of Lady Suffolk and Parthenissa, by the liberty and impunity their absence gave him.

' Oct. 29. Amoretto breakfasted incognito, but appeared at the ball in the evening, where he distinguished himself by his *bon mots*. He was particularly pleased to compare the two Miss Towardins, who are very short, and were a dancing, to a couple of totums set a spinning. The justness and liveliness of this image struck Mr Marriott to such a degree, that he begged leave of the author to put it off for his own, which was granted him. He declared afterwards to several people, that Mr Herbert beat the world at similes.

' Oct. 30. Being his Majesty's birthday, little company appeared in the morning, all being resolved to look well at night. Mr Herbert dined at Mr Walters's with young Mr Barnard, whom he rallied to death. Nash gave a ball at Lyndsey's, where Mr Tate appeared for the first time, and was noticed by Mr Herbert; he wore his gold-laced clothes on the occasion, and looked so fine, that, standing by chance in the middle of the dancers, he was taken by many at a distance for a gilt garland. He concluded his evening as usual with basset and blasphemy.

' Oct. 31. Amoretto breakfasted at Lady Anne's, where, being now more easy and familiar, he called for a half peck loaf and a pound of butter—let off a great many ideas, and, had he had the same inclination to have let off any thing else, would doubtless have done it. The Countess of Burlington bespoke the play, as you may see by the inclosed original bill; the audience consisted of seventeen souls, of whom I made one.

' Nov. 1. Amoretto took a vomit in the morning, and then with a clear and excellent stomach dined with me, and went to the ball at night, where Mrs Hamilton chiefly engrossed him. Mrs Jones gave Sir Humphrey Monoux pain with Mr Browne, which gave Sir Humphrey the toothach, but Mr Jones has since made up matters between them.

' Nov. 2. Circular letters are received here from Miss Secretary Russell, notifying the safe arrival at London, with many interesting particulars, and with gracious assurances of the continuance of a firm and sincere friendship.—It would be as hard to say who received the strongest assurances, as it would be to determine who credited them the worst. Mrs Hamilton bespoke the play at night, which we all interested ourselves so much to fill, that there were as many people turned back as let in: it was so hot that the Countess of Burlington could not stay it out, &c.

' MADAM,

Bath, Nov. 14, 1737.

' Your commands were too obliging not to be immediately and thankfully complied with, by one who would pay the most willing obedience to any you could lay upon him. If all ladies and kings (the great rulers of this world) would command in your way, how popular would their governments be with their subjects, and how easy to themselves! At least, I would advise kings to practise it, as the only method they have left to revive passive obedience.— You commanded me to do what I had most a mind to do myself; and what would otherwise have wanted an excuse, has now the merit of obedience.

' I must tell you then, that the health you were so good to interest yourself in, is as much mended in this one week as I expected I could be in the six weeks I am to stay here. I have recovered the stomach I had lost, am quite free from the complaints in my head, and have in a good degree regained my spirits, which, I am sure, must be entirely owing to the waters, and not to the company here; for though this place is very full, here are very few with whom I either am or desire to be acquainted. As for quality, we have the very flower of it in the august persons of the Dutchesses of Norfolk and Buckingham, who, thank God, are well enough together to avoid the fatal disputes about rank, which might otherwise arise between the first dutchess of the kingdom and a princess of the blood. Your kinswoman, the Dutchess of Norfolk, had like the other day to have been the innocent cause of Mrs Buckley's death. Mrs Buckley was bathing in the Cross Bath, as she thought, in perfect security, when of a sudden her Grace, who is considerably increased in bulk even since you saw her, came, and, like the great leviathan, raised the waters so high, that Mrs Buckley's guide was obliged to hold her up in her arms to save her from drowning, and carry her about like a child.

' You will, I am sure, expect from me l'histoire amoureuse et galante of Mr Herbert; but I am very sorry, both for your sake and his, that it makes but a very small volume this year. He lies in bed till between ten and eleven, where he eats two breakfasts of strong broth; then rides till one or two; after which he dines commonly pretty plentifully with me, and concludes the evening at billiards and whist. He sometimes laughs with the girls, but with moderate success. He had distinguished at first Mrs Earle, daughter-in-law to Giles Earle, a very handsome woman, till a little man about half his height, one Mr Harte, like a second David, had the impudence to attack, and the glory to defeat him. Since which he has contented himself with a little general waggery, as occasion offers, such as snatching the bread and butter out of a girl's hands, and greasing her fingers and his own; taking away a cup of tea prepared for somebody else, and such other like indications of innocent mirth; but he is by no means established to his satisfaction, as when you were



here. For my own part, were it not for the comfort of returning health, I believe I should hang myself; I am so weary of sauntering about without knowing what to do, or of playing at low play, which I hate, for the sake of avoiding deep play, which I love, that I look upon the remaining five weeks which I am to pass here as a sort of eternity, and consider London as a remote land of promise, which God knows whether I shall ever get to or no. If I do, my first attention, as well as my greatest satisfaction, will be to assure you of the perfect truth and respect with which I am, Madam, yours, &c.

Walpole's letters from Paris are not without amusement.—Let us take, as a favourable specimen of them, the following description of the luxury and bad taste of a *nouveau riche* of the year 1765.

'Yesterday I dined at La Borde's, the great banker of the court. Lord! Madam, how little and poor all your houses in London will look after his! In the first place, you must have a garden half as long as the Mall, and then you must have fourteen windows, each as long as the other half, looking into it, and each window must consist of only eight panes of looking-glass. You must have a first and second anti-chamber, and they must have nothing in them but dirty servants. Next must be the grand cabinet, hung with red damask in gold frames, and covered with eight large and very bad pictures, that cost four thousand pounds—I cannot afford them you a farthing cheaper. Under these, to give an air of lightness, must be hung bas-reliefs in marble. Then there must be immense armories of tortoiseshell and or-molu, inlaid with medals. And then you may go into the petit-cabinet, and then into the great salle, and the gallery, and the billiard-room, and the eating-room; and all these must be hung with crystal lustres and looking-glass from top to bottom; and then you must stuff them fuller than they will hold with granite tables, and porphyry urns, and bronzes, and statues, and vases, and the Lord or the devil knows what. But for fear you should ruin yourself or the nation, the Duchess de Gramont must give you *this*, and Madame de Marsan *that*; and if you have any body that has any taste to advise you, your eating-room must be hung with huge hunting pieces in frames of all-coloured golds, and at top of one of them you may have a setting-dog, who, having sprung a wooden partridge, it may be flying a yard off against the wainscot. To warm and light this palace, it must cost you eight-and-twenty thousand livres a year in wood and candles. If you cannot afford that, you must stay till my Lord Clive returns with the rest of the Indies. The mistress of this Arabian Nights' Entertainment is very pretty, and Sir Lawrence La Borde is so fond of her, that he sits by her at dinner, and calls her *Pug* or *Taw*, I forget which.'

Walpole evidently calls La Borde 'Sir Lawrence,' in allu-

sion to Sir Lawrence Dundas, an English *nouveau riche* of the same period, though the Editor in his note upon this passage, professes himself not able to conjecture whom he meant. In another letter of the same year, he describes in a lively manner the way of life at Paris, and it is curious to observe from it that the hours kept by our Continental neighbours were then considered by the English as extraordinarily late, as ours are now by them.

*'Paris, Sept. 20, 1765.*

'I obey your commands, Madam, though it is to talk of myself. The journey has been of great service to me, and my strength returned sensibly in two days. Nay, though all my hours are turned topsy-turvy, I find no inconvenience, but dine at half an hour after two, and sup at ten, as easily as I did in England at my usual hours. Indeed, breakfast and dinner now and then jostle one another; but I have found an excellent preservative against sitting up late, which is by not playing at whist. They constantly tap a rubber before supper, get up in the middle of a game, finish it after a meal of three courses and a dessert; add another rubber to it; then take their knotting-bags, draw together into a little circle, and start some topic of literature or irreligion, and chat till it is time to go to bed; that is, till you would think it time to get up again. The women are very good-humoured and easy; most of the men disagreeable enough. However, as every thing English is in fashion, our bad French is accepted into the bargain. Many of us are received every where. Mr Hume is fashion itself, though his French is almost as unintelligible as his English; Mr Stanley, is extremely liked; and if liking them, good humour, and spirits can make any body please, Mr Elliot will not fail,' &c.

We had hoped on opening these volumes to have found in them many anecdotes illustrative of the manners of the times, and of the characters of the individuals who lived in them—in this we were disappointed—hardly any thing of the kind occurs in the whole collection—with the exception of Lord Chesterfield's mention of his occupations in one of his letters, while Ambassador at the Hague: where he says, 'I played at blind-man's-buff till three this morning.' This is certainly a new trait in the character of one who has always been held up to succeeding generations as the model of formal politeness. Lady Hervey's description of Lord Peterborough at Bath, in the year 1725, is both characteristic and curious. 'Lord Peterborough is here, and has been so some time, though by his dress one would believe he had not designed to make any stay; for he wears boots all day, and, as I hear, must do so, having brought no shoes with him. *It is a comical sight to see him with his blue*



'ribbon and star, and a cabbage under each arm, or a chicken in his hand, which after he himself has purchased at the market, he carries home for his dinner.' We shall conclude our extracts with some lines by Swift on Sir Robert Walpole, which are highly characteristic of the acrimonious temper of the author—and not without merit as a specimen of unbridled invective.

'With favour and fortune fastidiously blest,  
He's loud in his laugh, and he's coarse in his jest;  
Of favour and fortune unmerited, vain;  
A sharper in trifles, a dupe in the main;  
Achieving of nothing, still promising wonders,  
By dint of experience, improving in blunders;  
Oppressing true merit, exalting the base,  
And selling his country to purchase his place;  
A jobber of stocks by retailing false news;  
A prater at court in the style of the stew's;  
Of virtue and worth by profession a giber;  
Of juries and senates the bully and briber.  
Though I name not the wretch, you all know who I mean—  
'Tis the cur-dog of Britain, and spaniel of Spain.'

Having thus extracted the best parts of these volumes, and given our opinion of the rest; we shall proceed to say a few words of the Editor's introduction and notes—and we are sorry that it is not in our power to commend either. The great object of the Editor, both in his Introduction, and in various other parts of the work, appears to be to invalidate the testimony of Horace Walpole with regard to Lady Suffolk, Queen Caroline, George II., &c. He charges him with, 'inaccuracy,' 'inconsistency in his statements,' and 'calumny,' says, that 'a large proportion of his anecdotes are unfounded,' that they 'are often unfounded and always exaggerated,' talks much of 'his mistakes and misrepresentations,' omits no opportunity of decrying him both as a man and an author; and finally, as he evidently imagines, completely demolishes him in the second volume by the following character. 'He was born in 1720. His birth was premature, and he was all his life a very slight, feeble, and unmanly figure. He died in 1797. The late publication of his Memoirs has lowered his reputation for candour, disinterestedness and truth; and they have, by their undisguised and undeniable falsehood and malice, excited a strong impression against the accuracy of his other anecdotal works. His letters, too, which are charming in their style and topics, are unhappily tinctured with the same readiness to sacrifice truth to either prejudice or pleasantry.' We

would here wish, *en passant*, to inform the Editor, that Horace Walpole was not born in 1720, but on the 5th of October 1717; and to point out to him the ungrammatical construction of his sentence—*publication* being the nominative case singular, to which *they* ought to refer. These, however, are minor considerations; 'the weightier matters of the law,' in an editor, 'are to do justice and to show mercy;' both of which duties the Editor of Lady Suffolk's Letters has most unaccountably omitted. We did at least expect that, having 'shown no mercy' to poor Walpole, he would have had 'the justice' to derive the intelligence in his introduction and notes from other and more accurate sources. So far, however, is this from being the case, that most of the anecdotes throughout the book, *all indeed that are worth reading*, are taken from Walpole's reminiscences, letters, or memoirs,—though the Editor has generally not thought it worth while to acknowledge the obligation. His motives for this omission we do not presume to conjecture, but merely mention the fact. Thus, in the 8th page of the Introduction, just after his first attack upon the character of Walpole, he incorporates in his text the following sentence, taken word for word from Walpole's Reminiscences, without thanks or acknowledgment. 'The older Whig politicians became ministers to the King. The most promising of the young lords and gentlemen of the party, and the prettiest and liveliest of the young ladies, formed the new court of the Prince and Princess of Wales. The apartment of the bed-chamber woman in waiting became the fashionable evening rendezvous of the most celebrated wits and beauties.' We have ourselves remarked no less than thirteen different anecdotes in the first volume alone, taken from Walpole, and some of them told in his very words, without the slightest hint given of the source from whence the Editor derived them.

So much for 'the justice' shown to Walpole; but there is another kind of justice, to which we shall presently allude; we mean the justice with which an editor can condemn the inaccuracy of others, when his own notes present the most glaring and the most frequent instances of inaccuracy and misrepresentation. Before, however, we quit his Introduction, we must remark, that his depreciation of Walpole's testimony forms the basis of one of the most singular opinions we ever saw brought forward in print—namely, that the attachment between Lady Suffolk and George the Second was purely platonic; and the ground upon which he broaches this assertion is, in addition to Walpole's inaccuracy, simply this, that in Lady Suffolk's *own correspond-*



ence he finds no mention made of a tender connexion; as if it were necessary, or even likely, that an *unliterary* king should write love-letters to his mistress, or, if he did, that that mistress, a singularly cautious woman, who appears never to have committed any secrets to paper herself, should have preserved these proofs of her own shame. And yet this is the only argument brought forward against the concurrent testimony of contemporaries, and the universal belief of that, and of the succeeding age. We think even the Editor himself seems inclined, in a subsequent part of the book, to abandon his own hypothesis; for he calls Lady Suffolk, in a note, the King's 'acknowledged favourite.' If, however, he still holds to his text, we will put the following cases to him. Is it likely that George the Second, who was notorious for the want of delicacy of his feelings, and the little susceptibility of his affections, should have had a *female favourite* upon platonic principles? Or, if this be thought too general a way of putting the question, we shall state the case more specially, upon the Editor's own data. As thus—It is well known that George the Second never gave his confidence to Lady Suffolk, but reserved that entire for his wife. Now, confidence being inseparable from intimate friendship, she was therefore not his *friend*—the Editor says she was not his *mistress*—in what character, then, was she his favourite?—on the horns of which dilemma, we will leave the Editor's argument in favour of Lady Suffolk's innocence, and proceed to make a few remarks on his notes—which literally teem with blunders. We subjoin some of the *errata*, which struck us in looking through the book.

First vol. page 24—'Duke of Ancaster, Lord Lieutenant of *Suffolk*'—for Suffolk read Lincolnshire.

At page 36 are some lines quoted very inaccurately from Sir Charles Hanbury Williams.

At page 62 is an anecdote of Miss Bellenden and George the Second, quoted from Walpole (without acknowledgment), of which the facts are all misstated.

Page 65—'Lady Diana, the eldest, married the *second* Duke of St Albans.' Lady Diana Vere married the *first*, not the second, Duke of St Albans.

Page 79—'Beau Nash, the Master of the Ceremonies at Bath, to whom a statue was erected between the busts of Pope and *Chesterfield*; which gave occasion to that excellent epigram which concludes—

'Wisdom and wit are little seen,

But folly at full length.'

This is a most egregious mistake—as if Lord Chesterfield, who was the author of the epigram, would have applied the ex-

pression of 'Wisdom' to himself. The busts were those of *Newton* and *Pope*.

Page 112—For 'Miss Godfrey,' read Mrs Godfrey. Her maiden name was *Arabella Churchill*.

Page 274—For 'Lord Ravens-croft,' read Lord Ravens-worth.

Page 307—'Henry Grey, only Duke of Kent of that family,' &c.—'He died in 1740,' for which read 1741.

Again, 'of *seven* children which the Duke had by his two marriages, *none* survived him.' The Duke had *thirteen* children by his *two* marriages, of whom *one* survived him (*Lady Sophia*, who married *Egerton*, Bishop of *Durham*).

At page 320 occurs a most curious blunder, in a note on the German word '*schatz*,' which the Editor says is 'probably a corruption, by some of the German part of the court, of *chat* or *chatter*'!!! Now, we do not expect every editor of an English book to understand German; but we do expect any one who does not, to take at least the trouble of referring to a German dictionary, before he presumes to give the meaning, much less the derivation, of a word in that language. If the Editor of *Lady Suffolk* had done so, he would have spared himself the ridicule which always attaches to presumptuous ignorance; and he would have found that '*schatz*' means 'treasure,' and that it is therefore often used, as in the present case, as a term of endearment.

Page 356—Gay writes, 'Hath the Duchess (*Queensberry*) an aunt *Thanet* alive again?' to which the note appended is, 'This, no doubt, alludes to *Mary Saville*, younger daughter and co-heir of *W. Marquis of Halifax*, and wife of *Sackville*, who became, on the 30th of July 1729, seventh Earl of *Thanet*; but how any *Lady Thanet* was the Duchess's aunt does not appear.' Now, it does appear very clearly how a *Lady Thanet* was the Duchess of *Queensberry*'s aunt; and how therefore this note is erroneous from beginning to end. The Duchess of *Queensberry*'s grandmother was *Henrietta Boyle*, fifth daughter of the first Earl of *Burlington*, married to *Laurence Hyde*, Earl of *Rochester*. One of this lady's sisters, *Elizabeth*, married *Nicholas Tufton*, third Earl of *Thanet*. This *Lady Thanet*, to whom, and not to the other, Gay certainly alludes, was therefore great aunt to the Duchess of *Queensberry*.

Page 361—'Her eldest son, afterwards *second Lord Hervey*.' There was *John*, first Lord *Hervey*, afterwards created Earl of *Bristol*. Carr, second Lord *Hervey*, his eldest son. *John*, third Lord *Hervey*, his second son; consequently *Lady Hervey*'s son *George*, the person in question, was *fourth* Lord *Hervey*.



Page 407—Miss Vane writes, '*Lord Vane has sent another express for me;*' to which the note is '*her brother, who was not yet created Earl of Darlington.*' Now, Miss Vane's brother never was Lord Vane. He was Lord Barnard before he got his earldom. The Lord Vane in question was William, first Viscount Vane of Ireland, second son of Christopher, first Lord Barnard, and Miss Vane's uncle.

Second vol. page 33—'*Lionel, seventh Earl, and first Duke of Dorset,*' &c. '*His Grace died in 1765.*' For 1765 read 1763.

Page 68—'*This, no doubt, relates to the marriage of Mr Meadows, son of Sir Philip Meadows, and brother of the maid of honour, with Lady Fanny Pierrepont, sister, and ultimately heiress, of the last Duke of Kingston, and mother, by Sir Philip, of the first Earl Manvers.*' From this singularly clever and intelligible note, one would be led to infer, that Lady Fanny Pierrepont *having married the son, had the first Lord Manvers by the father!* Of the truth of this calumny, we beg leave to express our disbelief; and would suggest to the editor, if he arrives at a second edition, which, however, we think very improbable, to correct '*Sir Philip*' into *Philip Meadows, Esq.* Sir Philip was not a Baronet; and besides, the gentleman in question was his youngest son.

Page 87—'*Lord Scarborough put a period to his existence in 1739.*' For 1739 read 1740.

Page 166—'*His only son,*' (that is Lord Bath's), '*afterwards Viscount Pulteney, who died at the age of seventeen.*' This is clearly an error, for Lord Pulteney sat for some years in the House of Commons, and spoke there upon more than one occasion.

Page 170—'*Sir William Wyndham's son,*'—to which there is the following note—'*Eldest son of Sir William Wyndham and Lady Catherine Seymour, daughter of the Duke of Somerset. On the death of the latter, Sir Charles became Earl of Egremont.*' Lady Catherine Seymour was daughter of Charles, commonly called the Proud Duke of Somerset; and her son, Sir Charles Wyndham, succeeded to the earldom of Egremont on the death of Algernon, Duke of Somerset, the son of the proud Duke. The Editor appears to have thought that Charles and Algernon were one and the same person.

Page 265—'*William Murray, deservedly called the great Lord Mansfield. He was the fourth son of David, Earl of Stormont.*' There never was an Earl of Stormont, they were Viscounts. Again, '*He died on the 20th of March 1793, in the eighty-eighth year of his age.*' Lord Mansfield was born

on the 2d of March 1705, and was therefore, when he died, in the *eighty-ninth* year of his age.

Page 271—'Lord Buckingham was now Ambassador at St Petersburg, and his brother *Mr Herbert*.' For Herbert read *Hobart*.

Page 281—'Miss Hampden's tears were soon dried; for she married, in May 1764, to Lady Suffolk's only son, the tenth Earl of Suffolk.' Lady Suffolk's only son, the tenth Earl of Suffolk, married Miss Inwen, and died in 1745. Miss Hampden married, in 1764, Henry, 12th Earl of Suffolk, who was a very distant collateral relation of Lady Suffolk's.

It would be easy, we suppose, to double or triple this list of blunders. But the task is not particularly agreeable; and we fear we have tired our readers, and given an undue importance to the work before us, even by this hasty correction of errors that are in no great danger of being remembered. It seemed proper, however, to show, by a few examples, what were the pretensions to accuracy of an editor who is perpetually abusing others for the want of that quality; and, not contented with an incessant attack on the best reporter of anecdotes that this country has ever produced, is constantly going out of his way to complain of errors in genealogies, and misrepresentations in 'all the Peerages.'

ART. VII. 1. *Le Solitaire*. Par M. LE VICOMTE D'ARLINCOURT. 2 vols. 12mo. 10me Edition. Paris. 1823.

2. *Le Renegat*. 2 vols. 12mo. 6me Edition. 1823.

3. *Ipsiboe*. 2 vols. 12mo. 4me Edition. 1823.

WE think it cannot be disputed, that the French have been singularly unsuccessful in their attempts at the serious and lofty Romance—and indeed in all works of imagination that fall under the description of Romantic. Admiring, as we do, the gaiety and elegance of many of their novels, the sarcastic wit of some of their philosophical tales, and the grace and ingenuity of their *Contes de Fées*, and *Romans Cabalistiques*, we feel the more sensibly their deficiency in the more elevated path of historical and poetical romance, and cannot help thinking, that their best claims to originality in this department, must still rest on their very earliest productions, the Romances of Chivalry. But the beauties of Tristan and Artus and Lancelot are so fearfully disproportioned to their faults;—their best and brightest passages are so deformed by grossness, and



chequered by absurdity, faults arising, almost necessarily, out of that fantastic system of manners which they have copied so closely, that they can hardly be allowed to enter into the estimate at all; and yet, laying aside these *premises* of French imagination, what remains? The influence of the ponderous romances of Gomberville, Calprenede, and Scudery, is perhaps too visible in our own literature, in the prose of Orrery, and the Dutchess of Newcastle, and in the historical plays of Dryden, to allow us to laugh at our neighbours on this point; had they not very good naturedly set us the example, and themselves consigned to a ludicrous immortality, these '*romans de longue haleine*,' where Cyrus conquers and overruns kingdoms, not from any ambitious motive, 'but solely to rescue his enthralled Mandane;' where the Roman Clelia holds her *soirées* with Anacreon, and digests with him the geography of the '*Royaume du Tendre*,' laying down, with great accuracy, the approach to *Tendre sur estime* by the village of *Petits soins*, and the towns of *Billets-doux* and *Billets-galants*, &c.; or where Tomyris, Queen of Scythia, and Horatius Cocles, perplex the patient reader with the merits of their rival madrigals. From the era of this relentless trio, to the close of the eighteenth century, we are not aware that a single original production properly belonging to the class of romance presents itself. The Novels that graced the earlier years of it, are of a different and somewhat ambiguous character. Romances, we think, bear the same relation to novels, as tragedy to comedy; but the tales of Marivaux and Prevost can be assimilated only to the *Comedies Larmoyantes*, which, in seeking to combine the beauties of both, are generally thought to have united their defects,—like the 'ugly knight' in the *Fabliaux*, who, marrying a foolish but handsome wife, in the hope that his children would inherit her beauty with his own talent, was unlucky enough to find that they had only succeeded to their father's ugliness and their mother's folly. These tales treat of grave matters, we admit, but they are occupied with *manners* rather than events, and are critical and fastidious, instead of passionate and inventive. Abandoning the resources afforded by the dim recollection of days long past, and manners over which time has drawn that magic veil, that mellows beauty while it disguises deformity, they have been compelled to seek for excitement in the analysis of vice, to extract pathos from profligacy, and to agitate our feelings at the expense of our taste. With all its faults, however, the *Manon Lescaut* of Prevost is a work of powerful and original character; and we are not sure that we can even yet name another to equal it in the productions of later writers.

We have nothing to say here of Crebillon, La Clos, Louvet, and their imitators,—and not much more of Jean Jacques Rousseau, and the disciples of his school. The first deal in satire and obscenity, and were among the worst corrupters of the society they railed at and caricatured. The latter, with all their eloquence, belong rather to the class of metaphysicians and essayists than of inventors. They analyse and dissect the involutions of the heart and understanding with infinite fineness and talent, and make eloquent disquisitions on points of taste and casuistry,—but they have nothing to do with the gorgeous descriptions, the lofty imaginations, and heroic exploits of the genuine romancers. Of such more modern performances as the Mathilde, or Helene de Tournon, of Madame de Souza, we do not know very well what to say. Full of grace, and pathos, and fine remark,—and truly romantic in the subject and many of the incidents, they are obviously too sentimental and exquisite to be true either to nature, or to the times to which they refer. They are superfine, in short, and effeminate and weakly; and want that masculine force and occasional coarseness, which alone can give the air of reality to improbable exploits and exaggerated sentiments. These, however, may be considered as *unique* and extraordinary performances: and this department of literature may, on the whole, be said to have lain barren for many years, till the diffusion of the romances of Mrs Radcliffe, and her English and German imitators, gave a new direction to French taste, and filled the compositions of the day with second-hand terrors—murderous monks, robbers and *revenans*, traps and winding passages, and the other machinery of that school of horror. In the same spirit of imitation, the rage for sentimental highwaymen and polished pirates—these irresistible gentlemen, ‘with one virtue, and a thousand crimes,’ after running its course with us, has been taken up by our Gallic neighbours, and, in the usual taste of imitation, has been carried in their works to a height of which it is impossible for any one to form an idea, who has not done penance by their perusal: and at present, the public taste may be said to fluctuate between these caricatures of Childe Harold, and the sickly sentimentalism and pastoral ravings of Chateaubriand.

All this is very much to be lamented, no doubt; but in no way to be denied, and, it appears to us, not very much to be wondered at. It is the natural result, we think, of the habitual indulgence of that *esprit moqueur* by which the nation is characterized, to repress the stronger passions, and leave those who wish to delineate them without models to work from, and without confidence in the sympathy of those for whose ad-



miration they are intended. It is to this cause we would ascribe that mixture of extravagance in the outline, with timidity in the filling up, which distinguishes most of their attempts—it being the natural consequence of a propensity to view every thing on the side of the ridiculous, to deprive them of that experience by which alone they could steer safely, and thus to drive them perpetually either to exaggerate the truth in the hope of striking, or to fall short of it from the dread of displeasing. When we say this in dispraise of the habit of derision, we hope not to be understood as insinuating any thing against the compatibility of a taste for the ludicrous, and a relish for the pathetic. On the contrary, we believe, that no two capacities are more commonly united. Both have their origin in a lively sensibility to external impressions; and no one can look abroad upon the strange anomalies of this world of ours, without feeling that human nature furnishes ample materials both for laughter and tears; and accordingly, we believe, that in every mind of vigorous and varied powers, mirth and melancholy hold ‘divided empire.’ We spoke only of that factitious propensity which does not so much yield to ludicrous emotions, as seek occasions of triumph; which tames down the natural vivacity of the occasional laugh, into the habitual sneer; which shuts our eyes against the light of generous feeling, and the glory of virtue; but teaches them to pore with microscopic minuteness on all that is little, and abstruse, and incongruous.—But it is time to proceed to our business.

We ought to begin our notice of the works before us by announcing that they are likely to prove a snare to incautious readers. Such at least was our own innocence or stupidity, that we had read through a considerable portion of them before we discovered the true drift and scope of the author—and finding them crammed full of a strange Mineralogical jargon, and horribly stuffed with all manner of bombast, we were about to set the ingenious Vicompte down for one of those coxcombs who think of embellishing science by gallantry, and propose to seduce idle youth into knowledge by their taste for amorous legends and fine descriptions,—just as Mrs Hannah More is said to have surprised many young men into religious principles, who never thought of gaining any more from her than a few hints for their matrimonial speculations. The design, in short, did not appear to us by any means new—but we thought it amazingly ill executed—and, besides that the mineralogy was not very intelligible, the story which we supposed meant for its vehicle, appeared to us so inexpressibly absurd, that the circumstance of the work having reached a *tenth* edition, even at Paris, seem-

ed, like the character of the fair Arricidia, in Clelia, 'furieuse-ment extraordinaire, et terriblement merveilleux.'

As we proceeded, however, with our wonder and our yawns, light began to dawn upon us—and it no sooner occurred to us that the work might be designed as a *Satirical Caricature* of the prevailing follies, than 'a change came o'er the spirit of our dream.' We wondered at our own stupidity in not sooner perceiving what then appeared so evident; the follies became witty and the extravagances judicious; the absurdity assumed a purpose, and even the phenomenon of the ten editions was accounted for.

The Vicompte D'Arincourt then, we may now state to our readers, with reasonable assurance of the fact, had long looked with shame and vexation on the heresies of the Parisian press. The enormities which seem to have discomposed him most, were, that system of vulgar horror and exaggeration to which we have already alluded; the tawdry sentimentalism first introduced by Florian's translations from the Spanish Pastorals, and more lately revived by Chateaubriand; and the mania which has become so common among the fops of the Institute, of blending all sorts of scientific and technical description with works of imagination. The desire of exposing these absurdities has given rise to the works now before us; and the plan which he has adopted, we think, is entitled to considerable praise. The Vicompte, who is a philosopher in his way, knows perfectly well that it is easier to laugh a man out of a dozen follies, than to drive one of them out of him, in the way of fair argument—and so he has written a set of satires; but being aware also that a man, even while he suspects himself a fool, 'thinks it not honesty to have it so set down,' instead of choosing the broad and open path of ridicule, he has contented himself with aggravating the absurdities of the works which it was his intention to satirize, only to such a degree, as to present them in a ludicrous light, without materially altering their character; and thus, by a *combination* of incidents and sentiments, most of which may be found separately in his models, he has contrived to expose their faults, more indirectly indeed, but also more effectually, than by the most pointed sarcasm, or the most unsparing derision. He has treated them, in short, as Buckingham did the ranting dramatists of his day, in the Rehearsal—or as Swift did a still more puny race of scribblers in his *Trritical Essay*, and his *Song by a Person of Quality*.

All this now appears to us very plain and palpable; but we are surprised to learn, that in France the intention of the noble author is by some few still misunderstood; that the satire has been too delicate for certain ultra literal people, who can never



understand any thing that is not 'so nominated in the bond,' and that they have been all along abusing or applauding him in the character of a *bona fide* novelist. Nothing, we understand, has given the Vicomte more uneasiness than this misconception; and we really enter very much into his feelings on the occasion. The abuse we suppose he takes kindly enough; but it certainly is extremely hard for a man to find himself applauded for those very qualities which he has been labouring with all his might to hold up to ridicule; and it is peculiarly so in the present case, since the Vicomte, to do him justice, has been at infinite pains to prevent the intention of his works from being mistaken; indeed, we rather think, that here at least, the general idea will be, that the satire is a little too open and undisguised; and that his attacks upon the Mineralogists in particular (whom he has selected as his victims probably as being in some measure familiar with their jargon), however well merited or successful, are rather too frequent and relentless. He sticks to them as the Old Man of the Sea did to Sinbad: stifles them with 'volcanic smoke,' stuns them with 'masses of blue quartz' or 'green-schorl,' and at last lays them to rest on 'beds of schistus and scorixæ.'

Our readers are aware that the learned author has not confined his exertions to one novel; but as his works are all on the same plan, we believe it is a matter of indifference which we select as illustrative of that ingenious design which it is his object to develop. We shall take 'Le Renegat,' which is neither the first nor the last of the series; not intending, of course, to follow the author through the mass of elaborate absurdity which he has purposely accumulated, but merely to extract enough to give our readers some idea of the plan and its execution.

The scene of this satire is laid in France during the usurpation of Charles Martel, the grandfather of Charlemagne. At the opening of the story, the Arabs are in possession of the greater part of France, and the remainder is on the point of subjection. Ezilda, the heroine of the tale, has just made her escape from her own castle, which had been attacked by the *Miscreants*, as the Arabs are uniformly called, and is making the best of her way over inaccessible rocks, covered with 'basaltic lava, beds of red puozzolan, calcareous spar, and gilded pyrites, vomited from numerous volcanos.' But the route was diversified with a variety of other curiosities, 'diaphanous petrefactions, marine shells, sonorous congelations, scintillating scorixæ, and crystalline prisms,' not to mention 'zeolite and silex, volcanic ashes and crystals, stalactites and tripoli.' While

the princess is picking her steps along this scientific country, all of a sudden she comes in sight of a suspicious looking person, 'behind a mountain of pissasphaltus, at the end of a long pathway, *en pavés de geans*,' and making up to him, she learns that he is called the Old Man of the Black Rock, and that he has just made his escape from the terrible Agobar, the leader of the miscreants, of whose character and appearance he volunteers a sketch. His appearance, it seems, was exquisitely beautiful; his eyes were of a deep blue, but when he got into a passion, they changed to grey, and emitted 'a satanic lustre;' his smile *was something between that of an angel and a demon*; he was 'tall as a poplar, strong as a Titan, *energetic as the cry of despair, savage as the thorn of the decart, and sinister as the thought of annihilation.*' 'Il semble qu'un puissance perfide le tirant d'un limon inconnu, a prétendu faire de lui quelque divinite, et que cette creation presque achevée est retombée frappe d'anathème entre le surnaturel et le humain.'

This portrait, we would have thought, was rather a puzzling than a pleasing one; but it made a deep impression on Ezilda, who, having taken refuge in the convent of St Amalberge, had ample time, in those dim solitudes and awful cells, to speculate on its inconsistencies. She is soon allowed an opportunity, however, of comparing it with the original; for the convent is attacked by the proprietor of the satanic eyes and the ambiguous smile, and only saved by the exertions of Ezilda herself, who, in a neat speech, convinces him of the enormity of his conduct, and succeeds in effecting, for the present, the removal of himself and his miscreants from the convent. With a modest diffidence, however, of her own eloquence, she resolves not to expose herself to the risk of another visit from such intruders, and accordingly sets out, at the head of the sisters of St Amalberge, guided by our old friend of the Black Rock, in quest of the 'miraculous grotto,' where she intends to take up her temporary residence. This miraculous grotto had earned that name, it seems, from the following singular occurrence. 'Deux amans y ayant un jour cherché un abri, contre la fureur d'un orage, y perirent suffoqués par les exhalations subites d'une terre bitumineuse; une flamme invisible devora l'infortuné couple, et l'on ne retrouva pas même leurs cendres!' Into this salubrious retreat the party are safely conducted; and their first employment, amidst all the horrors of probable decomposition and certain danger is—to analyze the appearance of the cave scientifically! Perhaps our readers may think that the satire here is a little *outré*; but we suspect it to have a personal application; and it is impos-



sible to read what follows without feeling its severity. First, we have the outside. ‘Le pic fut jadis un volcan. Son sommet ‘aride, excoïé par les embrasemens, couvert de laves noires, ‘de schorl verdâtre, de molécules métalliques, de substances calcaïres fondues et vitrifiées, porte partout l’empreinte du feu; ‘tandis que les effondemens du terrain, ses pierres schisteuses, ‘ses couches de limon, le mélange désordonné des matières volcaniques avec les produits marins, et les renversemens réguliers des ‘prismes basaltiques, prouvent l’action d’un élément contraire!’ The interior, again, which the author ingeniously compares to a kind of hell ‘extinguished and abandoned’—an idea which he repeats several times elsewhere—was adorned ‘with masses ‘of bluish quartz, diaphanous concretions, basalt, and crystallized zeolite, schorl, chalcedony, and porous lava,’ all which Ezilda took the opportunity of pointing out to her companions. ‘La fille de Theobert parle à ses compagnes, et leur fait admirer les sublimes horreurs des bouleversemens volcaniques!’

Notwithstanding all the attractions of quartz and zeolite, however, the virgin of the Cevennes begins to find her residence rather dull;—so leaving her companions to amuse themselves with mineralogy and mephitic exhalations, she makes her escape one evening by an ‘impracticable passage,’ and finds herself, with her lamp burning, opposite the entrance of an arabesque pavilion, within which a lady was very intently performing a solo on the lute. To the great consternation of Ezilda, the lady had no sooner concluded her song than she rose up and set her hair on fire. The princess rushed into the pavilion, too late to save the stranger’s ringlets, but in time to learn her motive to the rash act, which originated, it appeared, in the neglect of the ‘impitoyable Agobar.’ She learns from her also, that Agobar was then in the castle, which communicated with the pavilion—a piece of information of which she determined immediately to avail herself, and, bidding adieu to her inflammable friend rather abruptly, she sets out on her mission.

We cannot stop to detail all the important events which diversify her tour from the pavilion to the chateau;—suffice it to say, that, in the course of her walk, she discovers a plot against the life of Agobar, and intercepts the despatches of the conspirators, with which she enters the chamber of the angelic Renegado. He was sleeping at the time, and the lady takes the opportunity of inspecting his person at leisure. ‘Sa poitrine ‘ouverte, blanche comme le marbre de Paros, est celle de ‘l’Athlète de Crotone. Non moins vigoureux que le vainqueur du Minotaure, aussi colossal que l’Ajax de l’armée

‘Gracque, plus beau que l’Antinous des Romains, Agobar en sa seule personnée reunit toute les perfections humaines des demidieux de l’antiquité.’

It was the intention of the princess, it seems, to convert him on the spot. Now, it happened that the Renegade, who was a renegade *à corps perdu*, had a particular aversion to the subject, insomuch that he never heard the name of God mentioned without falling into a fit of swearing. He is not disposed, on this occasion, to give up his usual practice; and no sooner learns the purpose of the princess’s visit, than he begins to swear with such fluency and vigour that Ezilda is compelled to abandon the field. Finding that there is no hope of converting the Saracen by theology, she next determines to try the logic of arms. She sets out to rouse the mountaineers of the Cevennes against him; and the scene in which the result of her attempt is described, is another clever exposure of the absurdities of the modern romances. Having brought her mountaineers together, she appears among them all at once, ‘imposing as Destiny, calm as Confidence, and solemn as Eternity,’ attired in a mysterious tunic, which, in the glare of the lightning, seemed ‘a congregation of diaphanous vapours or dazzling flames.’ She takes care, as usual, to select a mineralogical back ground, ‘des colonnes de basalte, verdâtres, lustrées, recouvertes de cristaux,’—and makes a long speech, during which the thunders cease to growl, and the cataracts restrain their roar,—taking care, however, to make up for this temporary restraint by joining with one consent in the clamour of applause which follows the address. With such a miraculous accompaniment, the speech could hardly fail. The inhabitants of the Cevennes are seized with an unconquerable enthusiasm. Ezilda places herself at their head, and, marching forward, takes the strong fortress of Segerum, by frightening the sentinel into a belief that she is a ghost. And here the Vicompte breaks out upon us with a stroke of peculiar felicity. While Ezilda is praying in the chapel of the newly captured fortress, Agobar walks in and informs her that he, the leader of the miscreants, is—Clodomir, *the King of France, in disguise!* Even the famous discovery of the knight templar in the person of the waiter must yield to this; though we must say the author ought to have acknowledged his obligation to his English prototypes of the Anti-jacobin.

It must be admitted, however, that the character of Agobar is original—and is indeed a masterly piece of ridicule of those whose chief humour is for a tyrant,’ with a full seasoning of



blasphemy. The following is one of his sallies, after assassinating a priest at the altar, whose sole offence, as far as we can perceive, is the incautious mention of the name of God in the presence of this sensitive atheist. 'Le dieu juste ! repete-t-il ; 'Le dieu juste ne se dement point. Il a surpassé mon attente ! 'Si tout-à-coup il incendiait, il devorait, il bouleversait toutes 'les masses animées qu'inventa sa ferocité sublime, *sans doute 'la scène serait belle, mais le spectacle serait trop court. Torturer en détail est son immortelle pensée. C'est le plaisir de son 'éternité !*'

'This was lofty,' as Bottom says ; but the Vicompte's vein of imprecation is as inexhaustible as the mind of Ernulphus himself could desire. Here is another specimen. 'Ton Dieu !' repete Agobar, avec un sourire infernal—'Quel insensé pourroit y croire ? Ton Dieu !—Supposons qu'il existe : le voici, tel qu'il s'offre à nous. Je vais te tracer son image ; puis, ose me dire, Adore le !—Tyran impitoyable,' &c. &c.—'Un Dieu ! il n'en est point, ou c'est un monstre ! la création n'est qu'un ensemble désordonné. La terre n'est qu'un chaos d'horreurs et des malédictions. Les humains ne sont qu'un épouvantable production des ténèbres et du hasard, *et le souffle de la vie n'est qu'un anathème infernal circulant dans l'immensité.*'

This is exquisite. The breath of life only an infernal anathema circulating through immensity ! The author has really great merit in rounding off his ravings by some stroke so palpably ludicrous that no one can mistake the purpose of the rhapsody that preceded. It is to be regretted, perhaps, that he should have found it necessary to use such language at all, for, certainly, nothing but the absolute necessity of a vigorous castigation, could justify its adoption ; but next to dispensing with it altogether, is the anxiety he shows to render its introduction harmless, by mingling the antidote of absurdity with the bane of blasphemy.

But we must hasten to the conclusion, passing over many scenes of delicate and successful ridicule, and omitting, with much regret, another sublime interview between the Princess and Agobar, which takes place 'within the Pyramid of Fabius, near the field of Angostara, on the coast of the Mediterranean ;'—for the Vicompte is always gravely minute in his topography. The good genius of Agobar begins to forsake him ; and one morning he is greeted rather unexpectedly with a message from the Caliph, requesting him to deliver up his commission, and receive a bowstring in return. The renegade naturally declines the exchange ; and, after a spirited resistance, escapes with a friend to the mountains, where they wander about for some days inspecting these volcanic regions, 'Monu-

‘ mens d’un grand incendie, decombres d’une immense ruine, des fleuves de laves, des colonnades de basaltes prismatiques, des monceaux de scories, des effondremens souterrains l’entourent de toutes les images du chaos. ’ The friends, after getting wet to the skin in a mountain shower, and encountering several other *phenomena* of chaos, at last find it necessary to quarrel; and Agobar, drawing his sword, advances upon Alaor.

“ Ainsi perissent ceux, *qui me sont dévoués*. Un tel destin le charme-t-il ? Suis aussi leurs traces : *aime moi*. ” D’un rire affreux il accompagné ces mots. “ Eh quoi, tu n’as plus de pitié pour moi. ” — “ Qui me parle ici de pitié, ” interrompt le fils de Thierry. “ La pitié ! —voilà ma réponse. ” Et saisissant le guerrier fidele qu’il ne reconnaît plus, il le pousse avec violence, et renverse contre un rocher. La tête du jeune Mussulman a frappe l’angle de la Pierre, &c. &c. After breaking the young Mussulman’s head, he becomes quieter, and sets out to seek lodgings for the night. He is received by a cottager—discovered by some of the Mahometân troops—escapes, and sinks on the ground exhausted by his exploits, near the torrent of Fontanias.

Meanwhile the Princess Ezilda, tired of playing the amazon, had determined to seek a retreat in the valley of Fontanias; and after narrowly escaping being *petrified* by drinking at a calcareous fountain, ‘ dont le breuvage liquide et trompeur *devenoit dans les entrailles une substance solide et massive*, ’ she arrives at the torrent of Fontanias just in time to save her apostate friend, by taking him on board of her boat, and sailing with him in the manner of Sinbad, through a *subterraneous channel* into the ‘ happy valley. ’ The passages which follow seem to be levelled particularly against the sentimentality of Chateaubriand; and there can be no doubt, we think, that our author has exposed the weak points of his brother Vicomte very successfully. But we have no time to pause upon this, and have room only for another extract : it is the *preparation* for the death scene of the Renegade, and is really a clever piece of irony.

‘ Le ciel s’était convert d’épaisses nuées, les unes, d’un jaune terne et cuivré, immobiles vers le couchant, jetaient une sorte de *hueur cadaverreuse* sur la plage deserte; d’autres d’une couleur olivâtre, traversaient rapidement le zenith sous mille formes effrayantes, et la mer, &c.—Une rive sauvage hérissée de rochers, un sable aride et brulant ou la vegetation expire, quelques arbres rachitiques dispersés ca et la, une nature comme à l’agonie, frappent seuls les regards d’Ezilda.—La rougeâtre bruyere qu’elle foule est d’une sanglante couleur.—Le vent d’Afrique le Simoum s’est élevé avec violence, et ses tourbillons orageux remplissent l’atmosphère embrasé de cette poussiere du Sahara de ces atomes devorans, que sur les



plaines du desert roule a flots la destruction. La mer s'agite : elle s'enfle, et ses vagues avec fureur se poussent les cadavres epars des Sarrasins que fuyant le glaive, se sont precipites dans les eaux. *La terre exhale une odeur de mort, et s'offre, sous les cieux irrités, comme frappée de reprobation. La trompette des derniers jours se serait-elle dont fait entendre ? La septieme coupe est elle versée ?*

This is undoubtedly a very good caricature; and we hope will help to put down the profane and outrageous exaggerations which it is intended to ridicule. But, on the whole, we must say, we like the design of the work better than its execution. The author is too severe, we think, on the Mineralogists; and a satirical imitation of extravagance and folly is apt to become tiresome, when it is extended through several volumes. The merit of the design, however, cannot be disputed; and while it is delightful to see 'a gentleman born,—one that writes himself armigero,' stepping forward into the arena of literature, putting fire into his censor, and planting himself in the gap that the plague of bad taste may be stayed—it is not less gratifying to find his efforts seconded by the intelligent part of the public in his own country—to see this piteless exposure of follies that were lately so fashionable, outstripping the most popular of them both in reputation and in sale: And as our lively neighbours are rather apt to go into extremes, we should not wonder if they were to erect a statue to him,—and do not yet despair of seeing this restorer of taste smiling down upon his converted city, from the capital of a 'basaltic column,' or the apex of a 'pyramid of pissasphaltus.'

ART. VIII. *Traité des Preuves Judiciaires. Ouvrage extract des Manuscrits de M. Jeremie Bentham, Jurisconsulte Anglais, par ET. DUMONT, Membre du Conseil representatif et Souverain de Genève. 2 vols. Paris, 1823.*

MR BENTHAM cannot write any thing, which sensible men will not be glad to read: and that mind must be very low, or very high indeed in the scale of intelligence, which does not derive instruction from his works—which, even when they afford no direct information, give useful exercise where they deal in argument, and a most agreeable relaxation where they condescend, as they sometimes do, to expatiate in illustration and example. For our own part, we have long thought that our opinions can never be submitted to a more satisfactory test, than his examination. So sifting and severe a scrutiny bids fair either to eradicate them for ever, or to establish them in ten-

fold confidence, according as they receive support from his sanction, or are able to resist his attack. No writer in any age has paid more unwearied homage to the name of Truth, or rendered more active service to her cause; and certainly none of her friends has treated her enemies with less ceremony,—driving hypocrisy and fraud to their hiding places, and boldly bidding defiance to authority, when resting its claims on any basis but that of reason alone.

It is probably to this great merit that he owes the singular good fortune of M. Dumont's cooperation. This gentleman has done more for his author, than most editors for the illustrious dead; and has conferred an obligation without any precedent among living contemporaries. Now, as in former instances, he has arranged, from the rich materials which lay scattered on the desk of his friend, what may be called an orderly treatise, and has produced a very valuable text. He has performed still higher duties,—introducing the work by a judicious and eloquent preface, and discussing its doctrines, sometimes as a disciple, but not seldom as an opponent, in comments clear and concise, and always very happily expressed.

It would be superfluous to enlarge on the high importance of the subject of jurisprudence, intimately and unceasingly interwoven as it is with all the affairs of life; and almost equally so, to insist upon the utility of laying down just principles of what the English law calls *evidence*, and Mr Bentham, 'judicial proof,' as it is the medium through which all the results of jurisprudence must be obtained. To ascertain the best method of proceeding to investigate the truth by these means, is the object of the present essay. M. Dumont observes, that the question is one of pure theory, as the principles applicable to it must be universal, and anticipates no small advantage from the mere discussion. We agree in thinking it well calculated to bring back to first principles a subject which, in practice, has a peculiar tendency to lose sight of them. Ever ready to mistake its own decisions for the voice of reason, authority requires to be undeceived on this point, most particularly on the Seat of Justice. The stagnant atmosphere of courts, thronged by eager and obsequious crowds, should be constantly stirred and purified by infusions of the fresh air of common sense; and judges, who, since they were made irremovable at the will of government, have become virtually irresponsible to it, should be hourly taught to feel that *there is* a tribunal to which an appeal constantly lies against their decisions,—the tribunal of public opinion. 'Vos de reo, de vobis populus Romanus judicabit.'

This work has a chance of being generally perused and stu-



died; for its subject is both practical and important, it lies within a moderate compass, and comes forth at a favourable season. Legal matters are at this time among the most fashionable topics of conversation. All the newspapers abound with reports of trials, and all their readers freely talk over both the merits and the points, the form and the substance, the preparatory process, and the ultimate decision. This spirit of observation, inquiry, and improvement, became vigilant and active soon after the peace had deprived foreign affairs of their too interesting character; and the laws, silent as usual amidst the din of arms, have fully recovered the use of their voice. To this liberal spirit our own quarter of the island is indebted for the jury system in civil cases, and must speedily owe its extension and amendment in criminal proceedings. Englishmen in general, and English lawyers more particularly, have evinced a friendly disposition to lend assistance to their Scottish neighbours. It will be therefore from no unkindly feeling, but with an earnest wish to return the obligation, if we are tempted to indicate some alleged defects in the English system, which, with all its faults, has the honour of being selected by Mr Bentham as the most nearly approaching to perfection. We may thus have the good fortune to conduce to results doubly beneficial,—directly so to the lieges of England, by ameliorating the laws under which they live,—and indirectly so to ourselves, by improving the model, which we are upon the whole most disposed to imitate, as well as to admire.

These volumes then may be expected to find their way into the hands of our legislators, our judges, our local magistrates, and those who may be called to pronounce as jurors upon the fate of their accused countrymen; classes which embrace a majority of the English people, and will, we trust, soon include a very large proportion of the inhabitants of Scotland. For this reason we abstain from presenting an analysis or abstract of the contents, deeming it more useful to bring prominently forward some few of the most important points on which Mr Bentham dwells. And with all our admiration of his acuteness and talents, we are so far from implicitly adopting his creed, and yielding up our understandings to a sentiment of deference, which is inculcated neither by his lessons nor his example, that we must begin by questioning the principle of analogy, which he is disposed to make the foundation of his whole system. ‘In ascertaining the truth, in awarding and executing judgment, the law,’ says he, ‘ought to proceed exactly as the Father of a Family proceeds, when any wrong has been committed under his roof. This is the natural and unchangeable pattern of

‘ legal proceedings. The domestic tribunal is the real political one. Families existed before states: they had their government, their laws, their litigations, their modes of ascertaining facts: common sense, the earliest legislator, taught these things to the first father of a family, and continues to teach them to all his successors. Yet the revelation of this system, constantly followed, but never recognised, is a real discovery in legislation. The man of the fields follows it by instinct, while the man of law departs from it through erudition. I’ (says Mr Bentham with rapture) ‘ am the lapidary who have discovered a diamond in a flint trampled upon for centuries! The code I proclaim unites the merit of antiquity to that of novelty; it is an universal practice, and an innovation without example.’

Strange, that this important secret, which the reader perceives is not adopted as a mere simile or metaphor, but held forth as the only clue to guide us through all judicial perplexities, should be forgotten, after such an introduction, by the fortunate discoverer himself! But in truth, it is scarcely the subject of a single allusion in the after part of the book, and recourse is never had to it for the solution of a single difficulty. Nor will this, upon examination, appear to be so surprising, as that Mr Bentham’s cool and accurate mind should ever have permitted itself to be misled by a theory so inapplicable. The notion of a *paternal government* has indeed something soothing to the ears both of the ruler and the subject; to the latter because it seems to rest the foundations of Power on the most amiable of human feelings, and to the former perhaps because it wins the confidence of the governed, while it presents the liveliest image of authority, without external appeal or control. Whether the parent diffuses constant happiness, or inflicts daily and hourly torture, depends upon his temper, disposition, habits and judgment, in forming which the governed have no share, and almost as little in the means of correcting excesses, or mitigating violence. In the parental bosom, indeed, nature has implanted checks which are for the most part efficacious, but which are necessarily wanting in the governor or the judge of a populous community. Sir Robert Filmer and the Tories of his day were probably induced, by these very reasons, to pitch upon the government of a family as the origin of all power, and the exemplar to which it ought to be assimilated.

The father is the natural ruler over his children—*because* he is their natural protector and preserver from their earliest years; *because* he is the oldest and probably the wisest of the family; *because* he is strong in the midst of helpless weakness, and his



knowledge and experience are the only guides to the ignorance and incapacity of those who surround him? The exchequer is his exclusive department; and, indeed, all the functions of every head of an office are of necessity as much united in him, as they are kept distinct by enlightened legislators. These are differences sufficiently broad and plain. But in the administration of Criminal Justice, the aim and object of the law is directly *contrary* to that of the father of a family. The head of the state, in his judicial character, boasts of sleepless vigilance, and indiscriminate zeal in the detection of every crime, and the chastisement of all offenders; he inflicts punishment upon the guilty, that the example of their suffering may deter others from incurring the like guilt. The fate of the convict is a secondary object, and as its effect upon the mass of society is in the first place contemplated, *public exposure* is both inevitable and essential. But from how many faults will the prudent head of a family avert his eyes, in the hope that other causes may correct the evil disposition that produced them! how ready will he be to lay the blame on others—to ascribe it to untoward circumstances—or even to bear it himself! How many offences will he wisely overlook, rather than assume the stern countenance of a Judge towards his offspring, and sacrifice the attachments of kindred to the odious opposition of accuser and accused! His object is to reclaim the wandering, his triumph is to attain that object without severity. Or if the infliction of punishment should unfortunately appear to be imposed as a duty upon him, his next problem will be to reconcile that duty with the smallest possible amount of suffering. ‘*Même en punissant un père est toujours père.*’ And convinced, as every one must be who has studied the formation of character, that the delicate principle of shame is never to be compromised or endangered, that the heart must never be hardened, nor the spirit broken, he will earnestly deprecate both exposure and example,—most happy when the offence and its atonement can be buried in the bosoms of the culprit and his judge.

If additional points of contrast were required to distinguish the judicial regulation of a family, from that which is properly called criminal justice, they might be found in the measures to be adopted for arriving at the truth of the facts. Their nature is sagaciously examined by Mr B. in his last book, devoted to preliminary proceedings, ‘*Procédure Investigatoire*,’ where he constantly refers every question on the powers which ought to be exercised, to the sound maxim of the balance of inconveniences. Prosecutors, witnesses, all parties concerned, as well as those who labour under suspicion, must submit, for the sake

of justice, to many things which interfere with their habitual comfort, their pecuniary interest, their personal liberty,—to what extent, the necessity of the case must decide. All that is unnecessary is vexatious and oppressive; and general rules must be laid down to prevent persons in office from abusing the powers intrusted to them. But of this important chapter, not a word belongs to the subject of paternal government, which ascertains the facts required by any means that may offer, without respect for rules, or fear of establishing precedents,—without any restraint but from the point of honour, which the nearest and most intimate relations cannot supersede. If the crime indeed be heinous—or rather if it deserve the name of *crime*,—if the pursuit becomes hostile, and conviction must lead to penal consequences, who does not see that the parental authority has lost its jurisdiction? that the magistrate must now commence his relentless operations, wresting the staff from those hands, which every temptation of feeling and interest disqualifies to wield it, and placing no reliance in his aid, whom nature has made the unalterable friend of the accused, and the antagonist of all his enemies?

Mr B.'s 'Domestic Tribunal,' too, is merely *paternal*, and cannot be taken to extend even to the *mastership* of the house. The analogy is much less satisfactory, if in that character he is considered as the judge, and his suspected *servant* as a prisoner brought before him; for, in such case, his inquiry will be made, not for the purpose of arriving at a just conclusion, with a view to condemnation or acquittal, but simply for the security and comfort of the inquirer. The necessary confidence is extinguished by a mere doubt; and the sentence of dismissal, the only one within his competency to enforce, cannot be properly regarded as a sentence, but the termination of a contract, which cannot continue to be performed with satisfaction to either party.

Mr Bentham is however by no means singular in ascribing an excellent work, full of valuable truth, to a principle which is neither just nor applicable; and believing that he owes all his merits to the discovery of a theory, when, in fact, they exist in spite of it. Such delusions are favourable to the progress of moral science; for their impulse gives activity to powerful minds, which forget their theory, when they advance to practical subjects, and unconsciously yield themselves up to the guidance of their own acuteness and sagacity. While then we definitely reject the 'natural model of jurisprudence,' we agree with the measures proposed to be adopted, in the majority of cases. With him, we exhort the judge to aim directly at his object, and, discarding all idle



technicalities, to apply his mind to the discovery of truth, with the simple wish to arrive at a rational conviction; to cast aside all useless shackles that may impede his march, and keep his eyes and ears ever open for the reception of proofs, in whatever quarter they may be obtained. The wilful blindness, or rather the perverse preference of darkness to light, the self-imposed trammels by which justice often seems to take a pride in securing her own delay or defeat, the multiplied facilities for evasion, the thousand premiums held forth to encourage deceit and falsehood, are disgraceful to civilized men. Yet even where they are with the greatest justice exposed to censure, a distinction is to be made between two stages of proceeding which never ought to be confounded,—the operations of police, that are requisite for bringing the accused to trial, and the trial when at length it takes place. While those preliminary measures are in progress, the magistrate and his officers should lose no possible source of information, nor reject any statement or circumstance which may afford the means of tracing up the deed to its perpetrator. Even idle rumours should be listened to, as they may unexpectedly betray weighty facts; and the echoes of a distant hearsay ought to be treasured up by an attentive ear. But when the preparations are once completed, and the charge ripe for decision, there is more reason for narrowing the description of evidence to be adduced, and confining it within some certain and well defined regulations. The means of obtaining proof should be differently regarded from proof itself; and such matters as never can do more than create conjectures, ought not to be permitted to decide finally upon the most important interests of men. Unless some limits be imposed, the judicial understanding is in danger of being bewildered and lost in the maze. Mr Bentham is not insensible of the difficulty, and proposes to remove it by making such judgments as rest upon *inferior* proofs, provisional only, and open to revision, upon the attainment of fuller light. But what if the trial be for a criminal act, and the victim has already undergone the irreparable misery of a long imprisonment, or corporal correction? What if the offence was capital, and the forfeit life has been taken? And how can a different set of rules be applied to the admission of evidence, merely because the facts, when ascertained, are attended with different legal consequences in the civil and criminal courts?

Some *Rules of Evidence* must then be laid down; but we are far from intending here to express unqualified admiration for that particular set of rules which has been adopted, and seems to be so highly favoured by the English Courts of Law. On

the contrary, we rise from an examination of Mr Phillips's Treatise upon that subject, the latest, the ablest, and the most approved, not more delighted by the fulness and precision of the learned author's collections, than we are often surprised by the reasonings and conclusions which he has undertaken to record. The clearness of his arrangement throws in fact too clear a light on the confusion of the numberless dicta, which he has been obliged to transcribe from notes taken at Nisi Prius. The exclusion of testimony in many cases of minute *interest*, while in others it is freely admitted in spite of the most important temptation to deviate from the truth, exhibits a contradiction hard to be conceived. In other cases, the absolute rejection of light, because there is a possibility of its leading astray, is hard to be explained on rational grounds. This venerable law, its worshippers must confess, still retains some antiquated prejudices, some *veteres aviæ*, which ought to be plucked out by philosophy, as she becomes busy with the practical interests of mankind. Take as an example the case of forgery. Unless the crime has been committed in the presence of witnesses, it can only be *proved* (in the proper sense of the word) by the individual, whose name is said to have been forged. Yet that person is the only one whom the law of England prohibits from proving the fact; a strange prohibition, for which some very strong reason will naturally be sought. The reason to be found in *the books* is this, that the party has an interest in pronouncing that paper forged, for the enforcement of which he may be sued if it is genuine; and this would be true, if the event of the criminal inquiry were admitted to affect his interest, when the holder proceeds in a civil suit to enforce the supposed obligation. But it is also an indisputable rule, that the issue of the trial for forgery, whether condemnation or discharge, is not permitted to have the least effect upon this liability;—the criminal may be convicted, and yet the party whose name appears to the instrument, may be fixed with the debt in a civil proceeding; or he may be acquitted, and yet the genuineness of the handwriting may hereafter be questioned, and its falsehood established. How then can the anomaly of this exclusion be explained? It seems that legal antiquarians have preserved the tradition of a practice which is said to have prevailed in former times,—when a person was convicted of forgery, the forged instrument was *damned*; *i. e.* delivered up to be destroyed in open Court. The practice, if it ever existed, now lives but in the memory of the learned; the disabling consequences, however, survive it to this hour. The trial proceeds in the presence of the person whose name is said to have been forged, who alone knows the fact, and has no motive for misre-



presenting it. His statement would at once convict the pursuer if guilty, or if innocent relieve him from the charge. But the law declares him incompetent; and he is condemned to sit by, a silent spectator, hearing the case imperfectly pieced out by the opinions and surmises of other persons, on the speculative question, whether or not the handwriting is his. And this speculation, incapable under any circumstances of satisfying a reasonable mind, decides upon the life of a fellow citizen, in a system which habitually boasts of requiring always the very best evidence that the nature of the case can admit!

Even where there is a real interest in the event of the suit, Mr B. advises that the witness should be examined, and that the jury, making all rational allowances, should determine upon the extent to which his wishes may affect the credibility of his deposition. We think him perfectly right; and are nearly prepared to carry this principle so far, as to call upon the contending parties to testify to facts within their knowledge. The degree of hesitation that we feel arises chiefly from our inexperience as to the practice. English lawyers cannot condemn the principle; since it was found in former times in their courts in the shape of the *wager of law*; and causes are often referred to arbitration by the Judge's decree, expressly for the purpose of making the parties witnesses in their own cause. In the Court of Chancery, in almost all cases of importance and perplexity, cross-bills are filed, and both parties interrogated upon oath, but the questions and answers are both written; and in all the Courts, great interests are daily decided upon the affidavits, or written depositions, of the parties.

This exclusion of all persons interested, may perhaps be thought to rest, in the law of England, not merely on the fear of admitting false statements as materials for decision, but also on that of encouraging the crime of perjury by too strong a temptation. But a difference might be made between compelling such witnesses, and only admitting them, if willing to be examined. The law might pronounce them *recevables*, without making them *contraignables*; and certain cases may be very easily imagined, in which the distinction would be judicious. But, speaking generally, we would reject this qualification; and from the right of the public to ascertain the truth, wherever it can be discovered, we would deduce the paramount duty of every good citizen to declare it, whatever cost, hazard, or inconvenience to himself, may accrue from the disclosure.

The exclusion of testimony, the most fatal bar to justice, is by no means peculiar to the law of England. The ancient states refused to hear a slave, as some modern colonies still im-

pose silence on every negro; most nations of the Continent prevent the interests of any individual from being affected by the evidence of a servant or relation; in some districts, no person could be a witness till he attained the age of twenty-one; and while the laws of the Pays de Vaud estimated the oaths of *two* females as only equal to that of a single full-grown man, there were parts of civilized Europe, (we are concerned to say Scotland was of the number), in which all female testimony was rejected without discrimination. No wonder that felons convicted, and persons attainted of infamous crimes, and the miscreants who form incorrect opinions upon the dogmas of theology, were pronounced inadmissible; for, while sentences of excommunication from the courts of justice were scattered so lavishly around, it seemed to be supposed that some valuable *privileges* attached to the station of a witness, and the public interest in possessing all the information he could disclose was utterly forgotten. But the witness, generally speaking, acquires a valuable exemption by this nominal punishment; and the law *disqualifies itself alone* from the performance of its first and noblest duty, the protection of all its subjects by the enlightened administration of justice.

Mr Bentham truly observes, that if all the exclusions that may be selected from all the several codes were found co-existing in one, it would be scarcely possible that an admissible witness to any fact whatever should be produced under that system. He is a warm advocate for throwing down all these inclosures, to the public detriment,—with one exception. On the whole, we are much disposed to agree with him; but we would introduce two others in addition. He would protect the confidence between a Catholic priest and a confessing penitent; for, ‘if the law either constrained or permitted the confessor to betray the secrets breathed into his ear in the performance of a religious duty, he would become the spy of his flock, conscience would be violated, and the law which authorizes confession would be directly contravened.’ Another argument is, that the priest, if permitted to charge persons with what they stated in confession, would be invested with the power of life and death over his congregation, and his evidence, however false, could be contradicted by none but the accused. Some readers may think it strange, that the same exception is not extended by Mr Bentham, to the confidential communications made by a client to his legal adviser or defender: But he deliberately decides, that of these the disclosure ought to be rigorously compelled,—for reasons upon which we shall have one or two observations to offer in the course of this article. *We*



think, however, that all such communications ought to be sacred; and we should also propose to disqualify married persons as witnesses, for or against each other, yet not entirely on account of that dread entertained by the English law, of conjugal feuds, though these are frequently of the most deadly character. But the reason just given, in the case of the priest, applies; for the confidence between married persons makes their whole conversation an unreserved confession; and they also could never be contradicted but by the accused, while external circumstances might be fabricated with the utmost facility, to give apparent confirmation to false charges. But our stronger reason is, that the passions must be too much alive, where the husband and wife contend in a Court of Justice, to give any chance of fair play to the truth. It must be expected, as an unavoidable consequence of the connexion by which they are bound, that their feelings, either of affection or hatred, must be strong enough to bear down the abstract regard for veracity, even in judicial depositions.

Mr Bentham's mode of treating criminals and accused persons, does not appear to us quite philosophical. In his balance, their interests and safety seem to weigh very little against his eagerness for the detection of crime, and the infliction of punishment. The sacrifices which he is always ready to make for these objects, might lead to the belief that he takes a theological view of the subject, and thinks atonement for sin, expiation of crime by penalty, as something like a religious obligation. Yet, to punish is no matter of indispensable necessity, even where guilt is manifest, while, to abstain from punishing without a perfect legal warrant, is a simple but a most sacred duty. The escape of an offender he deems a public calamity; yet, its occasional occurrence does not appear to us to reflect such extreme discredit on a judicial administration, since Courts of Justice are composed of men, and no temporal authority guarantees its own omniscience, or sets up the claim of infallibility. This obvious consideration may go far to excuse those in whose hand the sword of justice sometimes misses the guilty head: it may even have some effect in consoling him who has committed the opposite error, and mistakenly suffered it to destroy the innocent: but it ought to teach the utmost caution and anxiety, for avoiding so terrible an evil.

Yet, in the frame of mind in which many passages of this work were composed, Mr Bentham certainly regarded this great evil with an indifference that has surprised us. He calmly weighs in his balance, the *inconvenience* of condemning the innocent, against that of suffering an offender to escape. He argues, that

the danger resulting from the acquittal of a criminal is possibly greater, though less striking, than that which arises from the punishment of the guiltless; for that the effect of absolving a thief is the commission of more thefts, while it does not follow, from the conviction of an innocent man, that others also innocent must be convicted. The danger, he says, is more apparent than real; the alarm is greater than the danger, or in other words, the real danger is not so great as the apparent. In a word, he treats this as a case in which imagination takes the place of reason. He qualifies his practical proposition indeed, by admitting that 'the evil of an unjust punishment for theft, greatly exceeds the evil that would have arisen from new thefts committed by the absolved felon, and that a judge ought to act upon the presumption of innocence, and, if in doubt, to consider the mistake of acquitting as less injurious to society than the error which condemns. In listening to the voice of humanity, we follow only that of reason.' He then warns us against 'sentimental exaggerations,' tending to give impunity to crime, under the pretext of giving security to innocence; and he proceeds, with a jocularity which we cannot consider as seasonable, to cast some ridicule on the homely adage of English law, which pronounces it better that ten, or perhaps a hundred guilty should escape, than that one innocent man should suffer death by legal process.

If, however, the supposition were, that one in whom no fault is found is knowingly condemned, that an unjust sentence is deliberately pronounced by the judge, and innocent blood willfully shed by the executioner, the proportion might be increased, unquestioned, ten thousand fold. The opposite mischiefs here admit of no comparison, for the latter is the worst of crimes, and will be regarded by every upright mind with feelings of unmingled and salutary horror. But, to this awful responsibility, a careless method of proceeding, in the investigation of guilt, may make indefinitely near approaches; and the line that separates the determined perpetration of judicial wrong from the reckless indifference which blindly runs the chance of committing it, will soon become too faint for our perception. We earnestly deprecate every argument that tends to weaken these impressions; and the more so, because all the errors that receive their fatal consummation from the abused powers of the law, have the permanent effect of undermining its authority. From such errors spring the hopes of impunity, on which profligate men rely. For, what impunity can be so perfect to the real criminal, as the double mistake by which he at once sees himself protected from the blow he deserves, and an unoffend-



ing victim substituted in his place? And when the truth becomes manifest to others, what can so much weaken their respect for authority, their confidence in its awards, their sense of security in the enjoyment of their most valuable rights?

Mr Bentham is on this point the disciple of a reverend writer on the subject of moral philosophy, who argues it with infinite zeal and ingenuity; but whether the advocates of the humane doctrine are alone open to the charge of 'sentimental exaggerations,' the reader may judge, from the sentence with which Dr Paley himself winds up his argument. He supposes the tragedy drawing to its catastrophe, in which an innocent man is just going to the block, for a crime of which he is wholly free; and at that dreadful moment, he is coolly admonished to console himself, by reflecting, 'that he who falls by a mistaken sentence 'may be considered as falling for his country! while he suffers 'under the operation of those rules, by the general effect and 'tendency of which the welfare of the community is maintained and upheld!' These are not the words of Scheller or Kotzebue, but of Dr Paley.—*Moral and Political Philosophy*, vol. 2. p. 310.

One of the greatest ornaments of the English Church, \* alike distinguished by learning, humanity, and an enlightened attachment to freedom, has combated the doctrine with eloquence and success; and Sir Samuel Romilly has bestowed one of the finest passages in English literature upon the exposure of the mock heroic sentiment just quoted. It would have been a grateful task, to enrich our pages with his beautiful, affecting, and most convincing discussion, if it were still confined to the fleeting † publication in which it first appeared: but it has since been copied in a valuable book, which ought to be familiarly known to every one desirous of being acquainted either with the law or the history of England. ‡ But as we have been led to the mention of that cherished and illustrious name, in connexion with a subject, to which, during a long period of his life, the great mind of Romilly was devoted, let us be allowed to pause for a moment, and contemplate the fate that has attended his exertions.

The moderate improvements first suggested by him in 1809,

\* The Reverend Dr Parr, in his notes to a collection of characters of Mr Fox, published under the title of *Philopatris Varvicensis*, in 1810.

† Observations on the Criminal Law, by Sir Samuel Romilly. 1810.

‡ 7. Howell's St. Tr. p. 1531, in a note to the proceedings against the five Popish Lords.

wisely calculated as they were, to relieve the administration of justice from an odium which did not fairly belong to it, and so to secure its calm and impartial execution, procured for him the usual calumnies and sarcasms: he was not only held up as a vain and wrongheaded speculator, eager to destroy our venerable institutions, by setting wild theories in the place of sage experience, but denounced as a jacobin, a lover of strife, an hypocritical pretender to humanity, a promoter of crime, an enemy to the establishments which form the safeguard of society. † His projects were assailed by the whole tribe of ministerial lawyers in Parliament, from the Lord High Chancellor down to the meanest candidate for a Welsh judgeship. The twelve judges of England stepped down from their pedestals, and through Lord Ellenborough, then Chief Justice of England, favoured the House of Lords, for the first time, with an unasked opinion respecting a matter, not of law, but of legislation, declaring against any abridgment of their own powers of life and death. The motion was annually renewed; but supported by minorities in point of number contemptible, and one § single measure of mitigation was alone effected in the lifetime of the author of the reform. Since his death, Sir James Mackintosh has pursued the subject in a manner worthy of his cause, his predecessor and himself; and, having succeeded in obtaining, in 1819, an inquiry before a Select Committee, he has since procured the abolition of capital punishments in a variety of cases. But this is not all. Several statutes, exempting from capital punishment somewhere about an hundred felonies, were introduced, during the last session, into the House of Commons by Mr Peel, the Secretary of State for the Home Department: and they passed without a dissentient voice,—without a whisper of dissatisfaction, except from the friends and disciples of Sir Samuel Romilly, who contended that something more ought to be done. The bills were carried to the Lords, and passed through all their stages unanimously, without even a debate, though Lord Eldon at that time presided over the deliberations of that assembly! The Royal assent was given without any difficulty, to measures represented as thus mischievous and alarming, about fourteen years from the date of their first suggestion.

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† Vide the debates, *passim*. The Quarterly Review for July 1816 (p. 574), had this passage:—‘We have our professors of humanity, like Robespierre, who proposed the abolition of capital punishments.’

§ Stealing privately from the person.



And such is the ordinary routine. Common sense requires an obvious improvement: an opposition member brings it forward, and is overpowered by sarcasms, invectives, and majorities: But public opinion decides at once in its favour, and gradually diminishes the majority in each succeeding year, till the scale is turned, and independent men of all parties become anxious to see the alteration effected. Suddenly the minister proposes the reprobated project as a government measure, and converts, while he laughs at, his former adherents. Mr Peel's five acts, in the Session of 1823, for effecting Sir Samuel Romilly's proposals, have not been so much celebrated as they deserve, because they still leave one great reformation unaccomplished, we allude to the abolition of capital punishment in the case of forgery; for in parliamentary tactics, it is well understood that those who fight for principles, must complain as if nothing was done, while any thing still remains to be done. The concessions however which have been made with respect to the other felonies, must gradually lead to the same result in the case of forgery; and we must not be deterred from glorying in the victories actually achieved in the cause of justice and humanity, merely because they might have been more perfect and satisfactory. To record such triumphs, is to excite public men to similar exertions for the future, by the certain prospect that, sooner or later, in their lifetime or after their death, through evil report and good report, public opinion will finally award the palm of victory to truth.

It was not without extreme surprise that we encountered the twelfth chapter of the 7th book, on the subject to which we have already alluded, of communications between counsel and client. We give the material part of it.

‘Question. Un homme de loi doit-il être contraignable ou recevable à révéler des faits dont la manifestation sera préjudiciable à son client, dans une cause pénale ou non pénale?’

‘Réponse. Oui. Pourquoi serait-il exempté? Quel mal réel peut résulter de cette obligation? Aucun quelconque, à moins qu'on ne compte pour un mal de soumettre un individu à une peine quand la peine est due, ou de le soumettre à l'obligation de rendre un service demandé, quand ce service est un devoir.

‘Nous avons vu les considérations qui militent en faveur du secret de la confession. Il n'en est un qui s'applique au procureur ou à l'avocat. Rendez le témoignage de l'homme de loi exigible, qui peut en souffrir? Est-ce le client honnête ou innocent? Non sans doute, n'ayant commis aucun délit, n'ayant en vue aucune fraude, il n'a ni fraude ni délit à confesser.

‘Il y a une maxime qui est toujours supposée dans la conduite des hommes de loi dont je parle ici; c'est que le tort et le droit, le juste

et l'injuste sont des êtres de leur création, dont ils peuvent disposer selon leur plaisir ; qu'ils n'ont rien à faire avec l'événement amené par la décision du juge ; que cette décision fait elle-même la règle du bien et du mal ; et que selon le souffle de sa bouche, la vertu devient vice et le vice devient vertu.

‘ Si cela n'était pas, comment des hommes qui professent la morale ordinaire, auraient-ils pu se regarder comme *patentés* pour offrir d'avance leur appui et promettre le secret le plus solennel à quiconque viendrait leur confier un crime ou les associer à un projet de fraude ?

‘ Un contrat qui sera malaisant entre d'autres individus changera-t-il de nature, deviendra-t-il bon parce qu'un homme de loi devient une des parties contractantes ? Qu'il s'agisse d'un vol, ou de toute autre transgression, dans laquelle il y a plusieurs co-delinquans, il n'est certainement pas entendu qu'on doive avoir égard aux engagemens qu'ils ont pu former entre eux avant le délit, pour leur succès commun, ou pour leur sûreté reciproque ; pourquoi devrait-on plus d'égard aux engagemens que ces mêmes délinquans peuvent avoir formés pour leur sûreté avec des praticiens légaux après le délit ? Pourquoi cette complicité qui n'est pas respectée dans l'un cas le serait-elle dans l'autre ?

‘ Voulez-vous empêcher la formation d'un contrat malaisant ? faites que dans les cas où il aura eu lieu, il ne sera pas accompli. ’

From the arguments of this paradoxical chapter, M. Dumont finds it necessary to step in and protect the unfortunate culprit :—

‘ Admettez cette opinion de M. Bentham, il n'y a plus d'avocats, dit-on, il n'y a plus auprès des prévenus que des agens de la justice et de la police, contre lesquels les prévenus devront se tenir d'autant plus sur leurs gardes, qu'aucun homme d'un caractère noble et généreux ne voudra plus exercer cet emploi. Ce sont autant d'espions, de délateurs qu'on placera auprès d'eux. C'est dès lors supprimer entièrement la défense. Cette nouvelle face de la question doit être examinée. ’

Most people perhaps will think this answer a conclusive *reductio ad absurdum*. Not so Mr Bentham. Admit this opinion, says the editor, and the accused can have no legal defender : so much the better, says the author,—they will take more care not to violate the laws.

‘ Il ne faut point ouvrir d'asile aux criminels ; il faut détruire toute confiance entre eux, s'il est possible, même dans l'intérieur de leur maison. S'ils ne peuvent trouver ni protecteurs mercénaires parmi les juristes, ni récéleurs dans leurs propres foyers, ou serait l'inconvénient ? Les voilà réduits à observer les lois, à vivre en gens de bien ! ’

M. Dumont's remonstrance might be assisted by a multiplicity of reasonings, directed against the chapter we have just



transcribed, no one of the positions of which could perhaps endure a strict examination; but we shall be contented with the single and very obvious remark, that the author evidently presumes the guilt from the accusation. The two things appear to be but one in his contemplation; and in the very same spirit he discusses the proceeding by interrogation of the person exposed to a charge.

English lawyers sometimes speak of a most learned judge, who was promoted, not very long ago, to a seat upon the Bench at Westminster, after acting full thirty years at the Bar, as counsel for the Crown. A general consternation prevailed, lest the ancient habits of that eminent person should induce him to raise the prerogative to a dangerous height; while his legal attainments would enable him to draw support to its pretensions from sources difficult of access to the great majority of his brethren. It turned out, however, that his judicial bias ran in the opposite direction: he seemed always to presume, that his old clients, the public boards of all denominations, were no better than they should be, and to think the chances of being in the right in Crown prosecutions very considerably against them. There was only one mode of accounting for this prepossession; he was too much in their secrets, and knew them too well. Just so Mr Bentham's readers will be ready to presume, that his experience of the conduct of the legal profession has taught him to distrust and dislike them; and if, indeed, his opinion were founded on so intimate an acquaintance as that existing in the case alluded to, it would furnish no trivial argument against the character of that unpopular body. But, in truth, he is obviously far from familiar with the practice of the law, and his denunciations will no more persuade mankind to do without lawyers, than some proofs of pedantry and error will annul the faculty of medicine. Happiest, indeed, and wisest are they, whose prudence and moderation ward off all apparent necessity for either the physician or the counsellor: but no sane man, who suffers from disease, will trust his own skill for the cure; and to expect that all the accusers and all the accused, that all the plaintiffs and all the defendants, should be endowed with the skill and talent required for conducting complicated causes, would be rather more extravagant. The relation of advocate and client, in short, flows from the nature of human society. Mr Bentham compares it to a compact of guilt between two confederated malefactors, and claims a disclosure of all the confidential statements imparted by the client to the lawyer, his accomplice. His proposal will be received in almost every quarter, with the exclamation he has anticipated—*Quoi! trahir! trahir son client!* Perhaps it deserves no farther reply.

Even in the very few instances where the accused has intrusted his defender with a full confession of his crime, we hold it to be clear that he may still be lawfully defended. The guilt of which he may be conscious, and which he may have so disclosed, he has still a right to see distinctly proved upon him by legal evidence. To suborn wretches to the commission of perjury, or procure the absence of witnesses by bribes, is to commit a separate and execrable crime; to tamper with the purity of the judges, is still more odious: But there is no reason why any party should not, by fair and animated arguments, demonstrate the insufficiency of that testimony, on which alone a righteous judgment can be pronounced to his destruction. Human beings are never to be run down, like beasts of prey, without respect to the laws of the chase. If society must make a sacrifice of any one of its members, let it proceed according to general rules, upon known principles, and with clear proof of necessity: 'let us carve him as a feast fit for the gods, not hew him as a carcase for the hounds.' Reversing the paradox above cited from Paley, we should not despair of finding strong arguments in support of another, and maintain that it is desirable that guilty men should sometimes escape, by the operation of those general rules, which form the only security for innocence.

In the vast majority of cases, the worst offenders protest their innocence, at least till the conclusion of the trial. Who shall gainsay them, in the solemn assertion of a fact within their own exclusive knowledge? And when they communicate the means of proving it to their selected defenders, these persons are to condemn them untried, and convey their secrets to the accuser! 'This violation of confidence could be injurious to the guilty alone;'—but by whom is the guilt to be ascertained, and at what period short of the final termination of the inquiry? Must the judicial functions of the defender begin at the moment when it has become certain that the accused is guilty? If this is said, let us remember in how many cases that certainty never is obtained, how difficult it is constantly rendered by complicated facts and ambiguous law, and that when it has been most confidently believed to exist, the innocence of the accused has been brought to light, after trial, condemnation, and execution. If this period for commencing the disclosures be rejected, the professional defender must enter into communication from the first at once with the accuser and the accused. Both masters he cannot serve long, and which will he be likely to prefer? The suspected culprit, or the prosecuting authority of the state; the proscribed outcast, whose



death-warrant will be signed next week, or the permanent power, which has staked its reputation on the establishment of his crime? Imagine, for a moment, how welcome a visitor Lord Russell's attorney would have been, if he had betaken himself, with his notes in his pocket, from the apartments of his illustrious client in the Tower, to the office of the Solicitor to the Treasury, then engaged in preparing the prosecution.

Strong objections are stated to another English practice, arising from the maxim—*nemo tenetur seipsum accusare*: And the French method of interrogating persons under a charge, for the purpose of obtaining that result, is warmly preferred to it. The argument is stated with force and ingenuity in the eleventh chapter of the seventh book, *De l'Inculpation de Soi-même*.—But we cannot afford to insert it.

If the nerves stood always firm, and the mind remained untroubled, when a man is brought before a magistrate charged with a crime, and if, moreover, he could be sure that he knew all the proofs upon which the suspicion is founded, we might find it difficult to contend against these propositions. But if the contrary of all this is manifestly the most probable, if the mere fact of being accused,—a fact reckoned upon and provided for by the experienced offender,—is in itself an overwhelming calamity to an innocent man, and the more so, in proportion to his abhorrence of the crime, we must pause before we agree in the propriety of exacting any explanations from him. How open to misconstruction will be his language, his gestures, his very looks? How easy to attribute to feelings of shame the glow of indignation, and confound the agony of undeserved reproach, with remorse or fear? All the explanations which can be offered may possibly be inadequate,—and then they recoil upon the accused; or they may even excite new suspicions, from coincidences merely accidental, which may also possibly defy explanation. Perhaps he is the victim of an artful conspiracy, arranged by the real offender; or the appearances that accuse him may admit of no elucidation, which will not either betray secrets important to be kept on other grounds, or compromise the safety of other persons justly entitled to protection from the accused. A smuggler or a poacher, detected in combining his own clandestine measures, is naturally implicated in a horrible crime committed near the same time and place; an anatomist is discovered (in one of Holcroft's novels, according to our memory), with a bloody knife in his hand, leaning over a body newly torn from the grave, and the purpose of dissection is one that he is by no means anxious to avow; a love intrigue has perhaps thrown him in the way of suspicion, and the party can hard-

ly be expected to purchase his liberation by an instant avowal of the truth. The incident of a son apprehended with the sword yet reeking with the blood of his murdered king, which has just been placed in his hand by his father, however extravagant the incident, serves well for an example. The son must convict his father of regicide, or abide the suspicion against himself. In the real case of the maid of Palainon, she was bound to suppress her own vindication by the dread of giving up her father to be shot for a deserter.

The imagination need not be taxed, however, for extreme cases, in which silence, equivocation, or even falsehood, the ordinary badges of guilt, would naturally be found in company with perfect innocence. There are many in which the truth, properly brought to light, would set free the accused, but his very situation disqualifies him from doing justice to his own statement. Conscious of his rectitude, and proud of his character, he is abashed, humiliated, and confounded by the charge. The untoward chances that have loaded him with suspicion may go on to his utter ruin; the false witnesses who have now established a *prima facie* case, may ultimately convince his judges. That he should ever become an object of accusation would have struck him yesterday as more impossible, than that accusation should now lead to conviction; the last step seems far less violent than the first, and the commencement of his process is a fatal augury which teaches him to despair of its issue. To his distracted mind, justice is brought into discredit and distrust; and Providence itself appears to be in league with his secret enemies. In this state of mind, he is required to stand the cool and acute cross-examination of one habitually severe and suspicious, already pre-occupied with partial statements against him!

The recommendation to exhibit interrogatories, applies equally to the preliminary proceedings, and the moment of trial. But here the discreet and candid Dumont defends the English practice in preference to that of France.

‘L’interrogatoire des prévenus est souvent accompagné d’un genre d’abus qui, même sur le continent, a donné bien des partisans au système Anglais. On voit un juge irrité par la résistance, les évocations ou les négations de l’accusé, devenir sa partie adverse, le fatiguer de questions, chercher à le surprendre d’une manière captieuse, l’intimider, lui faire subir une sorte de torture, et s’engager, par amour propre, dans une lutte où il perd son caractère d’impartialité. Ces moyens semblent supposer qu’on exige l’aveu, et cependant l’aveu n’est point nécessaire; ce n’est pas l’aveu qui doit être l’objet de l’enquête; c’est l’ensemble des circonstances qui prouvent le fait. On devrait se borner à interroger le prévenu lorsqu’il y a des lacunes



dans le témoignage, lorsque ses réponses vraies ou fausses conduiront à les remplir. Si tout est prouvé sans lui, s'il n'a rien à dire pour sa défense, qu'a-t-on besoin de l'interroger? Je ne voudrais pas l'exclusion de ce moyen, mais son économie.

‘ Depuis que j'ai suivi notre tribunal à Genève, j'ai vu des cas où, sans la faculté d'interroger le prévenu, on n'aurait pas pu le convaincre. Ce n'est point son aveu qu'on demandait, mais on lui adressait des questions qui confirmaient les témoignages ou conduisaient à de nouvelles preuves. ’

This keen encounter of the wits between judge and culprit, these unseemly bickerings between two persons so widely removed from each other, have a direct tendency to degrade the dignity of justice, because they always disturb its calmness and serenity. It is easy to foresee which side will have the best of the argument. The master of thirty legions had no such advantages, as he on whose mercy the life of his antagonist lies. The base vulgar, indeed, will be seen cheering on the stronger party to the confusion and dismay of the weaker, and the worshippers of power always adore it most fervently in its excesses; but every generous and feeling mind listens with silent indignation, and retires from the debate with diminished respect for the law, and a diminished sense of his own security. Several of the recent trials in France afford lamentable specimens of both results; but as the lowest point of judicial degradation must always be sought in political prosecutions, we may hope that it settled at zero in the disgusting exhibitions at Saumur in 1822.

The notion that interrogatories partake of the nature of the ancient *question*, here ridiculed as a prejudice, is just. We might perhaps rely on what we have written, to prove that the state of accusation is itself a state of torture. The object of attaining truth does not sanctify such means, for that object was no doubt accomplished in the great majority of cases where bodily torture was applied; but it should be remembered, that even truth may be bought too dear; that its attainment is by no means secured after all, and that if the sources from which it may be derived are by this method increased, the false impressions may be also multiplied beyond the power of correction. But farther, the supposition is, that the party is constrained to answer. But by what means? We can imagine no other than a stern admonition, that if he refuses, the most unfavourable construction will be put upon his silence; or, in other words, the probability of his being punished for the crime charged upon him will be so far increased. The old inquisitor said, The rack is ready, unless you answer all my questions; the mo-

dern inquisitor says, Your refusal to answer will most likely bring you to the guillotine. Each applies itself to the fears of the party, directed in the one case to impending torments, in the other to judgment and execution, not quite so near at hand. If the threats are carried into effect, the latter is the more objectionable, because it implies a perversion of justice; it is a solecism not to be tolerated. 'We will punish the contumacy of your silence, by condemning you for a crime, which we do not know you to have committed.' No such consequence, indeed, can follow in any country where judgment is to be obtained through the medium of a jury, for they decide according to the evidence, and not upon presumptions of law. In these realms, therefore, the introduction of compulsive interrogatories is happily impracticable.\*

But though we protest against this innovation, upon Mr B.'s own principle, the balance of inconveniences, those English Justices of the Peace, who seem alarmed at the least chance of hearing truth from a culprit, and so earnestly entreat him to disclose nothing that can ever tend to bring guilt home to him, are rather to be admired for romantic generosity, than for wisdom, or any beneficial consequences resulting from that conduct to the public. Innocence may be deprived of great advantages if deterred from promptly telling its own unvarnished tale; to keep back full information, is, in some events, nearly equivalent to confessing guilt, and the warning which prevents the story from being related at the earliest moment, may prevent it from producing at any time its just effect. But supposing that the culprit, eager for his release, should choose to commit himself

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\* Thus, the concealment of an illegitimate birth was made conclusive evidence that the mother had put her child to death, by a statute passed in the reign of James I. But, however wise this inference, and however binding the law, juries constantly refused to consent, without clear evidence of the fact. The law set itself in opposition to the nature of things, when it substituted its own construction for a verdict, which can only be justly pronounced, when the conscience is satisfied of the proof; and the jury, compelled to make their election between conflicting duties, justly preferred that which is in unison with the nature of their institution, and disregarded that which was hostile to it.—It is not, perhaps, known to many of our English readers, that a similar statute was passed in Scotland so late as the reign of King William,—which, being found inefficient, from the causes already mentioned, was repealed by a recent act, taking away the capital pain;—in other words, making the concealment, &c. an offence *sui generis*, instead of a legal presumption of murder.



by falsehoods, or betray real facts which go to his conviction, we cannot conceive that any harm is done. Between the opposite methods of compulsive interrogation, and an indiscriminate injunction of silence, common sense suggests a middle course, which leaves the party to judge and act for himself. If he is blessed with self-command, and is in possession of the means of at once refuting his pursuers, why should his vindication be delayed? but as he may be incompetent to do so, or unprovided with the necessary proofs, let him be calmly told by the magistrate that no unfair inference will be drawn from his reserving his defence for a more convenient season.

Another practice, still more surprising to the uninitiated, is said to prevail in English Courts of Justice, where the highest legal authorities preside. Charged with a simple fact, and conscious that the charge is true, the repentant culprit is anxious to make some atonement to the offended laws by confessing it at once. He pleads guilty. But the Judge, instead of hailing his acknowledgment of the truth as some earnest of amendment, urges him to withdraw his plea; and by a degree of importunity which sometimes resembles a menace, compels him to do violence to his conscience, and solemnly maintain a falsehood. The astonished jury is impanelled to go through the form of a trial. Evidence is adduced to make them believe that which they know already; and this evidence consists perhaps of an extrajudicial acknowledgement, much less deliberately made. It is possible on the other hand, that some formal proof may be wanting; and then the same jury are formally directed to pronounce upon their oaths, that that man is not guilty, whose guilt they heard distinctly admitted by himself, only half an hour before.

A strange anomaly in the English criminal system, is the entire want of a responsible public prosecutor. We do not insist on the appointment of a Lord Advocate for England, nor are we in love with a Procureur du Roi, nor do we even feel any desire to see the Attorney-General invested with additional powers. But that the administration of justice should in almost every instance be set in motion by individual feelings of resentment, and placed under the guidance of ordinary magistrates, or perhaps even of inferior persons, is a strange abandonment of the public interests to chance. A low attorney busies himself in a prosecution, and promises impunity to one of several parties accused, if he will betray his companions in crime; and this leads to a long discussion, whether he has not thrown an absolute protection over the individual culprit favoured by his selection! Or some country magistrates, impa-

tient to obtain a particular proof at the earliest moment, induce the worst of an infamous gang to turn king's evidence, by a promise of impunity, by which the Government is bound, even though the promise be obviously conditional, and the condition never performed. In cases of misdemeanour, we have heard it asserted, that indictments are almost always preferred in the Court of King's Bench, for the sole purpose of extorting money; and that in every stage of the proceedings, if the private prosecutor can obtain a certain sum, they are instantly dropt, and are never mentioned again. This is said to be the case with perjury, more frequently than any other offence; yet few are more flagitious, and perhaps none so fraught with mischief to the community. We are not sufficiently sure of the fact, or acquainted with legal details, to offer here any particular improvement.

But in that which we consider the most singular of all the anomalies that distinguish the law of England, we are happy to be able to propose, as a simple remedy, the imitation of our proceedings here in the North. We allude to the prohibition denounced against the prisoner's advocates from addressing the jury on the proof of the fact charged against his client. Treason and misdemeanours, properly so called, are indeed excepted; the former by act of Parliament, upon principles which extend to all crimes, and the latter on no intelligible principle. The vast mass of felonies, involving death and exile, lengthened imprisonment, corporal punishment, perpetual infamy, and attainer of blood, are left notwithstanding those objections to be decided on, without any other arguments to prove them undeserved, than such as may occur to the prisoner himself, in his hour of peril and alarm. All that has been advanced against the proceeding by interrogatory, applies here with redoubled force, as the stake is more precious, and the danger more imminent. Mr B.'s feelings towards the accused and the lawyers, do not lead him to suggest an amendment, in favour of which we shall not either enforce or repeat some observations formerly made,\* until we have seen them encountered by something

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\* Vol. 36. p. 366. Since these sentences were written, a motion has been made in Parliament, to allow prisoners the benefit of counsel, as there suggested—and negatived by a considerable majority. The reason which seemed to have weighed chiefly against it, is one which we think it must have required some courage to suggest, viz. that whether the Judge was rightly considered as counsel *for* the prisoner, on the present system, or not, there was great reason to fear that he would soon act as counsel *against* him, if that system was



like an answer. We are sick of being told that the prisoner finds an advocate in his judge. Surely, surely, those venerable persons, if they perform their own proper duty, have quite enough upon their hands.

Our readers may feel some surprise—nay, we feel some too ourselves—in observing how large a space we have devoted to contesting the doctrines of a work, for which we profess and feel, on the whole, the highest admiration. The task would have been both easier and more grateful, if we had transcribed large portions of the Treatise, where our own opinion exactly coincides with the author's. But our general acquiescence required the exclusion of those subjects, on which so powerful a mind seemed to us to patronise important errors, and our reasons for thinking them such could not be decorously withheld, nor confined within very narrow limits. An analysis of the several books and chapters would have conveyed a very inadequate idea of the value of these volumes, for, to own the truth, we do not think the arrangement very happy; some of its divisions are arbitrary, some too minute, some imperfect with reference to the entire subject. Many new distinctions between the methods of civil and of criminal procedure must have been introduced, and some tedious expositions given of subjects possessing little attraction or interest. Many entertaining selections might certainly be made, and the general reasonings would often be found to hold forth a clear and steady light for the discovery of truth, not merely in the Courts of Justice, but in all investigations of fact, for whatever purpose they may be pursued.

The seventh book, on the Impossible and the Improbable, is one of the most curious of metaphysical disquisitions. It contains just and subtle observations on the means, by which preternatural facts are to be proved, and the safeguards without which they cannot be reasonably admitted into our belief. The examples drawn from witchcraft, proved by witnesses, miracu-

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abandoned. He would be so irritated or excited, it was supposed, by the address of the prisoner's advocate, that he would make it a point of honour to answer it—and as he would necessarily have the last word in the debate, and carry with him a greater authority, the unhappy defendant could not but be the worse for having provoked the contention! We speak only from newspaper authority—and are most willing to believe it erroneous. But in all the reports we have seen, *this*, with the old adage against innovation, and the observation that we are very well as we are, seems to comprise the whole argument of the majority.

lous cures established in modern times, and other singular facts in the history of mankind, form delightful subjects for the reader, and furnish the rules of just reasoning. One paragraph in the chapter *des faits deviatifs*, we are tempted to extract, from the grave drollery of its style, which proves that Bentham could have rivalled Swift in that irony

‘ Which HE was born to introduce,  
Described it first, and shewed its use.’

He has just required that all extraordinary facts shall be recorded, and all real proofs of them preserved in specie. When this is done, all ground for cavil is removed, and that calumniated historian of his own adventures, Captain Lemuel Gulliver, is in these terms vindicated.

‘ Gulliver, à son retour de Lilliput, déposa dans le Parc de Greenwich, quelques échantillons des taureaux et des vaches de ce pays. Malgré cette preuve permanente, je ne sai quel évêque, mentionné par Swift, osa prétendre que toute cette histoire était une fable : on se moqua de lui. Mais à Londres, dans le musée de Sir Ashton Lever, on voyoit, des animaux à cornes, bien formés et à leur plein terme de croissance, à peu près de la même taille que ceux de Lilliput.’  
Vol. ii. p. 193.

We did not know that the bishop’s scepticism extended quite so far: We thought he had been contented with declaring, that, notwithstanding his respect for the cloth, the Dean had reported *some* things which he could not entirely believe. Mr B. has perhaps discovered, that this cautious formula was but a cloak for complete incredulity.

Mr Bentham’s laborious exactness, in referring to intelligible principles some of the lowest rules of judicial procedure,—the provisions for compelling witnesses to attend, the course to be taken with regard to documents withheld from the notice of the court, the precautions to be adopted in viewing the scene of the act investigated, and many other particulars of a like description,—will be found, by legal readers, to abound with valuable instruction: and we may venture to prophecy, not only that no trial for forgery will take place, but that no literary controversy on the subject of disputed authenticity, will hereafter be carried on, without appealing to his discussion of these points.

M. Dumont has inserted in the Appendix a most useful paper, —a clear and short abstract of Mr B.’s Protest against taxes on law proceedings, published in 1793. No argument can be more complete or convincing: the justification of such taxes, rested on the half-witted notion that they are beneficial, by preventing litigious suits, is here *finally* disposed of.

Mr B. appears disposed to pay too much respect to *anony-*



*mous informations*, the subject of his last chapter, though indeed he requires that they should be made public, before they are made the foundation of any proceeding whatever: And, dangerous as they undoubtedly are, despicable as the informer who secretes his name must always be, and much as we doubt whether the balance of inconveniences will not decide against the resort to this tainted fountain of knowledge, it must be owned that, if any thing can divest it of its evil qualities, the remedy is *publicity*. That indeed is the grand redeeming virtue, which must in time correct the vices of every system, and without which the soundest principles, the wisest rules, the most perfect arrangements, will be found, in practice, to permit the existence of all that is wrong, and to afford no security for any thing that is right. On this great subject Mr Bentham's authority is express and ample. He calls publicity the soul of justice, the most effectual safeguard of testimony and judgment: 'Oppression in all its forms' (he truly observes) 'aspires to cover itself with secrecy; it dreads nothing so much as full daylight. The most tyrannical magistrate becomes moderate, the most daring circumspect, when, exposed to the view of all, he feels that he cannot pronounce a judgment without being judged himself.' He considers it with reference to the witnesses, the judges, the public; and proves, by invincible reasoning, how it secures truth in the proofs, and justice in the decrees, exciting a general interest in judicial proceedings, and inspiring a rational confidence in them, at the same time that it engenders a public character inestimable on its own account. He shows that no substitute for publicity can afford any of the benefits obtained by it, and with equal acuteness and truth observes, that, even on the inadmissible supposition that secret justice will be always well administered, the public would be little better for it. 'But few individuals are gainers by *real* justice; to make its usefulness general, it ought to *appear*, as well as to exist. The root might be in the earth; but no fruit would be produced. Integrity might be in the heart of the judge, while iniquity was written on his brow. How could the public grant the title of *just* to men, by whose mode of proceeding injustice alone can gain, and probity cannot but be a loser?'

Secret tribunals, accordingly, have been ever odious; and much more so perhaps than their deeds have merited. They have been visited with sins they never committed; but the partisans of secrecy are debarred of the right to complain of calumny. Even false accusations may be, in some sense, just against them. 'Look at their own dealings with such as come in judgment before them,

‘—with the accused who studies to conceal his movements, the party who smuggles away a document, the witness who refuses to answer. They hold all these to be proofs of guilt. Why not apply their own principles against themselves? If they were innocent, would they refuse to appear? If they had nothing to fear from the public eye, why shut themselves up in darkness, and make the temple of justice as secret as a den of thieves? If the reproaches made against them are unjust, let them be refuted by the publicity of their proceedings!’

Mr Bentham overturns with ease all the sophistry by which judicial secrecy has been defended. His noble and eloquent remonstrance with the judges who support it, we think it may be useful to translate into English.

‘I find it difficult to conceive how judges can be found who, in the execution of a rigorous ministry, can be bold enough to deprive themselves of the great support of public opinion. I can hardly imagine that they should dare to hold language such as this: “Place a blind reliance upon my uprightness: I am above all error, all temptation, all weakness: I am alone a sufficient surety for myself: do you give me implicit credit for virtues more than human.” The real honour of a judge consists in never requiring such confidence; in rejecting it, if any should wish to proffer it, in placing himself above suspicions, by preventing them from ever having existence, and in committing to the whole public the guardianship of his virtue and his conscience.’

Publicity should be given, according to Mr Bentham, to all cases, with the single obvious exception of those by which decency is wounded, and morality may be corrupted. He also expressly avows his opinion that it ought to extend to all parts of the process, ‘*toutes les parties de la procédure*;

yet we do not apprehend that he would wish to disturb the magistrate’s right in the exercise of his discretion, to conduct the preliminary inquiries in a private manner, while certain researches of the police are going forward, which would be at once defeated by being known. But when once they are known, when the parties and the witnesses have once been seen and heard at the public office, when fifty or a hundred persons, endowed with the gift of speech, have become acquainted with all that has passed, what plausible reason for farther concealment can be urged? If the transaction has been of such a nature as to arouse the public attention, every one present at the audience has carried away and disseminated his own report; the whole town is in possession of the tidings in one little hour. Partial, garbled, exaggerated, full of error and falsehood and rash suspicion, as all these



rumours must inevitably be, the means of securing a faithful narrative are, in our times, fortunately always at hand; for it happens that the ministers of public curiosity find their account in being present at the examination, and recording every part of it with an accuracy beyond all dispute. The gossip flies abroad neglected; But every one waits for the next journals, which correctly represent the truth, and instantly convey it with the rapidity of beacon-lights to the most distant corners of the land. The party accused is relieved from all imputations unwarranted by the statements made upon oath against him, and the knowledge of such facts as are thus proved disseminated throughout the country, leads to new inquiries and new disclosures, directly bearing on the question of his guilt or innocence, and possibly involving accomplices, whom it is still more important to bring to justice.

An ingenious man might find his invention severely taxed, to frame another set of circumstances, in which individual interest could contribute so essentially to the public good. For as the examination is public, there is now no longer any possibility of privacy in the procedure; and the question is merely between imperfect and perfect publicity,—between the two sorts of Fame, that which is *ficti pravique tenax*, and that which is *nuntia veri*. The spread of correct intelligence is also most beneficial, as a measure of police. Yet grave personages are said to have declared that such publications of the truth are *high misdemeanors*! The faithful report of a public examination has been pronounced *highly criminal*,—as being in substance a libel tending to defame the individual charged, and to pervert the due course of law and justice. *Ex parte* statements, (rather whimsically denominated of late by some great English lawyers, *a priori evidence*), are said to have a tendency to prejudice the jury who may finally decide upon the charge. Lord Ellenborough appears to have held this language, though he did not act upon the doctrine, \* in the year 1811, for he left it to the jury to decide, whether the publication of preliminary examination, charged as a libel, was a fair and dispassionate account of some proceedings at the Mansion House. It certainly was not; and the defendant was convicted. That learned judge also decided, with the rest of the Court, in 1806, † that ‘a *highly coloured* account of judicial proceedings, mixed with the reporter’s own observations and conclusions,’ is libellous. But another very distinguished judge went a large step farther, pronouncing ‘the

\* *ReX v. Fisher*, 2. Campbell, 563.

† 7. East’s Rep. 500.

‘mere publication of *ex parte* evidence before a trial, of itself highly criminal.’\* We may observe, however, that this was the opinion of a single judge at Nisi Prius, and though the defendant was found guilty, the information having been filed by his Majesty’s Attorney General, the reporter of this case does not inform us that judgment was ever prayed. Thus far then the authorities do not seem decisive of this point. But there is one case much and repeatedly considered by judges whose learning was equal to their liberality, which appears to us, (if we may venture an opinion) to decide it the other way. We beg the reader’s attention to a short abstract of the case *Rex v. Wright*,† which came before the Court of King’s Bench in 1799, when Lord Kenyon, Mr Justice Grose, and Mr Justice Lawrence were sitting there.

The House of Commons had appointed a Committee to inquire into supposed treasonable practices, which made a report for the use of the Members, strongly reflecting upon the conduct and practices of individuals. It was the report of a preliminary examination, with a view to future proceedings; none of the persons charged had an opportunity of being present,—none of them therefore could dispute or controvert any of the statements made to their prejudice. A bookseller, of the name of Wright, printed and circulated this Report without any authority from the House of Commons, and merely with a view to his own emolument. One of the persons reflected upon, Mr John Horne Tooke, applied to the Court for leave to file a criminal information against the printer, for an unauthorized statement that he had been guilty of high treason,—for which crime, by the by, he had been actually tried and acquitted in the interval between making the *ex parte* report by the Committee, and publishing it by Wright. All these hardships were strongly urged, but the application was refused. The reasons upon which Lord Kenyon determined not to grant the rule might almost be taken for a recapitulation of the grievances complained of in such prosecutions. ‘The inquiry made by the House of Commons,’ says his Lordship, ‘was an inquisition’—a word known to the law as describing an *ex parte* proceeding—‘an inquisition taken by one branch of the Legislature;’ of course without legislative authority, but for its own satisfaction, and for the very purpose of founding some future proceeding, as Lord Kenyon declares. It ‘was taken to enable them to proceed further, and adopt some regulations

\* In the year 1804. 5. Espinasse’s Nisi Prius Reports, 124.

† 8. Term Rep. 293.



‘ for the better government of the country. This report was first made by a *Committee* of the House of Commons, then approved of by the House at large, and then communicated to the other House, and it is now *sub judice*.’ Thus inchoate, imperfect, awaiting a decision, and a decision which the House of Commons was alone bound to make,—thus *ex parte*, injurious to an absent individual, whose name it was needless to mention for any purpose connected with the object of the report,—thus published without authority, and by its public appearance violating the privileges of Parliament, it was held to be a protected publication. Lord Kenyon felt surprised at its being treated as a high misdemeanor, for he follows up the words last quoted with the following: ‘ *and yet* it is said that this is a libel on the prosecutor.’ The other judges concurred, remarking that ‘ though the publication of such proceedings may be to the disadvantage of the particular individual concerned, *yet it is of vast importance to the public that the proceedings of Courts of Justice should be universally known*, and the general advantage more than counterbalances the inconvenience to the private persons whose conduct may be the subject of such proceedings.’ Mr Justice Lawrence’s additional remark—‘ the same reasons also apply to the proceedings in Parliament,’ may startle some of the champions of privilege, but it is, in every sense of the words, perfectly applicable to proceedings before magistrates.

The result of these reported cases does not appear then to establish the illegality of publishing such of the examinations before magistrates as are publicly carried on. But it is said the evil is obvious, and the crime of committing it, therefore, is punishable at common law. The reasoning is not very logical, for penal sanctions are not warranted merely because there is evil, but only where the evil greatly overbalances the good. Admit there is evil, we have shown that there is some good: who shall strike the balance, and pronounce the prohibition? We should humbly think this rests with the Legislature, not with the judges, who frequently profess that their province is to administer the law they find, not to promulgate any of their own. We have the utmost veneration for the Common Law, of which they are the organs and interpreters, the *lex non scripta*, whose institution and authority are not set down in writing, as acts of Parliament are, because (according to Blackstone) it receives its binding power from long and immemorial usage, and by its universal reception throughout the kingdom. These respectable attributes can hardly be claimed for the doctrine we are presuming to question—unwritten indeed it was

till Mr Espinasse set down a note of the *Nisi Prius* cases that were tried at the Horsham Lent Assizes in 1804, but how did its immemorial usage and universal reception escape so profound a lawyer as Lord Kenyon five years before?

What if the depositions of witnesses, the perpetration of the crime, the commitment of the supposed offender for trial, could all be kept utterly unknown to the jury till they were called to pronounce upon his guilt? Where the crime is atrocious and revolting to men's natural feelings, we believe the prepossession would be stronger, more violent, more hard to be resisted. The sudden appearance of a supposed parricide would probably subvert the faculties more entirely, than the remembrance of any examinations. The shocking impression made in the former case may perhaps never be removed; in the latter it has been gradually wearing away, and the excited feelings no longer disturb the sober operations of reason. The agitation has subsided, the trouble of the spirit is gone. The partial statement is innoxious, because it is known to be partial, and because it is known that he who made it *ex parte*, must repeat and maintain it, when the accused can meet him, when his veracity must be sifted by cross-examination, and his words and features must be watched by the judge, the jury, and the public. If that searching scrutiny should make him but hesitate in the former evidence with which he is confronted, as well as with the friends of his adversary, the work of reaction begins. Perhaps it sometimes goes too far, and this also is an evil. But the remedy for both consists, not in prohibitions and injunctions, the vulgar resources of inferior minds, but in the enlightened sense of duty which ought to direct the conscience of those to whom the law confides the prisoner's doom.

If it is urged that, very recently after the perpetration of atrocious crimes, horror and disgust, and an indiscriminate thirst for vengeance, more anxious to sacrifice than select its victim, will be found to pervade the ranks from which juries must be drawn; but this is an evil for which delay affords a perfect and a harmless remedy. The rapid administration of justice in similar cases, may expose truth and innocence to hazard; and it is not without some alarm we hear of the execution of criminals in England, within a week of the perpetration of their crime. In a country where we believe the rights of property are held so sacred, that no civil suitor can recover an undisputed debt of the most inconsiderable amount, without some weeks of preliminary process, ought the life of man to be so speedily extinguished in the name of justice?

The English law has one provision for the general security,



which has been justly extolled,—the Coroner's Inquest. In every instance of sudden death, a jury of the neighbours is summoned by a known officer, and information as to the cause is invited and solicited from every quarter. The investigation may be protracted during several days; and if the facts proved become generally known, other facts connected with them are likely to be brought forward. This is essentially a public court—a proclamation for all who have any knowledge to come in and disclose it—an advertisement requiring the attendance of all who can be wanted as witnesses. Its whole merit, indeed, consists in its publicity. The coroner is rarely a person of high legal attainments; but he does good service by issuing his summons for the jury, and he presides at their debates. In some counties, however, it seems that this functionary has formed splendid notions of his own authority; his reading has informed him of the *high misdemeanour*; and he has taken upon himself to prohibit and prevent its commission, by ordering persons present to take no notes of the proceedings. He does not object to the efforts of memory; but to a correct report, his objections, in point of law, are insurmountable! He imposes on the reporter the restriction under which parish children are invited to a feast—'Hear your fill, but pocket nothing.' Like one of the official sages, in whose wisdom Shakespeare delighted, he thinks reading and writing nothing but vanity; and unlike the great reformer, Jack Cade, who would burn all the records of the realm, and make it felony to cause printing to be used, when our ancestors were contented with the score and tally, he would permit the continuance of ancient reports, and confine himself to the prohibition of any for the future.

There is a twaddling sort of wit afloat in society, which assails 'the gentlemen of the press,' *i. e.* the reporters for the newspapers. Certainly persons of this class are in the habit of treating themselves with all due respect; there is quite enough of the *esprit de corps* among them; and they are by no means devoid of partialities and dislikes. In all these things, it appears to us that they bear a close resemblance to all other classes which we have had an opportunity of observing. Those who complain of them are perhaps not blameless; a strong sense of irritation at the supposed self-importance of another, may expose the wound we feel inflicted on our own. To be sure, it may be a melancholy thing for a gentleman of weight in the county to find the reporter occupying the place in a Court of Justice which he had reckoned upon for himself; but, for our own part, it is more satisfactory to read the account of

an interesting trial, than to know that a gentleman of weight had a convenient seat for hearing it. We may regret his disappointment; but, if he had been there to the exclusion of the possessor of pen, ink, and a note-book, think what consternation would have seized a thousand reading-rooms, and what a gloom would have overspread all the breakfast-tables in the land. What are called the abuses of reporting ought to receive another name; we admit them to be real grievances, but with the correct representation of *judicial proceedings* they have nothing to do. We allude to the circulation of private anecdotes, injurious to a suspected person, rumours of other crimes laid to his charge, disgraceful particulars as to his former habits and connexions,—all tending to create an unfavourable impression on his triers, and make them feel the establishment of the charge by precise evidence against one who, at all events, is not fit to live, a matter of inferior consequence. Almost equally mischievous is the stimulating for sometimes served for public curiosity, when circumstances are carefully worked up so as to produce a theatrical interest, at war with just feeling and sound morality. Every unhappy man is entitled to compassion: that his crimes should have caused his misfortunes, may perhaps recommend him to the still deeper commiseration of a philosophic mind. The blood that is shed by the executioner should flow for the public advantage; nor can any circumstances be conceived in which that awful spectacle ought to be contemplated with indifference. But to make criminals the objects of sentimental admiration, and of a sort of familiar attachment, to hold up as a hero the treacherous murderer, whose life has been passed in reckless profligacy, merely because at his death he displays a firmness which scarcely ever deserts the vilest, even though their offences may have been more odious than his own, is a task as unworthy of literary talents, as it is unfit for cultivated and liberal minds.

The public is assuredly not free from blame, 'The laws the patrons give:' but there is some supply anterior to any demand; and for such articles there ought to be neither supply nor demand. The press is not like the stage, which 'echoes back the public voice,' for it is the public voice. It is the organ of public opinion, but of public opinion acting upon facts selected and conveyed by the same organ. The extension, not the exclusion, of publicity, is the sole corrective for this evil. If those from whom the statements originate were themselves before the public—if they shared that individual responsibility to which they subject all other men—if the source of light were not itself hidden,—these complaints would



speedily be put to silence. Every thing is tending to the application of this, the natural and complete remedy: in the mean time, the mischief is totally distinct from the publication of judicial proceedings. Nothing can be more uncandid than to confound things so widely separated; and nothing more absurd than the condemnation of publicity, except indeed the penalties inflicted also by the wisdom of our ancestors upon such notorious crimes as emigration, monopoly, and witchcraft.

When Lord Kenyon and the Court of King's Bench held the publication of an *ex parte* proceeding justifiable—when Lord Ellenborough, in passing, expressed a contrary opinion—when Mr Justice Heath, at Horsham, pronounced it illegal—no doubt was entertained of the right to publish the reports of trials actually brought to a close. This privilege is stated throughout in the clearest and most comprehensive terms. Yet there is reason to fear that, in England, that most important right may be sacrificed. Prohibitions have been very lately attempted against the practice, which would make it depend on the good pleasure of every Court of Justice. Their singular history is happily very short, beginning only in the year 1817, when the ministry endeavoured to convert the Spafields riots into acts of high treason,—war levied against the King. Early on the first day of that trial, Lord Ellenborough announced,\* that the Court expected that no part of the proceedings should be published during the trial;—adding, ‘the Court, of course, must animadvert upon it, if it is done.’ It was done, however, in the evening papers of that very day, and in those which appeared on the following morning. The counsel for the prisoner† brought this to the knowledge of the Court, that their animadversions might follow; but as no express motion was made, the animadversion threatened, as *of course*, did not follow. The proceedings were openly published, day by day, in all the newspapers, and the Court did not say a word more upon the subject. On the trials for high treason at Derby, which commenced on Wednesday the 15th of October in the same year, the like prohibition was pronounced, with still more solemnity,‡ by the Lord Chief Baron, ‘with the concurrence of the whole Court,’ that all persons might ‘be put in possession of *their resolution*,’ with a threat that ‘due notice should be taken,’ if the command were disobeyed. His Lordship declared his intention to repeat it on the following day, and actually did repeat it in the most emphatic manner. ‘No part of

\* 32 Howell's St. Tr. p. 81.

† Ib. 111.

‡ Ib. 766.

*'the proceedings of any day, during any of the trials, was to be made public, till all was concluded.'* *'If this notice be not attended to, the Court must use the authority it has to bring the delinquent to punishment.'* ‡ Before that week was ended, while the trials were yet going on, the daily papers began to publish their reports; and every part of the proceedings of every day came out, during the whole remainder of the trials, with as much regularity as the sun rose. Yet the Court never interposed; and when the § newspaper was laid upon their table, they took no notice of it. No authority was exercised; the delinquent remained unpunished; and the resolution of the whole Court was a dead letter.

After these two exhibitions, the novel claim of an English Court to keep the public in ignorance of its proceedings might be supposed to be at rest. But when the trial of Thistlewood and others was approaching at the Old Bailey Sessions in 1820, the Lord Chief Justice Abbott, actuated, no doubt, by the purest motives, *'stated publicly, that, as there were several persons charged with the offence of high treason by the same indictment, whose trials were likely to be taken one after another, he thought it necessary strictly to prohibit the publishing of any proceedings of that or any other day, until the whole trial should be brought to a conclusion; and it was expected that all persons would attend to that admonition.'* All the daily journals acquiesced; and it was not till the following Sunday that Mr Clement, the editor of a weekly paper, contravened this legislative order, directed to *all persons* by a Court of Justice, by reporting the two first trials, those of Thistlewood and Ings, while Brunt and the other persons remained still untried. It was admitted that his *'account of the proceedings and evidence, publicly had, and produced in open Court,'* was *'fair, true, and impartial;'* but for that *'unlawful and contemptuous printing and publishing, contrary to the order of the Court, and to the obstruction of public justice,'* a *fine of five hundred pounds* was imposed upon Mr Clement, in his absence, and without his having been heard in his own defence.

Some remarkable circumstances attended the imposition of this fine. The Court which published the interdict, did not originate the proceeding for the notorious act of disobedience to it; nor did any of the *prisoners* complain of what was done; nor did any one of their numerous and able counsel bring the matter to the knowledge of the Court; but the motion was

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‡ 32 Howell's St. Tr. p. 779.

§ Ib. 957.



made by the counsel *against* those prisoners—the counsel for the prosecution—his Majesty's Attorney General, acting on behalf of the Government in a State trial. Let it be observed, as we pass, that it is only in State trials, where the feelings of existing ministers are always on the alert, that such prohibitions appear to have been even thought of. No actual injury to either side was once insinuated. Nay, it happened that these very trials furnished a singular example of the benefit to be expected from publicity. One of the witnesses produced by the Attorney General was one Robert Adams, an informer. When it was made known that he was a witness, several persons came forward, and facts were disclosed, to prove him wholly undeserving of all credit. Now, if he had been the sole witness, or one absolutely essential to the proof of the charge, the facts so elicited respecting him might have rescued the accused from the hands of the executioner; and the concealment of those facts, by a successful prohibition, might have delivered over to judicial death men who did not deserve it.

But a twofold danger was apprehended—*first*, lest the minds of jurymen appointed to try a succeeding prisoner might be poisoned by reading the evidence given on the trial of the first. The amount of that danger may be estimated, by considering that all the jurymen destined for the subsequent trials, were *bound to be in Court during the first*. Could their minds be poisoned by reading a correct report of what they had actually heard? The other danger was, that a witness who had been once examined, if inclined to commit perjury, might do so with less hazard, from having the opportunity of seeing in print what he had himself previously sworn. This is surely to suppose him gifted with a much shorter memory than is ordinarily found to belong to persons of his description; nor has any reason been assigned, why a written copy of the short-hand writer's notes should not be equally effectual with a printed newspaper to revive his recollections.

The imposition of this heavy fine was questioned afterwards \* in the Court of King's Bench, where the Lord Chief Justice and Mr Justice Best, who had, as Commissioners at the Old Bailey, concurred in imposing it, found in that circumstance a reason for not supporting it by any arguments. They severally stated, however, that they had no doubt of the legality of the order. So did the other two judges, Bayley and Holroyd. From pure respect to those learned persons, we abstain from all examination of their reasonings, more especially as both

\* 4 Barnewall and Alderson's Reports, p. 218.

declared the proceeding not to be final, and it now appears to be undergoing a farther examination.† We may however remark, that their decision derived slender support from the Crown lawyers, who were driven to cite, in favour of this exercise of power, the two cases in 1817, in which, though the prohibition was openly violated, no fine was imposed; and that nothing like an earlier precedent for the order could be produced.

The legal discussion, then, being waived, the obvious practical consequence of establishing such a claim, is this—that the public can obtain no accurate knowledge of what is done in any Court of Justice which may think proper to refuse its *imprimatur* to an accurate statement of their own proceedings. The time has been, when the least reluctance to make them generally known, however veiled by supposed inconveniences, would have justly excited suspicions as to the motives for concealment. Some security may be found against abuse, in the character of the Judges, and the spirit of the age—the latter far more important than the former, but in some degree liable to be affected by it, as it reacts upon it. If, after the trial of Thistlewood and Ings, the Court had adjourned the trial of Brunt and the others for a month, the two first condemned might have been executed, without the evidence against them having been ever made public. Nay, if any one of those jointly indicted had not been apprehended, the proceedings might have been kept secret to this hour. The Court, if allowed to exercise its discretion to this extent, on its own view of possible inconvenience, might have found some good reason for not making known the order imposing this very fine; and the publisher might have been ruined by paying it, or imprisoned for life for his inability, without the babbling world knowing what had become of him. We firmly believe that, if such a claim had been set up and established a few reigns back, general warrants would have been, at this moment, in full legal operation.

We are really encouraged, however, by the immensity of the danger, and might feel more alarmed, if the consequences were less strikingly injurious. For the honour of the law of England,

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† In the Duchy Chamber of Lancaster, where it happens singularly that the two judges who sit to assist the Chancellor, Lord Bexley, being the two last judges of assize for the county of Lancaster, are Mr Justice Bayley and Mr Justice Holroyd. They will therefore be required to revise their own formerly declared opinion, as their venerable brethern were in the King's Bench.



we hope it will not be found to sanction a claim so inconsistent with the due administration of justice, and so destructive of all just confidence in it. But if this should turn out differently, the Legislature itself, we trust, will for once interfere, for the protection of the liberty of the subject.

ART. IX. 1. *La Revolution Piemontaise*. 3me Edition. Paris, Correard. 1822.

2. *Moniteur Universel* du 30 Janvier 1824.

3. *A Letter to Henry Brougham, Esq., M. P.* By JOSEPH VECCHIO. London, Partridge. 1824.

THE maxim of Machiavelli, 'that men, when well governed, care little for liberty,' seems to be treated by the potentates of our day with as little respect as maxims of greater liberality: and his legitimate Majesty, the Emperor of Austria, spoke as we take it, the general sense of the fraternity, when, without condescending to notice their grievances, he stated, in very *pure* Latin, to the Hungarian deputies who had the honour to be presented to him at Laybach, that, '*totus mundus stultizatz*,'—in seeking after imaginary constitutions. It is not difficult, indeed, to suppose, that his Apostolic Majesty, and the other members of the Holy Alliance, see plainly enough, that if what they term the *stultification* of mankind should prove incurable; the power of life and death, as well as of torture and imprisonment, which they exercise with an unsparing hand, would be wrested from their grasp; and therefore it is that they are willing to believe, or, at all events, eager to assert, that the general agitation now every where discernible on the Continent, is the result of artful and desperate machinations among a few weak and contemptible individuals. They pretend that these individuals have formed themselves into secret societies, the extirpation of which is now regarded by the Holy Alliance as the first and most necessary of their duties; and in the prosecution of this good work, men against whom nothing whatever has been proved but the profession of liberal political opinions, are persecuted to death, as if they had been guilty of crimes of the deepest dye. Under this pretext, the whole of Italy is filled with acts of proscription and blood; and because indications of a revolutionary spirit have manifested themselves in some provinces, these dreaded sectaries have been denounced in every part of the Peninsula, and the most cruel measures adopted to counteract their imaginary conspiracies. But what has been truly the na-

ture of these revolutionary movements? and how has it happened that they have so soon subsided? Are there in reality any such societies as the Holy Allies invoke in the delirium of their alarm? And are the numerous condemnations, persecutions and imprisonments that are every day occurring, just or unjust, necessary or gratuitous? These are the questions which present themselves to every impartial spectator of the scene; and we trust we shall be able to furnish some materials for an answer to them, before concluding our analysis of the publications, the titles of which are prefixed to this article.

The pamphlet on the Piedmontese Revolution, is universally ascribed to the Count Santarosa, who was minister of war in Piedmont during the revolution. Be the author who he may, he shows himself, in every page of his work, a friend to rational liberty, and a decided enemy to foreign domination. The moderation of his reflections upon the character of those to whom he was opposed, and who betrayed in the basest manner the interests of Italy, the candour with which he censures some of the acts of his own party, the eloquence with which he writes, and the correct principles that he every where maintains, would entitle his work to the most respectful attention, even if it had come to us under the sanction of a less estimable name than that of Santarosa.

We are first presented with a short description of the political state of Piedmont, that we may perceive how naturally arose the desire to modify in some degree its absolute form of government. For those who have never lived out of England, it is scarcely possible to conceive the vexatious tyranny which now reigns in this part of Italy; as indeed it must be difficult to imagine that such a state of things could exist in any part of Europe, under a *legitimate* government, as could justify a monarch in annulling, by his own individual authority, the repeated judgment of the highest tribunals; that a creditor should be prevented, by royal order, from prosecuting his debtor; or that a minister should have the power of imprisoning any person *in via economica*, which is the Italian circumlocution for what the French called *lettres de cachet*; and it is only less startling, because more common, to find private individuals deprived by royal mandate, of the power of regulating their own concerns, or *ex post facto* laws reviving the ancient privileges of feudalism for the annihilation of rights consecrated by national faith, and consolidated by laws passed in the most sacred and solemn manner. All these things, however, may now be seen every day in Italy; whilst criminals have remained months and months in prison, subjected to the



greatest privations; and exposed to the most horrible cruelties, without its ever being known how or wherefore they had been tried; the administration of the law being uniformly secret, and frequently committed to a single judge, generally dependent and poor.\* There is indeed a *mot* of M. Revel, the

\* Examples of what we have stated, besides those to be found in the work '*Sur la Revolution Piemontaise*,' may be met with in a collection of dissertations entitled '*Opuscoli Politico-legali, d'un Arc. Milanese originario Piemontese. Milano, 1818.*' This work is generally attributed to *Car. Fred. Dal Pozzo*, minister of the interior during the constitutional regime in Piedmont, and one of the most distinguished juris-consults and publicists now to be found in Italy. His work is written with remarkable clearness and force of reasoning, and from what he states respecting Piedmont, we may judge in some degree of the rest of Italy. There is another publication, of which we have seen a copy, and which we alluded to in our last Number, written by *A. Panizzi*. From the rapid sketch which the author gives of the government of Modena, we may safely assert, that nothing out of Turkey can surpass the despotism exercised by the reigning Duke; who, amongst other enactments, has declared, that in the Finance department the same person shall be at once judge, witness, and accuser, and has, at least in one instance, interferred personally to take away the power of appeal. In Modena, as in Piedmont, creditors are prevented from prosecuting their debtors, priests are converted into spies and informers, and the prisons are filled with persons sent there without the order of a judge or the formality of a trial. The Jesuits are re-established, confession enforced, and afterwards converted into an accusation. The particulars of a fact which occurred at Milan deserve to be stated. *Carlo Marocco*, an eminent advocate of that city; distinguished alike by his talents, and the probity and excellence of his moral character, was prosecuted for having given a professional opinion in favour of a right which an individual who consulted him, claimed under the existing law. The government refused to acknowledge the right, because it was said to be founded in a fraudulent infraction of the spirit, though certainly conformable to the letter of the law. Marocco, of course, had given his opinion merely as to the legality, not the morality of the claim. For this; however, he was imprisoned, held at the disposition of the police; and afterwards prosecuted before the tribunals of first instance, and of appeal, upon a preposterous allegation that he must have participated in the advantages which his client would derive from the intended fraud, and which Marocco, it was said, had sanctioned, by declaring not to be an infringement of the law. It is almost unnecessary to state, that he was declared completely innocent by every chamber of the tribunals; but when the Emperor of Austria came himself to Verona,

Austrian governor, recorded in the work before us, which gives a lively picture of the state of that country. A noble Genoese had introduced to him one of the first merchants of that city, and was praising him for intelligence and accomplishments by no means uncommon there, among that class of men—when his Excellency was pleased to remark, “*here (that is to say in Piedmont), we have only “un Re che comanda, una Nobiltà che lo circonda, e una Plebe che ubbidisce.”* In which words, says the Count Santarosa, will be found a clear and concise definition of the Piedmontese monarchy! The true spirit, however, of the Austrian government, cannot be better illustrated than in the following brief statement of facts, which we borrow from the letter of M. Pecchio.

‘ All public employments are bestowed as rewards upon the ancient subjects of Austria, while the Italians have no reciprocal advantages upon the ancient provinces of the monarchy. There is scarcely an employment which is not filled by an Austrian. In almost every tribunal there are an Austrian President and two Austrian Judges. The Director of the Police, the Governor, the Commandant-general, and also the Archbishop of Milan, and the Patriarch of Venice, are Austrians. As a mock compensation to the Italians, the Count Millerio of Milan was appointed Grand Chancellor of the kingdom, and to reside at Vienna; but after a year’s residence in that capital, finding that his office was merely titular, and seemed to make him an accessory to his country’s wrongs, the Count resigned; and since his resignation, the office of Grand Chancellor has been vacant.

‘ Paris and Lyons consumed a prodigious quantity of our silk, and the manufactures which France sent into our provinces being of a different kind, did not injure the prosperity of our own.

‘ Austria preserved the prohibitory system; but far from protecting Italian industry, she oppressed it by an open monopoly of the manufactures of Bohemia and Moravia. The woollen manufactures

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*he directed a renewal of the prosecution:* and Marocco was induced to leave the country for a time. Upon his return, he was arrested and taken to Venice, where he was again tried, and again acquitted; although some of the judges who had previously declared him innocent, had been deprived of their places or disgraced.

In 1812, Napoleon passed a decree, by virtue of which the property of the Italians who had emigrated was to be confiscated, if they did not return within a certain period. This measure was particularly directed against those Italians who had entered the service of the Emperor of Russia; and, notwithstanding that confiscation is not once recognised by the Austrian code of 1815, this decree of 1812, made for a special purpose, has been applied as a subsisting law by the Director of Police to those Italians implicated in the late proceedings in Lombardy.



of Schio, Bergamo, Vercellino, and of the Veronese; the iron ones of Bresciano, and those of glass at the Lake of Como and Venice, are daily declining. With the exception of a small quantity of silk, Austria exports nothing from Italy, but imports every thing, *even the canes of her corporals*. Trieste engrosses what little commerce had been left to Venice; and this ancient queen of the Adriatic has fallen in a few years from royal splendour to wretched beggary. It was agreed upon at the congress of Vienna, that the navigation of the Po should be free; but this agreement was never fulfilled, and five different custom-houses, with five different tariffs, interrupt the commerce between Pavia and the bridge of Lake Scuro.

‘The kingdom of Italy supported a military college at Pavia, a school of engineers in Modena, a cannon foundry at Pavia, a manufactory of arms in Brescia, a national institute, &c. Austria destroyed all—and left nothing but a skeleton of the institute, as if to enjoy the barbarous pleasure of showing their contempt for the sole property now left the Italians—their genius. Since the Austrian invasion, not one member has been nominated to this scientific body. In a few years it will cease to exist.

‘The liberty of the press is fettered by an inexorable censorship, and the expression of opinion prevented by an unceasingly vigilant police. Nothing can be introduced; nothing can be published, not even an advertisement for a *lost dog*, without previous license, and sometimes not without a double and triple censorship. Not only sentiments, but even words, are subject to proscription. No author can employ in his writings the words *constitution, country, liberty, independence, liberality*, without incurring the anger of these inquisitors. In a work of the unfortunate Signor Pellico, who was shut up for three years in the prison of Spielberg, this phrase was cancelled, “*the laudable desire of popularity*.” The Austrian government, after having permitted some individuals to establish, at their own expense, Lancasterian schools in Mantova, Brescia, and Milan, suddenly, and without the least motive or even pretence whatever, caused them to be closed by a commissary of police, and the young students to be turned out amidst the tears of their parents. The Austrian government insisted that the Lancasterian schools of Piedmont should share the same fate, alleging as a reason *that they taught the rights of man!*’ pp. 6–11.

Had Austria been suffered to invade Naples without making an effort to prevent it, Piedmont would have been in fact annihilated as an independent power. It was therefore determined to make a last struggle for the freedom of Italy, and for the liberation of the house of Savoy from Austrian control and ‘*teasca rabbia*.’ Stimulated by such generous feelings, several of the most distinguished individuals in Piedmont—for this revolution did not originate with the mob, or the lower orders—consulted together as to the means of carrying their patri-

otic object into effect. All proved themselves sincere in the cause to which they had devoted themselves—all except the PRINCE OF CARIGNANO,—that prince who is now presumptive heir to the house of Savoy, and who betrayed, in the basest manner, the cause which he had freely espoused, and the individuals whose cooperation he had solicited!

Charles Albert de Savoie, prince de Carignan, étoit redevenu prince à 17 ans. Soit qu'il voulût suivre les opinions à la mode, soit ambition secrète, soit qu'il y eut au fond de son cœur un heureux penchant pour la véritable gloire, il ne tarda point à paroître en harmonie avec l'esprit Italien et libéral dont j'ai montré l'existence et les progrès. Il en savoit les progrès et même les encouragea : On jugeoit différemment de son caractère et de son esprit. Il donna tour à tour des preuves d'humanité et de dureté. On remarqua avec plaisir à l'occasion d'un accident qui lui arriva qu'il savoit endurer la douleur et de sang froid le peril. Nous n'ignorions pas qu'il ne tenoit pas le même langage à tout le monde; ceux qui vouloient à tout prix voir en lui le germe d'un heros, attribuerent ces contradictions à une sage prudence; d'autres moins sujets à se meprendre, y reconnoissoient la preuve d'un caractère faux, ou de principes faibles et vacillans. La chose qui inquietoit le plus ceux qui avoient tant d'intérêt à estimer le Prince de Carignan, c'étoit sa conduite avec le Comte de Grimaldi son premier gouverneur, que Victoire Emmanuel lui avoit donné à la satisfaction de tous les gens du bien et qui dut quitter la cour du prince après trois ans de services inutiles.

Such is stated to have been the character of *Carignano*, of him who first tempted Colonel *Sanmarzano*, a man of high birth and noble sentiments, to lend his name and influence to effect a revolution in Italy, the success of which would have rescued that once happy and renowned country from the abject state into which it had fallen. *Carignano*, at the head of those who are now termed 'the Conspirators,' was privy to all the measures they had in view. *Sanmarzano*, and others engaged in the revolution, arranged with the Prince that an attempt should be made upon the 8th of March 1821, at the Royal villa of Moncaglieri; but, on the evening of the 7th, *Carignano* repented of the promise he had given to his own equerry *Collegno*, and to *Sanmarzano*, and the blow intended to be struck was accordingly suspended. On the morning of the 8th, however, the Prince reproached these individuals with not having put their project into execution! and another day was fixed upon for that purpose, though, from prudential reasons, *Carignano* was kept in ignorance of the exact time at which the revolution was to break out, little reliance being placed upon a man who had once violated his word. He was, however, aware that a movement was speedily to be made, and he consented to this, as he had done to the previous ar-



rangements. On the 9th, he requested to see the Count *Santarosa*, and endeavoured to learn from him the precise moment at which the blow was to be struck; whilst, at the same time, he secretly employed all the means in his power to render the attempt abortive, and to compromise *Santarosa* and *Collegno*, men who had acted towards *Carignano* with such a degree of good faith and sincerity as had nearly rendered them victims to his treachery.

If, after reflecting upon the difficulties to which they were exposed from the duplicity and indecision of *Carignano*, the leaders of the revolution had been desirous of abandoning any farther attempt, the time was gone by. The Spanish Constitution had been already proclaimed in Alexandria upon the 10th; and upon the 11th eighty soldiers, under Captain *Ferrero*, and 100 high-spirited young men, proclaimed it in Turin, the government not being in sufficient force in either city to quell the insurrection. On the 12th, the Italian banner waved upon the citadel of Turin, by orders of those very officers, *Enrico* and *Gambini*, who had been placed there by *Carignano* himself, in consequence of their known political opinions. On the 13th, the late King of Sardinia abdicated in favour of the present monarch, then at Modena, nominated *Carignano* Regent, and quitted Turin. The abdication of VICTOR EMMANUEL originated in a promise made to the house of Austria not to give the Piedmontese any thing like political institutions, a promise, which, as the author of the pamphlet before us justly remarks, is 'la plus grande justification que les auteurs de la Revolution Piemontaise puisse presenter à l'Europe et à la posterité.' On the 14th, the Prince *Carignano*, acting as Regent, took the oath of allegiance to the Spanish Constitution, named new ministers; and, on the 21st of the same month, *Santarosa* was appointed Secretary at War. In a conversation which took place between *Dalpozzo* and the Prince, the latter treated, as a base calumny, the report that he meant to desert the cause to which he had pledged himself; and, in order to conceal more effectually his intentions, hours were fixed on the following day for the regulation of the business connected with the departments of *Dalpozzo* and *Santarosa*. But, lamentable to say, on the night of the 21st, *Carignano* fled to the court of Modena, that refuge for every thing that is vile and ignoble in Italy, but where admittance was refused him, and whence he was obliged to proceed to Florence, covered with the maledictions of his countrymen.

The abdication of *Victor Emmanuel* was a dreadful stroke to the Constitutionals, at this conjuncture. His personal charac-

ter and private worth had ever been highly esteemed by the more liberal portion of his people; whilst the faults, or rather the weaknesses, that distinguished his government, were laid to the charge of those that advised and surrounded him. The heir presumptive to the throne, in whose favour the abdication was made, was then at Modena, residing with that Duke, whose character is as despicable as his love of despotism is extravagant. Had the revolution in Piedmont been delayed a few days longer, the successor to the throne would have returned to Turin, and found not only faithful and honest counsellors, but men who might possibly have inspired him with some portion of that generosity of conduct and disinterestedness of feeling by which they were themselves animated. But it had been otherwise ordained;—the present King of Piedmont remained at Modena under the influence of that Duke, who, by his Austrian blood and connection, was naturally an enemy to the House of Savoy. A furious proclamation was issued in the King's name, but dictated by the Duke of Modena, wherein the authors of the revolution and the friends of liberty were anathematized and proscribed as traitors to their king and fomenters of rebellion. This, although it did not paralyze, discouraged the more moderate of the revolutionary party; and, as if to complete their misfortunes, intelligence was received at this moment from Naples of a most disastrous nature; and the flight of Carignano was followed by the defection of *Latour*, the commander of Novara, whose reward for betraying his country, is the satisfaction of now holding the seals of Minister for Foreign Affairs at Turin. At the breaking out of the revolution, a *Te Deum* had been sung at Novara, in honour of the event, at which this same general, attended by his staff, was present, accompanied by *Sanmarzano*, who immediately afterwards left that place, confident in the integrity of a man whose love of liberty and his country had never been brought into suspicion. The soldiers of the Constitutional army accordingly presented themselves at Novara, with the full assurance of being received by the troops in that garrison as friends and companions in arms—but the most shameful treason awaited them. Surprised and betrayed by *Latour*, they were sacrificed without mercy. With their defeat the cause of liberty fell in Piedmont,—and on its fall that country became, in reality, a province of the House of Austria, whose soldiers purposely mixed with the Piedmontese army in Novara, had fallen upon the troops of the Constitutionalists, though war had never been declared between Piedmont and Austria.

These particulars are chiefly drawn from the pamphlet before us,—a few minor facts having been derived from sources



equally unexceptionable; and we should here conclude this part of the subject, did not the infamous and unprincipled conduct of Carignano call upon us for one or two additional observations. This, Prince had for some time shown a sort of pride in avowing the liberality of his political opinions; and when he joined the revolutionary party in Piedmont, he bound himself to liberate his country from foreign domination, and made choice personally of a particular constitution. He afterwards violated his oath, and abandoned his country to foreign control; was driven from Modena by those relations at whose hands he implored an asylum, and was then constrained to throw himself upon the mercy of the Grand Duke of Tuscany, who only received him on account of their near relationship. He next showed himself to the world, not to make reparation for the errors he had committed, but to render himself, if possible, still more contemptible. He marched to destroy that constitution in another country which he had sworn to maintain in his own. The conduct even of FERDINAND appears honourable when contrasted with that of *Carignano*. The former, indeed, also took an oath of allegiance to a cause which he afterwards renounced; yet he excused himself in alleging compulsion as the motive of his inconsistency. But there is not the shadow of a similar excuse for *Carignano*. His preceptor predicted of him in early life, that Piedmont was a lost country if the prince succeeded to the throne with unlimited power;—and we may now judge how likely such a prediction is to be verified. Had he been faithful to the cause in which he so nobly embarked, the blessings of a grateful nation awaited him; the curses of thousands of exiles, and the universal contempt of mankind, now attend the traitor who betrayed his country, and the coward who shrank back when her best interests and her glory were at stake.

The Revolution in Piedmont was begun with the expectation of liberating Italy generally from a foreign yoke; other parts, it is said, were equally desirous of throwing off the Austrian domination; but in Piedmont alone has an open effort been made for that purpose. The Holy Alliance has, however, never ceased to assert that Italy is filled with associations of conspirators, and the assertion has gained credit, though unsupported by proof, or indeed by any circumstances calculated to produce conviction in any rational mind. Till lately, however, Austria confined herself to a general assertion of the fact, and betrayed an evident reluctance to enter into particulars; but the government of that country having at last published an exposition of the grounds upon which it acted, and the motives which influenced its de-

termination, all Europe is enabled to judge for itself; and we, amongst the rest, shall comment freely upon the document that has been published in the *Moniteur*, if not by authority, at least with the approbation of the accusing party.

It was found at a very early period, that it would be difficult, if not impossible, to reconcile Italy to the rule of the House of Austria; and under the impression that mild measures would only encourage disaffection, a system of extreme severity was established in Lombardy, which soon degenerated into every thing that was cruel and odious. Dissatisfaction, of course, daily increased; and Austria acted with less and less regard towards the feelings of her Transalpine subjects, until at last detestation on the one hand, and tyranny on the other, seem to have attained their highest pitch. Education was prohibited; men of letters, though in many cases guilty of no political imprudence, were marked out for persecution;\* and a country to which Europe is indebted for whatever it possesses of refinement and civiliza-

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\* The following are a few out of many instances. Dalpozzo, the author of the '*Opuscoli Politico-Legali*,' to which we have referred in a former note, and of several other able works on legislation and politics, is an exile. Berchet, a young poet of great taste, the author of the *Romanza* '*Il Vomito del Ceniso*,' published last year in London, is a fugitive; Count Santa Rosa condemned to death; the Baron Camillo Ugoni, who has long been engaged in an excellent work '*Della Letteratura Italiana dopo il 1750*,' of which three volumes are now before us, has been cited to return on pain of having his fortune confiscated, and with every prospect of being thrown into an Austrian dungeon, should he obey the summons, has sought an asylum in England. Romagnosi, a celebrated jurist, author of many elaborate works on natural, public and penal law, was imprisoned, most cruelly treated, and eventually reduced to beggary; his accuser and judge was Salvotti, who charged him with having once belonged to a Society of Freemasons, in which this infamous Salvotti himself was his colleague. Gioia (Melchiorre) a distinguished writer on political economy, has been repeatedly imprisoned without trial or opportunity of defence. Pellico, the ingenious author of two well known tragedies, '*Francesca d'Arimino*,' and '*Eufemia di Messina*,' is (with thirteen others, condemned at Venice in 1821), now enduring the *carcere duro* for the merciful term of twenty years. Raggi, a physician of high reputation, and well known to the medical world by his numerous valuable writings, was imprisoned four years, and is now in consequence lingering out a miserable existence. Ressi, a professor in the University of Pavia, because he did not chuse to turn informer, was thrown into jail, where he died in his prime, leaving unfinished an extensive work, entitled '*Dell' Economia della*



tion, was trampled upon and insulted by a power whose language, manners and feelings, had always been odious to the people of Italy. Ought it then to excite our astonishment, if amongst this enthusiastic and warm-hearted nation, an impatience of a yoke at once galling and degrading should occasionally manifest itself; or shall we censure and condemn a few noble minded Italians, if, in their desire to regenerate their native country, they sought to extend the blessings of education and civil liberty amongst their fellow citizens? But if, on reviewing the Austrian document, which we now proceed briefly to analyze, we find contradiction heaped upon contradiction, and improbable assertions supported by others that are impossible, are we not justified in believing that Austria has in reality no certain grounds for her statements, beyond the apprehensions which the recollection of her own injustice and cruelty towards Italy must naturally have excited?

The article in the *Moniteur* begins with alluding to a conspiracy said to have been formed, in 1814, by members of the Secret Societies, which ‘*après s’être soustraites à la vigilance des gouvernemens qui venoient de finir, et dont elles meditoient la destruction,*’ made use of every means ‘*pour arreter le triomphe des principes éternels de la Religion, de la Morale et de l’ordre Social, pour lesquels les Souverains et les peuples s’étoient legués.*’ Now, if it be true, as is here stated, that these sects meditated the overthrow of the *illegitimate* governments of Europe, and if it be certain, as is averred, that ‘*le Carbonarisme avoit sourdement miné le trône de Marat,*’ we cannot but suspect that there may be some truth in the opinion so generally entertained, that Carbonarism was founded by the King of Naples and the Priesthood in Italy, and countenanced, in its commencement, by the *legitimate* governments of other countries. To whom, then, are we truly indebted for the anti-social principles (if they be such) which are said to distinguish the Carbonari? and are the more lately initiated to be covered with reproach, whilst *the founders of the sect* are held up to admiration? But to proceed with the manifesto—it is next said, that a conspiracy in 1814 having been discovered, the leaders were condemned to death; but after a *short* imprisonment, were allowed to return to their families. With regard to the legality of their condemnation, we shall speak hereafter; but, with respect to the time during which their imprisonment was con-

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*Spezie Umana,*’ of which, however, he had published the first volumes, in every respect worthy of his genius. Pecchio, who has written a clever and esteemed book, ‘*Sulle Finanze del Regno d’Italia,*’ is condemned to death. This list might be easily enlarged,

tinued, we may remark, that *four years* were passed by them in confinement in Austria, before they were set at liberty. But Italy, according to the writer in the *Moniteur*, never desisted from projects of conspiracy; the two Secret Societies of Carbonarism and Adelfism increased in numbers, and the latter (having changed its name into that of ‘*Sublimi Maestri Perfetti*’) sent Andryane, one of the most active of its members, into Lombardy, towards the end of 1822, for the purpose of propagating their principles, and which principles are thus characterized—‘*Entierement semblables (le Carbonarisme et l’Adelfisme) dans leur tendance demagogique, l’une proclamait l’institution de la loi Agraire et l’autre le Regicide.—Un des premiers devoirs du Sublime élu, c’est d’aigrir le peuple, de lui inspirer une haine profonde contre le Prince et contre le Sacerdoce. Les instructions secretes du Sublime élu portent en termes expres, Que dans un jour de mouvement populaire, il ne faut pas empêcher le triomphe momentaire de la populace, mais lui permettre de se livrer au pillage et de se baigner dans le sang des Nobles et des Pretres.*’ But does not the previous observation in the *Moniteur*, that in 1818 ‘*De Turin, ou bientôt elle (la secte des sublimes-maitres-elus) prit une grande consistance, elle penetra dans la Lombardie et dans les autres villes d’Italie ou elle comptoit plusieurs eglises,*’ seem at variance with the propagation of the principles of the sect in 1822, by Andryane, when already, in 1818, by the admission of the writer, those principles were fully understood, and very generally avowed? And if Regicide, as it is stated, were a distinguishing tenet of Adelfism and Carbonarism, how came Victor Emmanuel to retire from Turin unmolested? or why was the King of Naples so generously allowed to proceed to Laybach, when both these monarchs are mentioned as having been beset and surrounded by members of these Societies? If the massacre of the Nobility had been contemplated, how came the unprincipled Revel, Count of Pratalongo, to be placed by the Constitutionalists themselves under the protection of one of their own body, in order that he might pass through an infuriated mob, without being exposed to injury or insult? \* Would Sanmarzano, Santarosa, Collegra,

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\* This nobleman had made himself particularly obnoxious by his conduct to the inhabitants of Turin, and had endeavoured, a few days previous to the period of which we are speaking, to instigate the military to cut down some of the students of the university, many of whom were mixed with the crowd at the time that Revel was conducted through the midst of it, accompanied by Pietro Muschetti, since condemned to death by the influence of the very man whose life he had saved.



or Lisis, consent to the extirpation of that aristocracy of which they are such bright ornaments? Was the Agrarian law likely to meet with approvers in Confalonieri, Pozzo, Arrivabene, Ugoni, Fissini, Arconati, Pallavicini, and many other nobles, the greatest landholders in Lombardy, all now condemned to death for having belonged to the Societies before alluded to?

It is perhaps a singular, though a melancholy circumstance, that the only person who has yet actually been executed in Italy for becoming a member of these societies, is Don Giuseppe Andreoli of Modena, and this victim of despotism was an Ecclesiastic. Is it probable that he formed part of a conspiracy, the object of which was the murder of the Priesthood? \* But the *Moniteur* continues by stating, that ‘*Les menées de ces sectaires ne purent échapper long temps à la vigilance des autorités Autrichiennes. Les coupables furent arrêtés dans les premiers jours de 1820, traduits par devant les tribunaux, et jugés légalement.*’ Hence it would appear, that, from 1816 until 1820, the different sects escaped the vigilance of the Austrian police; but in 1820, as many as thirteen indi-

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\* The Duke of Modena confirmed the sentence of death against Andreoli, 11th October 1822,—not that such confirmation was legally necessary for its execution, but merely for the personal gratification of the said Duke, who, *invocando il santissimo nome di Dio*, published the following as his motives:—First, that Andreoli had committed a crime which was punishable with death; secondly, because he had been the means of corrupting the younger part of the community; thirdly, because he had abused the situation of Professor of Belles Lettres at Coreggio, in converting it into an instrument of Carbonarism; and fourthly, because he had confessed his crime too late, and not within that time which the Duke had fixed upon as available for such confessions. The first reason is too ridiculous to merit an observation; besides which, Andreoli is stated, in the sentence itself, to have attached himself to the society of the Carbonari, previously to such society being declared contrary to law; and with regard to the charge of corrupting the youth about him, no man was under twenty-one years of age that Andreoli had associated to himself, and many were older than himself; added to which, not a student belonging to the class of Andreoli was made a Carbonaro by him; and he only accepted the professor's chair when forced into the place by the Duke, and not until some time after that act was committed which the Duke imputed to him as a crime. To his own confession alone was Andreoli indebted for his death, and this confession was made because he was encouraged to it by the Duke.

Extracted from ‘*Notizie de Panizzi sui processi Modenesi.*’

viduals were taken up and condemned to death, a punishment which the Emperor of Austria, in the exercise of that clemency which has ever been conspicuous towards his Italian subjects, converted into solitary imprisonment for a few years,—that is to say, twenty or thereabouts; whilst subsequently to this, all members of the different sects were declared guilty of high treason. Some of the particulars of the trials alluded to will be found in the decrees of the Supreme Tribunal of Verona, dated 18th May 1821, and published in the Milan Gazette about the end of December in the same year. The sentences are founded, first, upon an investigation taken before a special commission appointed at Venice to examine into the existence of Carbonarism; and secondly, upon another sentence of a second special commission of the 2d January 1821. Now, Carbonarism was only declared to be a capital offence by a law dated 29th August 1820. How, then, could those persons who were taken up in the earlier part of the year, fall under the operation of a law made posterior to their imprisonment? But a much greater injustice than this was committed with reference to the first special commission, where sentence passed against the individuals in question is dated 29th August 1820, *the very day*, as we have just mentioned, that the law was first published against the Carbonari.

We are then told that about the end of October 1820, several persons at Milan attempted to spread the principles of Carbonarism throughout Italy, but without success, the government having obtained intelligence of their designs, whilst Count Porro Lambertenghi, who was at the head of the conspirators, only escaped by flying from his native country. In opposition to this we may remark, that Count Porro remained in Italy until the commencement of April 1821, during the whole of the time in which the ‘*Sublimi Maestri*’ and the ‘*Carbonari*,’ united together, are stated to have been employed in hastening the revolution in Piedmont, and in spreading their doctrines throughout Lombardy; and yet not one word is mentioned from which we can infer that Porro was connected with either of these acts. Another sect is then mentioned as having been established under the name of the Confederated Italians, who, leagued with the other societies, distributed arms and ammunition, fixed an intended form of government, appointed commanders of a national guard, organised the guard itself, and even named the members of a provisional junta; and upon the subsequent breaking out of the revolution, several ardent young men in Lombardy were seduced, as it is stated, to repair to Turin, a crime for which



they have been *justly* condemned to death, according to his *Apostolic* Majesty, notwithstanding that these young men neither made war upon Austria, nor put on a foreign uniform, but merely encouraged, by their presence, the cause of liberty in a country struggling for its independence. Of all these projected revolutionary movements in Italy, the Austrian government pretends to have been fully informed, so that it would leave us to infer, that its apparent indifference was only assumed, that, when it did strike, the measure of its vengeance might be more complete and more sanguinary.

But it is time that we should speak of that much injured individual, Count Confalonieri; a name revered by all Englishmen who have visited Italy, and had an opportunity of witnessing his kindness, and honoured throughout Europe as a protector and encourager of every thing that is liberal and refined. He is here accused of having held a conference with one of the emissaries of the Piedmontese revolution, and of having afterwards despatched his intimate friend, Pecchio, into Piedmont, in order to ascertain exactly what was passing; when it was arranged, according to the *Moniteur*, that, upon the breaking out of the revolution, the troops should march into Lombardy, and being there joined by fresh forces, the Austrian part of Italy and Piedmont should be formed into one state, to be governed according to the Spanish constitution, under the name of 'Italia Setten-trionale.' Confalonieri is afterwards most foully aspersed as having participated in a project for the assassination of Bubna, the commander of the troops in Lombardy, whose activity and courage were serious impediments to the designs of the revolutionists. Bubna himself must be aware of the falsehood of this charge; and if his personal influence be too insignificant to save that man from perpetual imprisonment whose house was ever open to him, he is bound, at least, publicly to declare his belief of his innocence. The description given of Confalonieri in the *Moniteur* is this. 'Cet homme, perverti jusque dans le fond de son cœur, et excessivement dangereux par ses relations étendues, cet homme qui par l'influence funeste qu'il exerçoit sur tous ceux qui l'approchoient, employa tant de personnes dans ses menées, rendit criminels tant d'individus, plongea dans l'affliction tant de familles, et fut à la veille de causer la ruine de sa patrie, loin de témoigner le moindre repentir dans tout le cours de l'instruction, montra constamment l'obstination la plus invincible dans son crime, dont il a fait l'aveu le plus complet avec une sorte de jactance.'

He is moreover accused of endeavouring to deceive the Austrian government in the formation of the National Guard; of

having himself been named as the head of the Provisional Government; and, in short, of being in all respects the leader of the general conspiracy.

There are innumerable contradictions in this part of the Austrian manifesto; but the important fact is, that no evidence is referred to in support of these atrocious accusations; and it is matter of notoriety over all Italy, that the true sin of Confalonieri, in the eyes of Austria, was the weight of his private character, his extraordinary and commanding talents, and, above all, his great popularity amongst all classes of his countrymen. To give a proper notion of his merits and offences, it is necessary to revert to a period anterior to that of which we are now speaking, and to transactions that reflect no honour on our own or any other Government.

During the war which Napoleon sustained against the whole of Europe, Eugene Beauharnois commanded the army of Italy with singular prudence and ability. About one-fourth of his army was composed of French troops, the remaining three-fourths were Italians; and though the whole of his force did not exceed 60 or 70,000 men, yet he maintained possession of the Italian fortresses, and prevented the invasion of all that part of Italy which is comprehended between the Mincio, the Alps, and the Po. The Austrian army, at this period commanded by Bellegarde, was estimated at 60,000 men. Thirty thousand Neapolitans were led on by Murat. Nugent had at least 10,000 men under his command, and Lord William Bentinck was at the head of 10,000 more. Beauharnois withstood the united forces of these different generals, until intelligence was communicated to him of the abdication of Napoleon. The French troops under General Grenier then returned to France, war being terminated between them and the allied forces; and the Viceroy of Italy signed a convention with Bellegarde, Murat, Nugent, and Bentinck, on the 16th August 1814—by virtue of which, amongst other conditions, it was stipulated, that a deputation of Italians, at the head of which was Confalonieri, should forthwith proceed to Paris, to consult with the heads of the Allied Powers personally; \* that, in the mean time, all the belligerent parties should remain in possession of the territory which they then occupied; that the whole of the administration should remain in the hands of Italians; and that no

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\* It was at one of the conferences held at Paris, when Confalonieri was endeavouring to obtain for Italy a form of government similar to our own, that the late Secretary for Foreign Affairs is said to have replied, 'Ce n'est pas ce que nous avons de mieux !'



Austrian troops should traverse any part of Italy in possession of the Italian soldiers, except in a given number, and by a given route, and accompanied by Italian commissaries. Previously to the overthrow of the Italian government, it had been reduced to the necessity of exacting very heavy sums from the people; and from this cause it became to a certain extent unpopular. Prina, a most arbitrary, though excellent minister of finance, and a devoted adherent to Napoleon, was particularly exposed to the hatred of the populace; and on the 20th April 1814, he fell a victim, in a most barbarous and cruel manner, to a popular insurrection. Confalonieri is now accused by the Austrian government as implicated in this horrid act of cruelty, an accusation equally unfounded as that with respect to Bubna. Prina fell a victim to the fury of a lawless mob, instigated by a feeling of revenge, for the severity which had been adopted by the minister of Finance in every branch of his administration. It is material, however, to remark, that by virtue of the Convention agreed upon with the Viceroy, and posterior to the assassination of Prina, Confalonieri was named by the majority of the Senate, and by the municipality of Milan, as one of the deputies that were to proceed to Paris, and confer with the Allied Sovereigns in person. Would this have been the case had the least suspicion attached to his character? Would the inhabitants of Milan have been weak enough to insult the Holy Alliance by such a nomination, had a shadow of guilt been imputable to him? or would he have been named by those very Senators whom the populace were desirous of exterminating at the time of the assassination of Prina?

Austria, however, is perfectly aware of the iniquity of the charge which she brings against Confalonieri; and the real cause of the persecution which he has experienced, is the effort that he made, when deputed to Paris in 1814, to secure the independence of his country. To improve the condition of the lower classes, Confalonieri encouraged education as generally as possible, and was placed by his fellow-citizens at the head of a Society for the foundation of schools upon the Lancasterian system; in which noble undertaking he was assisted by Porro, Litta, Borromes, Triulzi, Visconti, and the flower of the gentry of Milan. Ugioni at Brescia, and Arrivabene at Mantua, cooperated in this laudable design—and both have since been condemned to death for the liberality of their opinions, and the generous efforts they were making to contribute to the happiness of their country. Whatever was good in the administration of the Viceroy of Italy, during the period of the late King of Italy, has now been

abolished by the Austrian government; which at length has succeeded in establishing in Italy a despotism as complete as it is paralysing, as overwhelming as it is odious. Italy's noblest sons are now banished, or condemned. Confalonieri languishes in an Austrian dungeon, and Porro is an exile,—men who not only protected the arts by their influence, but encouraged every species of improvement with their fortune. By their means, principally, a steam-boat was established on the Po, lighting by gas was introduced, and a gallery for the reception of the works of modern Italian painters, was formed in the house of Porro, where prizes were adjudged by him to the most meritorious.

If Italy was in a state of fermentation during the whole of the period which Austria mentions, and if plots were daily formed for the overthrow of her power, how could such plots remain for so long a period unknown to the Austrian police? In proportion as the ramifications were extensive, the difficulties of concealment must have increased; and yet not one instance is cited of any individual having betrayed the cause of Italian independence. Either, therefore, there is no foundation for what has been so confidently asserted as to the dissemination of revolutionary doctrines, or the universal sentiment in their favour, manifests how much the Austrian yoke is detested in Italy. Nor can it be otherwise; for as long as Austria is encouraged to suspect an enemy in each of her Italian subjects, confidence is extinguished on the one hand, and respect on the other. Severity only widens the breach, and begets retaliation, until at length the right of force becomes the only law.

And such seems accordingly to be the principle on which the government is avowedly to be conducted. Commanded by Austrian officers, the Italian troops are marched into Transylvania, Poland, and Hungary, because their presence is feared in Italy, and it is supposed they may imbibe a respect for tyranny in other countries, where it has been longer naturalized. The great resources drained from Lombardy are lavished in Vienna; and even the professors' chairs in Italy are filled by the barbarians! At Pavia, Hildebrand supplies the place of Borda, and exposes himself to ridicule by lecturing upon the virtues of amulets, and the efficacy of magnetism in different branches of medicine; whilst, incredible and inhuman to relate, the *Galeotti* or Galley slaves of Naples were sold by a treaty in 1818, at 100 Neapolitan ducats a head, to the King of Portugal; and those belonging to Parma have been disposed of, by a secret treaty, to Piedmont. A *Tyrôlese*, named Salvotti, was



the main instrument employed by Austria in her special commissions at Venice and Milan. The judges of the court of Second Instance and of appeal never had an opportunity of seeing the prisoners, who, on their part, were prevented, not only from holding any converse with their friends, but also from retaining counsel. Even the judges themselves were composed partly of Austrians, ignorant, to a great degree, of the language in which the trials were conducted; and it is said that the Governor of Milan himself, Strassoldo, selected that prison for the confinement of the *liberali*, in which he was aware that they would be subjected to the greatest moral and physical privations. Not an Italian soldier now remains in Italy; and when Andreoli, to whom we have before referred, was beheaded at Modena, none but Austrian troops assisted at the execution. When Confalonieri was led to the scaffold on the 21st day of January last, it was necessary to put 12,000 men under arms, in case any disturbance should be excited by the disgraceful and melancholy spectacle which Austria then thought fit to offer to Europe,—when one of the best of men, and the most honourable of citizens, was exposed to the gaze of the populace, in the public square of Milan, chained like a malefactor, and accompanied by the public executioner! It is true, that the sentence of Confalonieri, when he reached the place of execution, was commuted into imprisonment for life in Hungary; but though Italy was spared her Sidney, yet clemency at such a period, and in such a form, so far from being desirable, only added insult to cruelty.

These, however, notwithstanding the assertions of the Right Honourable the Secretary of State for Foreign Affairs, and the Right Honourable the Chancellor of the Exchequer, are only a small portion of the ills resulting to Italy from the domination of Austria; whose power extends equally to the states of the Pope and the kingdom of Naples, the deputies of whose Parliament have been meanly given up to the Emperor at his special request,—and whose influence throughout Italy at the present moment, exhibits a melancholy but instructive picture of the national degradation, and individual misery, that must ever result from the combined operation of despotic principles, overgrown empire, and provincial misrule.

ART. X. *Proceedings of a General Court Martial held at the Colony House in George Town, on Monday the 13th day of October 1823, by virtue of a Warrant, and in pursuance of an order of his Excellency Major-General John Murray, Lieutenant-Governor and Commander in Chief in and over the United Colony of Demerara and Essequibo, &c.* pp. 204. Hatchard. London, 1824.

THE alarms of the West Indian body have, it must be admitted, produced one effect in their favour. They have, in some measure, extended themselves to the community in this country, and occasioned a temporary blindness to the real state of the questions concerning Negro Slavery. Although the effect is rapidly wearing out as the cause subsides, yet it seems proper to lay before the public such facts as illustrate the real origin of the late partial and inconsiderable commotions, and tend to frustrate the exaggerations so industriously propagated for the purpose of screening the abuses of the system from exposure. Nor can we effect this purpose better than by entering upon the subject of the unparalleled proceedings, an account of which forms the title to this article.

The entire want of the means of educating the slave population in our colonies, and the almost total neglect of their religious instruction, has long been matter of reproach to this country. It is fit that we should detail some particulars respecting this grievous deficiency, premising, that the only authority to which we shall appeal, is the official returns before Parliament, and the laws of the Islands themselves.

As early as the year 1696, an act was passed by the legislature of Jamaica, *directing* that all slave-owners should instruct their negroes, and have them baptized when fit for it; we say *directing*, for there was no penalty to enforce the order, and it was from the first, as it was intended to be, a dead letter. Yet it was, with a solemnity truly absurd, re-enacted in 1788, and, in Dominica, it formed part of the Meliorating Act of 1799. Let it not be supposed that we speak from the probability merely, and from the fact of those acts being in practice wholly neglected, when we state that their authors *never meant* them for any thing but blinds. The Governor of Dominica, in his official return, (Parl. Papers, Feb. 1805), describes the act of 1799 as ‘considered in the colony to be only a political measure to avert the interference of the mother country in the management of slaves.’

In the Privy-Council Report, 1790, we have the result of inquiries made with a view to ascertain the actual state of religi-



ous instruction in the different colonies. Let a few instances serve to show at how low an ebb it then was. Mr Wedderburn, speaking of Jamaica, says, 'There are a few properties on which there are Moravian parsons, but, in general, there is no attention paid to any religious instruction.' Mr Fuller, agent of Jamaica, and two others, say, in answer to the question, 'What religious institutions are there for the benefit of Negro slaves?'—'We know of none such in Jamaica.' The governor of St Vincent gives the same answer; and two other witnesses from the Windward and Leeward Islands, say, that in those there are no such institutions. Mr Baillie, a planter of great eminence, says, in plain terms, that 'in the old English islands, and even in the ceded islands of St Vincent and Dominica, the Negroes, in respect to religion, are very shamefully neglected.' After an interval of twenty-five years, when it might have been expected that the agitation of the abolition question would have occasioned some reform in this branch of Colonial economy, we find little, if any, improvement. In the Parliamentary papers of July 1815 and June 1818, the governors of Dominica report that there is no Protestant church; and that ten years had elapsed since an act was passed for building one, but the foundation-stone had not been laid. In Grenada, where a population of about 27,000 was spread over six very extensive parishes, the Legislature reduced these to two benefices; and the governor states, that in three of the parishes there are neither churches nor parsonages. Demerara and Essequibo have a population of about 77,000 slaves, 3500 whites and 2500 free people of colour; and the papers of 1818 state, that there is only one church and one clergyman. In Berbice, where the population is about 26,000, there is one Dutch, and no English Church or clergyman; and the governor of Trinidad expresses his concern, (Papers, 1818), that there is no church nor church establishment in the island. The population of St Kitts is upwards of 23,000, distributed over nine parishes; but though each of these has a church, all the clergymen, except one, being pluralists, there are only five resident parsons. The Bahamas are a cluster of islands, formed into groupes, or parishes, nine in number. There is one clergyman of the established Church for the whole; he resides at New Providence, and, whatever may be the success of his teaching there, all the other Islands are of course as destitute of instruction as if he were in England. In like manner, the only clergyman of the Virgin Islands resides at Tortola; the others being entirely without clerical superintendence. Jamaica itself is very far from being an exception to the rule.

It has twenty-one parishes, and each has a rector; but until 1816, the salaries were too small to afford curates; the discussions in Parliament and the country, then drew from the Colonial Legislature a Curate's Bill, which provides for a curate in each parish, but on a very moderate scale. Supposing that a supply of regular clergy can be found to undertake the duty for considerably less than 300*l.* a year, in that climate, and to provide residences for themselves, we shall have 42 persons to instruct about 400,000 of all descriptions, inhabiting parishes of about 140 square miles on an average; and in some of which the church is a day's journey from the boundary. But it is enough to say, that of the inhabitants 320,000 are slaves, by far the greater number of whom are unconverted pagans; and between 7 and 8000 must be taught, and of those perhaps 5 or 6000 converted by the labours of a single clergyman, who has all the whites and mulattos to superintend besides. Can any one doubt that his duties will be performed almost entirely among the whites and their household slaves, while the poor field negroes must be left to other care, or remain in hopeless ignorance? This would be undeniable, even if the whole Sunday were allowed the negroes for rest, and attendance upon religious duties; but they must devote the greater part of it to working in their provision grounds, no other time being allowed for that purpose.

These facts will prepare us for receiving the accounts given by the West Indian clergy themselves, of their inadequacy to the task assigned, or supposed to be assigned them, and their total failure in performing it.

' If (says the Rector of St Paul's, Antigua) I am asked whether any converts have come over to me, either from heathenism or from the sectarian parties amongst us, *I answer, not one; and for this very plain reason, because no attempts have been made by me to bring them over, in consequence of the limited state of our establishment, and the labours that devolve upon me in the care of my regular flock; circumstances which preclude all possibility of my affording the slaves of my parish any sufficient instruction.*

' If some of my replies should not afford the satisfaction which might be desired, I must beg leave, with all humility, to say, in my own justification, (and my remark, when it comes to be explained, *will naturally extend to my brother clergymen,*) that it is not my fault if the reports are not as favourable as could be wished.'

The reverend gentleman proceeds to state the inadequate accommodation of the churches to receive the body of slaves who are nominally under their care; but he adds, that even if the churches were sufficiently large, there are obstacles of another and more formidable description.



‘ Let it be remembered, that the slaves are in a state of the grossest ignorance ; that their minds are totally destitute of all cultivation. To crowd them into a church, therefore, without some previous preparation, would be a procedure equally useless and absurd. Our Liturgy would be wholly unintelligible to them ; and the addresses from the pulpit, which surely must be adapted, in some degree, to the superior information of our more enlightened hearers, would be to them as unedifying as if they were preached in a foreign tongue.

‘ If this class of people are to be instructed by the established clergy, we must first undergo a thorough metamorphosis ; we must entirely alter our present habits and manners, and assimilate ourselves to the Negroes. We must give a complete turn to the train of our ideas, and bring them down to a level with those of the slave. We must acquire new methods of thinking, of reasoning, and of expressing ourselves ; and, when we have effected this change, to make any progress in our work, we must go in continual and painful pursuit of seasonable opportunities to address these people ; and we must altogether abandon the care of our present congregations, as it would be utterly impossible to attend to both, unless we were endued with those extraordinary powers which ceased with the first propagators of Christianity.

‘ It must, then, be evident to any one who candidly considers these circumstances, that the project of attaching the slaves to the Church of England can never be carried into effect by means of the established clergy at present existing in this country. I will venture to add, that it could only be accomplished by a distinct and separate establishment ; by a sufficient number of ministers appointed, I had almost said educated, for the sole and exclusive purpose of instructing the Negroes.’

‘ The church (says the Rector of St Andrews, Barbadoes) is open to any of the black population that are desirous of attending at the time of Divine worship ; very few do attend.

‘ I have been rector of the parish fourteen years, and ninety-three of the slaves have become members of the Church of England. In the years 1815 and 1816 none were baptized, although, in those years, they were looking forward to their emancipation, consequently it was to be expected many would have wished to have become Christians. It gives me pleasure, that no imputation can be cast on us, as there is only one Methodist Meeting-house in the island. I can assure your Lordship that I am zealous in the cause of religion, and nothing has been wanting on my part, nor ever shall be, in promoting the pure doctrines of the established church.’

‘ I regret (says the Rector of St Thomas, in the same island) exceedingly that I cannot make a very flattering report of the number of coloured persons baptized during my ministry in this place. Within a period of twenty two months there have been fifteen christenings, only one of which was that of an adult ; in him alone was it an act of choice to become a professor of Christianity. There have, indeed, been many applicants to be admitted within the

‘pale of the church, but all of them so lamentably deficient in the most ordinary qualifications prescribed to them, that I could not conscientiously comply with their request, especially as they had not the remotest prospect of being better instructed in their duty.’

From the Rector of St George’s we have a similar testimony.

‘There is no slave in Saint George’s who is a regular member of the church of England. Our church has been always open for black people, whenever they choose to attend divine service; but the slaves very seldom come willingly into church, except when they attend the funerals of their owners or friends. Many of the slaves are willing to be baptized; but apparently from no other motive than to be buried in the church-yard.

‘Nothing can be done successfully for promoting religion among the slaves, without the general concurrence, approbation, authority, and cooperation of their owners, induced and encouraged by the mother-country, to which they are so loyally attached. All attempts of the most zealous and active clergymen of the church of England would be ineffectual, if unsupported by the laity around them, and by the ruling powers of the island.

‘Our excellent church liturgy cannot be very useful to ignorant creatures who are unable to read. Schools must be instituted for the instruction of the rising generation, who may thus be prepared for their entrance into the established church, and may become instrumental in teaching and converting their unlearned relations. Other means for civilizing and improving the latter may also be devised.’

The following is taken from the return of the Rector of Cariaton, one of the Grenadines.

‘Their attendance at church is very occasional. When I remonstrate, they reply, that if they come to church, they must starve, for Sunday is the only day they have to cultivate their gardens; the plea is so reasonable that I cannot oppose it; but I heartily wish their masters would deprive them of it, by allowing them one day in each week to labour for themselves. They have no idea of sacrificing their present interest or pleasure to their duty, and are always ready to make their ignorance an excuse for their vices. If they have no time for instruction, ignorance is unavoidable.

‘That means may be found to facilitate the conversion of the Negroes, I have no doubt; but our excellent liturgy is totally beyond their comprehension; and were we to address our congregations in language which the Negroes could only imperfectly conceive, there is no person of any erudition, or even of a moderate understanding, who, unless his patience were supported by his piety, would bear to hear us. To human beings whose moral feelings and intellectual faculties have been suspended for ages unknown, and at length almost exterminated by an execrable system of oppression; under which, in order to endure existence, it was necessary to suppress every generous sentiment, to stifle every tender emotion, to forget they were men—



‘every consideration that the horror of their situation can suggest, and the benevolence of the Christian religion inspire, is certainly due; and I trust that those habits, which African despotism has induced, will be soon annihilated by the liberal policy of a humane and enlightened age and nation.’

In Grenada, we learn from the same authority of the established clergy, that Sunday ‘being the general market day throughout the island, and almost the only one on which the slaves have an opportunity of bartering the produce of their provision grounds,’ not more than five or six in a parish attend the church above six times in the course of a year.

The Rector of Clarendon, Jamaica, having under his care a population of 18,000 souls, says, ‘I have time but little more than sufficient to discharge the common functions of my office, in burying, marrying, and christening, and attending on Sundays my church, which is situated at least ten miles from my rectory; limited, however, as I am with respect to time, I have yet endeavoured to do all that I could. Within the last thirteen months I have twice made known to the principal proprietors and attorneys in this parish, my readiness to attend on such properties, for the religious instruction of the slaves, as they would permit me to visit; BUT I HAVE NOT BEEN ABLE TO OBTAIN THE CONSENT OF MORE THAN TWO OF THEM.’

The Rector of St Thomas in the East agrees with the reverend persons whose authority we have already cited.

‘The fact is, in respect to slaves in general, that their knowledge of the English language is so very limited, that they can derive little or no advantage from their attendance in church. They are so conscious of this defect, that when I go to church for the express purpose of catechising them, very few will attend, and not one of these will utter a word but what has been put in his mouth. How then, it may be said, are twenty-six thousand slaves (the number in this parish) to be instructed? The subject has frequently engaged my thoughts, and I cannot conceive any other mode than this: let the young Creole slaves be taught to speak and read, and at the same time be instructed in the first principles of the Christian religion, in public schools established in different parts of the parish; and let them communicate what instruction they have received in their own way to their African brethren, by whom it is impossible for white people to make themselves understood.’

In like manner, the Rector of St George, Nevis, regrets the impossibility of instructing the slaves by means of the established clergy.

‘The clergy of these islands cannot fail to regret the insuperable obstacles that exist (under the present system) to any beneficial result from their labours for the advancement of religion among the slaves:

‘ though at the same time I humbly trust we shall not be found to have left unperformed any part of our ministry, which circumstances have permitted us to fulfil.

‘ *The insuperable obstacles to the advancement of religion among the Negroes, I humbly conceive to exist in the gross state of ignorance in which the far greater part of them are living, together with the total want of any system of instruction, or any means by which that ignorance may be dispelled, and their minds prepared for the reception of religious truth. Need I add, that so long as these impediments to the growth of Christianity among the slaves subsist, they are in a perfectly unfit state to derive any benefit from the labours of the clergy.*

‘ Your Excellency will please to observe, that Earl Bathurst intimates, that it is on the exertions of the clergy that the wished for improvement in the above-mentioned class depends; it is, however, evidently superfluous to exhort (as he has done) to “a more active discharge of their duty” those who, however zealous in the cause, know to their heartfelt regret (awfully responsible as is the office of a minister of the Gospel) that their endeavours will be unavailing.’

We find a singular contrast to these statements of what took place thus generally up to the year 1816, in the accounts given, with some simplicity, by one or two of the clergy, of the crowds of poor Negroes that seem to have been suddenly, and as if by a renewal of the miraculous powers of the earliest Christians, converted, as soon as the Curate’s Bill came into operation. The reader will bear in mind, that a *fee of two shillings and sixpence a head* was allowed for baptism by the act. It came into operation at the beginning of 1817; and in July of that year we find one reverend person boasting of five thousand out of 24,000 already baptised, the average from the commencement of his incumbency in 1801 having been only 100 a year. He naturally looks forward to *converting*, in the same satisfactory manner, all the rest of his Pagan flock, before the end of the year.

‘ Preparatory measures for the speedy baptism of the whole are now adopting. Much, I apprehend, will be accomplished by the middle of September; I therefore solicit to be allowed till October to transmit my general return. The fee is now established by law at two shillings and sixpence for each slave, and is paid in my parish by the proprietary. Some very few peculiar exceptions cannot be contemplated as otherwise. I am desirous of discharging my duty most fervently; yet I profess but little.

‘ I deem *some partial tuition* should be granted to the negro population, to impose on their minds the necessity of a rational conduct; also their moral and religious duties.’

The ‘also’ which closes this inimitable passage, is peculiarly deserving of notice, even in so choice a morsel. Nor is the miracle confined to the parish of St Mary’s. ‘The reverend



‘ rector of Portland parish, for instance, thus writes in his Return, dated June 16. 1817:—*Since the passing of the Curate’s Bill, I have baptized, upon an average, fifty or sixty every Sunday; so that with what were baptized previous to the passing of the said bill, the great majority of the negroes in this parish are become Christians, and in a very short time all will be so.* (Same Papers, page 180.) The reverend rector of Tre-lawney parish has not been less successful:—*Of late,*’ says he, *‘ there has been an increasing disposition among them (the slaves) to receive baptism; and within the last twelve months nearly three thousand of their names have been registered.’* (Same Papers, page 181.) Unhappily, one of the clergy suffers a doubt to arise in the mind, amidst all this self-applause of his brethren. After stating, that he had baptized 835 in nine months, he adds—‘ such a number may appear very great, as it may be supposed that all these could not, within so short a period, be duly prepared to receive this solemn rite. *It is, therefore, allowed that most of the candidates were extremely ignorant, as well of the vows required, as of the benefits received in that sacrament.*’

The Established Church having thus been found wholly unfit for the religious instruction of the slaves, both from its scanty supply of pastors, and from their habits being ill adapted to the task, the pious zeal of the sectaries in England led the way, and many churchmen soon joined them, in attempting this good work by means of missionaries. The Quakers appear to have been the earliest labourers in this, as in all other labours of love; and they were met by a resistance so steady and effectual, that we may justly denominate it persecution, and ascribe to it the speedy termination of their efforts. In Barbadoes, which has always been distinguished for its hostility to negro improvement, and its exclusive attachment to the established Church, or in other words to a system that imports a refusal of Christianity to the slaves, we find a law passed in 1676, declaring all negroes forfeited who should attend a Quaker meeting, if they either belonged to Quakers or persons present; and if they did not, then inflicting a penalty of ten pounds for each negro present, recoverable from any free person who might attend. Under this strange act free negroes as well as slaves were liable to be seized and sold; and it is worthy of remark, that by the law as it then stood in Barbadoes, and for more than a century afterwards, supposing the value of a slave to be thirty pounds, the penalty of murdering him was about *half* that of teaching him Christianity! The Moravians first sent missions to the West Indies in 1732, and

though the progress they have made since that time has necessarily been small compared with the work that was to be done, it has been truly wonderful when contrasted with their very limited means. In 1787 they had congregations comprising above 16,000 persons, one-third of whom belonged to the British colonies; and the unanimous testimony of all who have spoken or written on West Indian affairs, and of all descriptions, religious and political, may be cited in proof of the good effects produced by their charitable exertions in improving the character and condition of those ill-fated objects of their unwearied care. It is only necessary to state, by way of illustration, that one of their flock fetches a higher price in the market; this we trust will satisfy the most calculating disputant upon colonial rights and profits. We may add, that their narrow means, and not the hopelessness of the task, prevented their congregations from being coextensive with the black population itself. In the Danish Islands about one-fifth of the negroes are Moravian, and almost all their converts in our own colonies belong to Antigua, where they form between a sixth and a seventh of the slaves. Now both in the Danish Islands and in Antigua, the Brethren met with liberal encouragement from the ruling powers; in the former the government, in the latter the planters favoured the laudable enterprise of these humble and pious men.

The Methodists next entered this vast and almost neglected field. Dr Coke, an early follower of Wesley, began to preach in 1786, and Methodist missions were soon after established in most of the British colonies. They have every where, except the few places in which they had been preceded by the Moravians, met with discouragement, and in many places with direct opposition. Their zeal and active perseverance has been peculiarly annoying to men who are jealous of every attempt really to civilize and instruct the slaves, regarding their conversion and mental improvement, as little compatible with the servile state: For no experience seems to have opened the eyes of the prejudiced among the resident planters to the undeniable truth, that the Christian slave is a more peaceable and better labourer than the Pagan who remains in a state of ignorance resembling that of the lower animals, with just enough of intellect to deprive him of their instinctive patience. All these feelings are heightened by, perhaps concealed under, an intolerant zeal for the church establishment, which in the West Indies never has and never could have enjoyed any of those exclusive privileges so largely allotted to it by the policy of the mother country. We cannot illustrate the folly of such shortsighted conduct in a more striking manner, than by citing the words of Dr Collins, him-



self a planter, and a man above all suspicion of being misled by religious enthusiasm. He was a friend to the slave system; had resided twenty years in the West Indies, and wrote in defence of the African Traffic itself. Yet he thus speaks of the missionaries and the opposition which they have experienced.

‘ Indeed, the probability of the good effects of religion hath not altogether escaped the minds of our own planters; for there have not been wanting some virtuous men among us, who, at various periods, have made attempts to impress their slaves with the ideas of Christianity: but these efforts were neither very general, nor long persisted in. Being commenced without experience, perhaps with a zeal too languid for the end proposed, being accompanied with the ridicule of others of the society, who neither hoped nor wished their Negroes to be better Christians than themselves, and not followed with the immediate effect which impatience expected, the attempt was abandoned, under the persuasion that Negroes were beyond the possibility of a reform.

‘ Further experience, however, has proved that this judgment was erroneous; for new attempts of the same nature have been made, with better success, by those who were more competent to the undertaking—I mean the Methodists and the Moravians.

‘ These missionaries, in many instances themselves but little elevated above the meanest class in society, supplying by the energies of zeal the defect of education, have found means to attract to their lectures very numerous congregations in many of the islands, among whom are to be found some proselytes imbued with a true spirit of Christianity, so far as the penury of their faculties enable them to comprehend its dogmas. The greatest proof of this is exhibited in the regularity of their lives, their respect of their pastors, and their pecuniary contributions for their services: for religion surely must have made some progress in the minds of men who part voluntarily with their scanty stores, whilst we find so many, in this and other countries, who elude, by every art of chicanery, the payment of legal ecclesiastical dues.

‘ It is not to be mentioned, without regret, that these missionaries, who devote themselves to so arduous a task, in a climate universally found to be unfriendly to health, far from receiving their establishments from the legislatures of the different islands, or meeting their rewards in the acknowledgments of individuals, have frequently to contend as much against the prejudices of the masters as with the ignorance of their slaves; for it has been generally held that their purpose is to disseminate rebellion among the Negroes. This has been often asserted, and with confidence too great to be supposed to require any other evidence.

‘ That men labouring in an arduous vocation, under discountenance, frequently under derision and insult, should sometimes feel the irritations of nature, and, in the ardour of their resentment, inculcate

‘precepts such as have been imputed to them, is not indeed impossible; for, in human nature, there is a disposition prompt enough to avenge unmerited injuries, by such means as the sufferer possesses: *but I know no well attested instance of the crime, such as the charge implies, having actually happened; and, I believe, there is not on record a proof of any overt mischief having ensued from the incendiary labours of the missionaries.* On the contrary, candour and justice both oblige me to say, that I look upon their services as being highly useful to the colonies.

‘We have seen them erect places of public worship out of the funds of the society at home, by whom they are subsisted, or with the eleemosynary contributions of their flocks, *without any aid, as I before observed, from the colonial legislatures,* where the holy service is performed with a due degree of solemnity and decorum to congregations too numerous to be contained within their walls, all people of colour, decently dressed, who resort thither from distant plantations, whenever a remission of labour admits of their absence.

‘The consequence of these meetings has been very salutary, by their influence on the manners of the Negroes, so as to render them less prone to theft and drunkenness than they used to be; and, in no respect whatever, have I found them less obedient or laborious.’ (To this passage the author has subjoined the following note.)—‘*I hope I have been misinformed in the following graceful anecdote, though coming to me from authority too respectable not to challenge some degree of belief. In one of our sugar islands (which, for its credit, shall be nameless), the white inhabitants are without a church, or any place of regular public worship, and have been so for the last twenty years. In one of the towns of that island, a very decent chapel was built by the missionaries, with the assistance of their well frequented black congregations. One day, during the divine service therein, a party of persons, calling themselves gentlemen, mostly military, made a gallant attack upon the audience, and, after dislodging the minister from the pulpit, proceeded to other acts of outrage too scandalous to be detailed.*’

Dr Collins is not the only West Indian who, in spite of his local prejudices against the advocates of the negro race, has borne testimony to the truth; shown us the arts of the system, and pointed out the practical remedy. Sir G. Rose, has very lately published a tract full of liberal and enlightened views upon the important question of converting and civilizing the slaves.

After stating the great deficiency of religious instruction, and its high importance in every point of view, Sir George Rose makes the following just and liberal remarks on the necessary inferiority of the established clergy to the sectarians, as instruments for the conversion of the negroes.



‘ Besides all other causes of impediment, it may be affirmed, that no class of Christians can enter into the missionary field with any chance of success, unless it has imbibed a large portion of that ardent spirit of solicitude for the propagation of the gospel; of that zeal for heavenly things; and of disregard of human things, which is popularly termed religious enthusiasm, and which can be engendered in no old establishments, without some alteration in their principles, or in their modes of action. It is perfectly evident from the correspondence of the West Indian parochial clergy already mentioned, that, as a body, they are not pervaded by that spirit. It is necessary for me to state this; but I do it, without in the least impeaching their mode of discharging their regulated duties towards their Christian flocks, and I willingly offer a tribute of respect to some of them who, as we learn from those letters, had offered to give religious instruction on the estates in their parishes. I express no blame for that deficiency in the missionary spirit, which I conceive to prevail generally among them. Where and how were they to acquire it? In some islands, there is but a single clergyman; in others, they are thinly scattered over a large population, from whom assuredly it was not to be derived. The causes, that have of late years awakened this spirit in England, are wholly wanting to them. They certainly can scarcely ever see or converse with each other. They are destitute of all the opportunities and incitements arising from those multiplied and extensive communications, which have here created and fostered our immense missionary establishments. Situated as they are they cannot be reproached with being, in this respect, what the immense majority of the clergy of England were some twenty years ago.

‘ The very habits of life, and the education of the missionary of the sects, give him a marked advantage over our ecclesiastics in matters of conversion where those, who are to be the subjects of it, are of the description of the heathen negroes. He is used to deal with ignorant men, of coarse habits, and whose minds comprehend slowly: he knows how to set about making himself understood by them, and how to understand them; how to unravel their half-intelligible jargon; and to descry and aid the first glimmerings of their reason and conviction. None of these things can be expected from the graduated member of an English University.’

‘ The author is well known to be both a planter and a zealous churchman. He lays it down as a principle, that a slave-owner is bound first of all to seek for spiritual teachers among the

members of his own establishment, if it affords them in the numbers, and of the quality necessary for the work in hand. But failing in that quarter, he deems him as culpable as a master would be, who should allow his servant to die of a wound rather than send for an irregular practitioner, when his family surgeon was disabled or not to be found, if he persists in keeping his slaves unconverted, because the establishment is unable to help them. We subjoin the practical testimony which this enlightened and judicious writer bears to the Methodist missionaries, after strongly recommending the whole of his able and humane tract to the attentive perusal of the reader.

‘ If it should be surmised, that I speak with peculiar complacency of the Wesleyan missionaries, and with a tendency to lead to a preference of them, the imputation, I must aver, is perfectly groundless. I plead the cause of the negroes, and not that of the Wesleyans. Since I have, not by choice, but by inheritance, been connected with the West Indies, having thereby had the duty imposed upon me to promote, as far as my means extended, the dissemination of the gospel among the slaves to whom I stood in relations more or less immediate, I have ascertained, in the course of the researches and communications which I have had to enter into for the attainment of the end I had in view, that the Wesleyan missionary society, on the one hand, affords *at present* by far the most powerful means of introducing Christianity among the slave population; and that, on the other, its action has been materially thwarted and counteracted by suspicion, mistrust, misconception, and occasionally by injurious and unfounded accusation.

‘ But when I thus speak favourably of the conduct of these preachers, I ought to advert particularly to one subject, on account of its connexion with a point of vital importance to the colonies—their *internal tranquillity*, which by no other means can be so effectually promoted as by a faithful promulgation of the gospel. It is not in the hands of the religious negro that the torch and the dagger will be found; and as it has been affirmed, that the proceedings of the Wesleyan preachers have, to use the mildest expression, not always contributed to that tranquillity, and that particularly in the causes, which led to the insurrection at Barbadoes, they were not blameless, I ought to state that, in addition to the multiplied proofs which can be alleged in refutation of such imputations, they are at once shown to be groundless, by the continued protection granted to these missionaries by the governors of the islands, and by the government at home, to whom the truth in such cases must be best known; and in the case cited, it is, I understand, perfectly notorious that no one agent of the society was in the island named, when the revolt broke out, nor for many months previous to it. The Wesleyans, most conspicuous as a body by their loyalty at home, by loosening the ties of obedience to the master or to the state, would



act with an imprudence and inconsistency, as well as discover a want of christian principle, not to be rationally attributed to a sect, which, though preaching the unpalatable doctrines of repentance and regeneration, has increased rapidly and greatly in strength and numbers, and at the same time has conciliated to itself the favour and good opinion of the government with respect to its missionary operations. But the instructions given by the society to its missionaries are in print, and may be had by whoever asks for them. They are certainly practical, and rational; and a candid and accurate examination ought to be instituted into the accordance of their professions and their practice, by those who have any doubts as to the principles which govern their operations in the colonies. I do not enter into the question of religious doctrines, respecting which, as affecting us at home, or in the West Indies, there is an extreme difference; for I can scarcely imagine, that there is any one, who would hesitate for a moment in the choice between Christianity as taught by missionaries whose dogmas may be the least generally approved, and those gloomy, and hateful supersitions which place the life and soul of the negro in the hands of the pagan Obeah-man, and those vices which must be rife and rank where slavery exists among numerous bodies unenlightened, unguided, and unrestrained by moral or religious obligation, or feeling: and there is in the West Indies *far more than room enough for all the Missionaries, which the Church and the Missionary Institutions can possibly allot to them.* For instance, it has not been objected to the Moravians in the West Indies, and it would have been unwise so to do, that though of an episcopal church, their members are either Calvinists, or Lutherans, according to their respective convictions. Again, if any sect should be accused of having preached the doctrine of faith to excess, so as to lead to a neglect of good works, or even to antinomianism, let the actions, let the course of life of its followers be watched and scrutinized, and the fruits of the doctrines really taught will give irrefragable demonstration, whether they are sound or faulty. But I apprehend that wherever the gospel has been preached faithfully and diligently in the West Indies, by whatever church or sect, the results of such labours have been peace, order, obedience, sobriety, chastity, and industry, whilst the filth, sloth, sensuality, thoughtless and degrading ignorance, immorality, and senseless idolatry of the heathen population, remained exhibited in hideous contrast; that under the footsteps of the ministers of the gospel, the desert has become a garden.

It is, however, abundantly manifest, that such wise and just views of the matter are as rare as they are praiseworthy. The prevailing sentiment, especially of those who reside upon the spot, is extremely hostile to the Missionaries; and recent events demonstrate, that this aversion has rather increased than declined since the discussions of the last session. Barbadoes has,

as usual, stood forward preeminent in violence and intolerance. When a tumult took place there in 1816, it was confidently ascribed to the machinations of Methodist Missionaries, until it was, unluckily for this argument, discovered that there had not been a single Methodist missionary in the island for two years previous to the event. A mission formerly attempted had been abandoned in consequence of the obstructions it met with from the planters. It was afterwards renewed; and the highly respectable individual at the head of it, Mr Shrewsbury, became the object of unceasing and malignant abuse. We have now before us the warm testimony in his favour of the Hon. John Ross, member of council in Grenada, where Mr Shrewsbury resided as a missionary before he went to Barbadoes. ‘I never,’ says he, ‘knew a more pious or a better man. Possessed of natural cheerfulness of temper, and without any thing of austerity or moroseness in his manners, he discharged the duties of his profession with zeal and assiduity, and acquired the esteem and good will of the whole community, and it was to the regret of all who knew him that he was taken away from us. I believe him to be incapable of doing an injury to any human being; and I am convinced he was eminently useful as a Christian minister both among the free people and the slaves.’ Having been the first person on the island who admitted the Missionaries to instruct the slaves upon estates, Mr Ross adds his testimony to the good effects of his teaching upon the character and conduct of those poor creatures, and to the uniform propriety of the lessons inculcated upon them; but of Mr Shrewsbury he says, that he was ‘a superior man, who would do honour to any church or society of Christians.’ Not so thought the Barbadians;—and they proceeded to make their sentiments known in the month of October last, after a manner rare even in that part of the world, and to which we despair of doing justice, unless we record it in their own words. The following narrative of their exploit was published by themselves in a handbill, circulated in the capital of the island, where it was performed, and where it occupied two nights, apparently without any molestation being offered by the government or the police.

*‘Great and signal Triumph over Methodism, and total Destruction of the Chapel!!’*

*‘Bridge Town, Oct. 21.’*

‘The inhabitants of this island are respectfully informed, that, in consequence of the unmerited and unprovoked attacks which have repeatedly been made upon the community by the Methodist Mis-



sionaries (otherwise known as agents to the villanous African Society), a party of respectable gentlemen formed the resolution of closing the Methodist concern altogether. With this view, they commenced their labours on Sunday evening, and they have the greatest satisfaction in announcing, that, by twelve o'clock last night, they effected the total destruction of the chapel.

'To this information they have to add, that the Missionary made his escape yesterday afternoon, in a small vessel, for St Vincent; thereby avoiding that expression of the public feeling towards him personally, which he had so richly deserved.

'It is hoped, that, as this information will be circulated throughout the different islands and colonies, *all persons who consider themselves true lovers of religion will follow the laudable example of the Barbadians, in putting an end to Methodism and Methodist Chapels throughout the West Indies.*'

On the day after the date of this proclamation, his Excellency the Governor was pleased to publish one on his part, setting forth that 'if such an outrageous violation of all law and order be suffered to pass unpunished, no man will be safe either in person or property,'—for reasons which he condescendingly states; and therefore offering a reward or discovering the persons 'concerned in the aforesaid riotous proceedings.' On the 23d the opposite party issue a *second manifesto* in reply to the Governor's, threatening any one who should come forward to give information, and promulgating both the condition of those engaged in demolishing the chapel, and the grounds on which that measure was undertaken.

'The majority of the persons assembled were of the first respectability, and were supported by the concurrence of nine-tenths of the community. Secondly, That their motives were patriotic and loyal; namely, to eradicate from this soil the germ of Methodism, which was spreading its baneful influence over a certain class, and which ultimately would have injured both Church and State. WITH THIS VIEW the chapel was demolished, and the villanous preacher who headed it, and belied us, was compelled by a speedy flight to remove himself from the island.

'With a fixed determination, therefore, to put an end to Methodism in this island, all Methodist Preachers are warned not to approach these shores; as, if they do, it will be at their own peril.'

We have seen how scantily provided with means of instruction from the Establishment the extensive and populous colony of Demerara was, by the last official returns in the Parliamentary Papers of 1818. To convert and superintend 78,000 slaves, beside taking care of several thousand Whites and free blacks, there was one place of worship and one minister connected with the Established church! Yet here it was that the reports from the Government bore the strongest marks of dis-

like towards those sectaries, as his Excellency the Governor was pleased to term them, by whom alone so great a deficiency could ever be supplied. Now, it will be observed, that there has long been a Scotch and a Dutch as well as an English church in the colony; but he chooses to consider the latter as alone established, and the others as sectarian; while it is certain that the capitulation made no change whatever in the ecclesiastical government, and that under the former dynasty the English church could by no possibility have enjoyed any privilege beyond toleration. Speaking of the regular clergymen about to be sent there, his Excellency observes, 'A great zeal will be necessary to enable them to make head against the sectaries they will find themselves in practice opposed to.' At that time there were four Methodist missionaries in the colony—two belonging to the church of England and professing her doctrines; and two agreeing with the Calvinistic churches, and consequently with the Dutch and Scotch churches of the settlement. 'To make head against them!' exclaims Mr Stephen, no less justly than eloquently. 'Why, if the men had wings, and free access to all the estates in the government, and could preach through every hour of the twenty-four, and every day of the three hundred and sixty-five, they could not dispute with new comers a tythe of the spiritual ground. If they were all turned into the Governor's own plantation, where I presume there is no teacher to "make head" against Paganism and brutal ignorance (for if there had, he would scarcely have written such a letter without noticing the fact), they could perhaps find full enough to do there.'

Such, however, were the sentiments which found favour in the sight of the ruling power of Demerara; and while those prejudices were in full force, the discussion took place in the British Parliament last Session, which gave rise to the instructions transmitted by the Government—not certainly in the cautious though firm spirit of the reforms propounded by the friends of the abolition, but as a substitute for them, falling short in some respects, and in others going greatly beyond what they had suggested. Of the latter description was the recommendation to disuse the cart-whip as a stimulus to labour, and confine the employment of it to cases where it might serve for punishment merely, deliberately inflicted, and away from the field. The more positive injunctions to exempt females entirely from the lash, belong to the same class. These reformatory seem to have alarmed or exasperated the planters of Demerara in a remarkable degree. Violence among the Whites was sure to create misconceptions among the Negroes; and the notion speedily gained ground that an order for their freedom had arrived which was kept back by



the Governor and the masters. The Court of Policy and the Governor had, in truth, given grounds for harbouring suspicions that something was withheld. On receiving Lord Bathurst's instructions, Resolutions had been passed, which, in conformity with those instructions, regulated the use of the whip, and yet those resolutions were not communicated to the slaves, while their existence and the arrival of the instructions that led to them, were familiarly spoken of by the members of the Government and those around them, even in the presence of the slaves. The Governor had also, on the very eve of these transactions, been so ill-advised as to impose restraints upon slaves attending public worship; he had issued an order prohibiting any Negro from attending church without a written pass from his master, which he was not obliged to grant; and this was at once construed by those slaves who had been converted as an indication of hostility towards their religion. Moreover, the proportion of Creoles in the Negro population of Demerara was much smaller than in any of the old colonies, more than half the slaves being Africans; and consequently, more prone to acts of insubordination, as well as far more difficult to rule and to convert, than Negroes born and bred on the spot. Add to this, that the treatment of slaves in this colony was always peculiarly severe, and the labours allotted to them, from the nature of the climate and the soil, were more than ordinarily exhausting and unhealthy. The wonder therefore is, rather that insurrections had been so unusual, than that a very inconsiderable one broke out so late, and was so speedily subdued.

Before proceeding to the details of this communication, it is fit that we introduce the name of that pious and calumniated body, whose proceedings have been studiously connected with it by the enemies of negro improvement.

The London Missionary Society was established in 1795; and includes many members of the Established Church, and some of its clergy, with ministers and laymen of almost every Protestant sect. Its sole object is 'to spread the knowledge of Christ among heathen and other unenlightened nations;' and to accomplish this end, humble and self-denying men are sent, whose labours, as has justly been said, pure benevolence only can sustain, and human praise never repay. The greatest circumspection is used in selecting persons whose character is above all reproach, and some of those missionaries, it is well known, have not only successfully done the work more immediately committed to them, but enlightened the world by their literary acquirements, especially in the languages of the East. The expense of these missions exceeds 30,000*l.* a year.

In 1807, the society established a mission in Demerara, and notwithstanding much opposition, a considerable success in the course of time attended its exertions. Chapels were built, and numerous congregations of Negroes instructed, not only in the lessons of religion and morals, but in the doctrines of civil subordination, which, we fear, the society at home carries to the extreme and unconstitutional length of passive obedience, and which can only with safety be inculcated in a country peopled by slaves. In 1816, John Smith was selected for the service, from an entire confidence in his irreproachable character, and in that rare union of zeal with knowledge, of firmness with judgment, by which he was well known to be distinguished. He was specially directed with respect to the peculiar difficulties of the province assigned to him, and the following is an extract from his instructions.

‘ In the discharge of your Missionary duty you may meet with difficulties almost peculiar to the West Indies or Colonies, where slaves are employed in the culture of the earth and other laborious employments. Some of the gentlemen who own the estates, the masters of the slaves, are unfriendly to their instruction ; at least, they are jealous lest by any mismanagement on the part of the Missionaries, or misunderstanding on the part of the Negroes, the public peace and safety should be endangered. You must take the utmost care to prevent the possibility of this evil ; not a word must escape you in public or private which might render the slaves displeased with their masters or dissatisfied with their station. You are not sent to relieve them from their servile condition, but to afford them the consolations of religion, and to enforce upon them the necessity of being ‘ subject not only for wrath but for conscience sake.’ Romans xiii. vi. ; 1 Peter ii. 19. The Holy Gospel you preach will render the slaves who receive it the more diligent, faithful, patient, and useful servants ; will render severe discipline unnecessary, and make them the most valuable servants on the estates ; and thus you will recommend yourself and your ministry even to those gentlemen who may have been averse from the religious instruction of the Negroes. We are well assured that this happy effect has already been produced in many instances ; and we trust you will be the honoured instrument of producing many more.’

To these instructions he paid an uniform and willing obedience, in despite of much unkindness which he experienced, and of a harshness towards his flock far harder to bear, because it directly interfered with the objects of his mission. His conduct was marked throughout no less by cautious circumspection than by patience and forbearance. On his arrival he waited on the governor, General Murray, and received his permission to begin his labours, and the approbation of the planter on whose



estate the chapel was situated which he went to fill. This gentleman, Mr Van Cooten, was the executor of a deceased proprietor, who, from experience of the good effects produced by missionary instruction among the slaves, had founded the chapel and endowed it by his will. Mr Smith's conduct obtained for him the unceasing respect of Mr Van Cooten to the last moment of his life. Of his success as a teacher, some estimate may be formed, not only from the unbounded rage with which the shortsighted enemies of African civilization have persecuted him unto the death, but from the fact that his congregation usually amounted to 800, and that in one year, 1822, he baptized 462, solemnized 114 marriages, chiefly of persons who were candidates for baptism, and had in communion with his chapel 203 converts, who had attained a considerable proficiency in religious knowledge. It is distinctly stated, and had there been any evidence to the contrary, we should long ago have heard of it, that the moral demeanour of his flock kept pace with their religious improvement; and, as an example of this, that not one in fifty of the marriage vows had been violated! Their conduct in the disturbance which the causes already mentioned excited, proves still further the salutary influence of his labours in humanizing them.

These poor people, it seems, were led to believe that their liberty was withheld from them, by the suppression of Lord Bathurst's Letter, and the resolutions of the House of Commons, from the 21st July, when they were laid before the Court of Policy, till the 7th August, when the Court passed a vote conformable to the Letter, and by the unaccountable measure of still concealing the new regulations from the slaves themselves. The Governor says, that he received information on the 18th August, of a general rising of the slaves being in agitation. Not a shadow of proof has ever been produced of any such plan. But on the 18th, some of the slaves upon the East coast, who had been chiefly aggrieved by the order of May, interfering with their attendance upon church, rose upon their masters, and were joined by others. The revolt extended, say the persons most under the influence of the alarm, to fifty plantations; and the utmost extent of the violence committed by the Negroes, was imprisoning the Whites and putting them in the stocks. So dangerous a movement was checked with becoming promptitude. Whatever were its causes, proximate or remote, the perils in which it placed the Colony and its inhabitants, black as well as white, not merely justified, but demanded the most speedy and summary proceedings to suppress it. But it is a remarkable circumstance, and almost unprecedented in the history of Negro insurrection, that the slaves who had

risen and possessed themselves by force of the persons of all the Whites upon fifty plantations, *did not shed a drop of their blood.* According to the Governor's own bulletin, there were killed and wounded of the Negroes, after the troops had begun to act, and when a state of warfare or something resembling it might be said to have commenced, considerably above two hundred; of the Whites, one rifleman slightly wounded, and one other person hit in the leg by the cross fire of his own party. Now, can any man living believe in a deep-laid plot for rising and massacring the Whites, after reading this result? On the evening of August 18th, the Governor went among two or three hundred *insurgents*, and 'expostulated with them for half an hour,' without the least attempt being made to molest him. And Colonel Sealy, with a handful of men, being surrounded by a large body of the *rebels*, all armed, summoned them to surrender their arms, and made them do so. Let us subjoin a testimony which speaks volumes. The Reverend Mr Austin, the clergyman of the Established Church in the Colony, and not on that account the more predisposed in favour of Mr Smith, or of the success of his preaching, thus writes—'I feel no hesitation in declaring, from the intimate knowledge which my most anxious inquiries have obtained, that in the late scourge which the hand of an All-wise Creator has inflicted on this ill-fated country, nothing but those religious impressions which, under Providence, Mr Smith has been instrumental in fixing—nothing but those principles of the Gospel of Peace which he has been proclaiming—could have prevented a dreadful effusion of blood here, and saved the lives of those very persons who are now (I shudder to write it) seeking his.'

The revolt broke out upon the 18th of August; on the 19th martial law was proclaimed, and enforced, says the Governor, 'with all its accompanying severity.' On the 20th, the movement appears to have been at an end. On the 26th, the Governor writes to Lord Bathurst, that 'affairs had assumed a peaceable aspect;' and, on the 31st, he adds, that nothing material had happened to interrupt this tranquillity. Of the poor slaves, beside the numbers who had been killed and wounded during the disturbance, no less than forty-seven were put to death by sentences of courts-martial before the 15th of September; and many others underwent a fate hardly preferable to execution, being torn to pieces by the infliction of the most merciless flogging. 'Since our last,' (says the *Royal Gazette* of January 16th), 'seven more of the rebel Negroes have been flogged according to their respective sentences, viz. Louis, of Porters Hope, 1000 lashes; Field, of Clonbrook,



‘ditto; Mercury, of Enmore, 700; Austin, of Cove, 600; Jessamin, of Success, 1000; John F. C. Otto, 200; and August, of Success, 300.’—‘This morning,’ (says the same paper, under date of July 14th), ‘the brigade were under arms, at an early hour, to witness the flogging of three convicted insurgents, who had been some time under sentence—Cobino, Sammy, and Cudjo; the first to receive 1000 lashes, and be worked in chains for life; the second, the same number of lashes, and to be worked in chains for seven years; and the third the same as the first. Cobino received the whole amount of the number of lashes awarded; Sammy *only* nine hundred, and Cudjo *only* eight hundred. There are several more who still remain for punishment.’

Martial law was continued by the Governor till the end of January, above five months after all seems to have been quiet; and during this extraordinary suspension of the civil judicature of the Colony, a court-martial was assembled for the trial of Mr Smith. It forms the subject of the publication before us, and has afforded a singular example of the outrageous excesses which arise out of the influence of alarm upon bodies of men invested with power.

The first remark which must occur to any one perusing these minutes, is, that the trial of this minister of the Gospel was by a court-martial; and the ready explanation suggests itself on a superficial view of the subject, that martial law had been proclaimed. But this is not satisfactory or decisive in any respect. If the extraordinary emergency of invasion or rebellion suspends all civil judicature, this suspension must be limited by the necessity which occasioned and justified it. Here the proclamation was issued on the 19th of August, and the court-martial met the 13th of October, every appearance of revolt having ceased before the 31st of August. Admitting, for a moment, that it might be justifiable to continue martial law so long as a measure of precaution, what pressure of danger could excuse the trial so long after the alleged offences? for they were all charged as committed on or before the 20th of August, and by a proceeding so tardy that it occupied twenty-eight days. How could the Governor, when he assembled this court, foresee that he should not be called upon to recal his proclamation long before the proceedings closed? If so, would he have been justified in continuing the martial law, because the court was sitting? If martial law should cease, as it ought, the instant the necessity was over, how could the court go on after the civil law was restored? But what is called proclaiming martial law, does not subject all persons, or for all matters, to

the jurisdiction of a military tribunal. It may give the government a right to the services of its subjects, and to provide summarily for the peace and safety of the state; but nothing more. In the West Indies, it implies that the militia, which, with a few exceptions, comprises all persons of certain ages, is to be called out and put on the footing of the regular troops; and Mr Edwards (*Book ii. chapter 5.*) gives an act of the Jamaica legislature restricting this power, and requiring it to be exercised by the Governor, in concurrence with a council of war, in which all members of the assembly have votes. If it should be said, that the Dutch law, which prevails in Demerara, is different; the answer is obvious. The mutiny act of England was constantly appealed to. But if it had not; no foreign country can be taken possession of by the Crown of England, with laws repugnant to the fundamental principles of the Constitution. This has been decided, to the exclusion of torture; and if it were not true, the Crown might, by a cession from the Dey of Algiers, obtain the right of the bowstring over all, even English born, residing within the territory ceded, or of paving the palace court with the heads of its subjects, by virtue of a similar treaty with the chiefs on the Gold coast.

Conscious, apparently, of these defects in their jurisdiction, on the twelfth day of the trial, and at the close of the case for the prosecution, evidence was given that Mr Smith, upon being summoned by a militia captain and planter, his inveterate enemy from all that appears in the proceedings, refused to take arms and act in the same corps. The ground of his refusal was, that his clerical functions exempted him from bearing arms. Now, in this he may have been right or wrong; It is wholly immaterial; for it forms no part of the charges against him; he is not tried for desertion, or for refusal to join the militia, but for exciting rebellion, and concealing a plot. But the circumstances accompanying the requisition are very remarkable, and deserve to be noticed in passing, as strikingly illustrative of the whole treatment he met with. The order to join was not conveyed to him until the 20th August, four days after the revolt broke out, and when, in fact, it had ceased; it was conveyed by a lieutenant, a sergeant, and twelve men, evidently sent to arrest him, upon the charges afterwards brought forward; he was accordingly seized, immediately after his refusal had been reported, and his papers were taken at the same time; but they had been examined and put under seal on the spot, and before reporting. The command to take arms, therefore, was a mere pretext; and it was given in the full expectation, and for the very purpose, of being disobeyed.



But suppose Mr Smith to have been amenable to this court; it professed to proceed under the English military law, and to be bound by the mutiny act. Yet it entered into the investigation of matters which had taken place in 1819, although, by the mutiny act (Sect. 158), no offence can be inquired of above three years after it is committed. It is in vain to pretend that such matters were given in evidence of those which formed the subject of the charge. The refusal to shut his chapel in 1819, when desired to do so for fear of the small-pox, can, even if proved, which it is not, by no possibility be connected with a revolt in 1823, though it might, and probably did, *prejudice* the court and the community against the accused. This, however, is not the worst part of the proceeding. The charges on which he was tried, and on which the sentence was passed, related, in by far the greater part, to acts alleged to have been done or left undone *before martial law was proclaimed*, and consequently before a pretext could have existed for bringing him within military jurisdiction. Suppose him to have been not only subject to military law, but actually a soldier in contemplation of law—and this is surely as large an admission as can be asked—when did his service commence? On the 19th of August, when it is supposed that the proclamation made every man a soldier. But the first charge relates entirely to what he did ‘long previous to, and up to the’ 18th of August, when the disturbance began; the second consists of two parts, one of which refers to the ‘17th of August, and divers other days and ‘times theretofore preceding;’ the third charge is confined wholly to ‘the 17th of August, and a certain period of time thereto preceding.’ All therefore that was done at those times was incontestably before he became a soldier; and to try him for it, was exactly as if a recruit, enlisted on the 19th, had been tried by a court-martial for disrespect to an officer the week before his enlistment, when he was working at the plough or the loom. Yet, on all these things the court examined evidence; nay, nine parts in ten of the trial are confined to these matters; and the sentence of the Court finds Mr Smith guilty on every one of the three heads, thus undeniably beyond its jurisdiction.

The composition of the Court suggests another observation. Among its members is ‘Lieutenant Colonel Charles Wray, Militia Staff.’ This gentleman is President of the Supreme Court of Justice in the colony; he is placed on the militia staff for the express purpose of qualifying him to sit on the court-martial; and thus give to its proceedings a semblance of judicial authority. The consequence is, that he becomes a party to its proceedings; and yet he is the judge before whom all com-

plaints *must* have been brought, of any thing done amiss by that same court-martial. The door was thus shut to redress from the law, for injuries which might be done by the illegal violence of the military government. It is no vindication of this extraordinary nomination, to urge that the judicial experience of the President must have been useful to the court-martial. The law which he had been accustomed to administer, differed entirely from that under which the court sat; and indeed it was on account of this difference that such a tribunal was preferred. In none other could the evidence of slaves be received; and it was by means of such testimony alone that any hope of attacking Mr Smith could be entertained; and this in truth was the obvious motive for trying him by such a court. To have effected his destruction, *a jury* of planters would have been quite sufficient; in the alarm which then prevailed and sharpened the edge of their hostility against every thing that was connected with missions. But a learned *Judge* must have presided, and though his interposition might not sway the verdict, his authority must have excluded the Negro evidence which by law was inadmissible. A court-martial had access to this, and to other evidence not merely incompetent on the ground of slavery, but such as no other court in the world durst have received.

We allude especially to the production of the private, the secret journal of this much injured man; a record of his own inmost thoughts; a transcript of the feelings of his heart, chiefly upon religious subjects, and which no eye but his own, not even his wife's, had ever seen. This was its character, and these its objects; but living in a slave colony, with the irreligion of many before his eyes, the lash, and the shrieks it called forth, constantly ringing in his ears, and subject himself to troubles and buffetings for conscience' sake, it unavoidably contained a memorial of the reflections that naturally sprung from his situation, and was certain to receive a tone from what he saw, and felt, and endured. Aware that it must contain matter, the promulgation of which would expose him to the hatred of the white inhabitants, if it furnished nothing in aid of the accusations against him, his enemies eagerly seized upon it, and selecting every thing which could be tortured into evidence of his disinclination to the existing order of things, the slave system as it is, and every thing which could excite the indignation of the masters, or rather exasperate the rage already but too general, by an unheard of outrage upon every thing like justice, in substance or in form, they read their excerpts, thus culled from a private journal of six years and a half, as if they had been published by their author to the world!



And yet, after all, what proof do they furnish against him? *Absolutely none*—none that he ever harboured an unlawful thought, much less did any wrongful act, or uttered any criminal word; for here we are scrutinizing his thoughts alone, and these are by the application of this unexampled process of torture demonstrated to be guiltless. Nay, more; the proof is made clear, that he had acted a cautious and forbearing part, and abstained from that, which, in the discharge of his duty, he had a right, perhaps a call to do, for fear of giving umbrage to the community, and of exposing it to risk by the misconstruction of his ignorant flock. That he was deeply impressed with the importance of his mission, indefatigable in his teaching, zealous to make converts, and uneasy at the obstacles interposed, he had no reason to deny, and the journal abundantly proves. It also evinces the effects produced upon his feelings, by the incessant torments of the slaves; and there is nothing more remarkable than the indifference of the planters to the production of those passages, which register, as it were, from hour to hour, the merciless cruelty of the accursed system. Where else, but among men inured to the horrors that so harrowed up this poor missionary's feelings, durst a prosecutor have read such passages as the following pages contain, and read them to enrage the hearer, not against the perpetrators of those enormities, but against him in whom they roused the common feelings of a man! We shall extract *the whole that was read of this journal*; For it almost dispenses with the necessity of going into any further details of the trial.

“The first page in this book is inscribed as follows:—“A Journal, containing various occurrences at Le Resouvenir, Demerary. Commenced in March 1817, by John Smith, Missionary.”

“On page 3, under the date of “*Sunday, March 30, 1817.*”

“Preached at seven in the morning, from the xcii. Psalm, 1st and 2d verses. Mr Wray preached at eleven, from John v. verse 39.

“After which we called those, who had been formerly members, together. This was considered the most proper time for settling all old quarrels. Several husbands and wives had separated; some were jealous, and complained of being abused for reproving disorderly brethren. Jingo, in particular, had a sad tale to tell; he had taken a wife on another estate, and the manager had forbidden his going to see her. The tale was too long, therefore it was put off. Betty, Jingo's wife, came to our house, and brought her husband with her. The examination took place before myself, Mrs S. and Mr Wray. Jingo's wife alleged that her husband wanted another wife. Jingo said he found his wife with another man. She said Jingo went with another woman. It appeared they were both in fault; and, after an hour's talking, they were

\* remarried by Mr Wray. They promised to live together again. I hope they may. Betty can go to Jingo, though he cannot go to her. *A missionary must, in many instances, act the part of a civil magistrate.*"

\* Under the date of "Sunday, July 6, 1817," on page 12, stands the following passage:—

\* "While at dinner, at half past three o'clock, Lucinda came with a very sorrowful countenance;" and, having related the mischief done by a rat to her Bible, the Journal proceeds in the following manner:—"Lucinda is a member of the church, and much affected with the gospel. She is an old woman, and though her manager tells her not to come to church, she tells him she will come, even if he cuts her throat for it." The next passage, "Friday, August 8, 1817," runs as follows:—"A great number of people at chapel; from Gen. xv. v. 1; *having passed over the latter part of chapter 13, containing a promise of [deliverance from]*" (these words were legible, though the pen had been drawn through them) "the land of Canaan. I was apprehensive that the Negroes might put such a construction upon it as I would not wish, for I tell them, that some of the promises, &c. which are made to Abraham and others, will apply to the Christian state. *It is easier to make a wrong impression on their minds than a right one.*"

\* "August 30th, 1817," page 16. "The Negroes of Success have complained to me lately of excessive labour, and very severe treatment. I told one of their overseers that I thought they would work their people to death."

\* "September 13, 1817," page 17. "This evening a Negro, belonging to the [—]" (*scratched out and illegible*), "came to me, saying the manager was so cruel to him he could not bear it. According to the man's account, some time back (two or three years), he, with a few others, made complaint of the same thing to the Fiscaal; on which account, the manager has taken a great dislike to him, and scarcely ever meets him without cursing him as he passes by. The punishment, which he inflicts upon him, dreadfully severe; for every little thing he flogs him. I believe Ned to be a quiet harmless man. I think he does his work very well. *A manager told me himself, that he had punished many Negroes merely to spite Mr Wray.* I believe the laws of justice which relate to the Negroes are only known by name here, for *while I am writing this, the driver is flogging the people, neither manager nor overseer near.*"

\* "Monday Morning, June 30, 1818," as follows:—"Having gone through a regular course of preaching upon the Epistle to the Ephesians, the First Epistle of Peter occurred to my mind as being very suitable in their present circumstances. The Apostle seems to have written for the comfort of Christians who were scattered and persecuted, which is the case with our people. After seeking divine direction in this matter, I felt a determination to pur-



‘ sue my plan. I preached from I Peter, chap. i. verse 1. I suppose we had about 150 hearers. After service, I had some conversation with some of our people upon the subject of my discourse.”

‘ “ *Friday, July 10th, 1818.* ” “ This evening, Emanuel and Bristol, from Chateau Margo, came to make a complaint against Cuffee of Success. They stated, that he had used some very abusive language to Emanuel. I declined hearing the tale out until I can see Cuffee.”

‘ “ *Sunday, 19th July, 1818.* Many flying showers this morning; rain fell pretty heavy. I felt my spirit move within me at the prayer-meeting, by hearing one of the Negroes praying, most affectionately, that God would overrule the opposition which the planters make to religion, for his own glory. In such an unaffected strain he breathed out his pious complaint, and descended to so many particulars of the various arts which are employed to keep them from the house of God, and to punish them for their religion, that I could not help thinking, that the time is not far distant when the Lord will make it manifest, by some signal judgment, that he has heard the cry of the oppressed. Exodus iii. v. 7 and 8.”

‘ “ *March 22, 1819.* While writing this, my very heart flutters at hearing the almost incessant cracking of the whip. Having just finished reading Mr Walker’s Letters on the West Indies, I have thought much of the treatment of the Negroes, and likewise of the state of their minds. It appears to me very probable, that, ere long, they will resent the injuries done to them. I should think it my duty to state my opinion, respecting this, to some of the rulers of the colony, but am fearful, from the conduct of the Fiscal in this late affair of the Negroes being worked on Sundays, that they would be more solicitous to silence me, by requiring me to criminate some individual, than to redress the wrongs done to the slave, by diligently watching the conduct of the planters themselves, and bringing them to justice (without the intervention of missionaries), when they detect such abuses of the law as frequently take place.”

‘ “ *17th November, 1821.* Yesterday evening we had not more than fifty at the chapel; indeed, I cannot expect many more till the coffee and cotton are gathered in, the people have scarcely any time to eat their food; they have none to cook it; eating, for the most part, raw yellow plantains. This would be bearable for a time; but to work at that rate, and to be perpetually flogged, astonishes me that they will submit to it.”

‘ “ *21st October, 1822.* Just returned from another fruitless journey, having been for the answer to my petition, but was again told, by the governor’s secretary, that his excellency had not given any order upon it, but that I might expect it to-morrow. I imagine the governor knows not how to refuse, with any colour of reason, but is determined to give me as much trouble as possible, in the hope that I shall weary of applying, and so let it drop; but his

‘ puny opposition shall not succeed in *that way*, nor in any other ultimately, if I can help it. *O! that this colony should be governed by a man who sets his face against the moral and religious improvement of the Negro slaves! But he himself is a party concerned*, and no doubt solicitous to perpetuate the present cruel system; and to that end, probably, adopts the common, though [most \*] false notion, that the slaves must be kept in brutal ignorance. Were the slaves generally enlightened, they must and would be better treated.”

‘ 10th November, 1822. Jackey, of Dochfour, and Peter, of the Hope, came into the house, evidently much depressed in mind, to relate what they conceived an unexampled case of persecution. It was, in brief, that their respective managers, under a show of friendly familiarity, *accosted the Christian Negroes with taunting jokes*, on the subject of religion, in presence of the heathen Negroes, representing that their profession was only hypocrisy, and, that a trifling consideration would prevail with them to abandon it; for which reason, they ought to be treated with scorn and contempt. By Diabolism, some of these poor Negroes had been provoked to adopt language in a manner said to be disrespectful; and, for this insolence, they had been repeatedly flogged and confined in the stocks!! The complainants wanted to know what they were to do in such a case. I advised them accordingly.

‘ Monday, 25th November, 1822. Attended once more, for the last time, for the answer to my petition. I think I may fairly conclude the governor does not intend to give an answer. It would be, perhaps, best to wait a few weeks, and, should no answer then be given, (and the secretary’s assistant promised to let me know in case any order was upon it), to write him upon the subject. Here, as in many other cases, I feel the want of a christian friend and counsellor. We have missionaries from the same society, but, fortunately for the colony, though unfortunately for the cause of religion and just rights, the governor and the court have bought them, the one for 100 joes, the other for 1200 guilders per annum.

‘ 23d May, 1823. Finding it necessary for my health to take more exercise than I have been accustomed to do, I have not had time to continue my Journal, as I could have wished; besides, the uncomfortable state of my health has disinclined me for writing: but, as it appears to me that serious evils are likely to result from the measures which the governor is adopting, respecting the slaves attending chapel, I think it will not be amiss to note down such circumstances as may come to my knowledge.

‘ While at breakfast this morning, I received a communication from the burger captain, inclosing a printed circular from the governor, containing, on one side, an extract from a letter of Lord Liverpool to Governor Bentinck, dated 15th October 1811; and, on the other side, a command written by the colonial secretary,

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\* ‘ Original, “not.” ’



‘ in the name of Governor Murray, explaining it to their own taste.  
 ‘ The substance of this communication is to persuade the planters,  
 ‘ not to allow the slaves to attend chapel on Sunday, without a  
 ‘ pass; and, in an indirect manner, not to allow them to come at  
 ‘ all in the evening; and even on a Sunday to send an overseer with  
 ‘ the slaves, as judges of the doctrine we preach. The circular ap-  
 ‘ pears to me designed to throw an impediment in the way of the  
 ‘ slaves receiving instruction, under colour of a desire to meet  
 ‘ the wishes or rather comply with the commands of his Majesty’s  
 ‘ Government.

‘ 9th June, 1823. Several whites were present, professedly as  
 ‘ spies.

‘ 22d June, 1823. Isaac of Triumph came in to ask, whether  
 ‘ the governor’s new law, as he called it, forbid the slaves meeting  
 ‘ together on the estates to which they belonged, in an evening, for  
 ‘ the purpose of learning the catechism. Their manager, he said,  
 ‘ had threatened to punish them, if they held any meeting. I in-  
 ‘ formed him, that the law gave the manager no such power, and that  
 ‘ it had nothing to do with that subject; *still I advised him to give it*  
 ‘ *up, rather than give offence and be punished; and to take care to ask*  
 ‘ *for their passes early on Sunday morning, and come to the chapel*  
 ‘ *to be catechised.*

‘ 7th July, 1823. Mr Elliot has just left our house; he came  
 ‘ merely to see us, which I regard as a kindness. I was glad to hear  
 ‘ he had, at length, commenced evening preaching, once a week on  
 ‘ the coast, on a Thursday evening. It appears the same impedi-  
 ‘ ments are thrown in the way of instructing the Negroes on the  
 ‘ west coast, as on the east; and it will be so as long as the pre-  
 ‘ sent system prevails, or, rather, exists.

‘ 15th July, 1823. Mrs De Florimont, and her two daughters,  
 ‘ called to take leave of us; they are going to Holland. Mrs De  
 ‘ Florimont says, she is uncertain as to their return to the colony.  
 ‘ Hamilton the manager came in with them. His conversation im-  
 ‘ mediately turned upon the new regulations, which are expected to  
 ‘ be in force. He declared, that if he was prevented flogging the  
 ‘ women, he would keep them in solitary confinement, without  
 ‘ food, if they were not punctual with their work. He, however,  
 ‘ comforted himself in the belief, that the project of Mr Canning  
 ‘ will never be carried into effect, and in this I certainly agree with  
 ‘ him. The rigours of Negro slavery, I believe, can never be mi-  
 ‘ tigated: the system must be abolished.

‘ 18th August, 1823. Early this morning I went to town, to  
 ‘ consult Dr Robson on the state of my health.’

It thus clearly appears, that with the strongest feelings upon  
 the subject of slavery, and deeming it highly probable that its  
 cruelties would be found too heavy for human patience, he  
 never breathed a whisper of such sentiments among those a-

round him, but, on the contrary, advised all who consulted him to take only the course of peace and submission, and scrupulously avoided, even by reading a passage of scripture, uttering any thing in their hearing which might lead them to an assertion of their superiority, from a mistaken notion of their rights. It is not a little singular too, that the last entry in this journal should be on the very morning of the revolt. Is that entry like the minute of a man who had been engaged in preparing the rebellion, and knew that he had reached the day when it was appointed to burst forth? 'I went to town to consult Dr 'Robson on the state of my health.' He then was, and he knew it, stricken with a disease which would in the end prove fatal; but he did not foresee how frightfully the approach of death was to be hastened.

To wring from the accused his most secret thoughts, by a process which could effect discoveries beyond the reach of any torture; to make public what he had buried in the recesses of his own privacy, and promulgate his opinions of men to those who were the objects of his conscientious but hidden reprobation; and to do this for the purpose of prejudicing his judges, by introducing matter irrelevant to the case, under pretence of *only* giving evidence utterly inadmissible by any thing wearing the semblance of a court, was sufficiently bad. But even this was not enough to satiate the rage of his adversaries; and their distempered thirst for all illegality, and persecution, and mockery of justice. Beside the parts of the journal read in Court, 'other parts (he says in his defence) have been made known, the publication of which, however true the facts contained in my statements, may wound the feelings of many persons.' To this no answer was attempted; it was in vain to deny it; the journal had been handed about in Court, and among the planters and agents present, so that each person might see whatever observations were made upon his conduct, or the management of his estate, and might regard with increased animosity the unhappy victim they had destined to the slaughter.

In the conduct of the trial no fixed rules appear to have been followed as to the admission of evidence; and more particularly hearsay of the most vague and indefinite description is constantly allowed; but especially in the case for the prosecution—to give only a few examples. 'Did you know Quamina? Yes—Was he engaged in the revolt? Yes—How do you know? *Because I heard they took him up before the revolt began.*' (p. 24.) Again, on the same point, essential to the whole case, Quamina's concern in the revolt,—'I was informed by a coloured man, a-



'bout four o'clock, that the negroes intended revolting that evening; and *he gave me* the names of two, said to be ring-leaders, viz. Cato and Quamina, of plantation Success.' (p. 35.) The manager of Success is himself called as a witness by Mr Smith, and the Court asks him this question, 'Was not Quamina a *reputed* leader in the revolt?—I *heard him* to be such, but I did not see him.' And this question is put by the Court immediately after the witness had said, 'All those were very active, *except Quamina and Jack*, whom I did not see do any harm; they were keeping the rest back, and preventing them doing any injury to me.' (p. 102.) In cross-examining another of Mr Smith's witnesses, the Judge Advocate is allowed to ask whether *he* had conversed with the negroes during the revolt, and, on his answering in the affirmative, to put this question,—'Did any of these negroes ever insinuate that their misfortunes were occasioned by the prisoner's influence on them, or the doctrines he taught them?' The witness answers that he has been sitting lately on a Committee of Inquiry, and has there heard certain things detailed, but never to himself individually. The Court, now that the inquiry has become still more irregular, takes it up and asks—'Can you take upon yourself to swear that you do not recollect any insinuations of that sort at the Board of Evidence?' The witness objects to answer; the Court is cleared; and after deliberation, the witness is informed that he must answer. The question being repeated with a slight variation, he replies in the affirmative. Now, in reporting the minutes of their proceedings, the Court think fit *to suppress the question objected to*, the grounds of the objection, the clearing and deliberation of the Court, and the resolution communicated through the Judge Advocate. These things only appear in the minutes as published by the Society, from the copy transmitted by the prisoner's counsel, and offered for perusal to the Colonial Department, but by them declined.

It is very different when the prisoner offers evidence of the same description, or rather of a nature far less repugnant to all principles and rules of proceeding. 'The Court (says the Judge Advocate) has ordered me to say that *you must confine yourself to the strict rules of evidence, and that hearsay evidence will not in future be admitted.*' (p. 116.) This resolution is also wholly suppressed in the minutes transmitted by the Court, and laid before Parliament; as are the following two questions, touching communications with the manager of the estate on which the revolt broke out, and extremely mate-

rial to show the conduct of the prisoner, and his never having concealed any thing that he knew of the complaints made by the Negroes, the rather because the manager also belonged to the militia. ‘Did any conversation pass on that occasion (a few days before the revolt) between Mr Stewart, yourself and the prisoner, relative to Negroes; and if so, will you relate it.—*Rejected.*’ ‘Did the prisoner tell Mr Stewart that several of the Negroes had been to inquire concerning their freedom, which they thought had come out for them?—*Rejected*’ (p. 116.)—and *rejected* by that Court, which had, when it made against the prisoner, allowed, and itself put questions as to conversations, insinuations and imputations, and report and reputation, without the least regard to any rules or forms whatever.

A long inquiry is allowed into what forms no matter of charge, namely, that Mr Smith received money and presents from the Negroes. The proof is clear, indeed, that he gave these poor creatures far more than he allowed them to offer him, in testimony of esteem for their pastor; and that the communion offerings were established by his predecessor, and were wholly voluntary. But why was such an irrelevant inquiry permitted? A further investigation then takes place respecting the taking of money for the sale of Bibles and other books to the Negroes. The prisoner naturally enough suggests to the court that he is not tried for obtaining money under fraudulent pretences, and objects to the question as wholly irrelevant. The court deliberate, and ‘*conceives the objection quite inadmissible.*’ This objection and resolution, however, are *also suppressed* in the official copy of the minutes, as is the rejection of many questions by the prisoner to try the credit of the opposite witnesses—for instance, one to his noted adversary, Mr M’Tusk, ‘Did you not ridicule or sneer at the idea of the Negroes being instructed in religion?’

As we are mentioning suppressions in the official copy, we may here add, that most of the letters and other documents are wholly omitted; that mention is made in it of copies having been given into the court of the ‘charges and sentences,’ in the trials of five Negroes by other courts-martial, not one line of which is to be found in the evidence, beyond the names of the Negroes tried; and that it abounds in omissions of greater or less importance, but almost all unfavourable to the prisoner, and advantageous either to the prosecution, or to the conduct of the court. Thus, the evidence for the prosecution is chiefly given by way of narrative or summary, without the questions, whereby many answers appear to have come from the witnesses



themselves, when they were only the words of the leading questions suffered to be put by the prosecutor. In examining Negro witnesses, this must make a difference of still greater importance than in ordinary cases. But to give a few examples of the fairness which seems to have regulated the preparation of these minutes, in addition to the specimens which we have just been surveying:

One witness, in answer to a question, 'Was any particular plan of this revolt disclosed to you?' answers, 'No; *there was no particular plan that I knew of.*' (p. 25.) This is entirely omitted. A Negro, in relating that another had gone to Mr Smith's to apprise him of some intended disorder, adds that he returned about five o'clock, and 'said *Mr Smith said it was wrong, and they were not to do any such a thing.*' (p. 18.) The official report leaves out all this, except the hour of the Negro's return. In the Judge-Advocate's examination of a female slave, two questions occur to which answers were evidently expected which the witness did not give, and accordingly the questions, and the answers actually given, are suppressed. 'Did Mrs Smith say any thing about which would conquer?—' 'No, nothing further. Did she say any thing about the mode 'in which the Negroes were to carry on the war?—No.' (p. 54.) Does any one doubt that the prosecutor and the court would have transmitted the question and answer, had the latter been as unfavourable to the prisoner as was expected? After so much evidence had been taken on the whole irrelevant matter of money collected from the Negroes for the Missionary Society, and more than insinuated to be taken by a kind of compulsion, Mr Smith examines one of them on the subject, who says, that 'the people gave the money willingly of themselves.' (p. 126.) This answer is reduced to a simple negative.

The prisoner was not a little controlled in his defence. While reading a passage of Scripture which he deemed necessary to it, the President of the Court stopt him, and said, 'that those texts did not bear at all upon the charges, and might be dispensed with.' One of the members said, he saw no objection to their being read; but the court was cleared, and, after a long deliberation, informed him that the passages were unnecessary, and begged him to omit them. He accordingly left them out in the copy of his defence which he delivered. When he came to one series of texts, on keeping holy the Sabbath-day, the court interfered, saying, that 'every member could, if he chose, read the Scriptures at home.' Mr Smith replied, that he was charged with perverting the Scriptures,

and only wished to show, that he had taught no other doctrines than those of the Bible. He was silenced with the answer—‘You have heard the determination, and nothing further can be said on the subject.’ (p. 72.) It is needless to add, that nothing of all this appears in the official prints. Not only is he precluded from access to the Scriptures in his defence, but his comments upon the evidence, and his appeals to his judges, are garbled in the report. He had mentioned some facts wholly indifferent in themselves, but perverted and inflated into proofs of criminality by the imaginations of his accusers; and he adds this very natural remark—‘Upon these simple facts, what a mass of exaggeration and falsehood has been piled!’ (p. 83.) This is struck out of the office copy. Towards the conclusion, he appeals with a confidence, which he flattered himself was well grounded, to the consciences and the honour of his judges, and expresses his assurance that it will be found impossible ‘for any gentleman to declare upon his oath, or upon his honour,’ that he is guilty. He adds an appeal to ‘men free from prejudice—to gentlemen of honour.’ (p. 91); but all these expressions ‘were erased at the instance of the Court.’ Nor is it in such passages only that the mutilation of his defence has been effected by the caution or the alarms of the Court.

Having plainly demonstrated that he had no hand in exciting the tumult, he offers to show what was its real origin, and says—‘There must be a cause for the revolt. It has been attempted to be shown that I was the cause. This attempt having failed, and the prosecutor having by this attempt proved that even he thought there must be a cause of revolt, has plainly admitted that some cause or other does exist. Now, what is that cause? It is not one cause, but many.

- ‘1st, Immoderate labour.
- ‘2dly, Severity of treatment.
- ‘3dly, Opposition to religious instructions.
- ‘4thly, Withholding the instructions concerning the whips.
- ‘The whole of these causes I can and will prove, provided the Court will allow me to go into the evidence.’ p. 80.

This tender is, of course, rejected, and all mention of it is carefully suppressed in the Minutes.

It may be superfluous to inquire further as to the proceedings in a trial so conducted; and as to the result of which no doubt could for a moment be entertained. Nevertheless, we shall briefly refer to the charges, and the substance of the proof by which they were supported and met; because, how much soever the reader may have been prepared to witness the



mockery of all justice, his expectations, we will venture to say, will be surpassed.

The charges were nominally four, but in reality five. The first was that of promoting discontent and dissatisfaction, before August 18th, in the minds of the slaves towards their lawful masters, managers and overseers, with intent to excite them to revolt and rebellion against the authority of their masters—contrary to his allegiance. The sentence finds him guilty of promoting, *but not with the intent charged*, or against his allegiance. What, therefore, remains? A crime wholly unknown to the law, and which, if it were, the court-martial had no jurisdiction to try; for it is both laid and found to have been committed while Mr Smith was no more amenable to military law than the members of the Court were to the Committee of the Missionary Society. But there is no crime at all found proved by the conviction, much less a capital offence. Any man may 'promote discontent and dissatisfaction' among slaves, by conversing with and instructing them; by teaching them that there are other countries where the whip is not heard to sound,—or even where the climate is less pestilential, and the soil more grateful to the husbandman—nay, by teaching them the religion which their masters profess, and neglect; for example, the tender mercies enjoined by it, and the abstinence from work on the Sabbath. He who shows them what all men are commanded to do, is surely not answerable for the consequences of some men breaking the commandment, and yet as the consequence of making a slave a Christian is to let him know those duties, and as, independent of his conversion, they are violated every day before his eyes by the 'lawful managers and overseers;'—the minister must, of necessity, if he does *his* duty, promote some discontent and dissatisfaction. The charge is that he promoted it 'as far as in him lay'—but the sentence omits this addition.

Now, surprising as it may appear, the great stress of the prosecution is laid upon this first and general charge; and to prove it, not only is his journal, for six years and a half, ransacked, as we have seen, but evidence is brought of his conversation with different persons for several years before he could be subject to the court's jurisdiction. Whatever casual remarks he may at any time have made on the state of West Indian society, or the condition of the slaves around him, are treasured up and brought forward against him; yet nothing is proved that any man might not have said without cherishing a thought prejudicial to the existing order of things. The course of his preaching and teaching is, however, mainly relied on. He read chapters of the old testa-

ment about Moses and Pharaoh, and the deliverance of the Israelites and their bondage!—But the established clergyman did the same, as by law he was bound to do, according to the rubrick, in a church accessible to Negroes as well as Whites; whereas we have seen that Mr Smith used the greater latitude given him by his station, to omit such lessons as might possibly have been misconstrued by his flock. Much is said about his exhortations against working on Sunday; and one Negro is made to swear (p. 11.) that he said ‘they were fools for working for the sake of a few lashes’—and (p. 10.) the same witness thus speaks, we transcribe literally from this very *distinct* testimony, the corner stone of a capital charge, ‘About Saul drove David in the bush, because if he went into the house he would get trouble, and about the children of Israel in the Red Sea—David was to get trouble himself—Prisoner said something about Sunday. —I heard him say that God keeps the Sabbath day holy; and that this country was a very wicked country; in England they were all free, and they all kept the Sabbath day. It was hard to work on the Sabbath day, except in the case of fire and water and coffee breaking. If half a row was left in the field it was not fit to be worked on the Sabbath day.’ Now, this witness, Azor, was evidently an ignorant man, and though a Christian, a recent convert; and he was examined by an interpreter. The very next witness for the prosecution, Romeo, a convert sufficiently advanced to be appointed a deacon and aid in catechising others, gave this very different account of the same matter: (p. 12.) ‘He preached about working on a Sunday; he said, if the water-dam break be sure you must attend to your master’s duty, or in case of fire; if they force you to do it, *do it*, and your master must answer for it; *you must not grieve and be angry, but comply and do it.*’ This was in his examination in chief; and when cross-examined, he completely explains it thus: ‘What kind of work was it that the prisoner told you you were to do on a Sunday if your masters forced you?—*Any work*; but if he does not give you work, attend the church regularly.’ The court, as well they might, disliked this evidence, and after a night’s interval, they recal this witness for the prosecution, remind him he is on his oath, and put the following question, the answer to which destroys all that remained of Azor’s evidence—‘You have stated you were present when Mr Smith reproached the Negroes for not coming to church on Sunday, did you hear him tell them they must not mind a few lashes?—*No, I did not hear him say so*; he said, if their masters gave them work, *to do it patiently*; and if their masters punished them wrongfully, they



‘ must not grieve for it.’ (p. 13.) Manuel (p. 17.) is made to swear, ‘ that Mr Smith told them, if their masters gave them work on Sunday, to say it was God’s day; but added, that if they got drunk on Sunday, it was right in their masters to give them work.’ The same witness, however, on his cross-examination, admits that Mr Smith said, ‘ If any members of the church have work given them by their masters, he wont say any thing; but that if any member did *any work of his own accord* on a Sunday, he should not be allowed to sit among them as a member.’ And Bristol, the next witness examined, also for the prosecution, says, ‘ he said, if our master gave us work to do on a Sunday, *we must do it*, because we could not help it; that we must not break the Sabbath in doing *our own work*, because we must keep holy the Sabbath day, which is a commandment of God.’ (p. 23.) It is very material to observe, that it is also a law of man, and in that very colony of Demerara, and applicable to the case excepted by Mr Smith; every planter who works his slaves on a Sunday is liable to a penalty of 600 guilders for each slave so worked. Yet who can read the evidence now extracted and not perceive that Mr Smith, from extreme caution, confined his prohibitions to voluntary labour, and only alluded to the masters in the most discreet and abstinent manner, so as to reconcile rather than alienate the slaves. So prudently did he perform that very delicate task imposed upon any one called upon to teach doctrines, the tendency of which inevitably is to raise doubts in the minds of the hearers as to the lawfulness of the power they are suffering under. For it must be borne in mind, that the very same Negroes who gave the evidence we have been examining, testified to Mr Smith’s constantly inculcating obedience to their masters, both from the pulpit and in his private exhortations; thus, Azor, p. 11, and Manuel, p. 23, by whose evidence it appears that he had actually defended to them the law respecting passes, which was one cause of the revolt. Nor let it be forgotten, that whatever he taught, he taught publicly;—the doors of his chapel were never shut for a moment, except during the communion, at which time it is proved by the established clergyman that his church is also closed; and both then and at every other time Whites and Negroes indiscriminately were permitted to be present.

Perhaps of all the proofs brought against him there is none more outrageous than one connected with the observance of the Sabbath. The Judge Advocate dwells upon his requiring the slaves to abstain from working on that day for themselves, or what he terms ‘ depriving them of their Sunday,’ as the surest

way of exciting discontent among them ! It has been well observed that *he* did not deprive them of their Sunday ; the Decalogue had done so long ago, and the laws of this very colony had enforced the religious by a temporal sanction.

The *second* charge is, that 'he advised, consulted, and corresponded with the Negro Quamina, concerning and touching a certain *intended* revolt and rebellion ;' and (which is a distinct accusation), 'that, *after it broke out*, he assisted it by advising, consulting, and corresponding with Quamina touching the same, knowing it to be in progress, and Quamina to be engaged in it.' The former part of this describes no offence at all ; for to advise concerning the revolt, might be to dissuade persons from engaging in it ; and accordingly, the evidence is clear, that *this was the only advice he gave* upon the subject, and the only correspondence he held respecting it. The latter part only charges an offence, if it be true that Quamina was an insurgent, and also, that Mr Smith knew it. But neither of these allegations is proved ; on the contrary, Quamina, the principal, was shot in the disturbance, and, of course, never brought to trial or convicted, although the charge against Mr Smith is that of being an accessory to his revolt ; and it is proved, that he was ignorant of any share that Quamina might have in the plot, admitting, what is only proved by the most vague hearsay, and, strange to tell, by the mere fact of his being shot and hung in chains, that he had any concern in it at all. The evidence for the prosecution clearly acquits the prisoner of this, as indeed of all the other charges ; nor have we the least occasion to go beyond it for his defence. The only witness to prove his knowledge of what was intended on the 17th is Bristol, whose account is full of inconsistencies and contradictions ; but even he says, that when they were mistaking the purport of the resolutions recently come from England, Mr Smith set them right, explained that they contained nothing of emancipation, argued with them against joining in any disturbance, as certainly leading to their destruction, and warning them, as Christians, to have nothing to do with it. (p. 24).

Let us pause here and ask, What would be the fate of a prosecution, in any court of law, and how long would the case be suffered to go on, after the principal witness against the prisoner had admitted things so utterly inconsistent with the truth of the charge ? But evidence is given, that Quamina was sent for by Mrs Smith on the 19th, after the revolt broke out, and that he came to the house on the 20th, when he was for ten minutes, or a quarter of an hour, talking with her and Mr Smith, and that she desired the Negro girl, after he went, not to say he had been there.



(p. 54-58). The same witnesses, however, add, that Mrs Smith sent for him in consequence of the extreme alarm she was in from the revolt the night before, and which had deprived her of sleep; that she desired either Quamina or Bristol to be brought; that she reprobated the revolt in strong terms; and that what was said during the short interview with Quamina was not heard. (*ibid*). This material part of the evidence abounds in hearsay; and things said by Mrs Smith, when her husband was not present, are allowed to be given. Surely a court proceeding thus lawlessly, might have cast their eye upon Mrs Smith's own affidavit, in which she completely explains the whole circumstances. She sent for the Negroes, as being deacons of her husband's chapel, without his knowledge, and wholly ignorant of either of them being concerned in the revolt. From something which appeared in Quamina's manner with them, her husband thought he might be concerned in it, and said she had done a foolish thing to send for him; and she, therefore, being alarmed, told the Negro girl not to mention the circumstance. Mr Smith said to Quamina that he hoped he was not concerned in it, and expressed himself strongly against it, and Quamina made no answer.

The *third* charge is, that he knew of the intended revolt, and gave no information respecting it to the proper authorities; and the *fourth* is, that after it broke out he held communication with Quamina, knowing him to be an insurgent, and did not use his utmost endeavours to suppress it, by securing Quamina, and giving information respecting him. To prove his knowledge long before the revolt broke out, two coachmen are produced, who say that he entered into a confidential conversation with them the first time he ever saw them, and knowing one of them to be the Chief Justice's servant; but they unfortunately differ wholly in their account of what he said; for one swears that he told him he had known it these six weeks, (p. 46)—and the other that it had been expected these six weeks. (p. 47.) Now, as the rest of the evidence shows clearly that it was only planned if at all the day before it broke out, there can be no truth whatever in this tale of his confessing a knowledge six weeks before. Indeed this part of the case is utterly inconsistent with the rest of it; for a letter from Mr Smith to Jacky Reed (one of the insurgents) is produced (p. 151) in answer to one the contents of which are given from recollection by another negro, and which was delivered to Mr Smith at six o'clock *p. m.* of the 18th, half an hour before the tumult began; and his answer clearly proves that this was the first intimation he had of the movement, and he is thus proved to have concealed it half an hour,

when it appears that some persons in authority knew it for hours before, and did nothing and told nobody. As for his not securing Quamina, his own answer is decisive; he desired the Court to look at his emaciated frame, and say whether he was the person to seize a rebel in the act of insurrection.

We have mentioned the extraordinary proceeding, extraordinary even in such a trial, of the charges and sentences of other courts-martial being handed in and read by the Court, but not appearing on the minutes. Apparently they were seen by none but the Court and the prosecutor; for the missionary copy is wholly silent respecting them, as are the speeches on both sides! It is said, that on those trials the slaves were 'strongly guarded and pinioned;' that they had no legal assistance, nor were informed of the charges on which they were tried, until placed at the bar; and of the state in which they were then and after their conviction, we have abundant proof in the confessions extorted from them or rather put into their mouths, in the imminent terror of death. Both in the proceedings and in the confessions, it is manifest that those who contrived the whole had in view the blackening of Mr Smith full as much as the conviction of the persons under trial. We have now before us the Jamaica Gazette of December 20th, containing the trial of Jack of Success; and among other evidence there is used *against him* (that is against Mr Smith, not Jack) the letter of Mr Smith to a third person, Jacky Reed, already mentioned! But the confession deserves especial notice; it forms part of his (Jacky's) defence; and is an argument against Mr Smith and the Methodists, and against teaching the slaves; a panegyric on the Whites, and particularly his master and the Court. But let any one read it and say whether he can entertain a moment's doubt of its origin. We may add, that the prisoner, said to be the ringleader of the whole revolt, has *not* been executed according to his sentence.

'I have lived all my life upon Success, on my master's estate, where I was born thirty years ago, and where I *have been always well treated, and done my duty content and happy*. I cannot, and do not, deny that I have been concerned in this rebellion: but I declare solemnly that I would not have acted thus, had I not been told that we were entitled to our freedom, and that it was withheld from us by our masters. Not only was every Deacon and Member of the Church acquainted with it before it broke out, but even Parson Smith. I am satisfied that I have had a fair trial, and therefore throw myself on the mercy of the Court. I *have seen the anxiety* with which every Gentleman has attended to the evidence, and the patience with which the Members *have listened to the cross-examination of my witnesses*. From the hour I was made prisoner by Capt. M'Turk up to this time,



*I have received the most humane treatment from all the Whites, nor have I had a single insulting expression from any white man, either in prison or any where else. Before this Court I solemnly avow, that many of the lessons and other parts of the Scriptures, selected for us in Bethel Chapel, tended to make us dissatisfied with our situation as slaves, and had there been no Methodists on the East Coast, there would have been no revolt. Those deepest in the rebellion were the people in Parson Smith's confidence. The half sort of instructions we received I now see was highly improper; it put those who could read a little on examining the Bible, and selecting passages applicable to our own situation as slaves, and served to make us dissatisfied with our owners, as we were not always able to make out the real meaning of such passages. I would not have avowed this to you now, was I not sensible that I ought to make every atonement for my past conduct, and put you on your guard in future.—Gentlemen, whatever may be my fate, I shall submit to it with resignation.'*

This was not the only negro whose evidence against Mr Smith was given under compulsion—the slaves examined on his own trial were in prison at the time, and under prosecution as principals in the charges from which they were called to deliver themselves, by convicting their pastor.

We have purposely confined ourselves to the charges themselves, and the evidence for the prosecution, in order the more indisputably to show the utter groundlessness of the sentence. But Mr Smith called many witnesses; and among others the acting owner and manager of his own and the neighbouring plantations, Lieutenant-Colonel Sealy, who was, of all the officers, the one most brought into contact with the insurgents, and Mr Austin, the truly respectable clergyman of the Established Church. These bore ample testimony either to the good conduct and obedient demeanour of the slaves who formed his congregation, or the pains taken by him at all times, and particularly when the tumult began, to keep them quiet and submissive, or the result of their observation among the insurgents, whom they never heard mention his name or in any way refer to him, or his giving information of their discontent some weeks before any movement took place. Mr Austin says, that he 'had received an impression against the prisoner, and proceeded to inquiries' (as to the causes of the insurrection), 'till a variety of reasons were given; but in no one instance among his numerous inquiries did it appear that Mr Smith had been in any degree instrumental. A hardship of being restricted from attendance on his chapel was very generally the burthen of complaint.' (p. 110.) This is confirmed by Lieutenant-Colonel Sealy, who suppressed the tumult. He says he never heard Mr Smith's name mentioned till he came

back to the town. Other witnesses were called to contradict those for the prosecution in various important particulars; but we deem it wholly superfluous to dwell longer upon such a case so supported.

But, after all, suppose the whole had been proved as clearly as it was demonstrated to be false, what difference worth a thought would that have made upon the sentence? Mr Smith is ordered to be '*hanged by the neck until dead,*' and he is not charged with any thing like a capital crime! There is no treason in corresponding with or even aiding a slave in revolt against his master; there is no breach of allegiance to the King in the act of the slave who so revolts. In him it is, by the colonial law, a capital offence; but if the self same thing, which in him is capital, were done by a White, it would only amount to an assault, or at most to a riot. How, then, can a White be guilty of a capital offence for being the accessory to a crime, which, if done by himself as principal, could only have been a misdemeanour? The concealment or misprision is also charged, as if the thing concealed had been high treason; and in the first charge, it is laid '*against the allegiance;*' but the sentence leaves this out, and yet orders the prisoner to be hanged, for knowing that a plot, not treasonable, was hatching, and concealing it. But suppose the thing concealed had been high treason, conspiring the death of the king, or levying war against him, did the Court imagine that misprision of treason is a capital offence? The result of the whole is, that the resolution was taken to hang this poor missionary if they could; and if the case turned out to be such that no man living could venture upon taking his life, then at any rate to sentence him, and thereby affix a stigma upon him and upon his sect, and upon missionaries, and upon all preaching and teaching and improvement of the slaves. The proof signally failed, or the lapse of so many days as the trial occupied had cooled men's minds, and awakened them to a sense of the risk they ran if they ventured upon putting him to death; so the sentence which ordered him to be hanged as if he had committed the worst of crimes, very consistently recommended him to mercy!

Before the decision of the British Government could arrive, Mr Smith had sunk into his grave. The illness under which he laboured the summer before, had been fatally aggravated by his imprisonment, and the anxiety inseparable from his persecutions. During the first fourteen weeks, he and his wife were confined in a very small room, quite in the roof of the house, and without clean linen, a thing so essential to health, espe-



cially in those climates; for they had been hurried to prison without being allowed time to take linen with them, and nothing but their food was afterwards suffered to be brought. 'After the trial,' says Mrs Smith, 'he was removed to a very low, damp room in the jail, and his disease gained upon him in a most astonishing manner.' When all hopes of recovery were nearly gone, he was removed, she says, to another room, and appeared to get better for a few days. They were very desirous that Mrs Elliott, wife of a brother missionary, should be allowed to remain with them; but seven applications at the Secretary's office were necessary, and a delay of thirteen or fourteen days, before this request was granted, and then only for one day. She was determined to repeat her visit at any risk, when, all chance of recovery being gone, 'the strictness of the prison rules was done away, the door of Mr Smith's room was left open, and Mrs Elliott had the adjoining one given to her; but it was too late.' He died on the 6th of February, 1824, between one and two in the morning.

An examination of the body then took place, to ascertain the cause of his death, in presence of the first Fiscal, two Members of the Court of Policy, two of the Court of Justice, the two Colonial Secretaries, five medical men, and several other persons. The medical men agreed, that the disease of which he died was pulmonary; but one of them, Dr Chapman, added, that 'the lowness of the room in which he was confined during the first seven weeks, and its dampness, occasioned by the heavy rains, the water standing under it, and the openness of the boards, some of which were a quarter of an inch apart, had contributed to the rapid progress of the disease.' Dr Webster confirmed this opinion; but when Dr C.'s deposition was read over to him, it was found to be so different from the statement he had made, that he repeatedly refused to sign it, and it was determined to omit what he had said respecting the room. It must be observed that he had, on his attendance on Mr Smith, declared, that unless the floors and windows were altered, the illness would certainly increase. Mrs Smith was next examined upon the causes of his death; and she mentioned 'the false accusations brought against him, the cruel persecutions he had endured, and his long imprisonment,' as having hastened his end. The expressions, 'false accusations and cruel persecutions,' were rejected with vehemence. When Mrs Elliott was examined, she declined to answer; but being threatened by the Fiscal, who said he 'had the arm of power,' and asked her reasons for refusing, she said, that her evidence

‘ would be the same with Mrs Smith’s, and therefore it would be useless to repeat it.’

Notice was then given, that the interment would take place at four o’clock next morning; and that no one would be allowed to follow the corpse. And Mrs Elliott having inquired, whether the prohibition extended to Mrs Smith, the answer was, ‘ Yes.’ ‘ Is it possible,’ said she, ‘ that General Murray can wish to prevent a poor widow from following her husband to the grave?’ Mrs Smith, in a loud and frantic voice, exclaimed, ‘ General Murray shall not prevent my following him to the grave, and I will go in spite of all he can do.’ The Governor was apparently informed of this; for the head constable, with whom the conversation had passed, said he should go to his Excellency; he went, and soon returned, observing, that he had orders to confine them if they attempted to follow the corpse. These two unhappy and desolate women therefore left the jail between three and four, accompanied by a free black with a lantern, and went to the place of interment to await the arrival of the body, that they might not violate the harsh commands they had received. The remains of this martyred teacher were committed to the grave at the appointed time, Mr Austin, the reverend person so often spoken of in this narrative, performing the last offices of religion and of friendship.

It forms an appropriate conclusion to this statement, to expound the sentiments of the Demerara Government upon the great question of Negro improvement, with which all these proceedings are so intimately connected. When Mr Smith waited upon the Governor at his arrival, he was asked how he meant to instruct the Negroes. He answered, ‘ By preaching, catechizing, and teaching them to read.’ His Excellency sharply replied, ‘ If I ever know you teach the slaves to read, I will banish you from the colony.’ And the Demerara Journal, published under the protection and special patronage of the local authorities, has spoken out in plain language, that slavery and improvement cannot exist together. ‘ If we expect to create a community of reading, moral, church-going slaves, we are woefully mistaken.’ (*February 18, 1824.*) Father, forgive them—they know not what they do! Can a more frightful issue be imagined, on which to put the question of property in slaves, and the stability of the West Indian system? If it cannot exist together with Christianity, then is it indeed condemned to swift destruction!

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THE  
EDINBURGH REVIEW,

JULY, 1824.

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N<sup>o</sup>. LXXX.

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ART. I. *A Memoir of Central India, including Malwa and adjoining Provinces, with the History and copious Illustrations of the Past and Present Condition of that Country.* By Major-General Sir JOHN MALCOLM, G.C.B. K.L.S. 2 vols. 8vo. Kingsbury, Parbury & Allen. London, 1823.

IT seems strange, at first sight, that the British empire in India should, in spite of the continual opposition of the Directors, have constantly gone on increasing from its first establishment, until it has at last either entirely subverted, or brought under its authority, every one of the native states around it. A very slight consideration of circumstances will, however, sufficiently explain this apparent inconsistency. The British, by their settlement and their first acquisitions in India, naturally excited the jealousy of the native powers, who trembled at the progress of a foreign domination, and endeavoured, when too late, to make head against the growing evil. With this view, they entered into combinations and wars with these new potentates; and they being victorious in every contest, made full use of their advantages for their own aggrandizement, and for the ruin of their enemies. Every new aggression therefore, though originating with the old governments, laid the foundation for an extension of territory; and every such extension of territory provoked fresh jealousies,—which produced wars and conquests, and new acquisitions of empire, the natural and splendid fruits of victory. The system, once begun, was thus in its nature progressive; and indeed could not stop, while there remained on the one hand the means of combining resistance, or on the other additional securities to be obtained. The independent powers of India and the British, were natural and inveterate enemies that could not exist together. The destruction of one or other of them was the certain consequence of the wars

to which they were prompted by their mutual jealousies: And the British, being always the conquerors, and forced, or supposing themselves forced, to extend their empire, both as a security against fresh aggressions, and as a just punishment on their presumptuous foes, have proceeded in one uniform course of conquest, until they are now the undisputed masters of India; and have no longer a single enemy to contend with.

Their power now stands on the basis of universal dominion. That mighty region, which had suffered so deeply from the dissensions and wars of rival chiefs, on the dissolution of the Mogul empire, is now again subjected to one undivided sovereignty, under whose firm and impartial sway all its various powers seem to be gradually settling into a species of federal community, held together by the most various and complicated ties, and forming altogether a system exceedingly delicate and curious in its construction, and requiring, in its management, infinite address and policy, joined to the most extensive knowledge of all those local details and usages which form the groundwork of an Indian community. Throughout the wide precincts of this vast country, peace, we have every reason to think, will now be maintained with a firm and energetic hand. Intestine disturbances can no longer obstruct the progress of domestic improvement; nor can any daring adventurer arise to support, by the sword, his doubtful claims to dominion. The princes or chiefs who are still left to exercise sovereign power in their respective states, are all controlled in their foreign policy by the paramount authority of the British. The relations by which they are connected with their new rulers vary according to circumstances. Many retain scarcely the shadow of their former power, being mere pageants to clothe with the forms of legal authority the acts of the British residents. Others, again, have been entirely superseded; while many princes and rajahs, holding their land and territories by the tenure of an annual tribute, are left, so long as they make regular payments, in the undisturbed management of their own internal concerns. But they are all equally restrained by treaties from the right of going to war; their differences, which formerly produced an appeal to the sword, being now decided by the peaceable arbitration of the British.

To this state of settlement and repose the country was brought by the successful termination of the late war; in the course of which the British carried their victorious arms into Central India, and, subduing Holkar's mercenary bands, terrifying Sindia into submission, and dispersing and routing the hordes of plundering banditti which infested this part of In-

church, on his election as King of the Romans, substituted the word *obsequium* for *obedientiam*. Even Charlemagne and Napoleon were vain enough to be crowned by Popes: But the emperors of Austria, on the contrary, have endeavoured from the first to discredit the practice of receiving the crown from the hands of the Pontiff. Nature indeed seems to have endowed them with some peculiar power of resisting the thunders of the Vatican. When the Archduke Rodolph was threatened with excommunication by the Pope, he used to say, that within his own dominions, he was himself Pope, Archbishop, Bishop, Archdeacon and Priest: and his successors have religiously adhered to the maxim of exercising within their own states all the powers of the church. The Emperor Maximilian endeavoured to organize a general council in Germany, to control the pretensions of the Court of Rome. Charles VI. pensioned the historian Giannone for opposing the pretended supremacy of the church over the kingdom of Naples. Joseph II. ventured, when he pleased, on the boldest reforms in religion within his dominions. He encouraged the publication of the *Monoclogia*, a satire against the monks, somewhat similar to the *Guerre des Dieux* which appeared at the Revolution. Instead of walking with the penitential haircloth to Rome, he brought Pius VI., in 1786, a suppliant to his capital: And the reigning monarch, though he inculcates religion in public and private, though he has paid a visit to the Pope in Rome and restored to him eighteen pictures which belonged to the Pinacotheca of Milan, allows no Papal bull to be published within his dominions without his previous sanction; and certainly has never dreamed of restoring to the monks the property they possessed before the Revolution. And if, in former times, Austria used to consign her heretical subjects to Rome, as to a common centre, for trial and punishment, Italy now repays the obligation by placing in the hands of Austria her political delinquents.

The key to all this is, that the love of power, like that of money, renders even the dullest intelligent. If Austria showed dexterity in emancipating herself from the papal yoke, she showed no less obstinacy in resisting the reformation in Germany. No sooner did she perceive that the tendency of the reformed religion was to render men less submissive to despotism, than she reared the standard of intolerance. She needed not the aid of any impulse from Rome; for it was not superstition or bigotry which led her to wage a war of extermination against the reformed opinions, but her dread of the political consequences which they appeared to involve. The treachery and cruelty with which she proceeded against the Hussites in



Bohemia are well known. Charles V. and Ferdinand II. covered Germany and Holland with blood and fire to extirpate Protestantism: and the same scenes of cruelty were repeated in Bohemia for the same purpose. But Austria was politic as well as cruel; and when she had at last been taught, by the experience of centuries, that her opponents were not less resolute in resistance than she herself in persecution, she wisely relaxed the system of intolerance from the fear of wasting her own strength, and was induced to grant a temporary repose both to the Protestant States of Germany, and her own Protestant subjects. The thirty years' war, while it exhausted both herself and her opponents, had convinced her that the risk of the contagion of the reformed doctrines, or at least of their political tendencies, had in a great measure ceased; that the furious zeal which had at first been roused by the rapid spread of Protestantism, was on the decline; and that, in order to preserve the supremacy of Germany, it was necessary that the toleration which she accorded should be sincere. In order, therefore, to calm the fears of the Protestant States and regain their confidence, she began by granting protection and toleration to her own Protestant subjects. If this government is revengeful, it is more from calculation than passion; and accordingly, it never allows its resentment to get the better of its reason, or pushes its vengeance so far as to injure itself. Its policy is slow and temporizing, indeed, and hence it has been looked upon by many with contempt. But when was it mistaken in its calculations? The truth is, that selfishness, assisted by cool reflection, and unchecked by any sense of honour, can seldom go wrong. The instant that Austria ceased to persecute, she regained the supremacy of the German empire, which she continued exclusively to exercise down to the reign of Frederick II. From that period Protestant Germany having a natural protector in Prussia, has possessed a surer guarantee for the sincerity of Austrian toleration: and accordingly, that Government now allows an equal protection to the Calvinist and Lutheran doctrines, with all their modifications, and to three millions of Greeks, Schismatics, Jews, Moravians, &c.

Thus Austria, guided solely by an unbending principle of self-interest, emancipated herself early from the Papal authority—protected the Jesuits, and availed herself of their services while they were necessary to her—banished them when these services were no longer required,—and finally became tolerant, not from feeling but from necessity, when she saw that bigotry was generally on the decline.

The next preponderating ingredient in political power is the

*army*; and Europe, which has seen Austria struggle for twenty-two years against the gigantic power of France, must at least applaud her perseverance. De Pradt himself, who is not generally inclined to deal in panegyric, observes, ‘*l’attribut caractéristique de cette puissance, qui endure très-bien les échecs; et qui ayant l’habitude des revers, a fort bien appris à les supporter, comme à en rappeler.*’

What then is the principle of this passive courage, this power of resistance? It is, we think, to be found in the abundance of a population, vile in the eyes of its rulers, and of which the Government can dispose almost at its pleasure. Austria is poor in money and heroism,—but she is rich in men! Her perseverance is not at all akin to that of ancient Rome, which never made peace till victory enabled her to dictate the terms. Austria, on the contrary, has repeatedly submitted to save her existence by passing under the yoke. She never gives quarter, but she has no objection to receive it. With all this command of men, however, the miserable state of her finances will not allow her to bring great armies at once into the field. While Louis XIV. had 400,000 men in arms, Austria could with difficulty embody 70,000. In 1756, she raised 100,000, to oppose the King of Prussia with 200,000. In 1792, she took the field with 170,000, against France with an army of 600,000. In spite of the numerous subsidies which she draws from other countries, she still remains poor. During the last war, notwithstanding the immense loans which she received from England, she was obliged to have recourse to a paper currency, and five times failed in her engagements with her creditors. But if her poverty prevents her from raising large armies, she can recruit them easily—for the materials are never wanting. Her strength, therefore, is not shown by one, but by successive efforts. What she wants in *extension*, she makes up in *depth*. As she can dispose of men like property, her conscriptions have no limit, not even that which high prices usually put upon the consumption of other articles; for in Austria the expenses of living, of clothing, of education, &c. do not amount to the fifth part of what they do in England. It is the small value of individual lives, which explains how such immense armies were consumed by the Eastern governments, by Turkey, and by the Crusades. England, from a contrary cause, has always been sparing of men.

It is this *continuous* force which Austria possesses, that affords the key to her unwearyed obstinacy in war; to the interminable campaigns of Charles V.; his extravagant expeditions to Africa; the thirty years’ war; the war of the succession of



Spain; that of the succession of Charles VI.; the second Seven-years' war against the King of Prussia; and, lastly, the twenty-two years war against the French Revolution. The armies of Austria, if they are not immortal for their heroism, may be said to be so by the rapidity of their resurrection. Napoleon, in order to make himself master of Upper Italy, in 1796, was obliged to destroy five armies in one year. The best plan, therefore, of vanquishing Austria, is that which Napoleon in all his campaigns adopted, of invading and suprising her, without leaving her time to recover herself. Give her breathing-time, and she will soon recruit her armies, from her immense depôts in Hungary, Transylvania and Croatia.

Among all the automata that allow themselves to be slaughtered for fivepence per day, the Austrian soldier is the most deserving of compassion. The chastisement which awaits him for the slightest offences, is the most ignominious that can be inflicted; the reward of his toils and his bravery, the most miserable that can be given. The food, the pay and the clothing of the Austrian, are inferior to those of any other soldier in Europe. Life, where men are at all trained to reflection, is not a thing to be bought for a sordid price. It may be gifted, but cannot be sold. To dispel these illusions of honour which animate the soldier, is to deprive the military profession of its only redeeming quality. The Greeks and Romans fought for the name of their country; the French for Francis I.—for Henry IV.—for Napoleon—for France—for glory; the Turks for their religion. But the Austrian soldier fights neither for loyalty, nor religion, nor honour. He never sees a king at the head of an army. He is scarcely aware that he has an emperor. From the first existence of the empire, only a single enthusiastic movement is to be found, among the Hungarians, when, in the presence of their suppliant *Queen*, they exclaimed, '*Moriamur pro Rege nostro Maria Theresa.*' Almost ignorant of his general's existence, the Austrian soldier can feel no enthusiastic attachment to him. Frequently these generals are strangers, such as Tilly, Montecuculli, Eugene, Lacy, &c. The jealous policy of the Court will not allow the generals to court popularity, or to appeal to the feelings of their followers. Twice only have the Austrian troops showed any thing like enthusiasm for their generals—for Prince Eugene and for Laudon. In this age, in which prodigies of valour have been effected by military eloquence, the Austrian government has allowed nothing but a brief proclamation at the opening of each campaign, commanding obedience, rather than rousing to effort. No triumphal arches—no annalist to record his exploits



dia, spread every where the terror of their power, and established their authority in those parts of the country to which they had never before penetrated. The work of conquest has thus been accomplished with all that brilliancy and effect which has ever distinguished our Indian campaigns; but the more difficult task remains of cementing, by policy, what we have subdued by arms—of rendering our new subjects contented and happy—of quieting their minds, and not only ensuring them outward repose, but of reconciling them to the domination of strangers, and to those disadvantages which are inherent in every mode of foreign rule.

Deeply impressed with these views, Sir John Malcolm, who had an important command in the army which penetrated into Central India, and who afterwards received the military and political charge of the district, employed himself, during the four years in which he held that station, in collecting materials for illustrating its past and present condition. These he digested into a report, which he transmitted to the government of Calcutta; and this official document forms the substance of the present Memoir. It is an able and interesting work, containing a very brief, clear and satisfactory exposition of the state of India previous to the late war—a view of the extent of our recent conquests, and some discussion as to their policy, and an account of the nature and productions of the country,—besides abundant information equally curious and instructive, relative to the state of its property and manners, its revenue system, and the various and mixed races of which the population is composed. All these topics Sir John Malcolm discusses with great temper and calmness. He evinces, on all occasions, a most enlightened spirit of impartiality and moderation; and although he dwells, with just and natural exultation, on the late extension of our influence, on the extirpation of the barbarous hordes which oppressed and desolated the country, and on the general restoration of order and peace, he does not by any means disguise either the dangers or the difficulties of our situation, both as the conquerors and the legislators of India.

As conquerors, we have to dread the explosion of fresh conspiracies against our newly acquired authority; and when we consider that there is not, in any part of India, above *one* European to *fifty thousand* natives, and that in many parts the proportion is much smaller, this disparity presents, it must be confessed, strong temptations to rebel; and it is only by the greatest moderation and justice that we can avoid this danger. In the capacity of legislators, the greatest danger arises from our ignorance and inexperience in the local usages of the country; in consequence of which, with the best intentions, we may com-

mit the greatest errors, and agitate the country with the dread of dangerous innovations on manners and customs interwoven with the very frame of the Indian community. With a view at once to point out and to diminish the hazards of this ignorance, we shall endeavour to lay before our readers a short abstract of the important information contained in Sir J. Malcolm's work, together with such observations as may seem necessary for the farther illustration of the subject.

Central India, or Malwa, which forms the subject of the present Memoir, was one of the ancient provinces of the Hindoo empire, and was overrun about the middle of the fourteenth century, by the Mahometan conquerors of India. To these succeeded the Mahrattas, who, after various plundering expeditions, took permanent possession of the country about the year 1731, when Bajerow, the Paishwah, advancing northward from Poonah with a powerful force, received from Delhi an imperial grant, formally investing him with the title and privileges of viceroy, in which was included the important right of collecting the land revenues. From this period the Mahrattas became, under the title of imperial delegates, the real sovereigns of Central India. It was the character of this politic nation to conquer as much by craft and address as by open force. Provided they acquired substantial power, they were careless under what forms it was held, and were quite content to exercise, as deputies of the Mogul emperor, all the important functions of sovereignty.

The confederacy of the Mahratta powers, whose influence spread over so large a portion of India, is described by Sir J. Malcolm to have been held together by very peculiar ties. The Paishwah, or chief officer of the state, who ruled as an independent sovereign at Poonah, was the nominal head of the Mahratta empire. To him all the inferior chiefs were bound, by a mixed principle of allegiance and family attachment; and though many of them rose to the rank of sovereign princes, and threw off all real subordination to their chief, yet the principle of union, however it might have been weakened, was never destroyed. Interest might impair, but it could not wholly extinguish, the influence of these family ties. They were cherished with a prejudice which almost approached to religious feeling; they were associated with great national recollections; and, in adversity, or in great emergencies, attachment to the Paishwah was still the watchword of union. Hence the Mahrattas, though they turned their arms against each other, after they had overpowered all opposition and conquered India, were still ready to unite against their common enemies. However much circumstances had changed their situation, they still retained their nominal rela-

tions as members of one confederacy; a species of union thus subsisted among them amid all their divisions; 'the stubborn materials,' according to the observation of a Mahomedan writer, 'though separated, still preserved their nature, and, like dispersed particles of the same substance, had always a propensity to reunite.'

The Mahratta dominion, as it gradually extended over India, was broken down and divided among various subordinate chiefs, all of whom, though they claimed their authority from the Paishwah, whose delegates they in fact were, exercised the rights of independent sovereignty, collecting the revenues of their respective territories, maintaining troops, declaring war and making peace at their own discretion, carrying their wasteful incursions into peaceful countries, and thus establishing a claim to share in that produce which they showed they had the power to destroy. The chief families who rose to distinction during these sanguinary contests were those of the Puaras, who afterwards fell into comparative insignificance; the family of Sindia, which still rules in Central India, and that of Holkar, who, by the last treaty, lost the rank of an independent prince, but is secured in his dominions. Of the rise of these families, Sir J. Malcolm gives an entertaining account; interspersed with anecdotes of the principal personages, which he collected from different individuals in that country. This gives a liveliness and an interest to those historical sketches, far beyond mere compilations from written documents. Sir John Malcolm was personally acquainted with some of the individuals whom he describes; and, living in the country, and associating with all classes, he gathered, at first hand, the impression which had been made on the community at large, by the administration and character of its different chiefs. Out of the materials thus procured, he has composed his history, which is replete with well condensed matter. Among the portraits with which he has presented us, one of the most pleasing, as well as the most remarkable, is that of Alia Bhye, who married into the Holkar family, and on the death of her husband, the grandson of the first Holkar, ascended the throne in 1765, and reigned for the long period of thirty years. Sir John Malcolm dwells on the character of this illustrious lady as the model of all that is just, magnanimous and wise; and her conduct, as he represents it, seems fully to justify his eulogium. Her reign was the commencement of a new and brilliant era of prosperity and peace; it was a gleam of happiness, such as had seldom shone on the ill-fated country over which her good genius was now to preside with such felicity and glory. The spirit of moderation and



justice which ever ruled in her councils, quelled all opposition to her measures. She was regular in the despatch of business; sat daily in open court for the administration of justice; was naturally disposed to gentleness and clemency, and was only severe when just occasions required it; order and economy reigned through every branch of the revenue department; and a great part of her income was expended in works of charity and religion. Her whole reign indeed presents one continued and striking illustration of the ascendancy of worth and wisdom among mankind. These were the main pillars of her throne, the true foundation of her power. It was not by her armies, but by the force of her character, that she ruled and preserved her dominions in peace, in a time of general confusion and trouble. Sir J. Malcolm, conversing with an intelligent Brahmin respecting the character of this princess, ventured to question the propriety of such a liberal expenditure on religious edifices; to which the latter replied, by asking, 'Whether Alia Bhye, by spending double the money on an army that she did in charity and good works, could have preserved her country for above thirty years in a state of profound peace, while she rendered her subjects happy, and herself adored? No person (he added) doubts the sincerity of her piety; but if she had merely possessed worldly wisdom, she could have devised no means so admirably calculated to effect the object. I was (this person concluded) in one of the principal offices at Poonah during the last years of her administration, and know well what feelings were excited by the mere mention of her name. Among the princes of her own nation, it would have been looked upon as sacrilege to have become her enemy, or, indeed, not to have defended her against any hostile attempt. She was considered by all in the same light. The Nizam of the Deckan and Tippoo Sultan granted her the same respect as the Paishwah; and Mahomedans joined with Hindus in prayers for her long life and prosperity.'

Among her own subjects, Alia Bhye never experienced the slightest disturbance. There could not indeed be any opposition to an authority which was continually exercised in acts of beneficence and justice. 'The fond object of her life' (says Sir J. Malcolm) 'was to promote the prosperity of all around her; she rejoiced, we are told, when she saw bankers, merchants, farmers and cultivators, rise to affluence; and so far from deeming their increased wealth a ground of exaction, she considered it a legitimate claim to increased favour and protection.' Sir J. Malcolm details several anecdotes in confirmation of the character of this distinguished princess;

and he states that he collected his information from all classes, who vied with each other in their veneration for her memory; among others, he mentions the domestic of Alia Bhye, who attended her person. He was, at the time, near ninety years of age, and his reverence for the memory of his mistress exceeded all bounds. Alia Bhye was tried by severe domestic afflictions; and we have a most singular and affecting account of the death of her daughter, who voluntarily consigned herself to the flames on the funeral pile of her deceased husband. This dreadful scene was witnessed by the mother, and was detailed in all its tragical particulars to Sir J. Malcolm, by numerous eye-witnesses.

In addition to his account of the Mahratta princess, Sir J. Malcolm gives a brief history of the Nabobs of Bhopal, and of the Rajpoot princes and chiefs of Northern India, which contains, as usual, an interesting view of several of the most eminent characters in those states, as well as some striking illustrations of Indian manners, and of the general condition of the country. The sketch of Zalim Singh's shrewd and crafty character and policy, and of the quiet and order which reigned in his dominions amid surrounding confusion, is in particular replete with interest, as is also the portrait of Nuzzer Mahomet, chief of Bhopal, who is represented by Sir J. Malcolm as a shining model of public and private worth.

The rise, progress, and annihilation of the Pindarries, the manners, government, revenue system, and population of Central India, together with a comparative view of its state in 1817 and 1821, and the present condition of the British power, are the important topics which occupy the remainder of Sir J. Malcolm's work. On all these he displays extensive information, and reasons with the calmness of a statesman. Though on some points, from his official connections, he is somewhat reserved, yet he does not disguise the disadvantages under which we labour, in our administration of those countries; and his own views on the subject are uniformly moderate, liberal and enlightened. With regard to those plunderers who were so formidable in India, under the appellation of the Pindarries, their history may be very briefly told. Ever since the dissolution of the Mogul power, Central India has been more or less the prey of innumerable disorders from the wars of petty chiefs, for the territorial revenues of the country. But after death had withdrawn the directing genius of Alia Bhye from the scene, these disorders grew to a height; and the confusion arising from the contests among the Mahratta powers, and the minor feudatories and chieftains who were left in the possession of lands, had

nearly extinguished all known rights. The country had become one common arena of contention for daring and ambitious spirits, where might constituted right, and where, in the general convulsion, every man seemed to rise to the level of his capacity or courage. Power, held by no legitimate title, was seized as the natural prey of usurpers, and thus was Central India kept in continual trouble. The long continuance of these commotions at length engendered a disposition to anarchy and violence, which nothing could check. No usage or right was respected—no tie held sacred; and society seemed to be threatened with a dissolution of all its ancient bonds. The Mahratta confederacy, while it subsisted, presented some principle of national union, however imperfect. If it did not prevent, it set some bounds to flagrant excess and violence. But all these sanctions, however consecrated by usage, by law or religion, were now thrown down, and the country became one disgusting scene of plunder, burning and massacre. The different chiefs fought with each other for the privilege of pillaging their wretched subjects. Their soldiers had degenerated into a licensed banditti, the destroyers of the country. They now ranged over India in bands, fierce and mutinous, for want of pay, and in this state they were frequently let loose on the defenceless inhabitants. At other times the rulers of the country replenished their exhausted treasures from the same unhappy source. In this case, advancing unexpectedly on some wealthy town, and surrounding it with troops, they commenced in a systematic manner the work of pillage; and the excesses to which these plundering expeditions gave rise, exceed all belief.

In consequence of these continued commotions, it happened that a great portion of the population of Central India were inured to habits of disorder and military license; and, as fresh troubles arose, this class gradually received new accessions. Many of the peaceable inhabitants, driven from their homes, were compelled to plunder others for a subsistence to themselves. New adherents thus daily flocked to the standard of anarchy; its bands increased in union and strength; and they were at length regularly organized and disciplined for the trade of robbery and murder. The name of Pindarries occurs in the history of India in 1689; but it is only of late years that, from obscure freebooters, they rose to be the auxiliaries of the Mahratta powers, by whom their leaders were rewarded with lands. Plunder being their sole object, they were suitably trained and equipped. The policy was not to fight, but to fly—to escape as quickly as possible from the vengeance which pursued them,



after securing their prey. Their force consisted, accordingly, of a light species of cavalry, trained to long marches and hard fare. They were armed with a bamboo spear, from twelve to eighteen feet long—a formidable instrument either of attack or defence, as was experienced by the unfortunate Captain Darke, who, rushing to the single combat of a Pindaree, basely declined by one of his soldiers, was laid low by this powerful weapon in a skilful hand. Every fifteenth man carried a matchlock; of every 1000, about 400 were well, and 400 indifferently mounted; the remaining 200 consisting of slaves and camp-followers riding on wild ponies, and keeping up with the main body as they best could. These hordes of plunderers, in 1809 and 1812, penetrated the lines of posts established by the British for the defence of their dominions at different points, and returned untouched, and enriched with spoil. In 1815 and 1816 they repeated their visit, and, marching in one day 38 miles, plundered 92 villages, with every circumstance of unheard of cruelty. Next day they plundered 54 villages; and it was ascertained that, in the course of the 12 days they remained in the Company's territories, they had put 182 persons to a cruel death, severely wounded 505, and put 3603 to different kinds of torture. The patience of the British Government being exhausted by their repeated inroads, it was resolved not only to attack and extirpate the Pindarries in their remotest haunts, but to put down that system of misrule and violence which had so long desolated India. The success of the war which took place in consequence is well known. The Pindaree forces, hemmed in by the British, were intercepted at all points. They were either destroyed or forced to submit, and were followed by most of their chiefs, who bargained only for their lives. But this decisive success was not the only fruit of the war. The secret and hostile combination formed by the Mahratta powers against the British was entirely broken. The rajah of Nagpoor was driven from his dominions and throne; the Peshwa, the head of the Mahratta empire, has also been dethroned, and now lives as a prisoner on the bounty of the British, who assign him 100,000*l.* per annum for his maintenance. Holkar has fallen from the rank of an independent prince; and Sindia is in reality in the same condition. There is not, in short, any potentate in India that can now move a step without the express sanction of the British authorities.

That the change thus brought about through the interference of the British, must be felt by all classes, by princes and rulers, as well as by landholders and cultivators, as a decided amelior-

ration in the condition of Central India, cannot admit of a doubt. It benefits the former, by freeing them from the necessity of constant war, by allowing them to reduce their military establishments, and disband mutinous and discontented soldiers—the terror of their masters, as well as the scourge of the country. Submission to lawful authority being every where enforced, the land revenues have not only increased, but they are realized at less expense than when they were extorted, by means of troops, from unwilling tributaries. Sindia's force has been reduced about one-half; while his revenues have been increased 25 per cent., and the expense of collection reduced 15 per cent. Holkar's army has also been still more reduced; and the rapidity with which his territories have recovered is altogether surprising. Within the short space of three years, Indor, his capital, has been changed from a state of desolation to a flourishing city; and, from a document given by Sir J. Malcolm it appears, that of 3701 government villages which belong to the present possessions of Holkar, only 2038 were inhabited in 1817; 1663 being deserted, or, as the natives express it, without lamp. In 1818, however, 269 of these villages were restored; in 1819, 343; and, in 1820, 508; leaving only 543 deserted, which there is little doubt will in a few years be reoccupied. The revenues of Holkar have also been nearly tripled; and the expense of their collection, which was from 30 to 40 per cent., has now fallen to 15 per cent., from the disbanding chiefly of his revenue corps. Throughout all the other districts of the country, the progress of improvement has been equally marked. In many parts, the returning inhabitants had to contend with wild beasts for the possession of the country. In one district, an account was transmitted from the resident officer of 84 persons who, in 1818, had been killed by tigers; and this was by no means a solitary case.

Sir John Malcolm describes, at considerable length, the mixed population of Central India, of whose manners he gives an interesting account. But for these details we must refer our readers to the work itself, of which our limits do not admit of any clear or satisfactory abstract.

After giving a view of the revenue system, and other political institutions of the country, on which his information is as copious and interesting, as his views are sound and liberal, Sir John Malcolm proceeds, in his chapter on the Administration of the British Power, to the consideration of the policy which ought to be pursued in the government of those extensive and newly acquired dominions. We cordially concur in all that he suggests for the regulation of our Indian government,



both as to its foreign and domestic policy; and we have no hesitation in stating, that it is only by following out his views in practice, that the country can have any chance for permanent happiness or repose. The following observations appear to be peculiarly just and striking.

‘The most serious part of this question, and one which lies at the very threshold, is, whether we are, in the shape and substance of our administration of justice, to pay most attention (both must have consideration) to our own rules, principles, and prejudices, or to those of the nation, or rather nations, we have to govern? We may lay it down as a first principle, that no system can be good that is not thoroughly understood and appreciated by those for whose benefit it is intended. The minds of men can never be tranquillized, much less attached, until they are at repose regarding the intentions of the authority under which they live, which they never can be till all classes see and comprehend its principles of government. If our system is in advance of the community, if it is founded on principles they do not comprehend, and has forms and usages adverse to their habits and feelings, we shall experience no adequate return of confidence and allegiance. To secure these results, we must associate ourselves with our subjects. We could never have conquered India without the assistance of the Natives of that country, and by them alone can we preserve it. Our actual condition makes this necessity more imperative. We are not called upon to lower ourselves to their standard, but we must descend so far from the real or supposed eminence on which we stand, as to induce them to accompany us in the work of improvement. Great and beneficial alterations in society, to be complete, must be produced within the society itself; they cannot be the mere fabrication of its superiors, or of a few who deem themselves enlightened. Every chord of the instrument must be in tune, or there will be no good harmony. This compels men, who desire real reforms in large communities, to dread what is often termed reason, because the majority whom it is desired to benefit are not rational, in the abstract and refined acceptation of the word, and because no projected benefit can be operative till it is understood and recognised as such by those for whose good it is intended. This reasoning applies to all the legislative measures that we have adopted, or may hereafter adopt, in our Eastern Empire; but it is meant in this place to limit the deductions from it to those which appear expedient for Central India.’ II. 281, 282.

The subject here treated of by Sir John Malcolm is one of the deepest importance, involving, as it does, the peace of India and the happiness of millions; and while we fully concur with him in the general inexpediency of all violent innovations on the established frame and manners of society, it cannot, we think, be doubted, that one of the great and leading errors of the British in their administration of India, has been the rash



introduction of their own peculiar forms and modes of administration, without sufficiently considering whether they were adapted to the peculiar state of society which had so long prevailed in the country.

The communities of Hindostan, though no doubt considerably behind those of Europe in moral refinement, and in many of the institutions of civil life, are yet held together by a system of their own, which is a curious admixture of law, usage, and religion, and which appears, whatever may be its defects, to be admirably efficient for its own ends. The inhabitants, as is well known, are chiefly cultivators of the soil, holding the land which they occupy by the tenure of an annual tax, payable to their immediate superiors, and by them ultimately to the government; the country is divided into districts, each containing so many villages. Each village, according to Sir J. Malcolm's description, and indeed to all other accounts of India, is an independent association of cultivators, with its own establishment of officers, who, for certain duties which they have to perform, are entitled to a share of land, or of the village produce; they have generally a hereditary right to their offices, as the cultivators have a hereditary interest in the soil. The officers of the village are, the Pottail, who is the head man, the medium of communication with the government, the collector of public dues, and sometimes the renter of the village; the Bullaye, a species of constable or policeman, the guide of travellers, and who, being acquainted with all the local rights and boundaries, gives his evidence in all disputes about land; the Putwarry, or register of the village, who keeps accounts of all its local matters; the priest, the watchman, the carpenter, the blacksmith, the barber, &c. There are in some districts a species of policemen, called Puggees, whose business is to trace thieves by the print of their feet; and the instances of discoveries by this means, Sir J. Malcolm informs us, almost stagger belief. These villages form each a sort of family association. The attachment of cultivators to their several inheritances is incredible, and can never be rooted out; and it is mentioned by Sir J. Malcolm, that in the last 30 years of confusion and trouble, when so many villages were laid waste, and the inhabitants scattered over the country, their affections still lingered round the cherished spot of their former homes; they corresponded with each other at whatever distance they were placed, intermarried, and, by every expedient in their power, upheld their ancient connexions, and the remembrance of their hereditary titles; and, when tranquillity was at length restored, they all returned to their respective villages, and entered at

once, and without the smallest dispute, into their original rights. 'Infant Potails' (says Sir J. Malcolm), 'the second and third in descent from the emigration, were in many cases carried at the head of these parties. When they reached their villages, every wall of a house, every field, was taken possession of by the owner or cultivator, without dispute or litigation amongst themselves or government; and in a few days every thing was in progress, as if it had never been disturbed.' What a singular view of Indian society is presented by these facts! Nothing can be more wonderful than this sudden resurrection into life of those villages, so long extinct; demonstrating, as it does, of what durable materials associations are composed, and how solidly they rest on the basis of immemorial usage. These communities are connected, by various links, with the general officers of the district, and with the Zemindary, who is usually a great functionary of government—by whom also, under the Mogul government, the land-tax was finally paid into the imperial treasury. They form a part, in this manner, of a general system of magistracy and police, which, though frequently perverted from its proper ends, has hitherto maintained, with considerable success, the tranquillity of the country. Now, whatever may be the merits or defects of these institutions, it is plain that they are all that the country has to trust to for the preservation of good order; and the true policy of the English is to support them—to repair them where they have mouldered into decay, or have been injured by violence—to build up, in short, but not to destroy.

It is a most egregious mistake to suppose that the institutions of Europe, however highly we may prize them from our experience of their benefits, can be successfully transplanted into the foreign soil of Indian manners. The state of society which prevails among the natives of Hindostan, is, of all others, the worst adapted for such experiments. There is no people on the earth among whom bigotry to established usage is carried to such a length. Customs do not here, as in other countries, grow up by accident. They are all introduced and consecrated by religion, which spreads its influence over the whole system of life; and it is under the operation of this principle, working through a series of ages, that society has been moulded into its present form. In such circumstances, it is evident that we must proceed cautiously, and that we must beware, under the notion of improvement, of introducing innovations at variance with the original plan of existing manners. We can only improve by adhering to the model that we see before us; by studying it, and understanding it in all its minute

and intricate details. But if, presuming on our superior knowledge, we attempt to make alterations on the very curious and artificial structure of Indian society, the risk is, either that we mutilate what we do not thoroughly comprehend, by taking away what is useful, or that we destroy the uniformity of the system, by introducing what is entirely foreign to its genius and character. Every community, it may be observed, must furnish the means of its own amelioration; and we cannot afford to waste those means—we cannot afford to throw away those precious resources of social improvement. But this is precisely the error we commit, when, in our admiration of foreign laws and usages, which can never be reduced to practice, we subvert the native institutions of the country, which have flourished for ages, which are interwoven with the frame and texture of society, and which are, in fact, the only instruments we can employ for the preservation of peace and good order. No innovations can be more dangerous than those which touch long established usages and laws, which rend asunder ancient ties, or trench on local manners, because they destroy what can never be repaired, and leave a hideous void in society, which is but inadequately filled up by the crude and theoretical contrivances of rash reformers. Now it cannot be denied, that this has been the character of many of the improvements which we have hitherto attempted to introduce into the domestic administration of India. We do not here allude to the incredible folly now long past, of establishing English courts of justice in Calcutta, with all their peculiar forms, and of giving them the power of summoning before them, by subpoena, Mahometan women of rank, who would at any time die sooner than make a public appearance; but to the graver and more deliberate reforms which were afterwards introduced into the administration of Bengal, and which experience has since proved to have been in many respects a series of rash and ill-considered innovations.

It is well known, that in Bengal, where we first acquired authority, there existed, as in other parts of India, a revenue system, with all its complicated establishments; there were also various institutions for preserving the peace of the country, as well as for the administration of justice. These were connected with the existing state of property and manners, and with the ancient aristocracy of India, the natural guardians of civil order. There were defects perhaps in those institutions, and they had fallen, in many cases, into neglect and disrepair; but, in place of making the most of them, and of improving and amending them, the whole were either subverted, or most materially altered. New regulations and new penalties were devised for collect-



ing the revenue; the native system of magistracy and police was entirely changed, as well as the judicial institutions of the country; and a new system was introduced, conducted chiefly by Europeans. The consequences are well known. The land-tax was too high; it was consequently not paid; annual sales of land took place to discharge the continually accumulating arrears, and in this manner some of the most ancient families in Bengal were brought to ruin.\* The change in the judicial establishments of the country was still more signally unsuccessful. The new and complicated machinery that was set up was ill put together; so that it neither harmonized in its various parts, nor was suited to the manners of the country. It answered accordingly extremely ill in practice; and, owing to the subversion of the ancient Zemindary establishments of magistracy and police, there was an immediate and most alarming increase of crimes of the worst description, which evil has been for more than twenty years the subject of continual and loud complaints in the general correspondence of the Company's servants with the supreme government. Nor were the new civil courts which were at the same time set up in any better state. Encumbered as they were with all the artificial forms of English law, they were clogged at every step of their progress, and were finally overwhelmed with an arrear of undecided causes, to which there was no visible termination. The evil went on increasing, till it amounted to a complete denial of justice; and at length the people, shut out from all hope of obtaining redress by law, met in armed bodies to the amount of 4 and 5000 persons on each side, to exercise the rights of nature, by fighting out their own quarrels. The country thus became the scene of frequent and dangerous broils, in which some were killed, and many wounded on both sides.† There is no doubt that all these changes, though they produced so much confusion, originated in the most laudable and humane intentions; and to prove this, we have only to mention the pure and illustrious name of Cornwallis, under whom principally they were carried into effect. But this ought only to give the more weight to the lesson of caution here inculcated, placing as it does, in a still stronger view, the danger of handling too rudely the delicate structure of Indian manners.

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\* See fifth Report, printed by order of the House of Commons, 1812, p. 56.

† See papers relating to the Police and Administration of Justice in Bengal, from 1810 to the present time, printed by order of the House of Commons, 1819, p. 21.

So deeply impressed are the present rulers of India with the evil of those rash measures, that they are now anxious to repair and give vigour to the establishments of the country, which have been destroyed from an ill-judged partiality for foreign innovations. On this subject Sir John Malcolm explains his views decidedly, and without reserve; and we cordially concur in every sentiment which he expresses. The instructions drawn up for the regulation of the officers and assistants acting under him are most judicious, and, if followed out in practice, are well calculated to conciliate the country, and to improve, if that be possible, into a firm and durable tie, the precarious tenure of recent conquest. We say if that be possible. But it seems extremely doubtful, considering how opposite the Hindoo manners are to those of their conquerors, whether the two nations will ever coalesce. At present, all resistance is put down by the terror of the British power, and the people no doubt feel grateful to those who have terminated that system of misrule and violence by which they suffered so deeply. But there is a necessary disunion between them and the English in the essential points of religion and manners; a radical unfitness, which seems to forbid any friendly union; and in all the newly conquered countries, the people accordingly have shown an evident dislike to the new authority that has been introduced. They dread the interference of foreigners in their concerns—they are alarmed by the fear of innovation, and are filled with vague and undefined jealousies of their new rulers. Whether these impressions will be softened, or whether a closer intercourse may not, on the contrary, breed fresh alienation, will greatly depend on the policy pursued. Sir John Malcolm, no doubt, draws up a most admirable code of instructions for those to whom is committed the difficult task of governing these countries; but in the complicated concerns of a newly settled empire, how many occasions must occur to which no rules can apply, and where the British functionaries must be guided by their own discretion! And truly, when we consider the intricate channel through which they have to steer, and the great demands that will be made upon them at every step for talents of no common order, for prudence, good temper, and consummate knowledge of Indian affairs and manners, we need not wonder if great errors be still committed, and great cause of provocation given; and if, after all, in the relation between the Hindoos and their British rulers, the principle of terror shall be found to predominate over every other.

There is another great evil which, if not inherent in our rule over India, has been always consequent on it, and which, if

persisted in, cannot fail materially to aggravate all the other causes of disaffection to our authority. We allude to the introduction of the British into every post of honour and emolument in the public service, to the absolute exclusion of the natives. This usurpation of the natural rights of the community by foreigners, excites throughout India the strongest aversion and the deepest mortification. By this extraordinary policy, the whole body of the natives are made to taste the humiliation and bitterness of a foreign yoke. They are denounced as an inferior and degraded caste; they are deprived of all incentive to honourable exertion in their country's service; and they *must* be disaffected to those who thus impose on them the stamp of degradation. Sir J. Malcolm accordingly informs us, that our power has received the rudest shocks, 'from an impression that our system of rule is at variance with the permanent continuance of rank, authority and distinction, in every native of India. This belief (he adds) *which is not without foundation*, is general to every class; and its action leaves but an anxious and feverish existence to all who enjoy station or high name.' This incompatibility of British power in India, with the rank and consequence of the natives, certainly places it in no very favourable light. According to this view, it would seem to be a more insolent usurpation by the few of the rights of the many. For whose behoof, we would ask, is it that government exists? If it be for that of the governed, by what principle are they excluded from all honourable distinction in the land of their birth? Is it that they are not so well qualified for the task? The very reverse will, we believe, be found to be the case. Many of the most enlightened British functionaries complain of the great and almost insuperable difficulties they have experienced in administering, according to the rules of policy or justice, the complicated concerns of our Indian empire. A native, though he may govern ill, may also govern well; but a foreigner, with the best intentions, may err most grievously, from his inexperience in the character and usages of the people. This evil is felt in a most especial manner in the administration of justice, both civil and criminal; and is strongly dwelt upon by many of the Judges of the different districts, in their answers to interrogatories sent to them on this subject from the supreme government.\* They lament, that owing to their ignorance of the manners of the natives, they have fre-

\* See Appendix to the 10th Report, p. 525. Answers from the Judge and Magistrate of Midnapore to Interrogatories, 30th January, 1802.



quently not the means of distinguishing truth from falsehood; that perjury is resorted to as the ordinary weapon for baffling the pursuit of justice; and that, amid conflicting testimonies, they are frequently at a stand, when a greater knowledge of the people would at once have brought the truth to light. How different is the account which Sir John Malcolm gives of the Punjayet courts, the members of which consist of native judges taken from the community, and constituting a species of jury! He commends, in strong terms, the celerity, justice, and discrimination which distinguish these courts, of which he made trial for the decision of several cases regarding property and land, and 'they did their work' (he observes) 'decidedly better than any English officer could, from their better understanding of the degree of weight to be given to the motives, feelings, and circumstances of the different parties and evidences who came before them.' This then is one great point where the native necessarily feels himself strong, and the foreigner is, and must be weak and inefficient. Nor can it be reasonably doubted that the natives, from their minute local knowledge, would evince the same superiority over the Europeans in the intricate details of the revenue system, and in other branches of the public management. They would go forward where the latter must stand still, and would quickly unravel the knot which they are forced in despair to cut through. Of this superior capacity to manage their own affairs, there can therefore be no question; and that wisdom and integrity may be found among them, is sufficiently proved by the examples of Alia Byhe, and of Nuzzer Mahomed, chief of Bhopal, of whose exalted worth Sir John Malcolm gives so splendid a portrait. On what principle therefore, a whole nation, which has produced such shining examples of merit, should be put under civil proscription, it is not easy to understand; and if this corruption has already taken root in a portion of our territories, care should be taken not to extend it to the conquered countries. To proceed in the rule of so great an empire, by engrossing from the rightful owners every place of honour and emolument, would be decidedly at variance with those enlightened maxims by which we profess to govern India. It would put an end at once to all our high-sounding pretensions on this subject; and though the palm of conquest might still be adjudged to us, the higher character of legislators and benefactors of the country would certainly be withheld.

It is satisfactory to learn from Sir J. Malcolm, that the revolting practice of widows consigning themselves to the flames

with their deceased husbands, is becoming less frequent in Central India; and we wish we could add, that it was also falling into disuse in Bengal. This, however, does not appear to be the case. According to accounts laid before the House of Commons, we find the number of these victims in that province, for the last six years, to have been,

1815, 378

1817, 707

1819, 650

1816, 442

1818, 839

1820, 597

This practice, horrid and revolting as it may be to a European, seems to have a deep root in the prejudices of the Indian people. It is not certainly prescribed by the Hindoo law, though it is quite agreeable to it; nor does it appear that a widow suffers infamy, or any serious reproach, for not sharing the fate of her deceased husband, seeing that Alia Bhye, who ruled with so much glory, and left behind her so great a name, survived her husband for many years. On the other hand, her daughter, when she lost her husband, declared her resolution to perish with him; and no entreaties of her afflicted mother could sway her from her purpose. 'You are old, mother,' (she said) 'and a few years will end your pious life. My only child and husband are gone; and when you follow, life, I feel, will be insupportable, but the opportunity of terminating it with honour will then have passed.' From this, as well as from every other evidence, it would appear that the sacrifice is commonly voluntary; and it seems to be a mingled act of high devotion and of conjugal fidelity. The unhappy victim is influenced by the notion, that her own as well as her husband's everlasting happiness, will be promoted by her death; that they will meet in Paradise, never more to part; and we need not surely wonder, when the stroke of death has suddenly dissolved the tenderest of all human ties, that the female heart, rendered more than commonly susceptible, should give way to those warm and enthusiastical impressions. There is no doubt that our rulers in India are extremely anxious to put an end to the practice; but in this, as in all other questions, they must deal cautiously with the prejudices of the natives. They cannot interfere by force to stop it, considering how much it is encouraged and aided by all classes.\* They do all they can, however, against

\* See on this subject Papers laid before Parliament in 1821; Extract from the Bengal Secret Consultations, p. 1.; Extract from the Proceedings of the Resident at Benares, 17th December 1788; Extract from the Bengal Judicial Consultations, 7th February 1805-1812; Questions to the Pundits of the Nizamut Adawlut. It ap-

it, both by discouragement and by neglect, which is sometimes found to be the best antidote to fanaticism; and among some casts, the practice is certainly becoming less frequent. Witchcraft is still held in great horror; and numbers of wretched old women fall victims to the popular prejudice on this subject. Here, in like manner, our government, however painful it may be, must stand neuter, trusting for the correction of these evils to the operation of time, and the increase of knowledge, which the intercourse with Europeans is calculated to diffuse. In the business of the Missionaries also, the Government has wisely forborne to intermeddle. Any interference of authority for the conversion of the natives might be construed into an attack on their faith, and jealousies of this sort once excited might shake our empire to its very foundation. It is clear that, in the present circumstances of our Indian empire, any display of missionary zeal by its rulers would be highly dangerous.

ART. II. *Qu'est que c'est L'Austrie?* 8vo. Paris, 1824.

Two popular writers, De Pradt and Dupin, have lately terrified the world with their pictures of two political Giants,—the one all covered with gold, the other with iron—England and Russia. But while the eyes of Europe have been thus anxiously directed to these colossal powers, and taught to watch their slightest movements, and to penetrate their most secret thoughts, they have been allowed to overlook a power situated, as it were, in the plain between them, which, under another aspect, is not perhaps less deserving of their attention.

Although these authors differ in many points, they seem to agree in thinking, that the equilibrium of Europe, and the

pears from all these papers that the British, who have prohibited the burning or hanging alive of widows, except according to the Hindoo law, which requires that it shall be voluntary,—that the widow shall not be under age, that she shall not be intoxicated with drugs, &c. find the greatest difficulty in enforcing these restrictions. And a magistrate, Mr Eliot, in a letter dated Suburbs of Calcutta, 26th March 1817, states, that, in refusing to sanction the burning of a widow twelve or thirteen years of age, he was beset with applications on the subject from the natives; and that one individual, of immense wealth and influence, even came to intercede with him for his consent to the sacrifice.



the splendid rewards which Buonaparte had conferred on the living poet Monti. Europe has scarcely yet recovered from her astonishment at the violence of the Imperial anathema, fulminated at Laybach in 1821, against the progress of knowledge.

And yet, while Austria persecutes literary men, she pretends to encourage the instruction of the people. In her regulations for public instruction, we find a pompous enumeration of lyceums, elementary schools of different kinds, &c. Every village is to be provided with a teacher of reading and writing—and every parent who does not send his family to school is to be subject to fine, &c. But the fact is, that nothing of all this is ever reduced to practice over the greater part of the kingdom. The inhabitants of all Hungary, Transylvania, Croatia, Bucornia, &c., amounting to about twelve millions, can neither read nor write. Austria has preserved one-half of her provinces in all that primitive rudeness and barbarism in which she received them from the Turks, or the Gothic chiefs of the dark ages. There is perhaps no other instance where a government professing the Christian religion has thus laboured to render ignorance perpetual. The *astrictio glebæ* still exists in Hungary, in Gallicia, in Croatia, and other Austrian provinces; while Russia is every day emancipating her serfs, opening canals, erecting cities, and civilizing even the savages of the Crimea. The Russian Czars have done more for civilization in fifty years, than the Austrian Cæsars in three centuries.

It is usual with some writers to quote, as the model of a good administration, the government of Maria Theresa and Joseph the Second during last century in Lombardy. There is exaggeration enough in this; but there is some truth also. There is no doubt that those sovereigns did more good than any of their predecessors. But it is at least as certain, that what they did bore no proportion to what they *might have* done. When Napoleon created, armed, and enriched the kingdom of Italy, he proved experimentally, that the Austrian princes who had preceded him, had done little more than sketch the outline of those improvements of which Lombardy was susceptible. We may add, that the evils which Italy now suffers from the Austrian government, but too effectually cancel in the eyes of Europe any merit that is to be found in the memory of the past.

Joseph II., that great contriver of laws and projects, wished to give a stimulus to industry and manufactures, and, with the usual narrow policy of theorists, adopted the system of restriction. But industry cannot flourish in a kingdom where there

is no luxury,—no splendid court,—no rapid circulation nor facility of communication,—no sort of emulation or encouragement. In spite of all Joseph's restrictions, therefore, the project failed, and Austrian industry remained stationary. Napoleon, in less than ten years, formed manufactories all over France; while Austria, after thirty years of restriction, has never been able to produce any one kind of manufacture that can compete, not merely with the English or the French, but even with the manufactures of Saxony or Switzerland.

But of what importance is it to Austria that she possesses no great men—no civilization—no internal commerce—no flourishing manufactures—no national wealth—no thinking and reflecting subjects? These things may no doubt add to the sum of human happiness, and to the glory and strength of individual nations: But they require vigilance, knowledge, and activity on the part of the government; and Austria was not born to make such sacrifices for such objects. Her vocation is to command, and not to make happy;—and it is enough to deter her from wishing to rule well, that many labourers must be associated in the task, and power be partitioned among inferiors. She is one of those bad riders who would rather mount a hack than a hunter. Her highest ambition is the possession of a submissive standing army, securing the obedience of a submissive people,—and for this she sacrifices revenue, population, and moral strength. All, accordingly, is silence and mystery over the extent of this vast empire. Publicity is banished from its courts and its public offices. There are no official statistics—no accounts of income and expenditure. But if the state of the finances is a secret, it is sufficiently well known that the revenue is small, and that the government is poor. The population is estimated at about 28 millions, and the annual receipts amount to little more than 12 millions Sterling. About 3 millions must be added for the Italian provinces. Their population amounts to 4,000,000, so that their payments are about double those of the other subjects of Austria.

The massacre of St Bartholomew is a common subject of declamation among political writers. It is certainly the most atrocious of those crimes that sully the annals of modern history; and yet the perfidy of the court of Catharine of Medici is not without a parallel. It is surprising how it could have escaped the notice of the defenders of liberty, that the court of Vienna has always conducted itself with a perfidy not less refined than that of Catharine, against those provinces which, at different periods, have risen against her tyranny. The policy of Catharine was at least disclaimed by her successors. France herself



disavowed the crime. But the Court of Vienna seems to have consecrated the Machiavellian maxim, that all means are lawful to destroy an enemy. Among the repeated acts of treachery of which this government has been guilty towards its internal enemies, we shall select one or two of the more striking and notorious, as proofs of the spirit by which it has been actuated from generation to generation. In 1619, Ferdinand II., after having defeated the Elector-Palatine and entered Prague, kept up, for three months, a system of pretended amity with the Bohemians, who had risen in arms to recover their ancient rights. He then suddenly seized upon 40 of the principal insurgents, 33 of whom were put to death. Many others were banished, and many had their property confiscated. Those who admitted having taken part in the insurrection, were allowed, in mockery, to retain their titles and honours, but were deprived of their property. Sixty years afterwards, the Emperor Leopold, desirous of a pretext for abolishing hereditary monarchy in Hungary, pretended to believe that many of the Hungarian nobles kept up a correspondence with Tekeli, who was then in arms for the independence of the kingdom. He immediately constituted a military tribunal, and filled Hungary with prisons, torture, and death. No fewer than thirty public executioners were attached to the commission. The tribunal sat in Epenes, and was called the Bloody Court of Epenes. If these atrocities are forgotten by Europe, they are deeply engraven in the memory of the Hungarians. This kind of treachery really seems hereditary in Austria. Even the purer reign of Joseph II. is not exempt from it. When in 1787 an insurrection broke out in Belgium, this Emperor exclaimed, that '*it was necessary to quench the flames of the rebellion with blood.*' Finding afterwards that the resistance was more obstinate than he had anticipated, he apparently grew milder, suppressed his resentment, dissembled, demanded conferences with the insurgents, and promised amnesties and oblivion; but no sooner had the storm blown over than he recalled his pardon, violated all his engagements, and commenced the system of persecution. During the last insurrection in Italy in 1821, the Austrian government followed out the same system of deceit and perfidy. The better to discover those concerned in the revolutionary movements, it pretended ignorance and apathy for more than six months, and then suddenly commenced a fearful system of prosecution, the procedure of which was enveloped in all the gloom and mystery of that of the Inquisition. And as if to put the finishing hand to its despotic insolence, it placed at the head of the judicial magistracy in Milan that



Porta, who had filled with grief and terror so many families in Lombardy.

How then, it may be asked, does Austria oppose her foreign enemies? We answer, 1. By mere physical strength. 2. By the supplies she receives through her alliance with England. 3. By the deceit and meanness which she makes use of in diplomacy. Before England, by its commercial wealth, acquired the ascendancy in Europe, the Austrian government existed principally by the sale of titles and investitures, and by supplies, sometimes obtained voluntarily, sometimes extorted by deceit, or by force. Maximilian borrowed from every body, paid nobody, and yet was constantly in want of money. Charles V. refused to repay to Henry VIII. the money he had received in loan. Charles VI. shared with his ambassadors the presents, which, by their means, he had received from the Court of Spain. Formerly, when the German Emperors were in want of money, they made a commercial journey to Italy, to sell investitures to the Marquises of Ferrara, or the Dukes of Milan, and titles to all the usurping chiefs of Italy. But when England became one of the principal states of Europe, they abandoned their profession of *Chevalier d'Industrie* for the safer trade of receiving the pay of England. And as long as England has continental enemies to hold in check, and is willing to pay in subsidies for the assistance of Austria, there is little doubt that Austria will neither alter her system of finance, nor her plan of depression and darkness. Maria Theresa herself, rather than civilize Transylvania, Croatia, &c. and thus increase the taxable capital of the empire, descended to sanction a plan of public begging in all the churches. On the contrary, should the supplies from England cease, Austria, if she wishes not to sink at once into a power of the *third* rank, being no longer able to sell the services of her armies to England, will be compelled to sell prosperity and moral dignity to her subjects.

Many of the Emperors of the House of Austria were given to the study of alchymy,—but unfortunately they seem all to have been ignorant, that the surest means by which a government can make gold is by the furtherance of civilization. Despotism, however, must sometimes sacrifice something, even through self-love. The Sultan of Constantinople cannot at his pleasure cut off the Mufti's head, or drink wine—in public. He must *appear* sober if he wishes to be all-powerful. And thus, in Austria, the reigning monarchs have always avoided the scandal of abandoning the empire to the caprice of a favourite—of a confessor, or a mistress. This monarchy never had a Pere La Chaise or a Pompadour. The

Jesuits, it is true, had for some time almost the sole management of the court under Ferdinand II.; but that was the general malady of the age. Louis XIV. had Richelieu for a favourite; and *he*, in turn, was influenced by the Capuchin Joseph. Externally, indeed, there is perhaps no court more economical, more modest, more regular, or apparently more popular than, that of Austria. When the inhabitants of Vienna see their Emperor in a plain carriage, mingling with his subjects on the Prater, can they venture to insinuate any thing about the profusion of government? Can they demand a strict account of receipts and disbursements from a monarch who allows the Archdukes only 2000*l.* a year, and pays Rossini at the rate of a guinea a concert? To all these inconveniences the Austrian Government submits, in order to escape the greater evil of a popular constitution.

The Emperor Frederick III. used to compare himself to a willow that bent with the blast, and rose again when the storm had passed over: And this comparison may be applied to the policy of all his house. Its power of resistance consists in its pliability; it has adopted as a rule of conduct, the maxim in fencing, '*La foiblesse fait la force.*' Vienna was once besieged by the Bohemians; once by the Turks; and has been twice taken in our own times. But the government always bent without breaking. Ferdinand, when unable to contend against the Turks in the field, yielded, and consented to pay them a tribute, which his successor Maximilian long submitted to continue. When Rodolph was unable to make head against the insurgent Bohemians, he also yielded, and pretended to recognise their rights, that he might gain time and strength to crush them the first opportunity. Such was also the double policy she employed with the Transylvanian princes, and with her disaffected subjects in Hungary. Keeping in view the great principle of this state, namely, that power consists in the capacity of wielding an immense brute force—of recruiting her ranks from an inexhaustible mine of men,—we perceive how little she requires the aid of honour, of love of country, or commercial wealth for her support. The insult which a Turkish Pasha offered to the ambassador of Charles VI., the Count of Neuperg, by spitting in his face, Cromwell, Louis XIV., or Napoleon, would have washed out with the blood of thousands; Charles VI. and his successors more prudently overlooked it. An insult which would have paralyzed the powers of the French monarchy, made no impression on the cynical endurance of Austria. The dignified Maria Theresa, to obtain the alliance of Spain and France, de-



scended so far as to pay court to the singer Farinelli, and to keep up a correspondence with Madame de Pompadour, whom, in Vienna, she would have shut up in a penitentiary. The instant that Ferdinand III. suspected that Wallenstein was gaining too much popularity, he forgot that it was Wallenstein who had saved his throne, and caused him to be assassinated. After his death, however, he did not neglect to provide 3000 masses for the good of his soul. Vienna was on the point of being taken by Kara Mustapha. Sobieski rushed forward to save the capital and the kingdom—and *Leopold disdained to embrace his deliverer!* During the next century, Maria Theresa usurped and partitioned a part of Poland, which had been instrumental in the preservation of her crown. At the peace of 1809, Austria abandoned to the vengeance of Napoleon the Tyrolese Hofer, who had headed the rising in the Tyrol against Napoleon. This hereditary and systematic ingratitude, is only to be found in a government which feels that virtue of any kind is unnecessary to its existence. In 1800 she formed an alliance with Russia, and led into Italy the barbarous hordes of Siberia and Tartary to fight in the name of the Catholic religion. In 1821, she protected the Turks against the Greeks; and, at the congress of Verona in 1823, forbade the Greek envoys to come near the town, and ventured to plead the cause of the Mahometans in the presence of the descendants of the first champions of the Cross.

The result of the whole then is, that Austria does not aspire after glory—she is content with a tranquil longevity. She avoids all strong sensations, lively pleasures, and violent shocks, like those phlegmatic persons to whom mere existence is enjoyment. England enriches herself by commerce and conquest—but her riches and her commerce are liable to all the variations of accident. The war with her American dominions, and the Continental system of Napoleon, were two dangerous crises in her history; and already the state of her Indian provinces is a subject of anxiety. The conquests of France are rapid—but her reverses are not less so. Her glory is purchased at the price of comfort, peril, and anxiety. The history of the reign of Charles VIII., of Francis I., of Henry IV., of the wars of the League and of the Fronde, the Regency, the late Revolution, have all the startling effect of romance. And yet France, after all her triumphs and her toils, has lost the greater part of her colonies, and some portions of her proper territory. Warlike France, the terror of the nineteenth century, after twenty years of brilliant victory, is less extensive and less powerful at this moment than the supine, voluptuous France of



the eighteenth. Austria, again, rises slowly, secretly, almost imperceptibly—she creeps along the ground, undisturbed by the anxieties that are bred in higher regions, and suffering only from the occasional and temporary injuries which she receives in war. After having been the scorn and the mock of Europe for 20 years, she is at this moment stronger, more extensive, and more compact, than before her defeats! The anagram of Ferdinand III. A. E. I. O. U., which he interpreted, *Austria est imperare orbi universo*, is not very likely, we think, to be verified in our day; yet it is not to be supposed, that, because Austria does not openly aspire after the sceptre of the world, she has entirely renounced the hope or the wish of conquest. Austria is poor, but her ambition peeps out under her rags. If Charles V. had been less intolerant, his scheme of universal monarchy, perhaps, had been no chimera. The views of his successors were less extravagant, but they have all steadily contemplated the extension of their empire. Ferdinand II., about 1624, formed the project of taking possession of the shores of the Baltic, of acquiring a naval force, and closing the access to Germany against the Northern powers. Wallenstein was actually named admiral of the Baltic Sea. Charles VI. established a company in Ostend, with the view of forming a direct communication and trade with India, and attempted a naval station near Fiume. Every body knows the plans and projects of Joseph II. with regard to the navigation of the Scheldt. He had also the design of making himself master of the mouth of the Danube; and was ready to abandon to Catherine the glory of taking Constantinople, provided he might share with her the Turkish empire, as he had done before in the case of Poland. That old established House is ever ready to embark in any copartnership of spoliation, and safe and ignoble plunder. Should the Turkish empire give way before the valour of the Greeks, we shall see Austria throw herself upon the spoil, and seize on Servia and Bosnia, which she has long coveted. If France first, and afterwards Prussia, had not defended the liberties of Bavaria, how soon would it have been absorbed in the abyss of Austria? She wants nothing but money to make her formidable. In this view the possession of Italy is an incalculable advantage. If it exacts from her some vigilance, and causes her some anxiety, it furnishes her at the same time with the means of supporting a numerous army even in the time of peace. She draws from her Italian provinces more than a million Sterling, free of all expense: and the other little kingdoms of Italy all pay her tribute. Naples, for four years, has had to maintain, at her own expense, 40,000

Austrian troops; and Piedmont 15,000 for two years. The Italian princes pay to Austria an annual tribute for their provincial *pashaliks*, and Austria finds her strength in their weakness. We cannot understand how France and Russia can thus allow Austria to exercise this absolute dominion in the Italian peninsula, and treat the Italian princes as we do the Nabobs and Rajahs of India. And although our Cabinet supported Austria for twenty-two years during the last war, it is scarcely our interest, one would think, that Austria, by the possession of Italy, should be enabled to dispense with our assistance. If she ever becomes rich, she will bid adieu to the Bank of England; and England will lose in Austria, the assistance of that arm which was ever ready to fight for any one who chose to pay.

Every government of Europe has its own catalogue of offences to answer for at the bar of humanity; but Austria (with the exception perhaps of Turkey) is certainly the most guilty. This is no hasty assertion; it is the result of history. From the time of Duke Albert to the present day, this House has been engaged in a continual war against liberty. There is no other instance in the history of the world of a struggle thus protracted for six centuries, and even now carried on with more ferocity than ever. She began her career by persecuting the inhabitants of some barren Swiss mountains; she destroyed the Cortes in Castile and Arragon; ravaged Flanders and Holland with fire and sword; extinguished the Italian republics in the 18th century, and wasted Germany for thirty years, scattering pestilence and death wherever she turned. She destroyed the seventy-two Hanseatic cities that existed in Germany;—the constitution, the liberty, the prosperity, even the books and language of the Bohemians.\* She deprived Hungary of her independence, her privileges, her rights, and even of the crown of St Stephen—the Hungarian Palladium. She violated the Constitution which had been guaranteed to the Low Countries by the Maritime Powers, by the barrier treaty. But the list is endless. How many nations might demand from Austria a fearful reckoning for the prosperity, the independence, the liberty of which she has deprived them! And what benefits has she ever conferred on Europe in return? None—save the slender boon of arresting the conquests of the Turks, the Venetians, and the Poles.

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\* After 1620, the Bohemian language sunk in fact into a dialect of the peasants, though some pretence is still made of preserving it from extinction, by the appointment of a professor of that language in some Universities.

No government perhaps ever encountered so many revolutions as Austria has done during the different periods of her political existence. Her history, like that of Turkey, is made up of wars and rebellions. Whatever the Holy Alliance may say, revolutions are the result of actual suffering. Happiness has no revolutionary tendencies—it is misery, slavery and grief, that make men discontented. Alsace, Lorraine, Franche Comte and Brittany, were tranquil under a government which bettered their condition. Our own Scotland has sacrificed the pride of independence for the solid advantages afforded by a union with England. Ireland, too, would be tranquil and resigned, were she admitted to the possession of equal advantages and equal rights. But what people can bear the leaden yoke of Austrian despotism? The Swiss supported a war of two centuries rather than resume it. The Aragonese, the Castilians and Valentians, rose against Charles V.; Flanders and Holland against Philip II.; and during the last century the Low Countries again rose against Joseph II. On the appearance of Gustavus Adolphus, the greater part of Germany took arms against the tyranny of Ferdinand II. From the days of John Huss, down to the assassination of Wallenstein, a period of a century and a half, Bohemia was constantly engaged in revolutionary struggles against the Austrian yoke. Hungary, animated by a still more generous aversion to slavery, from the reign of Ferdinand I. to that of Leopold II., has combated continually for the right of having its own kings, its own diets, and its own privileges. No nation can boast more generous champions of independence than Hungary, which enumerates among her worthiest, Botskai, Gabor, Vercellini, Ragotski, and Tekeli. In 1790, the Hungarians, no unworthy descendants of such ancestors, exclaimed (and perhaps not for the last time) ‘We want no Austrian King!’ In 1746, the Genoese were compelled to rise against the oppression of the Austrian Government. Can any one who peruses this series of revolutions wonder, that in 1821, the Italians should also have attempted to shake off the yoke of Austria?

From this brief sketch of her fixed and unchangeable policy, we may gather, that Henry IV. would have conferred a blessing on Europe, if the hand of an assassin had not cut short his life, and his projects for leaguings Germany against the house of Austria: and we ought to feel grateful to our illustrious Chatham, who, to control her fatal predominance, created, during the last century, a rival kingdom in Prussia. Among those indeed who are aware of the facts to which we have hastily referred, there can assuredly be but one opinion



as to the merits of a government, which excommunicates knowledge, proscribes every liberal institution, and is the professed enemy of the amelioration of the human race. Writers of all countries have accordingly concurred of late in reprobating its meanness and cruelty, and have exerted themselves to place Austria under the ban of Europe, with far more justice than she herself, of old, used to place under the ban of the empire, the electors by whom she was resisted. De Pradt, Lord Byron, Madame de Staël, Sismondi, are already at the head of this generous crusade; and the most eloquent writers of France and England follow in their train. Genius seems indeed instinctively to know its enemies; and if Austria hates knowledge, she may be assured that knowledge will, in due time, repay the obligation.

ART. III. *The Life and Times of Salvator Rosa.* By LADY MORGAN. 2 Vols. Colborn, London. 1824.

WE are not among the devoted admirers of Lady Morgan. She is a clever and lively writer—but not very judicious, and not very natural. Since she has given up making novels, we do not think she has added much to her reputation—and indeed is rather more liable than before to the charge of tediousness and presumption. There is no want, however, either of amusement or instruction in her late performances—and we have no doubt she would write very agreeably, if she was only a little less ambitious of being always fine and striking. But though we are thus clear-sighted to her defects, we must say, that we have never seen anything more utterly unjust, or more disgusting and disgraceful, than the abuse she has had to encounter from some of our Tory journals—abuse, of which we shall say no more at present, than that it is incomparably less humiliating to the object than to the author.

Common justice seemed to require this observation from us—nor will it appear altogether out of place when we add, that we cannot but suspect that it is to a feeling connected with that subject that we are indebted for the work now before us. Salvator Rosa was, like his fair biographer, in hostility with the High-church and High-monarchy men of his day; and the enemy of the Holy Alliance, in the nineteenth century, must have followed with peculiar interest the fortunes of an artist who was so obnoxious to the suspicions of the Holy Office in the seventeenth.

There are few works more engaging than those which reveal to us the private history of eminent individuals; the lives of painters seem to be even more interesting than those of almost any other class of men; and, among painters, there are few names of greater note, or that have a more powerful attraction, than that of Salvator Rosa. We are not sure, however, that Lady Morgan's work is not, upon the whole, more calculated to dissolve than to rivet the spell which these circumstances might, at first, throw over the reader's mind. The great charm of biography consists in the individuality of the details, the familiar tone of the incidents, the bringing us acquainted with the persons of men whom we have formerly known only by their works or names, the absence of all exaggeration or pretension, and the immediate appeal to facts instead of theories. We are afraid, that, if tried by these rules, Lady Morgan will be found *not* to have written *biography*. A great part of the work is, accordingly, very fabulous and apocryphal. We are supplied with few anecdotes or striking *traits*, and have few *data* to go upon, during the early and most anxious period of Salvator's life; but a fine opportunity is in this way afforded to *conjecture* how he did or did not pass his time; in what manner, and at what precise era, his peculiar talents first developed themselves; and how he must have felt in certain situations, supposing him ever to have been placed in them. In one place, for example, she employs several pages in describing Salvator's being taken by his father from his village-home to the College of Somasco, with a detailed account of the garments in which he and his father may be presumed to have been dressed; the adieus of his mother and sisters; the streets, the churches by which they passed; in short, with an admirable panoramic view of the city of Naples and its environs, as it would appear to any modern traveller; and an assurance at the end, that 'Such was the scenery of the Vomero in the beginning of the seventeenth century; such is it now!' Added to all which, we have, at every turn, pertinent allusions to celebrated persons who visited Rome and Italy in the same century, and perhaps wandered in the same solitudes, or were hid in the recesses of the same ruins; and learned dissertations on the state of the arts, sciences, morals, and politics, from the earliest records up to the present day. On the meagre thread of biography, in short, Lady Morgan has been ambitious to string the flowers of literature and the pearls of philosophy, and to strew over the obscure and half-forgotten origin of poor Salvator the colours of a sanguine enthusiasm and a florid imagination! So fascinated indeed is she with the splendour of her own style, that

whenever she has a simple fact or well-authenticated anecdote to relate, she is compelled to apologize for the homeliness of the circumstance, as if the flat realities of her story were unworthy accompaniments to the fine imaginations with which she has laboured to exalt it.

We could have wished, certainly, that she had shown less pretension in this respect. Women write well, only when they write naturally: And therefore we could dispense with their inditing prize-essays or solving *academic questions*;—and should be far better pleased with Lady Morgan if she would condescend to a more ordinary style, and not insist continually on playing the diplomatist in petticoats, and strutting the little Gibbon of her age!

Another circumstance that takes from the interest of the present work is, that the subject of it was both an author and an artist, or, as Lady Morgan somewhat affectedly expresses it, a painter-poet. It is chiefly in the latter part of this compound character, or as a satirist, comic writer and actor, that he comes upon the stage in these volumes; and the enchantment of the scene is hurt by it.

The great secret of our curiosity respecting the lives of painters is, that they seem to be a different race of beings, and to speak a different language from ourselves. We want to see what is the connecting link between pictures and books, and how colours will translate into words. There is something mystical and anomalous to our conceptions in the existence of persons who talk by natural signs, and express their thoughts by pointing to the objects they wish to represent. When they put pen to paper, it is as if a dumb person should stammer out his meaning for the first time, or as if the bark of a tree (repeating the miracle in Virgil) should open its lips and discourse. We have no notion how Titian could be witty, or Raphael learned; and we wait for the solution of the problem, as for the result of some curious experiment in natural history. Titian's acquitting himself of a compliment to Charles V., or Raphael's writing a letter to a friend, describing his idea of the Galatea, excites our wonder, and holds us in a state of breathless suspense, more than the first having painted all the masterpieces of the Escorial, or than the latter's having realized the divine idea in his imagination. Because they have a language which we want, we fancy they must want, or cannot be at home in ours;—we start and blush to find, that, though few are painters, all men are, and naturally must be, orators and poets. We have a stronger desire to see the autographs of artists than of authors or emperors; for we somehow cannot imagine in what manner they would form their tottering letters, or sign their untaught names. We



in fact exercise a sort of mental superiority and imaginary patronage over them (delightful in proportion as it is mixed up with a sense of awe and homage in other respects); watch their progress like that of grown children; are charmed with the imperfect glimmerings of wit or sense; and secretly expect to find them,—or express all the impertinence of an affected surprise if we do not—what Claude Lorraine is here represented to have been out of his painting room, little better than natural changelings and drivellers. It pleases us therefore to be told, that Gaspar Poussin, when he was not painting, rode a hunting; that Nicolas was (it is pretended) a miser and a pedant—that Domenichino was retired and modest, and Guido and Annibal Caracci unfortunate! This is as it should be, and flatters our self-love. Their works stand out to ages bold and palpable, and dazzle or inspire by their beauty and their brilliancy:—That is enough—the rest sinks into the ground of obscurity, or is only brought out as something odd and unaccountable by the patient efforts of good-natured curiosity. But all this fine theory and flutter of contradictory expectations is balked and knocked on the head at once, when, instead of a dim and shadowy figure in the background, a mere name, of which nothing is remembered but its immortal works, a poor creature performing miracles of art, and not knowing how it has performed them, a person steps forward, bold, gay, *gaillard*, with all his faculties about him, master of a number of accomplishments which he is not backward to display, mingling with the throng, looking defiance around, able to answer for himself, acquainted with his own merits, and boasting of them, not merely having the gift of speech, but a celebrated *improvisatore*, musician, comic actor and buffoon, patriot and cynic, reciting and talking equally well, taking up his pen to write satires, and laying it down to paint them. There is a vulgarity in all this practical bustle and restless stage-effect, that takes away from that abstracted and simple idea of art which at once attracts and baffles curiosity, like a distinct element in nature. ‘Painting,’ said Michael Angelo, ‘is jealous, and requires the whole man to herself.’ And there is something sacred and privileged in the character of those heirs of fame, and their noiseless reputation, which ought not, we think, to be gossipped to the air, babbled to the echo, or proclaimed by beat of drum at the corners of streets, like a procession or a puppet-show. We may peep and pry into the ordinary life of painters, but it will not do to strip them stark-naked. A speaking portrait of them—an anecdote or two—an expressive saying dropped by chance—an incident mark-

ing the bent of their genius, or its fate, are delicious; but here we should draw the curtain, or we shall profane this sort of image-worship. Least of all do we wish to be entertained with private brawls, or professional squabbles, or multifarious pretensions. 'The essence of genius,' as Lady Morgan observes, 'is concentration.' So is that of enthusiasm. We lay down the '*Life and Times of Salvator Rosa*,' therefore, with less interest in the subject than when we took it up. We had rather not read it. Instead of the old and floating traditions on the subject,—instead of the romantic name and romantic pursuits of the daring copyist of Nature, conversing with her rudest forms, or lost in lonely musing,—eyeing the clouds that roll over his head, or listening to the waterfall, or seeing the fresh breeze waving the mountain-pines, or leaning against the side of an impending rock, or marking the bandit that issues from its clefts, 'housing with wild men, with wild usages,' himself unharmed and free,—and bequeathing the fruit of his uninterrupted retirement and out-of-doors studies as the best legacy to posterity,—we have the Coviello of the Carnival, the *causeur* of the saloons, the political malecontent, the satirist, sophist, caricaturist, the trafficker with Jews, the wrangler with courts and academies, and, last of all, the painter of history, despising his own best works, and angry with all who admired or purchased them.

The worst fault that Lady Morgan has committed is in siding with this infirmity of poor Salvator, and pampering him into a second Michael Angelo. The truth is, that the judgment passed upon him by his contemporaries was right in this respect. He was a great landscape painter; but his histories were comparatively forced and abortive. If this had been merely the opinion of his enemies, it might have been attributed to envy and faction; but it was no less the deliberate sentiment of his friends and most enthusiastic partisans; and if we reflect on the nature of our artist's genius or his temper, we shall find that it could not well have been otherwise. This from a child was wayward, indocile, wild and irregular, unshackled, impatient of restraint, and urged on equally by success or opposition into a state of jealous and morbid irritability. Those who are at war with others, are not at peace with themselves. It is the uneasiness, the turbulence, the acrimony within that recoils upon external objects. Barry abused the Academy, because he could not paint himself. If he could have painted up to his own *idea* of perfection, he would have thought this better than exposing the ill-directed efforts or groundless pretensions of others. Salvator was rejected by the Academy of St



Luke, and excluded, in consequence of his hostility to reigning authorities, and his unlicensed freedom of speech, from the great works and public buildings in Rome; and though he scorned and ridiculed those by whose influence this was effected, yet neither the smiles of friends and fortune, nor the flatteries of fame, which in his lifetime had spread his name over Europe, and might be confidently expected to extend it to a future age, could console him for the loss, which he affected to dispise, and would make no sacrifice to obtain. He was indeed hard to please. He denounced his rivals and maligners with bitterness; and with difficulty tolerated the enthusiasm of his disciples, or the services of his patrons. He was at all times full of indignation, with or without cause. He was easily exasperated, and not willing soon to be appeased, or to subside into repose and good humour again. He slighted what he did best; and seemed anxious to go out of himself. In a word, irritability rather than sensibility, was the category of his mind: he was more distinguished by violence and restlessness of will, than by dignity or power of thought. The truly great, on the contrary, are sufficient to themselves, and so far satisfied with the world. 'Their mind to them is a kingdom,' from which they look out, as from a high watchtower or noble fortress, on the passions, the cabals, the meannesses and follies of mankind. They shut themselves up in measureless content; or soar to the great, discarding the little; and appeal from envious detraction or 'unjust tribunals' under change of times, to posterity. They are not satirists, cynics, nor the prey of these; but painters, poets, and philosophers.

Salvator was the victim of a too morbid sensibility, or of early difficulty and disappointment. He was always quarrelling with the world, and lay at the mercy of his own piques and resentments. But antipathy, the spirit of contradiction, captious discontent, fretful impatience, produce nothing fine in character neither dwell on beauty, nor pursue truth, nor rise into sublimity. The splenetic humourist is not the painter of humanity. Landscape painting is the obvious resource of misanthropy. Our artist, escaping from the herd of knaves and fools, sought out some rude solitude, and found repose there. Teased by the impertinence, stung to the quick by the injustice of mankind, the presence of the works of nature would be a relief to his mind, and would, by contrast, stamp her striking features more strongly there. In the coolness, in the silence, in the untamed wildness of mountain scenery, in the lawless manners of its inhabitants, he would forget the fever and the anguish, and the artificial restraints of society. We accordingly do not find in Salvator's rural scenes either natural beau-



ty or fertility, or even the simply grand; but whatever seizes attention by presenting a barrier to the will, or scorning the power of mankind, or snapping asunder the chain that binds us to the kind—the barren, the abrupt, wild steril regions, the steep rock, the mountain torrent, the bandit's cave, the hermit's cell,—all these, while they released him from more harassing and painful reflections, soothed his moody spirit with congenial gloom, and found a sanctuary and a home there. Not only is there a corresponding determination and singleness of design in his landscapes (excluding every approach to softness, or pleasure, or ornament), but the strength of the impression is confirmed even by the very touch and mode of handling; he brings us in contact with the objects he paints; and the sharpness of a rock, the roughness of the bark of a tree, or the ruggedness of a mountain path are marked in the freedom, the boldness, and firmness of his pencilling. There is not in Salvator's scenes the luxuriant beauty and divine harmony of Claude, nor the amplitude of Nicolas Poussin, nor the gorgeous richness of Titian—but there is a deeper seclusion, a more abrupt and total escape from society, more savage wildness and grotesqueness of form, a more earthy texture, a fresher atmosphere, and a more obstinate resistance to all the effeminate refinements of art. Salvator Rosa then is, beyond all question, the most *romantic* of landscape painters; because the very violence and untractableness of his temper threw him with instinctive force upon those objects in nature which would be most likely to sooth and disarm it; while, in history, he is little else than a caricaturist (we mean compared with such men as Raphael, Michael Angelo, &c.), because the same acrimony and impatience have made him fasten on those subjects and aspects of the human mind which would most irritate and increase it; and he has, in this department, produced chiefly distortion and deformity, sullenness and rage, extravagance, squalidness, and poverty of appearance. But it is time to break off this long and premature digression, into which our love of justice and of the arts (which requires, above all, that no more than justice should be done to any one) had led us, and return to the elegant but somewhat fanciful specimen of biography before us. Lady Morgan (in her flattery of the dead, the most ill-timed and unprofitable, but least disgusting of all flattery) has spoken of the historical compositions of Salvator in terms that leave no distinction between him and Michael Angelo; and we could not refrain from entering our protest against such an inference, and thus commencing our account of her book with what may appear at once a piece of churlish criticism and a want of gallantry.

The materials of the first volume, containing the account of Salvator's outset in life, and early struggles with fortune and his art, are slender, but spun out at great length, and steeped in very brilliant dyes. The contents of the second volume, which relates to a period when he was before the public, was in habits of personal intimacy with his future biographers, and made frequent mention of himself in letters to his friends which are still preserved, are more copious and authentic, and on that account—however Lady Morgan may wonder at it—more interesting. Of the artist's infant years, little is known, and little told; but that little is conveyed with all the 'pride, 'pomp, and circumstance of glorious' authorship. It is said, that the whole matter composing the universe might be compressed in a nutshell, taking away the porous interstices and flimsy appearances: So, we apprehend, that all that is really to be learnt of the subject of these Memoirs from the first volume of his life, might be contained in a single page of solid writing.

It appears that our artist was born in 1615, of poor parents, in the Borgo de Renella, near Naples. His father, Vito Antonio Rosa, was an architect and landsurveyor, and his mother's name was Giulia Grecca, who had also two daughters. Salvator very soon lost his full baptismal name for the nickname of Salvatoriello, in consequence of his mischievous tricks and lively gesticulations when a boy, or, more probably, this was the common diminutive of it given to all children. He was intended by his parents for the church, but early showed a truant disposition, and a turn for music and drawing. He used to scrawl with burnt sticks on the walls of his bedroom, and contrived to be caught in the fact of sketching outlines on the chapel-walls of the Certosa, when some priests were going by to mass, for which he was severely whipped. He was then sent to school at the monastery of the *Somasco* in Naples, where he remained for two years, and laid in a good stock of classical learning, of which he made great use in his after life, both in his poems and pictures. Salvator's first knowledge of painting was imbibed in the workshop of Francesco Francanzani (a painter at that time of some note in Naples), who had married one of his sisters, and under whose eye he began his professional studies. Soon after this he is supposed to have made a tour through the mountains of the Abruzzi, and to have been detained a prisoner by the banditti there. On the death of his father, he endeavoured to maintain his family by sketches, in landscape or history, which he sold to the brokers in Naples, and one of these (his *Hagar in the*

*Wilderness*), was noticed and purchased by the celebrated Lanfranco, who was passing the broker's shop in his carriage. Salvator finding it in vain to struggle any longer with chagrin and poverty in his native place, went to Rome, where he met with little encouragement, and fell sick, and once more returned to Naples. An accident, or rather the friendship of an old school-fellow, now introduced him into the suite of the Cardinal Brancaccia, and his picture of Prometheus brought him to general notice, and recalled him to Rome. About the same time, he appeared in the Carnival with prodigious *eclat* as an *improvisatore* and comic actor; and from this period may be dated the commencement of his public life as a painter, a satirist, and a man of general talents.

Except on these few tangible points the Manuscript yawns dreadfully; but Lady Morgan, whose wit or courage never flags, fills up the hollow spaces, and 'skins and films the missing part,' with an endless and dazzling profusion of digressions, invectives, and hypotheses. It is with pleasure that we give a specimen of the way in which she thus magnifies trifles, and enlarges on the possibilities of her subject. Salvator was born in 1615. As the birth of princes is announced by the discharge of artillery and the exhibition of fire-works, her ladyship thinks proper to usher in the birth of her hero with the following explosion of imagery and declamation.

'The sweeping semicircle which the most fantastic and singular city of Naples marks on the shore of its unrivalled bay, from the Capo di Pausilippo to the Torrione del Carmine, is dominated by a lofty chain of undulating hills, which take their distinctive appellations from some local peculiarity or classical tradition. The high and insulated rock of St Elmo, which overtops the whole, is crowned by that terrible fortress to which it gives its name—a fearful and impregnable citadel, that, since the first moment when it was raised by an Austrian conqueror to the present day, when it is garrisoned by a Bourbon with Austrian troops, has poured down the thunder of its artillery to support the violence, or proclaim the triumphs of foreign interference over the rights and liberties of a long-suffering and oft-resisting people.

'Swelling from the base of the savage St Elmo, smile the lovely heights of *San Martino*, where, through chestnut woods and vineyards, gleam the golden spires of the monastic palace of the Monks of the Certosa.\* A defile cut through the rocks of the *Monte Donzelle*,

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\* 'The pavilions of the Caliphs of Bagdad were not so deliciously placed, nor so sumptuously raised, as this retreat of the self-denying brotherhood of the Certosa. It was founded in the fourteenth century by Charles, son of Robert of Arragon, King of Naples.'



and shaded by the dark pines which spring from their crevices, forms an umbrageous pathway from this superb convent to the *Borgo di Renella*, the little capital of a neighbouring hill, which, for the peculiar beauty of its position, and the views it commands, is still called "*Pameno villaggio*." At night the fires of Vesuvius almost bronze the humble edifices of Renella; and the morning sun, as it rises, discovers from various points, the hills of Vomiro and Pausilippo, the shores of Puzzuoli and of Baiæ, the islets of Nisiti, Capri, and Procida, till the view fades into the extreme verge of the horizon, where the waters of the Mediterranean seem to mingle with those clear skies whose tint and lustre they reflect.

'In this true "*nido paterno*" of genius, there dwelt, in the year 1615, an humble and industrious artist, called Vito Antonio Rosa—a name even then not unknown to the arts, though as yet more known than prosperous. Its actual possessor, the worthy Messire Antonio, had, up to this time, struggled with his good wife Giulia Grecca and two daughters still in childhood, to maintain the ancient respectability of his family. Antonio was an architect and landsurveyor of some note, but of little gains; and if, over the old architectural portico of the Casaccia of Renella might be read,

"*Vito Antonio Rosa, Agremensore ed Architetto*;"

the intimation was given in vain! Few passed through the decayed Borgo of Renella, and still fewer, in times so fearful, were able to profit by the talents and profession which the inscription advertised. The family of Rosa, inconsiderable as it was, partook of the pressure of the times; and the pretty Borgo, like its adjacent scenery, (no longer the haunt of Consular voluptuaries, neither frequented by the great nor visited by the curious) stood lonely and beautiful—unencumbered by those fantastic *belvideras* and grotesque pavilions, which in modern times rather deform than beautify a site, for which Nature has done all, and Art can do nothing.

'The cells of the Certosa, indeed, had their usual complement of lazy monks and "*Frati conversi*." The fortress of St Elmo, then as now, manned by Austrian troops, glittered with foreign pikes. The cross rose on every acclivity, and the sword guarded every pass: but the villages of Renella and San Martino, of the Vomiro and of Pausilippo, were thinned of their inhabitants to recruit foreign armies; and this earthly paradise was dreary as the desert, and silent as the tomb.

'The Neapolitan barons, those restless but brave feudatories, whose resistance to their native despots preserved something of the ancient republican spirit of their Greek predecessors, now fled from the capital. They left its beautiful environs to Spanish viceroys, and to their official underlings; and sullenly shut themselves up in their domestic fortresses of the Abruzzi or of Calabria. "*La Civiltà*," a class then including the whole of the middle and professional ranks of society of Naples, was struggling for a bare existence in the towns and cities. Beggared by taxation levied at the will of

their despots, and collected with every aggravation of violence, its members lived under the perpetual *surveillance* of foreign troops and domestic *shirri*, whose suspicions their brooding discontents were well calculated to nourish.

'The people—the debased, degraded people—had reached that maximum of suffering beyond which human endurance cannot go. They were famished in the midst of plenty, and, in regions the most genial and salubrious, were dying of diseases, the fearful attendants on want. Commerce was at a stand, agriculture was neglected, and the arts, under the perpetual dictatorship of a Spanish court-painter, had no favour but for the *Seguaci* of Lo Spagnuolo.

'In such times of general distress and oppression, when few had the means or the spirit to build, and still fewer had lands to measure or property to transfer, it is little wonderful that the humble architect and landsurveyor of Renella,' &c.

And so she gets down to the humble parentage of her hero; and after telling us that his father was chiefly anxious that he should *not* be an artist, and that both parents resolved to dedicate him to religion, she proceeds to record, that he gave little heed to his future vocation, but manifested various signs of a disposition for all the fine arts. This occasioned considerable uneasiness and opposition on the part of those who had destined him to something very different; and 'the cord of paternal authority, drawn to its extreme tension, was naturally snapped.'—And upon this her volatile pen again takes *its roving flight*.

'The truant Salvatoriello fled from the restraints of an uncongenial home, from Albert Le Grand and Santa Caterina di Sienna, and took shelter among those sites and scenes whose imagery soon became a part of his own intellectual existence, and were received as impressions long before they were studied as subjects. Sometimes he was discovered by the *Padre Cercatore* of the convent of Renella, among the rocks and caverns of Baia, the ruined temples of Gods, and the haunts of Sibyls. Sometimes he was found by a gossip of Madonna Giulia, in her pilgrimage to a "*maesta*," sleeping among the wastes of the Solfatara, beneath the scorched branches of a blasted tree, his head pillowed by lava, and his dream most probably the vision of an infant poet's slumbers. For even then he was  
'the youngest he

That sat in shadow of Apollo's tree,'  
seeing Nature with a poet's eye, and sketching her beauties with a painter's hand.' p. 45.

Now this is well imagined and quaintly expressed; it pleases the fair writer, and should offend nobody else. But we cannot say quite so much of the note which is appended to it, and couched in the following terms.

'Rosa drew his first impressions from the magnificent scenery of

Pausilippo and Vesuvius; Hogarth found his in a pot-house at Highgate, where a drunken quarrel and a broken nose "first woke the God within him." Both, however, reached the sublime in their respective vocations--Hogarth in the grotesque, and Salvator in the majestic!

Really these critics who have crossed the Alps do take liberties with the rest of the world,—and do not recover from a certain giddiness ever after. In the eagerness of partisanship, the fair author here falsifies the class to which these two painters belonged. Hogarth did *not* excel in the 'grotesque,' but in the ludicrous and natural,—nor Salvator in the 'majestic,' but in the wild and gloomy features of man or nature; and in talent Hogarth had the advantage—a million to one. It would not be too much to say, that he was probably the greatest observer of manners, and the greatest comic genius, that ever lived. We know no one, whether painter, poet, or prose-writer, not even Shakspeare, who, in his peculiar department, was so teeming with life and invention, so over-informed with matter, so 'full to overflowing,' as Hogarth was. We shall not attempt to calculate the quantity of pleasure and amusement his pictures have afforded, for it is quite incalculable. As to the distinction between 'high and low' in matters of genius, we shall leave it to her Ladyship's other critics. But shall Hogarth's world of truth and nature (his huge total farce of human life) be reduced to 'a drunken quarrel and a broken nose?' We will not retort this sneer by any insult to Salvator; he did not paint his pictures in opposition to Hogarth. There is an air about his landscapes sacred to our imaginations, though different from the close atmosphere of Hogarth's scenes; and not the less so, because the latter could paint something better than 'a broken nose.' Nothing provokes us more than these exclusive and invidious comparisons, which seek to raise one man of genius by setting down another, and which, suppose that there is nothing to admire in the greatest talents, unless they can be made a foil to bring out the weak points or nominal imperfections of some fancied rival.

We might transcribe, for the entertainment of the reader, the passage to which we have already referred, describing Salvator's departure, in the company of his father, for the college of the *Congregazione Somasco*; but we prefer one which, though highly coloured and somewhat dramatic, is more to our purpose—the commencement of Salvator's studies as an artist under his brother-in-law Francanzani. We cannot, however, do this at once: for, in endeavouring to lay our hands upon



the passage, we were as usual intercepted by showers of roses and clouds of perfume. Lady Morgan's style resembles 'another morn risen on mid-noon.' We must make a career therefore with the historian, and reach the temple of painting through the sounding portico of music. It appears that Salvator, after he left the brotherhood of the *Somasco*, with more poetry than logic in his head, devoted himself to music; and Lady Morgan preludes her narration with the following eloquent passage.

'All Naples—(where even to this day love and melody make a part of the existence of the people)—all Naples was then resounding to guitars, lutes and harps, accompanying voices, which forever sang the fashionable *canzoni* of Cambio Donato, and of the Prince di Venusa. \* Neither German phlegm, nor Spanish gloom, could subdue spirits so tuned to harmony, nor silence the passionate *serenatas* which floated along the shores, and reverberated among the classic grottoes of Pausilippo. Vesuvius blazed, St Elmo thundered from its heights, conspiracy brooded in the caves of Baiæ, and tyranny tortured its victim in the dungeons of the Castello Nuovo; yet still the ardent Neapolitans, amidst all the horrors of their social and political position, † could snatch moments of blessed forgetfulness, and, reckless of their country's woes and their own degradation, could give up hours to love and music, which were already numbered in the death-warrants of their tyrants. . . . . It was at this moment, when peculiar circumstances were awakening in the region of the syrens 'the hidden soul of harmony,' when the most beautiful women of the capital and the court gave a public exhibition of their talents and their charms, and glided in their feluccas on the moonlight midnight seas, with harps of gold and hands of snow, that the contumacious students of the *Padri Somaschi* escaped from the restraints of their cloisters, and the horrid howl of their *laude spirituali*, to all the intoxication of sound and sight, with every sense in full accordance with the musical

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\* Evelyn, who visited Naples about this time, observes that 'the country people are so jovial and so addicted to music, that the very husbandmen almost universally play on the guitar, singing and accompanying songs in praise of their sweethearts, and will commonly go to the field with their fiddle. They are merry, witty, and genial, all of which I attribute to their ayre.'—*Memoirs*, vol. 1.

† 'Among the women were the Signorine Leonora and Caterina, who were never heard but with rapture' (says Della Valle, a contemporary of Salvator, in speaking of the female musicians of this time), 'particularly the elder, who accompanied herself on the arch lute. I remember their mother in her youth, when she sailed in her felucca near the grotto of Pausilippo, with her golden harp in her hand; but in our times these shores were inhabited by syrens, not only beautiful and tuneful, but virtuous and beneficent.'

passion of the day. It is little wonderful, if, at this epoch of his life, Salvator gave himself up unresistingly to the pursuit of a science, which he cultivated with ardour, even when time had preached his tumultuous pulse to rest; or if the floating capital of genius, which was as yet unappropriated, was in part applied to that species of composition, which, in the youth of man as of nations, precedes deeper and more important studies, and for which, in either, there is but one age. All poetry and passion, his young Muse 'dallied with the innocence of love;' and inspired strains, which, though the simple breathings of an ardent temperament, the exuberance of youthful excitement, and an overteeming sensibility, were assigning him a place among the first Italian lyrists of his age. Little did he then dream that posterity would apply the rigid rules of criticism to the 'idle visions' of his boyish fancy; or that his bars and basses would be conned and analyzed by the learned umpires of future ages—declared 'not only admirable for a *dilettante*, but, in point of melody, 'superior to that of most of the masters of his time.'\*

.....  
 'It happened at this careless, gay, but not idle period of Salvator's life, that an event occurred which hurried on his vocation to that art, to which his parents were so determined that he should not addict himself, but to which Nature had so powerfully directed him. His probation of adolescence was passed: his hour was come; and he was about to approach that temple whose threshold he modestly and poetically declared himself unworthy to pass.

'Del immortalide al tempio augusto  
 Dove serba la gloria e i suoi tesori.'

'At one of the popular festivities annually celebrated at Naples in honour of the Madonna, the beauty of Rosa's elder sister captivated the attention of a young painter, who, though through life unknown to "fortune," was not even then "unknown to fame." The celebrated and unfortunate Francesco Francanzani, the innamorata of La Signorina Rosa, was a distinguished pupil of the Spagnuololetto school; and his picture of San Giuseppe, for the Chiesa Pellegrini, had already established him as one of the first painters of his day. Francanzani, like most of the young Neapolitan painters of his time, was a turbulent and factious character, vain and self-opinionated; and, though there was in his works a certain grandeur of style, with great force and depth of colouring, yet the impatience of his disappointed ambition, and indignation at the neglect of his acknowledged merit, already rendered him reckless of public opinion.†

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\* Burney's History of Music. Dr Burney purchased an old music book of Salvator's compositions, of his granddaughter, in 1773, and brought it over with him to England.

† He was thrown into gaol and executed, for his concern in some desperate enterprise.



'It was the peculiar vanity of the painters of that day to have beautiful wives. Albano had set the example'—[as if any example need be set, or the thing had been done in concert]—'Domenichino followed it to his cost; Rubens turned it to the account of his profession; and Francanzani, still poor and struggling, married the portionless daughter of the most indigent artist in Naples, and thought perhaps more of the model than the wife. This union, and, still more, a certain sympathy in talent and character between the brothers-in-law, frequently carried Salvator to the *stanza* or work-room of Francesco. Francesco, by some years the elder, was then deep in the faction and intrigues of the Neapolitan school; and was endowed with that bold eloquence, which, displayed upon bold occasions, is always so captivating to young auditors. It was at the foot of his kinsman's easel, and listening to details which laid perhaps the foundation of that contemptuous opinion he cherished through life for schools, academies, and all incorporated pedantry and pretension,\* that Salvator occasionally amused himself in copying, on any scrap of board or paper which fell in his way, whatever pleased him in Francesco's pictures. His long-latent genius thus accidentally awakened, resembled the *acqua buja*, whose cold and placid surface kindles like spirits on the contact of a spark. In these first, rude, and hasty sketches, Francanzani, as Passeri informs us, saw "*molti segni d'un indole spirituosà*" (great signs of talent and genius); and he frequently encouraged, and sometimes corrected, the copies which so nearly approached the originals. But Salvator, who was destined to imitate none, but to be imitated by many, soon grew impatient of repeating another's conceptions, and of following in an art in which he already perhaps felt, with prophetic throes, that he was born to lead. His visits to the workshop of Francanzani grew less frequent; his days were given to the scenes of his infant wanderings; he departed with the dawn, laden with his portfolio filled with primed paper, and a pallet covered with oil colours; and it is said, that even then he not only sketched, but coloured from nature. When the pedantry of criticism (at the suggestion of envious rivals) accused him of having acquired, in his colouring, too much of the *impasting* of the *Spagnuolo* school, it was not aware that his faults, like his beauties, were original; and that he sinned against the rules of art, only because he adhered too faithfully to nature.'—[Salvator's flesh colour is as remarkably dingy and *Spagnuolettish*, as the tone of his landscapes is fresh and clear.]—'Returning from these arduous but not profitless rambles, through wildernesses and along precipices, impervious to all save the enterprise of fearless genius, he sought shelter beneath his sister's roof, where a kinder welcome awaited him than he could

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\* Why so? Was it not said just before, that this painter was deep in the Neapolitan school? But Lady Morgan will have it so, and we cannot contradict her.



find in that home where it had been decreed from his birth that *he should not be a painter*.

'Francanzani was wont, on the arrival of his brother-in-law, to rifle the contents of his portfolio; and he frequently found there compositions hastily thrown together, but selected, drawn, and coloured with a boldness and a breadth, which indicated the confidence of a genius sure of itself. The first accents of "the thrilling melody of sweet renown" which ever vibrated to the heart of Salvator, came to his ear on these occasions in the Neapolitan *patois* of his relation, who, in glancing by lamp-light over his labours, would pat him smilingly on the head, and exclaim, "*Fruscia, fruscia, Salvatoriello—che va buono*," ("Go on, go on, this is good")—simple plaudits! but frequently remembered in aftertimes (when the dome of the Pantheon had already rung with the admiration extorted by his *Regulus*) as the first which cheered him in his arduous progress.' p. 94.

The reader cannot fail to observe here how well every thing is made out: how agreeably every thing is assumed: how difficulties are smoothed over, little abruptnesses rounded off: how each circumstance falls into its place just as it should, and answers to a preconceived idea, like the march of a verse or the measure of a dance: and how completely that imaginary justice is everywhere done to the subject, which, according to Lord Bacon, gives poetry so decided an advantage over history! Yet this is one of our fair authoress's most severe and literal passages. Her prose-Muse is furnished with wings; and the breeze of Fancy carries her off her feet from the plain ground of matter-of-fact, whether she will or no. Lady Morgan, in this part of her subject, takes occasion to animadvert on an opinion of Sir Joshua's respecting our artist's choice of a particular style of landscape painting.

'*Salvator Rosa*,' says Sir J. Reynolds, '*saw the necessity of trying some new source of pleasing the public in his works. The world were tired of Claude Lorraine's and G. Poussin's long train of imitators.*'

'*Salvator therefore struck into a wild, savage kind of nature, which was new and striking.*'

'The first of these paragraphs contains a strange anachronism. When *Salvator struck into a new line*, Poussin and Claude, who, though his elders, were his contemporaries, had as yet no train of imitators. The one was struggling for a livelihood in France, the other was cooking and grinding colours for his master at Rome. *Salvator's* early attachment to Nature in her least imitated forms, was not the result of speculation having any reference to the public; it was the operation of original genius, and of those particular tendencies which seemed to be breathed into his soul at the moment it first quickened. From his cradle to his tomb he was the creature of impulse, and the slave of his own vehement volitions.'—*Note*, p. 97-8.

We think this is spirited and just. Sir Joshua, who borrowed from almost all his predecessors in art, was now and then a little too ready to detract from them. We dislike these attempts to explain away successful talent into a species of studied imposture—to attribute genius to a plot, originality to a trick. Burke, in like manner, accused Rousseau of the same kind of *malice prepense* in bringing forward his paradoxes—as if he did it on a theory, or to astonish the public, and not to give vent to his peculiar humours and singularity of temperament.

We next meet with a poetical version of a picturesque tour undertaken by Salvator among the mountains of the Abruzzi, and of his detention by the banditti there. We have much fine writing on the subject; but after a world of charming theories and romantic conjectures, it is left quite doubtful whether this last event ever took place at all—at least we could wish there was some better confirmation of it than a vague rumour, and an etching by Salvator of a '*Youth taken captive by banditti, with a female figure pleading his cause,*' which the historian at once identifies with the adventures of the artist himself, and 'moralizes into a thousand similes.' We are indemnified for the dearth of satisfactory evidence on this point by animated and graceful transitions to the history and manners of the Neapolitan banditti, their physiognomical distinctions and political intrigues, to the grand features of mountain scenery, and to the character of Salvator's style, founded on all these exciting circumstances, real or imaginary. On the death of his father, Vito Antonio, which happened when he was about seventeen, the family were thrown on his hands for support, and he struggled for some time with want and misery, which he endeavoured to relieve by his hard bargains with the *rivenditori* (picture-dealers) in the *Strada della Carità*, till necessity and chagrin forced him to fly to Rome. The purchase of his *Hagar* by Lanfranco is the only bright streak in this period of his life, which cheered him for a moment with faint delusive hope.

The art of writing may be said to consist in thinking of nothing but one's subject; the art of book-making, on the contrary, can only subsist on the principle of laying hands on every thing that can supply the place of it. The author of the '*Life and Times of Salvator Rosa,*' though devoted to her hero, does not scruple to leave him sometimes, and to occupy many pages with his celebrated contemporaries, Domenichino, Lanfranco, Caravaggio, and the sculptor Bernini, the most splendid coxcomb in the history of art, and the spoiled child of vanity and patronage. Before we take leave of Naples, we

must introduce our readers to some of this good company, and pay our court in person. We shall begin with Caravaggio, one of the *characteristic* school both in mind and manners. The account is too striking in many respects to be passed over, and affords a fine lesson on the excesses and untamed irregularities of men of genius.

'In the early part of the seventeenth century, the manner of the Neapolitan school was purely *Caravaggesque*. Michael Angelo Amoreghi, better known as *Il Caravaggio* (from the place of his birth in the Milanese, where his father held no higher rank than that of a stone mason), was one of those powerful and extraordinary geniuses which are destined by their force and originality to influence public taste, and master public opinion, in whatever line they start. The Roman School, to which the almost celestial genius of Raphael had so long been as a tutelary angel, sinking rapidly into degradation and feebleness, suddenly arose again under the influence of a new chief, whose professional talent and personal character stood opposed in the strong relief of contrast to that of his elegant and poetical predecessor.

'The influence of this "*uomo intractabile e brutale*," this *passionate and intractable man*, as he is termed by an Italian historian of the arts, sprang from the depression of the school which preceded him. Nothing less than the impulsion given by the force of contrast, and the shock occasioned by a violent change, could have produced an effect on the sinking art such as proceeded from the strength and even coarseness of Caravaggio. He brought back nature triumphant over mannerism—nature, indeed, in all the exaggeration of strong motive and overbearing volition; but still it *was* nature; and his bold example dissipated the languor of exhausted imitation, and gave excitement even to the tamest mediocrity and the feeblest conception. . . . When on his first arrival in Rome (says Bellori) the *cognoscenti* advised him to study from the antiques, and take Raphael as his model, he used to point to the promiscuous groups of men and women passing before him, and say, "those were the models and the masters provided him by Nature." Teased one day by a pedant on the subject, he stopped a gipsy-girl who was passing by his window, called her in, placed her near his easel, and produced his splendid *Zingara in atto di predire l'avventure*, his well-known and exquisite Egyptian Fortune-teller. His *Gamblers* was done in the same manner.

'The temperament which produced this peculiar genius was necessarily violent and gloomy. Caravaggio tyrannized over his school, and attacked his rivals with other arms than those of his art. He was a professed duellist; and having killed one of his antagonists in a rencontre, he fled to Naples, where an asylum was readily granted him. His manner as a painter, his character as a man, were both calculated to succeed with the Neapolitan school;



and the *maniera Caravaggesca* thenceforward continued to distinguish its productions, till the art, there, as throughout all Europe, fell into utter degradation, and became lost almost as completely as it had been under the Lower Empire.

'In a warm dispute with one of his own young friends in a tennis-court, he had struck him dead with a racket, having been himself severely wounded. Notwithstanding the triumphs with which he was loaded in Naples, where he executed some of his finest pictures, he soon got weary of his residence there, and went to Malta. His superb picture of the Grand Master obtained for him the cross of Malta, a rich golden chain, placed on his neck by the Grand Master's own hands, and two slaves to attend him. But all these honours did not prevent the new knight from falling into his old habits. *Il suo torbido ingegno*, says Bellori, plunged him into new difficulties; he fought and wounded a noble cavalier, was thrown into prison by the Grand Master, escaped most miraculously, fled to Syracuse, and obtained the suffrages of the Syracusans by painting his splendid picture of the *Santa Morte*, for the church of Santa Lucia. In apprehension of being taken by the Maltese knights, he fled to Messina, from thence to Palermo, and returned to Naples, where hopes were given him of the Pope's pardon. Here, picking a quarrel with some military men at an inn door, he was wounded, took refuge on board a felucca, and set sail for Rome. Arrested by a Spanish guard, at a little port (where the felucca cast anchor), by mistake, for another person, when released he found the felucca gone, and in it all his property. Traversing the burning shore under a vertical sun, he was seized with a brain-fever, and continued to wander through the deserts of the Pontine Marshes, till he arrived at Porto Ercoli, when he expired in his fortieth year.' p. 139.

We have seen some of the particulars differently related; but this account is as probable as any; and it conveys a startling picture of the fate of a man led away by headstrong passions and the pride of talents,—an intellectual outlaw, having no regard to the charities of life, nor knowledge of his own place in the general scale of being. How different, how superior, and yet how little more fortunate, was the amiable and accomplished Domenichino (the 'most sensible of painters'), who was about this time employed in painting the dome of St Januarius!

'Domenichino reluctantly accepted the invitation (1629); and he arrived in Naples with the zeal of a martyr devoted to a great cause, but with a melancholy foreboding, which harassed his noble spirit, and but ill prepared him for the persecution he was to encounter. Lodged under the special protection of the *Deputati*, in the *Palazzo dell' Arcivescovato*, adjoining the church, on going forth from his sumptuous dwelling the day after his arrival, he found a paper addressed to him sticking in the key-hole of his anteroom. It inform-

ed him, that if he did not instantly return to Rome, he should never return there with life. Domenichino immediately presented himself to the Spanish viceroy, the *Conte Monterey*, and claimed protection for a life then employed in the service of the church. The piety of the count, in spite of his partiality to the faction [of Spagnoletto], induced him to pledge the word of a grandee of Spain, that Domenichino should not be molested; and from that moment a life, no longer openly assailed, was embittered by all that the littleness of malignant envy could invent to undermine its enjoyments and blast its hopes. Calumnies against his character, criticisms on his paintings, ashes mixed with his colours, and anonymous letters, were the miserable means to which his rivals resorted; and to complete their work of malignity, they induced the viceroy to order pictures from him for the Court of Madrid; and when these were little more than laid in in dead colours, they were carried to the viceregal palace, and placed in the hands of Spagnoletto to retouch and alter at pleasure. In this disfigured and mutilated condition, they were despatched to the gallery of the King of Spain. Thus drawn from his great works by despotic authority, for the purpose of effecting his ruin, enduring the complaints of the *Deputati*, who saw their commission neglected, and suffering from perpetual calumnies and persecutions, Domenichino left the superb picture of the *Martyrdom of San Gennaro*, which is now receiving the homage of posterity, and fled to Rome; taking shelter in the solemn shades of Frescati, where he resided some time under the protection of Cardinal Ippolito Aldobrandini. It was at this period that Domenichino was visited by his biographer Passeri, then an obscure youth, engaged to assist in the repairs of the pictures in the cardinal's chapel. 'When we arrived at Frescati,' says Passeri in his simple style, 'Domenichino received me with much courtesy; and hearing that I took a singular delight in the belles-lettres, it increased his kindness to me. I remember me, that I gazed on this man as though he were an angel. I remained till the end of September, occupied in restoring the chapel of St Sebastian, which had been ruined by the damp. Sometimes Domenichino would join us, singing delightfully to recreate himself as well as he could. When night set in we returned to our apartment, while he most frequently remained in his own, occupied in drawing, and permitting none to see him. Sometimes, however, to pass the time, he drew caricatures of us all, and of the inhabitants of the villa; and when he succeeded to his satisfaction, he was wont to indulge in immoderate fits of laughter; and we, who were in the adjoining room, would run in to know his reason, and then he showed us his spirited sketches (*spiritose galanterie*). He drew a caricature of me with a guitar, one of Canini the painter, and one of the guarda roba, who was lame with the gout, and of the subguarda roba, a most ridiculous figure. To prevent our being offended, he also caricatured himself. These portraits are now preserved by Signor Giovanni Pietro Bellori in his study.' *Vita di Domenichino*.—Obliged, however, at



length, to return to Naples to fulfil his fatal engagements, overwhelmed both in mind and body by the persecutions of his *soi-disant* patrons and his open enemies, he died, says Passeri, '*fra mille crepascuori*,' amidst a *thousand heart-breakings*, with some suspicion of having been poisoned, in 1641.' p. 150.

We could wish Lady Morgan had preserved more of this *simple style of Passeri*. We confess we prefer it to her own more brilliant and artificial one; for instance, to such passages as the following, describing Salvator's first entrance into the city of Rome.

'In entering the greatest city of the world at the Ave Maria, the hour of Italian recreation'—(Why must he have entered it at this hour, except for the purpose of giving the author an apology for the following eloquent reflections?)—'in passing from the silent desolate suburbs of San Giovanni to the Corso (then a place of crowded and populous resort), where the princes of the Conclave presented themselves in all the pomp and splendour of Oriental satraps, the feelings of the young and solitary stranger must have suffered a revulsion, in the consciousness of his own misery. Never, perhaps, in the deserts of the Abruzzi, in the solitudes of Otranto, or in the ruins of Pæstum, did Salvator experience sensations of such utter loneliness, as in the midst of this gaudy and multitudinous assemblage; for in the history of melancholy *sensations* there are few comparable to that *sense of isolation*, to that *desolateness* of soul, which accompanies the first entrance of the friendless on a world where all, save they, have ties, pursuits, and homes.' p. 174.

When we come to passages like this, so buoyant, so airy, and so brilliant, we wish we could forget that history is not a pure voluntary effusion of sentiment, and that we could fancy ourselves reading a page of Mrs Radcliffe's Italian, or Miss Porter's Thaddeus of Warsaw! Presently after, we learn, that 'Milton and Salvator, who, in genius, character, and political views, bore no faint resemblance to each other, though living at the same time both in Rome and Naples, remained mutually unknown. The obscure and indigent young painter had, doubtless, no means of presenting himself to the great republican poet of England;—if, indeed, he had then ever heard of one so destined to illustrate the age in which both flourish—ed.'—p. 176. This is the least apposite of all our author's critical juxtapositions; if we except the continual running parallel between Salvator, Shakspeare, and Lord Byron, as the three demons of the imagination personified. Modern critics can no more confer rank in the lists of fame, than modern heralds can confound new and old nobility.

Salvator's first decided success at Rome, or in his profession, was in his picture of Prometheus, exhibited in the Pantheon,



when he was little more than twenty, and which stamped his reputation as an artist from that time forward, though it did not lay the immediate foundation of his fortune. In this respect, his rejection by the Academy of St Luke, and the hostility of Bernino, threw very considerable obstacles in his way. Lady Morgan celebrates the success of this picture at sufficient length, and with enthusiastic sympathy, and accompanies the successive completion of his great historical efforts afterwards, the *Regulus*, the *Purgatory*, the *Job*, the *Saul*, and the *Conspiracy of Catiline*, with appropriate comments; but, as we are tainted with heresy on this subject, we shall decline entering into it, farther than to say generally, that we think the colouring of Salvator's flesh dingy, his drawing *mengre*, his expressions coarse or violent, and his choice of subjects morose and monotonous. The figures in his landscape-compositions are admirable for their spirit, force, wild interest, and daring character; but, in our judgment, they cannot stand alone as high history, nor, by any means, claim the first rank among epic or dramatic productions. His landscapes, on the contrary, as we have said before, have a boldness of conception, a unity of design, and felicity of execution, which, if it does not fill the mind with the highest sense of beauty or grandeur, assigns them a place by themselves, which invidious comparison cannot approach or divide with any competitor. They are original and *perfect* in their kind; and that kind is one that the imagination requires for its solace and support; is always glad to return to, and is never ashamed of, the wild and abstracted scenes of nature. Having said thus much by way of explanation, we hope we shall be excused from going farther into the details of an obnoxious hypercriticism, to which we feel an equal repugnance as professed worshippers of fame and genius! Our readers will prefer, to our sour and fastidious (perhaps perverse) criticism, the lively account which is here given of Salvator's first appearance in a new character—one of the masks of the Roman carnival—which had considerable influence in his subsequent pursuits and success in life.

‘ Towards the close of the Carnival of 1639, when the spirits of the revellers (as is always the case in Rome) were making a brilliant rally for the representations of the last week, a car, or stage, highly ornamented, drawn by oxen, and occupied by a masked troop, attracted universal attention by its novelty and singular representations. The principal personage announced himself as a certain Signor Formica, a Neapolitan actor, who, in the character of Coviello, a charlatan, displayed so much genuine wit, such bitter satire, and exquisite humour, rendered doubly effective by a Neapolitan accent and national gesticulations, that other representations were abandoned;

and gipsies told fortunes, and Jews hung in vain. The whole population of Rome gradually assembled round the novel, the inimitable Formica. The people relished his flashes of splenetic humour aimed at the great; the higher orders were delighted with an *improvisatore*, who, in the intervals of his dialogues, sung to the lute, of which he was a perfect master, the Neapolitan ballads, then so much in vogue. The attempts made by his fellow-revellers to obtain some share of the plaudits he so abundantly received, whether he spoke or sung, asked or answered questions, were all abortive; while he, (says Balduino), "at the head of every thing by his wit, eloquence, and brilliant humour, drew half Rome to himself." The contrast between his beautiful musical and poetical compositions, and those Neapolitan gesticulations in which he indulged, when, laying aside his lute, he presented his vials and salves to the delighted audience, exhibited a versatility of genius, which it was difficult to attribute to any individual then known in Rome. Guesses and suppositions were still vainly circulating among all classes, when, on the close of the Carnival, Formica, ere he drove his triumphal car from the Piazza Navona, which, with one of the streets in the Trasevere, had been the principal scene of his triumph, ordered his troop to raise their masks, and, removing his own, discovered that Coviello was the sublime author of the Prometheus, and his little troop the "Partigiani" of Salvator Rosa. All Rome was from this moment (to use a phrase which all his biographers have adopted) "*filled with his fame*." That notoriety which his high genius had failed to procure for him, was obtained at once by those lighter talents which he had nearly suffered to fall into neglect, while more elevated views had filled his mind.' p. 253.

Lady Morgan then gives a very learned and sprightly account of the characters of the old Italian comedy, with a notice of Moliere, and sprinklings of general reading, from which we have not room for an extract. Salvator, after this event, became the rage in Rome; his society and conversation were much sought after, and his *improvisatore* recitations of his own poetry, in which he sketched the outline of his future Satires, were attended by some of the greatest wits and most eminent scholars of the age. He on one occasion gave a burlesque comedy in ridicule of Bernini, the favourite court-artist. This attack drew on him a resentment, the consequences of which, 'like a wounded snake, dragged their slow length' through the rest of his life. Those who are the loudest and bitterest in their complaints of persecution and ill-usage are the first to provoke it. In the warfare waged so fondly and (as it is at last discovered) so unequally with the world, the assailants and the sufferers will be generally found to be the same persons. We would not, by this indirect censure of Salvator, be understood to condemn or discourage those who have an inclination to go

on the same *forlorn hope* : we merely wish to warn them of the nature of the service, and that they ought not to prepare for a triumph, but a martyrdom ! If they are ambitious of that, let them take their course.

Salvator's success in his new attempt threw him in some measure, from this time forward, into the career of comedy and letters : painting, however, still remained his principal pursuit and strongest passion. His various talents and agreeable accomplishments procured him many friends and admirers, though his hasty temper and violent pretensions often defeated their good intentions towards him. He wanted to force his Histories down the throats of the public and of private individuals, who came to purchase his pictures, and turned from, and even insulted those who praised his landscapes. This jealousy of a man's self, and quarrelling with the favourable opinion of the world, because it does not exactly accord with our own view of our merits, is one of the most tormenting and incurable of all follies. We subjoin the two following remarkable instances of it.

' The Prince Francesco Ximenes having arrived in Rome, found time, in the midst of the honours paid to him, to visit Salvator Rosa ; and, being received by the artist in his gallery, he told him frankly, that he had come for the purpose of seeing and purchasing some of those beautiful small landscapes, whose manner and subjects had delighted him in many foreign galleries.—“ Be it known then to your Excellency,” interrupted Rosa impetuously, “ that *I know nothing of landscape-painting !* Something indeed I do know of painting *figures and historical subjects*, which I strive to exhibit to such eminent judges as yourself, in order that once for all I may banish from the public mind that fantastic humour of supposing I am a landscape, and not an historical painter.”

' Shortly after, a very rich cardinal, whose name is not recorded, called on Salvator to purchase some pictures ; and as his Eminence walked up and down the gallery, he always paused before some certain *quadretti*, and never before the historical subjects, while Salvator muttered from time to time between his clenched teeth, “ *Sempre, sempre, paesi piccoli.*” When at last the Cardinal glanced his eye over some great historical picture, and carelessly asked the price as a sort of company question, Salvator bellowed forth “ *Un milione.*” His Eminence, stanned or offended, hurried away, and returned no more.”

Other stories are told of the like import. And yet if Salvator had been more satisfied in his own mind of the superiority of his historical pictures, he would have been less anxious to make others converts to his opinion. So shrewd a man ought to have been aware of the force of the proverb about *nursing the ricketty child*.



One of the most creditable *traits* in the character of Salvator is the friendship of Carlo Rossi, a wealthy Roman citizen, who raised his prices and built a chapel to his memory; and one of the most pleasant and flattering to his talents is the rivalry of Messer Agli, an old Bolognese merchant, who came all the way to Florence (while Salvator was residing there) to enter the lists with him as the clown and quack-doctor of the *com-media della arte*.

We loiter on the way with Lady Morgan—which is a sign that we do not dislike her company, and that our occasional severity is less real than affected. She opens many pleasant vistas, and calls up numerous themes of never-failing interest. Would that we could wander with her under the azure skies and golden sunsets of Claude Lorrain, amidst classic groves and temples, and flocks, and herds, and winding streams, and distant hills and glittering sunny vales,

—‘Where universal Pan,

Knit with the Graces and the Hours in dance,

Leads on the eternal spring;’—

—repose in Gaspar Poussin’s cool grottos, or on his breezy summits, or by his sparkling waterfalls!—but we must not indulge too long in these delightful dreams. Time presses, and we must on. It is mentioned in this part of the narrative which treats of Salvator’s contemporaries and great rivals in landscape, that Claude Lorraine, besides his natural stupidity in all other things, was six-and-thirty before he began to paint (almost the age at which Raphael died), and in ten years after was—what no other human being ever was or will be. The lateness of the period at which he commenced his studies, render those unrivalled masterpieces which he has left behind him to all posterity a greater miracle than they would otherwise be. One would think that perfection required at least a whole life to attain it. Lady Morgan has described this divine artist very prettily and poetically; but her description of Gaspar Poussin is as fine, and might in some places be mistaken for that of his rival. This is not as it should be; since the distance is immeasurable between the productions of Claude Lorraine and all other landscapes whatever—with the single exception of Titian’s backgrounds.\* Sir Joshua Reynolds used to say (such was his opinion of the faultless beauty

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\* We might refer to the back-ground of the St Peter Martyr. Claude, Gaspar, and Salvator could not have painted this one back-ground among them! but we have already remarked, that *comparisons are odious*.

of his style), that 'there would be another Raphael before there was another Claude!'

The first volume of the present work closes with a spirited account of the short-lived revolution at Naples, brought about by the celebrated Massaniello. Salvator contrived to be present at one of the meetings of the patriotic conspirators by torch-light, and has left a fine sketch of the unfortunate leader. An account of this memorable transaction will be found in Robertson, and a still more striking and genuine one in the Memoirs of Cardinal de Retz.

We must hasten through the second volume with more rapid strides. Salvator, after the failure and death of Massaniello, returned to Rome, disappointed, disheartened, and gave vent to his feelings on this occasion by his two poems, *La Babilonia*, and *La Guerra*, which are full of the spirit of love and hatred, of enthusiasm and bitterness.† About the same time, he painted his two allegorical pictures of 'Human Frailty,' and 'Fortune.' These were exhibited in the Pantheon; and from the sensation they excited, and the sinister comments that were made on them, had nearly conducted Salvator to the Inquisition. In the picture of 'Fortune,' more particularly, 'the nose of one powerful ecclesiastic, and the eye of another, were detected in the brutish physiognomy of the swine who were treading pearls and flowers under their feet; a Cardinal was recognised in an ass scattering with his hoof the laurel and myrtle which lay in his path, and in an old goat reposing on roses. Some there were who even fancied the infallible lover of Donna Olympia, the Sultana Queen of the Quirinal! The cry of atheism and sedition—of contempt of established authorities—was thus raised under the influence of private pique and long-cherished envy. It soon found an echo in the painted walls where the Conclave sat 'in close divan,' and it was bandied about from mouth to mouth till it reached the ears of the Inquisitor, within the dark recesses of his house of terrors.' II. 20.

The consequence was, that our artist was obliged to fly from Rome, after waiting a little to see if the storm would blow over, and to seek an asylum in the court of the Grand Duke of Tuscany at Florence. Here he passed some of the happiest years of his life, flattered by princes, feasting nobles, conversing with poets, receiving the suggestions of critics, painting landscapes or history as he liked best, composing and reciting his

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† The Cardinal Sforza Pallavicini, having been present by his own request at the recitation of one of these pieces, and being asked his opinion, declared, that 'Salvator's poetry was full of splendid passages, but that, as a whole, it was unequal.'

own verses, and making a fortune, which he flung away again as soon as he had made it, with the characteristic improvidence of genius. Of the gay, careless, and friendly intercourse in which he passed his time, the following passages give a very lively intimation.

'It happened that Rosa, in one of those fits of idleness to which even his strenuous spirit was occasionally liable, flung down his pencil, and sallied forth to communicate the infection of his *far niente* to his friend Lippi. On entering his *studio*, however, he found him labouring with great impetuosity on the back-ground of his picture of the *Flight into Egypt*; but in such sullen vehemence, or in such evident ill-humour, that Salvator demanded, "Che fai, amico?"—"What am I about?" said Lippi: "I am going mad with vexation. Here is one of my best pictures ruined: I am under a spell, and cannot even draw the branch of a tree, nor a tuft of herbage."—"Signore Dio!" exclaimed Rosa, twisting the paletti off his friend's thumb, "what colours are here?" and scraping them off, and gently pushing away Lippi, he took his place, murmuring, "Let me see! who knows but I may help you out of the scrape?" Half in jest and half in earnest, he began to touch and retouch, and change, till nightfall found him at the easel, finishing one of the best back-ground landscapes he ever painted. All Florence came the next day to look at this *chef-d'œuvre*, and the first artists of the age took it as a study.

'A few days afterwards, Salvator called upon Lippi, found him preparing a canvas, while Malatesta read aloud to him and Ludovico Seranai the astronomer, the MS. of his poem of the Sphynx. Salvator, with a noiseless step, took his seat in an old Gothic window, and, placing himself in a listening attitude, with a bright light falling through stained glass upon his fine head, produced a splendid study, of which Lippi, without a word of his intention, availed himself; and executed, with incredible rapidity, the finest picture of Salvator that was ever painted. Several copies of it were taken with Lippi's permission, and Ludovico Seranai purchased the original at a considerable price. In this picture Salvator is dressed in a cloth habit, with richly slashed sleeves, turnovers, and a collar. It is only a head and bust, and the eyes are looking towards the spectator.' II. 66.

At one time, his impatience at being separated from Carlo Rossi and other friends was so great, that he narrowly risked his safety to obtain an interview with them. About three years after he had been at Florence, he took post-horses, and set off for Rome at midnight. Having arrived at an inn in the suburbs, he despatched messages to eighteen of his friends, who all came, thinking he had got into some new scrape; breakfasted with them, and returned to Florence, before his Roman persecutors or his Tuscan friends were aware of his adventure.



Salvator, however, was discontented even with this splendid lot, and sought to embower himself in entire seclusion, and in deeper bliss, in the palace of the Counts Maffei at Volterra, and in the solitudes in its neighbourhood. Here he wandered night and morn, drinking in that slow poison of reflection which his soul loved best—planning his *Catiline Conspiracy*—preparing his Satires for the press—and weeding out their Neapolitanisms, in which he was assisted by the fine taste and quick tact of his friend Redi. This appears to have been the only part of his life to which he looked back with pleasure or regret. He however left this enviable retreat soon after, to return to Rome, partly for family reasons, and partly, no doubt, because the deepest love of solitude and privacy does not wean the mind, that has once felt the feverish appetite, from the desire of popularity and distinction. Here, then, he planted himself on the Monte Pincio, in a house situated between those of Claude Lorraine and Nicholas Poussin—and used to walk out of an evening on the fine promenade near it, at the head of a group of gay cavaliers, musicians, and aspiring artists; while Nicholas Poussin, the very genius of antiquity personified, and now bent down with age himself, led another band of reverential disciples, side by side, with some learned virtuoso or pious churchman! Meantime, commissions poured in upon Salvator, and he painted successively his *Jonas* for the King of Denmark—his *Battle-piece* for Louis XIV., still in the Museum at Paris—and, lastly, to his infinite delight, an Altar-piece for one of the churches in Rome. Salvator, about this time, seems to have imbibed (even before he was lectured on his want of economy by the *Fool* at the house of his friend Minucci) some idea of making the best use of his time and talents.

‘The Constable Colonna (it is reported) sent a purse of gold to Salvator Rosa on receiving one of his beautiful landscapes. The painter, not to be outdone in generosity, sent the prince another picture, as a present,—which the prince insisted on remunerating with another purse; another present and another purse followed; and this struggle between generosity and liberality continued, to the tune of many other pictures and presents, until the prince, finding himself a loser by the contest, sent Salvator two purses, with an assurance that he gave in, *et lui ceda le champ de bataille*.’

Salvator was tenacious in demanding the highest prices for his pictures, and brooking no question as to any abatement; but when he had promised his friend Ricciardi a picture, he proposed to restrict himself to a subject of one or two figures; and they had nearly a quarrel about it.

'In April 1662,' says his biographer, 'and not long after his return to Rome, his love of wild and mountainous scenery, and perhaps his wandering tendencies, revived by his recent journey, induced him to visit Loretto, or at least to make that holy city the *shrine* of a pilgrimage, which it appears was one rather of taste than of devotion. His feelings on this journey are well described in one of his own *Letters* inserted in the Appendix. "I could not," says Salvator, "give you any account of my return from Loretto, till I arrived here on the sixth of May. I was for fifteen days in perpetual motion. The journey was beyond all description curious and picturesque; much more so than the route from hence to Florence. There is a strange mixture of savage wildness and domestic scenery, of plain and precipice, such as the eye delights to wander over. I can safely swear to you, that the tints of these mountains by far exceed all I have ever observed under your Tuscan skies; and as for your Verucola, which I once thought a dreary desert, I shall henceforth deem it a fair garden, in comparison with the scenes I have now explored in these Alpine solitudes. O God! how often have I sighed to possess, how often since called to mind, those solitary hermitages which I passed on my way! How often wished that fortune had reserved for me such a destiny! I went by Ancona and Torolo, and on my return visited Assisa—all sites of extraordinary interest to the genius of painting. I saw at Terni (four miles out of the high road) the famous waterfal of Vellino; an object to satisfy the boldest imagination by its terrific beauty—a river dashing down a mountainous precipice of near a mile in height, and then flinging up its foam to nearly an equal altitude! Believe, that while in this spot, I moved not, saw not, without bearing you full in my mind and memory.' See p. 277.

He begins another letter, of a later date, on his being employed to paint the altar of San Giovanni de Fiorenini, thus gaily:—

'*Sonate le campane*—Ring out the chimes!—At last after thirty years existence in Rome, of hopes blasted and complaints reiterated against men and gods, the occasion is accorded me for giving one altar-piece to the public.'

His anxiety to finish this picture in time for a certain festival, kept him, he adds, 'secluded from all commerce of the pen, and from every other in the world; and I can truly say, that I have forgotten myself, even to neglecting to eat; and so arduous is my application, that when I had nearly finished, I was obliged to keep my bed for two days; and had not my recovery been assisted by emetics, certain it is it would have been all over with me in consequence of some obstruction in the stomach. Pity me then, dear friend, if for the glory of my pencil, I have neglected to devote my pen to the service of friendship.'—*Letter to the Abate Ricciardi*.

Passeri has left the following particulars recorded of him on the day when this picture (*the Martyrdom of Saint Damian and Saint Cosmus*) was first exhibited.

'He (Salvator) had at last exposed his picture in the San Giovanni de' Fiorentini; and I, to recreate myself, ascended on that evening to the heights of *Monte della Trinita*, where I found Salvator walking arm in arm with Signor Giovanni Carlo dei Rossi, so celebrated for his performance on the harp of three strings, and brother to that Luigi Rossi, who is so eminent all over the world for his perfection in musical composition. And when Salvator (who was my intimate friend) perceived me, he came forward laughingly, and said to me these precise words:—"Well, what say the malignants now? Are they at last convinced that I *can* paint on the great scale? Why, if not, then e'en let Michael Angelo come down, and do something better. Now at least I have stopped their mouths, and shown the world what I am worth." I shrugged my shoulders. I and the Signor Rossi changed the subject to one which lasted us till night-fall; and from this (continues Passeri in his rambling way\*) it may be gathered how *gagliardo* he (Salvator) was in his own opinion. Yet it may not be denied but that he had all the endowments of a marvellous great painter! one of great resources and high perfection; and had he no other merit, he had at least that of being the originator of his own style. He spoke, this evening, of Paul Veronese more than of any other painter, and praised the Venetian school greatly. *To Raphael he had no great leaning*, for it was the fashion of the Neapolitan School to call him hard, *di pietra*, dry,' &c. p. 172.

Our artist's constitution now began to break, worn out perhaps by the efforts of his art, and still more by the irritation of his mind. In a letter dated in 1666, he complains,

'I have suffered two months of agony, even with the abstemious regimen of chicken broth! My feet are two lumps of ice, in spite of the woollen hose I have imported from Venice. I never permit the fire to be quenched in my own room, and am more solicitous than even the Cavalier Cigoli,' (who died of a cold caught in painting a fresco in the Vatican.) 'There is not a fissure in the house that I am not daily employed in diligently stopping up, and yet with all this I cannot get warm; nor do I think the torch of love, or the caresses of Phryne herself, would kindle me into a glow. For the rest, I can talk of any thing but my pencil: my canvass lies turned to the wall; my colours are dried up now, and for ever; nor can I give my thoughts to any subject whatever, but chimney-corners, brasiers, warming-pans, woollen gloves, woollen caps, and such sort of gear.

\*Lady Morgan is always quarrelling with Passeri's style, because it is not that of a modern Blue-stockings.



In short, dear friend, I am perfectly aware that I have lost much of my original ardour, and am absolutely reduced to pass entire days without speaking a word. Those fires, once mine and so brilliant, are now all spent, or evaporating in smoke. Woe unto me, should I ever be reduced to exercise my pencil for bread!

Yet after this, he at intervals produced some of his best pictures. The scene, however, was now hastening to a close; and the account here given of his last days, though containing nothing perhaps very memorable, will yet, we think, be perused with a melancholy interest.

A change in his complexion was thought to indicate some derangement of the liver, and he continued in a state of great languor and depression during the autumn of 1672; but in the winter of 1673, the total loss of appetite, and of all power of digestion, reduced him almost to the last extremity; and he consented, at the earnest request of Lucrezia and his numerous friends, to take more medical advice. He now passed through the hands of various physicians, whose ignorance and technical pedantry come out with characteristic effect in the simple and matter-of-fact details which the good Padre Baldovini has left of the last days of his eminent friend. Various cures were suggested by the Roman faculty for a disease which none had yet ventured to name. Meantime the malady increased, and showed itself in all the life-wearing symptoms of sleeplessness, loss of appetite, intermitting fever, and burning thirst. A French quack was called in to the sufferer; and his prescription was, that he should drink water abundantly, and nothing but water. While, however, under the care of this Gallic Sangrado, a confirmed dropsy unequivocally declared itself; and Salvator, now acquainted with the nature of his disease, once more submitted to the entreaties of his friends; and, at the special persuasion of the Padre Francesco Baldovini, placed himself under the care of a celebrated Italian empiric, then in great repute in Rome, called Dr Penna.

Salvator had but little confidence in medicine. He had already, during this melancholy winter, discarded all his physicians, and literally thrown *physic to the dogs*. But hope, and spring, and love of life, revived together; and, towards the latter end of February he consented to receive the visits of Penna, who had cured Baldovini (on the good father's own word) of a confirmed dropsy the year before. When the doctor was introduced, Salvator, with his wonted manliness, called on him to answer the question he was about to propose with honesty and frankness, viz. *Was his disorder curable?* Penna, after going through certain professional forms, answered, "that his disorder was a simple, and not a complicated dropsy, and that therefore it was curable."

Salvator instantly and cheerfully placed himself in the doctor's hands, and consented to submit to whatever he should subscribe.

"The remedy of Penna," says Baldovini, "lay in seven little vials, of which the contents were to be swallowed every day." But it was obvious to all, that as the seven vials were emptied, the disorder of Rosa increased; and on the seventh day of his attendance, the doctor declared to his friend Baldovini, that the malady of his patient was beyond his reach and skill.

The friends of Salvator now suggested to him their belief that his disease was brought on and kept up by his rigid confinement to the house, so opposed to his former active habits of life; but when they urged him to take air and exercise, he replied significantly to their importunities, "I take exercise! I go out! if this is your counsel, how are you deceived!" At the earnest request, however, of Penna, he consented to see him once more; but the moment he entered his room he demanded of him, "if he now thought that he was curable?" Penna, in some emotion, prefaced his verdict by declaring solemnly, "that he should conceive it no less glory to restore so illustrious a genius to health, and to the society he was so calculated to adorn, than to save the life of the Sovereign Pontiff himself; but that, as far as his science went, the case was now beyond the reach of human remedy." While Penna spoke, Salvator, who was surrounded by his family and many friends, fixed his penetrating eyes on the physician's face, with the intense look of one who sought to read his sentence in the countenance of his judge ere it it was verbally pronounced;—but that sentence was now passed! and Salvator, who seemed more struck by surprise than by apprehension, remained silent and in a fixed attitude! His friends, shocked and grieved, or awed by the expression of his countenance, which was marked by a stern and hopeless melancholy, arose and departed silently one by one. After a long and deep reverie, Rosa suddenly left the room, and shut himself up alone in his study. There in silence, and in unbroken solitude, he remained for two days, holding no communication with his wife, his son, or his most intimate friends; and when at last their tears and lamentations drew him forth, he was no longer recognisable. Shrunk, feeble, attenuated, almost speechless, he sunk on his couch, to rise no more!

Life was now wearing away with such obvious rapidity, that his friends, both clerical and laical, urged him in the most strenuous manner to submit to the ceremonies and forms prescribed by the Roman Catholic church in such awful moments. How much the solemn sadness of those moments may be increased, even to terror and despair, by such pompous and lugubrious pageants, all who have visited Italy—all who still visit it, can testify. Salvator demanded what they required of him. They replied, "in the first instance to receive the sacrament as it is administered in Rome to the dying."—"To receiving the sacrament," says his confessor Baldovini, "he showed no repugnance (*non se mostrò repugnante*); but he vehemently and positively refused to allow the host, with all the solemn pomp

of its procession, to be brought to his house, which he deemed unworthy of the divine presence.

‘The rejection of a ceremony which was deemed in Rome indispensably necessary to salvation, and by one who was already stamped with the church’s reprobation, soon took air; report exaggerated the circumstance into a positive expression of infidelity; and the gossipry of the Roman anterooms was supplied for the time with a subject of discussion, in perfect harmony with their slander, bigotry, and idleness. “As I went forth from Salvator’s door,” relates the worthy Baldovini, “I met the *Canonico Scornio*, a man who has taken out a license to speak of all men as he pleases. ‘And how goes it with Salvator?’ demands of me this Canonico. ‘Bad enough, I fear.’—‘Well, a few nights back, happening to be in the anteroom of a certain great prelate, I found myself in the centre of a circle of disputants, who were busily discussing whether the aforesaid Salvator would die a schismatic, a Huguenot, a Calvinist, or a Lutheran?’—‘He will die, Signor Canonico,’ I replied, ‘when it pleases God, a better Catholic than any of those who now speak so slightly of him!—and so I pursued my way.’”

‘On the 15th of March Baldovini entered the patient’s chamber. But, to all appearance, Salvator was suffering great agony. “How goes it with thee, Rosa?” asked Baldovini kindly, as he approached him. ‘Bad, bad!’ was the emphatic reply. While writhing with pain, the sufferer after a moment added:—‘To judge by what I now endure, the hand of death grasps me sharply.’

‘In the restlessness of pain, he now threw himself on the edge of the bed, and placed his head on the bosom of Lucrezia, who sat supporting and weeping over him. His afflicted son and friend took their station at the other side of his couch, and stood watching the issue of these sudden and frightful spasms in mournful silence. At that moment a celebrated Roman physician, the Doctor Catanni, entered the apartment. He felt the pulse of Salvator, and perceived that he was fast sinking. He communicated his approaching dissolution to those most interested in the melancholy intelligence, and it struck all present with unutterable grief. Baldovini, however, true to his sacred calling, even in the depth of his human affliction, instantly despatched the young Agosto to the neighbouring Convent *della Trinità*, for the holy Viaticum. While life was still fluttering at the heart of Salvator, the officiating priest of the day arrived, bearing with him the holy apparatus of the last mysterious ceremony of the church. The shoulders of Salvator were laid bare, and anointed with the consecrated oil; some prayed fervently, others wept, and all even still hoped; but the taper which the Doctor Catanni held to the lips of Salvator, while the Viaticum was administered, burned brightly and steadily! Life’s last sigh had transpired, as Religion performed her last rite.’ p. 205.

Salvator left a wife and son, (a boy of about thirteen), who



inherited a considerable property, in books, prints, and bills of exchange, which his father had left in his banker's hands for pictures painted in the last few years of his life.

We confess we close these volumes with something of a melancholy feeling. We have, in this great artist, another instance added to the list of those who, being born to give delight to others, appear to have lived only to torment themselves, and, with all the ingredients of happiness placed within their reach, to have derived no benefit either from talents or success. Is it, that the outset of such persons in life (who are raised by their own efforts from want and obscurity) jars their feelings and sours their tempers? Or that painters, being often men without education or general knowledge, over-rate their own pretensions, and meet with continual mortifications in the rebuffs they receive from the world, who do not judge by the same individual standard? Or is a morbid irritability the inseparable concomitant of genius? None of these suppositions fairly solves the difficulty; for many of the old painters (and those the greatest) were men of mild manners, of great modesty, and good temper. Painting, however, speaks a language known to few, and of which all pretend to judge; and may thus, perhaps, afford more occasion to pamper sensibility into a disease, where the seeds of it are sown too deeply in the constitution, and not checked by proportionable self-knowledge and reflection. Where an artist of genius, however, is not made the victim of his own impatience, or of idle censures, or of the good fortune of others, we cannot conceive of a more delightful or enviable life. There is none that implies a greater degree of thoughtful abstraction, or a more entire freedom from angry differences of opinion, or that leads the mind more out of itself, and reposes more calmly on the grand and beautiful, or the most casual object in nature. Salvator died young. He had done enough for fame; and had he been happier, he would perhaps have lived longer. We do not, in one sense, feel the loss of painters so much as that of other eminent men. They may still be said to be present with us bodily in their works: we can revive their memory by every object we see; and it seems as if they could never wholly die, while the ideas and thoughts that occupied their minds while living survive, and have a palpable and permanent existence in the forms of external nature.

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ART. IV. *Considerations on the Law of Entail.* London, 1823.

THE power to dispose of property by will has been regulated very differently in different ages and nations. In none has it been left entirely free and unfettered; in some instances it has been contracted within the narrowest limits; and in others, again, it has been allowed what has appeared to many an unnatural and injurious extension. But though the laws regulating testamentary bequests, and succession to property, are universally admitted to be of the very highest importance, we are not aware that the principles on which they are founded have ever been subjected to any very searching or refined analysis, or that any accurate estimate has hitherto been formed of the effects of the opposite systems that have been adopted by different legislators. The discussions respecting them have been chiefly carried on by lawyers; whose opinions have generally been formed more with reference to what have been assumed to be the principles of *natural* right, and the *dicta* of particular jurists or codes of law, than from a consideration of their practical bearing and real operation on society. It is obvious, however, that the question respecting the advantages or disadvantages of any system of succession to property, is not one that can possibly be decided by *a priori* arguments, or by referring to abstract principles, but by carefully observing its practical results, and comparing them with those of other systems.

On this account, we are glad that the discussions respecting the proposed modification or repeal of the present French law of succession have attracted so much notice on this side the water. They will familiarize the public with such inquiries; and will dispose us to subject testamentary laws to the same bold and free spirit of investigation to which we have subjected those bearing on other departments of the public economy. If these investigations should satisfy us that the laws regulating the transmission of property in Britain are defective, they will, at the same time, show wherein their defects consist, and enable us to amend them: While, on the other hand, if they show that they are, as they ought to be, well calculated to forward the advancement of society in the career of wealth and civilization, and to promote the *general* welfare, they will lead all classes to appreciate their real advantages, and will induce them to resist any attempt to substitute others in their place. In this, therefore, as in every other case, the greatest

advantage must arise from full scope being given to the spirit of inquiry. And we readily embrace the opportunity now afforded of making a few observations on this subject, and of submitting to the public some statements respecting it, which, though exceedingly curious and important, are yet, we believe, very little known.

It is abundantly obvious, that the essential interests of society require, not only that an individual should have the unrestricted power of disposing of his property during his own life, but that he should feel assured of its descending to his relations or friends in the event of his death. No man can take any interest in the fate, or will ever exert himself to augment the fortune, of an unknown successor. But when he is assured that he is not labouring for a stranger, when he knows that the fruits of his industry and parsimony are to be enjoyed after his death by his children or friends, he feels, as it were, his existence indefinitely extended, and continues, with unimpaired energy, to exert himself to the latest period of life for the benefit of those who are to perpetuate his family and name, and whose welfare is perhaps still dearer to him than his own. The power of transmitting property to children or friends connects the future with the present. Without it, no one would amass a greater fortune than he expected to be able to consume, and no undertaking would be entered upon which did not promise an adequate return during the lifetime of the projector. But in civilized societies, the plans of the capitalist are not circumscribed by the brief duration of human life. He amasses wealth sufficient to maintain many individuals in a state of affluent independence—he plants forests under whose shade he can never expect to recline—he raises edifices fitted and intended to outlive many generations,—and executes innumerable improvements of which posterity can alone reap the benefit. And he does *all* this because he is enabled to transmit his property to those with whom he is connected by the tenderest ties, and in whose welfare he feels the deepest interest.

In the earlier ages of society, a man's children or relations are uniformly held to be his only heirs; and it is only in periods of comparative refinement that the advantage of the *libera testamenti factio*, or of giving to every individual an uncontrolled power of disposing of his succession, and of leaving it to strangers in preference to the heirs of his own body, or his relations, can be fully perceived and acted upon. Thus, we learn from Plutarch, that in Athens there was no power to devise property from the natural heirs previously to



the age of Solon; and that legislator confined the privilege to those who died without issue, 'preferring in this case,' says his biographer, 'the tie of friendship to that of blood, and 'choice to necessity.' In Rome, three centuries elapsed before a citizen could dispose of his property by a deed *mortis causa*, except such deed were sanctioned by the *comitia calata*, or assembly of the people; and in that case the will, as Montesquieu has remarked, was not really the act of a private individual, but of the legislature.\* The same practice was followed by the ancient Germans. '*Heredes successoresque*,' says Tacitus, '*sui cuique liberi, et nullum testamentum: si liberi non sunt, proximus gradus in possessione, fratres, patrui, avunculi.*'† By the common law of England for several centuries after the Conquest, no estate, except it were only for a term of years, could be disposed of by testament: And in Scotland, up to a comparatively recent period, almost all a man's heritage, and a great part of the land he had purchased, if he possessed such only, were unalienable from the lineal heir.

But in almost every civilized and refined society, this strict rule of legal succession has been gradually relaxed; and in some countries individuals have been allowed to dispose of their *whole* property by will to strangers, to the exclusion of their children and relations. This, however, is an extension of the power of bequeathing, of the expediency of which much difference of opinion is entertained. It is contended, that no one who has any property to dispose of, should be allowed to throw his children destitute on society—that the fear of total disinherittance should not be rendered an instrument of tyranny in the hand of fathers—and that, before allowing a man to leave any portion of his fortune to strangers, he should be compelled to make an adequate provision for the individuals he has been the means of bringing into the world; and to whom, independently altogether of any considerations of personal merit or demerit, he is under the most sacred obligations. But, though it must be allowed that the question is not quite free of difficulty, still we are clearly of opinion, that they are right who argue in favour of the unlimited power of bequeathing to strangers. None but the strongest possible reasons can ever justify a legislature in giving their sanction to any measure having a tendency to weaken the spirit of in-

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\* *Esprit des Loix*, liv. 27. § 1.

† *De Mor. Germ.* § 21.

dustry and economy in the people. It is plain, however, that if you interfere to regulate the disposal of property, you must unavoidably do this: If you enact, that, however undutifully a man's children may have behaved, they shall notwithstanding be entitled to a certain proportion of his fortune, you will certainly paralyse *his* exertions; and must, for the same reason, render the whole society less anxious about the accumulation of wealth, which they are not to be permitted freely to enjoy, or dispose of at their pleasure. Neither is it possible to secure a certain provision to children, without rendering them, in so far, independent of their parents, and weakening that parental authority which, though it may occasionally be abused, is yet, in the vast majority of instances, exercised in the mildest and most indulgent manner, and with the most beneficial effect. The more, therefore, we inquire into this subject, the more we shall be satisfied that it is always the safest policy to abstain, as much as possible, from making the relations of private life the objects of legislative enactments. The humanity of the law is but a sorry substitute for parental affection. If children be ordinarily well behaved, if they be not extremely deficient either in filial affection or common prudence, the principles and instincts inherent in our nature afford a sufficient security, that very few parents will ever be disposed to leave their property to others, to their exclusion. The interference of the Legislature in their behalf is therefore as unnecessary as it is pernicious. In those countries in which the greatest latitude is given to the power of bequeathing, the instances are extremely rare in which an affectionate and dutiful family have suffered from the circumstance of their father being allowed to leave his fortune to others: And it would undoubtedly be most impolitic to attempt to obviate an evil of such rare occurrence, by exempting children from the constant influence of a salutary check on their vicious propensities, and compelling a man to bestow on profligacy, extravagance or idleness, that property which is at once the result and the appropriate reward of virtue, economy, and industry.

That a certain preference should be given, in testamentary dispositions, to the first born son—to him who is earliest qualified to assist the labours of his father, and who, in the event of his death, is the natural guardian and protector of the rest of the family, is agreeable to the most obvious suggestions. In the patriarchal ages, this preference was very strongly marked; and several important privileges were attached to the circumstance of *primogeniture*. But in the Republican States of antiquity, where equality of fortunes and subdivision of property

were considered as objects of the first importance, \* little consideration seems to have been attached to this prerogative. At Athens, the sons succeeded equally to the paternal property, the daughters depending for their dowry on the liberality and kindness of their brothers. † At Rome, when the father died intestate, all the children, females as well as males, were equally called to the inheritance of his possessions. And it is believed, that, previously to the Conquest, landed property in England was divided equally among the sons.

In modern Europe, however, the succession to landed estates has been generally regulated by the law of primogeniture. During the violence and confusion of the middle ages, almost all commercial and manufacturing industry was either suspended or destroyed. Land was the only species of property that had any thing like even tolerable security: and this security, deficient as it was, could only be enjoyed by the possessors of large estates, who could arm and bring together a considerable number of vassals and retainers to support and defend their rights. It was plainly, therefore, the interest of the landed proprietors to prevent their estates being split into small portions, and to transmit them entire to their successors. And as the military and other feudal services due by the possessors of fiefs to the Crown could be more easily and conveniently paid by one than by many feudatories, both parties found it for their advantage to prevent the subdivision of estates, by introducing and establishing the law of primogeniture, and the *custom of entails*—institutions which have given a new aspect to society in modern Europe.

Dr Smith contends, that entails were altogether unknown to the ancients, and that they were only introduced to preserve a

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\* Lycurgus divided the Spartan territory into a certain number of portions (*sortes*), which it was forbidden either to increase or diminish by succession, purchase, marriage, or otherwise; and, to obviate the inconveniences that might, in such circumstances, have resulted from the increase of population, the atrocious practice of exposing infants was permitted. (See Cragius De Republica Lacedæmoniorum, p. 199). At Athens and Rome, the maintenance of the equal division of landed property was, as every one knows, one of the principal objects of their early legislators. In Judea, all the lands reverted to their original possessors at the end of every fifty years.

† This is a point respecting which there is some difference of opinion among critics. We have followed the statement of Sir William Jones, in his valuable Commentary on the Orations of Isæus. See his Works, Vol. IV. p. 204, 4to ed.



certain lineal succession, of which the law of primogeniture first gave the idea. There are good grounds, however, for doubting the correctness of this opinion. When the right of bequeathing property to any particular heir has once been recognised, the step seems easy and natural to the recognition of the right of the proprietor to name an indefinite series of heirs, and to prescribe the conditions on which they shall be entitled to hold the property. The *fidei commissa*, or trust-settlements of the Romans, were devised for the express purpose of retaining the estates of the individual, making the settlement, in the line of succession he had pointed out. In the latter ages of the empire, it was common to insert *prohibitive* and *irritant* clauses in the *fidei commissa*, exactly similar to those inserted in modern entails; and, as such settlements were sanctioned by law, they had the effect to entail property for the *four* generations to which their duration was limited.

The right of entail is founded by lawyers on the maxim of the civil law, that *unusquisque est rei suæ, moderator et arbiter*,—or, that every individual has the *natural* right of absolutely disposing of whatever property he may have acquired by his industry. But it is absurd to suppose, that there can be any natural right to do any thing inconsistent with the general advantage of society. The question respecting the expediency of entails, can only be decided by the test of *utility*—by a comparison of their effects, or of the advantages and disadvantages resulting from them. We shall very briefly advert to what seem to us to be the principal points that ought to be attended to in making this comparison.

In the *first* place, it is alleged in favour of entails, that they stimulate exertion and economy,—that they hold out to honest industry and ambition the strongest and safest excitement, in the prospect of founding an imperishable name and a powerful family, and of being remembered and venerated by endless generations, as their chief and benefactor; and, in the *second* place, it is said that entails form the only sure and solid bulwark of a respectable aristocracy, and prevent generations being ruined by the folly or misfortunes of an individual.

Now, admitting, as we unreservedly do, that the prospect of being able to found a powerful family, and of securing that property, which had been accumulated by a long course of active, laborious, and successful exertion, from the risk of being squandered by the inconsiderate projects or extravagance of any future individual, must act as a very powerful spur to the industry and ambition of the *original founder* of a family, it is obvious it can have no tendency to produce such effects in any

of his successors. An heir of entail is in a great measure emancipated from the salutary influence and control of parental authority. His chance of succeeding to the property held by his father does not depend on the circumstance of his having deserved it—of his being industrious or idle, dissipated or sober. The succession to entailed estates is not regulated by the principle of *detur digniori*. Their occupiers have no power to change the established order of succession; they cannot exclude the worst to make room for the best of their sons; but must submit to see the properties of which they are in possession, descend, as in fact they generally do, to the most worthless, undutiful, and depraved of their children or relations. Granting, therefore, that the institution of entails has a tendency, as it undoubtedly has, to make *one generation* active, frugal, and industrious, it is demonstrably clear that it must exempt *every subsequent generation*—that is, every subsequent heir of entail—from feeling the full force of some of the most powerful motives to such conduct. A system of entail causes the succession to property to depend, not on the good or bad conduct of the individual, but on the terms of a deed, written perhaps a couple of centuries before he was in existence! Its effect is, therefore, to substitute a system of fatalism in the place of an enlightened discrimination; to throw property equally into the hands of the undeserving as of the deserving; and it is plainly impossible it can do this without weakening the motives which stimulate men to act the part of good citizens, and strengthening those of an opposite description. When, therefore, we refer, as we ought, to the simple and decisive criterion of *utility*, it is immediately seen that the industry of *one generation* is not to be purchased by the idleness of *all* those that are to come after it; and that it is hardly less injurious to allow an individual to appoint his remotest heirs, than it would be to deprive him of the power of nominating those who are to be his immediate successors.

As to the second point, there can be no doubt that a system of entail affords the best attainable security for the permanence of property in particular families; and, as political power and influence must generally be founded on property, it might perhaps be advisable to allow the right of entail, to a certain extent, in countries where there are hereditary legislators.\* Even this, however,

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\* Napoleon did this. In order to counteract the effects of the law of equal succession established in France, he instituted the system of *majorats*, by which a senator could entail an income of 40,000 francs a year (1,600*l.*) on his eldest son. This, however, was one of the most unpopular acts of Napoleon's administration.

is a point involved in considerable difficulty. In England, where the power of entail has long been circumscribed within very narrow limits, it is found that the law of primogeniture is of itself sufficient to preserve property, for many generations, in the hands of a single family. But, although the power of entailing property on a noble family should be conceded, there can be no reason whatever why this power should not be restricted within certain limits, and made to vary with the entailor's rank in the peerage; or why it should be extended to others. A system of inviolable and perpetual entail is highly injurious to the best interests of society; and though the constitution of the country may be such as to require the privilege to be granted, under proper modifications, to a particular class, it is quite impossible it can ever be such as to require it should be granted to all. The state can never interfere to protect families, deprived of the prerogative of hereditary legislation, from the casualties to which they are naturally subject, by sanctioning a system of inviolable entail, without producing the most injurious results. It is the duty of every wise government to adopt such regulations as may have the effect to call forth the utmost degree of industry and economy among all classes of its subjects; but most certainly it is no part of their business to inquire whether the frugality of those on the dicky, and the extravagance of those in the coach, bid fair to make them change places; and still less to attempt to prevent that change taking place, by artificially protecting the property of the latter.

It is sometimes objected to entails, that they take land out of the market, or place it, as the lawyers say, *extra commercium*. We do not, however, think that this is in itself of much consequence. It is of no importance who are or who are not the proprietors of land; but it is of the last degree of importance, that land should receive all the improvement of which it is susceptible, and that no system should be adopted which has any tendency to prevent the fullest development of its productive powers. There can be no question, however, that a system of entail has this effect. It prevents individuals who have no taste for agricultural pursuits, and who are ignorant of rural affairs, from disposing of their lands to others; while, by fixing the destination of the property, and preventing its being mortgaged in security for loans, it lessens both the desire, and the power to execute improvements. 'Compare,' says Dr Smith, 'the present condition of great entailed estates, with the possessions of the smaller proprietors in their neigh-



‘bourhood, and you will require no other argument to convince you how unfavourable entails are to improvement.’ (II. 87.)

We are happy to have it in our power to corroborate the view we have now taken of the effect of entails, by the very highest authority. Lord Bacon, in his account of the origin of English entails, and of their final establishment by the statute of Edward I., (13. Edwd. I. cap. 1.) says, ‘The inconvenience thereof was great; for by that means the land being so sure tied up to the heir, that his father could not put it from him, it made the son disobedient, negligent, and wasteful; often marrying without the father’s consent, and to grow insolent in vice, knowing that there could be no check of disinheriting him. It also made the owners of the land less fearful to commit murders, felonies, treasons, and man-slaughters, as they knew none of these acts could hurt the heirs of their inheritance. It hindered men who had entailed lands, that they could not make the best of them by fine and improvement; because none, upon so uncertain an estate as for the term of his own life, would give him a fine of any value, or lay any great stock upon the land that might yield rent improved. Lastly, these entails defrauded the Crown and many subjects of their debts, because the land was not liable any longer than his own lifetime; whence the King could not commit any offence of account to such whose lands were entailed, nor other men trust them with a loan of money.’ (Bacon *On the Use of the Law*.)

The statute of Edward I. was planned by the greater Barons to prevent the alienation and forfeiture of their estates, and was long maintained in all its vigour. Ultimately, however, its provisions were defeated by what Blackstone has denominated a *pia fraud*! Edward IV. observing how little effect attainders for high treason had on families whose estates were protected from forfeiture by entails, the lawyers, at his instigation, fell upon the device of breaking them, by a judgment in a feigned suit called a *recovery*. The inroad that was thus successfully made on the inviolability of entails led to others; and in the reigns of Henry VII. and Henry VIII., various acts were passed circumscribing the power of entail, and placing it almost on the footing on which it stands at this day.

In its present state, we are inclined to think that the English law of entail has come very near perfection. It seems to us to have hit the precise medium which it was most desirable to attain, by giving to every individual that degree of power to dispose of his property which is necessary to inspire him with

the desire of accumulating a fortune; at the same time that it takes from him the power of naming an indefinite series of heirs, and of fixing the conditions on which his property shall be always enjoyed. An English gentleman can only entail his property on such heirs as are in existence when the deed is executed, or until the *first* unborn heir of entail shall have attained the age of twenty-one; and though these heirs cannot alienate the estate, or encumber it with debt, they are allowed to grant leases, which are good against their successors for three lives, or twenty-one years.—Whatever may be the other defects of the law of England, we believe most of our readers will be of opinion, that there is little to amend in that part of it which has reference to entails.

The practice of placing land under the shackles of a strict and inviolable system of entail, has been carried to a greater extent in Scotland than in almost any other country. This system was first established on a solid foundation by an act of the Scots Parliament, passed in 1685, which reduced heirs of entail to the condition of mere *tenants for life*, and gave the entailer the power of regulating the *perpetual* destination of the property. The ablest political philosophers and lawyers of the country have joined in condemning this system; \* and in 1764, the Faculty of Advocates, after agreeing, by an immense majority (43 to 4), to resolutions against it, drew up the heads of a bill for restraining entails, on a plan suggested by Lord Kames, which, had they been embodied in a statute, would have had the effect to place the Scots System nearly on the same footing as the English. The project excited a good deal of discussion at the time, but it ultimately fell to the ground, and no vigorous attempt has since been made to check this destructive practice. Additions are every day making to the quantity of land in tail; and in many extensive districts, there is hardly a single acre to be found that is not loaded with its fetters.

For these and other reasons, which we shall not take up the reader's time by recapitulating, we are clearly of opinion, that the power of making perpetual entails is one that ought not to be recognised. No man, nor set of men, ought to be allowed to erect themselves into infallible legislators for all future generations, by fixing the conditions on which their property shall be for ever enjoyed. In securing and perfecting the right of property, we must have a care lest we give it an unnatural and injurious extension, and render what would otherwise be the

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\* Among others we may mention the illustrious names of Dr Smith, Lord Stair, and Lord Kames.

most powerful incentive to persevering industry and honest ambition, a source of idleness and profligacy. Sound policy would dictate, that every individual should be allowed to leave his property, under whatever conditions, not injurious to others, he pleases to prescribe, to heirs existing at the time when the deed is executed. For this will give every one a sufficient motive to be industrious and to accumulate a fortune. But if you carry the power of bequeathing farther, and enable individuals to chalk out an endless series of unborn heirs, who are to succeed to the property as tenants for life, you will undoubtedly lose more, by taking from all these heirs many of the most powerful motives to industry and good conduct, than you can possibly gain by the slight additional stimulus so great a power of bequeathing might give to the original entail.

It results from these principles, that every individual should be allowed to bequeath his property to whatever heir or heirs he pleases, provided only that he or they are in existence when the deed is executed. This seems to us to be the only restriction that ought to be laid on the power of making testamentary bequests. It is impossible to interfere farther than this—to force, for example, an individual to leave a greater portion of his fortune to his eldest son than to the rest of his children, or to divide his fortune equally among them all, without occasioning the most pernicious results. But although we are fully convinced of the injurious consequences that must always flow from every attempt to regulate the succession to property by means of legislative enactments and compulsory regulations, we are no less fully convinced that the *custom of primogeniture*, or the custom of leaving the whole, or the greater part of the paternal estate, to the eldest son, to the exclusion of his brothers and sisters, is a good one, and has been productive of the greatest advantage. The prejudices of most political philosophers against the custom of primogeniture, seem to us to rest on no solid foundation. Dr Smith says, that it is a custom which, ‘in order to enrich one, beggars all the rest of the ‘children,’ (II. p. 84.) But, so far from agreeing in this opinion, we cannot help thinking, that it is to this very custom that much of the industry, wealth, freedom, and civilization of modern Europe, are to be ascribed; and that were it abolished, and a system of equal division of landed property established in its stead, all the children of landlords, the oldest as well as the youngest, would be reduced to a state of comparative poverty, at the same time that the prosperity of the other classes would be greatly impaired.

Fortunately this is a question—and in the whole science of



Political Economy there is probably none of greater practical importance—which we are not forced to argue on merely speculative principles, but which we can bring to the test of actual experiment. We have long been witnesses of the effects of the custom of primogeniture as applied to the succession to landed property; and in France a law was enacted soon after the Revolution, which abolished all the previously existing institutions and customs respecting the succession to property, and established a nearly equal system of division among the different children. This law has now been in force for upwards of thirty years; and a sufficient time has in consequence been afforded for observing its operation and effect. It is proper that the result of this most interesting and gigantic experiment should be generally known. Nor do we see how our pages could be better employed than in communicating to our readers and the public, the information we are possessed of on this subject. It will, if we are not greatly mistaken, go far to put down most of the objections that have been made to the custom of primogeniture, and will at all events show the mischief of attempting to enforce a system of equal succession.

According to the law of succession now established in France, a person with *one* child is allowed to dispose of a *moiety* of his property as he pleases, the child inheriting the other moiety as *a matter of right*; if a person has *two* children, he is only allowed the absolute disposal of a *third* of his property; and if he has *more than two*, *three-fourths* of the property must be *equally divided amongst the children*, *one-fourth* only being left at his own disposal, either to increase the portion of his favourite child, or to leave to a stranger. When the father dies intestate, the property is equally divided amongst all the children, without respect to sex or seniority.

This law was intended to subvert the foundations of the old feudal aristocracy, from whose ascendancy France had suffered so much: and as the power and influence of the aristocracy must always be mainly dependent on the extent of their property, it was certainly well calculated to accomplish its object. It is seldom, however, that a law adapted to a particular emergency can be maintained with advantage as a general rule of national policy. Lord Bacon, in noticing some of the laws of Henry VII., says, that he may be considered as the greatest English legislator after Edward I., and this because ‘his laws (who so marks them well) are deep, and not vulgar; *not made upon the spur of a particular occasion, for the present*; but out of providence for the future, to make the estate of his people

‘ still more and more happy, after the manner of the legislators  
‘ in ancient and heroic times.’

Admitting, for the present, what however we very much doubt, that sound policy required not only to strip the *noblesse* of their oppressive feudal privileges, but also to force them to subdivide their estates, surely no one will therefore contend, that a law instituted for such an object ought to be allowed permanently to regulate the descent of all property in France! This law, considered in a general point of view, seems to us infinitely more objectionable than the establishment of a system of inviolable entail.

By interfering to so extreme an extent in the disposal of the fruits of a man’s industry and economy, it must unquestionably weaken the motives to accumulation; while, by rendering *all* the children in a great measure independent of their parents, it will have the same injurious operation, in reference to a *whole family*, that the system of entail has in reference to a single child. Had this law been made to apply only to cases of *intestacy*, it might not, perhaps, have been worth while to disturb it; though, in so far as landed property is concerned, we do not think that it is in any case a sound rule. Every system, which has for its object to enforce an equal division of landed property, must necessarily occasion too great an increase of agricultural population; and must also operate to reduce landed property into such minute portions as will neither afford sufficient employment to the families occupying them, nor allow of their being cultivated in the most improved and cheapest manner. The strong predilection entertained by the great bulk of mankind for the pursuits of their fathers, has been universally observed; and if this be true in general, it is particularly so in the case of those who are brought up in the country. But the existence of a law compelling every father to divide his estate equally among his children, must obviously afford the greatest possible facilities for gratifying this natural inclination. It will give most individuals the power of continuing in that line of life in which they have been educated, and which must, in consequence, be endeared to them by all those youthful associations which exert so strong an influence over future conduct. When a family happens to be unusually large, or when the share of the paternal property falling to each of the children, may not enable them to maintain themselves in nearly the same station as their father, some of the more adventurous and generous spirits will probably be disposed to sell their portion, and to engage in some other pursuit. But, in the great majority of cases, they will certainly continue to reside on the little properties they have received from their ancestors; and the process of division and subdivision will continue, until the whole land has been parcelled out into patches,



and filled with an agricultural population, destitute alike of the means and desire of rising in the world.

The institution or custom of primogeniture, by giving the estate to the eldest son, forces the others to quit the home of their father, and makes them depend for their success in the world on the fair exercise of their talents and industry. We allow that the institution of primogeniture has a tendency to generate idle and dissipated habits in the eldest sons; but, under such a system as that now established in France, some of the most powerful motives to exertion and parsimony are taken, not from one son only, but from the *whole children*. When the estate of the father *must* be divided, all his descendants are aware, from their earliest infancy, that they are, without any exertion on their part, to be secured against want; and it is impossible to doubt that this feeling of security must tend directly to paralyze all their efforts, and to render all the younger children infinitely less enterprising than they would have been, had they known that their condition in society was to depend almost entirely on themselves, and that they had little or nothing to expect from their parents. For what do we blame the poor laws? Is it not that, by affording an extrinsic security against want, their effect is to render the labouring population less frugal, industrious, and provident, than they would be were they thrown entirely on their own resources? And will any one pretend to say that there is any thing so peculiarly excellent in the education of the children of landlords and squires, as to exempt them from feeling the full force of this principle? Necessity is not merely the mother of invention, but it is so in a great measure also of the passion which stimulates us to endeavour to rise in the world, and to emerge from obscurity. If you would have a man display all the native resources of his mind—if you would bring all his faculties and powers into full activity—you must deprive him of every adventitious assistance, and render him exclusively the architect of his own fortune. It is not to those who have been born to a competency, but to those who have been bred in the hardy school of poverty, and who have raised themselves to eminence, that mankind are indebted for almost all those inventions and improvements which have so greatly extended the empire of mind over matter, and made such vast additions to the sum of human happiness. Notwithstanding its being the great avenue to power and emolument, it has been frequently remarked, that there is scarcely an instance of an individual possessed of 500*l.* a year of patrimony making any figure at the English Bar! The same observation might be extended to most other professions, and it would be found to be



generally true in them all. Security against want is, you may depend upon it, the greatest enemy to activity and persevering and arduous exertion: And if the institution of primogeniture has, as is really the case, a tendency to deprive a large portion of society of this security, and to compel them to enter with vigour and energy on the great arena of ambition and enterprise, this single circumstance is sufficient to throw the balance of advantage greatly in its favour.

It has been said, in favour of the equal partition of landed property among all the members of a family, that such is the mode in which the fortunes of merchants and manufacturers, and generally of all the monied classes, are actually distributed amongst their children, and that no bad effects have been found to result from it. But there is hardly any analogy between the cases. The children of a merchant or banker, who have shared equally in the paternal property, may, if they please to form themselves into a company, carry on the business with equal advantage as their father. But this can never be the case with the family of a landed proprietor. Farming cannot be advantageously carried on by joint-stock companies. When an estate is divided into equal portions to each child, the paternal home will be deserted by all but the eldest son, and in general there will be as many separate mansions and families as there are children. But the degradation in the ideas of all classes respecting the mode in which gentlemen ought to live would probably be the worst effect of the establishment of a system of equal inheritance. The institution of primogeniture, by giving the great bulk of the father's property to the eldest son, not only compels the younger children to become industrious, but it also stimulates them to exert themselves to the utmost to emerge from the depressed condition in which they are placed, and to rise to an equality with their elder brother. We are also disposed to think, that the state and magnificence in which our great landed proprietors live, act as powerful incentives to the industry and enterprise of the mercantile and manufacturing classes, who never think they have accumulated a sufficient fortune until they are able to emulate the splendour of the landlords; whereas, had these great properties been frittered down by the scheme of equal division among children, the standard of competence would have been lowered universally, and there would, in consequence, have been less exertion among all classes of the community.

That the condition of the agricultural classes in France has been considerably improved since the Revolution is unquestionable. But it is not true that this improvement has been in any

respect owing to the law of equal inheritance. It has taken place not in consequence of that law, but in despite of it. The abolition of the feudal privileges of the nobility and clergy, and of the gabelle, corvées, and other grievously oppressive and partial burdens and imposts, would of themselves have rendered the proprietors and farmers a great deal more respectable: But, in addition to these advantages, a great part of the property of the church, and of the emigrants, came into their hands at extremely low prices; and in consequence small properties were augmented, and fresh energy and vigour given to agricultural pursuits. Still, however, it is certain that the rapid division of landed property, and the continually increasing excess of the agricultural population, caused by the existing law of succession, have gone far to neutralize the effects of these advantageous circumstances, and form at this moment the prominent evils in the social condition of the people of France. 'The population of that country,' says Mr BIRKBECK, 'seems to be arranged thus: a town depends for subsistence on the lands immediately around it. The cultivators individually have not much to spare; because, as their husbandry is a sort of gardening, it requires a large country population, and has, in proportion, less superfluity of produce. Thus is formed a numerous but poor population. The cultivator receives payment of his surplus produce in sous, and he expends only sous. The tradesman is on a par with the farmer; as they receive, so they expend; and thus, 50,000 persons may inhabit a district, with a town of 10,000 inhabitants in the centre of it, bartering the superfluity of the country for the arts and manufactures of the town. Poor from generation to generation, and growing continually poorer as they increase in numbers,—in the country by the incessant division and subdivision of property, in the town by the division and subdivision of trades and professions—such a people, instead of proceeding from the necessities to the comforts of life, and then to the luxuries, as is the condition of things in England, are rather retrograde than progressive. There is no advancement in French society, no improvement, nor hope of it.'—(*Tour in France*, 4th Ed. p. 34.)

The Marquis Garnier, the very intelligent translator and annotator of the 'Wealth of Nations,' in arguing in favour of the law of equal succession, contends that the passion which impels every rich man to extend his possessions, and to add field to field, will always effectually overbalance the principle of subdivision. But the rule established by the existing French law, that the estates

of individuals having families *must be divided* at their death, will naturally induce the greater number to amass *unlimited* fortunes in preference to land. The facts too that M. Garnier has stated prove the very opposite of his theory; for they show that, while there is a very great demand in France for small patches of ground, there is very little demand for moderate sized farms. Thus, M. Garnier informs us, and his authority is unquestionable, that a farm which would bring a yearly rent of 4000 or 5000 francs (160*l.* or 200*l.*) will not sell as a whole for above *twenty-five* years' purchase; while, if it were divided into a number of small lots, it would most probably sell for *forty* years' purchase!—(*Richesse des Nations*, tome vi. p. 179. Ed. 1822.) This fact is pregnant with information; and with information, we regret to say, that gives the most unfavourable view possible of the state of France. It proves that agriculture is not prosecuted in that kingdom as it is prosecuted in England, for the sake of realizing a profit on the capital employed in carrying it on, but in order to acquire the *means of existence*! With such a strong natural inducement to subdivide properties, and with a law forcing their subdivision, the prospect before France is certainly far from flattering. And no Frenchman, who is not perversely blind to the real interests of his country, can doubt that it is the duty of the government to exert themselves to the utmost to counteract this destructive system. If it is suffered to run its full length, properties will be perpetually lessening, until, to use words of Mr Young, 'you arrive at the limit, beyond which the earth, cultivate it as you please, will feed no more mouths; yet those simple measures which instigate to marriage will still continue. What then is the consequence but the most dreadful imaginable! By persevering in this system you soon would exceed the populousness of China, where the putrid carcasses of dogs, cats, rats, and every species of filth and vermin, are sought with avidity to sustain the life of wretches born only to be starved. Small properties much divided prove the greatest source of misery that can possibly be conceived; and this has operated to such an extent and degree in France, that *a law ought undoubtedly to be passed to render all division below a certain number of arpents illegal.*'—(*Travels in France*, I. p. 413).

But if such was Mr Young's opinion in 1789, how much more reason must he have had for coming to the same conclusion now, when almost all the large estates then existing in the country have been broken up, and the succession to the smallest patches regulated by the principle of equal division among the children? Had an assembly been held for the express purpose



of devising the means by which they could most effectually depress France, and bring her into the same hopeless situation as Ireland, we do not believe they could have hit upon any scheme so well calculated to effect their object, and to extinguish every germ of future improvement, as the institution of the law in question.

Every one knows that Normandy has always been one of the richest and best cultivated provinces of France; and yet Normandy is one of those provinces in which, under the old *regime*, the law of primogeniture had the most extensive and general operation. But instead of being improved, there is undoubted evidence to show that the agriculture, and general appearance of the province, is rapidly changing for the worse, under the existing law of succession. 'I hear, on all sides,' says Mr James Paul Cobbett, who travelled through a great part of France last year, 'here, in Normandy, great lamentations on account of the effects of this revolutionary law. They tell me that it has dispersed thousands upon thousands of families, who had been on the same spots for centuries; that it is daily operating in the same way; that it has in a great degree changed the state of the farm buildings; that it has caused the land to be worse cultivated; that it has caused great havoc among timber-trees; and, there are persons who do not scruple to assert, that society in France will become degraded in the extreme, unless the law be changed in this respect. I have been assured, that in many families of owners of land, the several members have come to an agreement with each other to act according to the ancient custom, and thus prevent the parceling out of their estates, and the extinction of their families. This may now and then take place, but generally it cannot; and it is clear, that if the present law remain, the land must all be cut up into little bits; that a farm-house must become a rare sight; and that a tree worthy of the name of timber, will scarcely be seen in a whole day's ride.'—(Ride through France, p. 169.)

The effect that this splitting of estates has already had on the population of France is most striking. In despite of all the massacres of the revolution, and of the bloody wars in which France was subsequently engaged, and in despite too of the loss of her foreign trade, and of the decay of many branches of her manufacturing industry, her population has regularly increased since the Revolution. In 1786, Necker estimated the population of France, exclusive of Corsica, at 24,676,000; and, inclusive of that island, at 24,800,000. In 1789, Pomelles, from a comparison of the registers of birth, deaths, and mar-

riages, estimated the inhabitants of France, including Corsica, at 25,065,000 individuals of all sexes and ages. A committee of the National Assembly bestowed a good deal of attention on the same subject, and the result of their inquiries gives a population of 26,363,000; though, from the circumstance of the taxes being diminished to the poorer classes in proportion to the number of their children, there is reason to suspect that this estimate may have been somewhat too high. In 1805, however, the population of old France amounted, according to an actual enumeration, to no less than 27,767,000; and at this moment it rather exceeds THIRTY MILLIONS! This is a great and an extraordinary increase; and as there has been no increase of manufactures, it is one which could not possibly have taken place but for the division of estates caused by the Revolution and the law of equal inheritance. (*Peuchet Stat. Elem.* p. 226.)

Perhaps, however, the best illustration of the state to which landed property is tending in France, may be deduced from the returns to the *contribution fonciere*. It appears, from the tables given in a pamphlet of the Duc de Gaete (*Memoires sur le Cadastre*), published in 1818, that there were in 1816, no fewer than 10,414,121 taxable properties, great and small, forming so many separate items in the accounts of the direct tax on landed property. They were as follows:—

7,897,110 properties, rated at 21 francs a year or under, producing 47,178,649 francs.		
(Average 6 fr. for each property).		
704,871 Do.	rated 21 to 30 fr.	producing 17,632,083
699,637 Do.	31 to 50 fr.	do. 27,229,518
594,048 Do.	51 to 100 fr.	do. 41,181,488
(Average of these three different rates, 43 fr. for each property).		
459,937 Do.	101 to 500 fr.	do. 90,411,706
(Average 196 55-100th fr.)		
40,773 Do.	501 to 1000 fr.	do. 27,653,016
(Average 678 22-100th fr.)		
17,745 Do.	1001 and above, do.	31,649,468
(Average 1783 55-100th fr.)		

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10,414,121 sum tot. taxed properties, producing - - - 282,935,928 fr.

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This statement does not give the number of *proprietors*, many of them holding properties in several *communes*, and being taxed in each. M. de Gaete, however, reckons that there are 4,833,000 individual proprietors; but as many of these are heads of families estimated at 5 persons, he gives 14,479,830

as the amount of the class of proprietors: According to this view, very nearly one-half of the population of France belongs to that class.

More than three-fourths of these 4,833,000 proprietors, say—  
3,665,300 pay, upon an average, 12 88-100th francs yearly

tax upon their property or properties,  
representing a yearly income of 64 francs,  
or 51s. Sterling; they are in fact day la-  
bourers, with a cottage and garden belong-  
ing to themselves, fr. 47,178,649

928,000 pay, upon an average, 92 78-100th fr. repre-  
senting a yearly income of 404 fr. or 17*l.* 11s.  
Sterling a year, 86,043,089

212,636 pay, upon an average, 425 45-100th fr. repre-  
senting a yearly income of 2127 fr. or 85*l.*  
Sterling, 90,411,706

13,848 pay, upon an average, 1468 fr. representing a  
yearly income of 7340 fr. or 293*l.* 11s. Ster-  
ling, 27,653,016

8,216 pay, upon an average, 3854 50-100th fr. repre-  
senting a yearly income of 19,272 fr. or  
77*l.* Sterling, 31,649,468

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4,833,000 fr. 282,935,928

The Agricultural class in France then consists, of—

1,421,000 proprietors and their families, living wholly, or mostly,  
on the net proceeds of land, with an income of from  
two to twenty thousand francs a year for each family.  
(80*l.* Sterling to 800*l.* a year.)

13,659,000 proprietors and their families, of the class of peasants,  
living partly by their labour, with an income of from  
64 to 464 francs a year (2*l.* 10s. to 17*l.* 11s. Sterling)  
for each family.

4,941,000 agricultural labourers, who are not proprietors.

Therefore one-half of the population of France is composed  
of proprietors great or small, and one-sixth of agricultural la-  
bourers; and altogether *two-thirds* are employed in agriculture.

In no country of Europe is there such a vast body of proprie-  
tors; and in no civilized European country, with the single ex-  
ception of Ireland, is there so large a proportion of the popula-  
tion directly engaged in the cultivation, or rather, we should  
say, the torture of the soil. And yet the system is only in its  
infancy. Should it be supported in its present vigour for ano-  
ther half century, *la grande nation* will certainly be the greatest  
pauper warren in Europe; and will, along with Ireland, have  
the honour of furnishing hewers of wood and drawers of water  
for all the other countries of the world.



In countries where capital is accumulating in masses, and where there are no vicious laws or habits to force the interminable division and subdivision of landed properties, the newest and most powerful machinery is applied to the cultivation of the soil, and the division of rural employments is carried to its fullest extent. But wherever property is very much frittered down, such methods of facilitating production can be but very partially introduced. In the greater number of French, as of Irish farms, it is impossible either to adopt a proper system of rotation in cropping, or to erect thrashing machines; and in many instances the horses are the joint property of several sets of farmers! Whatever increased supplies of food may be required in a country occupied by small farmers, must be chiefly produced by an increase of animal exertion; and raw produce must, therefore, rise in price with every increase of population, or as soon as it becomes necessary to cultivate any portion of inferior soils. There is, in such cases, no principle of improvement in operation to counteract the effect of increasing sterility. It is neither checked by improved machinery, nor by any expedients for saving labour. But being allowed to exert its full effect, society very soon becomes clogged in its progress, and its future advancement is rendered extremely problematical.

This, of itself, constitutes a fundamental and insuperable objection to every plan which has any tendency to divide landed property into minute portions. For, surely nothing can be more palpably absurd than to attempt to increase the national wealth by sanctioning a system that must infallibly tend to check the progress of agricultural improvement, and consequently to raise the price of the necessaries of life, and lower the rate of profit.

But a minute division of landed property is not merely disadvantageous, from its having a tendency to raise the price of raw produce: By preventing the most advantageous distribution of capital and labour, it must also exercise a powerful effect on *manufactured* commodities, and, by increasing the cost of their production, must contribute to enhance their real price.

In a country like England, where a highly improved system of husbandry is generally introduced, where farms are extensive, and where the most powerful machinery is employed in agricultural operations, only a proportionally small number of the inhabitants are employed in the cultivation of the soil. The rest are employed in manufacturing industry, or in carrying the products of the different districts of the kingdom to the places where they are in greatest request, and exchanging them for all the various products of all the countries and climates of the

world. The national wealth, and the comforts of all classes, are prodigiously augmented in consequence of this division of employments. The agriculturists of England do not spend their time in clumsy attempts to manufacture their own produce, and the manufacturers cease to interest themselves about the raising of corn and the fattening of cattle. The power of exchanging is the vivifying principle of industry. It stimulates agriculturists to adopt the best system of cultivation, and to raise the largest crops; because it enables them to exchange whatever portion of the produce of their lands exceeds their own consumption, for other commodities conducing to their comfort and enjoyments; and it equally stimulates manufacturers to improve the quality and to increase the quantity and variety of their goods, that they may thereby be enabled to obtain a greater quantity of raw produce. A spirit of industry is thus universally diffused; and that apathy and languor, which is characteristic of a rude state of society, entirely disappear.

But if a country were generally divided into small farms, these effects could only take place to a very limited extent. Not being able to employ the best machinery, nor to carry the subdivision of employments to a sufficient extent, a much greater number of labourers would necessarily be engaged in the cultivation of the soil, and there would, of course, be a proportionally smaller quantity of its produce to dispose of to others. No one will presume to say, that the agriculture of France is in nearly so improved a state as that of Britain—that it is not in fact a hundred years behind ours—and yet, while *there are more than TWO-THIRDS of the people of France employed in this inferior cultivation, less than ONE-THIRD of our people suffice to carry on the infinitely superior system of cultivation adopted in this country!* \* It is in this single circumstance that the vast superiority of our domestic economy over that of the French chiefly consists. We carry on a vastly better system of agriculture with less than a half of the labourers they require to carry on theirs; so that the entire produce of the industry of the other half of our labourers, not engaged in agriculture, is so much clear gain, so much positive additional wealth, placed at the disposal of the people of this country, over and above what we should possess, were our lands as much subdivided as those of France, and our agriculture conducted on the same plan. Here is the powerful spring that has contri-

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\* According to the census of 1821, there are 2,941,374 families in Great Britain, of which only 978,657, or *less than one-third of the whole* are employed in agriculture.

buted more perhaps than any other to enable us to carry our commercial and manufacturing prosperity to its present unexampled height, and which makes us advance in the career of improvement, notwithstanding we are burdened with a load of taxes that would press to earth the greater population of France! Let us not, therefore, by giving the smallest countenance to any scheme, either for dividing estates, or for building cottages on wastes, do any thing that might by possibility tend to increase the purely agricultural population of the country. The narrower the limits within which it can be confined, the better will be our agriculture, and the greater will be the surplus produce wherewith to feed and support the other classes of the society, on whose numbers and prosperity the wealth, power, and glory of the country must ever mainly depend.

The custom of equally dividing the paternal property, whether freehold or leasehold, among all the children of a family, has been long acted upon in Ireland. Sir John Davies, in his valuable tract, entitled '*Discoverie of the Causes why Ireland was never entirely subdued by the English*,' mentions this as one of the customs that had mainly tended to perpetuate the barbarism and poverty of that country. 'The custom of *gavel-kind*,' says he, 'did breed another mischief; for thereby every man being born to land, as well bastard as legitimate, they all held themselves to be *gentlemen*. And though their portions were never so small, and themselves never so poor, for *gavel-kind must needs in the end make a poor gentility* yet did they scorn to descend to husbandry or merchandise, or to learn any mechanical art or science. Besides, these poor gentlemen were so affected to their small portions of land, that they rather chose to live at home by theft, extortions, and coshering, than to seek any better fortunes abroad.'—(p. 172 ed. 1747.)

So long, however, as the rearing of cattle formed the principal employment of the Irish farmers, the custom of *gavel-kind* or the equal partition of property among children, was comparatively harmless: for as the pasture lands were generally let in immense tracts to opulent graziers, only a few individuals were required to feed and take care of the cattle, and these were not permitted to occupy any land. But in 1784 the Irish Parliament, then newly emancipated from the restraints under which it had previously laboured, attempted to stimulate the dormant energies of the people, by prohibiting the importation of foreign corn into Ireland, and granting very high bounties on the exportation of corn, the produce of the country. These measures, however worthily intended, have been productive of irreparable injury to Ireland. Even though capital had been



as abundant in Ireland as it was deficient, it would have been impossible for a tillage farmer to have managed such large tracts of land as were previously held by single graziers. Not only, however, was the size of the farms greatly reduced, but the new occupiers, being for the most part exceedingly poor, were glad to buy whatever labour they could obtain, by granting the peasantry allotments of small pieces of ground, whereon they might erect cabins and raise potatoes. In consequence of this practice, the system of *gavel-kind*, which was always a greater favourite with the farmers and peasantry than with the *gentility*, has since been uniformly acted upon by all classes, except the proprietors of entailed estates; and has had the effect to split farms and multiply beggars—operations which are in truth almost synonymous—to an extent that could hardly have been conceived possible. In the counties of Clare and Limerick, and generally throughout Ireland, there are innumerable instances of farms of 400 or 500 acres, let between thirty and forty years since to a single tenant, and now occupied by from 50 to 100, and 150 families; and the aggregate population of the country has increased from 2,845,000 in 1785 to about SEVEN MILLIONS, at this moment!

A twofold consequence has resulted from this excessive increase of population. In the *first* place, there is not full employment for more than a *third* or a *fourth* of the actually existing labourers; and in the *second* place, they are now almost wholly reduced to an exclusive dependence on the potatoe for supplies of food. A small farmer or even proprietor with five, ten, or fifteen acres of land, cannot possibly contrive to subsist himself and family on wheaten bread and beef. He is forced to resort to some inferior species of food; and as the potatoe affords the greatest quantity of nutriment on a given extent of land, it is to it that he naturally resorts. Such have been the consequences of the extreme division of landed properties in Ireland; and such too we observe are the consequences now actually resulting from the same cause in France. That country is threatened with the double curse of a redundant, and a potatoe-feeding population. The cultivation of the potatoe has increased in a *tenfold* proportion in that country since the revolution. '*Cet aliment precieux*,' says the Count CHAPTAL, '*qui rejetoit le pauvre, est admis aujourd'hui sur le table du riche, et on le regarde, avec raison, comme le plus puissant auxiliaire du froment.*'—(*De l'Industrie Françoise*, I. p. 147.

We deny that there is any ground whatever for the assertion, so frequently made, that property in land is of all others the

most active instigator to severe and incessant labour. It is true that the exertions of the proprietor of a little farm are not paralyzed by any apprehensions of his being turned out of his possession before he has reaped the reward of his labours: But, on the other hand, his certainty of a resource, his dependence on the produce of a small piece of ground, from which he cannot be ejected, and which will preserve him from absolute want, joined to the impossibility of his rising in the world, have the strongest tendency to foster lazy and indolent habits. A farmer can never calculate with certainty on getting a renewal of his lease. Unless he has accumulated some capital, he is always exposed to the risk of being thrown destitute on the world; but it is not so with the small proprietor. He relies for support, not on capital, but on land. He is exempted from all chance of being turned out of his possession; and cannot, therefore, have the same powerful motives to accumulate stock as the other. The small proprietors and farmers of France, Mr Birkbeck informs us, 'having no means of improving their situation, submit to necessity, and pass their lives contentedly'—that is, in apathy! The same is the case in Great Britain. 'Throughout England,' says Mr Young, 'there is no comparison between the case of a day-labourer and a little farmer; we have no people that work so hard and fare so ill as the latter.' And it is an indisputable fact, that those counties of Scotland—Kinross, for example—where property is very much divided, and the proprietors consequently poor, are uniformly behind in their agriculture, and are farmed in a much inferior style to those where estates and farms are more extensive.

We have no room to dilate on the probable consequences of the French law of succession on the political interests of the country; but it would be very easy to show that they must be fatal in the extreme. Far from joining in the outcry that has so frequently been raised against the magnitude of the property in the hands of the aristocracy, we consider the existence of a numerous and powerful body of landed proprietors, without artificial privileges, but possessed of great natural influence, as essentially contributing to the improvement and stability of the public institutions of such densely peopled countries as France and England; and as forming the best attainable check to arbitrary power on the one hand, and to popular frenzy and licentiousness on the other. It would be the height of absurdity to suppose, that an agricultural population, feeding on potatoes, and without any means of rising in the world, should be very deeply imbued with a just sense of their own rights or



of those of others. An agricultural population, spread over a wide extent of country, has no point of re-union. Men only feel their own consequence—they can only act in a collective capacity, and with vigour and effect—after they have been condensed into masses and collected into cities. It is comparatively easy to animate the inhabitants of a large town with the same spirit; there is a sympathy in their joys and in their sorrows; and the redress of an injury done to a single individual becomes, in some measure, the business of the whole. But with agriculturists, the case is different; they can always be trampled down piecemeal; they cannot act collectively; and must therefore submit themselves, with comparatively little resistance, to the yoke of the oppressor. Of all the arguments in favour of the minute division of landed property, that which supposes it would contribute to keep alive a feeling of manly independence, seems the most futile and preposterous.

ART. V. 1. *Histoire Abrégée de la Littérature Romaine.* Par F. SCHÖELL, Conseiller de Cour de S. M. le Roi de Prusse, attaché à sa Légation à Paris. 4 Tomes 8vo. Paris. 1815.

2. *History of Roman Literature, from its earliest period to the Augustan Age.* In two volumes 8vo. By JOHN DUNLAP, Esq. Author of the 'History of Fiction.' London. 1823.

IN the history of almost all nations there are three remarkable periods; that of pure fable, of which the only memorials are supplied by tradition; that of fable and fact intermixed, of which the scanty and imperfect traces must be sought in the remains of poetical annalists and romancing chroniclers; and, lastly, that of authentic record, which dates from the time when society assumes something of a regular form, and letters begin to be cultivated. Of these periods, the general outline is marked with sufficient distinctness, though the boundaries, blended and intermingled, like those of the primary colours in the optical spectrum, are not susceptible of determination by a precise and definite line of demarcation. Over the first of these periods the poet holds an absolute and undisputed jurisdiction; in the second, he exercises a *divisum imperium* with the antiquary; while, in the third and last, the historian reigns paramount. The province of the last, accordingly, is circumscribed by very definite limits. Concerned not with what men have *thought*, but what they have *done*, it is the duty



of the civil historian, divesting his mind of all prejudice and passion, and trying the various records and statements to which he has recourse by the stern logic of evidence, to reduce to their true value the exaggerations of faction, the false glosses and deceitful colouring of national vanity, and the misrepresentations of accident, ignorance, or intention,—to display actions and events in connection with the motives or causes in which they originated,—to trace the progress or decline of those institutions which time has either improved or deteriorated,—and, generally, to exhibit a faithful register of the political wisdom and experience of the past.

It is almost superfluous to observe, that the task which the literary historian has to fulfil is, in many respects, extremely different. Certain forms of government, it is true, are as friendly as others are adverse to the progress of literature, philosophy, and the arts, which generally keep pace with the advancement of public liberty, and sink back into insignificance and degradation, when the madness of faction or the corruption of manners succeeds in rivetting anew the fetters of despotism. But though it be only under free governments that literature attains its highest honours, and that those immortal works are produced which give permanence and universality to the language in which they are written,—yet it is evident that, in order thoroughly to understand its real character, as well as to fix the amount of its successive improvements, we must travel back to those remote periods of society when it took its first impulse from the operation of causes totally distinct from any particular form of civil polity to which accident, and the unvarying instincts of humanity, may have given birth. The misfortune, however is, that from the obscurity which hangs over the early annals of nations, it is extremely difficult to determine the nature of these causes, or to appreciate their influence with any degree of certainty. Still there *are* materials for such an investigation. Incidental notices and traditions respecting the migrations and filiations of certain tribes, at a period when whole nations were in use to abandon their settlements and go in quest of others,—antique monuments, which have escaped the ravages of time, and which accident has disinterred,—the scattered lights which glimmer in the rude fragments of ancient popular poetry,—and, above all, the evidence which Language embodies in itself, and on an analytical examination, may be made to evolve, of the sources whence it originally sprung, or from which it derived the most copious accessions,—when carefully collected and concentrated, will be found to throw considerable light on the early literature of most nations and

to lead to important conclusions as to the nature of those particular circumstances which imparted the form and direction which it afterwards assumed. By such a line of inquiry we may hope to reach the elements of a national literature, and, taking our station as it were at the source, be enabled to trace the stream in its progress downwards, noting and appreciating each tributary accession it receives, till it ultimately attain its maximum of magnitude and expansion.

To those who have made the language and literature of ancient Rome a subject of close study and examination, the propriety of adopting this method will need no arguments to recommend it. Both, as is well known, exhibit but little that can be considered as purely native. To the Greek, the former bears nearly the same relation that the English of Chaucer does to the Anglo-Saxon and Mæso-Gothic; while the latter, more especially in the departments of poetry and the drama, is only a reflected form of the parent literature of Greece. Of this fact, the comedies of Plautus and Terence, the poems of Lucretius and Virgil, and the whole of the philosophical works of Cicero, to mention no more, may be taken as sufficient evidence. In attempting, therefore, to offer some explanation of so singular and interesting a phenomenon as the formation of a language and literature, which, though secondary and derivative itself, has yet exercised so vast an influence on all by which it has been succeeded, it will be necessary, first of all, to inquire what light history has thrown on the ancient population of Italy.

Surrounded by the Alps and the sea, the natural limits of Italy are determined with the same precision as those of an island. By these vast mountains, arranged in a huge crescent, one extremity of which reaches to the Adriatic Gulf, and the other to the sea of Genoa, it is separated from the continent; while, throughout the greater part of its extent, it is bathed by the sea, to which the Romans, with their characteristic spirit of appropriation, gave the name of *Mare Nostrum*. It thus divides itself into two great parts; the Continental portion and the Peninsula, the common boundary of which is the isthmus of Parma: For if from Parma, as a centre, a semicircle be traced to the north, with a radius of about sixty leagues, it will sweep along the higher chain of the Alps, and describe the territory of what is called the Continental part, formerly Cisalpine Gaul. The Peninsula, again, is a trapezium, comprehended between the Continental part on the north, the Mediterranean on the west, the Adriatic on the east, and the Ionian sea on the south. The Appen-



nines (so called from the earliest antiquity) are mountains of the second order, and, commencing where the Alps terminate, run through the Peninsula in a longitudinal direction, increasing in elevation by a progress inverse to that of the Alps; and, extending to its southern extremity, divide the waters which discharge themselves into the Adriatic from those which flow into the Mediterranean. The peculiar situation of Italy, thus defended on the north by the mighty barrier of the Alps, and embosomed in a sea which washed the coasts of the South of Europe, and communicated with the shores of Africa and Asia; presented great facilities for intercourse and commerce with those parts of the ancient world where the spirit of enterprise had been first called into action; and, possessing a soil and climate singularly rich and delicious, must have early attracted the attention of its neighbours, and, in an age when migrations upon a large scale were frequent, allured them to seek for settlements in that favoured region. 'Il semble,' says a recent French writer, 'que les Dieux aient lancé l'Italie au milieu du vaste ocean, comme un Phare immense qui appelle les navigateurs des pays les plus éloignés.' But with all these advantages and facilities, which seemed destined to render Italy a great and powerful nation, a capital defect in her geographical form,—the disproportion of her length compared with her breadth,—together with the lakes and mountains by which her surface is intersected, produced a dissimilarity of climate and local interests, and almost unavoidably led to the parcelling out of that fine country into a number of contiguous and independent states.

This is precisely the condition in which Italy is found at the dawn of authentic history, long prior to which a very considerable portion of the Peninsula appears to have been occupied and settled; for whenever mention is made, in any ancient monument entitled to credit, of the arrival of a fresh colony, it is invariably added, that the new comers, or *advenae*, found certain tribes, designated by the vague and unmeaning name of Aborigines, already in possession of the soil, and that with these they at first waged war, and afterwards, whether conquerors or conquered, intermingled and coalesced. Is it possible to ascertain the source, the *officina gentium*, whence these *primi cultores Italiae*, proceeded, or to trace the successive steps by which that fine country was colonized? Upon this subject, important only in so far as it tends to illustrate the origin and formation of the language of ancient Rome, the industry and research of the scholars of the last century have thrown considerable light. It seems to be admitted on all hands, that the



primitive inhabitants of Italy were of *Eastern* origin, though much difference of opinion has prevailed as to the course by which they reached the Peninsula. The greater part of the Italian antiquaries and philologists, particularly the Abbate Lanzi, \* adopting the purely Oriental system, maintain that Italy was originally peopled by the Pelasgi or Hellenes, who, landing on its southern extremity, gradually spread themselves over the country to the northward, as accident or necessity impelled; while the scholars of other countries, agreeing with the Italians in admitting the Oriental origin of all the different races which inhabit Europe, and particularly of the tribes which first peopled Italy, hold that a portion of these tribes, in their progress to the Peninsula, must have traversed the northern regions of Asia and Europe, and penetrated by the defiles of the Alps into the valley of the Po, and the great plain of Continental Italy. This latter hypothesis has been developed at much length by Fréret, and adopted, with some modifications, by Heyné and Adelung, whose learned researches may be allowed to have given it as much probability as is easily attainable in such questions.

Between the chain of the Alps, which forms the northern boundary of the Peninsula, and the Danube, which flows in a direction parallel to these mountains, lies the great route by which the Iberians, Celts and Illyrians, entered the southern and western countries of Europe, which they afterwards peopled. These singular movements generally followed a westerly course; but it is probable that, on approaching the Alpine barrier, which promised the advantage of a colder and more congenial climate, several tribes were from the first induced to turn to the left, and enter the plains of Italy. The intervening girdle of mountains certainly presented a formidable obstacle; this, however, would be surmounted by that indomitable instinct characteristic of all nomadic hordes; for hardy and adventurous tribes who have traversed immense regions in search of settlements, are not to be baffled by ordinary difficulties. Nature has opened several passages across these mountains, which were known from the earliest times; they might, therefore, have debouched into Italy by the passes of the Tyrol, or by those in the Maritime or Julian Alps, all of which must have been practicable even at the early period when these successive hordes of barbarians poured down upon

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\* Saggio di Lingua Etrusca et di Altre Antiche d'Italia. Roma, 1789.

Italy. That period cannot now be determined, any more than the precise route which these invaders pursued. Those who first entered would, in process of time, gradually advance to the southward, impelled by the arrival of fresh hordes, or by the exhaustion of the country they had first occupied; and thus the inhabitants of the southern extremity of the Peninsula may, to a certain extent, be regarded as the offspring of those who first descended into the plains of Lombardy.

From the period at which history begins to throw a few rays of light upon the state and condition of Italy, we find it occupied by different tribes, more or less numerous, speaking different languages or dialects, arrived at different degrees of civilization, and engaged in a contest for dominion, or for the possession of the soil from which they derived their subsistence. All these tribes may be comprised in five classes, according to their presumed antiquity, viz. *Illyrians*, *Iberians*, *Celts*, *Pelasgians*, and *Etruscans*.

The *ILLYRIANS* were of Thracian origin, that is, they formed part of the race which Herodotus describes as the most numerous of the ancient world, and to which the eastern provinces of Europe and Asia Minor are indebted for their population. It appears that, from the most remote ages, they had established themselves on the coasts of the Adriatic, between Pannonia, Noricum and Epirus. From Carniola they might have crossed the Julian or Carnic Alps, and entered Friuli. Of course the date of this immigration cannot now be ascertained; but it is conjectured to have taken place at least sixteen centuries before our era. The *Liburni*, the *Siculi*, and the *Heneti* or *Veneti*, are believed to have been three Illyrian tribes. The *Liburni* came from Croatia, and are thought to have been the most ancient inhabitants of Italy. At first they established themselves between the Alps and the Adige; then they crossed the Po, and spread themselves over the coasts of the Adriatic; and being urged forward by the arrival of new colonies from the north, they occupied the provinces of Terra di Bari and Terra di Otranto, where they were subdivided into three branches, the *Iapyges*, the *Peucetii* and the *Calabri*, who, having a common origin, preserved and spoke their original dialect long after they had adopted the nobler language of Rome. It is to this circumstance Horace alludes when he applies the epithet *bilingues* to the inhabitants of Canusium. The *Siculi*, originally from the frontiers of Dalmatia, followed the Liburni. They were numerous, and took possession of middle Italy as far as the Tiber, with the exception of the districts situated on the Adriatic, and previously occupied by the Liburni. Being af-



terwards driven to the extremity of the Peninsula, they crossed the Strait of Messina, and colonized part of the island, to which they gave their name. According to Hellanicus, cited by Dionysius of Halicarnassus, this event took place eighty years before the taking of Troy; Thucydides fixes it at a period more recent. The third Illyrian tribe which entered Italy were the *Heneti* or *Veneti*, who established themselves to the north of the Po, where they long maintained their independence, without intermingling with other tribes, or yielding to the Gauls when they overran Northern Italy, about the close of the sixth century before the Christian era. Their Illyrian origin is positively asserted by Herodotus, and Polybius mentions, that they spoke a language different from that of their neighbours the Gauls. The Veneti of the Adriatic were, according to Strabo, the descendants of the Heneti, who, in the time of Homer, inhabited Asia Minor; and this opinion is rendered probable by the fact, that, after the capture of Troy, the Heneti disappeared from Asia, where they were replaced by the Paphlagonians.

After the different tribes of Illyrians who penetrated into Italy, came the *IBERI*. In the ancient writers mention is made of two races of this name, the Iberi of Colchis (*Mingrelia*), and those who, in the time of the Romans, inhabited Spain; but it is probable that, at a very remote period, they formed only one nation. A tradition recorded by Varro, and repeated by Pliny, represents the Iberians of Spain as originally from Pontus, while another, mentioned by Strabo, states Pontus to have been colonized from Spain. This last is contrary to all analogy: the course of migration has invariably been from the east to the west. The period of their descent into Italy is not known. Circumstances render it probable that they penetrated through the country of Nice, and took possession of that district afterwards known by the name of Riviera di Genoa, whence, in process of time, they spread themselves over the coasts of Tuscany, Latium, and Campania. From the river Sicanus they took the name of *Sicani*, and when driven towards the south by the Ligurians, proceeded as far as Rhegium, crossed the Strait of Messina, and, after a contest with the Siculi, already established on the eastern part of Sicily, they finally settled on the western coast of that delightful island. Different in origin, though nearly similar in name, these two tribes continued in undisturbed possession of Sicily till the Greeks, attracted by the salubrity of the climate and the fertility of the soil, established those colonies, whose prosperity afterwards excited the cupidity of the



Carthaginians, and involved the island in all the miseries of a war of plunder and spoliation.

The CELTÆ or GAULS, at the time of their first appearance in Europe, had occupied the countries situated between the Danube and the Alps. They entered Italy by the route indicated by the course of the Adige. The epoch of this immigration is as little known as that of the Iberi; but it is certain that, on their arrival, they found the Illyrians established on the coasts of the Adriatic, and the Sicani on those of the Mediterranean. Both these people they drove to the southward, and took possession of the whole of the North of Italy, with the exception of the portion occupied by the Veneti, as well as of Tuscany, and the countries lying between the Tiber and the Adriatic, which the Liburni were compelled to abandon to the invaders. To this fresh swarm of barbarians the Roman writers give the name of *Umbri* or *Ambrones*, the appellation by which they designated all the Celtic tribes from the Rhine to the Mediterranean, and particularly the Ligurians, who, in this invasion, made themselves masters of that part of the coast between Nice and the embouchure of the Tiber. But this first Celtic horde were not suffered to remain in undisturbed possession of what they had thus acquired. In the tenth century before Christ, the Etrusci succeeded in establishing themselves in the greater part of Northern Italy, from which they were driven, in their turn, four centuries afterwards, by the incursion of other Celtic tribes. Nevertheless, the original invaders maintained their ground on the plateau of the Appennines, to the east of the Etrusci, and particularly in that part of Northern Italy between the Po and the Alps, where they became known by the name of the *Insubres*, or, as Polybius \* writes it, *Insombres*, or lower Umbri.

Long before the establishment of the Hellenic colonies in Magna Græcia, the PELASGI had penetrated into central Italy. This fact is attested by the comparatively advanced state of civilization in which this people are found, when they appear for the first time in history. Dionysius of Halicarnassus † speaks of two tribes of Greek origin, whom he considers to have been the primitive inhabitants of Latium; the Aborigines and the Pelasgi. The former, according to him, quitted Arcadia seventeen generations, or about 500 years before the taking of Troy, and proceeded by sea to Italy, under the conduct of

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\* *Hist. II. 32.*

† *Antiq. Rom. I. 9. 10. 11. and 12.*

Oenotrus and his brother Peucetius, whither they were followed by the latter, originally from Thessaly, about 150 years thereafter; and, lastly, about 60 years before the capture of Troy, a colony of Pelasgi and Hellenes, setting out from Pallantium in Arcadia, under Evander, landed in Italy, and built Pallantium, or Palatium, on one of the hills which the 'Eternal City' was afterwards destined to cover. These homogeneous tribes, making common cause against the Siculi, expelled them from the Peninsula, and became the ancestors of the Latins. Now, while the arrival of these people is perfectly indisputable, the course indicated by this ancient writer is liable to some insurmountable objections. Arcadia, a small mountainous district, situated in the centre of the Peloponnesus, had, even so late as the time of Homer, neither harbours nor ships; and, at the period at which Dionysius fixes the emigration of the Aborigines, navigation had not made such advances among the Greeks as to render it credible that numerous colonies could have been transported by sea from the Morea to Italy. It is much more probable, that the Pelasgi of Thessaly and Epirus found their way into Italy through Illyria, and, intermingling with the Umbri,\* and perhaps the re-

\* From this intermixture a new tribe arose, also called Umbri, and chiefly Celtic in its composition. A remnant of the language of this people was discovered, in 1444, at Gubbio (*Eugubium*), in the Duchy of Urbino: it is contained in seven tablets of brass, since known by the name of *Tabulæ Eugubinae*. The inscriptions on five of these tablets are in Umbric, mixed with Tuscan: on two, in Latin characters. At first they were believed to be of very high antiquity; but it seems now pretty generally agreed, that they do not reach farther back than the fourth century before the Christian era. (The learned reader will find copies of these curious monuments in Dempster's invaluable work, *De Etrur. Regal.* I. 91, *et seqq.* He may also consult the Supplement to that work, by the Senator Buonarroti, p. 101, at the end of Vol. II.) It was from these tables that Bourguet, a Frenchman, attempted to construct an alphabet of the Etruscan language. Prior to his time (1732), several persons had undertaken the same task, and utterly failed; but, by comparing the tables in the Roman with those in the Etruscan character, he discovered that the former was a compendium of the latter, and that many words in the one corresponded with those of the other. Having obtained this key, he was enabled, by comparing the two sets *verbatim et literatim*, to construct an alphabet, which, though far from complete, was more perfect than any previously produced. Since the time of Bourguet, however, no further progress has been made; and this invaluable monument of antiquity still remains un-

mains of the Siculi, formed the different tribes of *Sabines*, *Latins*, *Samnites*, *Ausonians*, *Oscans*, *Oenotrians*, *Bruttians*, &c.; all of whom bore a greater or less resemblance to the Hellenes, in proportion as they had originally absorbed, if we may so express it, a greater or less proportion of the Pelasgi. Of all the Aborigines, the Sabines were the most numerous at the period when the Romans began to push their conquests beyond the confines of Latium; and indeed several of the tribes above mentioned had wholly disappeared.

The people called *TYRRHENIANS* or *TYRSENIANS* by the Greeks, and *THUSCI* or *ETRUSCI* by the Latins, were the last who preceded the arrival of the Hellenic colonies, but the first who attained a remarkable degree of civilization. The origin of this interesting nation seems to have perplexed the ancients as much as it has puzzled the moderns; and, notwithstanding all that has been written on the subject, particularly by the Italian antiquaries, is still involved in the greatest obscurity. Herodotus\* represents them as a colony of Lydians, a tribe of the Pelasgi who were compelled by famine to emigrate from Asia, under the conduct of Tyrrhenus, the son of their king Atys, and who, after touching on various shores, arrived in Umbria, where they settled and called themselves Tyrrhenians. This tradition, for it is nothing more, has been implicitly followed by almost all the ancient writers; Cicero, Strabo, Velleius Paterculus, Seneca, Pliny and Plutarch, agree in asserting that the Etrusci originally came from Lydia. But all this weight of authority cannot divest it of the character of fable; and so far is it from being 'exceedingly plausible,' as Mr Dunlop asserts (I. p. 6), that we think it may be shown to be directly the reverse. The Lydians belonged to the great Thracian nation spread over Asia Minor, and of which the Phrygians, Mysians, Carians and Lycians, formed collateral branches; and none of those resemblances in religion, language, manners and customs, sufficient to authorize even a presumption in favour of the tradition related by Herodotus, has ever been discovered. On the contrary, antiquity supplies evidence, both positive and negative, for its refutation. Hellanicus of Lesbos, a Greek historian, nearly contemporary with Herodotus, main-

deciphered. We could wish that a small portion of the industry and ingenuity which have lately been devoted to Egyptian hieroglyphics were diverted to this singular monument, and that Dr Young or M. Champollion could be persuaded to take the subject into consideration.

\* *Clio*, 94.



tains that the Etruscans were a tribe of Pelasgi, not from Lydia, but from Greece, who, being expelled from their country by the Hellenes, sailed to the embouchure of the Po, and, abandoning their ships, built the inland town of Cortona, and afterwards peopled the whole territory called Tyrrhenia. After referring to the tradition of Herodotus, Dionysius of Halicarnassus \* (to whom we are indebted for the statement of Hellanicus) proceeds to remark, that Xanthus, the principal historian of Lydia, a man well versed in ancient history, particularly that of his own country, makes no mention whatever, in any part of his writings, either of a Lydian prince called Tyrrhenus, or of an immigration of Mæonians into Italy, or of Tyrrhenia being considered as a Lydian colony. If, therefore, to the negative evidence deduced from the silence of Xanthus we add the positive evidence contained in the statement of Hellanicus, it will be impossible to resist the conclusion, that the story of Herodotus is wholly fabulous, or not to receive, as 'exceedingly plausible,' the conjecture of Heyné, that the father of history was led into this error by the circumstance, that part of the Pelasgi were established at Lemnos, at Imbros, and on the coasts of Thrace and Thessaly, and that the great majority of the ancients believed the Etruscans to have been originally Pelasgi. † But while he exposes the fable recorded by Herodotus, Dionysius does not implicitly adopt the opinion he quotes from Hellanicus. On the contrary he maintains, that there was an aboriginal population in Etruria, to-

\* *Antiq. Rom.* I. 18.

† 'It is evident,' says Mr Dunlop (I. 7), 'that the Etruscans themselves believed that they sprung from the Lydians, and that they inculcated this belief on others;' and he grounds this assertion on a circumstance mentioned by Tacitus, in his *Annals*, lib. iv. c. 55. It would appear that eleven cities of Asia contended for the infamous honour of erecting an altar to Tiberius, and that this ridiculous and humiliating question was gravely argued in the presence of the tyrant, and before that degraded Senate whom he had publicly taunted for their abject servility. On this occasion, the Sardians, one of the contending parties, insisted on their affinity to the Etruscans; in proof of which, they produced a decree of that people, repeating the fable told by Herodotus, and, of course, attesting the original confraternity of the Sardians and the ancient inhabitants of Etruria. What degree of credit is due to a document founded upon tradition, flattering to popular vanity, produced in such a cause, before such judges, and upon the authenticity of which the historian is silent, we leave Mr Dunlop to determine.

tally distinct, both in language and manner of life, from every other nation or race, but admits, at the same time, that a tribe of Pelasgi, many ages anterior to the Trojan war, passed over from Thessaly into Italy, assisted the native Etruscans in their wars with the Siculi, who were forced to seek refuge in Sicily; and, after various changes of fortune, ultimately incorporated with the indigenous inhabitants, thus communicating whatever, in language or customs, the Etruscans are found to have possessed in common with other nations of Pelasgic descent. This theory has been adopted, with some modifications, by several distinguished modern writers. Dempster is of opinion, that there was an aboriginal nucleus of inhabitants in Etruria, successively augmented by the Lydian immigration, and by Pelasgic colonies from Thessaly and Arcadia. Bochart nearly coincides with Dempster, but maintains, that there must have been direct intercourse between the Etruscans and Phœnicians, as many of the fables, customs, and monuments of the former, are unquestionably of oriental origin. Winckelman and Count de Caylus contend strenuously for this ancient intercourse between Etruria and Egypt, to which the former ascribes the remarkable progress of the Etruscans in the sciences and liberal arts, which he thinks they had begun to cultivate even prior to its commencement; while the latter is of opinion, that they borrowed every thing from Egypt, and that the origin of science and art in Etruria dates from the time at which this commerce took its rise. Some writers, however, have advanced a step farther, and asserted, that the Etruscans were of Egyptian descent. This opinion has been maintained by the Senator Buonarrotti, by Gorius, Mazzochi, Maffei, Guarnacci, and Lord Monboddo; and has been strenuously opposed by a number of the most learned Italian, French, and German antiquaries, particularly Bardetti, Pelloutier, Fréret, Funccius, Adelung, and Heyné, who, differing from one another in some points, have generally contended for the northern and Celtic origin of the Etruscans. Lanzi, without pretending to investigate the origin of this celebrated people, who he nevertheless seems to think were Lydians, augmented from time to time by the accession of Pelasgic tribes, endeavours to prove, that whatever may have been their descent, the language, religion, learning and arts of the Etruscans, can only be referred to a Greek origin; that the period of their greatest perfection in the arts, and in the fabrication of those vases and urns which are now the objects of so much admiration, was posterior to the subjugation of Etruria by the Romans, when the intercourse with Greece had ren-



dered them familiar with the exquisite models of that country; and that, admitting all languages to have come originally from the East, and many Greek words to have sprung from Hebrew roots, still there are in the Etruscan tongue such evident traces of the Hellenic, or ancient Greek, particularly in the names of gods and heroes, that it is impossible to deduce its origin from any other source: And, in support of this theory, he endeavours to show, from the inscriptions on the Eugubian Tables, that the Etruscan was the Æolic Greek, having neither the monosyllables, characteristic of Northern dialects, nor the prefixes and affixes peculiar to Oriental tongues. To reconcile these conflicting theories would be an impossible, to examine and appreciate their respective merits in detail, an endless undertaking. It seems, however, to be admitted on all sides, that, whencesoever the original stock of the Etruscan race may have been derived, the first elements of civilization were imported into Etruria by the great number of Pelasgi whom the Etruscans either found in the country of which they took possession, or afterwards admitted into, and incorporated with, the great body of their nation.

In the career of prosperity and renown, this singular people appear to have advanced with prodigious strides. Established at first on both banks of the Po, even to its embouchure, and on the left bank of the Tesino, which they never passed, they soon enlarged the boundaries of their territory; and, though baffled in their attempts to get possession of that corner, as Livy calls it, occupied by the Venetians on the borders of the Adriatic, they pushed their conquests on the north as far as the Alps, and, on the south, to the mouth of the Tiber, forming an alliance with the Latins, upon whom they imposed many of their rites and usages. At a later period, they drove the Oscii from Campania, and founded the city of Capua; they sent out colonies to spots beyond their immediate sway; and, in a short time, acquired a decided preponderance in Italy. But conquest and political aggrandizement were by no means the sole objects of their ambition; their attention was also directed to the formation of useful institutions, and to the cultivation of science and the liberal arts. Salutary laws were enacted; commerce was extended along the shores of the Mediterranean; whatever was valuable in the institutions of the different nations with whom they trafficked, was imported, adopted, and improved; their cities were embellished with numberless monuments of architecture, with sculptures and paintings; in a word, by their genius, activity and enterprise, the progress of civilization in Italy was so rapidly accelerated, that the pro-



sperity and glory of Etruria were at their height, before Romulus and his banditti had laid the foundations of the future mistress of the world.

The form of government introduced by this people, wherever they became masters, was a sort of federative republic, somewhat analogous to that of the Swiss Cantons in modern times. From the period of their entrance into Italy, the Tyrrhenians were divided into twelve tribes, each of which had its hereditary chief, who bore the name of Lucumo. This division was carefully preserved in the new establishments which they successively formed. Each tribe had its particular city, to which was assigned a district occupied by the original inhabitants found in the country, and over which the city where the conquerors had established themselves exercised the sovereignty. These twelve cities or tribes were again united in a confederation, which formed the body of the nation, in nearly the same manner as the United States of America are at present. This federative union was at first organized in the North of Italy; but, after they had made themselves masters of the country situate between the Arno and the Tiber, or of Etruria Proper, they established a second confederation perfectly analogous to the first, being that to which all the writers on the subject of ancient Etruria refer. This particular form of government explains the feeble resistance which they opposed, first, to the Syracusans and Carthaginians, who assailed them by sea; secondly, to the Umbri, who retook several of their ancient possessions; thirdly, to the Gauls, who wrested from them the plains which lie between the Alps and the Appennines; fourthly, to the Samnites, who expelled them from the delightful country of Campania; and, lastly, to the Romans, who, at the Lake Vadimon, gave the *coup de grace* to their military and political power, annihilated their independence as a nation, imposed on them the imperious and humiliating conditions of peace, dictated by the pride of conquest and a stern unrelenting policy, and left them nothing but their far-famed skill in divination, their superiority in science and art, and *magni nominis umbra*. \*

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\* It has been remarked, that no people ever rose to preeminent greatness, with less pretensions to originality, than the Romans; that, either directly or mediately, they were indebted to the Greeks for every thing except their martial spirit and their rugged republican virtues; and that, throughout the whole of their history, they continued to borrow and appropriate, rather than invent or discover. This bias they received from the moment they became a nation.

The ancient population of Italy being thus composed of Illyrians, Iberians, Celts, Pelasgians, and Etruscans, it follows, that, originally, there must have been different languages, and even different dialects of the same language spoken in that country. Accordingly, traces have been discovered of no less than six, the *Euganean*, the *Volscian*, the *Oscan*, the *Samnite*, the *Umbrian*, and the *Etruscan*. That no one of these, however, was the primitive or aboriginal language of Italy, is evident from the circumstance, that the tribes which introduced them were invaders, and, of course, imported the language in use among the race from which they sprung. But at a period when the country was unsettled, and liable to be disturbed by the arrival of fresh colonies, and by the wars and confusion which generally ensued, the dialects already in use would experience great fluctuations, principally from the intermixture and blending together of tribes of different descent; and the fortune of arms would, in general, determine that which

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Founded by banditti, collected from all parts of Italy,—a species of Pindarries, habituated to acts of violence, and totally unacquainted with social life,—Rome, from the first, must have exhibited a strange jumble of the manners, customs, and languages of the different races assembled within her walls. There were many circumstances, however, which induced them to give a preference to the laws, customs, and superstitions of the Etruscans. A great proportion of the ancient Romans were probably from Etruria; a conjecture which receives some countenance from the alleged alliance formed by their leader, Cœlius, with the Founder of Rome. The immediate vicinity of a more civilized people,—the accession of the elder Tarquin, who, though of Greek descent, came to Rome from Etruria,—the settlement of Etruscan prisoners in the very heart of the city, four years after the expulsion of the kings,—and, lastly, the intercourse produced by a long period of warfare and political intrigue, are sufficient to account for the reception of the laws, customs, and superstitions of Etruria. ‘The Romans,’ as Mr Dunlop remarks, ‘were indebted to the Etruscans for the robes which invested their magistrates, the pomp that accompanied their triumphs, and even the music that animated their legions. The purple vest, the sceptre, surmounted by the eagle, the curule chair, the fasces and lictors, were the ensigns of supreme authority among the Etruscans; while the triumphs and ovations, the combats of gladiators and Circusian games, were common to them and the Romans.’ Nay, even the very mode of notation, which we denominate Roman, is undoubtedly Etruscan, being frequently found upon the monuments of that people, and appears to be the remains of a system of hieroglyphical writing in use anterior to the discovery of the alphabet.



would ultimately predominate. It appears, however, from the view we have given of the manner in which Italy was first peopled, that, in regard to language, the original inhabitants of that country may be divided into two great classes, that of Celtic and that of Pelasgic descent; the former would import the Celtic, or that language, by whatever name it may be called, which was then, in some measure, common to all the tribes of the North; while the latter would bring with them the Æolic, or Greek in use in the earliest ages of which any records have reached us. From the intermixture of these two primary forms of speech must have arisen the different languages which prevailed in Italy; and, among the rest, the Etruscan and the Latin. But, as the great body of the Etruscans were of Pelasgic origin, and as their long supremacy, both in arts and arms, gave a commensurate predominance to their language, which, in consequence, spread over a great part of Italy, and seemed at one period destined to become the general language of the country, it is reasonable to conclude, that the Latin, which was formed from the Etruscan and its affiliated dialects, should, when decomposed, evolve both Celtic and Æolic, though in unequal proportions. This analytical investigation has not been so zealously and systematically prosecuted as the importance of the subject would lead us to expect; but such results as have been obtained go to confirm the inference we have been led to draw from merely considering the elements of the ancient population of Italy. The researches of Hemsterhuys have clearly demonstrated, that, to use the expression of Horne Tooke, 'the bulk and foundation of the Latin language is Greek;' but, in the course of his profound and learned investigations, he discovered that it contained a portion which must be referred to a different original; and therefore it is plain, that 'to the Northern languages the etymologist must go for that part of the Latin which the Greek will not furnish.' But when we consider the ascendancy which the Pelasgic and Tyrrhenian colonies acquired and exercised over the tribes of Celtic descent established in Italy,—the comparative civilization of the former, and the total barbarism of the latter,—the long duration of Etruscan power, and the extensive diffusion of their language, literature, laws, customs, and rites,—the unquestionable evidence of the Oriental origin of almost every thing connected with that remarkable people, and the few traces that remain of Celtic intermixture,—the undoubted fact, that the language of Latium was originally formed from the dialects which prevailed in Italy at the time when the Romans began first to appear on the theatre of the Peninsula as a separate state,—the



close affinity which that language bears to the Greek in its inflections, analogies, and general structure, as well as the vast number of words which may still be traced to the same source, —when we take into consideration, and properly appreciate all and each of those circumstances, we shall find, that, compared with the great body of the language, the portion which has been derived from the Celtic or Teutonic is exceedingly small; and that we shall be guilty of no very sensible error in asserting, that the Latin is essentially a mere variety of the most ancient form of the Greek language, namely, that spoken by the colonies established in Asia Minor, and imported into Italy by the successive tribes of Pelasgians, Lydians, and Tyrrhenians, who emigrated to that delightful country. How deeply and extensively this primitive form of the Greek language took root among the inhabitants of Italy, is indeed strikingly evinced by the resemblance which may still be discovered between some existing fragments of the Oscan, Volscian and Etruscan, and the Greek and Latin tongues, even in the comparatively perfect and finished state in which they have descended to our times.

It has been observed by Lanzi,\* that had it been revealed to any one that the empire of the world was promised to Italy, such a person, observing the rapidity with which the Etruscans extended their dominion from the one sea to the other, would have pronounced that the inhabitants of Etruria, much rather than those of Latium, were called to accomplish this high destiny. But this, though a natural, would, as the event showed, have proved a very erroneous conclusion. A number of petty states, enfeebled by long-continued prosperity, distracted by petty jealousies and local rivalships, and knit together only by the frail bond of a political confederacy, were no match for the compact and consolidated force of a martial people, strangers alike to luxury and refinement, and animated with an enthusiastic rage for conquest and dominion. Accordingly, the power of the Etruscans fell much more rapidly than it rose; and the other independent states of Italy soon shared a similar fate. But as Rome extended her conquests, she diffused her language, and the dialects of the subjugated states either entirely disappeared, or merged in that of the conqueror. And so much was the Latin language regarded as the symbol of subjection, that, when the allies, in the year of Rome 663, determined to make a great effort in favour of their independence,

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\* *Saggio di Lingua Etrusca, e di altre antiche d'Italia*, 1, 2. Roma, 1789.

one of their first proceedings was an attempt to revive their primitive languages; for which purpose they caused coins to be struck, having the legends in those languages; but the Julian law, which, the year following, granted them the freedom of the city, and the rights and privileges of Roman citizens, not only put a stop to the war, but gave a mortal blow to these ancient idioms, by declaring it unlawful to employ them in any public act whatever. The Etruscan alone did not totally sink into disuse and oblivion after the promulgation of this law. It was the language in which the Augurs interpreted signs and omens, and the Haruspices explained prognostics; and this class being the peculiar growth of Etruria, and the Romans always affecting a most religious regard for the sacred rites of the Etruscans, they either suffered the language to be employed in matters of this sort, or probably the mysteries of Etruscan divination could not be so conveniently expressed in any other dialect. Hence we find, that it was not entirely obsolete in Rome, even under the first emperors, and it is not unlikely that it lingered much longer among the peasantry, in obscure and distant parts of the country. The other dialects, having no protection from religion, may be presumed to have disappeared much earlier; yet the Oscan continued to be perfectly understood even as late as the time of Cicero \* and Augustus, † and was employed in the most popular dramatic representations; which may be accounted for, from the striking resemblance it bears to the more ancient form of the Latin language.

But although there is evidence that the Etruscan existed and was understood at a period so comparatively recent as the age of Cicero and Augustus, it is remarkable enough, that not a vestige of the literature of ancient Etruria has been preserved, and that the only titles of Etruscan books, recorded by Roman writers, are the *Libri Fatales*, the *Libri Haruspicini*, the *Sacra Acherontia*, and the *Libri Fulgurales et Rituales*, all treatises on augury or divination. This circumstance has led Mr Dunlop to conjecture, that the Etruscans had made much less progress in literature, than in the cultivation of the arts and sciences; a conjecture in which we can by no means acquiesce. Varro expressly mentions ‡ Etruscan tragedies composed by one Volumnius; and Censorinus, on the authority of the same learned Roman, informs us, that they had their chroniclers and historians. Now, laying altogether out of view the apocryphal chronology of Lanzi, it is impossible to believe

\* *Epist. ad Fam.* vii. 1.

† *Strabo*, v.

‡ *De Ling. Lat.* lib. iv. p. 17. *Biponti*. 1788.

that the dramatic compositions of the Etruscans consisted solely of 'pantomimic entertainments of music and dancing, or improvisatorial recitations,' in opposition to the authority of Varro, who would never have applied the word *tragedies*, except to regularly-constructed dramas, nor described mere improvisations as reduced to *writing*. It is no doubt impossible for us to ascertain to what degree of perfection the dramatic art was carried in Etruria; the probability is, that it was sufficiently rude and imperfect; but still there seems reason to believe, that there were two sorts of representations; a drama with something like a regular plot, and those irregular exhibitions, common at the stated sacrifices and the celebration of marriages. To an illiterate and semi-barbarous people like the Romans, during the first five centuries of their history, and till the capture of Tarentum had brought them into immediate contact with the arts, the literature, and the refinement of Greece, the latter class of representations were alone adapted and congenial; they could relish coarse jokes, boisterous mirth, and low buffoonery, though they had no taste for, and probably would not have endured the exhibition of a regular drama. We have indeed the best authority for believing this to have been the fact. In the consulship of C. Sulpicius Peticus, and C. Licinius Stolo, a pestilence broke out at Rome, and *inter alia celestis irae placamina*, a sort of comedians called *histrions* (*quia hister Tusco verbo ludio vocabatur*), were sent for from Etruria to avert the wrath of the Gods by scenic exhibitions. Livy is most particular and distinct in the account which he gives of these entertainments, which he says were, *sine carmine ullo, sine imitandorum carminum actu*, mere improvisations, in short, accompanied with music and dancing; but he adds, *imitari deinde cos juvenus, simul inconditis inter se jocularia fundentes versibus, coepere*, and that, in a little time, the Romans had native performers, (*vernaculi artifices*) *qui non, sicut antè, Fescennino versu similem incompositum temerè ac rudem alternis jaciebant; sed impletas modis saturas, descripto jam ad tibicinem cantu, motuque congruenti peragebant*. And so much attached did the Romans become to this sort of entertainment, that even after the dramatic art had made some advances, *juvenus ipsa inter se more antiquo ridicula intexta versibus jactitare coepit*; these were afterwards called *exodiæ*, intermixed with the *Atellane Fables*, which were of Oscan origin, and held in so great estimation, that the performers neither received pay like the *histrions*, nor lost caste by appearing in these popular exhibitions.

The Fescennine verses, alluded to in the foregoing pas-



sage from Livy, and so called from Fescennia, the town of Etruria where they were first invented, seem to have been a kind of rude and barbarous *impromptus*, filled with scurril jests, low buffoonery and gross indecency, in which the vulgar of all countries delight, and were originally sung or recited by the Italian peasants at the annual feast of harvest home, when they gave themselves up to all the excess and deliration of the most extravagant joy. Among the Romans, the term Fescennine was generally restricted to the loose and ribald sallies in which the youth indulged on the occasion of marriage festivities; but it appears also to have been applied to any extemporaneous effusion, particularly if it partook of the nature of a lampoon, or with a certain portion of praise combined coarse jokes, or rude raillery, adapted to the taste and feelings of the vulgar. Thus, when Cincinnatus triumphed over the Æqui, the troops *cum carmine triumphali et solennibus jociis, commessantium modo, currum secuti sunt*;\* and Macrobius† informs us that, 'in the triumviral times,' Augustus wrote 'Fescennine verses' against Pollio, who, however, was too wise to resent such a liberty. Upon all occasions, the common people took vast delight in pouring forth these *carmina incondita*, which, in a state like Rome, where so marked a line of demarcation was drawn between the aristocracy and the mob, naturally became the vehicles of popular abuse and vituperation. To such a pitch of licentiousness was this practice carried, that a law of the Twelve Tables provides, *Si quis occitavisset, sive carmen condidisset, quod infamiam faceret, flagitiumve alteri precaretur, capite poenas luito*; a most unpoetical punishment, it must be confessed, and afterwards commuted into flagellation with rods, as a more expedient and appropriate visitation. But all this severity of the law could not put a stop to this odd species of libel, which continued to be practised even until the time of Augustus, by whom it was finally abolished.‡

Of these licentious compositions not a fragment has been preserved; though we are indebted to the industry of Henrichs for a collection of the *versus ludicri*, or lampoons, composed by the wits of Rome against some of the first Cæsars. In like

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\* Dec. I. iv. 29.

† *Temporibus triumviralibus Pollio, cum Fescenninos in eum Augustus scripsisset, ait: At ego taceo; non est enim facile in eum scribere, qui potest proscribere. Saturnal. II. 362. Lipsiae, 1774.*

‡ It is to these circumstances that Horace alludes, in the well known lines, Epist. ii. 1.

manner have perished (with the exception of a few words), the rude Saturnian verses, called *axamenta* or *assamenta*, which were prescribed by Numa, and chaunted by the Salian priests at the annual procession of the Ancilia, the Palladium of Rome; a loss, however, which is the less to be regretted, as, by the time of Varro \* and Horace, they had become obsolete and unintelligible. But there is still extant a fragment of Latin of higher antiquity than even the *Carmen Saliare* of Numa. We allude to the hymn sung by the *Sacerdotes Arvales*, a college of priests instituted by Romulus. This remarkable monument of antiquity, which had been inscribed on a stone in the time of the Emperor Heliogabalus, was discovered on opening the foundations of the Sacristy of St Peters, in the year 1778, and is as follows:

‘ Enos Lases juvate,  
 Neve luerve Marmar sins incurrer ein pleores.  
 Satur fufere Mars; limen sali sta Berber.  
 Semunes alternei advocapit conctos.  
 Enos Marmor juvato,  
 Triumpe! triumpe!’

These words we would interpret thus: ‘*Nos, Lares, juvate, neve luem* (anciently *luerem*), *Mamers, sinas incurrere in flores. Satur fueris, Mars: pestem* (λύμῃον) *maris siste, Mars. Semones alterni advocate cunctos. Nos, Mamuri, juvato. Triumphe! triumphe!*’ † This hymn, the preface to which (*Sacerdotes, ja-*

\* *De Ling. Lat.* VI. 80. Biponti, 1788.

† Learned men have differed so much in the interpretation of this song, that the above attempt to reconcile their discrepancies must be received with due allowance. Herman, whom Mr Dunlop has implicitly followed, renders *pleores* plures, *limen* postremum, *Berber* vervex, and *advocapit* jam duo capit. Now, *pleores* is unquestionably *flores*, *limen* interpreted by *postremum*, is unintelligible, and, admitting that *Berber* might be *vervex*, *jam duo capit* is surely a violent substitution for *advocapit*. *Semones* (q. d. *semihomines*, seu *semihomones*) *alterni jam duo capit cunctos*, would puzzle any head less dense than a German’s. On the other hand, Lanzi and Schoell, who render *Satur fufere* ador fieri, are equally in error,—*satur fueris*, the interpretation of Herman, being evidently the right one. Mr Dunlop has done the *Fratres Arvales* the honour of converting their barbarous ditty into English rhyme, and has accordingly availed himself of the *licentia vatum* (*hanc veniam petimusque damusque vicissim*); but he has erred egregiously in supposing that *Marmor* (*Mamuri*) in the penult line means *Mars*. *Mamurius* was the name of the artist who fabricated the *Ancilia*, or sacred shields, and stipulated, as his recompense, that his name should be pronounced in the

*nuis clusis, acceptis libellis, tripodaverunt in verba haec: Enos, &c.*) alludes to the dances that accompanied it, was probably somewhat modernized by the artist who engraved it on the stone upon which it was found, as it is considerably less barbarous than some of the fragments of the laws of Numa and Servius Tullius, preserved by Festus, and wants several of the characteristics by which they are distinguished. As the oldest monument extant of the Latin language, it is nevertheless curious and interesting, particularly from the number of words, in so brief a composition, which are obviously of Greek original. In the second line we have *cin*, which is clearly the Greek preposition *ἐν*; in the third *limen*, from *λύμεν*, the same as *λοιμὸς*, pestis,—*sali*, *sal*, by metathesis, from *ἅλς*,—*sta*, from *ιστήμι*,—and *Berber*, analogous to the Lacedæmonian *Herher*, derived from *Ἄρης*, Mars. The reader will also remark the use of the letter *s* where *r* was afterwards employed, as *Lases* for *Lares*; a peculiarity which obtains in almost all the monuments of a posterior date, down to the time of Appius Claudius Caecus; and he will no doubt be struck with the regularity of the verbs *juvate* and *juvato*, as contrasted with *advocapit* for *advocate*, or *jam duo capit*, as Herman has rendered it.

Next in order, after the hymn of the *Fratres Arvales*, come the *Leges Regiae*, or the fragments of the laws of Numa Pompilius and Servius Tullius, preserved by the ancient juriconsults and grammarians, and diligently collected and restored by Festus and Justus Lipsius. A specimen or two, however, will be sufficient for our present purpose. One of the laws attributed to Numa, is in the following words. ‘*Sei hemonem fulminis jobis ocisit nei supra cenua tolitod: hemo sei fulminod ocisus escit oloe jousta nula fieri aportetod;*’ that is, *Si hominem fulmine Jovis occisit (occiderit), ne supra genua tollito. Homo si fulmine occisus est, illi justa nulla fieri oportet.* Another runs thus, ‘*Sei cuips hemonem loebdom dolo sciens mortei duit*’ *pariceidad estod. Sei im imprudens se dolo malod oceisit pro*

end of the *Arval* hymns. Of this the following lines from Ovid are, we presume, decisive:

‘*Quis mihi nunc dicet quare coelestis Martis  
Arma ferant Salii, Mamuriumque canant.*’

We would also suggest to Mr Dunlop the propriety of amending in his *third* edition, as he has omitted it in the second, the note to p. 44, where he says that Lanzi, Schoell, and Eustace, have given an interpretation of the above hymn somewhat different from Herman’s. Eustace can be no authority in the matter at all, as he expressly informs us (III. 396) that he has copied *verbatim et literatim* from the Italian antiquary.



‘capited oceisei et nateis eiuis endo concioned arietem subcited;’ that is, *Si quis hominem liberum dolo sciens morti dederit, parricida esto. Si eum imprudens sine dolo malo occiderit, pro capite occisi et natis ejus in concione arietem subjicito.* A third is in these words: ‘Pelecs asam iunonis ne tancitod. sei tancod iunonei crinibos demiseis acnom feminam ceditod;’ that is, *Pellex aram Junonis ne tangito: si tangerit, Junoni crinibus demisis agnum feminam caedito.* A law of Servius Tullius, the fifth king of Rome, has been thus given by Festus: ‘Sei parentem puer verberit ast aloe plorasit puer diveis parentum sacer esto. Sei nurus sacra diveis parentem esto;’ that is, *Si parentem puer verberet, at ille ploraverit, puer divs parentum sacer esto; si nurus, sacra divis parentum esto.*

From the date of the last of these *Leges Regiae*, till the promulgation of the Decemviral Laws, in the beginning of the fourth century of Rome (a period of about a century), no specimen of the Latin language is now extant; but of these celebrated Constitutions, considerable, though extremely mutilated fragments, have fortunately been preserved; and, which is remarkable enough, they bear stronger marks of antiquity than the above recited law of Servius Tullius, or even than those of Numa himself. From this fact, however, no conclusion can be drawn against the authenticity of the former: for, in the first place, the improvement of the Latin language did not keep pace with the progress of time, but experienced great fluctuations, the causes of which we cannot now unravel; and, secondly, it is probable that the orthography both of the *Leges Regiae*, and of the laws of the Twelve Tables has been so much altered by the copyists, as materially to affect the internal evidence of comparative antiquity, which these monuments originally contained. In the case of the Decemviral Laws, indeed, it is obvious, that, from the changes which had taken place in the orthography and idiom of the language, the Latin writers themselves did not not very well understand them; and, accordingly, Cicero, and the early grammarians, who cite them, content themselves rather with giving the meaning in a general way, than with quoting the precise words of the enactments to which they have occasion to refer. In modern times, several attempts have been made to restore the ancient readings, with but little success. It follows, therefore, that the *tabulae peccare vetantes* (to use the words of Horace) cannot be implicitly received as specimens of the language at the period when they were promulgated; though, to persons deeply versed in its analogies, they supply data for many curious investigations, particularly respecting the flexions of nouns and verbs. Like the laws of

our Saxon ancestors, they are extremely concise, being rather in the form of apophthegms than regular enactments, and by consequence totally free from that lumbering tautology and everlasting reduplication of epithets which seem characteristic of the statute law of nations farther advanced in refinement. We select the following specimens: 'Quei nox fortom faxsit, sei im aliquips occisit joure caesos estod. Sei louci fortom faxsit, teloque se praeheudier prohibesit, sei im aliquips occisit, jure caesos estod. Ast sei louci fortom faxsit, neque telo se praeheudier prohibesit, praetor im verberarier joubetod, eique quoi fortom faxsit, addecito. Sei servos siet, virgeis caesos ex saxo deivitor. Sei impubes siet, praetoris arbitratu verberatos noxsiam sarcito.' That is, *Si noctu furtum fiat, aliquis autem furem occiderit, jure caesus esto. Si interdium furtum aliquis fecerit, teloque se prehendi prohibuerit, furem autem aliquis occiderit, jure caesus esto. At si interdium furtum aliquis fecerit, neque se telo prehendi prohibuerit, si liber sit, praetor eum verberari jubeto, eique cui furtum factum fuerit, addicito; si servus, virgis caesus, saxo (Tarpeio) dejicitor: impubes praetoris arbitrio verberetur, noxaeque ab eo facta sarciatur.* 'Privilegia nei irrocanto, neve de kapite ceivis, nisi massumo comitiatu, ferunto;' which Cicero in the third book of his treatise *De Legibus*, has thus given: *Privilegia ne irroganto: de capite civis, nisi per maximum comitiatum, ollosque, quos censores in partibus populi locassint, ne ferunto.*

The remains of the ancient laws, and particularly the Decemviral Constitutions, exhibit a number of archaisms, eminently deserving of notice from the incidental light they reflect on some of the more recondite analogies of the language, and from their furnishing us with the means of comparing and estimating the nature and extent of the changes afterwards introduced. In some respects, indeed, the diction of these ancient laws possesses a richness of intonation, not to be found in the Latin of a more modern and polished age. This arises from the frequent use of diphthongs, which were afterwards resolved, the subjunctive or prepositive letter being dropped at the pleasure of the writer. Thus *omneis ceiveis* became, optionally, either *omnes cives*, or *omnis civis*. Horace, in his courtly epistle to Augustus, ridicules the people for their attachment to the Laws of the Twelve Tables, which, he says, they were ready to swear had been dictated by the Muses from the Alban Mount; but it is impossible to read the sonorous and majestic lines of Lucretius, the nearest approach which Latin has made to the lofty cadence and deep-toned rhythm of the Greek, without a feeling of regret that the Doric music of the ancient language

should have been sacrificed to the caprices of an age of fastidious refinement. Let any man compare *opeima*, *inveita*, *eito*, *deixi*, with *opima*, *invita*, *ito*, *dixi*, and then pronounce against the diphthongs, if he can. It may also be doubted whether the substitution, in such a variety of cases, of the *u* for the *o*, was an improvement.

But, after making due allowance for all these distinguishing peculiarities, of which Lucretius alone knew how to take advantage, it cannot be denied, that, at this period, the language was full of anomalies, extremely perplexing to us who have no other guide to its interpretation but analogy, and which it was reserved for the illustrious writers who succeeded in a great measure to remove. The chief of these consisted in the irregularity and uncertainty of the tenses of the verb, which, in these older monuments, appear to follow no general law, though afterwards reduced, we know not how, to a system of so much perfection. So prevalent is this anomaly, that the meaning must almost invariably be determined from the position of the tense, in relation to the other words of the clause or sentence, and not from its form. The same observation does not apply to the flexions of nouns, which are generally more regular, though it seems impossible to account for the letter *d* being affixed, in a great variety of instances, to such cases as end with a vowel; thus *paricidad*, *plebed*, *frauded*; more especially as the same thing frequently occurs in the imperatives active of verbs—*datod*, *removetod*, *sumitod*, *estod*, for example. *Quips*, for *quis*, is more easily explained, being a compound of *quei* and the original form of *ipse*, which is probably a verbal derivative from *ἰπὼ dico*. *Endo*, for *in*, seems to be *ἐν τῷ*, and *im* is the regular accusative from *is*, as is evident from the adverb *interim*. The forms of the substantive verb, which is composed of the *debris* of three different verbs, are also deserving of careful examination by the scientific philologist; but we must take leave of these minute criticisms, and content ourselves with more general and cursory views of the progress of the language to the perfection and symmetry which, in a later age, it was destined to attain.

From the promulgation of the Decemviral Laws, which Cicero (*De Orat.* l. 44.) considered of more value than the libraries of all the philosophers, till the time of Scipio Barbatus, who was Consul in the 456th year of Rome—an interval of more than a century and a half—not a vestige of a written monument has been preserved; the next specimen of the language that we meet with being the epitaph on the tombstone of this distinguished Roman, discovered so late as the year 1780. It is in-



scribed on a plain but handsome sarcophagus, formed of the stone which the Italians call *peperino*,—has no other ornaments but triglyphs,—and is the oldest sepulchral monument to which an approximative date can be assigned. ‘Cornelius Lucius Scipio Barbatus, Gnaiuod patre prognatus, fortis vir sapiens—que, quojus forma virtutei parisuma fuit. Consol Censor Aidilis quei fuit apud vos; Taurasia, Cisauna, Samnio cepit; subicit omne Loucana opsidesque abdoucit.’ War having been declared on the Lucanians in the year of Rome 464, it follows, that the date of this inscription must be posterior to that event.

About thirty years after the death of Scipio Barbatus, and during the first Punic war, a pillar, afterwards so celebrated by the name of the *Columna Rostrata*, was erected to the Consul C. Duillius Nepos, in commemoration of the great naval victory gained by him over the Carthagenians, and with an inscription engraved on the pedestal, setting forth the services of that successful commander. A short time before the breaking out of the third Punic war, the shaft of the column was entirely demolished by lightning (*tota ad imum fulmine discussa est*); but the pedestal happily remained uninjured. In this dilapidated state it continued till about the reign of Claudius, when the inscription, which had been much effaced, was repaired, or rather engraved anew, and the orthography probably retouched. We meet with no further notice of the *Columna Rostrata* till the year 1565, when the part of the pedestal containing the inscription was disinterred from among the ruins in the vicinity of the Capitol; but it had sustained so much injury, that many of the words were totally obliterated, and others so much effaced as to be nearly, if not altogether, illegible. These, by combining the conjectures of Lipsius, Giaccionius, Gauges de Goze, and Funccius, Schœll has, we think, succeeded in restoring;† but as our present object is to exhibit the state of

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† Mr Dunlop has given an edition of this inscription ‘restored,’ as he assures us, ‘by the conjectures of the learned.’ We have not at hand the work of P. Ciacconius *In Col. Rost. C. Duillii Inscript. Comment.*, and, therefore, cannot say whether it is borrowed in whole or in part from the work of that learned antiquary; but certain we are, that it is any thing but the inscription ‘restored.’ The first sentence, as given by Mr Dunlop, is this: ‘C. D. exemet leciones ‘maximosque magistratus novem custris exfociont,’ &c. which he renders, *Caius Duillius exemit: legiones maximusque magistratus novem castris effugiunt*. Now, ‘Caius Duillius exemit’ conveys no meaning whatever, and, besides, is not Latin construction. The res-

the Latin language at the different epochs of which authentic memorials have been preserved, we shall content ourselves with transcribing, as specimens, a few of the words which have been completely deciphered, referring the curious in such matters to the *Histoire Abrégée de la Littérature Romaine*, Tome I. pp. 48, 49. And here we remark, that, in this interesting monument (we mean in the parts of it which are confessedly antique), we discover nearly all the peculiarities which we had occasion to notice when speaking of the laws of the Twelve Tables. Thus, we have *exemet, cepet, ornavet*, for *exemit, cepit, ornavit*; *pucnandod, marid, ditatored* for *pugnando, mari, dictatore*; *Cartacinienseis, lecioneis* for *Carthagenienses, legiones*; *exfociont* for *effugiunt*; *navebos* for *navibus*; *olorum* for *illorum*; *Poenicas* for *Punicas*; *sumas, numei, clase* for *summas, nummi, classe*; *capitom, captom, poplom*, for *capitum, captum, populum*, &c. Hence it appears, that the short *e* still continued in use for the short *i*, the short *o* for the short *u*, the diphthong *ei* for the long *i*, and the diphthong *oe* for the long *u*; that in ablatives of the first, second, and third declensions, the terminal *d* was retained; that double letters and aspirates had not yet been introduced; but that, by the comparative regularity observed in the flexions of nouns and verbs, a considerable improvement had taken place in the general structure of the language.

It is remarkable enough, however, and illustrates an observation we have already made respecting the uncertainty and fluctuation of a language without a literature, that the inscription on the tomb of Lucius Cornelius Scipio, son of Scipio Barbatus above mentioned, contains a greater number of archaisms than are to be found in the epitaph on the father, to which it is posterior in date by nearly forty years, having been engraved a few years subsequent to the erection of the Duillian Column. This monument, which was discovered on a slab lying amidst some rubbish, near the Porta Capena, and which, for the reason now stated, is particularly interesting to the philologist, we give as follows, upon the authority of Piranesi. ‘Honcoino ploirume cosentiont R . . . . duorono optumo fuise viro Luciom Scipione. Filios Barbati consol censor aidilis hec fuet a . . . . Hec cepit Corsica Aleriaque urbe: dedet tempestatebus aide mereto.’ That is, *Hunc unum plurimi consentiunt Ro-*

toration proposed by Schœll (I. 48.), when converted into modern Latin, would run thus: *Caius Duillius M. F. M. N. consul adversum Carthagenienses, in Sicilia rem gerens, cognatos populi Romani artissima obsidione exemit; legiones Carthageniensium omnes maximusque magistratus, elephantis relictis, novem castris effugiunt.*

*mae bonorum optimum fuisse virum, Lucium Scipionem. Filius Barbati, consul, censor, ædilis hic fuit apud vos. Hic cepit Corsicam Aleriamque urbem; dedit Tempestatibus cædem meritò.* L. Cornelius Scipio was consul in 495, and censor the year following.

‘On comparing,’ says Mr Dunlop, ‘the fragments of the *Leges Regiæ* with the Duillian and Scipian inscriptions, it does not appear that the Roman language, however greatly it may have been varied, had either improved, or approached much nearer to modern Latin in the fifth century than in the time of the kings.’ Now, while we admit, what indeed is perfectly undeniable, and might even have been concluded *a priori*, that, during the lapse of this long period, the Latin ‘varied’ and fluctuated, still we think, that no man critically acquainted with the language will maintain that it received no improvement. Perhaps of all the nations which ever existed, the Romans entertained the most idolatrous veneration for their ancestors; and hence it is fair to presume, that before the production of any standard works of taste, by which alone a language is rescued from the caprices to which a mere spoken dialect is incessantly liable, they would be constantly disposed to recur, in their public monuments, to the models which antiquity had furnished. This would account for the frequent revival of ancient forms, and, no doubt, operate to a considerable extent in retarding the progress of improvement. But nothing human, and, least of all, language, is perfectly stationary; and as it has never been pretended that, during the period in question, the Latin retrograded, the legitimate inference, even from the general view of the case, is, that it must have advanced. Let the classical reader compare the epitaph on Scipio Barbatus, the most ancient inscription extant in the Latin language, with any given portion of the *Leges Regiæ*, and he will be satisfied of the truth of what we have stated, because he will perceive, that some of the more refined and delicate forms of construction (*patre prognatus—forma virtuti parissima fuit*) had been already introduced. Such monuments as this, however, probably from the cause above assigned, furnish us with very insufficient data for determining the amount of the improvement which had been effected at the times to which we refer. A remarkable instance of this occurs in the *Senatusconsultum de Bacchanalibus*. This celebrated decree (the substance of which has been given by Livy,\* with a detailed account of the circumstances that rendered it necessary), engraved on a tablet of

\* *Lib. xxxix. c. 8–18.*



brass, was accidentally disinterred at Terra di Feriolo, a village of Calabria, in the year 1692, and is now in the Imperial Museum at Vienna. Its date is the year of Rome 568, or about sixty years posterior to that of the inscription on the tomb of L. Cornelius Scipio. By this time Ennius had resided several years at Rome; the greater part of the comedies of Plautus had been represented on the Roman stage; and Terence was born. Yet the text of this enactment is as thickly studded with archaisms as the epitaph on the tomb of the son of Barbatus. But whatever doubts may be entertained respecting improvement in the structure of the language, it is evident that its euphony had been ameliorated by the additions gradually made to the ancient Pelasgic or Hellenic alphabet; † while the facility of writing was increased by the early abandonment of the method called *Βουτρεοφάνειον*, ‡ and the adoption of that which, being the most natural, still prevails among all civilized nations.

We have now arrived at the period when the Latin language passed, as it were *per saltum*, from the rude and fluctuating state of a mere spoken dialect, in which it had so long continued, and assumed the character and consistency of a written language,—and when, purified from the barbarisms by which it had hitherto been disfigured, and refined by its application to the works of genius supplied by a foreign, but kindred literature, it acquired that severe majesty, and that lofty rhythm, which harmonize so perfectly with the Roman character. To what cause are we to ascribe an improvement so sudden, a revolution so extraordinary? The answer, we think, is evident,—to the conquest of Magna Græcia, and the intercourse opened up to the Romans with the Greek colonies of Sicily. In the commencement of this article we have shown, that, from the earliest times, the different Hellenic tribes discharged their redundant population on Italy. At a later period, this determination led to the establishment of regular settlements in the southern parts of the Peninsula, particularly on the coast which sweeps around the Gulf of Tarentum. Most of these colonies date from the century in which Rome was founded, and one (Cumæ), was still more ancient. Importing along with them the manners and institutions of the parent country, and retaining, in

† That the Romans received their alphabet from the Pelasgi or Hellenes, see Dionysius Halicar. *Antiq. Rom.* I. 36.; Tacitus, *Annal.* IX. 14.; and Pliny, *Hist. Nat.* VII. 56.

‡ From this method the grammarians derive the word *versus*, and several others applied to writing, such as *arare*, *exarare*, *sulcare*, &c.

the fine congenial climate of Southern Italy, all the vigour and elasticity of the Greek character, they soon made rapid advances in wealth and power, and attained great eminence in science, literature, and philosophy. Crotona was immortalized by the presence and instructions of Pythagoras, to whom, it is believed, the true or Copernican system of the world was known. Herodotus, the father of history, and Lysias, whose orations are models of Attic simplicity and elegance, were, in early youth, among the original founders of the colony of Thurium, which rose on the ruins of the voluptuous Sybaris. The Eleatic school of philosophy, the parent of so much genius and virtue, was founded in Magna Græcia. Archytas of Tarentum, the friend and disciple of Plato, \* was distinguished for his attainments in the sciences which treat of number and quantity, as well as for his mechanical inventions. History and poetry were cultivated with an ardour and success worthy of the Grecian name. Lycus of Rhegium was the civil, and Glaucus of the same city the literary, historian of Magna Græcia. Orpheus of Crotona wrote a poem on the Argonautic Expedition; Ibcus of Rhegium was celebrated for his lyric productions; and the titles of two hundred and fifty-five comedies written by Alexis of Thurium, and said to have been composed in the happiest vein of the middle comedy of the Greeks, have been collected by the industry of Meursius. Locri produced a celebrated legislator, Zaleucus, whose laws continued in force for two centuries. But their progress in luxury was at least equal to their advances in literature and refinement. Luxury, which, in great states is merely symptomatic of the general diffusion of wealth, and at once the effect and the cause of public prosperity, is, in small states, an undoubted index of approaching decay and ruin. *Hinc patriae proditioes, hinc rerum publicarum eversiones, hinc cum hostibus clandestina colloquia nasci; nullum denique scelus, nullum malum facinus esse, ad quod suscipiendum non libido voluptatis impelleret.* Involved in a contest with the Romans, in which they were aided by the genius and military talents of Pyrrhus, they found means to protract the struggle, till at length in the year of Rome 482, the capture of Tarentum decided the fate of Magna Græcia, of which the Romans now became masters. Many of the victors remained in the conquered province, while, on the other hand, such of its inhabitants as were most remarkable for their genius or literary acquirements repaired to Rome, where they fixed their residence.

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\* Cicero De Repub. Lib. I. c. 10.

Seven years after this event the first Punic war broke out, and Sicily, as is well known, became the scene of the great struggle between Rome and Carthage. None of the Greek colonies had risen to a greater pitch of splendour than Syracuse, a city founded by the Dorians of Corinth in the 19th year of Rome. This capital had reached the zenith both of political and literary renown, more than a century before the first Carthaginian war, on the termination of which, in 572, part of Sicily was ceded to the Romans. But the troubles which broke out on the death of Hiero II., the zealous and steadfast ally of the Romans, involved the Syracusans in a war with that people which cost them their liberty, in the year of Rome 541. The name of Archimedes alone—a name which, in the history of science, is entitled to take its place beside that of Newton himself—would have immortalized Syracuse, while the existence of such a man proves the estimation in which science was held, and the zeal with which it was cultivated. Lucretius\* has pronounced the panegyric of Empedocles of Agrigentum. Epicharmus, the founder of the regular drama in Sicily, supplied Plautus with models which he reckoned worthy of imitation;† while the pastoral poetry of Theocritus remains to attest the progress which had been made in that species of writing. So great, indeed, was the estimation in which learning was held, that even the tyrant Dionysius was a patron, and a competitor in the paths, of literature.

Thus it appears that war, which had so long retarded the progress of literature among the Romans, became at length the cause of its culture. The conquest of Magna Græcia, and the intercourse opened up with Sicily, brought them into contact with the science, the philosophy, and the literature of Greece, at a period when these had attained the highest pitch of perfection, and made them acquainted with the arts which embellish life, and the institutions which give grace and splendour to power. Rude and illiterate as the Romans of that age undoubtedly were, five centuries of social existence must have in some measure reclaimed them from their aboriginal barbarism, and prepared their minds to receive the seeds of learning. Civilization, when unobstructed by strong physical or moral causes, is instinct with a principle of expansion and self-propagation. The policy of Rome was eminently favourable to the full development of this tendency; and hence the refined, voluptuous, and unwarlike Greeks, naturally became the masters and instructors of their stern, un-

\* *De Rer. Nat.* I. 717.

† *Hor. Epist.* II. s. 57.



polished, and martial conquerors. Hence, the fine creations of Grecian fancy soon became 'familiar as household words' to those who had previously known no purer or better models than the hymn of the *Fratres Arvales*, the *Carmen Saliare* of Numa, the Fescennine verses, the Atellane Fables, the *Leges Regiæ*, or the Decemviral Constitutions. A rapid and almost unparalleled improvement was the consequence.

This was strikingly manifested in the almost immediate change which took place in the language. The barbarisms which five centuries had in some measure consecrated, suddenly disappeared; greater order and system were introduced into its structure and analogies; and much of its peculiar majesty and power was displayed. Many archaisms were, no doubt, still retained, and he whose taste has been formed upon the models of the Augustan age, will frequently be shocked by encountering those *sesquipedalia verba*, which Horace justly condemns, because inconsistent with the genius of the language, unsusceptible of those combinations which impart so much force and expressiveness of the Greek; but after every possible deduction has been made, the sudden transition from an uncouth and dissonant dialect, to a comparatively polished and harmonious language, will still present itself as one of the most interesting phenomena to which the philologist can direct his attention. Let the following passage, the longest we possess in connection, and forming part of a hymn to Diana, recited by the Chorus in the Tragedy of *Ino*, one of the plays of Livius Andronicus, be compared with the latest of the inscriptional fragments we have submitted to the reader; and let it also be remembered, that between the conquest of Magna Græcia, of which Livius was a native, and the representation of the drama of which it formed a portion, less than forty years intervened.

‘ Et jam purpureo suras include cothurno,  
Baltheus et revocet volucres in pectore sinus;  
Pressaque jam gravida crepitent tibi terga pharetra:  
Dirige odorisequos ad caeca cubilia canes.’

Absolutely considered, the merit of these lines is not great; compared with the *carmina incondita* of the previous age, it is perfectly prodigious, and indicative of a rapidity of improvement without parallel in the history of language.

Nævius, a native of Campania, succeeded Livius, whom he closely imitated in his tragedies; but he was less celebrated for his tragic than his comic productions, which must have possessed considerable originality, as they appear to have lashed, with unsparing severity, the vices and follies of the great men of Rome. Judging from the scanty fragments of his plays which

have reached our time, it does not appear that he in any degree surpassed his predecessor in poetical talent, or in the art of versification. It was reserved for Ennius, whom the Latin writers have, therefore, by common consent, pronounced the Father of Roman Song, to exhibit a higher measure of the former, and a vast improvement in the latter. This illustrious person was a native of Magna Græcia, being born at Rudiae near Tarentum, in the year of Rome 515; that is, a year after the representation of the first piece of Livius Andronicus. Like Æschylus, the great father of the Grecian stage, he was a soldier before he became an author. We are informed by Silius Italicus, that he served as a centurion in the Calabrian levies, which, in the year 538, accompanied Titus Manlius to the war waged in Sardinia, against the abettors of the Carthaginian cause. Here he became acquainted with Cato the Censor, whom he is said to have instructed in Greek, and by whom he was brought to Rome, in the year 550, where he found employment, and the means of subsistence, in teaching the young patricians the glorious language of his native country, and contributed greatly to diffuse among the upper classes a taste for its literature. In the exercise of this humble but honourable vocation, he acquired the friendship of some of the most distinguished men of Rome, particularly of Scipio Africanus, whom he accompanied in his campaigns, and of Quintus Fulvius Nobilior, through whom he received the freedom of the city. He died at Rome at the age of seventy, of a disease brought on by excessive drinking, to which he was greatly addicted,\* and was buried in the tomb of the Scipios. The ancients boast of his acquirements in different branches of science, and assert that he was acquainted with three languages, the Greek, the Latin, and the Oscan. The predominating characteristics of his character are said to have been gravity, and a propensity to indulge a dry, caustic sort of humour; but, judging from the fragments of his works, we should rather be disposed to conclude that he was a man formed for friendship, and that the republican severity of the age in which he lived may have been mistaken by his more refined and voluptuous successors as symptomatic of an asperity of temper, of which the remains of his writings furnish no proofs. Hence Quintilian† says, *Ennium sicut sacros vetustate lecos adoremus, in quibus grandia et antiqua robora jam non tantam habent speciem, quantam religionem.* As a tragic poet, he

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\* *Hor. Epist.* I. 19, 7.

† *Instit. Orat.* x. 2. § 6.



has indeed small pretensions to originality, the subjects of his plays being either translated or closely imitated from the Greek, though, at this distance of time, it is no easy matter to determine some of the sources from which he borrowed. It ought to be remembered, however, that at the period when Ennius flourished, the productions of Greek genius were as fresh and new to the Romans, as the most perfectly original compositions; and, as Mr Dunlop has well remarked, ‘Nothing is ever invented where borrowing will as well serve the purpose.’ But the fame of Ennius, and his prodigious popularity with the Romans, rested chiefly upon his *Annals*, which were a metrical history of Rome, founded partly upon the ancient traditions, and old heroic ballads, or chronicles, composed in the Saturnian measure, and therefore admirably adapted to the taste and feelings of a people ever ready to receive with implicit faith whatever was calculated to magnify or embellish the exploits of their ancestors. These *Annals*, replete as they necessarily are, with decorative fiction, were frequently read to the people by *ἀγυρίωται*,\* and invariably listened to with delight and admiration. Now, without entering into any minute criticism, it must be evident to all who are conversant with the history of Roman literature, that, in the hands of Ennius, the language began to assume its distinctive and peculiar character; that he was the first who developed the power and harmony of the noble hexameter or heroic line, so happily adapted to the genius of the language; and that though, in general, little more than a mere translator or imitator, he had the art and skill to infuse into his translations and imitations much of the native force and spirit of the great originals from which he borrowed.

But to the readers of Virgil, Horace and Cicero, it would be superfluous to descant on the merits of Ennius, or on the estimation in which he was held by the great body of the people, whom Seneca has in consequence called, in derision, *populus Ennianus*. Virgil has freely borrowed, or closely imitated, some of the most striking passages in his works, as Macrobius has shown, in a very full and satisfactory comparison of the original with the copies. In his *Art of Poetry*, Horace admits that the language was enriched, in point of expression, by the writings of Ennius and Cato, (*Lingua Catonis et Enni sermonem patrium ditavit*); and in his *Ode to Martius Censorinus*† he declares,

..... non celeres fugae,  
Rejectaeque retrorsum Annibalis minae,

\* *Aul. Gell. Noct. Att. xviii. 5.*

† *Carm. iv. 8.*



Non incendia Carthaginiſ impiæ,  
Ejus, qui domita nomen ab Africa  
Lucratus rediit, clarius indicant

• *Laudes, quam Calabræ Pierides.*

The whole philosophical works of Cicero attest the admiration of that illustrious statesman and orator for the venerable parent of Roman song. And while a remnant of literature and patriotism lingered among the people, his memory was cherished with an affectionate and almost religious enthusiasm. Nor was this enviable and enduring fame undeserved. He it was who opened up to the inhabitants of his adopted country the great fountains of Grecian literature, and who 'married to immortal verse' the traditional legends and romantic fables of their 'elder time,'—who accustomed their ears to the rich and lofty melody of heroic numbers,—and who informed the public mind with a relish and taste for works of genius. He it was who enriched the scanty vocabulary of the Latin language, by copious draughts from that incomparable form of speech to which it bore an original affinity, and with which it so readily coalesced,—and who thus enlarged its compass of expression, while he improved its versification, and developed much of its peculiar capabilities. With a people so intensely national as the Romans, claims like these were necessarily all-powerful. The student, therefore, who aspires to an intimate and thorough acquaintance with the language and literature of republican Rome, should go at once to the fountain-head, and begin by a close and severe examination of all that now remains of Father Ennius.

Having thus endeavoured, by the help of such monuments as have escaped the ravages of time and accident, to determine the circumstances in which the language of Rome was first framed, and, as far as possible, to exhibit a tolerably connected view of its progress from its rudest elements till it attained the high degree of perfection in which it appears in the dramas of Plautus, the greater part of which happily remain, we deem it unnecessary to prosecute farther a survey which has already extended to perhaps too great a length. We have seen, that, for the first five centuries of Rome, the Romans were a nation of semi-barbarous warriors, struggling, during one portion of that period, for existence, during another for conquest; that, in consequence, there is no evidence of their having had any thing at all deserving the name of a native or original literature; but that no sooner had Magna Græcia become a province of the Republic, than the learned men of that country flocked to Rome, where they initiated their conquerors in the knowledge of the glorious literature of Greece, and, though foreigners in one sense of the

word, improved and enriched the language they had to learn and employ as the instrument of communication. From the foundation of Rome, therefore, to the conquest of Magna Græcia, or rather to the termination of the first Punic war, may be considered as the first grand epoch of the language. The second, which is equally well defined, though of much shorter duration, embracing a period of only 164 years, extends from the conclusion of the former till the death of Sylla (about 78 years before the vulgar era), whence we may date the commencement of the Augustan age. A direct examination of the progress of the language during this second epoch would furnish matter for a volume of verbal criticism, and cannot, therefore, be attempted at present, even in the most general and cursory way. We had indeed collected materials for exhibiting a sketch of the peculiarities which still obtained; but this must likewise be deferred,—and we shall now proceed to settle our accounts with the authors, the titles of whose works we have placed at the head of this article.

The History of Roman Literature, considered in its most extensive signification, as commencing from the foundation of the city, and terminating with the Empire of the West, comprehends a space of about twelve centuries, which may be divided into five grand periods or epochs. The first embraces the five centuries which elapsed from the building of Rome till the end of the first Punic war; during which, as we have already seen, no traces of literature, except such as are peculiar to all nations in the first stages of their career, are to be discovered. The second extends from the middle of the third century before Christ till the death of Sylla, and constitutes the epoch of the infancy and youth of Roman literature; during which the imperishable creations of Grecian genius, transfused into the hitherto rude and uncouth dialect of Rome, operated a powerful change on the language and literary character of the people, and produced the first attempts in the departments of poetry and the belles lettres. The third period, which extends till about fourteen years posterior to the vulgar era, and is therefore somewhat less than a century, is the Augustan or golden age of Latin literature, and one of the most memorable epochs in the literary history of the world. The time which elapsed between the death of Augustus and the age of the Antonines, forms the fourth period, or the silver age, of this literature, remarkable not so much for the decline of genius as of taste; the corruption of which dates from the establishment of the baneful and cold-blooded despotism of Tiberius. The age of iron extends from the era of the Antonines till the over-

throw of the Western Empire, and constitutes the fifth and last grand epoch of the literature of Rome. This division of the subject, the best because the simplest and most natural, each of the above periods being clearly and distinctly defined, Schœll has followed in his *Histoire Abrégée de la Littérature Romaine*. But it is evidently impossible, in the compass of four octavo volumes, to do any thing like justice to the development of a subject of such prodigious extent and complication. The author, it is true, professes to give merely an *abridged* history of Roman literature; and, in forming a general estimate of the amount of information derivable from his work, it is proper and just to keep this in mind: the necessity of compression, however, and the consequent difficulty of uniformly selecting and bringing forward what is of primary importance in reference to the main object of such a work, has unavoidably led to the omission of matter of the greatest importance towards forming an accurate conception of the state of literature during the different epochs already indicated. To the same cause, no doubt, conjoined with a desire on the part of the author, to bring into the fullest light those departments which are least known and studied, must be ascribed the extreme rapidity with which he has hurried over the earlier and more important periods, and the incommensurate space he has devoted to works, which are of more value to the literary historian than to the classical student, and less interesting for what they contain than as serving as so many beacons by which the gradual ebb of taste and genius may be estimated. So much is this the character of the present work, that, like the *Histoire de la Littérature Grecque*, it is rather, as Mr Dunlop has observed, a history of the decline and fall, than of the rise, progress, and perfection of the literature of Rome. This want of detail is the more to be regretted, as, notwithstanding the author's great obligations to the *Encyclopædie der Classischen Alterthumskunde* of Schaaf, he appears to bring to his task many of the qualifications necessary to its successful execution,—the persevering and unconquerable industry of his countrymen,—an intimate acquaintance with the principal works which treat of the subject,—an obvious familiarity with the authors of whose works it is his business to exhibit an outline,—and, which is of indispensable importance, a critical acquaintance with the Roman language. With all its defects and imperfections, however, the *Histoire Abrégée de la Littérature Romaine* will be found a convenient manual of information (not the less useful because it is seldom profound) to those to whom the larger and more expensive works on the subject are inaccessible; while the preliminary



ry dissertations on the origin of the ancient population of Italy and of the Latin language, together with a great portion of the notes interspersed throughout the work, are replete with various and accurate learning, and worthy the attentive perusal of even the most advanced scholars.

'The History of Roman literature,' by Mr Dunlop, who is already so favourably known to the public by his 'History of Fiction,' reviewed in a former Number of this Journal, though betraying some marks of haste, and more remarkable for good taste and sound judgment, than any great originality of thought, is certainly a very creditable performance. In a somewhat ambitious preface, we are informed, that 'the *composition* of the present volumes was suggested by the perusal of an elegant, though somewhat superficial production, on the civil and constitutional history of Rome, from its foundation to the age of Augustus,' by the worthy member for Corfe Castle (one of the weakest books we ever had occasion to meet with); and that it occurred to the author, that 'a history of Roman literature during the same period might prove not uninteresting.' On this suggestion, he set to work, and, conceiving the literary history of Rome as resolvable into 'three great ages,—that which preceded the era of Augustus,—that which is characterized by his name,—and that which extends from the death of that emperor till the transference of the seat of empire from the Tiber to the Bosphorus,'—he has, in the volumes now before us, attempted to exhibit an historical view of the literature of Rome during the first of these three successive periods. In prosecution of this design, the successful execution of which required a combination of talents and acquirements of the highest order, he has deviated from the plan followed by all his predecessors, who invariably arrange the Roman writers in classes, according to the nature of the subjects of which they treat, and has generally taken them up in regular chronological order; a method which, whatever be its advantages in some respects, particularly in preventing repetition, and in avoiding apparent anachronisms, is almost exclusive of any thing partaking of large and comprehensive views.

In one principal point, M. Schoell and Mr Dunlop are the very antipodes of each other. Schoell passes over well-known writers with a succinct notice; Mr Dunlop dwells upon them at great length, and fills nearly a half of his book with analyses of their works, in the manner of the analyses of the Romances of Chivalry, which form so appropriate and interesting a portion of the 'History of Fiction.' Now we think that, upon the whole, Schoell is in the right; and for this plain reason—

that, to scholars, such analyses are unnecessary, and to all other persons useless. The former will undoubtedly refer, in every matter that concerns a work of genius, to the original; the latter will not be much enlightened by the most cunning abridgment of the most expert critic. But the great objection to this plan of Mr Dunlop's is, the enormous length and unsufferable tediousness which it would impart to his work, if carried through its remaining divisions on any thing like the same scale. In the volumes before us, for example, we have an abstract and a critical notice of every one of the poems of Catullus—even where they do not extend to four lines. Does he propose to do as much for every separate Ode of Horace—for every Fable in Phædrus—for every story in Ovid—for every Elegy of Tibullus—for every Epigram of Martial?—And then, again, for the prose writers, are we to have a distinct account of every chapter in Cæsar, and Livy, and Tacitus—every Life in Nepos—every precept in Quintilian—every maxim in Seneca? To do this, would be to give, not a history, but an abridgment of Roman literature, and would go to a length which no reader, learned or unlearned, could endure, and no writer—out of Germany—could have courage enough to contemplate. Yet this is the plan on which the volumes before us are actually executed; and the authors we have named are as worthy of notice as Catullus, and cannot be said to be more familiar to scholars than Cicero. The plan, therefore, we humbly conceive, was erroneous; and the fact must be proclaimed by its abandonment in the parts of the work that are yet to come; in which the learned author must confine himself to a general account of the works of the different writers he specifies, with an occasional analysis, or extended abstract, of some select and characteristic production.

Mr Dunlop's book, however, is entitled to great and unequivocal praise. It is the first work of the same compass and description which has appeared in the English language; and is not only digested with great learning, judgment and care, but is written in a more pleasing, animated and engaging style than any of those from which its materials may have been collected. Without bitterness or presumption in the controversial parts—without tediousness in the didactic—always luminous, succinct and lively—abounding in agreeable illustrations, and interspersed with useful remarks, it appears to us eminently qualified both to maintain among young students a warm and growing regard for those imperishable memorials of Roman genius, with which their first acquaintance is compulsory, and to diffuse among mere English readers a relish for those classical models on which the purest part of our own literature has been formed.



There is a third class of persons to whom we can ourselves testify that these volumes are calculated to minister, perhaps, a still deeper delight. We refer to the many individuals whom the business of the world, and the cares of advancing life, have something separated, though not estranged, from the studies of their early youth; and to whom not only the matter of this book, but the spirit in which it is written, comes with a reviving sweetness, and brings back not only the feelings which animated that brightest part of their existence, but the first forms of those generous sentiments and pure tastes to which all that is happy or worthy in its after course is to be referred.

ART. VI. 1. *The Past, Present, and probably Future State of the Wine Trade.* By JAMES WARRE. Second Edition, pp. 125. London, 1824.

2. *Observations on the State of the Wine Trade.* By FLEETWOOD WILLIAMS. Second Edition. pp. 23. London, 1824.

EVERY tax, by raising the price of the commodity on which it is laid, has an obvious tendency to diminish the number of its purchasers. A man who might be willing to pay 5s. a gallon of duty on brandy or Hollands, might neither have the means nor the inclination to pay 10s. or 15s.; and, consequently, instead of being augmented, the revenue might be diminished by such an increase of duty. Hence, whenever the duties on commodities are raised beyond a certain limit, their effect is to render them less productive than if they had been lower, either by diminishing consumption, or by encouraging and promoting the consumption of such as are smuggled.

But, however self-evident and incontrovertible, this principle has, we are sorrow to say, been very generally disregarded in the imposition of taxes. Most ministers seem to have looked upon consumption as a constant and unvarying power, producing an equal effect whether commodities were cheap or dear; and because a certain rate of duty was found to yield a certain amount of revenue, they concluded, without farther investigation, that if the duty was doubled or tripled, the revenue would necessarily be doubled or tripled also! It is almost superfluous to add, that these anticipations have universally been disappointed. And our only surprise is, that a system, bottomed on assumptions so manifestly and palpably erroneous and absurd, and which has been productive of the most disas-



trous results, not to the revenue only, but to the commerce and morals of the country, should still be supported. We entered, in an article in our 74th Number, into a pretty full examination of this subject; and showed, by a detailed examination of the effects actually resulting from high and low duties, that the latter are *always the most productive*, and that the revenue of this country, as of most others, has suffered severely from the extent to which the duties on many articles have been carried.

Since the date of our former article, however, several additional and well authenticated statements have been made, both in the pamphlets prefixed to this article, and in papers laid before the House of Commons, respecting the effects of increased duties on the consumption of Wine, and the restrictions to which the spirit of monopoly has subjected the wine trade. And we avail ourselves of this opportunity, to endeavour briefly to call the public attention to a condensed view of these statements; both because they bear directly and strongly on a question of great practical interest and importance, and because the recent proceedings of our present ministers warrant the expectation that they will not be indisposed, when the case is once fairly brought before them, to adopt such measures as may tend to increase the revenue, by increasing the consumption of wine, and to promote the commercial interests of the country, by relieving the trade from the vexatious restraints under which it now labours.

It is not necessary, in order to exhibit the effect of oppressively high duties in diminishing the consumption of wine, and the revenue derived therefrom, to carry our researches further back than 1784. At that period, the duties on French wines amounted to 99*l.* 8*s.* 9*d.* a tun, or to 7*s.* 10 $\frac{1}{2}$ *d.* a gallon, and the duty on Portuguese wines (which was nearly the same with that on all other wines except those of France), amounted to 49*l.* 4*s.* 1*d.* a tun, or to 4*s.* 6*d.* a gallon. In 1786, however, Mr Pitt, in compliance with the provisions in his justly celebrated commercial treaty with France, reduced the duties on French wines very nearly *a half*, or to 50*l.* 16*s.* 6*d.* a tun, or 4*s.* 0 $\frac{1}{2}$ *d.* a gallon, at the same time that he reduced the duties on Portuguese and other wines nearly *a third*, or to 32*l.* 16*s.* 6*d.* a tun, or 2*s.* 6 $\frac{3}{4}$ *d.* a gallon. It was affirmed at the time, both by Honourable Gentlemen within the House of Commons, and by writers out of doors, that this reduction would certainly occasion a very great falling off in the revenue previously derived from wine. But Mr Pitt did not permit these sinister auguries to deter him from carrying his plans into effect; and while the result showed the soundness of the principles on

which he proceeded in reducing the duties, it affords a precedent, which, though hitherto most strangely neglected, is yet of the highest value. In April 1791, a paper, of which we now subjoin a copy, was laid on the table of the House of Commons. It sets the effect of the reduction of duties, both on the quantity of wine imported, and on the revenue, in the clearest and most striking point of view.

AN ACCOUNT of the Quantities of Wine Imported into Great Britain, and the Amount of the Nett Produce paid into the Exchequer, of the Duties of Customs and Excise arising therefrom, in the years 1784, 1785, and 1786, compared with the years 1788, 1789, and 1790, being the periods of three years prior and posterior to the Treaty with France.

Year.	French.	Portugal.	Rhenish.	Spanish.	Total Quantity Imported.	Total of Customs and Excise Duty.	
					Tuns.		
1784	435	12220	126	2761	15542	L.619523	Average quantity of the three years, 15,953 Tuns. Average Duty of the three years, L.625,454.
1785	470	12698	133	2831	16132	642519	
1786	485	12255	187	3265	16192	614247	
1787	1868	16619	177	4314	22978	644219	
1788	1445	19114	138	4744	25441	640906	Average quantity of the three years, 27,346 Tuns. Average Duty of the three years, L.714,010.
1789	1114	22128	117	4054	27413	696958	
1790	1117	22911	116	5037	29181	804167	

Average Increase in quantity in favour of latter period:—  
 In Tuns ..... 11,393 per Annum.  
 In the Revenue L.88,556 do.

Rate of Duty in 1785 was	} on French Wine,	L.99	8	9 $\frac{2}{10}$
	} on French Wine	49	4	0
Ditto in ..... 1786 ....	} Portugal, &c.	50	16	6
	} Portugal, &c.	32	16	6

But this striking and unanswerable demonstration of the superior productiveness of low duties on wine, was unable to prevent their subsequent and unmeasured increase. In 1795 an addition of 30%. a tun was made to the duties previously imposed on French wines, and of 20%. to those on all other descriptions. This increase of duty had an instant effect in checking the consumption of French wines; but it did not enhance the price of Portuguese and other wines, so as greatly to affect their consumption. Instead, however, of stopping at this precise point, fresh additions were immediately made to the duties. Mr Pitt had now entirely lost sight of the principles he had

laid down ten years before, and really seems to have supposed, that, because the consumption of Port was not materially diminished by the additional duty of 20%, there were no limits to the extent to which it might be advantageously taxed! But, whatever were Mr Pitt's views, in the very next year (1796) he made a fresh addition of 30% a tun to the duties on French, and of 20% a tun to those on Portuguese and other wines! Now, mark the effects of this inordinate extension of the duties. In 1793, 1794, and 1795, there were, on an average, 29,552 tuns of wine imported, of which 27,344 tuns were left for home consumption; but the average annual importation during the three successive years of 1796, 1797, and 1798, being the years immediately subsequent to the second increase of duty, amounted to only 20,961 tuns, of which only 18,266 were left for home consumption! The decrease in the consumption of French wines, separately considered, was still more striking: during the first mentioned three years it amounted, on an average, to 516 tuns a year, and in the second to only 262.\*

In 1797 and 1798, Portugal was threatened with invasion from Spain, which, indeed, took place partially. In consequence, several Portuguese merchants removed their property to England, and a forced importation of wine was thereby occasioned. In these circumstances, a forced sale of wines necessarily followed, at such a reduced rate as was equivalent to the increased duty laid on in 1796.

As wines thus became cheaper, the consumption was restored, and was progressively increasing; so that in 1803 it was of French 910 tuns, and of other wines 30,619: when a fatal mistake was again committed; the effect of the increase of duty in 1796 was not referred to; Excise Reports, not the experience and opinion of merchants, were consulted, either on the state of the trade, or the cause of revived consumption.

In 1803 and 1804 additional duties were imposed (33*l.* 11*s.* a tun on French wines, and 22*l.* 14*s.* 6*d.* a tun on other descriptions), which reduced the annual average entry for home consumption from 30,600 tuns to 18,148. This measure also proved fatal to most of the unfortunate Portuguese merchants who had retired to England; some of them were absolutely ruined, and the course of the trade was altogether changed. Wines were unsaleable at any price beyond the account of the duties. The disbursements for freight, warehouse rent and changes, exceeded the amount of the first cost!—(See p. 23 of Mr Warre's Pamphlet.)

In 1808-9 Portugal was invaded by the French; and from

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\* These statements are taken from the Table in the Lords' Report on the Silk and Wine Trade.



that period until the termination of the Peninsular war in 1814, the trade of Portugal was in so forced and unnatural a condition, that no inferences can be legitimately deduced from it to show the effects of the increase of duties. But, notwithstanding the revenue derived from wine had been nearly 200,000*l.* less in 1813 than in 1803, Mr Vansittart, with his usual sagacious discernment of what was most conducive to the interests of the revenue and commerce of the country, proposed, in 1815, to make an enormous addition to the duties on wine; and was only driven from his purpose after the additional duty bill was on the eve of passing the House of Commons, by the representations of Mr Warre and the Portuguese ambassador! Had this precious project been carried into effect, the wine trade would have been utterly and completely destroyed: For, so far from its being in a condition to bear any additional duty, it is so greatly overtaxed, that not the consumption merely, but the revenue, is *considerably less, notwithstanding the higher duties, at this moment, than it was in 1803.*

In proof of this we have to state—and we request the attention of the public to the fact—that the average annual produce of the wine duties of the United Kingdom, during the three years ending with 1803, when the duties were,

Great Britain,	{ 8s. 9½d. per gallon on French,
	{ 5s. 9¾d. ——— on other wines,
Ireland,	{ 4s. 9½d. ——— on French,
	{ 3s. 1¼d. ——— on other wines,

amounted to 2,307,794*l.* sterling; and the average annual quantity of wine imported during the same period amounted to 43,397 tuns.

But in the three years ending the 5th of January 1822, the average produce of the under-mentioned wine duties,

Great Britain,	{ 11s. 5½d per gallon on French,
	{ 7s. 7d. ——— on other wines,
Ireland,	{ 10s. 8½d. ——— on French,
	{ 7s. 1½d ——— on other wines,

only amounted to 1,953,944*l.*, showing a *diminution of revenue in the latter period, as compared with the former, of no less than THREE HUNDRED AND FIFTY-FOUR THOUSAND EIGHT HUNDRED AND FIFTY pounds a year*; and the annual average quantity of wine imported had declined to 23,257 tuns, being little more than *a half* of the quantity imported in the three years ending with 1803!

As the greatest increase of duties took place in Ireland, it was there also that the consumption and revenue fell off with the greatest rapidity. We subjoin a statement, showing the progress and effect of the duties on Portuguese wines in Ireland since 1803.

Years.	No. of Tuns which paid Duty.	Rate of Duty per Tun.	Duty received.
1800, 1801, 1802	5,705	38 <i>l.</i> 10 <i>s.</i>	- - - L.221,236
In 1802 alone	6,838	Ditto	- - - 268,401
1804	4,949	58 <i>l.</i> from July 1804	- 230,143
1807-8-9	3,780	Ditto	- - - 219,240
1811-12-13	1,999	70 <i>l.</i> 12 <i>s.</i> from June 1810	- 152,728
1817-18-19	1,209	90 <i>l.</i> 16 <i>s.</i> — July 1814	- 117,952

It is unnecessary to make any commentary on these decisive statements. They prove beyond all controversy, that the wine duties have been carried to a ruinously oppressive extent—to such an extent as not only to occasion a serious diminution of revenue, and arbitrarily to deprive the middle classes of a principal enjoyment, but to inflict a serious injury on the health and morals of the people. Instead of the imports of wine into this country being now little more than *a half* of what they were twenty years since, they would certainly, had it not been for oppressive duties, been nearly *doubled*. We are entitled to infer this, not only from the vast increase of population that has taken place in the intervening period, but also from the general improvement that has taken place in the style of living. Indeed, we believe we may safely affirm, that the quantity of fluid sold *under the name* of wine, has been greatly increased since 1803, notwithstanding the falling off in the imports. The public have long been the victim of the frauds of wine adulterators. Even in Mr Addison's time, when the duties, and consequently the temptations to adulterate, were so much less, this disreputable fraternity were actively employed. In one of his papers in the *Tatler*, (No. 131), Mr Addison adverts to their practices in the following terms: 'There is,' says he, 'a certain fraternity of chemical operators, who work under ground, in holes, caverns, and dark retirements, to conceal their mysteries from the eyes and observations of mankind. These subterraneous philosophers are daily employed in the transmutation of liquors, and, by the power of magical drugs and incantations, raise, under the streets of London, the choicest products of the hills and vallies of France. They can squeeze Bourdeaux out of the sloe, and draw Champagne from an apple. Virgil, in that remarkable prophecy,

*'Incultisque rubens pendebit sentibus uva'*—

The ripening grape shall hang on every thorn,—  
seems to have hinted at this art, which can turn a plantation of northern hedges into a vineyard. These adepts are known among one another by the names of wine-brewers; and, I am

‘ afraid, do great injury, not only to her Majesty’s customs, but  
 ‘ to the bodies of many of her good subjects.’

But when the bounty on adulteration is so enormous as at present, it might fairly be concluded, even though there had been no direct evidence on the subject, that the *wine-brewing* trade must now be prosecuted to an infinitely greater extent than in the reign of Queen Anne. And such, in point of fact, is really the case. Every day we meet with advertisements in the newspapers, and the walls of London are covered with bills, announcing sales of *old crusted port*, *sparkling champagne*, &c. at prices which would not really cover the prime cost, exclusive altogether of duty, of such wines, were they genuine. The low duty on Cape wines—the veriest trash ever imported into England—has greatly facilitated these scandalous frauds, by furnishing the brewers with a cheaper and more convenient menstruum for their preparations than they formerly used. In consequence, the trade of adulteration is at this moment in a state of unexampled prosperity. Mr Morewood, surveyor of excise, states, in his late work on ‘*Inebriating Liquors*,’ (p. 313,) that it is commonly estimated, that *one half of the port, and five-sixths of the white wines consumed in London, are the produce of the home presses!* And there is scarcely a village in the empire without its wine-brewer,—and without an ample stock of port, sherry, claret, and champagne, hardly a single gallon of which ever crossed the Channel.\*

It is truly astonishing that such a state of things should have been tolerated so long. But it must now be very near its end. We think too favourably of Messrs Robinson and Huskisson, to suppose it possible that they should permit a system pregnant with so many gross and glaring abuses—a system which, at the same time that it lessens the public revenue, and injures the health of the community, enables an odious brood of adulterators to amass fortunes by the practice of the most abominable and barefaced frauds—to continue to disgrace the financial policy of the country. Ministers are well aware of the beneficial effects that have resulted from the reduction of the duties on Scots and Irish spirits: And they may be assured that the effectual reduction of the wine-duties would be still more advan-

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\* Guernsey is one of the favourite seats of the wine-adulterators. In the year 1812, according to the Custom-house books of Oporto, 135 pipes and 20 hogsheads of wine were shipped for Guernsey. In the same year, there were landed at the London Docks alone 2,545 pipes and 162 hogsheads of wine from that island!—(*Henderson’s Hist. of Ancient and Modern Wines*, p. 315.)



tageous—that it would lead both to an increase of revenue and of the comforts and enjoyments of all classes,—except those who earn a disgraceful subsistence by means of the abuses generated by the excessive amount of the duties.

But it is not enough that the wine duties should be effectually reduced. An end ought also to be put to the absurd preference that has so long been shown, in their imposition, to the wines of Portugal;—a preference which has, if possible, been productive of still more pernicious results than the excess to which the duties have been carried.

Owing to the close and intimate connexion subsisting between England and France for several centuries after the Conquest, the wines of France were long in almost exclusive possession of the English market. But the extension of commerce gradually led to the introduction of other species; and in the reigns of Elizabeth and James I., the dry white wines of Spain seem to have been held in the highest estimation. This, however, was only a temporary preference. Subsequently to the Restoration, the wines of France regained their former ascendancy, which it is most probable they would have continued to preserve, had not their importation been artificially checked.\*

The trade with France had occasionally been prohibited previously to the accession of William III.; but it was not until 1693 that any distinction was made between the duties payable on French and other wines. In that year, however, 8*l.* a tun of additional duty was laid *exclusively* on French wines; and in 1697, they were *exclusively* loaded with a fresh additional duty of 25*l.* a tun!† It is probable that these discriminating duties would have been repealed as soon as the excitement and irritation which produced them had subsided, had not the stipulations in the famous commercial treaty with Portugal, negotiated by Mr Methuen in 1703, given them permanence. Such, however, was unluckily the case: For, according to the Methuen treaty, we bound ourselves to charge in future *one third* higher duties on the wines of France imported into England than were charged on those of Portugal, the Portuguese, by way of compensation, binding themselves to admit our woollens into

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\* In 1687, the importations of French wines amounted to 15,518 tuns; in 1688, to 14,218; and in 1689, to 11,109 tuns. The average quantity imported at present does not exceed 800 tuns.

† The present duties on wines are—French, 144*l.* 7*s.* 6*d.* a tun; Portuguese, 95*l.* 11*s.*; Spanish, 95*l.* 11*s.*; Rhenish, 118*l.* 3*s.* 6*d.*; Madeira, 96*l.* 13*s.*

NB.—The tun contains 252 gallons.

their markets in preference to those of other countries, at a fixed and invariable rate of duty.

Though very generally regarded at the time as the highest effort of diplomatic skill and address, the Methuen treaty was certainly founded on the narrowest and most contracted views of national interest, and has in consequence proved, in no common degree, injurious to both parties, but especially to England. By binding ourselves to receive Portuguese wines for *two-thirds* of the duty payable on those of France, we, in effect, gave the Portuguese growers a monopoly of the British market, and thereby attracted too great a proportion of the deficient capital of Portugal to the production of wine; while, on the other hand, we not only excluded one of the principal equivalents the French had to offer for our commodities, and proclaimed to the world that we considered it better to deal with two millions of poor beggarly customers than with *thirty* millions of rich ones, but we also provoked the French to retaliate, by excluding several of our articles from their markets!

The injurious effects of the regulations in the Methuen treaty were distinctly pointed out by Dr Davenant and Mr Hume. The latter, in his *Essay on the Balance of Trade*, published in 1752, says, ‘Our jealousy and hatred of France are without bounds. These passions have occasioned innumerable barriers and obstructions on commerce, where we are commonly accused of being the aggressors. But what have we gained by the bargain? *We lost the French market for our woollen manufactures*, and transferred the commerce of wine to Spain and Portugal, *where we buy much worse liquor at a much higher price!* There are few Englishmen who would not think their country absolutely ruined, were French wines sold in England so cheap, and in such abundance, as to supplant ale and other home-brewed liquors. But would we lay aside prejudice, it would not be difficult to prove, that nothing could be more innocent, perhaps more advantageous. Each new acre of vineyard planted in France, in order to supply England with wine, would make it requisite for the French to take an equivalent in English goods, by whose sale we should be equally benefited.’

Before Mr Pitt reduced the duties on French wines in 1786, he had obtained a repeal of the prohibition against importing several articles of British manufacture into France, and a reduction of the duties on others; and it is contended, that it would be inexpedient in us to make any reduction in the existing duties on French wines, without having previously obtained a similar concession. Nothing, however, can be more perfectly



futile and unfounded than this statement. It is for our advantage to act on just and sound principles, without regard to the way in which others may act. The French government, by excluding our cottons and hardware from their markets, do an injury to their own subjects, by forcing them to pay a higher price for inferior articles than would suffice to procure superior articles from England. But assuredly this is a line of conduct that ought to be carefully avoided, not followed. The injury done to the French by their rulers can never be a reason why the government of Britain should do a similar injury to the people of this country, by forcing them to pay an oppressively high price for their wines and brandies. To act in this way is not really to retaliate on the French, but on *ourselves*! It is erecting the blind and brutal impulses of revenge into maxims of state policy. Our business is not to inquire where our neighbours buy the produce they consume, but to buy that for which we have a demand, wherever it can be obtained at the least expense. This is the way in which every prudent individual acts in private life; and there is not, nor can there possibly be, any reason why the conduct of a number of individuals, or of a state, should be different. Neither the French, nor any other foreign nation, will ever refuse to *sell*; and as there can be no selling without an *equal buying*—no importation without an equal exportation—by acting on a liberal system ourselves, we should not only reap a very great immediate advantage, but should inevitably compel the French to abandon their restrictions and prohibitions.

Ministers, too, we are happy to say, have at last acknowledged the justice of this reasoning. They have, without any previous convention with France, and in despite of the ignorant clamour that was raised on the subject, removed the prohibition against the importation of French silks, and paved the way for a complete freedom of trade between France and England, in articles of silk manufacture. And having made this great step towards the abolition of those absurd restraints on the trade with our most ingenious and opulent neighbours, they are bound, in consistency, to follow it up by abolishing the discriminating duties on French wines, and leaving it to the public to determine for themselves whether they shall drink port or claret.\*

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\* Some of the witnesses examined before the Committee of the Lords in 1821, gravely contended, that no reduction of duties could increase the consumption of French wines, because we got, at this moment, all they had to export! These wise persons were totally ignorant of the fact, that in the interval from 1809 to 1814, upwards



But there are other and still more conclusive reasons why the discriminating duties on French wines should be abolished, and the same moderate *ad valorem* duties laid on all wines whatsoever. Conceiving themselves secure of their monopoly of the British market, the Portuguese Government have sanctioned a system which has had the effect to lessen the supply of wine, to deteriorate its quality, and to raise its price to a most injurious extent. These consequences have resulted from the establishment of the Oporto Wine Company in 1756, during the administration of the Marquis Pombal. By the charter of this Company a certain extent of territory is marked out, as the only district in Portugal in which wine is to be raised for exportation; the entire and absolute disposal of the wines raised in this district is placed in the hands of the Company; who are farther authorized to fix the prices to be paid for them to the cultivators, to prepare them for exportation, and to fix the price at which they shall be sold to foreigners! It is obvious that a Company with such powers cannot be any thing else than an intolerable nuisance. What could be more arbitrary and unjust than to interdict the export of all wines raised out of the limits of the Company's territory? But even in its own district, its proceedings have been most oppressive and injurious. The Company annually fix, by a fiat of their own, two rates of prices—one for the *vinho de feitoria*, or wine for exportation, and the other for the *vinho de ramo*, or wine for home consumption—at which the cultivators are to be paid, whatever may be the quality of their wines. They have, therefore, no motive to exert superior skill and ingenuity, but content themselves with endeavouring to raise, at the least possible expense, the greatest supply of ordinary *vinho de feitoria*, for which the Company allow the highest price. All emulation is thus effectually extinguished: And the proprietors who possess vineyards of a superior quality, invariably adulterate their wines with inferior growths, so as to reduce them to the average standard. 'In this way,' says Dr Henderson, 'the finer products of the Douro vintages have remained, in a great measure, unknown to us; and Port wine has come to be considered as a single liquor, if I may use the expression, of nearly uniform flavour and strength—varying, it is true, to a certain extent, in qua-

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of five times the quantity of French wines were imported into this country, partly for home consumption, and partly for exportation, than have been imported since! The statement is indeed too absurd to merit one moment's attention,

lity, but still always approaching to a definite standard, and admitting of few degrees of excellence. The manipulations, the admixtures, and, in one word the *adulterations*, to which the best wines of the *Cimo do Douro* are subjected, have much the same effect as if all the growths of Burgundy were to be mingled in one immense vat, and sent into the world as the only true Burgundian wine: The delicious produce of Romanée, Chambertin, and the Clos-yougeot would disappear; and in their places we should find nothing better than a second-rate Beaune or Macon wine.'—(*History of Ancient and Modern Wines*, p. 210.)

Not only, however, have the Oporto Wine Company deteriorated the quality, but they have also raised the price of their wines to an enormous height. Secured against the competition of their countrymen, and protected in their monopoly of the British markets by the high duties on French wines, they have filled their pockets at our expense.\* Mr Williams mentions, that at the very moment when the Company are shipping wine for England at 40*l.* a pipe, they are frequently shipping the same wine to other countries at 20*l.* ! And the authentic Tables, published by Balbi, show that the price of wine has been tripled or quadrupled under the management of this corporation.

But though the abuses inherent in the constitution of the Company have been carried of late years to an enormous extent, it is long since its injurious effects on the commerce of this country were distinctly perceived and pointed out. So far back as 1767, the Board of Trade laid a Memoir before his Majesty in Council, in which they state, 'With respect to many particular regulations of the Oporto Company, which we think justly objected to by the merchants as highly grievous and oppressive, we have not thought it necessary to enter into a minute description of them, being of opinion that one general, and that a fatal objection, lies against them all, viz. That they all contribute to establish in the Company a MONOPOLY AGAINST YOUR MAJESTY'S SUBJECTS, from which, by treaty, they have a right to be exempted.'

Unaccountable as it may seem, we are not aware that this

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\* The dividend on the stock of this Company varies from 10 to 12 per cent.; and the capital of the Company has been increased by means of savings from 1,800,000 cruz to 14,000,000. See 'Essai Statistique sur le Royaume de Portugal, par Balbi,' tom. i. p. 158. Last year a trifling change was made on the constitution of the Company, but all its most odious privileges remain untouched.



representation produced any effect. The old-womanish and groundless prejudices against a commercial intercourse with France, and the exaggerated and false estimate formed of the value of our commerce with Portugal, appear to have induced the British Government tamely to submit to the frauds and extortion practised by the Oporto Company. Now, however, when sounder and more enlarged opinions on commercial subjects are universally entertained, it would be an insult to the good sense of ministers and the public, to suppose that such abuses can be much longer tolerated. But it should not be forgotten, that the present is, of all others, the most favourable period for effecting a complete change in the existing system. The commercial treaty with Portugal, negotiated in 1810, *expires next year*, so that we are then at full and entire liberty to make what new regulations we please. Let us not fail to embrace this golden opportunity for opening a lucrative commerce with France, and securing ourselves against the robbery of the Portuguese, by giving entire freedom to the wine trade. The best interests of the country imperiously require, not only that the duties should be greatly reduced, but that the system of discriminating duties should be entirely abolished, and the same moderate *ad valorem* duties laid on all wines without distinction. Such a measure would do more to extend our commerce, and to detract from that character of illiberality which is believed on the Continent, and especially in France, to be its animating principle than any other measure, short of the abolition of the Corn-laws, which it is possible to adopt. Our exports would be extended, according as our imports of foreign wines were increased; the revenue would be augmented, by the vastly greater consumption that would infallibly take place, to the extent probably of 600,000*l.* or 700,000*l.* a year; a considerable addition would be made to the comforts and enjoyments of all classes; the competition of the French and Germans would effectually prevent the Oporto Company from artificially raising the price of their wines; the fraudulent and infamous practices of the wine-brewers and adulterators would be instantly checked; and, above all, a beginning would be made of a commercial intercourse with France—a country which, from her proximity, wealth, and the variety of her products, is better fitted than any other for maintaining a great and mutually beneficial intercourse with England—of which it is quite impossible to foresee the extent.

Unless the equal duty to be laid on all wines under the new system were made an *ad valorem* one, it would have the effect



to exclude all the cheaper and inferior sorts. But why should the middle and lower classes of the community, who cannot afford to pay for claret and champagne, be prevented by high duties from importing cheaper growths? The business of Government is not to regulate the drinks of its subjects; but to lay the same moderate duties on them all according to their cost, leaving to individuals to choose which they shall use.

- ART. VII. 1. *Travels through Part of the United States and Canada, in 1818 and 1819.* By JOHN M. DUNCAN, A. B. In two Volumes. Glasgow, 1823.
2. *Letters from North America, written during a Tour in the United States and Canada.* By ADAM HODGSON. In two Volumes. London, 1824.
3. *An Excursion through the United States and Canada, during the Years 1822-3.* By an ENGLISH GENTLEMAN. London, 1824.

THERE is a set of miserable persons in England, who are dreadfully afraid of America and every thing American—whose great delight is to see that country ridiculed and vilified—and who appear to imagine that all the abuses which exist in this country acquire additional vigour and chance of duration from every book of Travels which pours forth its venom and falsehood on the United States. We shall from time to time call the attention of the public to this subject, not from any party spirit, but because we love truth, and praise excellence wherever we find it; and because we think the example of America will in many instances tend to open the eyes of Englishmen to their true interests.

The *Economy* of America is a great and important object for our imitation. The salary of Mr Bagot, our late Ambassador, was, we believe, rather higher than that of the President of the United States. The Vice-President receives rather less than the second Clerk of the House of Commons; and all salaries, civil and military, are upon the same scale; and yet no country is better served than America! Mr Hume has at last persuaded the English people to look a little into their accounts, and to see how sadly they are plundered. But we ought to suspend our contempt for America, and consider whether we have not a very momentous lesson to learn from this wise and cautious people on the subject of economy.

A lesson upon the importance of Religious Toleration, we are

determined, it would seem, *not* to learn,—either from America or from any other quarter of the globe. The High Sheriff of New-York, last year, was a Jew. It was with the utmost difficulty that a bill was carried this year to allow the first Duke of England to carry a gold stick before the King—because he was a Catholic!—and yet we think ourselves entitled to indulge in impertinent sneers at America,—as if civilization did not depend more upon making wise laws for the promotion of human happiness, than in having good inns, and post-horses, and civil waiters. The circumstances of the Dissenters' marriage bill are such as would excite the contempt of a Chictaw or Cherokee, if he could be brought to understand them. A certain class of Dissenters beg they may not be compelled to say that they marry in the name of the Trinity, because they do not believe in the Trinity. Never mind, say the corruptionists, you must go on saying you marry in the name of the Trinity, whether you believe in it or not. We know that such a protestation from you will be false; but unless you make it, your wives shall be concubines, and your children illegitimate. Is it possible to conceive a greater or more useless tyranny than this?

‘ In the religious freedom which America enjoys, I see a more unquestioned superiority. In Britain we enjoy toleration, but here they enjoy liberty. If government has a right to grant toleration to any particular set of religious opinions, it has also a right to take it away; and such a right with regard to opinions exclusively religious I would deny in all cases, because totally inconsistent with the nature of religion, in the proper meaning of the word, and equally irreconcilable with civil liberty, rightly so called. God has given to each of us his inspired word, and a rational mind to which that word is addressed. He has also made known to us, that each for himself must answer at his tribunal for his principles and conduct. What man then, or body of men, has a right to tell me, “You do not think aright on religious subjects, but we will tolerate your error?” The answer is a most obvious one, “Who gave you authority to dictate?—or what exclusive claim have you to infallibility?” If my sentiments do not lead me into conduct inconsistent with the welfare of my fellow-creatures, the question as to their accuracy or fallacy is one between God and my own conscience; and, though a fair subject for argument, is none for compulsion.

‘ The Inquisition undertook to regulate astronomical science, and kings and parliaments have with equal propriety presumed to legislate upon questions of theology. The world has outgrown the former, and it will one day be ashamed that it has been so long of outgrowing the latter. The founders of the American republic saw the absurdity of employing the Attorney-General to refute deism and infidelity, or of



attempting to influence opinion on abstract subjects by penal enactment; they saw also the injustice of taxing the whole to support the religious opinions of the few, and have set an example which older governments will one day or other be compelled to follow.

‘ In America the question is not, What is his creed?—but, What is his conduct? Jews have all the privileges of Christians; Episcopalians, Presbyterians, and Independents, meet on common ground. No religious test is required to qualify for public office, except in some cases a mere verbal assent to the truth of the Christian religion; and in every court throughout the country, it is optional whether you give your affirmation or your oath.’—*Duncan’s Travels*, II. 328—330.

In fact, it is hardly possible for any nation to show a greater superiority over another, than the Americans, in this particular, have done over this country. They have fairly and completely, and probably for ever, extinguished that spirit of religious persecution which has been the employment and the curse of mankind for four or five centuries,—not only that persecution which imprisons and scourges for religious opinions, but the tyranny of incapacitation, which, by disqualifying from civil offices, and cutting a man off from the lawful objects of ambition, endeavours to strangle religious freedom in silence, and to enjoy all the advantages, without the blood and noise and fire of persecution. What passes in the mind of one mean blockhead, is the general history of all persecution. ‘ This man pretends to know better than me—I cannot subdue him by argument; but I will take care he shall never be mayor or alderman of the town in which he lives; I will never consent to the repeal of the Test Act or to Catholic Emancipation; I will teach the fellow to differ from me in religious opinions!’ So says the Episcopalian to the Catholic—and so the Catholic says to the Protestant. But the wisdom of America keeps them all down—secures to them all their just rights—gives to each of them their separate pews and bells and steeples—makes them all aldermen in their turns—and quietly extinguishes the faggots which each is preparing for the combustion of the other. Nor is this indifference to religious subjects in the American people, but pure civilization—a thorough comprehension of what is best calculated to secure the public happiness and peace—and a determination that this happiness and peace shall not be violated by the insolence of any human being, in the garb, and under the sanction, of religion. In this particular, the Americans are at the head of all the nations of the world: and at the same time they are, especially in the Eastern and Midland States, so far from being indifferent on subjects of religion, that they may be most justly



characterized as a very religious people: But they are devout without being unjust (the great problem in religion); an higher proof of civilization than painted tea-cups, water-proof leather, or broad cloth at two guineas a yard.

America is exempted, by its very newness as a nation, from many of the evils of the old governments of Europe. It has no mischievous remains of feudal institutions, and no violations of political economy sanctioned by time, and older than the age of reason. If a man finds a partridge upon his ground eating his corn, in any part of Kentucky or Indiana, he may kill it, even if his father is not a Doctor of Divinity. The Americans do not exclude their own citizens from any branch of commerce which they leave open to all the rest of the world.

‘ One of them said, that he was well acquainted with a British subject, residing at Newark, Upper Canada, who annually smuggled from 500 to 1000 chests of tea into that province from the United States. He mentioned the name of this man, who he said was growing very rich in consequence; and he stated the manner in which the fraud was managed. Now, as all the tea ought to be brought from England, it is of course very expensive; and therefore the Canadian tea-dealers, after buying one or two chests at Montreal or elsewhere, which have the Customhouse mark upon them, fill them up ever afterwards with tea brought from the United States. It is calculated that near 10,000 chests are annually consumed in the Canadas, of which not more than 2 or 3,000 come from Europe. Indeed, when I had myself entered Canada, I was told, that of every 15 pounds of tea sold there, 13 were smuggled. The profit upon smuggling this article is from 50 to 100 per cent., and with an extensive and wild frontier like Canada, cannot be prevented. Indeed it every year increases, and is brought to a more perfect system. But I suppose that the English government, which is the perfection of wisdom, will never allow the Canadian merchants to trade direct to China, in order that (from pure charity) the whole profit of the tea trade may be given up to the United States.’ *Excursion*, pp. 394, 395.

‘ You will readily conceive, that it is with no small mortification that I hear these American merchants talk of sending their ships to London and Liverpool, to take in goods or specie, with which to purchase tea for the supply of European ports, almost within sight of our own shores. They often taunt me, by asking me what our Government can possibly mean by prohibiting us from engaging in a profitable trade, which is open to them and to all the world; or where can be our boasted liberties, while we tamely submit to the infraction of our natural rights, to supply a monopoly as absurd as it is unjust, and to humour the caprice of a Company, who exclude their fellow-subjects from a branch of commerce which they do not pursue themselves, but leave to the enterprise of foreigners, or com-

mercial rivals. On such occasions I can only reply, that both our Government and People are growing wiser; and that if the charter of the East India Company be renewed, when it next expires, I will allow them to infer, that the people of England have little influence in the administration of their own affairs.'—*Hodgson's Letters*, II. 128, 129.

Though America is a confederation of republics, they are in many cases much more amalgamated than the various parts of Great Britain. If a citizen of the United States can make a shoe, he is at liberty to make a shoe any where between Lake Ontario and New Orleans,—he may sole on the Mississippi—heel on the Missouri—measure Mr Birkbeck on the Little Wabash, or take (which our best politicians do not find an easy matter), the length of Mr Munro's foot on the banks of the Potowmac. But wo to the cobbler, who, having made Hessian boots for the aldermen of Newcastle, should venture to invest with these coriaceous integuments, the leg of a liege subject at York. A yellow ant in a nest of red ants—a butcher's dog in a fox-kennel—a mouse in a bee-hive,—all feel the effects of untimely intrusion;—but far preferable their fate to that of the misguided artisan, who, misled by sixpenny histories of England, and conceiving his country to have been united at the Heptarchy, goes forth from his native town to stitch freely within the sea-girt limits of Albion. Him the mayor, him the aldermen, him the recorder, him the quarter-sessions would worry. Him the justices before trial would long to get into the tread-mill; \* and would much lament that, by a recent act, they could not do so, even with the intruding tradesman's consent; but the moment he was tried, they would push him in with redoubled energy, and leave him to tread himself into a conviction of the barbarous institutions of his corporation-divided country.

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\* This puts us in mind of our friend Mr Headlam, who, we hear, has written an answer to our Observations on the Tread-mill, before Trial. It would have been a very easy thing for us to have hung Mr Headlam up as a spectacle to the United Kingdoms of England, Scotland and Ireland, the principality of Wales, and the town of Berwick-on-Tweed; but we have no wish to make a worthy and respectable man ridiculous. For these reasons we have not even looked at his pamphlet, and we decline entering into a controversy upon a point, where, among men of sense and humanity (who have not heated themselves in the dispute), there cannot possibly be any difference of opinion. All members of both Houses of Parliament were unanimous in their condemnation of the odious and nonsensical practice of working prisoners in the tread-mill before trial. It had not one single advocate. Mr Headlam and the Magistrates of the



Too much praise cannot be given to the Americans for their great attention to the subject of Education. All the public lands are surveyed according to the direction of Congress. They are divided into townships of six miles square, by lines running with the cardinal points, and consequently crossing each other at right angles. Every township is divided into 36 sections, each a mile square, and containing 640 acres. One section in each township is reserved, and given in perpetuity for the benefit of common schools. In addition to this, the States of Tennessee and Ohio have received grants for the support of colleges and academies. The appropriation generally in the new States for seminaries of the higher orders, amount to one-fifth of those for common schools. It appears from Seybert's Statistical Annals, that the land in the states and territories on the east side of the Mississippi, in which appropriations have been made, amounts to 237,300 acres; and according to the ratio above mentioned, the aggregate on the east side of the Mississippi is 7,900,000. The same system of appropriation applied to the west, will make, for schools and colleges, 6,600,000; and the total appropriation for literary purposes, in the new States and territories, 14,500,000 acres, which, at two dollars per acre, would be 29,000,000 dollars. These facts are very properly quoted by Mr Hodgson; and it is impossible to speak too highly of their value and importance. They quite put into the back ground every thing which has been done in the Old World for the improvement of the lower orders, and confer deservedly upon the Americans the character of a wise, a reflecting, and a virtuous people.

It is rather surprising that such a people, spreading rapidly over so vast a portion of the earth, and cultivating all the liberal and useful arts so successfully, should be so extremely sensitive and touchy as the Americans are said to be. We really thought at one time they would have fitted out an armament against the Edinburgh and Quarterly Reviews, and burnt down

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North Riding, in their eagerness to save a relic of their prison system, forgot themselves so far as to petition to be intrusted with the power of putting prisoners to work before trial, *with their own consent*—the answer of the Legislature was, "We will not trust you,"—the severest practical rebuke ever received by any public body. We will leave it to others to determine whether it was deserved. We have no doubt the great body of Magistrates meant well. They *must* have meant well—but they have been sadly misled, and have thrown odium on the subordinate administration of justice, which it is far from deserving on other occasions, in their hands. This strange piece of nonsense is however now well ended.—*Requiescat in pace!*



Mr Murray's and Mr Constable's shops, as we did the American Capitol. We, however, remember no other anti-American crime of which we were guilty, than a preference of Shakspeare and Milton over Joel Barlow and Timothy Dwight. That opinion we must still take the liberty of retaining. There is nothing in Dwight comparable to the finest passages of *Paradise Lost*, nor is Mr Barlow ever humorous or pathetic, as the Great Bard of the English stage is humorous and pathetic. We have always been strenuous \* advocates for, and admirers of, America—not taking our ideas from the overweening vanity of the weaker part of the Americans themselves, but from what we have observed of their real energy and wisdom. It is very natural that we Scotch, who live in a little shabby scraggy corner of a remote island, with a climate which cannot ripen an apple, should be jealous of the aggressive pleasantry of more favoured people; but that Americans, who have done so much for themselves, and received so much from nature, should be flung into such convulsions by English Reviews and Magazines, is really a sad specimen of Columbian juvenility. We hardly dare to quote the following account of an American route, for fear of having our motives misrepresented,—and strongly suspect that there are but few Americans who could be brought to admit that a Philadelphia or Boston concern of this nature is not quite equal to the most brilliant assemblies of London or Paris.

‘A tea party is a serious thing in this country; and some of those at which I have been present in New York and elsewhere, have been on a very large scale. In the modern houses the two principal apartments are on the first floor, and communicate by large folding doors, which on gala days throw wide their ample portals, converting the two apartments into one. At the largest party which I have seen, there were about thirty young ladies present, and more than as many gentlemen. Every sofa, chair and footstool, were occupied by the ladies, and little enough room some of them appeared to have

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\* Ancient women, whether in or out of breeches, will of course imagine that we are the enemies of the institutions of our country, because we are the admirers of the institutions of America: but circumstances differ. American institutions are too new, English institutions are ready made to our hands. If we were to build the house afresh, we might perhaps avail ourselves of the improvements of a new plan; but we have no sort of wish to pull down an excellent house, strong, warm and comfortable, because, upon second trial, we might be able to alter and amend it,—a principle which would perpetuate demolition and construction. Our plan, where circumstances are tolerable, is to sit down and enjoy ourselves.

after all. The gentlemen were obliged to be content with walking up and down, talking now with one lady, now with another. Tea was brought in by a couple of blacks, carrying large trays, one covered with cups, the other with cake. Slowly making the round, and retiring at intervals for additional supplies, the ladies were gradually gone over; and after much patience the gentlemen began to enjoy the beverage "which cheers but not inebriates;" still walking about, or leaning against the wall, with the cup and saucer in their hand.

'As soon as the first course was over, the hospitable trays again entered, bearing a chaos of preserves—peaches, pine apples, ginger, oranges, citrons, pears, &c. in tempting display. A few of the young gentlemen now accompanied the revolution of the trays, and sedulously attended to the pleasure of the ladies. The party was so numerous that the period between the commencement and the termination of the round, was sufficient to justify a new solicitation; and so the ceremony continued, with very little intermission, during the whole evening. Wine succeeded the preserves, and dried fruit followed the wine; which in its turn was supported by sandwiches in name of supper, and a forlorn hope of confectionary and frost work. I pitied the poor blacks who, like Tantalus, had such a profusion of dainties the whole evening at their finger ends, without the possibility of partaking of them. A little music and dancing gave variety to the scene; which to some of us was a source of considerable satisfaction; for when a number of ladies were on the floor, those who cared not for the dance had the pleasure of getting a seat. About eleven o'clock I did myself the honour of escorting a lady home, and was well pleased to have an excuse for escaping.'—*Duncan's Travels*, II. 279, 280.

The coaches must be given up; so must the roads, and so must the inns. They are of course what these accommodations are in all new countries; and much like what English great-grandfathers talk about as existing in this country at the first period of their recollection. The great inconvenience of American inns, however, in the eyes of an Englishman, is one which more sociable travellers must feel less acutely—we mean the impossibility of being alone, of having a room separate from the rest of the company. There is nothing which an Englishman enjoys more than the pleasure of sulkiness,—of not being forced to hear a word from any body which may occasion to him the necessity of replying. It is not so much that Mr Bull disdains to talk, as that Mr Bull has nothing to say. His forefathers have been out of spirits for six or seven hundred years, and, seeing nothing but fog and vapour, he is out of spirits too; and when there is no selling or buying, or no business to settle, he prefers being alone and looking at the fire. If any gentleman was in distress, he would willingly lend an



helping hand; but he thinks it no part of neighbourhood to talk to a person because he happens to be near him. In short, with many excellent qualities, it must be acknowledged that the English are the most disagreeable of all the nations of Europe,—more surly and morose, with less disposition to please, to exert themselves for the good of society, to make small sacrifices, and to put themselves out of their way. They are content with Magna Charta and Trial by Jury; and think they are not bound to excel the rest of the world in small behaviour, if they are superior to them in great institutions.

We are terribly afraid that some Americans spit upon the floor, even when that floor is covered by good carpets. Now, all claims to civilization are suspended till this secretion is otherwise disposed of. No English gentleman has spit upon the floor since the Heptarchy.

The curiosity for which the Americans are so much laughed at, is not only venial, but laudable. Where men live in woods and forests, as is the case, of course, in remote American settlements, it is the duty of every man to gratify the inhabitants by telling them his name, place, age, office, virtues, crimes, children, fortune and remarks: And with fellow-travellers, it seems to be almost a matter of necessity to do so. When men ride together for 300 or 400 miles through woods and prairies, it is of the greatest importance that they should be able to guess at subjects most agreeable to each other, and to multiply their common topics. Without knowing who your companion is, it is difficult to know both what to say and what to avoid. You may talk of honour and virtue to an attorney, or contend with a Virginia planter that men of a fair colour have no right to buy and sell men of a dusky colour. The following is a lively description of the rights of interrogation, as understood and practised in America.

‘As for the *inquisitiveness* of the Americans, I do not think it has been at all exaggerated.—They certainly are, as they profess to be, a very inquiring people; and if we may sometimes be disposed to dispute the claims of their *love of knowing* to the character of a liberal curiosity, we must at least admit that they make a most liberal use of every means in their power to gratify it. I have seldom, however, had any difficulty in repressing their home questions, if I wished it, and without offending them; but I more frequently amused myself by putting them on the rack, civilly, and apparently unconsciously, eluded their inquiries for a time, and then awakening their gratitude by such a discovery of myself as I might choose to make. Sometimes a man would place himself at my side in the wilderness, and ride for a mile or two without the smallest communication between us, except a slight nod of the head. He would then, perhaps, make



some grave remark on the weather, and if I assented, in a monosyllable, he would stick to my side for another mile or two, when he would commence his attack. "I reckon, stranger, you do not belong to these parts?"—"No, sir; I am not a native of Alabama."—"I guess you are from the north?"—"No, sir; I am not from the north."—"I guess you found the roads mighty muddy, and the creeks swimming. You are come a long way, I guess?"—"No, not so very far; we have travelled a few hundred miles since we turned our faces westward."—"I guess you have seen Mr —, or General —?" (mentioning the names of some well-known individuals in the Middle and Southern States, who were to serve as guide-posts to detect our route;) but, "I have not the pleasure of knowing any of them," or, "I have the pleasure of knowing all," equally defeated his purpose, but not his hopes. "I reckon, stranger, you have had a good crop of cotton this year?"—"I am told, sir, the crops have been unusually abundant in Carolina and Georgia."—"You grow tobacco, then, I guess?" (to track me to Virginia.) "No; I do not grow tobacco." Here a modest inquirer would give up in despair, and trust to the chapter of accidents to develop my name and history; but I generally rewarded his modesty, and excited his gratitude, by telling him I would torment him no longer.

'The courage of a thorough-bred Yankee \* would rise with his difficulties; and after a decent interval, he would resume: "I hope no offence, sir; but you know we Yankees lose nothing for want of asking. I guess, stranger, you are from the old country?"—"Well, my friend, you have guessed right at last, and I am sure you deserve something for your perseverance; and, now I suppose it will save us both trouble, if I proceed to the second part of the story, and tell you where I am going. I am going to New Orleans." This is really no exaggerated picture: dialogues, not indeed in these very words, but to this effect, occurred continually, and some of them more minute and extended than I can venture upon in a letter. I ought, however, to say, that many questions lose much of their familiarity when travelling in the wilderness. "Where are you from?" and "whither are you bound?" do not appear impertinent interrogations at sea; and often in the western wilds I found myself making inquiries, which I should have thought very free and easy at home.' *Hodgson's Letters*, II. 32-35.

In all new and distant settlements the forms of law must, of course, be very limited. No justice's warrant is current in the dismal swamp; constables are exceedingly puzzled in the neighbourhood of the Mississippi; and there is no tread-mill, either before or after trial, on the Little Wabash. The consequence of this is, that the settlers take the law into their own hands, and

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\* In America, the term Yankee is applied to the natives of New England only, and is generally used with an air of pleasantry.

give notice to a justice-proof delinquent to quit the territory—if this notice is disobeyed, they assemble and whip the culprit, and this failing, on the second visit, they cut off his ears. In short, Captain Rock has his descendants in America. Mankind cannot live together without some approximation to justice; and if the actual government will not govern well, or cannot govern well, is too wicked or too weak to do so—then men prefer Rock to anarchy. The following is the best account we have seen of this system of irregular justice.

‘ After leaving Carlyle, I took the Shawnee town road, that branches off to the S. E., and passed the Walnut Hills, and Moore’s Prairie. These two places had a year or two before been infested by a notorious gang of robbers and forgers, who had fixed themselves in these wild parts, in order to avoid justice. As the country became more settled, these desperadoes became more and more troublesome. The inhabitants therefore took that method of getting rid of them, that had been adopted not many years ago in Hopkinson and Henderson counties, Kentucky, and which is absolutely necessary in new and thinly settled districts, where it is almost impossible to punish a criminal according to legal forms.

‘ On such occasions, therefore, all the quiet and industrious men of a district form themselves into companies, under the name of “Regulators.” They appoint officers, put themselves under their orders, and bind themselves to assist and stand by each other. The first step they then take, is to send notice to any notorious vagabonds, desiring them to quit the State in a certain number of days, under the penalty of receiving a domiciliary visit. Should the person who receives the notice refuse to comply, they suddenly assemble, and when unexpected, go in the night time to the rogue’s house, take him out, tie him to a tree, and give him a severe whipping, every one of the party striking him a certain number of times.

‘ This discipline is generally sufficient to drive off the culprit; but should he continue obstinate, and refuse to avail himself of another warning, the Regulators pay him a second visit, inflict a still severer whipping, with the addition probably of cutting off both his ears. No culprit has ever been known to remain after a second visit. For instance, an old man, the father of a family, all of whom he educated as robbers, fixed himself at Moore’s Prairie, and committed numerous thefts, &c. &c. He was hardy enough to remain after the first visit, when both he and his sons received a whipping. At the second visit the Regulators punished him very severely, and cut off his ears. This drove him off, together with his whole gang; and travellers can now pass in perfect safety, where it was once dangerous to travel alone.

‘ There is also a company of Regulators near Vincennes, who have broken up a notorious gang of coiners and thieves who had fixed themselves near that place. These rascals, before they were driven



off, had parties settled at different distances in the woods, and thus held communication and passed horses and stolen goods from one to another, from the Ohio to Lake Erie, and from thence into Canada or the New England States. Thus it was next to impossible to detect the robbers, or to recover the stolen property.

‘ This practice of *Regulating* seems very strange to an European. I have talked with some of the chief men of the Regulators, who all lamented the necessity of such a system. They very sensibly remarked, that when the country became more thickly settled, there would no longer be any necessity for such proceedings, and that they should all be delighted at being able to obtain justice in a more formal manner. I forgot to mention, that the rascals punished have sometimes prosecuted the Regulators for an assault. The Juries, however, knowing the bad character of the prosecutors, would give but trifling damages, which, divided among so many, amounted to next to nothing for each individual.’—*Excursion*, pp. 233–236.

This same traveller mentions his having met at table three or four American ex-kings—presidents who had served their time, and had retired into private life; he observes also upon the effect of a democratical government in preventing mobs. Mobs are created by opposition to the wishes of the people;—but when the wishes of the people are consulted so completely as they are consulted in America—all motives for the agency of mobs are done away.

‘ It is, indeed, entirely a government of opinion. Whatever the people wish is done. If they want any alteration of laws, tariffs, &c. they inform their representatives, and if there be a majority that wish it, the alteration is made at once. In most European countries there is a portion of the population denominated the *mob*, who, not being acquainted with real liberty, give themselves up to occasional fits of licentiousness. But in the United States there is no *mob*, for every man feels himself free. At the time of Burr’s conspiracy, Mr Jefferson said, that there was little to be apprehended from it, as every man felt himself a part of the general sovereignty. The event proved the truth of this assertion; and Burr, who in any other country would have been hanged, drawn, and quartered, is at present leading an obscure life in the city of New York, despised by every one.’—*Excursion*, p. 70.

It is a real blessing for America to be exempted from that vast burthen of taxes, the consequences of a long series of foolish just and necessary wars, carried on to please kings and queens, or the waiting maids, and waiting lords or gentlemen, who have always governed kings and queens in the Old World. The Americans owe this good to the newness of their government; and though there are few classical associations, or historical recollections in the United States, this barrenness is well purchased by the absence of all the feudal nonsense, inveterate abuses, and profligate debts of an old country.



' The good effects of a free government are visible throughout the whole country. There are no tithes, no poor-rates, no excise, no heavy internal taxes, no commercial monopolies. An American can make candles if he have tallow, can distil brandy if he have grapes or peaches, and can make beer if he have malt and hops, without asking leave of any one, and much less with any fear of incurring punishment. How would a farmer's wife there be astonished, if told that it was contrary to law for her to make scap out of the potass obtained on the farm, and of the grease she herself had saved ! When an American has made these articles, he may build his little vessel, and take them without hinderance to any part of the world ; for there is no rich company of merchants that can say to him, " You shall not trade to India ; and you shall not buy a pound of tea of the Chinese ; as, by so doing, you would infringe upon our privileges." In consequence of this freedom, all the seas are covered with their vessels, and the people at home are active and independent. I never saw a beggar in any part of the United States ; nor was I ever asked for charity but once—and that was by an Irishman. '—*Excursion*, pp. 70, 71.

America is so differently situated from the old governments of Europe, that the United States afford no political precedents that are exactly applicable to our old governments. There is no idle and discontented population. When they have peopled themselves up to the Mississippi, they cross to the Missouri, and will go on till they are stopped by the Western Ocean ; and then, when there are a number of persons who have nothing to do, and nothing to gain, no hope for lawful industry and great interest in promoting changes, we may consider their situation as somewhat similar to our own, and their example as touching us more nearly. The changes in the constitution of the particular States seem to be very frequent, very radical, and to us very alarming ;—they seem, however, to be thought very little of in that country, and to be very little heard of in Europe. Mr Duncan, in the following passage, speaks of them with European feelings.

' The other great obstacle to the prosperity of the American nation, universal suffrage,\* will not exhibit the full extent of its evil tendency for a long time to come ; and it is possible that ere that time some antidote may be discovered, to prevent or alleviate the mischief which we might naturally expect from it. It does, however, seem ominous of evil, that so little ceremony is at present used with

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\* In the greater number of the States, every white person, 21 years of age, who has paid taxes for one year, is a voter ; in others, some additional qualifications are required, but they are not such as materially to limit the privilege.

the constitutions of the various States. The people of Connecticut, not contented with having prospered abundantly under their old system, have lately assembled a convention, composed of delegates from all parts of the country, in which the former order of things has been condemned entirely, and a completely new constitution manufactured; which, among other things, provides for the same process being again gone through, as soon as the *profanum vulgus* takes it into its head to desire it. † A sorry legacy the British Constitution would be to us, if it were at the mercy of a meeting of delegates, to be summoned whenever a majority of the people took a fancy for a new one; and I am afraid, that if the Americans continue to cherish a fondness for such repairs, the Highlandman's pistol, with its new stock, lock and barrel, will bear a close resemblance to what is ultimately produced.'—*Duncan's Travels*, II. 335, 336.

In the Excursion there is a list of the American navy, which, in conjunction with the navy of France, will one day or another, we fear, settle the Catholic question in a way not quite agreeable to the Earl of Liverpool for the time being, nor very creditable to the wisdom of those ancestors of whom we hear, and from whom we suffer, so much. The regulations of the American navy seem to be admirable. The States are making great exertions to increase this navy; and since the capture of so many English ships, it has become the favourite science of the people at large. Their flotillas on the lakes completely defeated ours during the last war.

Fanaticism of every description seems to rage and flourish in America, which has no Establishment, in about the same degree which it does here under the nose of an Established Church;—they have their prophets and prophetesses, their preaching encampments, female preachers, and every variety of noise, folly and nonsense, like ourselves. Among the most singular of these fanatics are the Harmonites. Rapp, their founder, was a dissenter from the Lutheran Church, and therefore of course the Lutheran clergy of Stutgard (near to which he lived) began to put Mr Rapp in white sheets, to prove him guilty of theft, parricide, treason, and all the usual crimes of which men dissenting from established churches are so often guilty,—and delicate hints were given respecting faggots! Stutgard abounds with underwood and clergy; and—away went Mr Rapp to the United States, and, with a great multitude of followers, settled about twenty-four miles from our countryman Mr Birkbeck. His people have here built a large town, and planted a vineyard, where they make very agreeable wine. They carry on also a very extensive system of husbandry, and are the mas-

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† The people of the State of New York have subsequently taken a similar fancy to *clout the cauldron*. (1822.)

ters of many flocks and herds. They have a distillery, brewery, tannery, make hats, shoes, cotton and woollen cloth, and every thing necessary to the comfort of life. Every one belongs to some particular trade. But in bad weather, when there is danger of losing their crops, Rapp blows an horn, and calls them all together. Over every trade there is an head man, who receives the money and gives a receipt, signed by Rapp, to whom all the money collected is transmitted. When any of these workmen wants an hat or a coat, Rapp signs him an order for the garment, for which he goes to the store, and is fitted. They have one large store where these manufactures are deposited. This store is much resorted to by the neighbourhood, on account of the goodness and cheapness of the articles. They have built an excellent house for their founder, Rapp,—as it might have been predicted they would have done. The Harmonites profess equality, community of goods, and celibacy; for the men and women (let Mr Malthus hear this) live separately, and are not allowed the slightest intercourse. In order to keep up their numbers, they have once or twice sent over for a supply of Germans, as they admit no Americans, of any intercourse with whom they are very jealous. The Harmonites dress and live plainly. It is a part of their creed that they should do so. Rapp, however, and the head men have no such particular creed for themselves; and indulge in wine, beer, grocery, and other irreligious diet. Rapp is both governor and priest,—preaches to them in church, and directs all their proceedings in their working hours. In short, Rapp seems to have made use of the religious propensities of mankind, to persuade one or two thousand fools to dedicate their lives to his service; and if they do not get tired, and fling their prophet into a horse-pond, they will in all probability disperse as soon he dies.

Unitarians are increasing very fast in the United States, not being kept down by charges from bishops and archdeacons, their natural enemies.

The author of the *Excursion* remarks upon the total absence of all games in America. No cricket, foot-ball, nor leap-frog—all seems solid and profitable.

‘ One thing that I could not help remarking with regard to the Americans in general, is the total want of all those games and sports that obtained for our country the appellation of “Merry England.” Although children usually transmit stories and sports from one generation to another, and although many of our nursery games and tales are supposed to have been imported into England in the vessels of Hengist and Horsa, yet our brethren in the United States seem entirely to have forgotten the childish amusements of our common



ancestors. In America I never saw even the school-boys playing at any game whatsoever. Cricket, foot-ball, quoits, &c. appear to be utterly unknown; and I believe that if an American were to see grown-up men playing at cricket, he would express as much astonishment as the Italians did when some Englishmen played at this finest of all games in the Cascina at Florence. Indeed, that joyous spirit which, in our country, animates not only childhood, but also maturer age, can rarely or never be seen among the inhabitants of the United States.'—*Excursion*, pp. 502, 503.

These are a few of the leading and prominent circumstances respecting America, mentioned in the various works before us: of which works we can recommend the Letters of Mr Hudson, and the *Excursion into Canada*, as sensible, agreeable books, written in a very fair spirit.

America seems, on the whole, to be a country possessing vast advantages, and little inconveniences; they have a cheap government, and bad roads; they pay no tithes, and have stage coaches without springs. They have no poor laws and no monopolies—but their inns are inconvenient, and travellers are teased with questions. They have no collections in the fine arts; but they have no Lord Chancellor, and they can go to law without absolute ruin. They cannot make Latin verses, but they expend immense sums in the education of the poor. In all this the balance is prodigiously in their favour: But then comes the great disgrace and danger of America—the existence of slavery, which, if not timously corrected, will one day entail (and ought to entail) a bloody servile war upon the Americans—which will separate America into slave states and states disclaiming slavery, and which remains at present as the foulest blot in the moral character of that people. An high spirited nation, who cannot endure the slightest act of foreign aggression, and who revolt at the very shadow of domestic tyranny—beat with cart-whips, and bind with chains, and murder for the merest trifles, wretched human beings who are of a more dusky colour than themselves; and have recently admitted into their Union, a new State, with the express permission of ingrafting this atrocious wickedness into their constitution! No one can admire the simple wisdom and manly firmness of the Americans more than we do, or more despise the pitiful propensity which exists among Government runners to vent their small spite at their character; but on the subject of slavery, the conduct of America is, and has been, most reprehensible. It is impossible to speak of it with too much indignation and contempt; but for it, we should look forward with unqualified pleasure to such a land of freedom, and such a magnificent spectacle of human happiness.

ART. VIII. 1. *The Works of Garcilaso de la Vega*. Translated into English Verse, by J. H. WIFFEN. London, 1823.

2. *Floresta de Rimas Antiguas Castellanas*. Por BÖHL DE FABER. Tom. 2do. Hamburgo, 1823.

AN elegant translation of an elegant poet, induces us to resume the subject of Spanish Literature, and to present, not a detailed account, but a rapid sketch, of the lyric poetry of Spain during the age of Charles V., a period which Spanish critics seem to consider as the golden age of their poetry. The remarkable feature of this period, is the decline of that old chivalrous poetry to which we had occasion lately to direct the attention of our readers, and the general introduction of the Italian taste.

Till the labours of Herder, Dieze, and other critics in Germany had brought to light those rich collections of ballads in which the poetry of Spain abounds, foreigners seem scarcely to have been aware that there existed any thing like a poetical literature in Spain before Garcilaso. To them Spain seemed to have made her appearance at once in the field of letters and of European politics. They were acquainted with her literature, only after it had approximated so closely to the Italian as to render it no easy matter to point out a characteristic difference independently of language, and were ignorant of the remarkable phenomenon exhibited by the decline of a national literature, among a people peculiarly attached to old habits and associations, and the introduction of a foreign taste, opposed in almost every point to that which it supplanted. From the Spanish critics little information was to be derived. Their notices of their older poets and their productions, are given in the same brief, patronizing style, in which, until lately, it was the custom for French critics to speak of their own poetry before the age of Louis XIV.: And the change from the old Castilian poetry to the Italian is generally mentioned as a matter of course—an exchange of rudeness for refinement—which almost necessarily took place as soon as a fair opportunity of comparison was afforded, by the temporary connexion occasioned by the political relations of the two countries.

But the publication of the early monuments of Spanish poetry which the industry of modern critics has accumulated, while it has introduced juster views of the state of literature during that period which her national critics have passed over in silence, has tended materially to increase the difficulty of accounting for the decline of this captivating style of poetry, and the adoption of

the Italian. Whatever may have been the opportunities of intercourse afforded by the wars of Charles, and whatever the talent of Boscan and Garcilaso, by whom the new system was first practised, it is difficult for us to ascribe to their individual efforts such a revolution, or to doubt that it had its origin in remoter and more general causes. Nor is it to be inferred that these had no existence, because they are little noticed by the critical historians of that period, who find a sufficient explanation of the phenomenon in the influence which a more artful and elaborate style of composition was likely to exert over a nation whose first forms of versification were of a ruder nature. It is probable, that we are, at the present day, more capable of appreciating the effect of such causes, than those who wrote at a period more nearly approaching to the events which they describe. Men have a tendency to overrate the importance of events in which they have themselves participated, or which still operate on their minds by a kind of personal interest. To them, a small object in the foreground is sufficient to shut out miles of distance. The birth or death of a king—the loss or gaining of a battle—the opinions of some insulated critic—the labours of some favourite poet, magnified by their proximity, appear sufficient to account for revolutions which have in truth been the silent work of centuries. It is only when events have ceased to agitate with this personal feeling—when, at the distance of a century or two, they have all subsided into their proper position in the chain of causes, that we learn to appreciate their relative influence on literature, and to perceive, as we generally do, how powerless is any single event, or the efforts of any individual, to arrest or accelerate its course of progression or decay.

To enable us, then, to understand properly the extent of the change now introduced into Spanish Literature, it is necessary to state briefly the character of Italian poetry at this period, and the circumstances out of which it had originated.

In Italy, a number of causes had concurred to give to poetry a peculiar tone, to limit its objects, and to repress the development of those feelings which give dignity and stability to national poetry; but, at the same time, to communicate, by these very restraints, a degree of polish and elegance, certainly far superior to any thing that had preceded them, and in itself not a little attractive and imposing. Amidst the general activity of intellect and fancy that accompanied the rise of chivalry, the descendants of the former masters of the world alone partook of no spark of the common enthusiasm. The wild romantic legends, and the heroic fictions, which else-



where animated the courage, and exalted the sentiments of Europe, though sufficiently known in Italy, are sought for in vain in its literature. A few passing allusions in Dante—an occasional adoption of some incident from the French romances in the *Cento Novelle*—a contemptuous expression in *Petrarca*, are almost the only traces to be met with; and it may certainly be said, that before the time of *Zinabi* or *Pulci*, these fictions had never exercised any influence on the literature of Italy.

This might be owing to many causes. Agitated by intestine tumults, or overrun by foreign enemies, the various provinces of Italy were united by no connecting link. Since the removal of the empire to Constantinople, her history had been little but a record of disasters. There were no national and brilliant recollections, therefore, to which, as to a bond of fellowship, the inhabitants of her scattered states might appeal; and that mercantile and commercial spirit\* which even at this period prevailed in every province where war allowed some intervals of repose, seemed to have quenched for ever the sparks of national enthusiasm.

But the evil did not terminate here. States originally despotic became gradually more so; and, even in those which still retained the name of republican, the subjects found they had only exchanged one tyrant for many. It is true, that among the petty sovereigns of Italy, there were some that affected to patronize and encourage literature. Even among the families of *Sforza*, *Visconti*, *Gonzaga*, *Scala*, and 'the antique brood of *Este*,' those turbulent spirits whose names are associated with ideas of rudeness and ferocity, a desire to add the lustre of learning to the splendour of a military reputation, is occasionally visible. But what one sovereign cultivated, his successor frequently laboured to suppress; and literature, to maintain its ground, requires some steady and systematic support, independent of the caprice of individuals. On the whole, therefore, its vigour declined during these fitful alternations of storm and sunshine. A check had been given to free discussion and to moral energy, and its effects were speedily visible on literature. Music and painting indeed continued to flourish, for it seems to be of their nature to flourish under any government. Deriving but little impulse from public opinion, they exercise on it in turn but a feeble action; nor is it perhaps too much to say, that no great or abiding emotion was ever yet produced by the sight of a painting, or the sound of a strain of music. Hence they excite little attention and jealousy even in the

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\* This is peculiarly visible in the *Decameron*, the spirit of which, like that of the *Arabian Tales*, is entirely commercial.

most arbitrary states; nay, it is probable they may rather be regarded with a friendly eye. There is a species of contemplative idleness and passive enjoyment of the present, with an indifference to the future, connected with the indulgence of these fascinating pursuits, which, on the whole, harmonizes better with the stillness of despotism, than with the stir and activity of the popular forms of government. But the higher branches of philosophy and eloquence—the science that investigates principles, and the art that clothes them with a splendid colouring—were almost annihilated by the vigilance of the Italian princes. Philosophy was confined to the discussion of points that bore not the remotest relation to the business of life; and these discussions, unimportant as they now appear, were characterized by a disgraceful ferocity of personal invective, which can only be believed by those who have looked into the letters of Filelfo and Poggio. Eloquence was employed in multiplying *Novelle*—imitations of the *Decameron*, which surpassed the original in licentiousness as much as they fell short of it in feeling and beauty. Poetry again, which seems to hold a middle rank between the passive and sensual tendencies of the arts, and the intellectual activity which is the essence of philosophy and eloquence, partook of the general restraint which fettered the imagination, and the consequent tendency to quiet and thoughtless enjoyment. The great mind of Dante had indeed outstripped the spirit of his age; but his inspiration was personal; and perhaps no poet of such distinguished talent ever exercised less influence on the literature of his country. The stern vigour and vehemence of his sentiments—the masterly boldness which sketches a portrait in a single line—the carelessness of petty beauties—the sublime reach of invention which distinguish the *Divina Commedia*, had expired with its author; and the true spirit of the fifteenth century must be traced in its diffuse and feeble lyrics. Where the poet is sensible that there exists no unity of feeling among his countrymen, he naturally adopts the lyric form—the expression of individual feeling. His own mind, too, insensibly takes a colour from surrounding circumstances; his first ebullitions of feeling grow tamer; he learns to suppress those strains which find no echo in the bosoms of his countrymen; and at last confines himself to those safe topics on which all are permitted to expatiate.

Hence we may explain something of that monotonous and languid eloquence which pervades the Italian poetry of the fifteenth century. Excluded from the use of national traditions by that wretched system of subdivision which has doomed Italy

'per servir sempre, ò vincitrice o vinta;'—barred from all themes connected with Roman glory by the misgovernment of sovereigns, who, knowing the transitory nature of their power, used it with the greater harshness, Poetry turned her attention to themes which could excite no jealousy or distrust—to the complaints or triumphs of love—to the celebration of the delights of a pastoral life—to the delineation of a world of magic and enchantment—to the unrestrained indulgence of a vein of buffoonery which delighted in dispelling the illusions of Romance, by coupling them with low or ludicrous imagery—to all, in short, which was most remote from the existing state of things. The elaborate Sonnet, the artificial Canzone, the intricate Sestina,—sufficient alone to have chilled the flow of lyrical inspiration—harmonized well with sentiments as artificial as themselves. Every thing took a tone of listlessness and luxurious ease—an air of composed melancholy, or quiet Epicurean enjoyment, that seemed to lull emotion to rest, and blend, in equal forgetfulness, the senses and the soul.

Yet this very limitation of the efforts of poetry to one class of subjects, this studious exclusion of themes of more national and warmer interest, must be admitted, to have given to the amatory and pastoral poetry of Italy a degree of perfection unequalled by that of any other nation. The love-verses of Petrarch, of Giusto da Conti, of Bembo, Lorenzo de Medici, Politian and Sannazzaro, are models of elegance and refinement; and calculated, beyond doubt, to exercise a considerable influence on the taste of any nation, whose poetry was of a less ornate and elaborate kind. Borrowing from the Troubadours the harmonious intricacy of the canzone, and from the Sicilians the form of the sonnet, they had eclipsed and cast into the shade the sources from which they had obtained them. It is an easy task to point out their conceits and affectation; but who can be insensible, at the same time, to their exquisite imagination—the refinement of their sentiments—the beauty of their pastoral pictures—the classic air that pervades their eclogues—or the delicious harmony of their choruses, that float around us like lyrical voices heard in the air? It is but a slender boast, perhaps, for a nation, that she has carried to its perfection the poetry of the senses; but never, before or since, has it been dignified by so much genius, or allied to so many tender and amiable sentiments, or embalmed in such a stream of sweetness and melody.

Such appears to have been the general character of Italian poetry during the latter part of the fourteenth, and the whole of the fifteenth century; and those who recollect the nature of



the original romantic poetry of Spain will perceive, that it was opposed to the spirit of the Italian in almost all its leading features. The very essence of Spanish poetry was activity—that of the Italian repose. The former had devoted its strains to the celebration of the national glories, and presented, only in a more dignified shape, events which really adorned its annals; in the latter, patriotism seemed to have expired with Dante and Petrarca,\* and all allusions to national events were scrupulously avoided. Hence the character of Spanish poetry, with all its occasional Orientalism, was natural; for it was the poetry of life and action;—that of the Italian, occupied with an ideal world and an imaginary Arcadia, was contemplative, dreamy, and unsubstantial.

From what causes, then, did it arise, that the reign of Charles V. should be remarkable for the decline of the old chivalrous taste in Spain, and the adoption of a system so different as the Italian? Did it arise entirely from the influence of the superior polish and perfection of Italian versification, as displayed in the works of Boscan and Garcilaso; or was it rather the gradual result of other principles, more remote in their origin, and more general in their operation?

We confess we lean to the latter opinion. We are persuaded that the superior polish of the Italian poetry never could have impressed the Castilians with an idea of the rudeness of their own, had the national character remained the same. It is a mistake, in the first place, to suppose that the character of Italian poetry was unknown in Spain till the wars of Charles in Italy, and the publication of the works of Boscan. Specimens of the Italian *Endecasyllabic* verse occur even in the Count-Lucanor of Juan Manuel, as early as 1362; and it was evidently familiar to the Marquis of Santillana,† who, before 1458, had published about forty sonnets in the Italian style, which occur in the *Cancionero* of Argote de Molina. But though recommended by the talents of such men, the innovation did

\* Even theirs is of a suspicious cast. Dante was evidently more a Ghibelline than an Italian; and Petrarch's patriotism evaporated in a single canzone, and a foolish admiration of the insane schemes of Cola de Rienzi.

† In his letter to the Constable Don Pedro, he talks of Italian poetry as well known, and mentions his reasons for preferring it in some points to the French. He mentions also, that the eleven-syllable measure, which the Italians themselves had borrowed from the Provençals, was commonly used for centuries before by the Valentians and Catalans.

not then succeed, because it was opposed to the general feeling of the people. It may be said perhaps that Boscan was a man of greater talents than Manuel or Santillana, and that its ultimate success was owing to this circumstance. But without meaning to underate the talents of Boscan and Garcilaso, there are many things, we think, that show that such a general movement as took place in Spain during the sixteenth century, was not owing to the labours of any individual poet. Poets, in fact, are seldom so far in advance of the opinions of their age as is believed. It is true that, in the earliest periods of a national literature, the influence of individual talent is generally more visible than the influence of the spirit of the age on that individual; but as the circumstances which render poets a peculiar class alter with the progress of society, the latter influence gradually becomes the strongest; and in advanced periods of civilization, even the most original poets content themselves with stamping the character of the age upon their works, instead of endeavouring to communicate from the superiority of their own minds, a new direction to national propensities. Now, in Spain, those circumstances that tend to insulate men of genius, and to separate the spirit of society from individual inspiration, had never existed at all—partly from the universal diffusion of intelligence, which, at a peculiarly early period, had resulted from the connexion with Arabia; and partly from the character of Spanish poetry, which, as it was in its nature essentially popular, partook from the first of all the variations of popular opinion.

We shall find it more difficult to ascribe the revolution in taste, of which we are now speaking, to the influence of the two poets we have mentioned, when we consider the character of their genius, which had nothing in it of an inventive or creative cast, and seemed fitted only to improve on the ideas that had been suggested by the more active imagination of others. Men of taste and refinement they undoubtedly were—but it is not by mere men of taste that the ancient habits, and cherished associations of centuries are altered, and the canons of a national literature subverted and overthrown. Such events have their origin in deeper causes; and those poets in whom the innovation first appears will generally be found to have only concentrated and systematized opinions which were already floating on the surface of society. Accordingly, when we look to the history of Spain, we shall see that her national character had been silently undergoing a complete change since the era to which her romantic poetry belongs, under the operation of new political

relations, new principles of government, and new views of religious toleration.

The struggle between Arabia and Spain, after fluctuating for five centuries, began, towards the commencement of the reign of Ferdinand the Catholic, to draw to a crisis. The tide of conquest had been for some time before gradually retreating to the eastward. Leon and Castile, after long wasting their strength in fruitless rivalry, became united in the persons of Ferdinand and Isabella; and Granada, the last possession of the Arabs, submitted to their arms in 1492. The same year witnessed the discovery of those vast countries on the other side of the Atlantic which at first seemed to promise to Spain the possession of inexhaustible treasures. Navarre was added in 1512. The accession of Charles V., the possessor of the Netherlands, of the imperial crown, and the dominions inherited from Maximilian, completed that enormous accumulation of territory, which, in the course of half a century, raised Spain from an unknown and insignificant state to the proudest rank among the kingdoms of Europe.

Possessed of a power more extensive than any that had been witnessed in Europe since the days of Charlemagne, it is not surprising that Charles should have indulged in dreams of universal conquest, or that his subjects should have fallen into the same delirium. The brilliancy of his first campaigns served to confirm these anticipations, and to create and sustain in the mind of the Spanish people an insatiable ambition, and a diseased appetite for military glory. It was to the career of arms that all talent now looked forward for its reward;—to *that* the energy and constancy of Spanish character were devoted, and, in the hope of rendering the name of Spain illustrious, the Spanish soldier sacrificed (as he thought for a time) his personal freedom, and seemed to feel the same pride in passive obedience, which he had been accustomed to do in the consciousness of independence. Whatever courage, perseverance, or discipline could perform, the warriors of Charles undertook and accomplished; wherever the voice of their leader called them—to toil, or danger, or death—we find them still yielding the same unshaken, un murmuring obedience.

This is the bright side of the picture; and doubtless there is, at first sight, something imposing in this altered state of Spanish character. There is something that appeals to the imagination, if not to reason, in that unquestioning devotion which courted dangers, and privations, and toils; that bastard patriotism which led the Spanish soldiery to forget even the interests of liberty, in the desire of aggrandizing their coun-



try,—and to cherish the recollection or anticipation of her greatness, in the wildest and most distant of those regions where she had sent them to conquer—or, perhaps, to die. We are ready to imagine, that the same grandeur of thought was conspicuous in other parts of their character, and yield reluctantly to the belief which is forced upon us by the history of this period—that the perfection of military virtue was united with almost every moral vice; with the most deliberate treachery, and the most unrelenting cruelty. But the fact cannot be disguised. The noblest warriors of the sixteenth century were not more terrible for their prowess than their crimes; and if, as Sismondi says, they presented to the enemy a front of iron, they presented to the unfortunate an iron heart.

It may be asked, why we attribute such demoralizing effects to the wars of Charles, while we ascribe to the more protracted struggle with Arabia so different a result? But there were striking distinctions in the character of these contests. It is true, that the effects of war on national character can never be in themselves favourable. Those sacrifices of principle to situation, and that confinement of every thing within the pale of military duty which it exacts—that submissive apathy which it dignifies with the name of discipline—that callousness of feeling which it tends to foster—are always prejudicial to the character of a nation, unless they are counteracted by some strong principle of generous and amiable feeling. But the precise degree in which they operate depends materially upon particular circumstances. A contest which unites all hearts—which animates the exertions of the soldier as well as the leader—which is connected with principles of lofty feeling, instead of mere calculations of interest or territorial accession, has always in itself a counteracting principle, which neutralizes, in some measure, the evil consequences of war. An additional check is furnished, when, in addition to the noble character of the end in view, long intercourse has taught the contending parties to respect each other, and fostered a romantic connexion, and cemented private attachments in the midst of public opposition. Both these are to be found in the warfare with Arabia. But the campaigns of Charles contemplated only the acquisition of territory. They had no connexion with that enthusiasm of religion and patriotism which gives to every one engaged a proud consciousness of individual importance. They were diversified and softened by none of those peaceful interludes that relieve the tragedy of war. Strangers among strangers, the Spaniards could cultivate no intercourse with the nations to which they were opposed; and thus, in Europe or America—among Pro-

testants or Catholics—in Germany, or at the sack of Rome—they preserved the same inflexible pride, and the same undistinguishing ferocity. Add to this the decay of that chivalrous spirit, which had been mainly supported by the irregular nature of military tactics, and the opportunities thus afforded for feats of individual heroism. The use of gunpowder had become general by the time of Charles V.; and the consequences which Ariosto had foreseen \* had already become evident.

Other elements were united with this military spirit in deteriorating the Spanish character. While threatening or destroying the liberties of other nations, they had been insensible to the gradual decline of their own, amidst the confusion of attack, the excitation of victory, and that privileged dictatorship which is occasioned by the necessities of war. The immense enlargement of the Spanish dominions had also been unfavourable to the preservation of the proper balance of power in the state. While Spain continued an insulated kingdom, the nobles, the guardians of the national privileges, had felt themselves almost on an equality with their king, and, with the inclination, had also the power of confining, within its proper boundary, the powers of monarchy. But, when the immense dominions of Germany, Holland, and part of Italy, were added, Spain became only a small item in the list of his possessions, and the power of the nobility shrunk into nothing, compared with that of a prince who could range under his standard the troops of the greater part of Europe. It then became necessary for the nobles to preserve, by submission, the dignity they could no longer maintain by resistance; and thus, the same anxiety to support their own importance, which in one state of society had been the means of securing the national liberties, became, by a change of circumstances, one of the strongest props of arbitrary power.

Last came the influence of the Inquisition. This terrible tribunal had been established in 1478 by Ferdinand and Isabella, and had scarcely reached, during the reign of Charles, its maturity of guilt. It seems undeniable indeed, that, even before the foundation of the Inquisition, the Spanish character was tinctured with fanaticism in a considerable degree; and per-

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\* When Orlando throws Cymosco's gun into the sea.

‘Lo tolse e disse—Perche più non stia  
 Mai cavalier per te d'essere ardito,  
 Ne quanto il buon val, mai più si vanti  
 Il rio per te valer,—quì giù rimanti.’—C. 9.

haps its institution was at first in unison with the spirit of the nation. But, though levelled ostensibly against heresy in religion, its real sphere of action was far more comprehensive; and it is probable, indeed, that the crafty Ferdinand would never have consented to its establishment, had he not foreseen that it might be rendered as effectual a check upon political as religious heterodoxy. To those who have been accustomed to observe, by what secret, but strong ties, all the powers of mind are bound together,—and how surely even the subtle movements of the imagination are affected by the restraint of the sterner faculties, it will be evident how unfavourably such an institution must have been to the spirit of poetry.

Thus, then, had the Spanish character, by the operation of these concurring causes, been gradually assimilating, in many important points, to the Italian. The causes which, in the one country, had fettered the progress of intellect, and lulled the imagination into an Arcadian repose, had, in the other, prepared the way for the introduction of a similar taste, by destroying the relish for those older strains which were no longer in unison with the change of feelings, and gradually withdrawing the attention of Poetry from the affairs of actual life, which she could no longer look upon without disgust, or censure without danger. How else could it happen, that, amidst an age of great events—sudden and fearful catastrophes—revolutions of empires and opinions—of all that is calculated to sublimiate the imagination, and to awaken strains of indignation or triumph, the Spanish Muse should have exchanged her ancient lyre for the lute, and sung only the strains of love or pastoral idleness?—That, with a new world opened to Spanish discovery abroad—the Moors expelled at home—France defeated at Parma and Pavia, and her monarch a captive in Madrid—the Ottoman power humbled in Hungary and Tunis, and her fleets whelmed in the waters of Lepanto—Portugal, in her turn, falling at Alcazar—the Church torn by the reformation of Luther—Imperial Rome sacked by an apostate Bourbon, and all Europe agitated by civil wars and religious dissensions—the influence of these mighty changes on Spanish Poetry should be traced only in three of Herrera's Odes, some uninteresting Epistles, and in the pages of some dead and forgotten Epics? How strange does it at first appear, to find the greatest of the Spanish Poets, who were themselves engaged in these tumultuous scenes, passing over in silence the record of their dangers and their victories, and even in eulogizing the character of Alva, celebrating, not his military prowess, but that patronage and love of literature, which, by a strange in-



consistency, was united with cruelty in his character! \* But when we reflect what were the crimes that sullied the glory of these wars, and neutralized their poetical and inspiring tendencies—and think of those causes which checked the free exercise of thought and expression—we shall understand and approve that feeling of the Spanish poets, which refused at least to celebrate, what it was not permitted to censure, and sought a refuge from the realities of life in the innocent delights of an ideal Arcadia. Viewed in this light, the gentle, melancholy spirit which pervades the poetry of Garcilaso and his contemporaries, such as Boscan, Montemayor, and Mendoza, soldiers like himself, and habitually conversant with scenes little calculated to soften the heart, or awaken the finer sensibilities of our nature, becomes delightful. Doubtless there appears some inconsistency in this union of practical ferocity with theoretical innocence; nor is it easy to conceive how the Spanish Poets could thus reconcile war and peace, and trace, as it were, their pastoral verses on the green turf with the point of their swords. But there is still something of a redeeming quality in this sensibility to the beauty of goodness. It is the expression of that homage which the heart pays to nature whenever it yields itself to the pure influences of poetry: and when we find even the stern Mendoza, the ‘*Tyrant of Sienna*,’ in his Epistles to Boscan and Zuniga, breathing out his wishes for solitude and domestic happiness, and returning still unsophisticated to the first impulses of natural emotion, we think of the favourite of Schah

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\* This union of elegant taste with ferocity of conduct, which is conspicuous in Alva, and to a less extent in Mendoza, is less uncommon than might at first be imagined; and the annals of France and Italy, during the two centuries that preceded this period, furnish some striking proofs, that Horace’s remark, ‘*Ingenuas didicisse*,’ &c. is not of universal application. Charles of Anjou, the tyrant of Naples, and the murderer of Conradin, was a poet; and amatory verses of his in the *langue d’oil*, still exist in the Royal Library at Paris. Folquet, Bishop of Thoulouse, one of the most odious wretches of his age, was a Troubadour and a poet. Filippo Maria, the last of the Visconti, and Francisco Sforza of Milan, men of blood and outrage, surrounded themselves with a court of learned men. Even the gloomy Philip II. amidst the various affairs of importance which engaged him on his entrance into Portugal, is said, by Faria y Souza, to have inquired with eagerness for Camoens, and to have been sensibly affected, by hearing that all that remained of that great poet was the Epitaph in the Church of Santa Anna, which, to the disgrace of his country, commemorates that ‘he lived poor and miserable—and so he died!’

Abbas, who, even in the height of his prosperity, continued to visit in secret the cloak, the crook, and the shepherd's pipe, which he had handled in days less brilliant, but not less happy.

We are not writing a history of Spanish poetry, nor is it our intention to particularize the poets of the age of Charles V. The slight distinctions which separate them from each other, and the minor points of versification and expression, can never be properly appreciated by foreigners. We wish only to throw out some general views of the state of poetry at this period, and of the causes in which its peculiarities originated, and to illustrate these by a few specimens from those poets who may be considered as occupying the highest rank in the departments which they chose for themselves. The general tone of the poetry of this period is so decidedly pastoral, that in a *coup d'œil* of this kind, it might be unnecessary to exhibit any specimens from other departments, were it not that the few we do possess in the heroic, and the moral and religious lyric, though they can be regarded only as exceptions to the prevailing character of the age, are of uncommon excellence;—and in pastoral poetry there is so much sameness and monotony of imagery and sentiment—so much of a conventional cast in which all poets agree, that the character of a very large mass may be completely appreciated from a very few specimens.

In adopting the Italian versification and the Italian taste in the pastoral and amatory lyric, the Spanish poets had never been able to divest themselves of that taint of exaggeration which their early intercourse with the East had communicated to them, or at least increased.\* Hence, if there is any prominent distinction between the poetry of the two countries at this period, it arises from this. The Spanish poets have more warmth, but less taste; and, while they are frequently more natural, they are generally deficient in that delicacy of thought and expression which is so eminently the characteristic of the Italians. Something of the old leaven of impetuosity and hyperbole adheres to all of them, perhaps, except Garcilaso; and hence, though undoubtedly at the head of the pastoral poets of Spain, he is by no means the most perfect representation of the general tone of the poetry of the age. In this respect Boscán, Montemayor, and Saa de Miranda, may be said to embody more accurately

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\* Something of the same fault seems to have adhered to the Spanish writers, even in the days of Roman literature. Quintilian, speaking of the superiority of their imagination to their taste, says, — ‘Velles eos suo ingenio scripsisse, alieno judicio.’

the national feeling. Boscan, in particular, who preceded Garcilaso in the use of the Italian measures, though he studied with the greatest care the poetry of Petrarch, Bembo, Sannazzaro, Politian and Bernardo Tasso, \* never could acquire their elegance of taste, or divest himself of the national tendency to Orientalism. There are passages, no doubt, in his 'Claros y frescos rios,' which have a truth and nature about them not often to be found in Italian poetry. But wherever he attempted to rival the neatness of Petrarca, he failed. † Montemayor, again, exhibits a strange union, or rather contest of the two styles. In his *Diana* he was perpetually blending them; and while the *fond* of his work is evidently from the Italian and Greek Romances, and many specimens of the Canzone, Sestina, Sonnet, and those triple rhymes (*esdrújolos*) which he had borrowed from the *Arcadia*, occur, yet nearly an equal number of the poems interspersed through that work are *redondillas* and *chanzonetas*, in the old national style, and full of that despairing energy which distinguishes the pieces in the *Cancioneros*.

In Garcilaso, however, the Italian poets found a rival, and, we are inclined to think, a superior: For if the charge of exaggeration applies to the Spanish poets, that of unnatural subtilty is not less applicable to the Italian. The enthusiastic study of the Grecian philosophy in Italy, and particularly of the writ-

\* Mr Wiffen enumerates Tansillo among the Italian poets whose fame gave an impulse to the taste of Garcilaso. We rather think that this is a mistake. Garcilaso had certainly written many of his compositions before 1550, and Tansillo had written nothing before 1534, in the autumn of which year he acquired a disgraceful notoriety by the publication of his *Vendemmiatore*. But his Sonnets, his Canzoni, and his Lagrime di' San Pietro, which alone were likely to have been congenial to the pure taste of the Spanish poet, did not appear till after his death.

† One instance will give an idea of this. Petrarch, in one of his Sonnets (LXIX.), speaking of the impression left by the beauty of Laura, even after her charms were beginning to decay, says,

'Piaga per allentar d'arco non sana.'

'The wound does not heal, tho' the bow is relaxed.'

This truism, which pleases in one line, is thus absurdly expanded by Boscan, and applied to the case of Absence.

No sanan las heridas en el dadas ;

Aunque cese el mirar que las causó

Se quedan en el alma confirmadas—

Que se uno esta con muchas cuchilladas

Porque huya de quien le acuchilló

No por esto seran' mejor curadas.

*Obras de Boscan y Alg. de Garcilaso, p. 52.*



ings of the later Platonists, had, at an early period, introduced a metaphysical and reasoning style in subjects where it was peculiarly out of place. Poetry deals only with obvious relations and differences; and whenever it has recourse to distant and far-fetched resemblances, or shadowy distinctions, it trenches on the provinces of wit or philosophy. Garcilaso, however, contrived so finely to temper the subtilty of Italian taste with the impetuosity of the Spanish, that the result is superior to any thing to be found in his models. He has written but a few Odes, Eclogues and Sonnets; and yet he is justly regarded as the first of Spanish classical poets, and his verses pass from mouth to mouth as proverbs among his countrymen.

His fame chiefly rests, however, on his first Eclogue, and his Ode 'A la Flor de Guido.' Garcilaso, whose character in some points bears a striking resemblance to that of Virgil, seemed to have caught a double portion of his spirit while lingering near that Parthenope, which the Roman regarded with such peculiar affection; and this first and finest of his Eclogues was produced at Naples. The plan is as simple as possible. Two shepherds, Salicio and Nemoroso (in whom he is supposed to have figured himself and his friend Boscan), alternately give vent to their feelings in melancholy strains. The subject of the first is the infidelity,—of the second, the death, of a mistress; and it is difficult to say to which the preference ought to be given. The classical reader will at every turn recognise resemblances to the Latin poets; but Garcilaso possessed the talent of introducing these imitations so admirably, that in general the knowledge that they are imitations, rather increases than diminishes our sense of the talent of the poet; and in this Eclogue they are so happily interwoven with the romantic texture of the poem, that they seem rather to receive than to give ornament. This Eclogue has been translated with peculiar beauty by Mr Wiffen, whose elegant volume must be regarded as a great acquisition to the Spanish scholar. His translations uniformly rise with the subject; and he has shown very considerable dexterity in rendering with fidelity, yet in an improved shape, some of those prosing passages which occur here and there in many of Garcilaso's poems.

The following stanzas are from the Lament of Salicio; and Mr Wiffen's translation presents a very faithful idea of the melancholy beauty of the original.

Through thee the silence of the shaded glen,  
Through thee the horror of the lonely mountain,  
Pleased me no less than the resort of men;  
The breeze, the summer wood and lucid fountain,

The purple rose, white lily of the lake,  
 Were sweet for thy dear sake ;  
 For thee the fragrant primrose dropt with dew  
 Was wished, when first it blew !  
 Oh how completely was I in all this  
 Myself deceiving !—Oh the different part  
 That thou wert acting, covering with a kiss  
 Of seeming love the traitor in thy heart !  
 This my severe misfortune long ago  
 Did the soothsaying raven, sailing by  
 On the black storm, with hoarse sinister cry,  
 Clearly presage ;—in gentleness of woe  
 Flow forth my tears, 'tis meet that ye should flow.

How oft, when slumbering in the forest brown,  
 Deeming it Fancy's mystical deceit,  
 Have I beheld my fate in dreams foreshown !—  
 One day methought that from the noontide heat  
 I drove my flocks, to drink of Tagus' flood,  
 And under curtain of its bordering wood  
 Take my cool siesta ; but, arrived, the stream,  
 I know not by what magic, changed its track,  
 And in new channels, by an unused way,  
 Rolled its warped waters back ;  
 Whilst I, scorched, melting with the heat extreme,  
 Went ever following, in their flight astray,  
 The wizard waves ;—in gentleness of woe  
 Flow forth my tears, 'tis meet that ye should flow.

In the charmed ear of what beloved youth  
 Sounds thy sweet voice ? On whom revolvest thou  
 Thy beautiful blue eyes ? On whose proved truth  
 Anchors thy broken faith ? Who presses now  
 Thy laughing lip, and hopes thy heaven of charms,  
 Locked in the embraces of thy two white arms ?  
 Say thou, for whom hast thou so rudely left  
 My love, or stolen, who triumphs in the theft ?  
 I have not yet a bosom so untrue  
 To feeling, nor a heart of stone, to view  
 My darling ivy, torn from me, take root  
 Against another wall or prosperous pine,—  
 To see my virgin vine  
 Around another elm in marriage hang  
 Its curling tendrils and empurpled fruit,  
 Without the torture of a jealous pang,  
 Even to the loss of life ;—in gentle woe  
 Flow forth my tears—'tis meet that ye should flow.

\* \* \* \*

Over my griefs the mossy stones relent

Their natural durity, and break ; the trees  
 Bend down their weeping boughs without a breeze,  
 And, full of tenderness, the listening birds,  
 Warbling in different notes, with me lament,  
 And warbling, prophesy my death ; the herds  
 That in the green meads hang their heads at eve,  
 Wearied and worn and faint,  
 The necessary sweets of slumber leave,  
 And low and listen to my wild complaint.  
 Thou only steelst thy bosom to my cries,  
 Not even once rolling thy angelic eyes  
 On him thy harshness kills ;—in gentle woe  
 Flow forth my tears, 'tis meet that ye should flow!

But though thou wilt not come for my sad sake,  
 Leave not the landscape thou hast held so dear ;  
 Thou mayst come freely now without the fear  
 Of meeting me ; for though my heart should break,  
 Where late forsaken, I will now forsake.  
 Come then, if this alone detains thee, here  
 Are meadows full of verdure, myrtles, bays,  
 Woodlands and lawns, and running waters clear,  
 Beloved in other days,  
 To which, bedewed with many a bitter tear,  
 I sing my last of lays.  
 These scenes, perhaps, when I am far removed,  
 At ease thou wilt frequent  
 With him who rifled me of all I loved ;  
 Enough, my strength is spent,  
 And leaving *thee* in his desired embrace,  
 It is not much to leave him this sweet place.'

Nemoroso's strain is of a darker and more gloomy cast. Some of the Spanish critics have objected to the cause assigned for the death of the Lady, which is rendered sufficiently intelligible by the allusion to Lucina ; but the objection is certainly of a very hypercritical kind. The imitation of Petrarch and Sannazzaro is more visible here than in any other part of Garcilaso's writings.

*Nemoroso.*

Smooth sliding waters pure and crystalline !  
 Trees that reflect your image in their breast !  
 Green pastures full of fountains and fresh shades !  
 Birds that here scatter your sweet serenades !  
 Mosses, and reverend ivies serpentine,  
 That wreath your verdurous arms round beech and pine,  
 And climbing crown their crest !  
 Can I forget, ere yet my spirit changed,



With what delicious ease and pure content  
 Your peace I wooed, your solitudes I ranged,  
 Enchanted and refreshed where'er I went !  
 How many blissful noons I here have spent  
 In luxury of slumber, couched on flowers,  
 And with my own fond fancies, from a boy  
 Discoursed away the hours,  
 Discovering nought in your delightful bowers  
 But golder dreams, and memories fraught with joy !—

Who would have said, my love, when late thro' this  
 Romantic valley, we, from bower to bower,  
 Went gathering violets and primroses,  
 That I should see the melancholy hour  
 So soon arrive, that was to end my bliss,  
 And of my love destroy both fruit and flower ?

Since thou hast left us, fulness, rest and peace,  
 Have failed the starveling flocks ; the field supplies  
 To the toiled hind but pitiful increase ;  
 All blessings change to ills ; the clinging weed  
 Chokes the thin corn, and in its stead arise  
 Pernicious darnel, and the fruitless reed.  
 The enamelled earth, that from her verdant breast  
 Lavished spontaneously ambrosial flowers,  
 The very sight of which can sooth to rest  
 A thousand cares, and charm our sweetest hours,  
 That late indulgence of her bounty scorns,  
 And, in exchange, shoots forth but tangled bowers,  
 And brambles rough with thorns,  
 Whilst with the tears that falling steep their root,  
 My swollen eyes increase the bitter fruit.

As at the set of sun the shades extend,  
 And when its circle sinks, that dark obscure  
 Rises to shroud the world, on which attend  
 The images that set our hair on end,  
 Silence, and shapes mysterious as the grave ;  
 Till the broad sun sheds once more from the wave,  
 His lively lustre beautiful and pure :  
 Such shapes were in the night, and such ill gloom  
 At thy departure ; still tormenting fear  
 Haunts and must haunt me, until death shall doom  
 The so much wished for sun to reappear  
 Of thine angelic face, my soul to cheer,  
 Resurgent from the tomb.

As the sad nightingale, in some green wood  
 Closely embowered, the cruel hind arraigns,

Who from their pleasant nest her plumeless brood  
 Has stolen,—while she with pains  
 Winged the wide forest for their food, and now,  
 Flattering with joy, returns to the loved bough—  
 The bough where nought remains :  
 Dying with passion and desire, she fills  
 A thousand concords from her various bill,  
 Till the whole melancholy woodland rings  
 With gurglings sweet, or with philippics shrill.  
 Throughout the silent night she not refrains  
 Her piercing note and her pathetic cry,  
 But calls, as witness to her wrongs and pains,  
 The listening stars and the responding sky—  
 So I, in mournful song, pour forth my pain.

\* \* \* \*

Divine Eliza ! since the sapphire sky  
 Thou measur'st now on angel wings, and feet  
 Sandalled with immortality, oh why  
 Of me forgetful !—Wherefore not entreat  
 To hurry on the time when I shall see  
 The veil of mortal being rent in twain,  
 And smile that I am free ?  
 In the third circle of that happy land,  
 Shall we not seek together, hand in hand,  
 Another lovelier landscape, a new plain,  
 Other romantic streams and mountains blue,  
 And other vales, and a new shady shore,  
 Where I may rest, and ever in my view  
 Keep thee, without the terror and surprise  
 Of being sundered more !

We need not point out those passages in Petrarca and Bembo, which any one at all familiar with Italian literature will recognise as the originals of many of the beautiful images in this part of the First Eclogue. But we may compare these extracts from the Song of Nemoroso, with the Fifth Eclogue of the Arcadia of Sannazzaro, \* which Garcilaso probably had in his eye in writing his own, particularly towards the conclusion. There is a very considerable resemblance in the subjects, and in many of the ideas ; but the melancholy of the Italian wants that air of truth and nature which this Eclogue of Garcilaso unites to so much elegance and harmony. Sannazzaro's is supposed to be addressed by Ergasto to the tomb of Androgeus, an Arcadian shepherd.

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\* Alma beata e bella  
 Che da legami sciolta  
 Nuda salisti nei superni chiostri, &c.

O ! pure and blessed soul,  
 That from thy clay's controul  
 Escaped, hast sought and found thy native sphere ;  
 And from thy crystal throne  
 Lookst down, with smiles alone,  
 On this vain scene of mortal hope and fear,  
 Thy happy feet have trod  
 The starry spangled road,  
 Celestial flocks by field and fountain guiding,  
 And from their erring track  
 Thou charm'st thy shepherds back  
 With the soft music of thy gentle chiding,

And other vales and hills,  
 And other groves and rills,  
 And fairer flowers thou see'st in Heav'n above ;  
 Midst rocks and sunny glades,  
 With more than mortal maids,  
 In happier loves new Fauns and Sylvens rove :  
 Whilst thou beneath the shade,  
 Midst balmy odours, laid  
 By Daphne's side or Melibœe's shalt be,  
 And see the charmed air  
 Stand mute, and listening there  
 Unto the magic of thy melody.

As to the elm the twine  
 Of the enlacing vine—  
 As to the summer field the waving grain ;—  
 So, in thy summer day,  
 Thou wert the pride and stay,  
 The hope and glory of our youthful train.  
 O ! who shall death withstand !  
 Death ! whose impartial hand  
 Levels the lowest plant and loftiest pine !  
 When shall our ears again  
 Drink in so sweet a strain,  
 Our eyes behold so fair a form as thine ?

The nymphs bemoaned thy doom,  
 Around thine early tomb  
 The hollow caves, the woods and waters wailed,  
 The herbage greenly gay,  
 In wint'ry paleness lay,  
 The mournful sun his sickly radiance veiled ;  
 Forth issued from his den  
 No sprightly wild-beast then ;—



No flocks the pasture sought nor cooling fountain,  
 But in depending tone,  
 Thy much loved name alone  
 Rung through the lonely wood and echoing mountain.

\* \* \* \*

It is easy to see that, when this was written, the melancholy of the author had been transferred from the heart to the imagination.

Garcilaso's other Eclogues, though abounding with fine passages, are much less successful; and the only piece which will bear a comparison with this, is his exquisite ode 'A la Flor de Gnido,' (so called from its being addressed to a lady who resided in the Barrio de Gnido at Naples), which breathes more of the delicacy and beauty of the Greek and Roman ode, than any composition that has appeared since the revival of literature in the middle ages.

We cannot say we admire his Sonnets, (which, by the by, are but indifferently translated by Mr Wiffen.) The fact is, that no Spanish writer has completely succeeded in the sonnet. Quevedo's 'Buscas en Roma a Roma o peregrino,' and Lupericio Leonardo de Argensola's 'Imagen Espantosa de la muerte,' which are the best we have met with in Spanish, will not bear a comparison with many of Petrarca's, Costanzo's, Menzini's, or Pastorini's. Filicaja's inimitable 'Italia! Italia!' and Pastorini's 'Genova mia se con asciutto ciglio,' are alone worth all the sonnets that Spain has produced. The best of Garcilaso's is the 14th, 'Como la tierna madre;' but the idea, though prettily expanded, is not by any means original.

Of the numerous imitators of Garcilaso, Montemayor is the best; and his Diana, which enjoyed unequalled popularity in its day, and exercised a very extensive influence over the literature of other countries, contains one or two Canciones which approach nearly to the best of Garcilaso's Eclogues. Such is his 'Ojos que ya no veis quien os miraba' in the first book,—but we think he appears to as much advantage in the song with which the work opens. Sereno, the lover of Diana, has seated himself on the banks of the Ezla, and, taking out a lock of Diana's hair, as Nemoroso does in Garcilaso's Eclogue, he addresses it in strains, which are thus rendered (rather paraphrastically) by Mr Southey.

*Cabellos quanta mudanza.*

Ah me! thou relic of that faithless fair!

Sad changes have I suffered since the day

When, in this valley, from her long loose hair

I bore thee, relic of my love, away.

Well did I then believe Diana's truth,  
 For soon true love each jealous care represses,  
 And fondly thought that never other youth  
 Should wanton with the maiden's unbound tresses.

Here on the cold, clear Ezla's breezy side,  
 My hand amidst her ringlets wont to rove;  
 She proffered now the lock, and now denied,  
 With all the baby playfulness of love.  
 Here the false maid, with many an artful tear,  
 Made me each rising thought of doubt discover,  
 And vowed, and wept, till hope had ceased to fear,  
 Ah me! beguiling like a child her lover.

Witness then how that fondest, falsest, fair  
 Has sighed and wept on Ezla's sheltered shore,  
 And vowed eternal truth, and made me swear  
 My heart no jealousy should harbour more.  
 Oh! tell me could I but believe those eyes?  
 Those lovely eyes with tears my cheek bedewing,  
 When the mute eloquence of tears and sighs  
 I felt, and trusted, and embraced my ruin.

So false, and yet so fair! so fair a mien  
 Veiling so false a mind, who ever knew?  
 So true, and yet so wretched! who has seen  
 A man like me, so wretched and so true?  
 Fly from me on the wind, for you have seen  
 How kind she was, how loved by her you knew me—  
 Fly thou vain witness what I once have been,  
 Nor dare, all wretched as I am, to view me.

One evening on the river's pleasant strand,  
 The maid too well beloved sat with me,  
 And with her finger traced upon the sand  
 "Death for Diana—not Inconstancy!"  
 And Love beheld us from his secret stand  
 And marked his triumph, laughing to behold me,  
 To see me trust a writing traced in sand,  
 To see me credit what a woman told me!

We shall quote no more of these pastoral poems. Nothing becomes sooner tiresome than these attempts to revive Arcadian fictions.

. . . lactis uberes  
 Cantare rivos, atque truncis  
 Lapsa cavis iterare mella—

and, in fact, if any characteristic differences between the inferior pastoral poets of this period did exist, they would infallibly disappear in translation.

We have stated the causes which appear to us to have led the Spanish poets into an ideal world, and banished almost entirely the inspiration which is derived from cotemporary events; and the few exceptions to this which occur in the odes of Herrera, will be found, we believe, to confirm the view which we have adopted. For the events which are the subject of his odes are precisely those to which, amidst the gloom of wars which all the splendour of success could not brighten, and of persecutions which all the sophistry of superstition and bigotry could not palliate or disguise, the mind of a poet could turn with feelings of unqualified exultation or majestic sorrow, unmingled with shame:—the triumph of religion, and the liberation of many thousand Christian captives at Lepanto—and the fatal defeat of Sebastian in his expedition to Africa at Alcazar. Of all the Spanish poets, Herrera possesses the loftiest and most elevated style of expression; and in compositions where the dignity of the subject authorized a corresponding pomp of expression, he was eminently successful. Like the Italian poet Filicaja, his mind was deeply imbued with the beauties of the Sacred writings; and in these odes he introduces many of those sublime and terrible images from the prophetic writers, which give such a peculiar majesty and charm to Filicaja's Canzone on the siege of Vienna, and that addressed to John Sobieski. There is a striking resemblance between the tone of these canzoni and those of Herrera, arising, undoubtedly, in some measure, from the similarity of the subjects, both of which are commemorative of the triumph of the Cross over the Crescent, but owing, in a still greater degree, to a similarity of genius between the poets. On the whole, however, Herrera is inferior to the Italian; for the canzoni of the Spanish poet generally owe their beauties more to the innate grandeur of the subject than to the characteristic feeling of the writer; and his sonnets are, almost without exception, laboured and affected; while Filicaja poured over all his lyrical poems a melancholy tenderness, which renders even his most trifling compositions interesting and affecting. The following ode on Sebastian's defeat (for the translation of which the public, we believe, is indebted to Mrs Hemans) is nevertheless a noble, though almost a solitary specimen of the historical lyric of this period.

*Voz de dolor, y canto de gemido.*

A voice of woe, a murmur of lament,  
 A spirit of deep fear and mingled ire;  
 Let such record the day, the day of wail  
 For Lusitania's bitter chastening sent!



She who hath seen her power, her fame expire,  
 And mourns them in the dust discrowned and pale !  
 And let the awful tale  
 With grief and horror every realm o'ershade,  
 From Afric's burning main  
 To the far sea, in other hues arrayed,  
 And the red limits of the orient's reign,  
 Whose nations, haughty though subdued, behold  
 Christ's glorious banner to the winds unfold.

Alas ! for those that in embattled power,  
 And vain array of chariots and of horse,  
 O desert Lybia ! sought thy fatal coast !  
 And trusting not in Him, th' eternal source  
 Of might and glory, but in earthly force  
 Making the strength of multitudes their boast,  
 A flushed and crested host,  
 Elate on lofty dreams of victory, trod  
 Their path of pride, as o'er a conquered land  
 Given for the spoil ; nor raised their eyes to God,  
 And Israel's Holy One withdrew his hand,  
 Their sole support, and heavily and prone  
 They fell,—the car, the steed, the rider overthrown.

It came, the hour of wrath, the hour of woe,  
 Which to deep solitude and tears consigned  
 The peopled realm, the realm of joy and mirth ;  
 A gloom was in the heavens, no mantling glow  
 Announced the morn—it seemed as nature pined  
 And boding clouds obscured the sunbeams birth,  
 And startling the pale earth,  
 Bursting upon the mighty and the proud  
 With visitation dread ;  
 Their crests th' Eternal in his anger bowed,  
 And raised barbarian nations o'er their head,  
 The inflexible, the fierce, who seek not gold  
 But vengeance on their foes, relentless, uncontrolled.

\* \* \* \*

Are these the conquerors, these the lords of fight,  
 The warrior men, the invincible, the famed,  
 Who shook the earth with terror and dismay,  
 Whose spoils were empires ?—They that in their might  
 The haughty strength of savage nations tamed,  
 And gave the spacious orient realms of day  
 To desolation's sway,  
 Making the cities of imperial name  
 Even as the desert place ?  
 Where now the fearless heart, the soul of flame ?  
 Thus has their glory closed its dazzling race

In one brief hour? Is this their valour's doom  
On distant shores to fall, and find not even a tomb?

Once were they in their splendour and their pride  
As an imperial cedar on the brow  
Of the great Lebanon! It rose, arrayed  
In its rich pomp of foliage and of wide  
Majestic branches, leaving far below  
All children of the forest. To its shades  
The waters tribute paid,  
Fostering its beauty. Birds found shelter there  
Whose flight is of the loftiest through the sky,  
And the wild mountain-creatures made their lair  
Beneath; and nations by its canopy  
Were shadowed o'er. Supreme it stood, and ne'er  
Had earth beheld a tree so excellently fair.

But all elated on its verdant stem,  
Confiding solely in its regal height,  
It soared presumptuous as for empire born;  
And God for this removed its diadem,  
And cast it from its regions of delight  
Forth to the spoiler, as a prey and scorn,  
By the deep roots upturn!  
And lo, encumbering the lone hills it lay,  
Shorn of its leaves, dismantled of its state,  
While pale with fear men hurried far away,  
Who in its ample shade had found so late  
Their power of rest; and Nature's savage race  
Midst its great ruin sought their dwelling-place.

But thou, base Libya, thou, whose arid sand  
Hath been a kingdom's deathbed, where one fate  
Closed her bright life and her majestic fame,  
Tho' to thy feeble and barbarian hand  
Hath fallen the victory, be not thou elate!  
Boast not thyself, tho' thine that day of shame,  
Unworthy of a name;  
Know, if the Spaniard in his wrath advance,  
Aroused to vengeance by a nation's cry,  
Pierced by his searching lance  
Soon shalt thou expiate crime with agony,  
And thy stained rivers to the ocean flood  
An ample tribute bear of Afric's Paynim blood.

The greatest of the Spanish poets of this age, and perhaps one of the noblest lyric poets that ever existed, yet remains to be noticed. While he stands alone among his countrymen of this period in the character of his inspiration, the influence of the spirit of the age is still visible in the absence of every thing

that betrays any extensive acquaintance or sympathy with actual life. That relief, which other poets sought in the scenery of an imaginary Arcadia, Luis Ponce de Leon, bred in the silence and solitude of the cloister, found in the contemplation of the divine mysteries, and in the indulgence of those rapturous feelings which it is the tendency of Catholicism to create. His mind naturally gentle and composed, avoided the shock of polemical warfare, and seems to have been in no degree tinctured with that fanaticism which characterizes his brethren. Hence it was to the delights, rather than to the terrors of religion, that he turned his attention. A profound scholar, and deeply versed in the Grecian philosophy, he had 'unsphered the spirit of Plato,' and embodied in his poetry the lofty views of the Greek philosopher, with regard to the original derivation of the soul from a higher existence, but heightened and rendered more distinct and more deeply interesting by the Christian belief, that such was also to be its final destination. Separated from a world of which he knew neither the evil nor the good, his thoughts had wandered so habitually 'beyond the visible diurnal sphere,' that to him the realities of life had become as visions, the ideal world of his own imagination had assumed the consistency of reality. His whole life looks like a religious reverie, a philosophic dream, which was no more disturbed by trials and persecutions from without, than the visions of the sleeper are influenced by the external world by which he is surrounded.\*

The character of Luis de Leon is distinguished by another peculiarity. It might naturally be expected, that with this tendency to mysticism in his ideas, his works would be tinctured with vagueness and obscurity of expression. But no poet ever appears to have subjected the creations of an enthusiastic imagination more strictly to the ordeal of a severe and critical taste, or to have imparted to the language of rapture so deep an air of truth and reality. While he had thoroughly imbued himself with the lofty idealism of the Platonic philosophy, he exhibits in

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\* He was confined for five years in the Inquisition, without seeing the light of day, for venturing to translate into Spanish the Song of Solomon, contrary to the prohibitory law, that no part of the Bible should be translated into the vulgar tongue. He bore his imprisonment with the utmost calmness and resignation; and when he was at last released and restored to his theological chair, he never alluded to his imprisonment. An immense crowd had assembled to hear his reopening lecture, but Luis de Leon, as if no such melancholy interval had taken place, resumed his subject with the usual formula, '*Heri dicebamus,*' &c.



his style all the clearness and precision of Horace; and, with the exception of Testi among the Italians, † is certainly the only modern who has caught the true spirit of the Epicurean poet. In the sententious gravity of his style he resembles him very closely. But the Moral Odes of Luis de Leon 'have a spell beyond' the Lyrics of Horace. That philosophy of indolence which the Roman professed, which looks on life only as a visionary pageant, and death as the deeper and sounder sleep that succeeds the dream,—which places the idea of happiness in passive existence, and parts with indifference from love and friendship—from liberty—from life itself, whenever it costs an effort to retain them, is allied to a principle of universal *mediocrity*, which is destructive of all lofty views, and, when minutely examined, is even inconsistent with those qualified principles of morality which it nominally professes and prescribes. But in the odes of Luis de Leon, we recognise the influence of a more animating and ennobling feeling. He looked upon the world

. . . esta lisongera

'Vida con cuanto teme, y quanto espera,' with calmness, but not with apathy or selfishness. The shortness of life, the flight of time, the fading of flowers, the silent swiftness of the river, the decay of happiness, the mutability of fortune,—the ideas and images, which, to the Epicurean poet only afford inducements to devote the present hour to enjoyment, are those which the Spanish moralist holds out as incitements to the cultivation of that enthusiasm, which alone appeared to him capable of fully exercising the powers of the soul, of disengaging it from the influence of worldly feelings, and elevating it to that heaven, from which it had its birth.

We fear that the translation of two of his odes, which we have ventured to subjoin, will hardly bear us out, in the eyes of our readers, in this eulogium. But we shall annex the original Spanish; and we feel confident, that no one who is able to peruse the admirable 'Noche Serena' in that language, will consider our praise as extravagant.

The idea of the first, which is a specimen of his moral odes in the style of Horace, is taken, like the Chorus in Garcilaso's

† We think it is evident that Testi was largely indebted to the Spanish poet. The resemblances between Luis de Leon's ode addressed to Felipe Ruiz, 'Cuando sera que puedo,' and Testi's Canzone to Virginio Cesarini 'Armai d' arco sonoro,' and between Leon's 'No siempre es poderosa' addressed to Carrera, and Testi's ode to Montecuculli, 'Ruscelletto orgoglioso,' are too close to be accidental. The allusion to Typhoeus is expressed by both nearly in the same terms, in these latter poems.

second Eclogue, from the second Epode of Horace; \* and Luis de Leon's Ode has, in its turn, been frequently imitated, though very imperfectly, by different Spanish poets. Lope's 'Quan bien aventurado;' and Cosme Gomez Tejada's 'Quan aventurado,' which are among the best of these numerous imitations, are merely glosses on the text of Luis de Leon.

O happy, happy he! who flies  
Far from the noisy world away,  
Who, with the worthy and the wise,  
Hath chosen the narrow way—  
The silence of the secret road,  
That leads the soul to virtue and to God.

No passions in his breast arise;  
Calm in his own unaltered state,  
He smiles superior as he eyes  
The splendour of the great;  
And his undazzled gaze is proof  
Against the glittering hall and gilded roof.

He heeds not, though the trump of fame  
Pour forth the loudest of its strains,  
To spread the glory of his name;  
And his high soul disdains  
That flattery's voice should varnish o'er  
The deed that truth or virtue would abhor.

Such lot be mine: what boots to me  
The cumbrous pageantry of power;  
To court the gaze of crowds, and be  
The idol of the hour;  
To chase an empty shape of air  
That leaves me weak with toil, and worn  
with care?

Oh! streams, and shades, and hills on high,  
Unto the stillness of your breast  
My wounded spirit longs to fly—  
To fly, and be at rest;—  
Thus from the world's tempestuous sea,  
O gentle nature, do I turn to thee!

Be mine the holy calm of night,  
Soft sleep and dreams serenely gay,  
The freshness of the morning light,  
The fulness of the day;  
Far from the sternly frowning eye  
That pride and riches turn on poverty.

The warbling birds shall bid me wake  
With their untutored melodies;  
No fearful dream my sleep shall break,  
No wakeful cares arise,  
Like the sad shapes that hover still  
Round him that hangs upon another's will.

Be mine my hopes to Heaven to give,  
To taste the bliss that Heaven bestows  
Alone, and for myself to her,  
And scape the many woes

Qué descansada vida  
La del que huye el mundanal ruido  
Y sigue la escondida  
Senda por donde han ido  
Los pocos sabios que en el mundo han  
sido.

Que no le enturbia el pecho  
De los soberbios grandes el estado,  
Ni del dorado techo  
Se admira, fabricado  
Del sabio moro en jaspes sustentado.

No cura, si la fama  
Canta con voz su nombre pregonera,  
Ni cura, si encarama  
La lengua lisongera  
Lo que condena la verdad sincera.

Qué presta a mi contento  
Si soy del vano dedo señalado?  
Si en busca de este viento  
Ando desalentado,  
Con ansias vivas, con mortal cuidado?

O campo! o monte! o rio!  
O secreto seguro deleytoso!  
Roto casi el navio,  
A vuestro almo reposo  
Huyo, de aqueste mar tempestuoso.

Un no rompido sueño,  
Un día puro, alegre, libre quiero:  
No quiero ver el ceño  
Vanamente severo  
De quien la sangre ensalza ó el dinero.

Despiertenme las aves  
Con su cantar suave no aprendido  
No los cuidados graves  
De que es siempre seguido  
Quien al ageno arbitrio esta atenido.

Vivir quiero conmigo,  
Gozar quiero del bien que debo al cielo,  
A solas, sin testigo  
Libre de amor, de Zelo,

\* Beatus ille qui procul negotiis, &c.

That human hearts are doomed to bear,  
The pangs of love and hate, and hope and fear.

A garden by the mountain's side  
Is mine, whose flowery blossoming  
Shows even in spring's luxuriant pride,

What autumn's suns shall bring;  
And from the mountain's lofty crown  
A clear and sparkling rill comes trembling  
down.

Then pausing in its downward force  
The venerable trees among,  
It gurgles on its winding course;  
And as it glides along,  
Gives freshness to the day, and pranks  
With ever changing flowers its mossy banks.

The whisper of the balmy breeze  
Scatters a thousand sweets around,  
And sweeps in music through the trees,  
With an enchanting sound,  
That laps the soul in calm delight,  
Where crowns and kingdoms are forgotten  
quite.

Theirs let the dear-bought treasure be,  
Who in a treacherous bark confide;  
I stand aloof, and changeless see  
The changes of the tide,  
Nor fear the wail of those that weep,  
When angry winds are warring with the deep.

Day turns to night—the timbers rend,  
More fierce the ruthless tempest blows;  
Confused the varying cries ascend,  
As the sad merchant throws  
His boards, to join the stores that lie  
In the deep sea's uncounted treasury.

Mine be the peaceful board of old,  
From want as from profusion free;  
His let the massy cup of gold,  
And glittering baubles be,  
Who builds his baseless hope of gain  
Upon a brittle bark and stormy main.

While others, thoughtless of the pain  
Of hope delayed and long suspense,  
Still struggle on to guard or gain  
A sad preeminence,  
May I, in woody covert laid,  
Be gaily chanting in the secret shade.

At ease within the shade reclined,  
With laurel and with ivy crown'd,  
And my attentive ear inclined  
To catch the heavenly sound  
Of harp or lyre, when o'er the strings  
Some master-hand its practised finger flings.

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De odio, de esperanza, de rezeló.

Del monte en la ladera  
Por mi mano plantado tengo un huerto  
Que con la primavera  
De bella flor cubierto  
Ya muestra en esperanza el fruto cierto,  
Y como codiciosa  
De ver y acrecentar su hermosura  
Desde la cumbre airosa.  
Una fontana pura  
Hasta llegar corriendo se apresura:

Y luego so segada  
El paso entre los arboles torciendo  
El suelo de pasada  
De verdura vistiendo  
Y con diversas flores va esparciendo.

El aire el huerto orea  
Y ofrece mil olores al sentido  
Los arboles menean  
Con un manso ruido  
Que del oro y del cetro pone olvido.

Ténganse su tesoro  
Los que de un flaco leño se confían!  
No es mió vel el lloro  
De los que des confían  
Cuando el cierzo y el ábrego porfían.

La combatida entena  
Cruge, y en ciega noche el claro día  
Se torna, al cielo suena  
Confusa vocería,  
Y la mar enriquecen á porfía.

A mi una pobrecilla  
Mesa de amable paz bien abastada  
Me baste, y la vaquilla  
De fino oro labrado  
Sea de quien la mar no teme ayrada.  
Y mientras miserable—  
Mente se están los otros abrasando  
En sed insaciable  
Del no durable mando  
Tendido yo á la sombra esté cantando.

A la sombra tendido  
De yedra y lauro eterno coronado  
Puesto el atento oído  
Al son dulce acordado  
Del plectro sabiamente meneado.

H h



The next is a specimen of his loftier manner, when, viewing the stars, he abandons himself entirely to the impulses of his fancy, and forgets the mere propriety of Horace in the more exalted feelings and images which his enthusiasm suggests to him.\*

*Noche Serena.*

I gaze upon yon orbs of light,  
The countless stars that gem the sky;  
Each in its sphere, serenely bright,  
Wheeling its course—how silently!  
While in the mantle of the night,  
Earth and its cares and troubles lie.

Temple of light and loveliness,  
And throne of grandeur! can it be  
That souls, whose kindred loftiness  
Nature hath framed to rise to thee,  
Should pine within this narrow place,  
This prison of mortality?

What madness from the path of right  
For ever leads our steps astray,  
That, reckless of thy pure delight,  
We turn from this divine array,  
To chase a shade that mocks the sight—  
A good, that vanisheth away?

Man slumbers heedless on, nor feels,  
To dull forgetfulness a prey,  
The rolling of the rapid wheels  
That call the restless hours away;  
While every passing moment steals  
His lessening span of life away.

Awake ye mortals! raise your eyes  
To yon eternal starry spheres—  
Look on these glories of the skies!  
Then answer, how this world appears,  
With all its pomps and vanities,  
With all its hopes and all its fears.

What, but a speck of earth at last,  
Amidst th' illimitable sky,  
A point that sparkles in the vast  
Effulgence of yon galaxy;  
In whose mysterious rounds the past,  
The present, and the future lie.

Who can look forth upon this blaze  
Of heavenly lamps so brightly shining;  
Through the unbounded void of space,  
A hand unseen their course assigning,  
All moving with unequal pace,  
Yet in harmonious concord joining:

Cuando contemplo el cielo  
De innumerables luces adornado  
Y miro hacia el suelo  
De noche rodeado  
En sueño y en olvido sepultado.

Morada de grandeza  
Templo de claridad y hermosura  
El almaque á tu alteza  
Nació, qué desventura  
La tiene en esta cárcel, baxa, oscura.

Qué mortal desatino  
De la verdad aleja así el sentido  
Que de tu bien divino  
Olvidado, perdido,  
Sigue la vana sombra, el bien fingido.

El hombre está entregado  
Al sueño, de su suerte no cuidando,  
Y con paso callado  
El cielo vueltas dando  
Las horas del vivir le va hurtando.

Ay! levantad los ojos  
A aquella, celestial eterno esfero  
Burlareis los antojos  
De esta lisonjera  
Vida con cuanto teme y cuanto espera.

Es mas que un breve punto  
El baxo y torpe suelo, comparado  
Con este gran trasunto  
Do vive mejorado  
Lo que es, lo que será, lo que ha pasado?

Quien mira el gran concierto  
De aquello, resplandores eternos  
Su movimiento cierto,  
Sus pasos desiguales  
Y en proporcion concorde tan iguales:

\* We do not see the force of Bonterwek's remark, that the latter part of this ode is inferior to the commencement.

Who sees the silver chariot move  
 Of the bright moon, and, gliding slow,  
 The star whose lustre from above  
 Rains influence on the world below ;  
 Or the resplendent Queen of Love,  
 So bright and beautifully glow :

Or, where the angry God of War  
 Rolls redder on his troubled way ;  
 Beyond, the mild majestic star  
 That o'er the gods of old held sway,  
 That beams his radiance from afar,  
 And calms the heav'n beneath his sway :

Where Saturn shows his distant beam,  
 Sire of the golden days of yore,  
 Or where the starry host, that seem  
 Thick as the sands that line the shore,  
 From their eternal seats, a stream  
 Of glory and of radiance pour ?

Who that has seen these splendors roll,  
 And gazed on this majestic scene,  
 But sighed to 'scape the world's control,  
 Spurning its pleasures poor and mean,  
 To burst the bonds that bind the soul,  
 And pass the gulf that yawns between ? \*

There, in their starry halls of rest,  
 Sweet Peace and Joy their homes have  
 made ;  
 There, in the mansions of the blest,  
 Diviner Love his throne hath laid,  
 With ever-during glory graced,  
 And bliss that cannot fly nor fade.

O boundless beauty ! let thy ray  
 Shine out unutterably bright ;  
 Thou placid, pure, eternal day,  
 That never darken'st into night ;  
 Thou spring, whose evergreen array  
 Knows not the wasting winter-blight—

O fields of never-dying green,  
 Bright with innumerable flow'rs !  
 O crystal rills that glide between !  
 O shady vales and sunny bowers !  
 Hath mortal eye these glories seen,  
 Yet clung to such a world as ours ?

La luna como mueve  
 La plateada rueda, y va en pos de ella  
 La luz do el saber llueve,  
 Y la graciosa estrella  
 De amor la sigue, reluciente y bella :

Y como otro camino  
 Prosigue el sanguinoso marte ayrado ;  
 Y el Jupiter benigno,  
 De bienes mil cercado,  
 Serena el cielo con su rayo amado :

Rodéase en la cumbre  
 Saturno, padre de los siglos de oro ;  
 Tras el la muchedumbre  
 Del reluciente coro  
 Su luz va repartiendo y su tesoro :

Quien es el que esto mira  
 Y precia la bajaxa de la tierra ?  
 Y no gime y suspira  
 Por romper lo que encierra  
 El alma y de estos bienes la destierra.

Aqui vive el contento  
 Aqui reina la paz, aqui asentado  
 En rico y alto asiento  
 Esta el amor sagrado  
 De glorias y deleytes rodeado.

Inmensa hermosa  
 Aqui se muestra toda, y resplandete  
 Clarísima luz pura  
 Que jamas anochece  
 Eterna primavera aqui florece.

O campos verdaderos !  
 O prados con verdad frescos y amenos !  
 Riquisimos mineros !  
 O deleytosos senos !  
 Repuestos valles de mil bienes llenos.

\* There is a very striking resemblance between this passage, and one in the moonlight scene in the Siege of Corinth.

— ' blue the sky  
 Spreads like an ocean hung on high,  
 Bespangled with those isles of light,  
 So wildly, spiritually bright.  
 Who ever gazed upon them shining,  
 And turned to earth without repining,  
 Nor wished for wings to flee away,  
 And mix with their eternal ray ?

These specimens will perhaps enable our readers, in some degree, to appreciate the beauties of Luis de Leon's Odes. Many others, quoted in the Collection of Böhl de Faber, are little, if at all, inferior to these; and to some perhaps his Ode on the Moorish Invasion, which is an imitation of Horace's *Prophecy of Nereus*, may appear even superior, though it is less characteristic of his peculiar excellences. While Rodrigo is indulging in idle dalliance with Cava on the banks of the Tagus, the Spirit of the Stream arises and addresses him in a speech, of which the following spirited stanzas describe the muster and approach of the invaders.

Hark how the vaulted heavens rebound  
The thunder of the trumpet sound!  
That, from his desert home afar  
Calls the fierce Arab to the war,  
And bids the banner to the day  
Its fluttering pomp and folds display.

I see the savage Moor advance,  
Aloft he shakes his beamy lance,  
And wounds the air, and with delight  
Anticipates the coming fight;  
And squadrons countless as the sand  
Upon the shore, united stand.

Earth groans beneath the mighty host;  
Beneath their sails the sea is lost,  
While proudly pealing to the skies,  
Confused the varying voices rise;  
A dusty cloud denotes their way,  
That fills the air and dims the day.

Already see their hosts ascending  
Their mighty galleys, and extending  
Their arms of vigour to the oar,  
Launch proudly from the hostile shore,  
Kindling the waters as they surge  
Their progress through the sparkling surge.

Right on their swelling sails behind,  
Blows, in its force, the fav'ring wind;  
And through the Strait of Hercules,  
The mighty monarch of the seas  
Gives entrance to the long array,  
And with his trident points the way.

Oye que al cielo toca  
Con temeroso son la trompa fiera  
Que en Africa convoca  
El Moro á la bandera  
Que al aire desplegada va ligera.  
La lanza ya blande  
El Arabe cruel, y hiere el viento  
Llamando á la pelea;  
Innumerable cuento  
De escuadras juntas veo en un momento.

Cubre la gente el suelo  
Debaxo de las velas desaparece  
La mar; la voz al cielo  
Confusa y varia crece  
El polvo roba el día y le escurece.

Ay! que ya presurosos  
Suben las largas naves; ay! que  
tienden  
Los brazos vigorosos  
A los remos y encienden  
Las mares espumosas por do hienden

El Eolo derecho  
Hinche la vela en popa y larga entrada  
Por el Herculeo estrecho  
Con la punta acerada  
El gran Padre Neptuno da a la  
Armada.

\* \* \* \*

Such are some of the great men, who, during the age of Charles, effected a revolution in Spanish taste; and such the character of that period, which is still considered by the Spanish critics as the golden age of their poetry. We confess we are inclined to question whether this epithet ought to be taken in the same extended sense in which it is used by Spanish writers. That the lyrical compositions of Garcilaso and some of his contemporaries were superior to any single production that had preceded them, with the exception, perhaps, of Manrique's



poem on the death of his father, is no doubt true; but that the poetry of the age, taken as a whole, is to be considered superior to that of any which preceded it, appears to us a more questionable proposition. To appreciate properly the spirit of the romantic poetry, we must peruse its numerous collections of legendary ballads, and take into view the general diffusion of poetical and exalted feeling. The more extensive our acquaintance is with these productions, the higher will be our estimate of Spanish character and genius at that period. On the contrary, he will entertain the highest opinion of the poetry of the age of Charles, who confines himself to a few specimens selected from *Anthologies* and *Florete*. That mellifluous softness of expression which is at first so agreeable, palls on the mind; that limited range of imagery and thought which pastoral poetry admits of, becomes monotonous; and, above all, that extreme delicacy, which, when it is systematically attempted, is perhaps the most trying test of poetical tact, becomes intolerable when produced at second hand by a host of imitated imitators. If we consult our general impressions, the poets of this period leave no strong traces on the mind; they fill our memories with no splendid passages; they animate us by no spirit-stirring appeals; they present us with little that speaks to the heart, or comes home to the business of life:—but they sooth us into an intoxicating Sybaritic softness; they give dignity to indolence; and they please by a gentleness and melancholy, which, without questioning too minutely their reality, we love to contrast with the stormy agitation of the period which gave them birth.

But the real defects of this style of poetry are most visible when we extend our views a little beyond the reign of Charles V. When, instead of a world purely ideal, Nature itself, as displayed in the actual passions, and feelings, and interests of men, forms the general subject of the labours of the poet, however much the public taste may for a short time be led astray by the influence of any one individual, it seldom fails to be led back into the path of good taste and natural feeling. But when moral and political errors have led men to abandon entirely the realities of life as a source of inspiration—to create a world of their own—to invent imaginary characters, incidents, sentiments and language, this rectifying standard of Nature can no longer be resorted to; and when, in the natural and almost inevitable progress of things, that peculiar style of poetry begins to be tainted with exaggeration and bad taste, it generally ‘falls like Lucifer—never to rise again.’ The natural tone which Garcilasó and his cotemporaries contrived to blend even with the most ideal of their conceptions, as it depended solely on

their own good taste, was soon forgotten, when their school of poetry began, like every other, to be corrupted by ambitious improvers. Succeeding poets carried the principle, which they had confined to the choice of their subjects, into all the minutiae of imagery and expression; till at last every sentence became an enigma, and every epithet was distorted as much as possible from the purposes to which it was commonly applied. Hence, the corruption of taste which soon after followed was no unnatural sequence of the style of poetry of this period, pure and classical as it appears.

The military and literary glory of Charles V. is, after all, but a specious illusion. The victories of Pavia, of Tunis and Lepanto, were the precursors of the defeat of the Armada, and the mortifying reverses in the Netherlands; and Garcilaso was but the herald of Gongora and Quevedo. The reign of Charles had fostered a system of cruelty and treachery abroad—an indifference to liberty and principle at home—and gradually undermined those sound principles of thought and action, with which, by some mysterious connexion, the sources of good taste seem to be allied. If, for a time, the evil principles, which it had engendered or increased, were concealed by the imposing brilliancy of undeserved success, their real effects became visible in the next century, when we see Spain experiencing the most mortifying reverses,—acknowledging, when it was too late, the value of those early principles which she had been labouring too successfully to destroy,—contemplating at once the decline of her literary and political ascendancy,—and sitting, like Marius in Carthage, a ruin among the ruins she had made.

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ART. IX. *The Character of the Russians, and a detailed History of Moscow. Illustrated with numerous Engravings. With a Dissertation on the Russian Language; and an Appendix, containing Tables, Political, Statistical, and Historical; an Account of the Imperial Agricultural Society of Moscow; a Catalogue of Plants found in and near Moscow; an Essay on the Origin and Progress of Architecture in Russia, &c.* By ROBERT LYALL, M. D., Member of the Imperial Societies of Agriculture and Natural History, and of the Physico-Medical Society at Moscow, &c. 4to. pp. 639. Cadell, London, 1823.

WE do not exactly know whether this book of Dr Lyall's will be thought the best which has yet been published



on Russia; but we are pretty certain that no other English writer has either had the same opportunities to make a good one, or shown a better disposition to make use of his advantages. He resided for eight or nine years in the country—spoke the language familiarly—traversed repeatedly almost all its European provinces; and lived on terms of intimacy with very many individuals in all the classes of its people. He was settled as a physician for nearly two years in St Petersburg; and had his head-quarters for upwards of six years in Moscow and its neighbourhood. During the latter period, however, he was by no means stationary, but frequently resided for many months together on the estates and in the families of some of the greater nobles, in his professional capacity—and often travelled in their company to great distances in various parts of the Empire. In these situations he had not only the best opportunities of becoming intimately acquainted with the domestic manners and habits and establishments of the highest classes, but was necessarily brought into frequent contact both with the Peasantry who depend on them, and with the resident Clergy and office-bearers of all orders and degrees; while, during his abode in the cities, he had similar access to the private circles and every-day society of their Mercantile and professional inhabitants.

As to his capacity again for turning those opportunities to account, we must confess we are inclined to estimate his moral qualifications considerably higher than his intellectual. He is no doubt a person of education and intelligence, and with habits of observation and singular activity. But he is not, we think, a great philosopher—and neither reasons very profoundly on the phenomena he observes, nor generalizes very sagaciously from the facts he has recorded. To make amends, however, he seems to be perfectly honest, candid, and unprejudiced—by no means disposed to excite wonder by exaggeration, or to seek distinction by ingenious theories or dashing speculations—and inclined, on the whole, to view every thing in a favourable and indulgent light which does not run counter to those great principles of philanthropy and morality to which he seems very sincerely devoted. His testimony, we think, therefore, may in all cases be safely depended on, even where his opinions are open to objection—and his work, accordingly, seems to us much more valuable for the facts it contains than for the results which it seeks to embody. A number of his anecdotes have no great point—but in return, we feel assured that they are all substantially true; and if we cannot always agree in the conclusions he draws, we are at least indebted to him for materials from which we may draw others more to our mind, for ourselves.



Our reliance on the completeness as well as the accuracy of his information, is not a little increased, we must add, by knowing, that he has finally quitted the country he endeavours to describe;—and we are inclined at this moment to prize a frank and unreserved account of a nation under despotic government the more highly, as there seems reason to think that the opportunities of composing such works will in future be less attainable than they have been. Nothing, indeed, can be more edifying in itself, or more satisfactory to the friends of liberal opinion, than the soreness and alarm which the arbitrary governments of the world have lately manifested at every little inbreaking of the light—at every attempt to disclose the true state of their dominions. Dr Lyall's book is dedicated, without any pretence of permission, but in respectful and even complimentary terms—to the Emperor Alexander:—But, because it contains truths and not flattery, his Imperial Majesty has been pleased to complain of it in a sort of *ukaz*; and, with more than Irish absurdity, to *prohibit* all *foreigners* from dedicating their works to him, without his especial permission! It is very delightful to find that the tranquillity of despots can be so easily disturbed; and that they are so conscious of the precarious tenure by which they hold their power. Their horror of light and dread of discussion must indeed be extreme, when the publication of a four guinea quarto at London, and in the English language, can thus put them to their denunciations. The case of Austria, however, seems to be still more satisfactory. This great power, which cannot bear to be outdone in any thing mean or vindictive, has lately confirmed its pretensions to be considered as the head of the Holy Alliance, by interdicting all access to its dominions to one English nobleman, on account of his speeches in Parliament, and to four English ladies, on account of their writings and conversation;—and this in a time of profound peace, and when every thing, according to its report, breathes only of content and prosperity. Such an act as this speaks volumes as to the true character of the government from which it proceeds—its tyranny, its meanness, its conscious weakness and deception. It is the first time, we think, that a great monarch has condescended to become a libeller of private individuals; or an established government to record its dread of female tongues in a foreign land. Alas, alas, for the age of chivalry! But we must return to our business.

The Doctor's volume consists of two unequal parts—the interest of which, we think, is inversely as their magnitude—an account of the character and manners of the Russian nation, in 154 pages,—and a detailed, historical, topographical and statistical account of Moscow, in 620! The last certainly exceeds

in prolixity more unpardonably than the first in brevity,—and yet it is but fair to add, that there are mixed up and scattered through its redundant details, a great number of facts and observations, that serve very curiously to illustrate the general character both of the government and the people. We shall direct the attention of our readers, however, chiefly to the first part.

There is no country, as to the actual merits and condition of whose inhabitants the reports of recent travellers have been so contradictory. This is owing in part, no doubt, to their having been but seldom visited—and, in part, to the very different habits of the different classes in their society. The rich and the poor—the privileged and neglected—see their fellow-men under very different aspects,—even at home, and in communities where considerable equality prevails. In a casual visit to a foreign land, of course their impressions will be still more unlike—and in a country like Russia, which is made up of extremes, the most opposite accounts may be expected, without any material impeachment of the capacity or fairness of the observer. Persons of distinction, and those especially who hold *military* rank, are at once introduced to the higher, and especially the travelled nobility of Russia, and to those officers who, from having served abroad, have added to their native habits of magnificence the polish and refinements of the old European society. Such visitors, accordingly, see little to startle or offend; and are dazzled with the profuse expense and gigantic splendour of the Russian establishments; while, being generally provided with government orders for post-horses, &c., they experience little inconvenience to counterbalance the seduction of these new pleasures. The case, however, is extremely different with the humbler traveller, who seeks to explore this vast empire without any such advantages. He is disgusted with the filth, delays and impositions to which he is continually subjected, and with the perpetual spectacle of servility and oppression which presents itself, while, in the event of any discussion, or application for redress, he finds that nothing can be effected but by bribery and corruption. The opposite reports of such travellers naturally resemble the contradictions of the two knights, on the subject of the shield, which was gold on one side, and brass on the other. Each described truly what he saw, and only erred in supposing that to be the whole. Dr L. has not only seen *both* sides of the shield, but examined into its inner structure; and qualified himself to report, not merely as to the depth and value of its glittering surface, but also as to the substance and firmness of its sevenfold frame.



The English authors whose partial representations he has found it most necessary to correct, are Dr Clarke, Sir R. Ker Porter, and Sir R. Wilson,—the first of whom he thinks too indiscriminately hard on the Muscovites, and the latter greatly too favourable. None of them understood the language of the country, or had much opportunity to judge fairly of its peculiarities; and while Dr Clarke had the misfortune to make his visit during the worst period of Paul's administration, and was irritated by many personal annoyances, the other two saw only the more brilliant part of the society—the one under the influence of that passion which embellishes all that is connected with its object, and the other under that of a natural and laudable esteem for those gallant soldiers who had shared with him the honours and the perils of war. Dr Lyall's estimate, we are concerned to say, comes much nearer that of his brother Doctor than of either of the English knights; and he finds a great deal more to detract from the praises of the latter than the censures of the first.

He begins by representing it as altogether absurd to consider Russia generally as civilized, in the sense in which England, France, or even Germany, are civilized; and by ascribing the delusive impressions that have sometimes prevailed on the subject to the dazzling effect of the sudden changes produced in her condition by the genius of the Czar Peter. It is a mistake, however, as Dr L. has judiciously remarked, to suppose either that the work of civilization had not previously begun, or that it was then completed. 'Peter the Great did not civilize his country, but he opened the floodgates of civilization.' The tide reached at first to no great distance beyond its inlet, and though, by the labours of Catharine, and especially of Alexander, its range has been greatly extended, there are large tracts of the empire, and vast multitudes of the people which it has not yet visited. Dr L. speaks first of the Nobility, of whom he presents us in the outset with this general and somewhat vague delineation.

'The Russians are insinuating and cunning, deceitful and perfidious, sensual and immoral, given to levity, fond of novelty, and improvident: with the command of little money, they are avaricious and mean; when cash abounds, they are generous, ostentatious, and prodigal: they are cheerful, good-humoured, and social: they are luxurious, hospitable, and charitable: they love light occupations and amusements; but above all, playing at cards, to which whole days, and weeks, and months, and years, are devoted. They have a great curiosity to pry into the affairs of others; they have quick apprehensions; their talent for imitation is universally allowed; they are fluent in languages; a few are endowed with good parts and ingenuity, and



are men of literature; the generality are moderately well informed and accomplished, *as to what regards the exterior of life*; few are distinguished for their proficiency in the sciences; they are accustomed to good living, but are generally moderate in their cups; they are disposed to indolence, to a sedentary mode of life, and to much sleep.

'The manners of the higher and travelled nobility are easy, elegant, and imposing; and the natives of no country can make themselves more agreeable to foreigners. The manners of the lower nobility are affected, consequential, overbearing, and sometimes rude; though some few of them are endowed with amiable and generous passions. In the words of Madame de Staël, they are "*impetueux et réservés tout ensemble, plus capable de passion que d'amitié, plus fiers que délicats, plus dévots que vertueux, plus braves que chevaleresques.*"' pp. viii, ix.

There is too little that is discriminating perhaps in these eloquent generalities. Let us come nearer to matters of detail and controversy. Dr Clarke, admitting the general plausibility of their deportment in large society, mentions, that when at their ease, and among themselves, the very best and highest of them relapse into absolute Hottentots! and may be found 'with long beards and bare necks, wrapped in sheep's hides, eating raw turnips and drinking *quass*—sleeping one half the day, and growling at their families the other.' He also maintains, that their persons are overrun with loathsome vermin,—which ladies of rank may be seen picking from each other's heads at the windows of palaces, and which, at grand festivals, are frequently visible, not only on the persons of the guests, but afloat in the soup and ragouts—that the diet of the whole nation is 'grease and brandy,' and that of the peasants made up of chaff, bark of trees, and fish oil—that there is not a bed in the empire into which an Englishman would willingly enter—and that 'cudgels are going from morning till night in every department of the population.'

Now, the greater part of this Dr Lyall positively denies,—and the whole, he says, may be truly described as a very gross exaggeration. The higher nobility, he assures us, are almost universally temperate in the use of strong liquors,—decidedly more so than the English—and have tables very luxuriantly and elegantly furnished by the labours of French and German cooks, five or six of whom,—of the masculine gender, besides female assistants,—are frequently retained in a great family. The raw turnips are sliced radishes, either produced at breakfast, or handed round with liqueurs as a whet before dinner—and the *quass*, which Dr C. speaks of with so much horror, is a light acidulated sort of small beer, remarkably agreeable and whole-

some. That they have vermin on their persons more frequently than an Englishman can endure to imagine, he does not indeed deny; but he will not believe that they ever relieve each other of them in public; and protests, that, in the course of nine years' cohabitation, he never discovered any of these intruders either on their bodies or in their meat. He admits, however, that Prince Potemkin not only used to louse himself at dinner, but to employ his niece to do that office for him, while he received visits in a morning—and that a trust-worthy medical friend of his *has* seen some of these unfortunate creatures in the soup! The peasants, he avers, live very comfortably on brown bread, cabbage, soup, onions, mushrooms, and meat-pies on holidays, with considerable plenty of quass, and hemp or lintseed oil; and he utterly denies that either chaff, or bark of trees, or fish oil enter, except in times of extreme famine, into their system of diet. He is at pains, however, to state, that the whole nation is given to cram abominably, whenever they have it in their power—and that the peasants, and the Clergy, are much addicted to intoxication. Nay, the ladies, we are concerned to say, are not, according to his account, entirely exempt from these vices. They all indulge in eating and sleeping to excess; and many, even among the richer merchant's wives, exceed habitually in brandy. This happens most frequently at snug female parties, in the absence of their husbands;—and when the good man comes home, and finds his spouse in bed, with a very red face, he says to her, very affectionately—‘What is the matter, my love—are you tipsy again? to which she answers, with an amiable frowardness—No, no! I have only the headach!—at which he laughs, and there is no more said about it.’ Dr Lyall speaks of these endearing scenes as if he had been an eyewitness of them.

The higher nobility, he assures us, are universally hospitable, and generally inclined to be charitable—but beyond this he scarcely allows them any merit. Their hospitality is, to be sure, on a very magnificent scale, and suitable to their vast establishments. The Countess Orlof Chemsenskaya, for example, in whose family the author was domesticated for nearly a year, had within the gates of one house, in 1816, not fewer than *six hundred* servants—and in her two houses about 800. The larger of those mansions—and it was the *town-house*—had a front of 1000 feet in length, with gardens of proportionate extent. A band of 30 or 40 musicians played every day during dinner—and unless the party was unusually large, there were three or four lackeys to every chair. With all this pomp, however, the author admits there is considerable discomfort,



and no little filth. The company is often ill assorted—and some part of it very frequently neglected. The knives and forks are not always changed in the course of the repast; and servants may often enough be seen to spit on a plate, and wipe it with a dirty napkin, before placing it on the table. High and low spit upon the carpets. Fond as they are of sleeping, their accommodations for this pastime are universally of a very bad description. There is scarcely such a thing, indeed, it would appear, as a properly furnished bed-room in the whole empire. In the larger palaces there are state bed-chambers; but they are never slept in—and the nobles, when visiting in crowds at each others houses, generally carry their beds, such as they are, along with them. The following passages are very picturesque.

A *fête* was to be given by Madame Poltaratska, the mother of the gentleman whom I accompanied, in the village of Gruzino, near Torjok, on the Sunday subsequent to our arrival at that estate. Throughout Saturday, carriages filled with nobles continued to arrive from time to time, some of them with large bags filled with beds, and fixed behind them; others followed by *telegas* loaded with beds and pillows. Although the house of Madame Poltaratska was of considerable size, it was matter of astonishment to me, where the whole party, amounting to nearly fifty individuals, were to find rooms for their accommodation in the night, though the beds were already provided. Conversation and cards were the evening amusements; and at 11 o'clock an elegant supper was served up, and at its conclusion a scene of bustle and confusion followed which rivetted my attention. The dining-room, the drawing-room, the hall, the whole suit of apartments, in which we had passed the evening, were converted into bed-rooms. Dozens of small painted and unpainted bedsteads, each for a single person, and of the value in Russia of five roubles, were speedily transported into the chambers, and arranged along the sides of the rooms, which soon resembled a barrack, or the wards of an hospital. Scores of servants, both of those belonging to Madame Poltaratska and to the visitors, were now running backwards and forwards, with beds and mattresses, pillows and bed-linen, *shoobs* and baggage. Many of the beds and mattresses had no inviting appearance. Some of the guests who had been less provident were accommodated with beds; but as there was a scarcity, the beds of the servants were used by others. The number of bedsteads was also insufficient; but this was of little moment; a number of beds were immediately arranged on the floor, some upon chairs, and others upon the *lejankas* (flat stoves, or parts of stoves); besides, all the sofas were at once converted into places of repose for the night.

This mode of arrangement is particularly disagreeable among the poorer nobility, who have small houses, and even at some of the country-seats of the highest nobles. Accustomed to the luxury of a



separate bed-room, and of a well-arranged bed in Britain, to which I could retire at pleasure, I have often found it no trifling inconvenience to be necessitated to remain at supper, or till a card party were tired of play, before the place of repose was emptied of the company; and still more so when placed in the night among a crowd of strangers. As the rooms are generally warm in Russia, very frequently the whole of the bed-clothes allowed you are two small sheets, sometimes clean, sometimes dirty, and a small counterpane.' pp. liii. liv.

'I made a morning visit about eleven o'clock on the following day to one of the houses, in which were lodged some of my male acquaintances, and others whom I had treated as patients. The scene, even after a number of years travelling and residence in Russia, struck me forcibly. The hall and the drawing-room were literally a barrack;—sofas, divans, and chairs put together, covered with beds, and their fatigued or lazy tenants, formed the scenery of the first apartment,—in the latter was arranged a sleeping-place, upon the floor, for half a dozen noblemen, with beds, pillows, *shoobs*, great-coats, &c. The possessors of this den, wrapped up in splendid silk night-gowns, some lying down, some sitting up in bed, some drinking coffee and tea, and smoking tobacco, amidst mephitic air, and surrounded by chamber utensils, and other disagreeable trumpery, formed a curious motley association.' p. lvii.

When the masters are thus scurvily accommodated, the servants, it may be supposed, do not fare better. In fact they seem generally to sleep, like dogs, upon the floors of the ante-rooms, the stair-cases, or wherever they can find a snug place to lay themselves down.

'My attention,' says Dr Lyall, 'was first called to this subject when in the house of a great noble. According to custom, I had risen very early in the morning, and had called for a servant;—for bells are scarcely ever to be found in Russia—till I was fatigued. I then sallied forth, and found the whole range of the back apartments of a large house covered with beds laid upon the floor, and a crowd of human beings huddled together, under sheep-skin *shoobs*, great-coats, bed-covers, or whatever had come most readily to hand; so that while the walls of the elegant suit of apartments in the front were covered with paintings, the floors of that in the back were covered with human beings, like so many dogs.

'Some time ago, I was called to a noble patient, whom I could not quit for the night. I went early to bed, and promised to see the lady at two o'clock in the morning. The servant who was ordered to bring me light at that time, not arriving, and the hour having already struck, I felt anxious, and determined to go in the dark. I left my *sofa-bed*, sallied out, and at the head of the staircase, I stumbled and fell among some men-servants who were in the arms of Morpheus.' pp. lv, lvi.

Dr Clarke praises the Russian women as generally beautiful, elegant, and highly accomplished; and talks of them, indeed, as Dr Lyall observes, as if they were of a different race from the men. Our ungallant author positively contradicts this assertion, and says, in so many words, that 'he has never been able to trace any marked difference between the manners and morals of the sexes in that country. Wherever I have found polished wives I have found polished husbands, and *vice versa*.' As to their beauty, he is equally insensible. They all eat and sleep so much, that they very early grow out of all shape and proportion; and among them, of course, this excessive corpulency is thought particularly charming. The common people, on seeing such a figure 'waddling along,' as Storch, though residing in Russia, ventures to express it, 'under the burden of her pampered, sleek, and shining collops of fat,' generally exclaim, in admiration, 'How thick and beautiful she is!—God be with her!' They are almost all smeared and bedaubed with paint, even among the peasantry; and among the rich merchants' wives jet-black teeth are still esteemed a particular beauty. There is great latitude, and generally great coarseness, in matters of gallantry. Our worthy Doctor has recorded various dialogues between himself and certain Russian princes, in which doctrines were delivered by the latter on the subject of conjugal fidelity, at which the learned reporter is much scandalized and offended; but as they do not differ materially from the French creed on the same chapter, we shall not trouble our readers with any account of them. Still less shall we pollute our pages with any notice of the '*Club Physique*' of Moscow, which, as our author describes it, seems to have made a nearer approach to the Arreoi Societies of Otaheite than any thing ever heard of in Europe; and as to the existence of which, at least in what relates to its extent, and the rank of its female members, we cannot but retain our incredulity, in spite of Dr Lyall's attestation. The Doctor has also favoured us with various anecdotes to illustrate the general indelicacy of the manners and conversation of the Russian ladies. We cannot say they strike us as very atrocious; and we suspect that a malignant observer might match them, without great difficulty, from the authentic doings and sayings of some of our bold-faced women of fashion, even in this country. This is about the strongest of them. A friend of the author's once went to visit a public bathing-place with a lady of rank. On coming near the water, the gentleman observing several people running about in a state of absolute nudity, suddenly started, and made a little movement back; but the lady bade him go on, saying, 'Ce



‘ n’est rien,—pourquoi avoir une honte dénaturée?’ This was perhaps a little too philosophical; but it ought to be mentioned, that the baths in question were specific against the curse of barrenness, and generally went by the name of the Prolific Lakes.

In his account of the habitual frauds, falsehood, and dishonesty of the Russian people, and even of the higher nobility, Dr Lyall seems to us to go the full-length of Dr Clarke; and mentions a great variety of instances that fell under his own observation. In his professional capacity, he was repeatedly asked to grant false certificates of health and sickness—and excessively ridiculed and wondered at for his absurd scruples on the subject. The tricks that are practised in all public departments are matter of notoriety. Even in the great work of the restoration of Moscow after the conflagration of 1812, they could not resist the national tendency to deception. Many of the burnt houses were merely plastered over on the outside, had new windows put in, and were gaudily painted, while the whole interior was a vacuity, or heap of ashes! One of the most amusing instances which Dr Lyall has given of this solemn trickery, is of the following tenor. Honours and immunities are now given, it seems, in Russia—and we are heartily glad to hear it—not only for military services or in return for presents made to the crown, but for the institution of public schools and charities; and a certain General N. being desirous of the ribbon of Vladimir, bethought himself of obtaining it by the erection of a great hospital upon his estate. For this purpose he had a showy edifice run up of thin boards and basket work, and plastered over with clay, but gaudily painted on the outside, and surmounted with a light lath dome, coloured green, and crowned with a gilt ball. In the inside coarse bedsteads were arranged in some of the wards, and bags of hay for beds in others; and so things were got in order for the inspection of General Araktcheef, who was to report to the Emperor on the amount of General N.’s contributions to the public comfort.

‘ Early in the morning of the day appointed for General Araktcheef’s arrival, above a dozen of people, men and women, were employed in washing, and cleaning, and arranging the hospital; the kitchen-stove was lighted, and the kitchen itself stored with good provisions under the care of an excellent cook. The beds were made up; and black boards were placed against the walls over the heads of the beds, upon which were written with chalk, the names and age of the patients, the technical and the Russian appellations of their diseases, the date of their admission, and the diet allowed them, as is always the case in the public hospitals in Russia. All was thus arranged; *but there were no sick*, except three or four invalids in the village. In the *transforming empire* of Russia, however, this was of no con-



sequence. The women who had washed the hospital, and a number of peasants, males and females, who were ordered to repair to it, in obedience to their lord's command, disrobed and washed themselves, put on the dresses provided for patients, got into bed, and feigned sickness.

After an elegant dinner, the host conducted General Araktchéf, and a number of other visitors to the hospital; where they were received by a clerk in the lobby, with the report-books in his hand, which he showed to his Excellency. No physician being then in the neighbourhood, the village apothecary assumed his name and office, and as the party paced the wards, gave all necessary explanations respecting the diseases of the patients. His assistant then brought in a basket full of medicines, vials, powders, ointments, plasters, &c. which he distributed to each, adding, according to the circumstances of the case, "This is a mixture for thy fever,—these herbs are for thy cough," &c. &c. A plateful of excellent soup, with a piece of beef in it, a quantity of *kasha* and butter, pieces of black and white bread, and a bottle of *kvass* were now presented in succession, that General Araktchéf might be able to judge of the manner in which the sick were fed. He was highly pleased, it is said, with the institution, and took his departure. He had not been gone above a few minutes, when all the patient-actors started from their beds, threw off their robes, and being highly amused, laughed heartily, and then bent their way home,—wishing for a repetition of the farce, as they had had an excellent day's provisions. And so the hospital was left dreary and void.

'In a conversation with a general who had been nearly forty years in the service of Russia, and had been stationed in almost every government of the empire, I expressed my astonishment at the above affair; to which he replied, "It is no surprise to me: I have seen such things many times in my life." pp. xcvi, xcvi.

The curiosity of the Russians seems to be as insatiable, and far more inexcusable than that of the Americans, being chiefly remarkable among persons of the highest rank.

'With as much ease as they say "*How do ye do?*" the nobles ask the most unexpected, and what we reckon the most impertinent questions, with respect to your connections and family, your property and revenues, and your secret affairs and private opinions. An evasive answer, so far from silencing them, only prompts their curiosity; and they will continue to tease you with their demands, in all forms, either till you lose patience and show symptoms of displeasure, or till they extract some intelligence from you. Nay, they are evidently hurt at your refusal to gratify their inquisitiveness, especially if you are in the smallest degree dependant upon them. But they do not content themselves with merely making inquiries of yourself; they will apply to your servant-women or your servant-men, to your lackey or your coachman, to any body who may be able to give them information. If you are living in their fa-

milies, the master or mistress generally is acquainted with every thing you do, through inquiries made at your servants. I have known this system carried to such lengths as might appear fabulous. A single instance may give the reader an idea of such conduct as I allude to. A nobleman who has a village in which there is a high belfry attached to the church, at certain times when he had many visitors, caused one of his men to sit in the balcony, and make a regular report of every individuals motions; while a number of servants, or spies, were stationed throughout the different houses, who were duly examined as to the procedure and conversation of his invited society.' pp. cv, cvi.

The literature or general information of the nation is considerably lower, according to Dr Lyall's account, even than we had supposed. A few of the travelled nobles and officers of rank read French authors; but the body of the nation does not read at all. They have several native poets of great merit, who are now alive, and are thought to enjoy an unprecedented popularity—and yet, in a population of more than forty millions, Dr Lyall informs us, that the sale of 200 or 300 copies is a thing almost without example—and we have no doubt that these unfortunate sons of genius have already had more readers in our own remote and busy island, through the excellent translated specimens of Mr Bowring, than in the whole extent of their own dreary empire. Karamsin's History, Dr L. informs us, is by far the most popular work ever printed in Russia; and yet the total number of purchasers for the first edition was 406!—of which forty were merchants, *five clergy*, and three peasants—the rest were nobles. A second edition was called for in 1818, and the publishers ventured on the unheard-of number of 1000 copies. Dr Lyall, however, is of opinion that a taste for letters is spreading very rapidly in this vast empire. Alexander has undoubtedly done more than all his predecessors in founding and encouraging schools—and some few noblemen have recently introduced the Lancasterian system of instruction, in spite of the fears and ridicule of their neighbours. The arts of printing, engraving and bookbinding, have attained in the cities to a very considerable degree of excellence.

Of the Clergy, Dr Lyall tells us very little. The Prelates and dignitaries he represents as generally well bred and decorous—but the body of the inferior priesthood seem to be in a sad condition—grossly ignorant—stupidly bigotted, and scandalously dissolute in their lives. Their business consists in going through the mere ceremonies of their worship; and their pleasure in large potations of brandy. The pastor, he concludes in the words of Count Orloff, 'can neither reason nor preach,—and the flock can make the sign of the cross, and 'think any thing else superfluous.'



The Merchants fare, if possible, still worse, in the hands of our unsparing Doctor. According to him, there is not a dealer in the empire who is not a thorough-paced and most impudent cheat. Most of his details, however, relate to the shopkeepers of Moscow—but he seems to make no distinction. It is the universal practice, he says, to ask about ten times the just price for all articles; and to come down, on laborious compulsion, by twenty slow steps, swearing with horrible oaths, at every one, that it is the very last, and taken only to oblige you. It is the labour of a forenoon to cheapen a hat or pair of boots. Their frauds in the quality of the commodities are no less shameless and elaborate; and bring us in mind of what is reported of the Chinese at Canton. In one article they take an ingenious advantage of the rigor of their climate. You buy a barrel of nice firm butter in the winter, and, as soon as it begins to thaw, half the weight runs out in water. The lower-part of a chest of tea is often filled up with leaves that have been used, and dried and sold again to the merchants by your own servants.

His account of the Peasants is on the whole favourable and indulgent. They are ignorant, sensual, and servile,—as their condition implies. But they are not *generally* uncomfortable or discontented. They have food enough; and a good deal of leisure for devotion and dissipation. They are constitutionally gay and careless, and have not thought enough to be aware of their own degradation. After correcting the misrepresentations of other authors as to the supposed horrors of their situation, Dr L. observes,

‘But while I have thus endeavoured to show the general state of the peasantry, I must not mislead the reader. For though I am of opinion that the *generality* of them fare well, I also know that numbers are oppressed and most inhumanly treated. When some of the rich nobles, in consequence of dissipation and debt, are pressed for money, their serfs are among the first who know the fact, and who experience their impatience and rapacity: the *obrök* is augmented, or demanded before the regular time. But such a demand is like an *ukáz*; it has a despotic influence; for the vassals well know that non-compliance with it, if within their capability, would draw vengeance upon themselves. These poor souls, however, well know the genius of their master, and carefully remark his humour and his general way of action; and as they are very cunning, they secrete their property and invent a thousand excuses. But it is chiefly the vassals of the poor and of the *extremely poor* nobles, whose case calls for our sympathy and commiseration. The necessities of their lords, when combined with avarice or rapacity, reduce humanity to the most abject condition. It is not merely in respect of money that the peasants are oppressed. The time fixed by law which they ought to



have for tilling their own land, and managing their own affairs, is directly encroached upon, or almost altogether taken up, with their masters' work. They themselves, their wives, and their children, and their horses, are continually occupied in labouring for their lords. They know that they are oppressed contrary to the laws of their country; but the laws generally are as a dead letter to them. How is a peasant to obtain redress, who cannot quit the spot without his master's permission? And suppose he has reached the courts of justice, what can he do? He may complain of his lord, and become the instrument for an attorney to obtain a present or a bribe from his master,—and thus the affair terminates. The peasants, when dreadfully oppressed, sometimes become exasperated, and sacrifice their tyrannical masters, in the same way as the nobles sacrifice their sovereigns. They resolve upon his death, and they accomplish it. More frequently, however, this is the lot of cruel stewards. The irritated boors unite in a body; the oppressor is murdered, and no single individual is responsible.' pp. cxxxvii, cxxxviii.

Dr L. concludes his general remarks with a sketch of the Civil Administration, which is indeed revolting. Every thing, in all the departments, from the first court in the empire to the lowest police office, moves by bribery and corruption, and not otherwise,—and this not only by inveterate usage, but, even in his view of it, by a kind of necessity. The salaries allowed by this Imperial Government to all its functionaries, are so extremely inadequate, not merely to their dignity, but to their mere subsistence, that they *must* take bribes to maintain their station in society. It is curious, accordingly, to find a man like Dr L., whose moral feelings and sense of honour are equally appalled by these practices, becoming in some degree their apologist.

'The terms "bribery and corruption" require some explanation. In most countries, by bribes, are understood sums of money given or promised, in order to pervert justice, and gain one's cause:—by corruption, the act of being unjustly influenced by bribes. In Russia, though the same definitions be frequently applicable, yet the more general intention and utility of bribes, genteelly called presents, is to excite a person to do his mere duty, and to recompense him for his time and trouble: in fact, these presents may be said to form the receiver's chief salary. Wherever such an execrable system is once generally established and known, though despised by every generous mind, yet, it seems somewhat fair to regard the infamy attached to it, as infinitely less than the disgrace of accepting bribes in courts of justice, where nothing of the kind is expected or recognised.

'The statesman will easily find a cure for the evils spoken of. Increase the taxes;—give adequate salaries to all the officers of the crown;—issue severe edicts;—and punish delinquents with rigour,

says he, emphatically : and then a sudden and advantageous revolution will be the consequence. But he who contemplates the great machine, and the thousands and millions of dependant wheels, in full motion, and who knows the genius of the natives of Russia, will speak more calmly. He will see, that though immense sums be paid *indirectly by a part of the population* who have affairs in the courts of justice, yet that the sovereign, who would attempt to impose the same sums in *direct annual taxes upon the general population*, would run the risk of causing a speedy revolution, and of being hurled from his throne.' pp. cxliii-cxliv.

He does not, however, allow these politic suggestions to deaden his sense of the magnitude of the abuses in question. Nothing can be better than the spirit of the following passages.

'It is a fact, revolting to human nature, that senators, who are clothed in scarlet, and covered with embroidery, who ride in their carriages and four, and who live in the highest style, should condescend to receive a twenty-five rouble, or, some say, even a ten-rouble note, as a bribe; and in the most simple affairs the process is protracted till the fee be paid. In the senate, justice may truly be said to be put to auction, and to be bought by the highest bidder: and the fluctuations of decision, according to the presents or the promises of the opposing parties, have, at times, exceeded all credibility. Amidst this direful scene, how pleasing is it to find a single point of repose for the mind! There is a senator at Moscow, who was never known to take a bribe nor to receive a present. That man, who is an honour to his nation, instead of being raised to universal distinction, at this moment lives in the most economical manner, and rides to the senate-house, not like most of his coadjutors in a carriage with four horses, but upon a *droshki*, with a single horse! Such has been the reward of honesty and honour!

'Forcigners who have property, or are in business, are peculiarly sensible of the oppression, imposition, and rapacity of the Police. Bribes and presents accomplish every thing, from the highest to the lowest agent. Though the salaries of all the agents of the police, whether in town or country, be extremely small, yet if they behave themselves, they manage to maintain a *respectable rank*, and to *live well*: indeed I have known a *Kvartálnik*, whose income from the crown was about 300 roubles a year (less than 15*l.* Sterling), who kept his *droshki* and pair of horses, and had a table at which a fastidious noble might have daily dined.

'The same system of corruption exists in the Post-offices throughout the empire. Though the salaries of their agents be small, yet they all make a good living, and some of them even save money. One great source of indirect revenue to the body corporate is formed by the sums annually *paid*, or *presented*, by the merchants. In Petersburg and in Moscow it is not uncommon for the principal houses each to give one, two, three, or even four thousand roubles every year, to avoid innumerable forms and ceremonies, and interruptions to their affairs.' pp. cxlv-cxlvii.



This is frightful,—but we cannot now afford to carry the sketch any farther.—Nor is it necessary. Dr L. assures us, and we entirely believe him, that he records these things with pain, and chiefly in the hope that their publication may shame the Russians out of the worst of them. We give them additional publicity, from motives certainly as remote from national animosity—though not precisely identical. We have no hope that any publication, either of ours or of Dr Lyall's, will reform the abuses of Russia—But we think the exposition of these enormities, and of the national degradation they infer, may be of some use as a warning to ourselves, and as a striking illustration of the pestilential operation of a Despotic Government upon the morals, the comfort, and respectability of all ranks of the people. The Russians are by no means either naturally stupid, or depraved. They seem, on the contrary, to have inherited their full share of European talent, with something of Asiatic versatility and imagination—and to possess in no common degree that social and friendly disposition which is the basis of all the virtues. But a Despotic Government, by taking away all liberal occupations, and all the objects of a generous ambition from the Nobles, has naturally thrown them into the career of frivolous and vicious amusements—and, by extinguishing the spirit of Honour, has not only debased the national character in those classes which necessarily give the tone to the rest, but has infused a degree of grossness into the enjoyments which it has spared. By the shackles it imposes on industry, the insecurity in which it places property, and the exclusive honours it bestows on the military,—it has degraded the Mercantile classes in the eyes of others, and in their own,—and, by reducing its traders to the rank of paltry shopkeepers, has perpetuated among them those mean and dishonest practices from which the merchants of free countries are the first to revolt with disdain. By the poverty which it thus produces, joined to the necessary policy of expending its revenue in the maintenance and increase of its armies, it starves all the other establishments and institutions of the country, and drives all its Civil Functionaries, by the inadequacy of their official appointments, into habits of corruption, not only destructive of their individual respectability, but subversive of the very ends of their creation.

If such be the natural points of despotism—and we defy its apologists to dispute the accuracy of the deduction—can any people be too jealous of its Freedom—any sacrifices be too costly to recover—any efforts too great to retain it? Even to despots themselves, can any prospect be more dreary and appalling? The throne is every where secure in proportion to the freedom



of its subjects, and strong and glorious, according to their wealth and refinement. In Turkey, assassination may be said to be the natural death of the rulers; and in Russia alone, of all the Christian sovereignties, has the succession of the crown been derived through the same bloody channel. Grievous as constitutional checks may appear to princes accustomed to arbitrary power, we cannot but think that they must be less humiliating and distressing than the constant dread of the cord or the dagger. This last, however, is perhaps a vain speculation; and we rest little upon it. The great lesson is undoubtedly to the people; and them, we think, it should infallibly assure, that every invasion of their political freedom is necessarily attended by the corruption of all parts of the civil and economical administration, and by the demoralization and dishonour of all classes of individuals. These are truths which the world learns feelingly; and must every day both rely on more firmly, and value more highly. In the mean time, we trust that there are already more exceptions to Dr L.'s sweeping proscription of the Russian character than he seems to allow of; and we are satisfied that the number must be gradually increasing. If despotism produces ignorance, ignorance, on the other hand, is the great support of despotism. But the Russians are sensibly rousing, by the general spread of intelligence, and by the wide contact into which they have recently been brought with more instructed races, both by the campaigns they have waged abroad, and the invasions they have sustained at home. The reigning Emperor, too, has undoubtedly done much to reclaim the most abject and brutish of his subjects from their barbarism, by the liberal and most munificent patronage he has extended both to district schools and Bible societies. To the latter, we are happy to find, by the work before us, that he has not only given ample endowments, and made over for their use a great building in Moscow, formerly used as a sort of State Inquisition, but has defrayed the expense of effecting cheap translations of the Scriptures into almost all the many languages that are spoken in his extended domains. We do not inquire too curiously into the probable motives of deeds of such unquestionable utility. It is title enough to our applause that they have been performed.

We do not mean to enter at all into Dr Lyall's detailed account of Moscow. It contains many curious and entertaining particulars; but it is a great deal too long and too minute. We could scarcely submit patiently to a history of LONDON in 600 quarto pages; and certainly would rather die ignorant of the churches, and bells, and bridges, and hospitals of Moscow,—

and even of the wonders of the Kremlé itself,—than pay such a price for the knowledge of them. However, there is a deal of curious reading for curious readers; and the plates with which the work is illustrated and embellished are for the most part very beautiful. There is a large Appendix, containing some remarkable dissertations; particularly one on the Russ architecture, and one on eatable mushrooms. We are happy to learn that the author means shortly to favour the public with an account of his Travels in the Russian empire, which, we have no doubt, will be more to our taste than the statistics of Moscow. We beg leave to recommend to him cheapness and brevity, as two great elements of popularity.

ART. X. *Posthumous Poems of PERCY BYSSHE SHELLEY.* 8vo. pp. 400. London, 1824. J. & H. L. Hunt.

MR SHELLEY'S style is to poetry what astrology is to natural science—a passionate dream, a straining after impossibilities, a record of fond conjectures, a confused embodying of vague abstractions,—a fever of the soul, thirsting and craving after what it cannot have, indulging its love of power and novelty at the expense of truth and nature, associating ideas by contraries, and wasting great powers by their application to unattainable objects.

Poetry, we grant, creates a world of its own; but it creates it out of existing materials. Mr Shelley is the maker of his own poetry—out of nothing. Not that he is deficient in the true sources of strength and beauty, if he had given himself fair play (the volume before us, as well as his other productions, contains many proofs to the contrary): But, in him, fancy, will, caprice, predominated over and absorbed the natural influences of things; and he had no respect for any poetry that did not strain the intellect as well as fire the imagination—and was not sublimed into a high spirit of metaphysical philosophy. Instead of giving a language to thought, or lending the heart a tongue, he utters dark sayings, and deals in allegories and riddles. His Muse offers her services to clothe shadowy doubts and inscrutable difficulties in a robe of glittering words, and to turn nature into a brilliant paradox. We thank him—but we must be excused. Where we see the dazzling beacon-lights streaming over the darkness of the abyss, we dread the quicksands and the rocks below. Mr Shelley's mind was of 'too fiery a quality' to repose (for any continuance) on the probable or the true—it



soared 'beyond the visible diurnal sphere,' to the strange, the improbable, and the impossible. He mistook the nature of the poet's calling, which should be guided by involuntary, not by voluntary impulses. He shook off, as an heroic and praiseworthy act, the trammels of sense, custom, and sympathy, and became the creature of his own will. He was 'all air,' disdaining the bars and ties of mortal mould. He ransacked his brain for incongruities, and believed in whatever was incredible. Almost all is effort, almost all is extravagant, almost all is quaint, incomprehensible, and abortive, from aiming to be more than it is. Epithets are applied, because they do not fit: subjects are chosen, because they are repulsive: the colours of his style, for their gaudy, changeful, startling effect, resemble the display of fire-works in the dark, and, like them, have neither durability, nor keeping, nor discriminate form. Yet Mr Shelley, with all his faults, was a man of genius; and we lament that uncontrollable violence of temperament which gave it a forced and false direction. He has single thoughts of great depth and force, single images of rare beauty, detached passages of extreme tenderness; and, in his smaller pieces, where he has attempted little, he has done most. If some casual and interesting idea touched his feelings or struck his fancy, he expressed it in pleasing and unaffected verse: but give him a larger subject, and time to reflect, and he was sure to get entangled in a system. The fumes of vanity rolled volumes of smoke, mixed with sparkles of fire, from the cloudy tabernacle of his thought. The success of his writings is therefore in general in the inverse ratio of the extent of his undertakings; inasmuch as his desire to teach, his ambition to excel, as soon as it was brought into play, encroached upon, and outstripped his powers of execution.

Mr Shelley was a remarkable man. His person was a type and shadow of his genius. His complexion, fair, golden, freckled, seemed transparent with an inward light, and his spirit within him

——' so divinely wrought,

That you might almost say his body thought.'

He reminded those who saw him of some of Ovid's fables. His form, graceful and slender, drooped like a flower in the breeze. But he was crushed beneath the weight of thought which he aspired to bear, and was withered in the lightning-glare of a ruthless philosophy! He mistook the nature of his own faculties and feelings—the lowly children of the valley, by which the skylark makes its bed, and the bee murmurs, for the proud cedar or the mountain-pine, in which the eagle builds its eyry,



‘and dallies with the wind, and scorns the sun.’—He wished to make of idle verse and idler prose the frame-work of the universe, and to bind all possible existence in the visionary chain of intellectual beauty—

‘More subtle web Arachne cannot spin,  
Nor the fine nets, which oft we woven see  
Of scorched dew, do not in th’ air more lightly flee.’

Perhaps some lurking sense of his own deficiencies in the lofty walk which he attempted, irritated his impatience and his desires; and urged him on, with winged hopes, to atone for past failures, by more arduous efforts, and more unavailing struggles.

With all his faults, Mr Shelley was an honest man. His unbelief and his presumption were parts of a disease, which was not combined in him either with indifference to human happiness, or contempt for human infirmities. There was neither selfishness nor malice at the bottom of his illusions. He was sincere in all his professions; and he practised what he preached—to his own sufficient cost. He followed up the letter and the spirit of his theoretical principles in his own person, and was ready to share both the benefit and the penalty with others. He thought and acted logically, and was what he professed to be, a sincere lover of truth, of nature, and of human kind. To all the rage of paradox, he united an unaccountable candour and severity of reasoning: in spite of an aristocratic education, he retained in his manners the simplicity of a primitive apostle. An Epicurean in his sentiments, he lived with the frugality and abstemiousness of an ascetick. His fault was, that he had no deference for the opinions of others, too little sympathy with their feelings (which he thought he had a right to sacrifice, as well as his own, to a grand ethical experiment)—and trusted too implicitly to the light of his own mind, and to the warmth of his own impulses. He was indeed the most striking example we remember of the two extremes described by Lord Bacon as the great impediments to human improvement, the love of Novelty, and the love of Antiquity. ‘The first of these (impediments) is an extreme affection of two extremities, the one Antiquity, the other Novelty; wherein it seemeth the children of time do take after the nature and malice of the father. For as he devoureth his children, so one of them seeketh to devour and suppress the other; while Antiquity envieth there should be new additions, and Novelty cannot be content to add, but it may deface. Surely the advice of the Prophet is the true direction in this matter: *Stand upon the old ways, and see which is the right and good way, and walk therein.* Antiquity deserveth that reverence, that men should make a stand thereupon, and

‘ discover what is the best way ; but when the discovery is well taken, then to take progression. And to speak truly, *Antiquitas seculi Juventas mundi*. These times are the ancient times, when the world is ancient, and not those which we count ancient, *ordine retrogrado*, by a computation backwards from ourselves.’ (ADVANCEMENT OF LEARNING, Book I. p. 46.)—Such is the text : and Mr Shelley’s writings are a splendid commentary on one half of it. Considered in this point of view, his career may not be un instructive even to those whom it most offended ; and might be held up as a beacon and warning no less to the bigot than the sciolist. We wish to speak of the errors of a man of genius with tenderness. His nature was kind, and his sentiments noble ; but in him the rage of free inquiry and private judgment amounted to a species of madness. Whatever was new, untried, unheard of, unauthorized, exerted a kind of fascination over his mind. The examples of the world, the opinion of others, instead of acting as a check upon him, served but to impel him forward with double velocity in his wild and hazardous career. Spurning the world of realities, he rushed into the world of nonentities and contingencies, like air into a *vacuum*. If a thing was old and established, this was with him a certain proof of its having no solid foundation to rest upon : if it was new, it was good and right. Every paradox was to him a self-evident truth ; every prejudice an undoubted absurdity. The weight of authority, the sanction of ages, the common consent of mankind, were vouchers only for ignorance, error, and imposture. Whatever shocked the feelings of others, conciliated his regard ; whatever was light, extravagant, and vain, was to him a proportionable relief from the dulness and stupidity of established opinions. The worst of it however was, that he thus gave great encouragement to those who believe in all received absurdities, and are wedded to all existing abuses : his extravagance seeming to sanction their grossness and selfishness, as theirs were a full justification of his folly and eccentricity. The two extremes in this way often meet, jostle,—and confirm one another. The infirmities of age are a foil to the presumption of youth ; and ‘ there the antics sit,’ mocking one another—the ape Sophistry pointing with reckless scorn at ‘ palsied eld,’ and the bed-ridden hag, Legitimacy, rattling her chains, counting her beads, dipping her hands in blood, and blessing herself from all change and from every appeal to common sense and reason ! Opinion thus alternates in a round of contradictions : the impatience or obstinacy of the human mind takes part with, and flies off to one or other of the two extremes ‘ of affect-



tion' and leaves a horrid gap, a blank sense and feeling in the middle, which seems never likely to be filled up, without a total change in our mode of proceeding. The martello-towers with which we are to repress, if we cannot destroy, the systems of fraud and oppression should not be castles in the air, or clouds in the verge of the horizon, but the enormous and accumulated pile of abuses which have arisen out of their own continuance. The principles of sound morality, liberty and humanity, are not to be found only in a few recent writers, who have discovered the secret of the greatest happiness to the greatest numbers, but are truths as old as the creation. To be convinced of the existence of wrong, we should read history rather than poetry: the levers with which we must work out our regeneration are not the cobwebs of the brain, but the warm, palpitating fibres of the human heart. It is the collision of passions and interests, the petulance of party-spirit, and the perversities of self-will and self-opinion that have been the great obstacles to social improvement—not stupidity or ignorance; and the caricaturing one side of the question and shocking the most pardonable prejudices on the other, is not the way to allay heats or produce unanimity. By flying to the extremes of scepticism, we make others shrink back, and shut themselves up in the strongholds of bigotry and superstition—by mixing up doubtful or offensive matters with salutary and demonstrable truths, we bring the whole into question, fly-blow the cause, risk the principle, and give a handle and a pretext to the enemy to treat all philosophy and all reform as a compost of crude, chaotic, and monstrous absurdities. We thus arm the virtues as well as the vices of the community against us; we trifle with their understandings, and exasperate their self-love; we give to superstition and injustice all their old security and sanctity, as if they were the only alternatives of impiety and profligacy, and league the natural with the selfish prejudices of mankind in hostile array against us. To this consummation, it must be confessed that too many of Mr Shelley's productions pointedly tend. He makes no account of the opinions of others, or the consequences of any of his own; but proceeds—tasking his reason to the utmost to account for every thing, and discarding every thing as mystery and error for which he cannot account by an effort of mere intelligence—measuring man, providence, nature, and even his own heart, by the limits of the understanding—now hallowing high mysteries, now desecrating pure sentiments, according as they fall in with or exceeded those limits; and exalting and purifying, with Promethean heat, whatever he does not confound and debase.



Mr Shelly died, it seems, with a volume of Mr Keats's poetry grasped with one hand in his bosom! These are two out of four poets, patriots and friends, who have visited Italy within a few years, both of whom have been soon hurried to a more distant shore. Keats died young; and 'yet his infelicity 'had years too many.' A canker had blighted the tender bloom that o'erspread a face in which youth and genius strove with beauty. The shaft was sped—venal, vulgar, venomous, that drove him from his country, with sickness and penury for companions, and followed him to his grave. And yet there are those who could trample on the faded flower—men to whom breaking hearts are a subject of merriment—who laugh loud over the silent urn of Genius, and play out their game of venality and infamy with the crumbling bones of their victims! To this band of immortals a third has since been added!—a mightier genius, a haughtier spirit, whose stubborn impatience and Achilles-like pride only Death could quell. Greece, Italy, the world, have lost their poet-hero; and his death has spread a wider gloom, and been recorded with a deeper awe, than has waited on the obsequies of any of the many great who have died in our remembrance. Even detraction has been silent at his tomb; and the more generous of his enemies have fallen into the rank of his mourners. But he set like the sun in his glory; and his orb was greatest and brightest at the last; for his memory is now consecrated no less by freedom than genius. He probably fell a martyr to his zeal against tyrants. He attached himself to the cause of Greece, and dying, clung to it with a convulsive grasp, and has thus gained a niche in her history; for whatever she claims as hers is immortal, even in decay, as the marble sculptures on the columns of her fallen temples!

The volume before us is introduced by an imperfect but touching Preface by Mrs Shelley, and consists almost wholly of original pieces, with the exception of *Alastor, or the Spirit of Solitude*, which was out of print; and the admirable Translation of the *May-day Night*, from Goethe's *Faustus*.

*Julian and Maddalo* (the first Poem in the collection) is a Conversation or Tale, full of that thoughtful and romantic humanity, but rendered perplexing and unattractive by that veil of shadowy or of glittering obscurity, which distinguished Mr Shelley's writings. The depth and tenderness of his feelings seems often to have interfered with the expression of them, as the sight becomes blind with tears. A dull, waterish vapour, clouds the aspect of his philosophical poetry, like that mysterious gloom which he has himself described as hanging over the Medusa's Head of Leonardo da Vinci. The metre of this

poem, too, will not be pleasing to every body. It is in the antique taste of the rhyming parts of Beaumont and Fletcher and Ben Jonson—blank verse in its freedom and unbroker flow, falling into rhymes that appear altogether accidental—very colloquial in the diction—and sometimes sufficiently prosaic. But it is easier showing than describing it. We give the introductory passage.

‘ I rode one evening with Count Maddalo  
Upon the bank of land which breaks the flow  
Of Adria towards Venice : a bare strand  
Of hillocks, heaped from ever-shifting sand,  
Matted with thistles and amphibious weeds,  
Such as from earth’s embrace the salt ooze breeds,  
Is this ; an uninhabited sea-side,  
Which the lone fisher, when his nets are dried,  
Abandons ; and no other object breaks  
The waste, but one dwarf tree and some few stakes  
Broken and unrepaired, and the tide makes  
A narrow space of level sand thereon,  
Where ’twas our wont to ride while day went down.  
This ride was my delight. I love all waste  
And solitary places ; where we taste  
The pleasure of believing what we see  
Is boundless, as we wish our souls to be :  
And such was this wide ocean, and this shore  
More barren than its billows ; and yet more  
Than all, with a remember’d friend I love  
To ride as then I rode ;—for the winds drove  
The living spray along the sunny air  
Into our faces ; the blue heavens were bare,  
Stripped to their depths by the awakening North ;  
And, from the waves, sound like delight broke forth  
Harmonising with solitude, and sent  
Into our hearts aerial merriment.  
So, as we rode, we talked ; and the swift thought,  
Winging itself with laughter, lingered not,  
But flew from brain to brain,—such glee was ours,  
Charged with light memories of remembered hours,  
None slow enough for sadness : till we came  
Homeward, which always makes the spirit tame.’ &c.

‘ Meanwhile the sun paused ere it should alight  
O’er the horizon of the mountains—Oh !  
How beautiful is sunset, when the glow  
Of heaven descends upon a land like thee,  
Thou paradise of exiles, Italy !  
Thy mountains, seas, and vineyards, and the towers  
Of cities they encircle!—It was ours

To stand on thee, beholding it : and then,  
Just where we had dismounted, the Count's men  
Were waiting for us with the gondola.  
As those who pause on some delightful way,  
Tho' bent on pleasant pilgrimage, we stood,  
Looking up on the evening and the flood,  
Which lay between the city and the shore,  
Paved with the image of the sky ; the hoar  
And aery Alps, towards the North, appeared,  
Thro' mist, an heaven-sustaining bulwark, reared  
Between the east and west ; and half the sky  
Was roofed with clouds of rich emblazonry,  
Dark purple at the zenith, which still grew  
Down the steep west into a wondrous hue  
Brighter than burning gold, even to the rent  
Where the swift sun yet paused in his descent  
Among the many-folded hills—they were  
Those famous Euganean hills, which bear,  
As seen from Lido thro' the harbour piles,  
The likeness of a clump of peaked isles—  
And then, as if the earth and sea had been  
Dissolv'd into one lake of fire, were seen  
Those mountains towering, as from waves of flame,  
Around the vaporous sun, from which there came  
The inmost purple spirit of light, and made  
Their very peaks transparent. “ Ere it fade,”  
Said my companion, “ I will show you soon  
A better station.” So, o'er the lagoon  
We glided ; and from that funereal bark  
I leaped, and saw the city, and could mark  
How from their many isles, in evening's gleam,  
Its temples and its palaces did seem  
Like fabrics of enchantment piled to Heaven.  
I was about to speak, when—“ We are even  
Now at the point I meant”—said Maddalo,  
And bade the gondolieri cease to row.  
“ Look, Julian, on the west, and listen well  
If you hear not a deep and heavy bell.”  
I looked, and saw between us and the sun  
A building on an island, such an one  
As age to age might add, for uses vile—  
A windowless, deformed, and dreary pile ;  
And on the top an open tower, where hung  
A bell, which in the radiance swayed and swung,  
We could just hear its hoarse and iron tongue :  
The broad sun sank behind it, and it tolled  
In strong and black relief. “ What you behold



Shall be the madhouse and its belfrey tower,"—  
Said Maddalo, "and even at this hour,  
Those who may cross the water hear that bell,  
Which calls the maniacs, each one from his cell,  
To vespers," &c.

' The broad star  
Of day meanwhile had sunk behind the hill ;  
And the black bell became invisible ;  
And the red tower looked grey ; and all between,  
The churches, ships, and palaces, were seen  
Huddled in gloom. Into the purple sea  
The orange hues of heaven sunk silently.  
We hardly spoke, and soon the gondola  
Conveyed me to my lodging by the way.'

The march of these lines is, it must be confessed, slow, solemn, sad: there is a sluggishness of feeling, a dearth of imagery, an unpleasant glare of lurid light. It appears to us, that in some poets, as well as in some painters, the organ of colour (to speak in the language of the adepts) predominates over that of form; and Mr Shelley is of the number. We have everywhere a profusion of dazzling hues, of glancing splendours, of floating shadows, but the objects on which they fall are bare, indistinct, and wild. There is something in the preceding extract that reminds us of the arid style and matter of Crabbe's versification, or that apes the labour and throes of parturition of Wordsworth's blank-verse. It is the preface to a story of Love and Madness—of mental anguish and philosophic remedies—not very intelligibly told, and left with most of its mysteries unexplained, in the true spirit of the modern metaphysical style—in which we suspect there is a due mixture of affectation and meagreness of invention.

This poem is, however, in Mr Shelley's best and *least mannered* manner. If it has less brilliancy, it has less extravagance and confusion. It is in his stanza-poetry, that his Muse chiefly runs riot, and baffles all pursuit of common comprehension or critical acumen. The *Witch of Atlas*, the *Triumph of Life*, and *Marianne's Dream*, are rhapsodies or allegories of this description; full of fancy and of fire, with glowing allusions and wild machinery, but which it is difficult to read through, from the disjointedness of the materials, the incongruous metaphors and violent transitions, and of which, after reading them through, it is impossible, in most instances, to guess the drift or the moral. They abound in horrible imaginings, like records of a ghastly dream;—life, death, genius, beauty, victory, earth, air, ocean, the trophies of the past, the shadows of the world to come, are huddled together in a strange and hurried dance of words, and

all that appears clear, is the passion and paroxysm of thought of the poet's spirit. The poem entitled the *Triumph of Life*, is in fact a new and terrific *Dance of Death*; but it is thus Mr Shelley transposes the appellations of the commonest things, and subsists only in the violence of contrast. How little this poem is deserving of its title, how worthy it is of its author, what an example of the waste of power, and of genius 'made as flax,' and devoured by its own elementary ardours, let the reader judge from the concluding stanzas.

. . . . . "The grove  
 Grew dense with shadows to its inmost covers,  
 The earth was grey with phantoms, and the air  
 Was peopled with dim forms; as when there hovers  
 A flock of vampire-bats before the glare  
 Of the tropic sun, bringing, ere evening,  
 Strange night upon some Indian vale;—thus were  
 Phantoms diffused around; and some did fling  
 Shadows of shadows, yet unlike themselves,  
 Behind them; some like eaglets on the wing  
 Were lost in the white day; others like elves  
 Danced in a thousand unimagined shapes  
 Upon the sunny streams and grassy shelves;  
 And others sate chattering shrill like restless apes  
 On vulgar hands, \* \* \* \* \*  
 Some made a cradle of the ermined capes  
 Of kingly mantles; some across the tire  
 Of pontiffs rode, like demons; others played  
 Under the crown which girded with empire  
 A baby's or an idiot's brow, and made  
 Their nests in it. The old anatomies  
 Sate hatching their bare broods under the shade  
 Of demon wings, and laughed from their dead eyes  
 To reassume the delegated power,  
 Array'd in which those worms did monarchize,  
 Who make this earth their charnel. Others more  
 Humble, like falcons, sate upon the fist  
 Of common men, and round their heads did soar;  
 Or like small gnats and flies, as thick as mist  
 On evening marshes, thronged about the brow  
 Of lawyers, statesmen, priest and theorist;—  
 And others, like discoloured flakes of snow,  
 On fairest bosoms and the sunniest hair,  
 Fell, and were melted by the youthful glow  
 Which they extinguished \* \* \* \* \*

The marble brow of youth was cleft  
 With care ; and in those eyes where once hope shone  
 Desire, even like a lioness bereft  
 Of her last cub, glared ere it died ; each one  
 Of that great crowd sent forth incessantly  
 Those shadows, numerous as the dead leaves blown  
 In autumn evening from a poplar tree.  
 Each like himself, and like each other were  
 At first ; but some, distorted, seemed to be  
 Obscure clouds, moulded by the casual air ;  
 And of this stuff the car's creative ray  
 Wrapt all the busy phantoms that were there,  
 As the sun shapes the clouds, &c.

Any thing more filmy, enigmatical, discontinuous, unsubstantial than this, we have not seen ; nor yet more full of morbid genius and vivifying soul. We cannot help preferring *The Witch of Atlas* to *Alastor*, or *the Spirit of Solitude* ; for, though the purport of each is equally perplexing and undefined, (both being a sort of mental voyage through the unexplored regions of space and time), the execution of the one is much less dreary and lamentable than that of the other. In the 'Witch,' he has indulged his fancy more than his melancholy, and wanted in the felicity of embryo and crude conceits even to excess.

' And there lay Visions, swift, and sweet, and quaint,  
 Each in its thin sheath like a crysalis ;  
 Some eager to burst forth, some weak and faint  
 With the soft burthen of intensest bliss ;  
 ' And odours in a kind of aviary  
 Of ever-blooming Eden-trees she kept,  
 Clipt in a floating net, a love-sick Fairy  
 Had woven from dew-beams while the moon yet slept ;  
 As bats at the wired window of a dairy,  
 They beat their vans ; and each was an adept,  
 When loosed and missioned, making wings of winds,  
 To stir sweet thoughts or sad in destined minds.' p. 34.

We give the description of the progress of the 'Witch's' boat as a slight specimen of what we have said of Mr Shelley's involved style and imagery.

' And down the streams which clove those mountains vast,  
 Around their inland islets, and amid  
 The panther-peopled forests, whose shade cast  
 Darkness and odours, and a pleasure hid  
 In melancholy gloom, the pinnacle past :  
 By many a star-surrounded pyramid  
 Of icy crag cleaving the purple sky,  
 And caverns yawning round unfathomably.



- ‘ And down the earth-quaking cataracts which shiver  
 Their snow-like waters into golden air,  
 Or under chasms unfathomable ever  
 Sepulchre them, till in their rage they tear  
 A subterranean portal for the river,  
 It fled—the circling sunbows did upbear  
 Its fall down the hoar precipice of spray,  
 Lighting it far upon its lampless way.’

This we conceive to be the very height of wilful extravagance and mysticism. Indeed it is curious to remark every where the proneness to the marvellous and supernatural, in one who so resolutely set his face against every received mystery, and all traditional faith. Mr Shelley must have possessed, in spite of all his obnoxious and indiscreet scepticism, a large share of credulity and wondering curiosity in his composition, which he reserved from common use, and bestowed upon his own inventions and picturesque caricatures. To every other species of imposture or disguise he was inexorable; and indeed it is his only antipathy to established creeds and legitimate crowns that ever tears the veil from his *ideal* idolatries, and renders him clear and explicit. Indignation makes him pointed and intelligible enough, and breathes into his verse a spirit very different from his own boasted spirit of Love.

The *Letter to a Friend in London* shows the author in a pleasing and familiar, but somewhat prosaic light; and his *Prince Athanase, a Fragment*, is, we suspect, intended as a portrait of the writer. It is amiable, thoughtful, and not much over-charged. We had designed to give an extract, but from the apparently personal and doubtful interest attached to it, perhaps it had better be read altogether, or not at all. We rather choose to quote a part of the *Ode to Naples*, during her brief revolution,—in which immediate and strong local feelings have at once raised and pointed Mr Shelley's style, and ‘made of light-winged toys of feathered cupid,’ the flaming ministers of Wrath and Justice.

- ‘ Naples! thou Heart of men which ever pantest  
 Naked, beneath the lidless eye of heaven!  
 Elysian City which to calm enchantest  
 The mutinous air and sea: they round thee, even  
 As sleep round Love, are driven!  
 Metropolis of a ruined Paradise  
 Long lost, late won, and yet but half regained!

- ‘ What though Cimmerian Anarchs dare blaspheme  
 Freedom and thee! thy shield is as a mirror

To make their blind slaves see, and with fierce gleam  
To turn his hungry sword upon the wearer.

A new Acteon's error

Shall their's have been—devoured by their own hounds !

Be thou like the imperial Basilisk

Killing thy foe with unapparent wounds !

Gaze on oppression, till at that dead risk

Aghast she pass from the Earth's disk,

Fear not, but gaze—for freemen mightier grow,

And slaves more feeble, gazing on their foe ;

If Hope and Truth and Justice may avail,

Thou shalt be great—All hail !

.....

' Didst thou not start to hear Spain's thrilling pæan

From land to land—echoed solemnly,

Till silence became music ? From the Æean \*

To the cold Alps, eternal Italy

Starts to hear thine ! The Sea

Which paves the desert streets of Venice, laughs

In light and music ; widowed Genoa wan

By moonlight spells ancestral epitaphs,

Murmuring, where is Doria ? fair Milan,

Within whose veins long ran

The vipers † palysing venom, lifts her heel

To bruise his head. The signal and the seal

(If Hope and Truth and Justice can avail)

Art Thou of all these hopes.—O hail !

' Florence ! beneath the sun,

Of cities fairest one,

Blushes within her bower for Freedom's expectation ;

From eyes of quenchless hope

Rome tears the priestly cope,

As ruling once by power, so now by admiration,

An athlete stript to run

From a remoter station

For the high prize lost on Philippi's shore :—

As then Hope, Truth, and Justice did avail,

So now may Fraud and Wrong !—O hail !

' Hear ye the march as of the Earth-born Forms

Arrayed against the everliving Gods ?

The crash and darkness of a thousand storms

Bursting their inaccessible abodes

Of crags and thunder-clouds ?

---

\* Ææa, the island of Circe.

† The viper was the armorial device of the Visconti, tyrants of Milan.

See ye the banners blazoned to the day,  
 Inwrought with emblems of barbaric pride ?  
 Dissonant threats kill Silence far away,  
 The serene Heaven which wraps our Eden, wide  
     With iron light is dyed !  
 The Anarchs of the North lead forth their legions,  
     Like Chaos o'er creation, uncreating ;  
 An hundred tribes nourished on strange religions  
     And lawless slaveries,—down the aerial regions  
     Of the white Alps, desolating,  
     Famished wolves that bide no waiting,  
 Blotting the glowing footsteps of old glory,  
 Trampling our columned cities into dust,  
     Their dull and savage lust  
 On Beauty's corse to sickness satiating—  
 They come ! The fields they tread look black and hoary  
 With fire—from their red feet the streams run gory !  
     ' Great Spirit, deepest Love !  
     Which rulest and dost move  
 All things which live and are, within the Italian shore ;  
     Who spreadest heaven around it,  
     Whose woods, rocks, waves, surround it :  
 Who sittest in thy star, o'er Ocean's western floor,  
     Spirit of beauty ! at whose soft command  
     The sunbeams and the showers distil its foison  
     From the Earth's bosom chill ;  
 O bid those beams be each a blinding brand  
 Of lightning ! bid those showers be dews of poison !  
     Bid the Earth's plenty kill !  
     Bid thy bright heaven above,  
     Whilst light and darkness bound it,  
     Be their tomb who planned  
     To make it ours and thine !  
 Or with thine harmonising ardours fill  
 And raise thy sons, as o'er the prone horizon  
 Thy lamp feeds every twilight wave with fire—  
 Be man's high hope and unextinct desire  
 The instrument to work thy will divine !  
 Then clouds from sunbeams, antelopes from leopards,  
     And frowns and fears from Thee  
     Would not more swiftly flee  
 Than Celtic waves from the Ausonian shepherds.  
     Whatever, Spirit, from thy starry shrine  
     Thou yieldest or withholdest, O let be  
     This city of thy worship ever free !'

This Ode for Liberty, though somewhat turbid and overloaded in the diction, we regard as a fair specimen of Mr Shelley's highest powers—whose eager animation wanted only a



greater sternness and solidity to be sublime. The poem is dated *September 1820*. Such were then the author's aspirations. He lived to see the result,—and yet Earth does not roll its billows over the heads of its oppressors! The reader may like to contrast with this the milder strain of the following stanzas, addressed to the same city in a softer and more desponding mood.

‘ The sun is warm, the sky is clear,  
 The waves are dancing fast and bright,  
 Blue isles and snowy mountains wear  
 The purple noon's transparent light  
 Around its unexpanded buds;  
 Like many a voice of one delight,  
 The winds, the birds, the ocean floods,  
 The City's voice itself is soft, like Solitude's.  
 ‘ I see the Deep's untrampled floor  
 With green and purple seaweeds strown;  
 I see the waves upon the shore,  
 Like light dissolved in star-showers, thrown:  
 I sit upon the sands alone,  
 The lightning of the noon-tide ocean  
 Is flashing round me, and a tone  
 Arises from its measured motion,  
 How sweet! did any heart now share in my emotion.  
 ‘ Yet now despair itself is mild,  
 Even as the winds and waters are;  
 I could lie down like a tired child,  
 And weep away the life of care  
 Which I have borne and yet must bear,  
 Till death like sleep might steal on me,  
 And I might feel in the warm air  
 My cheek grow cold, and hear the sea  
 Breathe o'er my dying brain its last monotony.  
 ‘ Some might lament that I were cold,  
 As I, when this sweet day is gone,  
 Which my lost heart, too soon grown old,  
 Insults with this untimely moan;  
 They might lament—for I am one  
 Whom men love not,—and yet regret,  
 Unlike this day, which, when the sun  
 Shall on its stainless glory set,  
 Will linger, though enjoyed, like joy in memory yet.’

We pass on to some of Mr Shelley's smaller pieces and translations, which we think are in general excellent and highly interesting. His *Hymn of Pan* we do not consider equal to Mr Keats's sounding lines in the *Endymion*. His *Mont Blanc* is full of beauties and of defects; but it is akin to its subject, and presents a wild and gloomy desolation. GINEVRA,

a fragment founded on a story in the first volume of the "*Florentine Observer*," is like a troublous dream, disjointed, painful, oppressive, or like a leaden cloud, from which the big tears fall, and the spirit of the poet mutters deep-toned thunder. We are too much subject to these voluntary inflictions, those 'moods of mind,' these effusions of 'weakness and melancholy,' in the perusal of modern poetry. It has shuffled off, no doubt, its old pedantry and formality; but has at the same time lost all shape or purpose, except that of giving vent to some morbid feeling of the moment. The writer thus discharges a fit of the spleen or a paradox, and expects the world to admire and be satisfied. We are no longer annoyed at seeing the luxuriant growth of nature and fancy clipped into arm-chairs and peacocks' tails; but there is danger of having its stately products choked with unchecked underwood, or weighed down with gloomy nightshade, or eaten up with personality, like ivy clinging round and eating into the sturdy oak! The *Dirge*, at the conclusion of this fragment, is an example of the manner in which this craving after novelty, this desire 'to elevate and surprise,' leads us to 'overstep the modesty of nature,' and the bounds of decorum.

'Ere the sun through heaven once more has roll'd,  
*The rats in her heart*  
*Will have made their nest,*  
 And the worms be alive in her golden hair,  
 While the spirit that guides the sun,  
 Sits throned in his flaming chair,  
 She shall sleep.'

The 'worms' in this stanza are the old and traditional appendages of the grave;—the 'rats' are new and unwelcome intruders; but a modern artist would rather shock, and be disgusting and extravagant, than produce no effect at all, or be charged with a want of genius and originality. In the unfinished scenes of Charles I., (a drama on which Mr Shelley was employed at his death) the radical humour of the author breaks forth, but 'in good set terms' and specious oratory. We regret that his premature fate has intercepted this addition to our historical drama. From the fragments before us, we are not sure that it would be fair to give any specimen.

The TRANSLATIONS from Euripides, Calderon, and Goethe in this Volume, will give great pleasure to the scholar and to the general reader. They are executed with equal fidelity and spirit. If the present publication contained only the two last pieces in it, the *Prologue in Heaven*, and the *May-day Night* of the Faust (the first of which Lord Leveson Gower has omitted, and the last abridged, in his very meritorious transla-

tion of that Poem), the intellectual world would receive it with an *All Hail!* We shall enrich our pages with a part of the *May-day Night*, which the Noble Poet has deemed untranslatable.

*Chorus of Witches.* The stubble is yellow, the corn is green,  
Now to the brocken the witches go;  
The mighty multitude here may be seen  
Gathering, witch and wizard, below.  
Sir Urean is sitting aloft in the air;  
Hey over stock! and hey over stone!  
'Twixt witches and incubi, what shall be done?  
Tell it who dare! tell it who dare!

*A Voice.* Upon a sow-swine, whose farrows were nine,  
Old Baubo rideth alone.

*Chorus.* Honour her to whom honour is due,  
Old mother Baubo, honour to you!  
An able sow, with old Baubo upon her,  
Is worthy of glory, and worthy of honour!  
The legion of witches is coming behind,  
Darkening the night, and outspeeding the wind.

*A Voice.* Which way comest thou?

*A Voice.* Over Ilsestein;  
The owl was awake in the white moonshine;  
I saw her at rest in her downy nest,  
And she stared at me with her broad, bright eye.

*Voices.* And you may now as well take your course on to Hell,  
Since you ride by so fast, on the headlong blast.

*A Voice.* She dropt poison upon me as I past.  
Here are the wounds—

*Chorus of Witches.* Come away! come along!  
The way is wide, the way is long,  
But what is that for a Bedlam throng?  
Stick with the prong, and scratch with the broom!  
The child in the cradle lies strangled at home,  
And the mother is clapping her hands—

*Semi-Chorus of Wizards I.* We glide in  
Like snails when the women are all away;  
And from a house once given over to sin  
Woman has a thousand steps to stray.

*Semi-Chorus II.* A thousand steps must a woman take,  
Where a man but a single spring will make.

*Voices above.* Come with us, come with us, from Felunsee.

*Voices below.* With what joy would we fly, through the upper sky!  
We are washed, we are 'nointed, stark naked are we:  
But our toil and our pain is forever in vain.

*Both Chorusses.* The wind is still, the stars are fled,  
The melancholy moon is dead;  
The magic notes, like spark on spark,



Drizzle, whistling, through the dark.

Come away !

*Voices below.* Stay, oh stay !

*Meph.* What thronging, dashing, raging, rustling ;  
What whispering, babbling, hissing, bustling ;  
What glimmering, spurting, stinking, burning,  
As Heaven and Earth were overturning.  
There is a true witch-element about us.  
Take hold on me, or we shall be divided—  
Where are you?

*Faust (from a distance.)* Here.

*Meph.* What !

I must exert my authority in the house.  
Place for young Voland ! Pray make way, good people ?  
Take hold on me, Doctor, and with one step  
Let us escape from this unpleasant crowd :  
They are too mad for people of my sort.  
I see young witches naked there, and old ones  
Wisely attired with greater decency.  
Be guided now by me, and you shall buy  
A pound of pleasure with a drachm of trouble.  
I hear them tune their instruments—one must  
Get used to this damned scraping. Come, I'll lead you  
Among them ; and what there you do and see  
As a fresh compact 'twixt us two shall be.  
How say you now ? This space is wide enough—  
Look forth, you cannot see the end of it—  
An hundred bonfires burn in rows, and they  
Who throng around them seem innumerable :  
Dancing and drinking, jabbering, making love,  
And cooking are at work. Now tell me, friend,  
What is there better in the world than this ?

*Faust.* In introducing us, do you assume  
The character of wizzard or of devil ?

*Meph.* In truth, I generally go about  
In strict incognito : and yet one likes  
To wear one's orders upon gala days.  
I have no ribbon at my knee ; but here  
At home, the cloven foot is honourable.  
See you that snail there ?—she comes creeping up,  
And with her feeling eyes hath smelt out something.  
I could not, if I would, mask myself here.  
Come now, we'll go about from fire to fire :  
I'll be the pimp and you shall be the lover.' p. 409.

The preternatural imagery in all this medley is, we confess, (comparatively speaking) meagre and monotonous ; but there is a squalid nudity, and a fiendish irony and scorn thrown over the whole, that is truly edifying. The scene presently after proceeds thus.

*Meph.* Why do you let that fair girl pass from you,  
Who sung so sweetly to you in the dance?

*Faust.* A red mouse in the middle of her singing  
Sprung from her mouth!

*Meph.* That was all right, my friend;  
Be it enough that the mouse was not grey.  
Do not disturb your hour of happiness  
With close consideration of such trifles.

*Faust.* Then saw I—

*Meph.* What?

*Faust.* Seest thou not a pale  
Fair girl, standing alone, far, far away?  
She drags herself now forward with slow steps,  
And seems as if she moved with shackled feet:  
I cannot overcome the thought that she  
Is like poor Margaret!

*Meph.* Let it be—pass on—  
No good can come of it—it is not well  
To meet it.—It is an enchanted phantom,  
A lifeless idol; with its numbing look  
It freezes up the blood of man; and they  
Who meet its ghastly stare are turned to stone,  
Like those who saw Medusa.

*Faust.* Oh, too true!  
Her eyes are like the eyes of a fresh corpse  
Which no beloved hand has closed, alas!  
That is the heart which Margaret yielded to me—  
Those are the lovely limbs which I enjoyed!

*Meph.* It is all magic, poor deluded fool;  
She looks to every one like his first love.

*Faust.* Oh, what delight! what woe! I cannot turn  
My looks from her sweet piteous countenance.  
How strangely does a single blood-red line,  
Not broader than the sharp edge of a knife,  
Adorn her lovely neck!

*Meph.* Aye, she can carry  
Her head under her arm upon occasion;  
Perseus has cut it off for her! These pleasures  
End in delusion!—

The latter part of the foregoing scene is to be found in both translations; but we prefer Mr Shelley's, if not for its elegance, for its simplicity and force. Lord Leveson Gower has given, at the end of his volume, a translation of Lessing's *Faust*, as having perhaps furnished the hint for the larger production. There is an old tragedy of our own, founded on the same tradition, by Marlowe, in which the author has treated the subject according to the spirit of poetry, and the learning of his age. He has not evaded the main incidents of the fable (it was not the

fashion of the dramatists of his day), nor sunk the chief character in glosses and episodes (however subtle or alluring), but has described Faustus's love of learning, his philosophic dreams and raptures, his religious horrors and melancholy fate, with appropriate gloom or gorgeousness of colouring. The character of the old enthusiastic inquirer after the philosopher's stone, and dealer with the Devil, is nearly lost sight of in the German play: its bold development forms the chief beauty and strength of the old English one. We shall not, we hope, be accused of wandering too far from the subject, if we conclude with some account of it in the words of a contemporary writer. 'The *Life and Death of Dr Faustus*, though an imperfect and unequal performance, is Marlowe's greatest work. Faustus himself is a rude sketch, but is a gigantic one. This character may be considered as a personification of the pride of will and eagerness of curiosity, sublimed beyond the reach of fear and remorse. He is hurried away, and, as it were, devoured by a tormenting desire to enlarge his knowledge to the utmost bounds of nature and art, and to extend his power with his knowledge. He would realize all the fictions of a lawless imagination, would solve the most subtle speculations of abstract reason; and for this purpose, sets at defiance all mortal consequences, and leagues himself with demoniacal power, with "fate and metaphysical aid." The idea of witchcraft and necromancy, once the dread of the vulgar, and the darling of the visionary recluse, seems to have had its origin in the restless tendency of the human mind, to conceive of, and aspire to, more than it can achieve by natural means; and in the obscure apprehension, that the gratification of this extravagant and unauthorized desire can only be attained by the sacrifice of all our ordinary hopes and better prospects, to the infernal agents that lend themselves to its accomplishment. Such is the foundation of the present story. Faustus, in his impatience to fulfil at once, and for a few short years, all the desires and conceptions of his soul, is willing to give in exchange his soul and body to the great enemy of mankind. Whatever he fancies, becomes by this means present to his sense: whatever he commands, is done. He calls back time past, and anticipates the future: the visions of antiquity pass before him, Babylon in all its glory, Paris and Cœnone: all the projects of philosophers, or creations of the poet, pay tribute at his feet: all the delights of fortune, of ambition, of pleasure and of learning, are centred in his person; and, from a short-lived dream of supreme felicity and drunken power, he sinks into an abyss of darkness and perdition. This is the alternative to which he submits;



‘ the bond which he signs with his blood ! As the outline of the character is grand and daring, the execution is abrupt and fearful. The thoughts are vast and irregular, and the style halts and staggers under them.’ \*

ART. XI. *L'Europe et l'Amerique en 1822 et 1823.* Par M. DE PRADT, Ancien Archevêque de Malines. 2 vols. 8vo. 1824.

WE are naturally led, on reading a title like this, to ask ourselves what is the design of the author. Are we to be favoured with a picture of the sciences, arts and commerce, of the two worlds? or of their laws and institutions? or with a sketch of their manners? or an account of the soil and climate of these two quarters of the globe? No such matter. M. de Pradt condescends to no such vulgar and narrow themes; and deals only with those great questions that divide mankind. In his first Chapter, he discusses, in a few pages, the subject of ‘human societies’—in the second, he throws a glance over the world, which occupies only six short pages. He then takes a more special, but still more hasty view of *Europe*, which is comprised in a few lines. He does not, however, rest satisfied with these distant prospects. After considering things in this general point of view, he proceeds to examine, in separate chapters, the different States of Europe and America: We have Russia and Guatimala, Prussia and Brazil, Chile and Austria. The smallest states have their chapter as well as the greatest, and Switzerland figures by the side of England. The most remarkable thing here is the total omission of France. On looking anxiously for his chapter on that country, with which he must of course be best acquainted, we were not a little surprised to find that M. de Pradt had left it out entirely! This portentous omission we shall endeavour in the sequel to supply.

Although M. de Pradt professes to treat of *Europe and America*, he really discusses only a few of the political principles by which he is pleased to suppose that these two Continents are respectively distinguished. These are, on the one hand, the views of the Holy Alliance, reduced to general maxims; and, on the other, the doctrines which place the foundation of Government in the will and interests of the People. The struggle of those principles, however, exists not only between the Continent of Europe and that of America, but also on the European Continent itself, between the Governments and a large

\* Lectures on the Dramatic Literature of the age of Elizabeth.

part of their population. What is to be the final result of that great struggle, it would be presumption perhaps to predict: but it cannot be without interest to collect and digest the facts, in past and present story, on which all rational anticipation must rest.

The only Governments which M. de Pradt considers as parts of the Holy Alliance, are those of Russia, Austria and Prussia. He assigns no reason for excluding from this Confederation the Governments of France, Naples, Spain, Portugal, and their dependencies; which seem to us, all of them, to be pursuing the same ends by the same means, in so far as they can command them. If there be any distinction at all, it consists only in the greater or less degree of violence which they are prepared to employ for the accomplishment of their ends.

What then are truly the views of the Holy Alliance, and what the means, by which they expect to obtain them? The answer, if given in detail, might assume something of a complicated appearance, because each Government has interests and means, in some measure peculiar to itself; but it may safely be stated in general, that each member of the Holy Alliance wishes to establish and to preserve within its own territory, Absolute Power by means of Military Force; though each state may not act on its neighbours, under the influence of the same immediate interests.

Nations, it should always be remembered, exercise on each other a very important influence, without intending, and almost without knowing that they do so. It is impossible that one nation should see another happier, freer and better governed than itself, without envying its condition, and aspiring after the same advantages. The mere existence therefore of a state enjoying prosperity and good government in the neighbourhood of others, who do not enjoy them, must operate as a perpetual incentive to reform, and, if necessary, to revolution. Either the happiness of the former must be destroyed therefore, or the latter must in some way or other rise to its level: And this, in one word, is the reason that liberty finds it so difficult to gain a footing on the European Continent, and despotism in America.

This tendency, however, which every government more or less despotic has, to surround itself with others more degraded than itself, and thus to secure itself from the influence of what it terms *bad example*, must at last meet with obstacles which are insurmountable. It is very true, that since the suppression of the Constitutional Government of Naples, the Austrian States of Italy have little reason to envy the Neapolitans; and the French have still less to envy the fortune of Spain, since France has undertaken the task of introducing *good order* into that unhappy



country. But if the members of the Holy Alliance wish really to destroy the influence of bad example, they must go a little farther. The same principle which led France to carry its arms into Spain, should lead Russia and Austria to adopt the same system with Germany and France. For there is still enough of liberty, even in these countries, to set a bad example to Austria and Russia—and it is still worse with England. The influence of the press is also a strong bond of union among nations; and until the despotic sovereigns of the Continent succeed in unteaching their subjects to read, they never can believe themselves secure from its operation, while England and America preserve their liberty.

The ultimate consequences of the Holy Alliance are likely, we think, to be very different from those which are contemplated either by its enemies or by its members; although at first sight, we admit, that they are big with alarm and danger. In despotic states, the fear of insurrection is, in truth, the only check upon the monarch and his deputies; and were this check once withdrawn, there is no excess to which they might not abandon themselves with impunity. Now, the Holy Alliance does seem, for the time, to secure its members from any apprehension of popular commotions. Each state requires only to have at hand a force sufficient to prevent surprise, and she may then bid defiance to insurrection; for she knows she is surrounded by an immense foreign army, ready to pour in upon her on the first signal. It is thus that Spain is kept in check by the armies of France; Italy by those of the House of Austria; Germany by the troops of Russia and Austria; while France herself is surrounded by all the armies of Europe; and the experience she has acquired must have taught her not rashly to provoke their hostility. Thus, each government, conscious of its security against the consequences of public discontent,—subject to no law,—consulting no opinion, and checked by no vain scruples of morality, may indulge its wishes without restraint. The king of Spain, restored to his power, may execute those whom he caressed the evening before;—the king of Portugal may banish his friends, and load with favours the men whom he denounced as public enemies; the King of France may proscribe those whom he has pardoned, and swear eternal fidelity to the Charter, and trample it under foot—once at least in every year; the King of Prussia, after exciting his subjects to resist a foreign yoke by the promise of a constitution, may shut up in his state-prisons any one who happens to have a more retentive memory than himself; and the Emperor of Austria may imprison, or put to death at his pleasure, those who have been convicted of attachment to their country.—All of them, in short, may,



with apparent impunity, violate their engagements, and, at the same time, accuse their subjects of treachery !

The new relations which the Holy Alliance has established among the Continental governments, have not only changed the ancient order of things, but altered the old meaning of words. A king, who obeys the general laws of society, and respects, either through choice or necessity, the rules of justice, is *un roi esclave* ; but a king, who comes in the train of a foreign army, or mingles with a faction, which owes its triumph to military force, is *un roi libre* ;—as if the liberty of a king consisted only in his power of doing wrong ! To break an oath, which has been extorted by despotism, is *treason*—but to violate the oath which binds the monarch to govern according to the laws, is a noble assertion of *liberty*—even though the violator should be also the author of the laws !

The operations of the Holy Alliance are not confined to the suppression of popular movements. It is its object also to counteract every attempt on the part of any of its members to ameliorate the national institutions. The King of Naples, when surrounded by his brethren at the Congress, declares that the promises he had made to his subjects were intentionally false ; that he had sworn fidelity to the constitution, only to secure to himself the means of subverting it—that he had promised to the Neapolitans to attend the Congress, to avert the storm with which their liberties were threatened, but that, in fact, he came there only to invoke the assistance of an Austrian army to stifle them in blood. The king of Spain, who styled himself free in the midst of the Cortes, called himself equally free when placed by the French in the hands of his confessor and the army of the Faith—and retracted at once every thing he had asserted before. We do not pretend to determine which of these declarations—or whether any of them—was true : But we must be allowed to say, that had the constitution of Spain, of Portugal, and of Naples, been framed spontaneously by the sovereigns of these countries—had they really emanated, in the language of the Holy Allies, from the free grace of their monarchs,—they would not, on that account, have been less certainly overthrown by that apostolical brotherhood. We are quite willing to believe, that the Emperor of Austria has a great affection for the King of Naples ; that he feels a personal gratification in seeing him exercising an unlimited power over his subjects, and disposing at his pleasure of their persons and property. But we must be permitted to doubt whether he is influenced *merely* by fraternal regard when he marches his armies into the Neapolitan territory. These royal *penchants* are unknown, even in romance. The case is the same with regard to the invasion of Spain by the French.

We have no doubt that there exists a strong personal sympathy between Louis and his cousin of Spain, and that the French ministry are strongly attached to the government of Spain and the soldiers of the Faith. But we cannot quite believe that Louis XVIII. and his ministers would have wasted men and money merely to restore to Ferdinand and his monkish associates the pleasures of arbitrary power?—to enable him, for example, to proscribe the Constitutionalists, and to hang Riego on a gallows sixty feet high?—No. The real object of Austria and the Holy Alliance in overturning the Constitutional government of Naples, and restoring arbitrary power, was to destroy what they term '*moral contagion*;'—to withdraw from the other Italian States, the dangerous spectacle of a more just and protecting government. Had the constitution of Naples continued to exist, they felt that the rest of Italy must either have shaken off the yoke of Austria, or obtained from it a similar constitution. In the same way, the object of the French ministry, and of the Holy Alliance, in making war on Spain, was to put a stop to another of these sources of *moral contagion*, and to save France from the *demoralizing* influence of a National Assembly, which ventured to think for itself, and to consult the interests of its country.

It was of no consequence, in this question, whether the Kings of Spain and of Naples had acted freely and voluntarily, or not. Had the constitutions of these countries emanated from their sovereigns and their ministers alone, would this have in any way affected the existence of the *moral contagion* which was dreaded by the Holy Alliance? Could it have prevented the unreformed governments from becoming unpopular by the contrast, or lessened the disposition of their subjects to amend them? On the contrary, its effects must have been to increase these tendencies, by increasing their confidence in the sincerity of the new governments. The wars against Spain and Naples then would have equally taken place, had the constitutions of these states been framed by their kings. The Holy Alliance would still have declared, without hesitation, that these monarchs had not been *free*; and, in order to restore them to liberty, would have placed them in the hands of military keepers of their own. The consequence to be drawn from this is indeed a fearful one,—that every member of the Holy Alliance is perfectly at liberty to destroy the laws of his country, if they are good; but that no one can venture to ameliorate them, however wretched they may be. The Prussian government, for instance, may destroy the few good laws that are still to be found in that kingdom; but the first attempt to grant to its subjects the long promised constitution, would be the signal for the immediate advance of the armies of the Holy Alliance, to



break the fetters which government had voluntarily agreed to wear. And thus the progress of civilization on the Continent must ultimately be determined by the condition of the rudest and most barbarous of its communities, and every thing brought at last to the level of Russia, of Austria, of Hungary, and of conquered and corrupted Poland !

The Holy Alliance, while it thus links governments more closely together, does all it can to separate and keep asunder their subjects, and to keep every nation in the dark as to the true sentiments and condition of every other. By the help of alien bills and passports, no person can travel or remain in any state without the express permission of its rulers. The subjects of every monarch are marked, like cattle, with their master's mark ; and these masters have agreed to stop and deliver up any runaways that may be found on their premises. More than one Englishman has already been prevented from visiting France, because his political opinions happened to differ from those of the Vicompte de Chateaubriand. We have lately seen an exquisite specimen of the style in which political excommunications are now issued by the head of the Holy brotherhood ; and the truth is, that there are states in Europe where a traveller is even less secure than among savages ; unless he be protected by that happy ignorance or apathy to which the pious confederates are labouring to reduce their subjects, and which the Emperor of Austria so warmly recommends to his academicians.

But it is in their commercial relations, that this national separation begins chiefly to be felt, and threatens daily to become more sensible. The Holy Alliance has not been entered into for mere vanity ; nor is the possession of absolute power coveted for purposes of ostentation. It professes, indeed, to act in the name of the *Holy Trinity* ; and every step it takes is in obedience to the *decrees of Providence* ;—but when we look beyond this mystical jargon, we perceive that its object is of a less spiritual nature. The budget is still the chief consideration. Money is still the master-spirit that puts in motion the diplomatists of the Congress—the generals that march to the destruction of Spain, the disinterested Champions of the Faith, and the ministers who mount the *tribune* to deliver homilies in the style of Atala. To make the revenue as large as possible, and to pocket as much of it as possible, is the universal principle of action. The French Ultras triumphed over Spain ; and the first speech they made to their master was simply this, ‘ Sire, le clergé demande de l’argent ; et la fidélité vous prie de ne pas oublier que vous lui en avez promi. ’ \*

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\* Address of the Chamber of Deputies.



The Holy Alliance, then, must have money—and they must have much money. For this purpose taxes are necessary; and these taxes have, all over the Continent at least, had the effect of diminishing the commercial intercourse with other nations. Since taxes have multiplied in France, for instance, the French Government has been obliged to impose importation duties on foreign articles, so heavy, as almost to amount to a prohibition. And thus, while the progress of political economy should convince nations that they are mutually interested in exchanging their commodities, and that all prohibitory laws must sooner or later be fatal to commerce; the wasteful expenditure of governments, and their ignorant exactions, place a barrier between the nations of Europe, and tend to render every kind of commercial intercourse impossible.

The most alarming consideration, however, of all, is, that the Force which the Holy Alliance is enabled to wield, would seem to render its operation irresistible and eternal. According to the calculation of M. de Pradt, the governments of Austria, Prussia and Russia, have at least *fifteen hundred thousand* troops at their disposal; and if we add to this number about 300,000, which France can command, together with the supplies from the smaller States, which follow in the rear of the great—if we consider, that in none of the Continental States do there exist any institutions by which the action of this power can be controlled—that in all of them the governments direct arbitrarily the course of general education—and that the clergy uniformly cooperate with the government, and give the sanctions of religion to the maxims of despotism—we shall indeed be struck with terror at the colossal power which is thus arrayed on the side of tyranny, and the absolute helplessness of those who are its victims; and can hardly help fearing that Europe is destined to follow the example of Asia, and to become the prey of a few despots and their satellites.

‘Rome,’ says M. de Pradt, ‘dirigea le monde du haut de son char de victoire; pendant vingt ans, Charles Quint tint bien haut les *renes* de l’Europe; Louis XIV. à la fleur de l’âge, au faite de la renommée, voulut saisir la direction de son tems: Il fut repoussé; sa domination retomba sur la civilisation, qu’en effet il a beaucoup avancé. Napoleon a joui incontestablement de ce pouvoir dirigeant; et à exercé du haut de ses huit cents mille baïonnettes, et des prestiges de son génie; pendant quatorze ans toute l’occupation fut de la suivre ou de l’arrêter. Le siège de la direction est déplacé aujourd’hui; et comme le monde a toujours cédé à la supériorité constatée de la puissance, elle reside maintenant dans le pouvoir qui reunit quinze cents mille baïonnettes,—et par conséquent, dans les trois puissances (la Russie, l’Autriche et la Prusse) qui disposent de cette

masse moule de forces ; car l'est la plus grande collection de forces humaines que le monde ait encore vue—les forces ne devant pas être comptées par le nombre seul, mais de plus par leur qualité, et à ce dernier egard rien ne manque a celles des trois puissances qui forment le fond de la Sainte Alliance, et qui sont les seules dont je traite dans cet article. . . . Les trois puissances comptent plus de quatre vingt millions de sujets ; chez elles, le principe du gouvernement est *absolu*, le mode *militaire* ; les hommes sont guerriers, expérimentés, desponiblés a toute heure ; l'administration pourvue de ressorts, ferme et bien disposée pour l'action ; l'obeissance passée en habitude, de toutes les choses la plus favourable aux gouvernements.'

We quote, and we state these things, however, rather to show that we are aware of the dangers to which liberty is exposed, than to inspire any doubt of her ultimate triumph. The grounds of our confidence in her cause we have recently explained at some length, in our observations on the present policy and future fate of arbitrary governments ; \* and we shall not now resume them. The sum is, that knowledge is indestructible, and that liberty is inseparable from knowledge ; and that all the interests which support the cause of tyranny must gradually wear away, while those which point to freedom must increase, in the progress of civilization. The Holy Allies themselves have an instinctive and painful sense of this great truth ;—and have banded together accordingly, much more from a sense of their weakness than from the pride of their strength. What, indeed, is their alliance, but *a contract of mutual assurance* against great and imminent perils ?—what else the true meaning of their atrocious engagements, when reduced to plain language ? It is worth while to look a little at this,—that we may the better feel both the enormity of their pretensions, and the impossibility of their permanent success. Had this celebrated contract, instead of being framed by a Jesuit, been drawn up in explicit terms by a notary, it must have run pretty much as follows. ' We, the parties hereto subscribing, legitimate Sovereigns and absolute masters of our respective kingdoms, Considering that the people of all countries have a diseased appetite for freedom, and are sometimes bold enough to revolt against the commands of their masters,—and that, in consequence of this evil propensity, it has happened more than once that certain kings have lost their crowns, and been deprived of their legitimate possessions ; that the house of Tarquin, for example, was driven from Rome on certain frivolous



pretences, thereby occasioning an anarchy of several centuries; and that, even after the restoration of legitimate order by the Cæsars, this spirit of insubordination still continued to manifest itself, to the great injury and damage of Nero, Otho, Vitellius, and sundry other lawful sovereigns. Considering also, that, in modern times, examples no less fatal have occurred; that the English have banished the house of Stuart, for no better reason, than that a prince of that family, in the exercise of his undoubted rights, proposed to compel his people to think as he did, and to give up to his disposal their persons and property; which treasonable conduct, on the part of the English, was aggravated by the circumstance, that the said prince, in the plenitude of his goodness, did admit that he was responsible to God for the exercise of his said legitimate power; that the House of Bourbon in the same manner fell a victim, more lately, to the spirit of rebellion, and might have forfeited for ever its legitimate authority, had it not been twice replaced on the throne by the bayonets of the allied armies. Considering, farther, that it has for some time past been treasonably published and proclaimed, that the people are not the absolute property of their sovereigns, but are masters of their property, their persons, their consciences, and their industry, with other false and sophistical maxims of the same nature, dangerous to the security of all good government; and that the subjects of certain states have carried their audacious pretensions so far, as to demand certain deeds, called Constitutions, with the view of circumscribing the power of their august sovereigns:—We, the High Contracting Parties, have entered into a contract of mutual assurance against the insubordination of our subjects, to the effect, and of the tenor following, viz.

*Primo*, We hereby guarantee to each other the full and entire exercise of Absolute Power over our respective subjects; and if any of the parties shall not, at present, be in the possession of such power, the others hereby bind themselves to assist him in obtaining it.

*Secundo*, If it shall at any time happen that the people should show symptoms of revolt; either on account of their inability to pay taxes, or their refusal to conform to a religion which they believe to be false, or upon alleged invasion of their persons or property, or any other vain and frivolous pretext of the same kind, we, the High Contracting Parties, mutually engage to employ the whole of our joint forces to reduce and bring back the said subjects to their obedience, and to reestablish their sovereign in the full exercise of his absolute and legitimate rights.



‘*Tertio*, If, for any of the reasons above mentioned, or any other reasons whatever, any people shall demand from their Sovereign, under the name of Constitution, any political organization capable of limiting the powers of the king or his ministers, the high contracting parties engage to, assist the prince so situated, to deliver him from all compulsion, and to furnish him with such a force as shall enable him to proscribe all malecontents, to confiscate their property, and to put to death all those with whom he may be dissatisfied, especially if they pretend to have assisted him in his distress, or to have received from him oaths and assurances of gratitude and friendship.

‘*Quarto*, Each of the high contracting parties binds himself to the rest to maintain absolute power in its full vigour within his own dominions: and should any one or more of the said parties be prevailed on to limit his power by laws or constitutions, the others hereby engage, instantly to declare him enslaved, and—with or without his consent—to deliver him from bondage as soon as possible.

‘*Quinto*, Each of the high contracting parties engages to support a sufficient army for the assistance of all kings in distress, who feel themselves trammelled in the exercise of their legitimate power, by the fetters of a Constitution.’

Such in substance is the deed, which has received the name of the *Holy Alliance*, and which its authors have placed under the protection of the *Holy Trinity*! It amounts plainly to an unconditional engagement on the part of the Continental Sovereigns, to assist each other against their subjects in every event, and whatever may have been the cause of revolt—since there is no tribunal to judge between the prince and the people. But is it possible that such a compact should be lasting? or that the result of a contest between NATIONS and rulers should long be doubtful? In their first exultation over the completed scheme, and, while still profiting by the reasonable union into which they were driven by their fears of Napoleon, their designs may appear practicable, and may even be attended with some success. But in the nature of things this combination cannot be permanent; and is even likely, we think, to precipitate those very changes which it was devised to prevent.

In addition to the discontents that spring naturally from oppression and misgovernment, it is plain that, by this system, there will be added, in every country, the still fiercer and more ungovernable discontent which arises from the impatience of foreign interference, and the intolerable indignity of being dragooned into slavery on their own soil, by strangers whom they detest and de-

spise. Even the sovereigns who retain, along with their love of power, the least spark of that pride and national partiality which often attends it, must share in this feeling, and come at last to disdain being indebted for their authority to the arms and the insolence of strangers. It is obvious too, that though there is a fine appearance of cordiality among those new allies, in this their honey moon of endearment, causes of disunion and quarrel will inevitably arise in no long time, from those very principles of unjust aggression and uncontrolled self-will, in which they now abet each other. And what then will be the condition of those unhappy princes, who, from an undue love of power, have thrown away the only safe or natural means of maintaining it? How many base compliances and painful sacrifices must they submit to, at the hands of those who can plausibly reproach them with having saved them from the merited resentment of their subjects? or with what hopes can they at last appeal to that injured people, whom they had not only of themselves oppressed, but subjected to that last humiliation, of binding them in foreign shackles? Even while there is peace between the governments, there must be hostility between the nations,—and even between the native and the foreign troops, whose *joint* efforts are necessary to repress their discontent. This is already apparent in Spain, the first and the easiest experiment on which the Allies have ventured. If these things are done in the green leaf, what shall it be in the dry? Or, is it not obvious that tyrannical thrones, instead of being made more secure by this contrivance, will ultimately be exposed to a double measure of insecurity? In their natural state, the threat of foreign aggression tends to unite the rulers and the subjects, by their common feelings of national pride and antipathy. But now, the ruler is himself identified with the foreigners, and hated as their unnatural instigator against the honour and the rights of his people. Whenever their extraneous support is withdrawn, therefore, the government *must fall*; and, while the provocation to revolt is thus immeasurably increased, the sovereign is made absolutely dependent on the caprice and folly of an unprincipled ally.

It should never be forgotten either, that those armies, on which the whole system continually depends, are not—except perhaps in Russia—mere tools or machines, that must necessarily obey the hand that moves them. They too are men, and in some measure citizens; and must share in the lights that are growing all over the world. Their very interchange must hasten this illumination. The soldiers of Russia must become less instruments of *pure* despotism for their services in France and Ger-

many; and the more enlightened troops of these nations can scarcely return from a mission into more degraded regions, without being deeply impressed with the miseries and dangers of tyranny.

Accordingly, the Holy Allies themselves are plainly distrustful of the sufficiency of that force, by the magnitude of which the friends of liberty are so much disconcerted. This proceeds no doubt from their consciousness, both of the terrible force their proceedings are necessarily raising up to oppose it, and of the unsoundness of a great part of that which looks so formidable at a distance. Nothing indeed, we apprehend, is so fallacious as that appearance of stability by which those governments are now surrounded, or that air of contented submission which seems to hang over their subjects. They are all in truth rotten at the heart; and not to be relied on, even in those quarters in which their apparent strength is most imposing. They know this too well enough—and this is the key to their confederations and corruptions—their pitiful severities and contemptible alarms. M. De Pradt has disclosed something of this as to some of those powers—but he has said nothing of France—hitherto the most active and enterprising of the whole, and undoubtedly the most formidable for wealth, talent, and military genius. It is worth while, therefore, to consider a little in detail the true state of its present government, and the actual strength and security of that system, which seems, for the moment, to have triumphed over all opposition. In the course of this examination, we shall probably be able to explain the grounds on which we hold the Holy Alliance to be big with danger to its authors, more satisfactorily than by following out any farther the general observations in which we have hitherto been engaged.

Were we to judge of the inconstancy of the French nation, from the variety of governments to which it has been subjected since the Revolution, it would be difficult to speak of it in terms of sufficient reprobation. At one time, the enthusiastic admirers and defenders of American liberty,—at another, the partisans of a constitutional monarchy;—sometimes idolizing the brilliancy of a military despotism,—sometimes recalling the dreams of chivalry, and regretting its ancient aristocracy,—it seemed to receive, with equal delight, the Monarchical constitution of 1791,—the Directorial constitution of 1795,—the Military constitution of 1800—and the Charter of 1814. On the return of Buonaparte from Elba, in the month of May 1815, the Chamber of Representatives were *Liberals* to a man. When the Bourbons re-entered Paris, three months afterwards, they were all *Aristocrats*! At the elections of 1818 and 1819, none



but Liberals were returned. In 1824 the deputies were all *Ultrtras*.

After this, it may appear a little extravagant to say, that we believe that there has always existed, and does now exist, in the great body of the French nation, a pretty firm and unalterable adherence to those principles and opinions which the growing intelligence of the last century had been long maturing; and which broke out, perhaps under unfavourable circumstances, at the era of the Revolution. Yet such we believe to be the fact; and those who are best acquainted with the country, will be the readiest to agree with us. It is to be sure impossible, that in any nation there can exist an absolute unity of opinion. Every where there must be differences in fortune, in rank, in education, in religion, and, above all, in political opinion. If these differences exist even in the smallest societies, they must be peculiarly visible in a nation containing thirty millions of inhabitants, where the very languages of the different provinces are distinct, and the inhabitants of one can scarcely understand that of another. Every feeling, and every opinion which has been manifested during the last thirty-five years, continues, we believe, to exist pretty much to the same extent as ever in France; though the course of events has, at different times, brought different parties more prominently into view. The nation has always appeared to take a colour from the ruling party; but, under the name of the nation, these were, in reality, merely the adherents of the conquering party—the rest were compelled to be silent. Buonaparte, on his return from Elba, saw his palace surrounded by 10 or 12,000 men, who came there to join in his triumph, or to satisfy their curiosity. Three months afterwards the Bourbons were attended by a crowd of the same kind, ready to applaud their success, or anxious to see what sort of figure they made among the Allies who had brought them back from Ghent. But does this prove any inconsistency or fluctuation in national opinions? Not in the least. It shows only, that in a city containing 6 or 700,000 inhabitants, there are some who are adherents of Buonaparte, some who are attached to the Bourbons, some who are amused by any spectacle, and some who are ready to sell their applauses to the highest bidder. But no one of these, we conceive, are entitled to stand for the nation.

In France, we should never forget that the state of the community has always been very different from that of England. When their Revolution took place, all popular institutions had long been swept away by the usurpations of the Crown. There were no municipal administrations—no popular elections—no kind

of deliberative assembly—nothing but a few corporations, without unity or connexion, fit only to impose additional fetters on industry, and which the people were ready to abolish as soon as they had the power. This total want of political institutions produced a corresponding absence of all constitutional habits. The first assembly was therefore obliged to organize every thing—from the municipality of the smallest village to the powers of the sovereign and his ministers; and it is true enough, that they were disposed to use this power so as to insure the triumph of the particular opinions they entertained; and their example has been followed by every government which has succeeded it for the space of 30 years. Each has made its arrangements according to its own peculiar views, and brought into power the men who appeared most favourable to its designs. But the popularity, and consequently the stability of government, is never to be judged of by the sentiments of those who conduct it, either in the executive departments, or in the legislative assemblies; but by one or other of those criteria—1st, by the degree of influence which *the people* are allowed to possess in elections—which may be called the theoretical test; and, 2d, the usual or uniform result of political dissensions, when the aid of foreign troops has not been called in to settle the dispute—which is the test of practice. Circumstances may concur to throw doubt upon the indications of either of these tests, taken separately—but where they coincide, and especially for any considerable period of time, the conclusion may be taken as infallible.

Were we to estimate the strength of the ruling party in France, from the number of its adherents who hold office, or sit in the legislative bodies, we should suppose it to be immense. If, on the contrary, we judge of it by past events, by the numbers of its avowed opponents, and by the efforts which it is compelled to make to preserve its ascendancy, we should soon be convinced that its weakness is really extreme, and that the fabric of government is liable to be overthrown by the slightest accident. Many people are inclined to believe, that it is to the Revolution that the overthrow of the aristocracy, and the minute division of landed property, are to be ascribed; but nothing can be more erroneous. It was not the philosophers nor the Jacobins that destroyed the power of the nobility; it was legitimate kings and their ministers, Louis XIII. and XIV., Cardinal Richelieu and their successors. In 1789, the true aristocratic influence was already extinct; the Constituent Assembly merely proclaimed its fall; and abolished the name, when the thing itself had ceased to exist. The slender remnant of aristocracy, the possessors of names once potent,



were so sensible of their helplessness, that they made no attempt to resist the torrent. Some, whose talents and virtues gave them an influence independent of their rank, at once declared for the new order of things; others submitted in silence, or sought refuge in the ranks of foreign armies—but none attempted opposition. France had afterwards to sustain a war of twenty-five years; but in all her vicissitudes of victory and defeat, the party which is now the ruling one, remained unnoticed,—or was known only as the tool of foreigners, and following in the wake of their armies.

A Deputy of the opposition has said, that the Bourbons were received with distrust by the French nation in 1814; but this, we think, is a mistake. The members of the old National Assemblies—the possessors of national property, who remembered the old regime, might perhaps feel some distrust; but the bulk of the nation, those who had taken no leading part in the early events of the Revolution, and those whose recollections did not extend forty years back, were certainly influenced by no such feelings. The former had forgotten the Bourbons entirely; the latter had never known them. It was a singular spectacle to see, on the first restoration, some of the old partisans of the family labouring to excite the enthusiasm of the people for their ancient masters; and to mark the *naïveté* and indifference with which men of thirty and thirty-five years of age asked them—‘Who is Louis XVIII.? Who is the Count d’Artois? Are they near relations of Louis XVI.? Are they married? Have they children? Whence do they come? What did they do during the Revolution?’—and similar questions, which showed at once how completely they had forgotten the old dynasty, and with what indifference they witnessed its restoration. But this forgetfulness had one good effect—it induced many to give credit to the first promises made by Government. This credulity, which is inherent in every people among whom principle is respected, and the oppression which the nation had experienced during the last years of the Imperial Government, even gave the Bourbons a temporary popularity.

But the Holy Alliance was not then in existence; and the Northern Monarchs, on their entry into Paris, had declared themselves favourable to the liberty of the people. The faction which now engrosses power, and appears so formidable, was still unnoticed. In the Chamber of Deputies it had no influence; and its existence was indicated only by private intrigues—by secret menaces against the members of the first Legislative Assembly, and the possessors of the national property—and by the declamatory invectives of a contemptible



journal. The Court, however, was secretly promoting the views of this party—weeding out by degrees from the army the old generals who possessed the confidence of the soldiers, and replacing them by emigrants who had fought in the ranks of the enemy, or the leaders of those bands which, during the Revolution, were known by the name of *Chouans*. It was in these circumstances that Buonaparte reappeared on the coast of France, and rallied around him the peasants who trembled for their property under the Bourbon government—the workmen whose industry had been stimulated by the effect of restrictive commercial laws—and the soldiers who were sent to oppose him.

Where were the partisans of the old regime at this critical moment?—the men who conceive that they form an aristocracy, because they advance magnificent pretensions, and look with contempt on knowledge? Did they fly to arms? Did they rally round them their dependents and vassals—the cultivators of their estates—or even their servants? No, they all sought safety in flight; and yet on this occasion they had no reason to dread the fury of a popular insurrection. The great body of the nation, the merchants, the men of property and intelligence, witnessed the return of Buonaparte, not with joy, but terror. Even the peasants, while they rose in some departments, threatened no one with outrage. Why then did these devoted adherents of legitimate monarchy, who are now said to form the mass of the nation, surrender the cause without striking a blow in its defence? How was it possible that a Government, which had at its disposal a revenue of nearly a thousand millions of francs, which possessed the exclusive appointment to offices, and the unlimited direction of the Journals, and every means by which public opinion is influenced, should be overturned without a drop of bloodshed? It was, as it could be, only because its supporters were utterly contemptible, and incapable of resistance. The greater part of this pretended aristocracy had done nothing but talk of their wretchedness since the return of the Bourbons. They were represented by their organ, the *Vicomte de Chateaubriand*, ‘se rechauffant aux rayons du soleil de leur patrie, comme des mendiants Espagnols, — seul bien que leur eut procuré la restauration de la dynastie legitime.’ But misery is seldom a strong principle of devotion in any country, particularly when it is coupled with insolent pretension.

Finding the support of their nobility hopeless, and deserted by the army, the Bourbons looked elsewhere for assistance. The twelve legions of the National Guard of Paris, amounting to about 30,000 men, were assembled in their quarters;

and the Comte d'Artois was deputed to make a last appeal to their feelings in favour of the legitimate monarchy. He traversed their ranks accordingly, followed by his aides-de-camp, and loudly invoked the assistance of the men who had long been devoted to his family. His efforts were unavailing. The Guards preserved a mournful silence, and continued immovable. Only four or five individuals stepped forward from the ranks—and instantly stepped back again, as if ashamed of the insignificance of their number! At Lyons a similar experiment was made, with no better success. The Count d'Artois, on that occasion, was deserted even by his suite, and would have returned alone to Paris, but for the devotion of a single gendarme, who disdained to leave him in that situation—and who soon afterwards received from Buonaparte the star of the Legion of Honour for this piece of courageous fidelity. All were not equally indifferent, it is true. Some pupils of the Ecole de Droit took arms—the Deputies and opposition writers did what they could to prop the falling cause: but all was unavailing. The grandees, who had been created by the Abbé de Montesquieu some months before, to form a Chamber of Peers, quietly retired from their seats; and one of them, who had been an uniform supporter of the measures of Government, remarked on his retreat—'*Il était évident que cela devait arriver; depuis leur retour, ces gens la n'ont fait que de sottises.*'

At last the battle of Waterloo brought into Paris the English, Belgian, Dutch, and Prussian troops;—the armies of Austria came up, though tardily, from the East—that of Spain from the South; all the troops of Europe, in a word, (not even excepting those of Switzerland), poured in upon France. In the rear of these armies came again the monarchy-men,—eager for vengeance and for plunder—and ready to throw themselves on France as on a prey which Europe had given them to devour. Those who had not fled, then peeped from their hiding-places. Their wives and daughters were seen mingling with the invading armies; affectionately pressing hands still red with the blood of their countrymen, and blending their cries of joy with the thunder of the mines, which announced the destruction of the public monuments. \*

The Chamber of Deputies, which existed at the flight of the Bourbons, was now dissolved, as too moderate; and the ruling faction, which had already made itself master of all public employments, formed a Chamber which has acquired a disgraceful

\* One of the handsomest bridges in Paris was mined by the Prussians, and only saved, it is said, by the interference of the Duke of Wellington.



celebrity in France, under the title of the Chamber of 1815. This Assembly, in which the whole force of the opposition was reduced to three or four members who were not allowed to speak, distinguished itself only by its proscriptions,—which it was pleased to term *amnesties*—by some absurd and atrocious laws, which government was afterwards obliged to repeal, and by the formation of projects which it never found time to execute. The faction, so lately unheard of, now appeared omnipotent. It encountered no opposition, within the walls of the Chamber, nor without. But, to show on how unsubstantial a foundation its power actually rested, it is only necessary to add, that as soon as it threatened the life of a favourite, who had recently been elevated to the ministry, it sunk at once, and was annihilated by the dissolution of the Chamber. This terrible aristocracy, that seemed to rule with a rod of iron one of the greatest of the Continental nations, and to overturn at its pleasure any party that professed principles different from its own, was dissipated like smoke by the breath of M. Decazes! Another and a more complaisant Chamber succeeded it; for it was, in substance, chosen by the minister himself,—the prefects having been authorized by an ordonnance to choose the electoral bodies as they should see proper.

The fall of the Imperial dynasty had left France still unprovided with any political institutions. Every thing had been organized to suit the action of a military despotism. In 1817, the more intelligent friends of the Bourbon family, convinced that this dynasty could not subsist without the support of some mixture of popular and aristocratical establishments, framed an election law, conferring the right of voting on every citizen above 30 years of age, who paid taxes to the amount of 300 francs. This law was certainly not democratical; but, on the contrary, decidedly aristocratical in its principle; since it limited the elective franchise to about 90,000 individuals, out of a population of about thirty millions. Thus, only one individual out of every 350 had the right of voting; and even that was fettered by certain qualifications. The vote could be given only in favour of a person at least 40 years of age, and paying 1000 francs of direct taxes. This system excluded from all influence and participation in public affairs the great body of the nation, and many even of the more enlightened classes of society, men of small landed property, capitalists, annuitants, physicians, lawyers, and men of letters. But still it called into action a fair proportion of the intelligence and independence of the nation. In the large commercial towns, it led to the choice of men of extensive influence, from their industry or their capital; in the agricultural departments, to that of great land-



ed proprietors; and in towns possessing universities and literary institutions, of distinguished advocates and men of letters. To speak correctly, the members elected formed generally the true aristocracy of the class to which they belonged. A Chamber thus elected might naturally be supposed to be equally free from democratic extravagance and ministerial servility.

But while France was thus approximating towards a legal government, and while order was gradually reestablishing itself within its bosom, the Holy Alliance was proscribing all popular institutions, and watching with jealousy the progress the nations were making towards liberty. The favourite minister, who, in order to save himself, had obtained the dissolution of the Chamber of 1815, began to find that the law of 1817 did not furnish him with deputies sufficiently complaisant. He was annoyed also by the liberty of the press; for it laughed at his inefficiency, and exposed his little intrigues; so that he was perfectly disposed to revive the old system of arbitrary government whenever the opportunity should occur. And the opportunity soon presented itself. A congress was summoned: the Holy Alliance levelled its whole force against the institutions of Germany, and particularly those connected with the liberty of the press and the Universities. As to France, the task of restoring arbitrary power was intrusted to the government itself, and to the faction which had been dispersed by the ordonnance of the 5th September 1816; and, under the auspices of the modern Amphictyons, they proceeded boldly with the work. Three laws were proposed at once; the first destroyed the liberty of the press, the second the liberty of the subject, and the third secured the two others, by repealing the election law of 1817.

Public opinion was violently agitated by the discussions which took place relative to these laws; but it was the debate on the system of Election which peculiarly displayed the character of the faction which had repossessed itself of power, and the nature of the force which was opposed to it. Meetings, at first in small numbers, took place in different parts of Paris; these increased, as the discussion became more animated, till their numbers at last amounted to 25 or 30,000 men. But in all this immense multitude, scarcely a single individual belonging to the labouring classes was to be found. The whole of those who took a part in the discussions belonged to the upper and middle ranks of society; and consisted of men above 50 years of age. It may be fairly said, indeed, that they embraced all the intelligent and independent inhabitants of that great city. Beyond the walls of the Chamber, not a single voice was found to support the laws projected by the Holy Alliance. These assemblies were not dispersed by means of

the National Guard; the troops, which had shown symptoms of attachment to popular principles, were all marched out at night. The gendarmes and the dragoons were put in requisition. Artillery was placed in the principal squares of Paris—the opposition Deputies were publicly insulted by the royal body guard—some were even threatened with assassination; and by the employment of means like these, and a liberal allowance of bribery, the election laws were at length overturned, by a majority of *five* voices! And even this trifling majority would not have been obtained, had not two-fifths of the Chamber consisted of Deputies elected by the Colleges formed in virtue of a Royal ordonnance in 1816.

We shall not here mention the conspiracies, civil and military, and the partial insurrections which took place during this period; these, we admit, might have existed under a good government, and afford no fair index of the sentiments of the nation. We shall merely state one circumstance, which shows very plainly the idea which the ruling faction entertained of its own weakness. When the Italian Revolution took place, and had spread into Piedmont, the Chamber of Deputies in France was assembled. The news of the Revolution having reached Paris, M. Dudon, one of the most violent members of the *côté droit*, mounted the tribune, and declared in his own name and that of his honourable friends, that as, in all probability, they had now the honour of sitting *for the last time* among the Deputies of the nation, they thought themselves bound to state to the public the views by which they had been actuated. The solemnity of this *last speech* excited considerable amusement among the Deputies of the *côté gauche*; but the defeat of the Neapolitans by the Austrian armies, restored life to the expiring faction.

In order to form an idea of the existing state of France, and to appreciate the extent of the force which the Holy Alliance can really calculate on in that country, it was necessary to recapitulate thus shortly the circumstances which have brought France into her present situation, and placed power in the hands of the ruling party of the day. We have seen that this party has been a mere nothing whenever it has been brought into contact with the popular party, unsupported by the presence of foreign armies; that in fact there never was any thing *in France itself* that deserved the name of a struggle; that the civil war, as it was called, consisted merely in the efforts of a few poor peasants in La Vendee; and that on every occasion, where the right of election has been even partially free, the adherents of this party have been excluded almost entirely from



the Chamber of Representatives. It is evident, therefore, that it is only by the assistance of a foreign force—by means in short of the armies of the Holy Alliance, that this party has acquired, and is still enabled to maintain, its ascendancy. And it is equally evident, that the Holy Alliance, in turn, may dispose of the whole strength of the Ultra party in France.

The powers of Europe, united for their own security, overthrown the Imperial government in France—for the fall of its chief involved that of the men who were devoted to him. But while *men* were removed, *institutions* were left as they were; so that France, at the present day, is organized exactly as it was on the evening before the Allied armies entered Paris for the first time. Buonaparte had suited his administration to a state of things purely military; he had left to the people at large no kind of influence or real power; he nominated, by himself or his deputies, the candidates for every public employment; he possessed the unlimited controul of the instruction of youth, and the entire management of many trades and professions. The Bourbons received, and religiously preserved, this inheritance of the *usurper*; and the men who rule in their name, enjoy all the influence which this immense patronage can procure. They have also at their disposal the finances of the kingdom,—that is, the unlimited disposal of a revenue of about 1000 millions francs (about 40 millions Sterling.) They possess also the power of borrowing, which places at their disposal a large proportion of the capital of the richest states in Europe, not excepting England. Taxes or loans procure them soldiers even in foreign countries, and it is thus they keep in pay the Swiss regiments. They possess, besides, all the influence which the preaching of a large proportion of the Catholic clergy can still exert over the people—and that which arises from the instruction of youth, and the zeal of those who are attached to their party through conviction. These means, it must be admitted, are formidable; and the Holy Alliance may no doubt find in France important resources for the execution of its projects; But let us now see what is the strength of the opposing force by which they are counterbalanced.

According to the latest returns, the population of France amounts to about 30 millions. The number of *families* possessing landed property, or connected with agriculture, is about *four millions*, forming nearly *three-fourths* of the whole population, the other fourth being composed of workmen, or persons connected with commerce. Government looks on all the *petites proprietaires*, that is to say, the proprietors who are not in the class of electors, as its enemies; and out of four millions of



families, 3,920,000, are in this situation. Even of the remaining 80,000 proprietors who do possess the elective power, a large majority are considered as opposed to the government; and in order to overcome the resistance which the ministry met with from this part of the population, two plans have been resorted to. The first was to grant the power of nominating about one-half of the deputies, to a mere fraction of the people, amounting only to about 10,000 citizens. The nomination of the other half was intrusted, *apparently*, to the 80,000 electors created by the law of 1817; but in reality the ministry had reserved the whole substantial power to itself, by the privilege which it continued to exert over the formation of the electoral colleges. And after all—after granting the elective power to that class of the population which was believed to be most devoted to its interests—after making up the lists of electors in an arbitrary manner, government has been continually obliged to employ threats, violence, and every kind of fraud, to ensure the triumph of men, of whom it is alternately the tool and the protector. If the ruling party considers the great body of Proprietors as its enemies, it is equally disposed to distrust the Mercantile and Manufacturing classes. The cities of Lyons, of Rouen, of Strasbourg and of Paris, fill it with constant alarm; and it is only by the assistance of its Swiss regiments that it believes it possible to keep them in check.

This progress of opinion is owing to several causes, which we shall endeavour to state, because they show the mistakes of the ruling party, and the difficulty which it experiences in producing on the mind of the people an influence favourable to its views. It is a settled point with the adherents of this party, that the decline of the influence of the nobility and the Catholic clergy, and the Revolution itself, were all occasioned by the philosophical writers of the eighteenth century. Consequently, they banish, as much as possible, from the hands of youth, all these dangerous productions; and recommend to their perusal those of the preceding century, which they honour with the appellation of *classics*. This is now considered as a fine stroke of policy. They seem to imagine, that if an author has lived and written under a despotic government and a bigotted court, the perusal of his works is the likeliest thing in the world to inspire a taste for despotism and bigotry! Nothing, however, can be more ignorant or absurd than such an opinion. Does the ruling party really believe that the tragedies of Corneille, and the portraits he exhibits of Roman grandeur and independence, are likely to inspire the spectators with a love of despotism?—Or that the perusal of Pascal, and of the *Tartuffe*, will make

the Jesuits more popular?—Or that the *Marquises* and *Comptes* of Moliere will tend materially to raise the character of the ancient nobility? Among those who read nothing, we can understand such opinions; but how is it that the oracles of the party—the Chateaubriands, the Bonalds, and Ferrands, can be insensible to the danger of their friends? Do they not perceive that every work of thought and genius, down to the *Fables* of La Fontaine, is pregnant with dangerous opinions? Can they forget that the courtly Boileau has turned the monks into ridicule, and laughed at a nobility, which even then had fallen from its high estate? Do they not, in short, perceive that a government, anxious to restore to its original grandeur a fallen nobility, should be more cautious in claiming the admiration of the public for that monarch who himself laboured most effectually to degrade them? The writers of the eighteenth century may perhaps be dangerous to the party which calls itself aristocratic, but those of the seventeenth are in many respects still more so.

The monarchy men then would have gained little by this studious exclusion of the writers of the eighteenth century from the hands of youth, even if their efforts had been successful: But they have been far otherwise. Scarcely had the denunciations of the bishops against Voltaire and Rousseau appeared, ere the curiosity of the public and the interest of the booksellers were awakened. Men who knew little of the literature of the eighteenth century, immediately became anxious to know more of it, when a party, which it disliked, was incautious enough to proclaim that it considered it as dangerous. Those who were acquainted with it, but had for a long time paid no attention to it, became desirous of renewing their acquaintance. The demand for books of this sort increased so much, that from 1817 to 1823, the press produced more philosophical works than it had done for sixty years before. Not only were the philosophical essays of the writers of the last century republished separately, and at the lowest possible prices, but complete editions of their whole works appeared. Within these six years nine or ten complete editions of the works of Voltaire have been published, each extending to at least 2000 copies, without reckoning the partial editions of his historical, dramatic, and philosophic works. The monarchy men became convinced that the study of French History was dangerous to them; and, accordingly, it was forbidden to be taught, or even mentioned, in any summary of Education. But the only effect of the prohibition was to stimulate the interest of the public and the booksellers—and immediately writers of eminence began to present, in a new point of view, the history of their country. They even went farther; for after re-



publishing the writings of Mably, they published the original works from which their materials had been obtained. The Government, perceiving that, in spite of all their efforts, intelligence was gaining ground among men of mature age, then endeavoured to prevent as much as possible its operation on youth; and the notable plan they took was worthy of its object. They decided, that children placed in schools, and who were in the practice of spending Sundays with their relatives, should only be allowed to visit them once a fortnight, in order to save them from the contagion of such dangerous society.

The influence, then, which the ruling party possesses by its monopoly of education, is really less extensive than it appears to be: and, by the help of the booksellers, may be said to have recoiled on itself. The same remark is applicable to the influence of the Catholic Clergy. During those ages when industry had no existence, when the people were still in a semi-barbarous state, when every one was either an oppressor or oppressed, and when the property devolved on the eldest son to the exclusion of the rest, the Church was an admirable resource for a large part of the population. It offered to the weak a refuge from oppression; a subsistence to the younger sons of good families; and, to those who possessed the slender stock of information then current, the means of pursuing their favourite studies. In the same manner, when the Church had acquired great influence and riches, ecclesiastical offices might hold out inducements to men of rank or talents. But the Revolution has produced a remarkable and a permanent change in France;—the clergy no longer form a peculiar body in the state. The individuals that compose it, are now merely the pensioners of Government, and their allowances are not large enough to tempt their cupidity. The personal security of every other subject is now placed on the same footing with that of an ecclesiastic. The advancement of industry, the progress of the arts and sciences, hold out to men of good education and slender fortune many means of living. The motives, therefore, which formerly induced men to adopt the ecclesiastical profession no longer exist; while the condition of celibacy, which is still attached to it, prevents many from doing so who would otherwise have been inclined to it.

The consequence of these extensive changes has been, that at present the ecclesiastical profession is embraced by few but peasants and small farmers; and it is even a matter of some difficulty to find *curés* and *vicaires* for all the parishes. The Imperial administration, in order to fill its seminaries, was obliged to declare, that every one destined for the Church should be exempt



from conscriptions. This was at that time a privilege of some consequence, for it was granted to no other profession; and the young men who chose to procure exemption from military service by providing substitutes, were obliged to sacrifice ten or twelve thousand francs, and sometimes more. But the privilege cannot now be attended with the same effects, because the military profession is no longer attended with the same danger. The clergymen of the Catholic persuasion belong, therefore, in general, to the lower ranks of society. Their education is but indifferent, and they have no immediate connexion with persons of weight or authority. Their influence, therefore, is now in a great measure confined to the lower classes of society;—and there it is, no doubt, still sufficiently strong, in those departments where the want of occupation, and the misery which accompanies it, dispose the mind to receive and to retain any impression which is communicated to it. But in those countries where employment affords certain means of living, the inhabitants have no leisure for fanaticism. It may excite, perhaps, a momentary enthusiasm among a few, but the impression soon loses its force; the people resume their labours, and come speedily to think only of their own affairs.

The Army appears, no doubt, a more dangerous instrument; and the privileged bodies are really so. The army, however, even supposing it at this moment inclined to oppose every popular movement, is itself no inconsiderable source of danger to any one who wishes to enslave the population. In France there are no taxes for the support of the poor; and consequently there are scarcely any poor to be supported. In the large towns, beggars are, no doubt, to be found; but these are mostly infirm old people, and quite unfit for military service. Great armies, however, can never be raised with ease among a people who have other means of subsistence: and in the present state of its finances, it may be fairly considered as impossible for the French government to support such an army by voluntary enlistment. The Bourbons, on their arrival in France, promised to abolish the conscription; believing, no doubt, that they would find the people as they had left them, and that the beggars, whom the charity of the monks had created, would be still numerous enough to recruit their armies. Experience, however, has undeceived them,—and in order to obtain soldiers, they have been obliged to have recourse to a forced levy of 40,000 men every year. But to balance this, an equal number must have left the army at the expiration of their four years service, to mingle again with their fellow-citizens. It is not difficult to perceive the natural result of all this: At the end of a few years, there would be many more

soldiers in the body of the nation than in the ranks of Government; and were a popular movement to take place, the smaller number would not probably be the strongest. The ruling party has of late become sensible of this danger; but has hitherto been unable to counteract it.

It follows then, that the influence which they now exercise over the people, is entirely of a *material* kind: it is a physical force employed to separate and to hold in check the citizens. The party has been more than once overturned. And is there any reason to believe that its influence and real power are now more firmly rooted than at these different periods of the Revolution? Has any master-spirit since appeared on its side to turn the tide of public feeling in its favour? Vanity may perhaps induce some Ultra-orator, or some government writer, to ascribe such effects to his own labours; but he will be found, we believe, to monopolize the opinion. What has the government done during the ten years of its existence, which is likely to conciliate the favour of the people? Let us examine briefly the amount of its favours. 1. It has nearly doubled the amount of contributions which existed under the Imperial government. 2. It has increased the public debt three fourths. 3. It has allowed the ministers of the Catholic religion to perform their ceremonies out of church, even in those towns where a great part of the population consists of Protestants. 4. It has annulled the divorce laws, because the Catholic clergy chose to have it so. 5. It has increased the revenues of the clergy, and multiplied the number of bishopricks. 6. It has restored to the clergy the power of receiving gifts by testament, a privilege of which they had been deprived, to prevent families from being injured by the weakness of dying persons, and the influence of their confessors. 7. It has multiplied prohibitory laws, or raised the duties on importation so much, that they amount to a prohibition. 8. Lastly, It has made war on Spain. If we add to these the individual hardships which have resulted from particular measures,—the trials for supposed conspiracies which have taken place for five or six years,—the system of persecution which is still directed against the opposition deputies,—the imprisonments, banishments and capital punishments,—we shall see no reason to think that its popularity is on the increase.

It is indeed obviously impossible that a party, which has no hold on public opinion, which has been defeated in every struggle in which it has been engaged, and has never been able to regain its power but by the aid of foreign force, should, on its present

principles of government, continue long to govern. Should no peculiar accident happen to shake its power, the operation of time alone would be sufficient to destroy it. The men who suffered by the Revolution may naturally feel inclined to persecute those to whom they attribute their misfortunes, and to revenge themselves for the humiliation they experienced at their hands. But these vindictive feelings and these prejudices will not readily descend to the next generation. The Holy Alliance may calculate perhaps on the services of those whom it has restored to the throne; but it would be a great mistake to reckon on those of their descendants. The yoke which weighs so heavily on France and on Europe may be of long duration, if its length be estimated by the life of an individual; and the men who have fought in the cause of liberty might be thought to have laboured in vain, had their toils and their blood been expended with a view merely to their own personal advantage. But if the importance of events is to be estimated by the influence they are calculated to exert over the destinies of mankind—if the blood which has been shed, and the toils which have been endured, have been given to liberty, and not to interest,—even while we lament the evils which are inseparable from such a struggle, we feel the triumphant conviction that the interests of freedom have been advanced.

We have endeavoured particularly to show the state of France, because it is on the condition of this country that the existence of the Holy Alliance, and, consequently, the fate of neighbouring nations, seems mainly to depend. England may have assisted Russia, Austria and Prussia, in shaking off the yoke of Buonaparte; but should events place it in the power of Europe to break the fetters of the Holy Alliance, the armies and subsidies of England would never be employed in reuniting them.

We have lost sight of M. de Pradt; and now that we return to his work, we are sorry to observe that it is calculated to convey little that is new to any person of moderate information. The author, in fact, writes too much to write well. He does not give himself time to study and compare facts, to investigate their causes, or to follow out their consequences. He is also too fond of declamation, and addresses his readers too much as he may have done his parishioners. Such, for instance, is the opening of his first chapter.

‘Image du Createur, le plus accompli de ses ouvrages, toi dont la formation semble avoir epuise sa puissance, et rendu le repos necessaire à ton auteur; être immense dans la petitesse, merveilleux



dans la composition, sublime dans la destination, homme, quel contraste présentent ta formation et ta condition ici bas ! La terre est ton domaine, tout ce qui l'habite est soumis à tes lois ; dans cette chaîne immense d'êtres, qui croissant en force et en beauté, forment la décoration et la richesse de l'univers, tous semblent n'avoir reçu leurs attributs brillans, que pour l'en faire hommage ; la pensée conçoit, atteint, discerne tout . . . la main a le pouvoir de façonner tout. Une architecture semblable preside à la formation de tous ; chez tous de longs ruisseaux de pourpre circulent dans des canaux pareils, le soleil refléchit de même ces rayons dans l'œil de tous les hommes ;—en tous temps—en tous lieux—leur esprit s'ouvre aux mêmes connoissances et aux mêmes verités, &c. &c.

This may do very well in a sermon ; but it is certainly misplaced in a work which treats of the Holy Alliance and its 1,500,000 bayonets. His declamation is also in bad taste, because it is brought to support what is not true ; as we could easily prove, if it were worth while. M. de Pradt seems to have taken Rousseau for his model ; but an imitation which is limited to style is worth nothing. His work, however, contains some good chapters. He states very well, for instance, the progress which the people have made in intelligence, notwithstanding all the obstacles which have been opposed to them, and the services which philosophy has rendered to mankind, in spite of the persecutions it has undergone. He explains very satisfactorily, too, how the men whom he styles Liberals hold the same opinions without forming a party.

‘ Le liberalisme est un parti, comme l'air et la lumiere qui sont partout, qui influent surtout, sans plan, sans chef, sans direction commune, mais par leur nature propre. Le liberalisme etant une tendance vers les rectifications sociales doit agir comme les verités demontrées, comme lefont les choses intellectuelles et morales. C'est ainsi qu'il agit sur l'esprit humain. Quand on decouvrit la circulation du sang, la fixité du soleil, la mobilité de la terre, la verité nouvelle penetra dans un grand nombre d'esprits ; formaient-ils pour cela un parti ? Galilée etait-il un liberal ? Ses adversaires composés des anciennes ecoles et des possesseurs de pouvoir, formaient evidemment un parti ; mais les nouveaux convertis, ou nouveaux croyans, n'en formaient pas un, repandus comme ils etaient sur la surface de l'Europe, n'ayant ni centre d'action, ni d'autre liaison que celle de l'opinion. Ce qui se passa alors se renouvelle de nos jours ; de meilleures notions se forment sur l'ordre social, en tout pays, en toute condition ; elles ont pénétré, elles ont frappé les hommes par leur évidence ; ceux ci ont appris à comparer leur état avec celui des hommes qui vivent dans un autre ordre de sociabilité ; ils ont désiré s'associer au bonheur dont ils sont les semoins. Je vois la

une reunion de pensées, de vœux, de desirs ; mais je n'y vois rien de ce qui constitue un parti.'

We shall conclude by remarking, that M. de Pradt speaks of liberty like a person who understands its value ; and that, if he is liable to the charge of writing with too much precipitation, he cannot be accused of indifference for the cause which he has undertaken to defend.

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*No LXXXI. will be published in October.*