

THE
EDINBURGH REVIEW,
OR
CRITICAL JOURNAL:

FOR
APRIL 1825.... AUGUST 1825.

TO BE CONTINUED QUARTERLY.

JUDEX DAMNATUR CUM NOCENS ABSOLVITUR.

PUBLIUS SYRUS.

VOL. XLII.

EDINBURGH:

Printed by the Heirs of D. Willison,

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

1825.

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

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THE
EDINBURGH REVIEW,

APRIL, 1825.

N^o. LXXXIII.

ART. I. *A History of England, from the first Invasion of the Romans.* By JOHN LINGARD, D.D. Second Edition. 8vo. London, 1823.

DR LINGARD is already known to the world by several valuable publications. His Antiquities of the Anglo-Saxon Church display much research and erudition. His Reply to the Bishop of Gloucester (Dr Huntingford) is an able, temperate, and judicious vindication of the Catholic Church. His present work will not detract from the reputation he has acquired: and indeed the success it has already obtained, is a proof at once of its merits, and of the good taste and judgment of the public. It has deservedly placed him among the most eminent of our English historians.

To appreciate justly a work like this, would require a more minute and careful examination of its contents than we have now leisure to bestow upon them. Dr Lingard's book is the fruit of great industry, learning and acuteness, directed by no ordinary talents. It is written in a clear and agreeable manner. His periods are poised, and musical in their cadence, with a variety in their structure that pleases without palling on the ear. His style is nervous and concise, and never enfeebled by useless epithets, or encumbered with redundant, unmeaning phrases. If it be deficient in that happy negligence and apparent ease of expression,—it want 'those careless, inimitable beauties,' which in Hume excited the despair and admiration of Gibbon,—there is no other modern history with which it may not challenge a comparison. The narrative of Dr Lingard has the perspicuity of Robertson, with more freedom and fancy. His diction has the ornament of Gibbon without his affectation and obscurity.

It would be unjust, however, to Dr Lingard, to confine our praise of his work to its style and diction. He possesses what he claims, the rare merit of having collected his materials from original historians and records. He has not copied at second-hand from other compilers; nor, like many of his brethren, retailed to us the vapid dregs of repeated transfusions from the primary sources of information. To borrow his own metaphor, he has not drawn from the troubled stream, but drank from the fountainhead. His narrative has accordingly a freshness of character, a stamp of originality, not to be found in any general history of England in common use.

His diligent perusal and study of our ancient historians, his critical examination of their works, his careful and judicious comparison of their statements where they differ, have enabled Dr Lingard to explain many transactions that were before obscure, to show the connexion between events that appeared before disjointed, and to make many silent corrections in our history, which are not the less valuable, because they are not ostentatiously obtruded on our notice, and may therefore pass unobserved by the more careless of his readers. To one desirous of making a study, and not a mere amusement of the history of his country, we know no general history of England that we should sooner recommend than the work before us. In the multitude of authorities to which it appeals, and in the exactness of its references, it will bear a comparison with the productions of Robertson or of Gibbon. It is needless to remark, that without these aids to the reader, without these salutary restraints on the author, a work professing to be historical, though it may divert the idle and gratify the prejudiced, is not more deserving of credit than the romance of Waverley or Ivanhoe.

To the merits of diligence, learning, and critical acuteness, Dr Lingard adds a talent for narration which we rarely find in authors distinguished for antiquarian research. His selection of materials from the voluminous works he has consulted, has been made with judgment and arranged with skill. His narrative is clear, full, and unembarrassed. If there be any fault in the composition of his work, it is that the story flows in too equable a stream. There are no pauses to arrest the attention, or provoke the reflections of his readers. We are carried on smoothly and insensibly, without stopping to consider what is interesting or curious in our way, and reach the end of our journey with a faint and vague recollection of the objects we have passed. Revolutions the most important glide before us, without any anticipation of their approach, notice of their arrival, or retrospective view of their effects.

But it must not be inferred from these remarks, that Dr Lingard has confined himself to a mere recital of events, without comment or observation, or that he is an indifferent spectator of the progress of society and manners. Availing himself of the information accumulated in the two last centuries, and profiting by the labours and researches of his predecessors, he has on the contrary interwoven in his narrative many valuable episodes, on the character, customs, and institutions of our forefathers, and on the important alterations successively effected in their laws and constitution, in their judicatories, ecclesiastical and civil, and in their administration military and financial. On all these subjects we find much minute and curious information in his history; but we shall look in it in vain for those general and comprehensive views, that sagacity and judgment, those masterly lessons of political wisdom, that profound knowledge of human nature, that calm philosophy, and dispassionate balancing of opinions, which delight and instruct us in the pages of Hume.

It was a practice of that great historian, on grave and important questions, where the justice or expediency of the course to be taken was doubtful or disputed, to bring forward the arguments that might be used on both sides; and to give a more historic form to these discussions, it was not uncommon for him to state them as having been actually proposed and urged, at the time, by the contending parties. Dr Lingard appears to disapprove of this practice, and calls it fiction. We are sure that no fraud was intended by it on the part of Mr Hume, and doubt whether he has ever had readers simple enough to believe, that the controversial discussions inserted in his history took place in the form and manner there related. Like the speeches in Livy, we have always regarded them as political disquisitions, applicable to all times and places; and believing it to be the object of history to store the mind with knowledge, and not merely to load the memory with events, we have studied them, we confess, with attention, and, we flatter ourselves, with profit. Mr Hume, to be sure, did not extract them from the monkish chronicles, where Dr Lingard has probably sought for them in vain, but drew them from the recesses of his own mind: And, so just and true are his reflections, and yet so natural and obvious do they appear, when presented to us in his admirable sketches, that though no authority may be found for them in contemporary annals, we cannot help believing, that they contain the sentiments and views, not only of the statesmen and parties to whom he ascribes them, but of politicians and nations, at all times and on all occasions when similar ques-

tions have arisen, since men were first united in society, and governed by their reason and reflection.

In pathetic and dramatic narration, Dr Lingard must not be compared to Mr Hume; and in moral feeling he is not less inferior. To be oppressed with calamity, was at all times sufficient to excite the sympathy of Mr Hume. To rouse his indignation, it was enough to place before his eyes a scene of cruelty, hypocrisy, or injustice. Dr Lingard has little talent for pathetic description. His humanity is apt to slumber where none but laymen suffer; and his indignation against oppression is seldom warm, unless when churchmen are wronged.

Both historians have their defects. Mr Hume has been accused of a childish partiality for Kings. Dr Lingard worships a more jealous idol—the Church.

Paradoxical as the assertion may seem, it has always appeared to us that Mr Hume was in reality an admirer of popular government in preference to monarchy. But, though in his speculative tenets a republican, it cannot be denied that the general tenor of his *History of England* is unfavourable to the popular party in our Constitution. From temper, disposition and character, he was averse to violence and turbulence; and therefore, in civil contests, he was always inclined to side with the party that seemed to him to be acting on the defensive. But such, to appearance, is in general the relative situation of a government when contending with its subjects. The encroachments of power are commonly slow and imperceptible; its invasions of popular rights are made without tumult or confusion, disguised by pretences of public good, and often effective for the time in repressing disorder and maintaining tranquillity. The efforts of the people, on the other hand, are sudden and violent, provoked by resentment and oppression, and leading directly to civil war. Mr Hume had, besides, adopted from Brady strained and exaggerated notions of the ancient prerogatives of the Crown; and, seduced by the specious theory of that learned and acute, but disingenuous inquirer, he was led, on many occasions, to mistake the efforts of the people to recover their rights, for invasions of the legitimate authority of the Crown. He did not perceive that the contested prerogatives were usurpations; and forgot that, though sometimes acquiesced in from convenience, and at other times submitted to from necessity, they had been always disputed, and had been frequently resisted with success.

But, though too much disposed, in his *History of England*, to take part with the Crown against the people, no historian had a stronger sense than Mr Hume of the benefits of civil liberty; no one has pleaded with more success, or defended with

more steadiness, the cause of humanity and toleration; and, on great occasions, no one has expressed a deeper interest in the struggles for liberty and limited government. It is impossible to read the beautiful and animating passage, where he describes the opening of the Great Parliament, and portrays, with such force and truth, the great men there assembled, destined to revive the ancient spirit of their country, without participating in his admiration of their genius, and his applause of their designs. It is true, that dislike of the fanaticism, which at once inspired and clouded their virtues, and commiseration for the victims justly, though irregularly sacrificed to their resentment, made him afterwards judge harshly, if not unfairly, of their characters, and withdraw from their exertions the sympathy he lavishes on their opponents. But, even in his aberrations from the cause of liberty, we never find him an apostate from its principles. He never deigns to varnish or embellish, with his eloquence, the *speculative* dogmas of slavery. He uniformly treats with scorn and indignation the palliations for cruelty and injustice, whether urged by laymen or churchmen, by kings or demagogues.

We are far from intending, by these remarks on Mr Hume's general character as an historian, to vindicate or palliate his history of the Stuarts. We are thoroughly sensible of its deficiencies in what constitute the chief merit of an historian, fidelity and regard to truth. Various reasons may be given, though no satisfactory excuse can be offered, for his partiality to an unhappy race, whose faults and errors were redeemed by fewer great or good qualities than have fallen to the lot of any family that has ever worn the Crown of England. He had received from education a strong tincture of Jacobitism, which was then fashionable in Scotland among all who felt, or affected, a regard for the honour and ancient independence of their country; and, though his manly understanding rejected with disdain the principles of the Jacobites, his early bias in their favour led him, in his pity for the misfortunes of the Stuarts, to extenuate their guilt. He had encountered opposition too, and narrowly escaped prosecution from the sour and intolerant bigotry of the Calvinistic Clergy, that indisposed him to a party of which they had been the champions and supporters. When he began to write, there was an appearance of gallantry in maintaining a cause, which had been abandoned for half a century by the worshippers of Fortune; for the same turn of character that makes men Tories at present, made them at that time Whigs.

But, setting aside his errors from prejudice and education, his great defect as a friend of liberty and popular government

seems to have been a morbid horror of whatever tended to disturb for a time the peace and order of society. Disgusted with the cruelty and ferocity of civil contests, provoked by the hypocrisy of some, indignant at the ambition of others, alarmed at the fury and madness of all, his reflections tend to damp our ardour for exertion, and, without inculcating the principles, lead to the practice of passive obedience. The pupils formed in his school are apt, in their dread of temporary confusion, to overlook or undervalue the permanent evils of slavery; and, in their desire to secure the repose of one generation, to sacrifice the happiness of many. They are no friends to despotic rule, and value, as they ought, the blessings of liberty; but they are better qualified to enjoy its benefits with temper and moderation, when conferred by others, than to earn or maintain it by their own exertions.

Dr Lingard also, we are sorry to say, has no generous sympathy in the cause of freedom. He appears to take little interest in the struggles for liberty that form the brightest part of our annals. He relates, with lifeless coldness, the establishment of Magna Charta, seems unconscious of the importance of the contests between Henry III. and his people, and commemorates the termination of the struggle in the time of Edward I. with freezing indifference. In short, it is only when the honour or the interests of the Church are affected, that his passions are warmed; and even churchmen appear to suffer in his estimation, when they contribute to the civil liberties, or devote themselves to the temporal interests of mankind. One cold sentence of approbation suffices for Winchelsea and Langton: Pages are devoted to the vindication of Dunstan and of Becket.

Dr Lingard, we need scarcely say, is a decided partisan of the Church of Rome. That he should be devoted to her doctrines, was to be expected from the faith he holds, and the profession he has embraced. But he is not only a believer in the creed, and advocate for the discipline of his church; he is the defender of all her saints and confessors, the eulogist of all who have laboured or suffered in her cause, the decrifier of all who have resisted her usurpations. From the days of Austin to the dawn of the Reformation, his thermometer for personal merit is of spiritual manufacture. In his own church, he prefers the regular to the secular clergy, and seems to regard the monastic profession as the perfection of Christian virtue. On some occasions he has objected to the claims of temporal authority, and to other usurpations of the Popes; but he is ever faithful to the church. In no instance

that we recollect has he renounced any one of her immunities, or abandoned any one of her pretensions. In his account of the celebrated controversy with Becket, he has amused his readers with an historical disquisition on the antiquity of the exemption claimed by the clergy from secular jurisdiction, expressed his doubts of the extent to which that privilege gave impunity to crimes, dropped some hints of the superiority of the ecclesiastical over the lay tribunals, but never unequivocally expressed his disapprobation of the claim itself.

Dr Lingard pronounces his anathema against the philosophy of history, which he is pleased to term the philosophy of romance. He compares the philosophic historian to the novelist, whose privilege, he tells us, it is 'to be always acquainted with the secret motives of those whose conduct and character he delineates.' (Preface). More is not wanted to show, that he entirely misconceives the nature and purpose of what has been called the philosophy of history. The philosophic historian troubles himself little with the characters of individuals, or with the motives that influence their actions. His object is to trace the general causes in the state and condition of society that determine events, independent, and often in spite of the individuals who appear to conduct them. He neglects the fly, to study the wheel on which it revolves. The fault to which he is most prone, is indifference about individuals. He neither interests himself nor his readers in their fate or fortunes. Instead of a dramatic story, his work becomes a dry dissertation. Content with enlarging our views, and enlightening our understanding, he aspires not to warm our passions, or excite our feelings. The mistake of Dr Lingard, if it is not a sacrifice to the vulgar cant of the day, must have arisen from his aversion to Hume, who is justly placed by common consent at the head of our philosophic historians. But Dr Lingard should understand, that Mr Hume is not more distinguished for his philosophy, than for his sagacity and judgment, his feeling and pathos. In diligence and critical research he must yield the palm to Dr Lingard; but in no other point of view are they to be put for one moment in comparison.

Dr Lingard next proceeds gravely to tell us, 'that the writer of history can know no more than his authorities have disclosed, or the facts themselves necessarily suggest.' If, by *necessarily* in this passage, Dr Lingard means that which follows by inevitable consequence, he has himself departed from his own rule. He has pronounced John guilty of the murder of Arthur, though there is no positive evidence of the fact, and though Arthur *may* have died a natural death, or perished by violence,

without the intervention of his uncle. But if he means, by *necessarily*, that which follows naturally and probably from the facts handed down to us, what historian has ever laid claim to more? What historian has been content with less? Not certainly Dr Lingard. Notwithstanding his petulant rebuke of those he terms philosophic historians, we find him colouring facts, assigning motives, and dealing in characters, epithets and innuendoes, with as much freedom as any one of them. He is continually at variance with philosophic historians and Protestant divines; but it does not follow, on that account, that he never 'indulges his imagination,' nor gives way to 'prejudice.' We think he sometimes 'imposes on his readers;' and we trust, that when he does so, he also imposes on 'himself.' We fear that philosophic historians are not the only persons who 'have perverted the truth of history.' We have found omissions, we had almost said suppressions, in Dr Lingard's works, that destroy, or at least weaken, 'our reliance on the fidelity of his statements.' We have observed with sorrow, that in his eagerness to establish a 'favourite theory, he overlooks every trouble-some or adverse authority, distorts facts in order to form a 'foundation for his system, and borrows from his own fancy 'whatever is wanting for its support and embellishment.'

In justification of these strictures, we shall select a few examples, taken chiefly from the early part of our history, where Dr Lingard's zeal for the church has, in our opinion, betrayed him into errors. We shall quote indifferently from his present book, and from his *Antiquities of the Anglo-Saxon Church*. Both works are executed in the same spirit, and do equal credit to his industry and talents. We are aware that, to some of our readers, the discussions on which we are about to enter, may appear of too little moment to occupy their time. But we beg of them to consider, that it is not the character of a Saxon King, or the truth of a Saxon story, that we are going to try, but the degree of confidence that may be safely placed in Dr Lingard's *History of England*.

We shall leave untouched as sacred ground the points in dispute between Protestant and Catholic. If Dr Lingard has done injustice to Lollard, Lutheran, or Calvinist, it is the business of our divines to correct his error and expose his misrepresentations. The subject is too extensive for the limits of a review. We can assure our clergy, that the combat to which he provokes them, will require their most strenuous exertions. The fabric he has raised against the Reformation is reared by no vulgar hand. We hope and trust, that, like the image which appalled Nebuchadnezzar in his sleep, it rests on a basis, where, if part

be of iron, part also is of clay; and, if any stimulus, besides the duty of vindicating the founders of their church, were wanting, we might venture to assure them, that in an age where religious controversy is so liberally rewarded as the present, the stone which smites this colossus and breaks it to pieces, cannot fail to become a great mountain, and overshadow all its fellows.

We shall take our first example from the history of Edwy and Elgiva. To many the guilt or innocence of these personages may appear a question as unimportant as it is obscure. But we are invited to it by Dr Lingard, who has honoured us with a note in reply to our former observations on this story. We request the indulgence of our readers, and promise them to compress our remarks in as short a space as possible.

Edwy was unfortunate, from his quarrel with Dunstan, and the consequent enmity of a powerful party in the church. Some historians have spoken favourably of his character. The greater part describe him as a vicious prince, who merited his fate by his misconduct. But his enemies, while they agree in representing him as a monster of wickedness and impurity, contradict one another flatly when they descend to the particulars of his life. All agree, that his connexion with a lady, whom some call Ethelgiva, others Alfgiva, Elfgiva, Algiva or Elgiva, had a principal share in the calamities of his reign. But of the nature of that connexion, different and inconsistent accounts appear at a very early period to have prevailed. Some describe her as his wife by an uncanonical marriage; others consider her his mistress; and some pretend she was the wife of another man. Florence of Worcester, who wrote in the 12th century, inserts two of these stories in his chronicle, without intimating which was most worthy of credit; and from his silence it may be inferred, that in his opinion the truth even at that time was no longer attainable. Modern historians have had greater confidence in their own penetration. Protestant writers have very generally taken part with Edwy and Elgiva. Catholics have universally declared for Dunstan. Hume, indifferent to the religious passions of both, was led by his humanity to espouse the cause of the unfortunate. Dr Lingard has of course sided with his own church. We flatter ourselves we can be impartial between the contending sects, but have not the presumption to expect that we can reconcile contradictory statements, which, seven hundred years ago, were left in hopeless uncertainty by historians.

According to the story told by Dr Lingard, Edwy, a Saxon prince, who ascended the throne in the 16th or 18th year of his age, had been seduced before his coronation into an illicit con-

nexion with a lady of rank, but of profligate character, called Ethelgiva. The inducement of Ethelgiva to this amour, is said to have been the hope of securing the King in marriage, for herself or for her daughter; and in the prosecution of that scheme, we are assured, that she had not scrupled to sacrifice the honour of *both* to his embraces. In the midst of this intrigue Edwy was crowned, being still unmarried. On the evening of his coronation, while sitting at a banquet with his prelates and nobles, unsated by possession, and irritated by the violence and impetuosity of his passions, he started up from table, and, leaving the room abruptly, retired into a private chamber to enjoy the company of his mistresses. After some little delay, Dunstan followed him, burst into his apartment, and found him between the ladies in a situation too indecent to be described. Indignant at this spectacle, Dunstan reviled the women for their impudence, and, laying hold of the reluctant monarch, dragged him back to the convivial party he had quitted. Ethelgiva resenting this interference, became the enemy and persecutor of Dunstan, and, instigating the King to his ruin, finally drove him into exile. Shortly after, according to Dr Lingard, Edwy married; and on his marriage, Ethelgiva was removed from court, and committed to the care of her legal guardians. There, however, she was not suffered long to remain. Instigated by his own passions, or moved by her solicitations, the King carried her off by force from her place of retreat, and, establishing her in one of his royal vills, lived with her in open concubinage. Scandalized at this outrage on decorum, Archbishop Oda, profiting by the absence of her royal lover, broke into the place of her residence with a band of armed followers, and, seizing on her person, branded her in the face, and banished her to Ireland. The guilty but unfortunate woman, after the recovery of her beauty, attempting to return to her paramour, fell into the hands of her enemies, by whom she was hamstrung, and left to perish in lingering torture.

The first observation we have to make on this historical detail, is to express our admiration at the dexterity of Dr Lingard, in contriving to keep out of sight every fact and circumstance inconsistent with the story he has adopted. No one, from the perusal of his history, would suspect that there were three different editions of this story, and that the one he has preferred is not supported by earlier or better evidence than those he has suppressed. No one will dispute his right, to take that version of the story which seemed to him the most credible. But candour and fair-dealing required of him, not to omit the objections to it, not to conceal the difficulties with which it was attended,

and not to suppress the facts at variance with it, or calculated to throw discredit on its truth.

But, though Dr Lingard has shown great skill in his selection and arrangement of materials for the construction of his story, he has fallen into one contradiction that must strike the most inadvertent of his readers. After taking the greatest pains to prove, that Edwy was unmarried at the time of his coronation, and that he remained unmarried till the banishment of Dunstan,* he quotes, with apparent acquiescence, the account of Senatus, who 'gives us to understand, that when Dunstan incurred the hatred of Edwy and his mistress, the king was already married to another woman.'† But when, and on what occasion was it, that Dunstan incurred the hatred of Edwy and his mistress? Was it not 'for his conduct on the day of the coronation?'‡ If Edwy was married when Dunstan incurred his hatred, and if it was the conduct of Dunstan on the day of the coronation that inflamed the king and his mistress against him, Edwy must have been married at the time of his coronation. What becomes then of the arguments to prove, that he was unmarried at that period, or of the story, that Ethelgiva was induced to sacrifice her own honour, and that of her daughter, to his desires, in the hope of entangling him in marriage with one or other of them?

In admitting the marriage of Edwy, Dr Lingard is careful not to mention the name of his wife, or to inform his readers of her relationship to his supposed mistress Ethelgiva. Why this caution and reserve? Was he afraid of placing in too clear a light the nature of the charge he had to maintain against the unfortunate Prince? Was he apprehensive, that it might shock the credulity of the public to be told, that Edwy, after his marriage, lived in incestuous intercourse with his mother-in-law; and that this secret, unknown and unnoticed by his contemporaries, and not even insinuated by the most virulent of his enemies, after remaining undetected and unsuspected for nine hundred years, had been at length revealed to a Catholic clergyman of the nineteenth century? When he adopted from the biographer of St Oswald the story, that the woman banished by Oda was the concubine, and not the wife of Edwy, 'quam sub uxore propria adamavit,' did it not occur to him, that if this woman had been not only the King's concubine, but the mother of his wife, such an aggravation of his guilt would not have been omitted by an author nowise prejudiced in his favour? Asser and

* England, i. 511. 516. 518. † Ibid. i. 517. ‡ Ibid. i. 514.

Bede have not suffered the incestuous marriages of Eadbald and Ethelbald to escape the notice of posterity, though these princes expressed contrition for their offences, and submitted to the Church. Can it be supposed, that greater forbearance was shown to the refractory Edwy, the enemy and victim of the Clergy? Is it possible that, while the minor charges against him were recorded with so much acrimony, the most heinous of his offences was consigned to oblivion? Is not the silence of his bitterest enemies a sufficient refutation of the calumny now attempted to be cast on his memory?

In his *Antiquities of the Anglo-Saxon church*, Dr Lingard was less on his guard about names. He had not then discovered the passage in the life of St Oswald, which has induced him to alter his former account of these transactions. He there ingenuously relates the evidence he had found for the marriage of Edwy with Elgiva, and expresses his belief, that 'after the banishment of Ethelgiva, Edwy either took Elgiva to his bed as his mistress, or married her within the prohibited degrees.*' Why is this evidence suppressed,—why is the name of Elgiva totally omitted in the history of England? Why does he insinuate in his note† that she is a creature of our invention, whom we have married to the King? He knows, that the divorce of Edwy from Ælfgife or Elgiva is related in the *Saxon Chronicle*‡. He is aware of the existence of a charter where Ælfgiva is called the King's wife, and Æthelgiva her mother; and, when he wrote his *Antiquities of the Anglo-Saxon Church*, he had no doubt of the accuracy of the names.§ Mr Turner, it is true, had expressed some faint suspicion that this charter might be a forgery of the monks.|| Has Dr Lingard examined into the grounds of that suspicion? If he had, we are convinced he would have been satisfied, that the suspicion was unfounded; and whatever it might have cost him, we are persuaded he must have admitted Elgiva to have been the wife of Edwy, and Ethelgiva to have been her mother.

Mr Turner appears to have been content with a short abstract of this charter, which he met with in Claudius, c. ix.; and not to have looked into Claudius, b. vi.¶ where he would have

* *Anglo-Saxon Church*, 525—527.

† *England*, i. 514.

‡ *Tiberius*, B. iv. in Cotton, now incorporated in the printed text by Mr Ingram.

§ *Anglo-Saxon Church*, 525.

|| *History of the Anglo-Saxons*, ii. 403, 3d. edit.

¶ *Cotton*.

found it at full length. The transcript in Claudius, b. vi. is written in the Saxon language, and partly in the Saxon character. The deed or charter itself is the notification of an exchange of lands between Byrhtelm, Bishop of Wells, and St Ethelwold, Abbot of Abingdon, afterwards Bishop of Winchester, and, in the succeeding reign, the active and furious persecutor of the secular clergy. This exchange is stated to have been made with leave of King Eadwig, and is attested by Ælfgifu, the King's wife—Æthelgifu, the King's wife's mother—Ælfsige, Bishop (of Winchester)—Osulf, Bishop (of Wilton)—Cænwald, Bishop (of Worcester)—and by three laymen of rank.

From this document it appears, that Ælfgifu, Elgiva, or Algiva, was the King's wife, and that Æthelgifu, or Ethelgiva, was her mother; * and that, on her daughter's marriage with the King, Ethelgiva was not disgracefully banished from the royal presence, but remained at court, and, under the designation of the King's wife's mother, attested an agreement between St Ethelwold and the Bishop of Wells, to which three other bishops (one of them 'vir monasticæ professionis,') were subscribing witnesses. Can it be believed, that from servility, lucre, of gain or hope of worldly preferment, so many holy men would have frequented and given their countenance to a court, where the King was openly living in incestuous intercourse with his wife's mother? If such was the fact, Dr Lingard must detract considerably, in his next edition, from the eulogies he has bestowed on the piety and saint-like virtues of his Anglo-Saxon prelates.

We shall not offend our readers by any comments on the disgusting scenes detailed to us, with scrupulous minuteness, by the authors whom Dr Lingard is pleased to transcribe and credit. They are fit only for the annals of a brothel, and could never have been believed or recorded by any one but a

* Dr Lingard has thought proper, in a parenthesis, to tell us that Algiva and Ethelgiva are the same name in the Saxon language. Dr Lingard knows as well as we do, that neither Algiva nor Ethelgiva are Saxon words. That a Norman scribe might contract the Saxon Æthelgife into Algiva, is not impossible; but we have met with no example of it. Where the word occurs in Latin chronicles, it is written Æthelgiva, Ethelgeova, or Ethelgifu. We could produce more than twenty instances where the Saxon Ælfgife is written by the Normans Elgiva, or Algiva. It is written Algiva by Westminster; and Wallingford distinguishes between Æthelgiva and Algiva.

Saxon monk, whose mind had been polluted by the study of his penitentiary.

That a lady connected with Edwy was separated from him by Archbishop Oda, ignominiously treated, and banished to Ireland, and savagely murdered on her return, is related with triumph by the biographers of that prelate; and that Elgiva, the wife of Edwy, was separated from him by the same prelate, on pretence of consanguinity, is attested by the Saxon Chronicle. Whether these personages were one and the same, or two different women, we shall not pretend to determine. The one is described as the concubine, the other as the wife of the King; but, as the wife was unlawfully wedded, in violation of the Canons of the Church, it is not impossible that party malevolence may on that account have unjustly stigmatized her as a concubine: And there is certainly no mention, in any ancient author, of Oda having twice interfered with the domestic connexions of his sovereign. That Dr Lingard's tale is erroneous, requires, we should hope, no further demonstration than the proof furnished by Claudius, b. vi., that Elgiva was the King's wife, and Ethelgiva her mother. If these facts be admitted, to borrow his own phraseology, 'the laboured narrative and passionate declamation' of Dr Lingard 'may be given to the winds.'

But we have not yet done with the reign of Edwy. Dr Lingard reproaches him with being a plunderer of the Church, and states, 'that the two abbeys of Glastonbury and Abingdon, the fruits of the zeal of Dunstan, were dissolved by his resentment, and the monks, carefully trained in the duties of their profession, cast on the world without friends or support.'* This accusation is repeated by Mr Butler, in a recent publication. That Mr Butler, who takes his information at second hand from Dr Lingard, should be misled by his guide, does not surprise us; but it is truly astonishing, that an author of such research as Dr Lingard, should have hazarded this assertion without some inquiry into its truth. The slightest examination must have satisfied him that it was unfounded.

So far is it from being true that the monastery of Abingdon was dissolved by Edwy, the fact is that he was a munificent benefactor to that establishment, and is celebrated in its records as the friend and patron of St Ethelwold, its abbot. That pious personage not only retained his office under Edwy, but so successfully cultivated the good graces of his sovereign, that whatever he solicited for his monastery, whether in confirmation of its privi-

* England, i. 311, 326. Anglo-Saxon Church, 402.

leges, or increase of its possessions, was cheerfully granted to him. The donations to Abingdon, in the time of Edwy, were splendid and numerous. His own immediate grants to our Lady of Abingdon, to St Bennet, patron of monks, and to the Abbot Ethelwold, amounted to 50 hides, and those made by his servants, with his consent and approbation, exceeded 340.* In the very last year of his reign, he conferred on Abingdon a charter, in the amplest form confirming all its former privileges and possessions, and giving permission to the monks, on the death of their present Abbot, Ethelwold, to elect his successor 'secundum regularia beati Benedicti instituta.' So little truth is there in the assertion, that Edwy dissolved the Abbey of Abingdon, and expelled its monks.

That Dunstan, Abbot of Glastonbury, was driven from that monastery, chiefly perhaps through the influence of Edwy, but partly by the cabals and intrigues of his own monks, is most certain. But Glastonbury was not dissolved by the loss of its abbot. Elswi was appointed his successor, and, instead of being the spoiler, Edwy is recorded among the benefactors of that establishment. In the *Monasticon* will be found the grants which he made to Glastonbury and its abbot, amounting, with those made by his servants, with his license and consent, to near 60 hides of land.†

To other churches and religious establishments, Edwy was not less bountiful than to Glastonbury and Abingdon. Of many of his grants the records must have perished. But, among those which remain, we find donations to the amount of 165 hides to the nunnery at Wilton, of 90 hides to the convent at Shaftsbury, of 70 hides to St Peter's at Bath, of 74 hides to Chichester Cathedral, and of 20 hides to the see of York, besides grants of a smaller extent to Worcester and Evesham.‡ Even Malmsbury, while deploring the profanation of the monastery from which he derives his appellation, converted, as he pretends, by Edwy, into a stye for canons, owns the liberality of that prince to St Aldholm, its patron saint, in a gift of an estate, very commodious for his servants, both from its size and from its vicinity to the convent. The praise of the estate was not unmerited. It consisted of 50 hides, and lay within a mile of the abbey. ||

* Claudius, b. vi. f. 43-62. Claudius, c. ix. f. 109-114.

† *Monasticon*, i. 10, ii. 337, 341. Gale, i. 327.

‡ Wanley, 149, 242, 277, 288, 307. *Monasticon*, iii. 120, 129. Heming, 333.

|| Saville, 30. Gale, i. 337. *Monasticon*, i. 52.

Dr Lingard is of course an advocate for the celibacy of the clergy; and in his zeal for that point of discipline, so highly considered in the Romish Church, he condescends to be facetious at the expense of Protestant divines, and treats with scorn the insinuation that a life of continence is above the power of man. * That there are individuals to whom a life of continence is no privation, will not be denied; and if the clergy could be exclusively selected from persons so gifted by nature, no harm could arise from the celibacy required of them by the ordinances of the church. But, is this the case in countries where the Roman Catholic religion prevails? Is there any criterion by which it can be ascertained, how far the youthful candidate for clerical ordination will be able, at a maturer age, to keep his vows of chastity inviolate? Are there no disorders in the Catholic Church from the want of such infallible criterion? Are there no struggles between passion and duty, that terminate in madness or in death? In so numerous a body as the clergy, are there no transgressions? Have not Spanish priests enjoyed their *barraganas*, and French *curés* lived with their nieces, or *gouvernantes*, as if they had been in *pío matrimonio viventes*? In the middle ages were not such connexions common, and nearly universal among the inferior clergy? Were they not connived at, though not permitted, by the Church? When prevented, by clerical persons living together in communities, have not disorders of a worse description been introduced? Let Dr Lingard read the Penitentiary of Archbishop Egbert, and then boast, if he can, of the purity of his Anglo-Saxon Church. It is not to be credited, that an Archbishop of York would have raked together, for the edification of his clergy, such a mass of evidence, if the practices he prohibits had not existed. Where there is much smoke, there must be some fire. On a subject like this, we cannot descend to particulars. Suffice it to say, that there is no species of turpitude, known to the most licentious of the Roman poets, or practised by the most shameless of their emperors, that is not gravely enumerated in this Penitentiary, and a suitable penance enjoined for it, corresponding to the enormity of the offence, and to the rank and quality of the offender. So many years penance was required from a bishop for crimes not fit to be named; so much less from a priest or deacon; and so much less still from a *bædling*, or juvenile competitor for the sanctuary. Dr Lingard cannot have been ignorant of the passages to which we allude. He has frequently referred to the Penitentiary of Egbert, and quoted it as oft

* Anglo-Saxon Church, 77.

as it served his purpose. He is aware that it was composed before the Danish invasion, to which he attributes the subsequent immorality of the Saxon clergy and people. If decency induced him to silence, why impose upon his readers by praising a church where such disorders prevailed? Why reserve his entire wrath for the *married* priests? Why throw a veil over excesses, which appear to have diminished among the clergy in proportion as their marriages, though uncanonical, came to be nearly universal? When such crimes are charged on the laity, he has not shown the like reserve, unless when kings are the culprits. He has not scrupled to divulge, in a Latin note, the disorders imputed to the courtiers of Rufus and Henry I. He has spared, indeed, the memory of Edward II.; and to aggravate the guilt of Isabella, he has not hesitated to say, that 'she could not palliate her adulterous connexion with Mortimer, by retorting on her husband the charge of conjugal infidelity,' being perfectly aware, that if she had retorted on her husband, it must have been to charge him with worse than conjugal infidelity.

Among the clergy excluded from the marriage state, during the two first centuries of the Saxon Church, Dr Lingard enumerates subdeacons.* The mistake, if it be one, is trivial; but, as far as we can collect from the Penitentiary of Egbert, the prohibition of marriage in the Saxon Church was confined, in the 8th century, to priests and deacons.

Proportionate to Dr Lingard's love of celibacy and love of monks, is his enmity to the secular or married clergy. We shall not attempt to vindicate that class of persons. However reprehensible the canons that condemned them to a single life, they had no doubt contracted the obligation, and were bound to abide by it. We cannot help suspecting, that a law of the Northumbrian priests, which Dr Lingard has attempted (we think unsuccessfully) to explain, † refers to a practice not uncommon among these married clergymen, and, in our opinion, still more reprehensible than their violation of the canons. Their marriages being uncanonical, and therefore illegal, it appears that they frequently took advantage of the illegality of the connexion, to dismiss their wives, when tired of them, and to marry others in their place! and this scandal the same individuals sometimes repeated more than once. ‡ To put a stop to this infamous

* England, i. 327.

† Anglo-Saxon Church, 74.

‡ Mabillon. *Acta Benedict. sæc. v.* p. 614. Wilkins' *Leg. Saxon.* 120.

abuse, we believe the law we have alluded to was made, which denounces a curse against the priest that puts away his *cwen*, and takes another. * But, whatever may have been the profligacy of the married clergy, it is not to the credit of Dr Lingard, that, in the warmth of his indignation against them, he has cited, in testimony of their vices, a speech or declamation of Edgar, which some few pages before he had himself pronounced to be a forgery. †

After a learned, and, to us at least, an original disquisition on *double* monasteries, a singular institution, where a convent of monks or canons was annexed to a nunnery, and subjected to the spiritual government of its abbess, Dr Lingard tells us, that 'during the two first centuries after the conversion of our ancestors, the principal monasteries were established on this plan; nor are we certain that there existed any others of a different description. They were held in the highest estimation; the most distinguished of the Saxon female saints, and many of the most eminent prelates, were educated in them; and so edifying was the deportment of the greatest part of these communities, that the breath of slander never presumed to tarnish their character. The monastery of Coldingham alone forms an exception.' ‡ The hardihood of this assertion excites, we must confess, our admiration. Dr Lingard is not unacquainted with an antient tract attributed to Bede, from which it plainly appears, that practices the most repugnant to monastic purity were not unknown among the female inmates of the Saxon cloister. § He is aware that nunneries were converted into brothels by some of the Anglo-Saxon princes, and that infanticide was no unfrequent consequence of this prostitution. St Boniface reproaches Ethelbald of Mercia with his libertinism; and adds, '*Quod hoc scelus maxime cum sanctimonialibus et sacratis Deo virginibus per monasteria commissum sit.*' The whole nation of the Angles, he subjoins, imitate their sovereign in his wickedness, and this general depravity leads to the frequent commission of child-murder; '*quia dum*

* Wilkins' Leg. Saxon. 100. § 135. *Cwen*, a queen, a wife, a quean. Somner. Diction.

† Anglo-Saxon Church, 417, compared with Note 27. in 410. The reference in 417, is to Wilkins' Concil. i. 246; that in 410 is to Twysden, 360. But the document referred to is in both cases the same, though quoted in one place as a piece of authentic history, and pronounced in the other to be 'a declamation composed by some monk in imitation of the ancient historians.'

‡ Anglo-Saxon Church, 120-122. § De remedio peccatorum.

‘illæ meretrices, sive sæculares, sive monasteriales, male conceptas seboles in peccatis genuerint, eas sæpe maxima ex parte occidunt.’* Other Saxon kings were not more exemplary than Ethelbald. We are told, on the same unimpeachable authority, that Osred of Northumberland, and Ceolred of Mercia, had passed their lives ‘in stupratione et adulterio nonnarum’—‘per monasteria nonnarum sacratas virgines stuprantes.’† We shall not prosecute the subject farther. Enough has been said to show, that the virgins of Coldingham were not the *only* exception from the general purity of manners and strictness of conduct attributed by Dr Lingard to our Anglo-Saxon nuns.

In his eagerness to make out an identity of discipline between the Anglo-Saxon and Romish Church in points from which Protestants have swerved, Dr Lingard has quoted a Saxon law, with the omission of a clause, on which we should be glad to derive from him some information. ‘The engagement of a nun,’ he tells us, ‘was deemed irrevocable by the laws both of church and state. If she presumed to marry, the law deprived her of her dower after the death of her reputed husband, pronounced her children illegitimate, and rendered them incapable of inheriting the property of their father.’‡ The law to which he refers is one of Alfred. The clause he omits is the following. ‘If any one takes to wife a nun out of a mynster, *without leave of the King or Bishop*, he shall,’ &c. § Could a nun, after profession, quit her mynster and marry, *with leave of the King and Bishop*? And if so, how could her engagement be deemed irrevocable?

Dr Lingard has indeed a wonderful talent for quoting as much of a passage as suits his purpose, and omitting whatever makes against him. In vindicating Dunstan from the charge of peculation, he informs us, that Wallingford ‘only tells us that Edwy had all along entertained suspicions of Dunstan, because he had been intrusted with the custody of the royal treasures. But what was the real nature of these suspicions, he has not informed us.’ || In proof of this statement, he quotes from Wallingford the following words—‘Suspectus erat Eadwino Dunstanus, omni tempore, eo quod tempore Eadredi thesauros patrum suorum custodisset;’—but he forgets to add what the historian has subjoined—‘*sub cuius suspicionis obtextu*’—the property of Dunstan was sequestered. The suspicions of

* Wilkins' Conc. i. 88.

† Ib. p. 89.

‡ Anglo-Saxon Church, 223.

§ Wilkins' Leg. Saxon, 36, 38.

|| England, i. 514.

Edwy may have been unfounded; but it is not difficult to guess of what nature they were.

That the introduction of Christianity among the Northern barbarians softened the ferocity of their passions, refined the grossness of their manners, introduced among them literature and the arts, and ultimately improved their moral and intellectual condition, every one will readily admit. But these changes were gradually and slowly effected. No miraculous amelioration followed the footsteps of the missionary. The worshipper of Woden underwent little sensible alteration when he became a Christian. He continued, as before, faithless, rapacious, sensual, and cruel. The records of history, the provisions of law, the regulations of synods, the directions for penitents, all show the prevalence of these vices, both among clergy and laity, long after the establishment of Christianity. From the existence of a few learned and virtuous men among the clergy, Dr Lingard has composed a brilliant but fanciful picture of the Christian Church in England, before it was laid prostrate in the dust by a second irruption of barbarians. But, when we look more narrowly into the subject, and trace the matter to its source, we find the golden age of the Saxon Church recede, like the visible horizon, at our approach. Dr Lingard places it before the Danish invasion. Bede, who lived at that time, and laments the backsliding of his own age, refers us back to Theodore; and had Theodore given us an opinion, he would probably have sent us still farther back to Austin.

To drag from obscurity frailties long since buried in oblivion, —to expose the infirmities of a priesthood, to whom, with all their faults, we are greatly indebted, may appear an ungracious task. But the hyperbolical panegyrics of Dr Lingard on the learning and virtues of his Saxon clergy,—his slight and faint acknowledgment of the failings and demerits of some of their number, compel us to lift a corner of the veil which time has thrown over their transgressions. At the very period he has selected for his eulogy of the Saxon Church, we find, from contemporary authors of the highest credit, that dissoluteness, intemperance, avarice, and neglect of their sacred duties, were not unusual even among Saxon Bishops. ‘We hear with sorrow,’ says the Anglo-Saxon Apostle of the Germans, ‘that drunkenness is not uncommon among the English clergy; and that Bishops, instead of correcting this vice in others, indulge in it themselves, and compel their guests to follow their example, *porrectis poculis majoribus.*’* Archbishop Egbert pre-

* Wilkins' Concil. i. 90.

scribed, for a crapulous monk, who had drank till he vomited, a fast of thirty days; to a mass-priest guilty of the same offence, he enjoined a forty days penance; and so pertinaciously were the clergy addicted to this degrading vice, that he found it necessary to declare, that if a Bishop, or other person in holy orders, was in the habit of getting deliberately drunk, he should be suspended from his clerical rank till he had given over the practice. * Bede, in praising his metropolitan, cannot help contrasting his conduct with that of the greater part of his brethren. ‘Quanto enim rariora hujus sacratissimi operis in Episcopis nostræ gentis exempla reperis, tanto altiora singularis meriti præmia recipies.’—‘It is reported of some Bishops,’ he adds, ‘that they have no persons about them of piety or purity of manners, but that they live in the midst of jovial companions, who divert them with their jests, and tales, and merriment, preferring eating and drinking, and other amusements of a secular life, to pious contemplation and prayer.’—‘We have heard,’ he says, ‘that many townships and hamlets of Northumberland have not seen a Bishop for many years; nor even a teacher of the Word, to expound to the people their Creed, and explain to them the difference between right and wrong; and yet there is not a place,’ he adds, ‘however remote, where the dues of the Bishop are not rigidly exacted.’ †

This relaxation of morals and discipline was not confined to the bishops and secular clergy. Long before the Danish invasion it had extended to the monks. So quickly had the monasteries departed from the original strictness of their institution, that, in 747, the Council of Cloveshoe judged it necessary to declare, that they should not be turned into places of amusement for minstrels, harpers, fiddlers, and buffoons; and prudently to recommend, that laymen should not be admitted freely within their walls, ‘ne materiam aliquando reprehendendi inde sumant, et aliquid intra claustra monasterii aliter quam decet videant.’ ‡ Bede had some years before raised his voice against similar abuses in the Northumbrian monasteries, and, as his censures were addressed in a confidential letter to his metropolitan, who must have known the truth or falsehood of his assertions, his charges come before us in the most authentic form. ‘In this kingdom,’ says the venerable presbyter, ‘there are very many, and very great foundations, useless both to God and man; quia neque regularis secundum Deum ibidem vita servatur,

* Wilkins' Concil. i. 139.

† Smith's Bede, 306, 307.

‡ Wilkins' Concil. i. 97.

'neque illa milites sive comites sæcularium potestatem, qui gentem nostram a barbaris defendant, possident.* Nor is it correct to say with Dr Lingard, that the animadversions of Bede are directed *solely* against the secular monasteries, established on false pretences by laymen, and governed by the founders, or by their heirs. These institutions are no doubt mentioned and reprobated by Bede, as the disgrace and reproach of the kings and prelates, by whom they had been licensed and confirmed. But the unfavourable picture he has drawn of the Northumbrian monasteries, *precedes* his curious and instructive history of these singular foundations, and cannot, by any expressions in the text, be limited exclusively to them. Dr Lingard has on this occasion, as on others, borrowed from his fancy what was necessary for the support of his system. He has assumed to be true what his author has neither asserted nor implied. That there were 'loca innumera' in Northumberland, which Bede wished to change, 'de luxuria ad castitatem, de vanitate ad temperantiam, de intemperantia ventris et gulæ ad continentiam et pietatem cordis,' is most true; but that the whole, or the greater part of these were secular monasteries, is the assertion, not of Bede, but of Dr Lingard.

The devotedness of Dr Lingard to his church, is an amiable and laudable feeling. When he maintains the antiquity of her rites and discipline, and vindicates the purity of her dogmas from vulgar misrepresentation and calumny, we approve his labours, and applaud his learning. But, when he dissembles what might injure her reputation, while he blazons whatever tends to her honour and credit, he weakens our confidence in his truth as an historian, and sinks himself into a common polemic. He wishes his readers to believe, that, unlike their brethren on the Continent, the Saxons in Britain abandoned the altars of their fathers, and embraced Christianity, without compulsion or constraint. He informs us, that Ethelbert, the first Saxon King who became a Christian, 'exerted all his influence to second the efforts of the missionaries: not indeed by violence, (which he had learned to be repugnant to the mild spirit of the gospel), but by private exhortations, and by distinguishing the converts with marks of the royal favour:† And, in his former work, he ascribes the forbearance and Christian moderation of the King to the lessons his teachers had imbibed from the letters and oral instructions of the Pontiff.‡

* Smith's Bede, 307, 308.

† England, i. 110.

‡ Anglo-Saxon Church, 13.

Now, it is true, that in the passage of Bede to which he refers, we are told that Ethelbert, ‘didicēat a doctoribus auctoribusque suæ salutis servitium Christi voluntarium non coactitium esse debere.’* And these were probably the lessons given to the missionaries by Pope Gregory, when he despatched them from Rome on the forlorn hope of preaching Christianity to the Pagans. But it is equally true, that four years afterwards, when the Christian church appeared to be firmly rooted in England, the exhortations of the Pontiff were conceived in a very different spirit. In a letter to Ethelbert, which has been also preserved by Bede, though it seems to have escaped the notice of Dr Lingard, Gregory thus addresses his royal proselyte: ‘Et ideo, gloriose fili, eam quam accepisti divinitus gratiam, sollicita mente custodi; Christianam fidem in populis tibi subditis extendere festina, zelum rectitudinis tuæ in eorum conversione multiplica, *idolorum cultus insequere, fanorum ædificia evertē, subditorum mores et magnæ vitæ munditia, exhortando, terrendo, blandiēdo, corrigendo, et boni operis exempla monstrando, ædifica; ut illum retributorem invenias in cœlo, cujus nomen atque cognitionem dilataveris in terra.*’† What followed, on the death of Ethelbert, shows that the counsels of the pontiff were not thrown away, nor the proffered recompense to the monarch promised in vain. His son and successor, Eadbald, having declined baptism, his subjects relapsed into idolatry, ‘qui sub imperio sui parentis, vel favore vel timore regio, fidei et castimonie jura susceperant.’‡ That similar principles had been inculcated and practised among the East Saxons, appears from the same honest historian, who relates, among the enormities of the three sons of Saberct, that, on the death of their father, ‘cæperunt illi mox idolatriæ, quam vivente eo aliquantulum intermisisse videbantur, palam servire, subjectisque populis *idola colendi liberam dare licentiam.*’§ In the next generation, the worship of Woden in Kent was finally extinguished by persecution. We are told of Earconberct, the grandson of Ethelbert, ‘hic primus regum Anglorum in toto regno suo idola relinquī ac destrui—principali auctoritate præcepit. Quæ ne facile a quopiam posset contemni, in transgressores dignas et competentes punitiones proposuit.’|| At a still later period, Edilwalch, King of the South Saxons, employed the celebrated Wilfrid to preach the gospel to his subjects, who had remained pagans long after the other Saxons were converted.

* Bede, i. c. 26.

† Ibid. i. c. 32.

‡ Ibid. ii. c. 5.

§ Ibid. ii. c. 5.

|| Ibid. iii. c. 8.

Many thousands of both sexes renounced their idols and were baptized, '*quidam voluntarie*,' adds the historian, '*alii vero coacti regio imperio.*'* For these incidents, not unimportant in the conversion of the Saxons from idolatry, we shall look in vain to Dr Lingard. He tells us of the piety and disinterestedness of the missionaries; he boasts of the mild spirit of the gospel that influenced their minds; he speaks of the admiration excited by the solemnity of their worship, the pure and sublime morality of their doctrine, their zeal, their austerity, and their virtues: But he is silent on the terror and constraint that followed and gave effect to their exhortations, and passes unnoticed the penal statutes that completed their victory.

On the sudden defection of the Kentishmen and East Saxons from the Christian faith, after the death of Ethelbert, two bishops quitted the kingdom, and Laurentius, the successor of Austin in the see of Canterbury, was preparing to follow their example. 'On the morning of his intended departure,' says Dr Lingard, 'he made a last attempt on the mind of Eadbald. His representations were successful.'† An inquisitive reader will naturally ask, what were those last representations of Laurentius, that had so much weight with the pagan King? Why has Dr Lingard omitted arguments of such efficacy? Had they been calculated to give us a favourable impression of the understanding of the King, or of the honesty of the bishop, would they have been suppressed? Let us hear the story from Bede. We are told by that venerable historian, that, having obtained an audience of the King, Laurentius appeared before him, and, uncovering his vest, displayed his back torn with stripes. Shocked at the sight, Eadbald demanded who had dared to treat so great a man with such indignity. The bishop boldly replied, that St Peter had come to him in the night, and flogged him long and sharply for his intended desertion of his flock! Charmed, no doubt, at the interest which the Prince of the Apostles took in his welfare, but afraid that his own turn might come next, the King, who is described as half mad, and troubled with an unclean spirit, relented, submitted, and was baptized.‡ Now, Dr Lingard either believes in this miracle, or he does not. If he believes in it, why conceal it from his readers? If he does not believe in it, what must be his opinion of Laurentius?

We shall give our readers another specimen of those early times, which will afford another instance of Dr Lingard's talent

* Eddius, apud Gale, i. 72.

† Bede, ii. c. 6.

‡ England, i. 115.

for concealment. After relating the public disputation between the Scottish clergy and the disciples of the Roman church, Dr Lingard informs us, that Oswy, King of Northumberland, in whose presence the matter was discussed, 'terminated the debate, by declaring that he should prefer the institutions of St Peter to those of St Columba.'* Why has he suppressed the reasons that determined the King to a decision of such importance for the church of Rome? Was he afraid they might excite a smile in his readers? Was he apprehensive they might lower our opinion both of the converters and of the converted? Bede, however, has no such scruples. He tells us, that the Roman advocate, who appeared for St Peter, having asserted that to that apostle the keys of heaven were committed by his master, Oswy, who had been educated in the Scottish discipline, turned suddenly to Colman, the advocate for St Columba, and asked him 'if that was true?'—'Quite true,' replied Colman. 'But, have not you something as great to claim for your Columba?'—'No, Sir.'—'Then you are both agreed that St Peter has the sole custody of the keys of heaven?' 'Yes—certainly.' 'Then, I must tell you,' says the King, 'I am not the man to quarrel with the door-keeper: To the best of my knowledge and ability I shall do whatever he has enjoined: For, if he who has charge of the keys of heaven is my enemy, when I present myself at the gate, I may perchance find no one there to unlock the door for me.' This sapient resolve (to borrow one of Dr Lingard's expressions) was hailed with applause by the bystanders, both great and small. Rome triumphed: and the Scottish priests went back, full of wrath, to their native land, to shave their heads and celebrate their Easter according to the rule of St Columba.†

Vicarious penance was a singular privilege enjoyed by the members of the Anglo-Saxon church. We are not sufficiently read in ecclesiastical history to know whether it ever was, or still continues to be practised in any other Catholic country. But we presume it must have existed in Spain, as there is a noted allusion to it in the works of Cervantes, in the person of Sancho. We have heard, indeed, that it still exists in a mitigated form in Andalusia. According to this ingenious and accommodated system of atonement, it was held, that a certain quantity of penance was necessary to make satisfaction for a certain quantity of sin; but, provided the sinner bore some part, however small, in the burden, he might portion out the rest of it among his friends and dependants. If, for instance, a great man was enjoined to do penance for seven years, he was, first, with twelve

* England i. 144.

† Bede, iii. 25, 26.

friends, in the habit of a penitent, to fast for three days on bread, raw potherbs, and water; and if he could then muster seven times a hundred and twenty dependants, who were also willing to fast for him three days, he might, in that short space, satisfy his penance of seven years. 'But he was admonished,' says Dr Lingard, 'that it was a doubtful and dangerous experiment.*' Our readers will hardly credit us, when we assure them, that in the passage referred to by Dr Lingard, † there is no such admonition to be found. There is not a word said of the experiment being doubtful or dangerous. The only ground for this bold interpolation, is a subsequent remark, which says, 'most just it is, that every man should make satisfaction for his misdeeds, in his own person;' but no hint is given, no insinuation made, that the vicarious penance was less sure or effectual than the other.

There is no subject on which Dr Lingard has bestowed greater pains than on the defence of Wilfrid; and he appears to have successfully vindicated that prelate from the calumnies and falsehoods of Carte. But, why invest him with virtues to which he had no pretence? Why, as if in mockery, boast of his gratitude to his patron and protector Edilwalch, King of Sussex. ‡ He converted, it is true, the subjects of Edilwalch, to the Christian faith, and received in return from that monarch, one of his royal vills, with the isle of Selsea, and 87 hides of land. But, while residing at Selsea, and living on the bounty of Edilwalch, he gave succour and advice to the fugitive Ceadwalla, who surprised and slaughtered his benefactor. Charity might have indulged in the conjecture, that he was unacquainted with the designs of Ceadwalla, and unconsciously sharpened the sword destined to shorten the days of his protector, if he had broken off all intercourse with that adventurer after the slaughter of Edilwalch. But, on the contrary, though Ceadwalla remained a Pagan, Wilfrid continued his friend, and comforted and supported him till he had triumphed over all his enemies. When Ceadwalla mounted the throne of Wessex, Wilfrid was invited to his court, placed at the head of his council, and enriched with many splendid gifts, particularly with 300 hides, or one-fourth of the Isle of Wight, formerly subject to the unfortunate Edilwalch. § Anxiety for

* Anglo-Saxon Church, 207.

† Wilkins' Leg. Saxon, 97. Concil. i. 238.

‡ England i. 153. Anglo-Saxon Church, 175.

§ Bede, iv. 13, 16. Eddius, apud Gale, i. 72, 73. Malm. de gest. Pont. lib. 3.

the conversion of Ceadwalla may have been the motive of Wilfrid for his compliances with that savage; but let us not be told of his gratitude to his royal patron.

Dr Lingard has justly claimed for his work 'the merit of research and originality.' We think that merit fairly due to him, and feel gratitude and respect for the patience and acuteness that have enabled him to elucidate the obscurities, and detect the errors of his predecessors. But we fear that the desire of 'stamping on his work the features of novelty,' has led him into a love of petty paradox, unworthy of his talents. He appears to take delight in reversing the characters usually given by historians to our kings and statesmen. If a person of note is praised by Hume, he has a good chance of being represented in an odious light by Dr Lingard; and, if censured by Hume, Dr Lingard generally contrives to say a word in his commendation. We have an amusing instance of this weakness in the case of a Danish king, called Hardicnut. Mr Hume happens to have said of this prince, that he had lost the affections of the nation by his misconduct, and that his death gave as little surprise as it did sorrow to his subjects. Dr Lingard thereupon makes him mild in his manners, and generous in his dispositions; and adds, that his character was such as to afford the presage of a tranquil and prosperous reign. Dr Lingard may possibly be in the right; but the little we know of this Hardicnut is not to his praise; and, if we may trust the Saxon Chronicle, he was no great favourite with his contemporaries. The chief acts recorded of him, are the brutal vengeance he exercised on the dead body of his brother Harold,—his violation of the safe conduct he had granted to his kinsman Eadulf, Earl of Northumberland,—the heavy tax he imposed for his Danish mercenaries,—and the severity of the military execution he directed against Worcestershire. 'He was received as king,' says the Saxon Chronicle, 'by Danes and English; but his *redesmen* paid dearly for it afterwards. He did nothing worthy of a king.' His end was suitable to his life. 'While he stood up drinking at a feast, he fell on the ground in horrid convulsions; and wœrd spoke never more.'

Dr Lingard is perhaps unconscious how often national antipathies direct his pen. He seldom names the Scotch or Welsh without some disparaging expression, or some insinuation to their prejudice. That he should visit on *our* orthodox ancestors the sins of their Calvinistic posterity, we can more easily comprehend than reconcile to our notions of reason or justice. But why the Welsh are under Dr Lingard's ban, we cannot so easily account for. Their original sin in refusing obedience to

St Austin and his associates, had been long atoned for by submission; and yet, from the days of Offa to the final subjugation of their principality, they are never mentioned by him but as vindictive barbarians.* The Scotch are not better treated than the Welsh. They are seldom named without some slighting addition—some phrase expressive of hatred or contempt—that marks the dislike this Reverend Divine has conceived against them. Though perfectly aware of the distinction between personal and territorial homage, he confounds the personal homage of some of our Scottish kings to certain Saxon and Norman princes, with an acknowledgment of superiority in the English, and dependance in the Scottish crown. It seems to have escaped him, that if the Kings of Scotland had been vassals of the Crown of England for the realm of Scotland, the homage of William the Lion to Henry II. must have been unnecessary, and the subsequent renunciation of Richard not worth the price paid for it. He represents the artful and insidious conduct of Edward I. as the just assertion of his lawful rights. It seems never to have occurred to him, that it was the object of Edward to convert what was at most a nominal superiority, into complete and absolute dependance. He does not consider that, whatever might be the vague pretensions of former English Kings over Scotland, none had ever exercised them in the manner attempted by Edward. He acknowledges, that appeals from judgments given in Scotland, had been hitherto unknown in the English courts; but gravely adds, that 'Edward was determined to attach to his superiority all those rights which, as Duke of Guienne, he had been compelled to acknowledge in the Crown of France;† as if the usurpations of the race of Capet on the Dukes of Guienne afforded any plea for the encroachments of the Kings of England on the Crown of Scotland. He treats Bruce and Wallace as assassins, apostates, and traitors. He has never done our Scottish patriots the justice to acknowledge, that, in resisting the pretensions of Edward, they contended for the ancient laws and customs of their country; nor has he the candour to state, that if some of them took up arms after having submitted and sworn allegiance to Edward, they had to plead, in justification of their conduct, the outrages committed by his servants and officers on their friends and families.

In a very different spirit he judges of the repeated insurrections of the Saxons after their submission to the Conqueror.

* England, i. 172, 421; ii. 127, 231; iii. 32, 123, 256, 259.

† England, iii. 285.

The standard they unfurled against their oppressors he terms 'the banner of independence.' Their insurgents he describes as men of noble minds, who, 'disdained to crouch under a foreign yoke.' The loyal Saxons, who respected their oaths to William, are stigmatized for attending more to the 'suggestions of selfishness than of patriotism.' Hereward is exalted into a hero; Wallace degraded to an outlaw and a murderer. That Wallace was 'guilty of treason, murder and robbery,' who can doubt? 'He was placed at the bar of Westminster-Hall, with a crown of laurel on his head, condemned on the verdict of a jury of gentlemen,' and actually executed as a traitor. 'If his fate was different from that of others, it proves,' says Dr Lingard, 'that there was something peculiar in his case which rendered him less deserving of mercy.'* Where is the victim of tyranny that is not assailable by such logic? If Christians suffered under Nero, while Jews were spared, what does it prove, but that there was something in the case of Christians that rendered them less deserving of mercy?

We shall conclude with pointing out some trifling mistakes, proceeding from mere inadvertence, which Dr Lingard may easily correct in the future editions of his history.

Though a good Saxon scholar, he has made a strange blunder in his translation of the treaty between Alfred and Guthran. He tells us, that 'the boundaries of the two kingdoms were the river Thames, the river Lea to its source, a line drawn from thence to Bedford, and along the *Owse* to its mouth.'† Had such been the terms of the treaty, the Danish territory would have been confined to East Anglia and Essex, and the adjacent country. But the wars and conquests of Edward, son of Alfred, show that the possessions of the Danes were infinitely more extensive. The real boundary between Danish and Saxon England, fixed by the above mentioned treaty, was from Bedford along the *Owse* to Watling Street,‡ the whole of England on the north and east of Watling Street, from the point where it crosses the *Owse*, being held by the Danes, and governed by Danish Kings and Jarls.

The dowel, says Dr Lingard, assigned to a wife by her husband, was determined by law to be the whole of his property, if they had issue, and if they had none, the half. || He refers to the laws of Edmund on marriage; but he has overlooked an im-

* England, iii. 329.

† England, i. 251.

‡ Wilkins' Leg. Anglo-Saxon, 47.

|| Anglo-Saxon Church, 216.

portant clause, which makes this disposition of the property, not absolute, but conditional. ‘*If it be so settled beforehand,*’ says the law, ‘then, it is just that the wife should inherit half the property, and the whole, if they have a child between them.’* This mistake, into which others have fallen besides Dr Lingard, was long ago remarked and corrected by Somner.†

He quotes as an authentic piece of history, the speech in Parliament attributed to Bishop Merks, on the question, whether Richard II. should be deposed, and praises that reverend prelate for his manliness and fidelity.‡ He appears to know little of Merks, and never to have seen the letters of Bishop Kennet on his character. If any speech was ever delivered in Parliament by Merks in favour of Richard, it was not on that occasion.

He repeatedly refers for events connected with the capture and misfortunes of Richard II., to a MS. in the King of France’s library, which he supposes to have been written by a person in the suite of that Monarch. || The MS. itself makes no such pretension; and though quoted as authority by Carte, it is manifestly a collection of tales and hearsays, embellished by the imagination of the author, and not more worthy of serious credit than the history of Don Carlos, or of the conspiracy against Venice. Judging from the number of copies we have seen of this MS., one of which is in this country, it seems to have been a favourite work in France during the long contest between the House of Valois and the House of Lancaster. Richard’s marriage with a French princess had made him popular in France; his misfortunes were pitied, and his successors detested.

For the observations we have now made, we have found occasion, as we intimated at the beginning, chiefly in the earlier volumes of the work before us. The later, and consequently the more important parts of the history, we have not yet had time to study. But from the glance we have been enabled to take of them, we have no reason to think that they are entitled to more implicit credit than those we have already examined. As the author approaches indeed to the critical period of the Reformation, it may easily be supposed that his partialities will not be less active, or his temptations to unfaithful statements and unfair conclusions less powerful. We can discover, also, that his political predilections are almost as likely to suborn

* Wilkins’ Leg. Anglo-Saxon, 75.

† Gavelkind, 92.

‡ England, iv. 367.

|| England, iv. 358, 381.

his accuracy as his ecclesiastical; and that he will require to be watched as closely in his account of our free constitution as of our Protestant church. Whether the hand which has traced the foregoing remarks shall be enabled to go through the remainder of the work, is matter of uncertainty: But it is a work of too much importance, and calculated to influence public opinion to too great an extent, to admit of its being left without farther notice in our pages; and as we observe that a continuation, bringing down the history to the period of the Commonwealth, has been announced as almost ready for publication, we hope, in no very long time, to have an opportunity of resuming and completing our estimate of its merits.

ART. II. 1. *Specimens of the Earlier English Poets*. S. W. Simpson, London. 1824.

2. *The Commonplace Book of British Poetry*. Anderson, Edinburgh. 1823.

3. *The Commonplace Book of British Song*. Anderson, Edinburgh. 1823.

WE are not aware that any successful attempt has been made to explain the nature of Poetry, or to show by what general characteristics it is distinguished from prose. Most of the discussions upon this pleasant art have been introduced with reference to the merits of particular pieces, and avoid the general question altogether. Some are occupied in analyzing the structure of the story; some in canvassing the probability of the incidents, the truth of the characters, the purity of the diction, or the correctness of the metaphors; leaving the grand distinction between poetry and prose, as well as the component qualities of poetry itself, to the speculation of the reader. With the few who have taken a wider range, it has been usual to consider poetry merely as one of the fine arts, and to compare it accordingly with painting and music and sculpture: And as this forms, no doubt, a branch of the discussion on which we are about to enter, we may as well begin by saying a few words on this comparative view of it.

In so far, then, as Poetry may be considered as one of the fine arts, we apprehend that it is undoubtedly the *first* of them; because it combines nearly all the excellences of the other arts, with much that is peculiar to itself. It has the vivid beauty of painting, the prominence and simplicity of sculpture, and the touching cadences of music, while it out-

lasts them all. For Time, which presses on most things with so wasteful a force, seems to have no effect on the masterpieces of Poetry, but to render them holy. The 'Venus' of Apelles, and the 'grapes' of Zeuxis have vanished, and the music of Timotheus is gone; but the bowers of Circe still remain unfaded, and the 'chained Prometheus' has outlived the 'Cupid' of Praxiteles and the 'brazen bull' of Perillus.

Poetry may not perhaps attain its end so perfectly as painting or sculpture; but that is because its end is so high, and its range so much extended. It deals with more varied and more remote objects,—with abstract ideas and questions of intellect which are beyond the reach of the other arts. It may be considered as a moral science, operating both upon the passions and the reason, although it never, strictly speaking, addresses itself directly to the latter. It operates through the medium of words, which, however inferior, in certain cases, to colours or sounds, are far more generally available, and, in fact, perform what neither sounds nor colours can accomplish. It may indeed be truly said, that the highest object of painting and sculpture, has been to translate into another language, and for the benefit of a different sense, what the imagination of the poet has already created. Almost all the treasures of Italy and Greece are *copies*, made by the chisel or the pencil, from elevated fable (which is poetry), or from Greek or Hebrew verse. That they have their own peculiar hues and symmetry, does not disturb this opinion; for the original *idea* existed entire before, and that sprang from the imagination of the poet. Painting, in fact, as well as sculpture, is essentially a *mimetic* art: But poetry is not essentially, though it may be casually, *imitative*; and when it is so, it is imitative in a different manner, and in a less degree. As a *mimetic* art, it is, in one sense, inferior to the others; but it is not limited, like them, to a moment of time; and it can display the characters, the manners, and, above all, the sentiments of mankind, in a way to which the others have no pretensions. The very nature of the medium through which it acts, prevents it from being so strictly *mimetic* as sculpture and painting: For *language* cannot, in any way, copy directly from nature, unless it be in imitation of *sound*; and music, although said to imitate motion, in reality does little more than imitate the sounds which accompany motion. In comparison with Music, however, Poetry has a vast and acknowledged superiority, both as to the distinctness and variety of the impressions it conveys. The pleasure of music, in so far as it is not merely organic, and in some sort sensual, seems to consist merely in the suggestion of general moods or tones of feel-

ing, without any definite image, or intelligible result; and, though it may sometimes prompt or excite the mind to poetical conceptions, it can scarcely of itself attain any intellectual or passionate character, except by being 'married to immortal verse,' and thus reduced to an accompaniment or exponent of that nobler and more creative art.

In regard to the difficult question, as to *what* poetry is, it may be as well to begin by negatives; and to separate what may occasionally or accidentally aid its effect, from what is truly essential to its existence.

Poetry, then, is *not* necessarily eloquence, fiction, morality, description, philosophy, wit—nor even passion; although passion approaches nearest to it, when it spreads that haze before our eyes, which changes and magnifies objects from their actual and prosaic size. Passion, in truth, often stimulates the imagination, and the imagination begets poetry; but it operates also upon other parts of the mind, and the result is simply pathos, indignation,—eloquence, or tears. *Philosophy*, again, is founded in reason, and is built up of facts and experiments, collected and massed regularly together. It is constituted entirely of realities, and is itself a thing no more to be questioned than an object that stands close before us, visible and tangible: it is always to be *proved*. But Poetry proceeds upon a principle utterly different; and, in the strict sense, *never* exists but in the brain of the writer, until it be cast forth in the shape of verse. Neither is *Fiction* always poetical; for it deals often in the most simple conceptions, and pervades burlesque and farce, where human nature is degraded, as well as poetry, where it is elevated. Again, a *Maxim* is never, *per se*, poetical, nor a *satire*, nor an *epigram*; although all may be found amongst the writings of our poets. *Descriptions* of nature are commonly assumed to be poetry, but we think erroneously; for a mere transcript of nature is, of necessity, prosaic. It is true, that the *materials* out of which poetry is compounded, lie, perhaps, principally in nature; but not poetry itself. *Eloquence* or rhetoric is nothing more than an exaggeration of prose. Words may be strong, glowing, stimulating, and yet, even though rhythmically assorted, possess no imagination or fancy. In oratory, indeed, it may be that poetical figures are mixed up with, and lend a grace to speech; but the staple of the orator's pleadings must be prose, which he uses (or abuses) to convince the understandings of his hearers—or, at all events, to persuade them, by direct and substantial motives, to some actual and practical end. Demosthenes and Cicero were eloquent; but who will assert that they were poetical? They were rhetorical, vehement, ingenious; they *reasoned*, and

thereby persuaded; but they would *not* have been persuasive, had they made use of poetry, which is complicated, instead of prose, which is single and obvious, for the purpose of convincing their hearers.

If none of these intellectual qualities be essential to Poetry, we need scarcely say that it is not simply *verse*; although that may be useful, and perhaps even necessary to its existence. Verse is the *limit*, or shape by which poetry is bounded: it is the adjunct of poetry, but not its living principle. Neither is poetry *music*; so that, to try it by the laws, either of metre or of tone, must necessarily be fallacious. It is well enough, as a matter of amusement, to ascertain how the lines of our great poets have been fashioned; but to deduce authoritative rules from poems that have been written without rule, is plainly to derive an argument in favour of bondage, from the most splendid proofs of the benefits of freedom. Shakespeare most assuredly wrote without any reference to rule: he trusted to his ear, and produced the finest *dramatic* verse in the world. Milton also, beyond competition the greatest writer of epic verse of whom we can boast, learned as he was both in metres and music, and with the finest apprehension for harmony, evidently composed without rule, and trusted to his ear alone for those exquisite cadences with which, from his *Lycidas* to his *Paradise Regained*, all his poems abound. It is undeniable, indeed, that the verse which is most perfectly according to rule is uniformly the most disagreeable. We are speedily tired of lines where the meaning invariably ends with the tenth syllable: and if we admit this, and allow the poet to terminate his periods in the middle, or in any other part of the line, where is his privilege to cease? Verse, in its own nature, implies nothing but regularity, and any kind or degree of regularity that is found to be agreeable, must be just as legitimate as any other. It might be rash, perhaps, to depart altogether from familiar models; but to insist that certain lines, with certain accents, should *alone* be held up as models, because they produce a good effect among others of a different modulation, is preposterous. Is it to be supposed that Milton did not know what he was about when he threw in that strange line—

‘*And Tiresias and Phineus, prophets old*’—

or when he speaks of

‘*The secrets of the hoary deep; a dark
Illimitable ocean*’—

or Shakespeare, when he addresses Earth, ‘*our common mother,*’

‘*Whose womb unmeasurable and infinite breast
Teems and feeds all?*’—

And yet we think the critics would be perplexed, were they to attempt to subdue these lines to their canons of quantity. What would the painters say, if an amateur should stand forward and insist on their piling all their figures in a precise triangle? Yet we know that the pyramidal shape is the *beau idéal* of an artist. Variety, in short, is necessary in poetry as in other things. It is *the whole* that should be harmonious; and it is not true that this large and effective harmony is to be attained by the absolute and exact uniformity of all the corresponding parts. The poets know this: and it will be well for us to leave them to the free practice of their art, instead of perplexing them with dogmas, which we are sure that the better part of them will never consent to follow.—But to come a little nearer an affirmative.

POETRY is *a creation*. It is a thing *created* by the mind, and not merely copied either from nature, or facts in any shape. Next to this general, but most correct and significant definition, if it can be so called, perhaps the best explanation is that given by Lord Bacon, where he says, that ‘poetry doth raise and erect the mind, by submitting the shows of things to the desires of the mind;’ though here, as in all the rest of the discussion, we should ever bear in mind, that poetry, after all, is the *effect*, and not the *cause*. It does not properly alter ‘the shows of things,’ but transcribes from the imagination the new form that results from the alteration. Its *after effect* upon the reader is produced by this transcript, and he sees merely the new *poetic creation*, and receives its effects. Poetry, then, is to be understood as a thing ‘*different from prose*,’ which is its antithesis; that is to say, it is always something different from the literal prosaic fact, such as we contemplate it with the eye of sense or reason. However it may be true in itself (and it ought to be true), as a compound image or signification of consistent ideas, it must not be in all respects *literally* true. The materials of poetry, as we have said, are to be found in nature or art, but not poetry itself; for, if poetry were strewn before us like flowers, or if it irradiated the heavens like sunshine or the stars, we should have nothing to do but to copy it as exactly as we could; and it would then be a ‘*mimetic*’* art only, and not a ‘*creation*.’ Prose, according to our

* We do not forget Aristotle’s *Mimnōis*:—but etymology and general opinion are clearly against the great Stagyrīte. Neither he nor Lord Bacon were, in the usual acceptation of the term, poets; and were therefore, perhaps, with all their great powers, less qualified to judge of certain processes of the mind, than inferior men who experienced them.

conception of it is in substance the presentment of single and separate ideas, arranged for purposes of reasoning, instruction, or persuasion. It is the organ or vehicle of reason, and deals accordingly in realities, and spreads itself out in analysis and deduction—combining and disposing words, as figures are used by arithmeticians, to explain, or prove, or to produce some particular effect from established premises. It acts upon foregone conclusions, or tends by regular gradations to a manifest object; and in proportion as it fails in these, it is clouded or imperfect. *Poetry*, on the other hand, is essentially complicated. It is produced by various powers common to most persons, but more especially by those which are almost peculiar to the poet, viz. *Fancy*, and the crowning spirit—*Imagination*! This last is the first moving or creative principle of the mind, which fashions, out of materials previously existing, new conceptions and original truths, not absolutely justifiable by the ordinary rules of logic, but quite intelligible to the mind when duly elevated—intelligible through our sympathies, our sensibility,—like light or the balmy air, although not sufficiently definite or settled into form to stand the cold calculating survey of our reason. It is not so much, however, that imagination *sees* things differently from reason, as that it *uses* them differently; the one dealing with single ideas, and observing, if we may so speak, the naked reality of things; the other combining and reproducing them as they never appear in nature. Nevertheless, poetry, though creative in its principle, comprehends not so much what is impossible, as what is at present unknown; and hence, perhaps, may be urged the claim of its followers to the title of ‘*Vates*.’ It is the harmony of the mind, in short, which embraces and reconciles its seeming discords. It looks not only at the husk and outward show of things, but contemplates them in their principles, and through their secret relations. It is brief and suggestive, rather than explicit and argumentative. Its words are like the breath of an oracle, which it is the business of prose to expound.

Imagination differs from *Fancy*, inasmuch as it does by a single glance what the latter effects by deliberate comparison. Generally speaking, imagination deals with the passions and the higher moods of the mind. It is the fiercer and more potent spirit; and the images are flung out of its burning grasp, as it were, molten,* and massed together. It is a complex power, includ-

* ‘The brain,’ (as Hobbes says), ‘or spirit therein, having been stirred by divers objects, composeth an imagination of divers concep-

ing those faculties, which are called by metaphysicians—Conception, Abstraction, and Judgment. It is the genius of personification. It concentrates the many into the one, colouring and investing its own complex creation with the attributes of all. It multiplies and divides and remodels, always *changing* in one respect or other the literal fact, and always *enriching* it, when properly exerted. It merges ordinary nature and literal truth in the atmosphere which it exhales, till they come forth like the illuminations of sunset, which were nothing but clouds before. It acts upon all things drawn within its range; sometimes in the creation of character (as in *Satan* and *Ariel*, &c.), and sometimes in figures of speech and common expression. It is different in different people; in Shakespeare, bright and rapid as the lightning, *fusing* things by its power; in Milton, awful as collected thunder. It peoples the elements with fantastic forms, and fills the earth with unearthly heroism, intellect, and beauty. It is the parent of all those passionate creations which Shakespeare has bequeathed to us. It is the origin of that terrible generation of Milton,—Sin, and the shadowy Death, Rumour, and Discord with its thousand tongues, Night and Chaos, ‘ancestors of Nature,’ down to all those who lie

‘Under the boiling ocean, *wrapt in chains*’—
of all phantasies born beneath the moon, and all the miracles of dreams. It is an intense and burning power, and comes

‘*Wing’d with red lightning and impetuous rage*’—
(which line is itself a magnificent instance of imagination)—and is indeed a concentration of the intellect, gathering together its wandering faculties, and bursting forth in a flood of thought, till the apprehension is staggered which pursues it. The exertion of this faculty is apparent in every page of our two great poets; from

‘The shout that tore Hell’s concave,’
to the ‘care’ that ‘sate on the faded cheek’ of Satan; from the ‘wounds of Thammuz’ which ‘*allured*’

to those ‘The Syrian damsels to lament his fate,’
‘Thoughts that wander through eternity;’
from the ‘curses’ of Lear upon his daughters, which

‘Stamp wrinkles in her brow of youth’
to Hamlet ‘Benetted round with villainies,’

‘tions, that appeared single to the sense. As, for example, the sense ‘showeth at one time the figure of a mountain, and at another time the colour of gold; but the imagination afterwards hath them both at once in a “golden mountain.”’—(*Essay on Human Nature*, ch. 3.)

and thousands of others which meet us at every opening of the leaves.

Fancy, on the other hand, is generally (but not always) glittering and cold—the preparatory machinery of poetry, without its passion; sporting with sights which catch the eye only, and sounds which play but on the ear. It proceeds upon a principle of assimilation, and irradiates an idea with similes; but it leaves the original thought untouched, and merely surrounds it with things which ornament, without either hiding or changing it. Fancy seems like an *after-thought*, springing out of the original idea: but the Imagination is born with it, coequal, inextricable, like the colour and the shape of a flower. Imagination, indeed, is as it were a condensation of the Fancy; acting directly on the idea, and investing it with qualities to which it is the business of Fancy to compare it. The loftiest instances of the last-mentioned faculty are perhaps in Milton, as, where he describes ‘the populous North,’ when her ‘barbarous sons’

‘Came—like a deluge on the South!’

or where he speaks of the archangel Satan, saying that

‘He stood—like a tower!’

Here, although ‘the populous North’ itself is imaginative, and the conception of Satan a grand fiction of the imagination, the likenesses ascribed to each are the work of Fancy. In both these cases, however, she soars almost beyond her region. Again, in the words of Lear,

‘Thou think’st ’tis much that this *contentious storm*
Invades us to the skin.’

and the well-known line—

‘How sweet the *moonlight* sleeps upon this bank;’

and in that fine expression of Timon, ‘the *dying deck*’—where he invests the mere planks of a vessel with all the deeds that have been acted upon them, and colours them with blood and death—it is the *Imagination* which is evidently at work:—So is it also in the case of the ‘*wilderness of monkeys*,’ where the inhabitants of the forest are made to stand for the forest itself.

The grand distinction, in short, which exists between poetry and prose, is, that the former (independently of its principle of *elevation*) presents *two* or more ideas, linked or massed together, where the latter would offer only one. And hence arises the comparative unpopularity of the former with ordinary readers, who prefer humble rhyme to poetry, and a single idea to a complicated one, inasmuch as it saves them from the fatigue of thinking. And the distinction between Imagination and Fancy, is simply, that the former altogether changes and remodels the original idea, impregnating it with something extraneous:—the

latter leaves it undisturbed, but associates it with things to which, in some view or other, it bears a resemblance.

In the foregoing examples of the operation of Imagination and Fancy, the effects produced by each are—*poetry*. If Shakespeare had written—

‘Thou think’st it much that this *most violent* storm
Should wet us to the skin.’

or—

‘How sweet the moonlight *shines* upon this bank’—
(although the last line might still have been musical), he would certainly have written *prose*, and nothing more. When Cleopatra says,

‘Have I the *aspic* in my lips?’

the double idea may not be so obvious, but it is still there: the reptile is confounded with its power (its poison), and made one; the cause and the effect are amalgamated.

Truth was not made for the benefit of infidels, who are its foes; but for willing apprehensions; and, accordingly, it is to these only that Poetry addresses itself. It repels and recoils from the ignorant and the sceptical: the first, from some malformation or want of cultivation of the mind, are unable to comprehend it; and the latter try it by laws to which it is not lawfully subject. When Brutus, in Shakespeare’s ‘Tarquin and Lucrece,’

‘Began to *clothe his wit* in state and pride,’

we feel that this is not the language of prose; and that, however pregnant the phrase may be to a willing ear, it is not the sober and severe language of a reasoner. Neither of these two last quotations are, as may be easily seen, absolute *facts*, because, as we have said, poetry is never *literally* true. Nevertheless, it must not be considered as void of truth, because it is not a literal transcript of nature, or of ordinary life: Were it so, we should never sympathize with it. On the contrary, it contains, as it were, the essence of truth: and is a concentration of its scattered powers. It is a world different from our own, but not in opposition to it; moved, on the whole, by the same passions, and subject to the same influences as ourselves. It may be that some scene or character is lifted entirely out of ordinary nature, as in the case of Satan, or the Red Cross Knight, Caliban, Ariel, and Oberon; yet these, and all other grand fictions, are true to *themselves*, and maintain their proportions like a simple metaphor; and we shall generally find, that the natural passions prevail even in the most fantastic creations of the Muse.

Every one who has considered the subject, will own that it is often impossible to justify the finest things in poetry to an un-

willing mind, or upon the ordinary principles of logic. And the question which arises on this discovery, is—*which* is imperfect?—the law, or the art? For our parts, we think the former. When Milton tells us of ‘*darkness visible!*’ we feel that he has uttered a fine paradox; we feel its truth, but cannot prove it. And when—in that appalling passage where the poet stands face to face with Night and Chaos, in their dark pavilion, ‘spread wide on the wasteful deep,’ and says that

By them stood

Orcus and Ades, and the dreaded NAME

Of Demogorgon!

how is it possible to reconcile such expressions to a mere prosaic understanding?—‘Darkness’ is, strictly speaking, ‘absence of light.’ How then shall we say that it is visible, when we see only by the aid of light?—And with respect to the ‘Name’ of Demogorgon, which ‘stands’ by Orcus and Ades, how can such a phrase be justified by the rules of reason? Nevertheless, it is as magnificent as words can make it. It is clothed in a dark and spectral grandeur, and presses upon our apprehensions like a mighty dream. Who is there that would give up such things for the sake of logic? May not the truth be, that logic, which is the weapon of prose, touches not the airy nature of poetry? or that the laws of reason are at present too imperfect to make the divinity of poetry clear to human capacity? It is well known that our senses are perpetually deceived, and that our reasoning faculties are incompetent to the understanding of many of the phenomena of the external world. Is it not, then, fair to suppose, that the finer intuitive movements of the mind and feeling may also escape? Assuredly, the sense which apprehends these grand expressions of Milton, is finer and loftier than the hard scepticism which denies them. Why then should the one give place to the other? In the same predicament with Milton is Shakespeare perpetually. When, by a strong effort of the imagination, he fuses too ideas into one, the cause, perhaps, and the consequence; or when he arrays a bare and solitary thought, with all the pomp and circumstance which surround it—talking of the ‘*dying deck*’—we admire the prodigious boldness of the figure, and rest contented, without trying it by the rules of common language. It is—like thousands of others—beyond the jurisdiction of prose.

The mind which cannot comprehend poetry may be said to be wanting in a sense. Yet such are precisely the minds which criticise poetry the most narrowly. They try it by the prosaic laws, which they do comprehend, and set up for judges on the ground—of their own defects!—Nevertheless, we do not wish to

claim for poetry the exemptions of the *jus divinum*. Poetry is subject to reason—not indeed as prose is subject, throughout all its images, but *independently* of its imagery and elevation of sentiment; and it must not therefore be tried by a standard to which it does not profess to assimilate itself, nor by rules with which it is in its nature at variance. It can never be made good, and demonstrated like a syllogism. But, as it springs from, and is addressed to the imagination, so can it be subject to strict laws, only when the laws of that faculty shall be discovered.

We have already quoted several instances of poetical phraseology; but it is not alone in such expressions that poetry consists. The *idea* of a character, a person, a place, may be poetically conceived, as well as the expression in which it is dressed. Thus the idea of Milton's 'Satan' is purely imaginative and poetical, as are the conceptions of Titania and Oberon, Ariel and Caliban, and the cloudy Witches of Macbeth. Macbeth himself is poetical, on another ground, i. e. from the circumstances into which he is impelled, as are, in like manner, Hamlet, Juliet, and Lear. A chimera, a leviathan, a gorgon, the snake which was fabled to encircle the world, the sylphs and the giants, Echo, Polyphemus, shadowy Demogorgon, Death and the curling Sin, the ocean-born Venus, and Pallas, who sprang out armed from the brain of Jove—are all poetical. Milton's vision of Hell—Spenser's palaces and haunted woods—the Inferno of Dante—the faithful Shepherdess of Fletcher, and her home in Arcady—the Arabian fictions, with their silent cities and blazing sights, in air and under ground; their gems and dreams of riches; their fairies, genii, and enchanters; their men turned into marble; and, in short, all that world of wonder which illuminated ancient Bagdad, or grew up like a garden of enchantment on the banks of the Tigris—are all fictions of the imagination, and, as such, have claims to be distinguished as the offspring of the great family of poetry. Again, the meeting of Gabriel and Satan, at the end of the fourth book of Paradise Lost, where the squadron of angels turn 'fiery red'—and the stature of Satan, angry and dilated, 'reached the sky'—the speed of Puck, who 'puts a girdle round about the earth' in forty minutes—the ghost who revisits the 'glimpses of the moon'—Una, taming the forest lion by her beauty—the iron man—the fretted and wealthy cave of Mammon—must all have been poetical, in whatever diction the ideas had been clothed.

The staple of Poetry then is *imagery*: so that even where it deals with abstract ideas and indefinite objects, it generally moulds them into shape. It is thus that certain virtues and qualities of the mind are brought visibly before us. Unfortu-

nately, HOPE and CHARITY, FAITH, and LOVE, and PITY, &c. have now become commonplaces; but they were, notwithstanding, amongst the first and simpler creations of the art. In another way, mere inanimate matter is raised to life, or its essence extracted for some poetical purpose. Thus the air, in its epithet 'airy,' is applied to motion, and, the 'sunny' locks of beauty are extracted from the day. Thus the moon becomes a vestal, and the night is clothed in a starry train; the sea is a monster or a god; the winds and the streams are populous with spirits; and the sun is a giant rejoicing in his strength. Again, as the essence of poetry, generally speaking (for it is sometimes otherwise, in the case of sounds and perfumes), consists in its imagery, so its excellence varies in proportion as those images are appropriate and perfect. The imagination, which acts like an intuition, is seldom wrong; but when a thought is spread out into similes, by the aid of fancy, it not unfrequently becomes unnatural. Again, the figures or images may be repeated till they run into cold conceits, or they may not amalgamate and harmonize with the original idea. Petrarch, Doune, Cowley, and Crashaw, all men of genius, offended in these points. They trusted often to their ingenuity instead of their feeling, and so erred. Excellence is not necessarily the property of imagination or of fancy, which may be lofty or tame, clear or obscure, in proportion to the mind of the poet. Nor must we forget that poetry, which depends at least as much upon the vivid sensibility of the writer as upon his intellect, depends also somewhat upon his discretion. When Crashaw, in his '*Music's Duel*,' speaking of the nightingale, who is contending for the palm of music with a man, says,

' Her supple breast thrills out
Sharp airs, and stingers in a warbling doubt
Of dallying sweetness'—

we feel instantly that the idea is overloaded, and extended beyond our sympathy. There are four distinct epithets made use of to express a single idea. This argues poverty in the writer, at least as much as a superabundance of imagery. So Cowley maintains a metaphor throughout a whole poem; as in the one entitled '*Coldness*,' where he begins by comparing his love to water, and goes on to show how it is acted upon by kindness and rigour, the one causing it to flow, and the other to freeze. This is the masquerade of poetry. On the contrary, when Bolinbroke goes

' As confident as is the falcon's flight,'
to do battle with Mowbray, and Eneas the Trojan, bearing a challenge to the idle Greeks, cries out,

‘ Trumpet, blow loud !

Send thy *brass voice* through all these *lazy tents*’—

we admit at once the fine keeping of the images. Again, when this same Eneas, diffidently inquires for the leader Agamemnon (whose ‘*topless deputation*,’ on the other hand, the parasite of Achilles mimics), saying,

‘ I ask that I might *waken reverence*,

And bid the cheek be ready with a *blush*,

Modest as morning when she coldly eyes

The youthful Phœbus,’

we feel that the picture is perfect.

We have characterized certain things *as poetry* ; but we must not be understood to say, that all which may fairly be called poetry is thus, word by word, impregnated with Imagination and Fancy. We have extracted the essence ; whereas the cup of poetry, even at the strongest, is not all essence : But—as wine is not composed entirely of the grape—so is the rich Castalian mixed with the clear waters of the earth, and thereby rendered palatable to all. It requires, like durable gold, some portion of alloy, in order to preserve itself through the common currency. It is a Doric temple, where all is not exclusively divine, but partakes, in common with others, somewhat of the structure of ordinary buildings. So, in poetry, all is not of the ‘*Dorian mood*,’ or of the ‘*order*’ of poetry, but is intermingled and made stable by a due addition of other materials. It is by these means that poetry acquires its popularity. The most imaginative writings are assuredly but little relished by the common or uninitiated reader. They require too much of the labour of thought—too much quickness of apprehension and power of combination, on the part of readers (as well as authors), to be likely to please generally. A maxim or a sentiment conveyed in prose, especially if it be such as flatters our self-love, will produce twice the effect on the crowd that pure poetry can ever hope to accomplish. Dr Johnson’s favourite lines—

‘ I dare do all that may become a man :

Who dares do more, is none’—

act like electricity ; yet they are neither poetry, nor, strictly speaking, truth. They involve a *non sequitur*, as Partridge would have termed it ; and were probably flung out, by Shakespeare, from his boundless hoards, as a plausible bait for the crowd. Even in him and in Milton, our two most undisputed poets, there are many striking, and even beautiful passages interspersed, which can claim but little distinction from prose, in regard to mere phraseology, except that they are compressed

within the limits of heroic verse. Thus, those two bulky lines in 'Troilus and Cressida'—

*'The large Achilles, on his press'd bed lolling,
From his deep chest laughs out a loud applause'—*

although they present a grand, bold picture, and seem actually burthened with the words which they bear, are not, with respect to phrase or expression, essentially poetical. Neither have those sad and beautiful words of Antony—

*'Eros!—I come, my queen. Eros! stay for me.
Where souls do couch on flowers, we'll hand in hand,
And with our sprightly port make the ghosts gaze:
Dido and her Eneas shall want troops,
And all the haunt be ours'—*

a decided claim to be considered as poetry, in point of expression only. Even the exquisite pathos of Lear, at the end of that mighty play, when his frenzy quits him, under the influence of Cordelia's care ('Pray do not mock me,' &c.), cannot be called essentially poetical, though they are to us more touching than the grandest poetry. They are simple and unimaginative, and purely pathetic, as the situation of Lear then requires that they should be. His days of indignation and sorrow are over: his spirit is calm and sunk; and the winged words which became madness and the tempest, would have been out of place, when his mind and body were relaxing gradually into the repose of death. In these cases, however, and in similar ones, it must be observed, that the picture presented, or the idea originated, may be poetical, although the mere words may have but little claim to that title. Thus, in that airy and exquisite account of 'Muciber,' in the *Paradise Lost*, where Music and Poetry run clasped together down a stream of divine verse, there is little of the strictly poetical phrase, except where it is told that he

'Dropt from the zenith like a falling star;'

but the whole picture is nevertheless beautiful, and conceived in the spirit of poetry. These are a few cases, and there are thousands of others. Generally speaking, however,—in the works of true poets, the phrases are glowing with Imagination or bright with Fancy, as well as the pictures presented; and we should have exceeding doubt as to the claims of a writer, whose characters or pictures only had some tinge of imagination, while his details remained couched in language which could not pretend to any other name than 'prose.'

There has of late been some discussion, amongst a few of our eminent writers, in regard to 'objects which are or are not poetical.' We are not about to revive the subject at any length; but we may observe, that the art of poetry originates in

the *faculty* of its professors. If it existed in nature, and a writer had simply to transcribe her appearances, *any* body might become a poet as a matter of course. But the poetical faculty does *not*, as we apprehend, consist simply in describing what is splendid already, for that may be done by a prosaic mind; nor in selecting what is beautiful, for that is the employment of taste. Nevertheless, it is true that certain objects, inasmuch as they approach to that standard, to which it is the *aim* of poets to sublime the tamer and ordinary appearances of the world, and may therefore reasonably be considered as the models existing in the poet's mind—may so far be allowed to be the most 'poetical,'—or the nearest allied to poetry. Poetry (we do not mean satire), it is to be remarked, deals with the grand, the terrible, the beautiful; but seldom or never with the mean. Its principle is elevation, and not depression or degradation. It is true, that in tragedy and narrative, characters and images of the lowest cast are sometimes admitted; but for the purposes of contrast only, or to 'point a moral.' Poetry is not constituted of those base elements, nor does the true poet luxuriate in them. They are subject to his dominion, but do not rise to his favour.

The nearer, then, that an object approximates to what is evidently the standard or the result of poetic inspiration, the nearer it may be said to approach to poetry itself. For the principle which animates the creator must exist in the thing created. The grandeur which he aspires to fashion, the beauty which he delights to mould, partake surely in some measure of, or bear some resemblance to, the grandeur and beauty which exist independent of his creation. Under this view,—the stream, the valley, the time-wasted ruin and the mossy cell—the breathing Venus, and the marble Gods of Greece and Rome—the riotous waves and the golden sky—the stars, the storm, and the mad winds—ocean, and the mountain which kisses heaven—Love and Beauty, Despair, Ambition and Revenge—all objects or passions which lift our thoughts from the dust, and stir men into madness—almost every thing which has in it a strong principle of impulse, or elevation, has a claim to be considered poetical. It is the meaner things of life, its tameness and mediocrity, its selfishness and envy, and repining, which, though subdu'd occasionally to the use of poetry—are too base for an alliance with it; and which creep on from age to age, recorded indeed and made notorious; but branded with immortality for the sake of example only, and trampled under the feet of the Muse.

The object of poetry is not to diminish and make mean, but

to magnify and aggrandize—‘to accommodate the shows of things to the desires of the mind;’ which, in its healthy state, all tend upwards. It does not seek to dwarf the great stat-ures of nature, nor to reduce the spirit to the contemplation of humble objects. Its standards are above mortality, and not below it. Surely then, if this be almost invariably the tendency of the poetic mind, those objects (be they in art or nature) which approach nearest to the ideas of the poet, must be fairly considered as being in themselves nearest to poetry. Whether art or nature is to be preferred to the highest station, is another question. For our own parts, we are inclined to prefer art to science, and nature to art. A brilliant light may be thrown upon a pack of cards, and the fancy may play and flutter over a game of ombre; but this proves nothing but the skill of the poet in this particular instance. Is it to be supposed, that if he had beheld the dissolution of a world, or seen Uriel gliding on a sunbeam, arrayed in his celestial armour and majestic beauty, he could have done no more? We think otherwise. Occasionally it may have appeared, that the poorest things have been exalted and made level with the loftiest, by a republican spirit of poetry; but we shall find, on close investigation, that most of these instances (if not all) are unavailable; that the things spoken of have reference to matters of higher moment; and that it is from these that they derive their importance. It is not, for instance, the ‘*taper*’ only which throws a poetic lustre, but it is the flame which shines at ‘*midnight*,’ and burns in solitude and silence. It is not ‘*night’s candle*’ only, but it is when the candle is connected with the time—when *jocund Day*
‘*Stands tiptoe on the misty mountain tops,*
that it rises into poetry.

With respect to the end or intention of poetry—its different kinds—and its origin,—a very few words must suffice at present, our business being more particularly with the art, as understood and practised by the loftiest *English* writers. It has often been asserted, that the object of poetry is—to please; and assuredly this is *one*, though by no means the sole object of the art. It is said that, although in moral poetry improvement be blended with amusement, the latter is nevertheless the object. We submit that this position is not clear. In the case of didactic poetry (‘*The Essay on Man*’—the ‘*Art of Preserving Health*,’ &c.), the *aim* is instruction; and verse is but the medium or the attraction which the poet employs. In satire, the object is not to please a friend, but to sting an enemy; and we presume that the prophecies of the Bible must be admitted to have had an object beyond pleasure. The war-songs of the ancients were

to stimulate the soldier; and their laments were to soothe regret. Poetry contains in it a strong stimulant; and although a feeling of pleasure may blend with other emotions, it does not follow that the attempts of poetry are not directed to objects different from those of merely 'pleasing.' As to the different kinds of poetry, there are so many upon each of which a treatise might be written, that we prefer referring the reader to essays on the subject, rather than delay him at present by a brief exposition of that which he would probably wish to see treated in more particular detail. For our own parts, we are not inclined to lay extraordinary stress upon the mere structure and mechanism of poetry. It is not very material, we think, that a poem should be built up according to rules, many of which originated in the caprice of former poets; nor whether it be called an epic or a romance, an epistle or a dirge, an epitaph, an ode, an elegy, a sonnet, or otherwise. If it be full of the *matériel* of poetry, and contain something of fitness also, it will go far to satisfy our critical consciences.

We will now request the reader's company, for a short time, while we run hastily along the pages of our poetical history, and glance occasionally at the illustrious names which adorn it.

English poetry must be considered as having had its origin in the chronicles and romances of the Norman *trouvours*, they having prepared the way for the more elaborate narratives which succeeded the crusades. It is not material, perhaps, to inquire into the existence of rhyme or fiction among our ancestors before the Norman invasion. Our oldest subsisting debt is due, we think, to the Normans; although even *their* strains were, for a long time after their emigration here, coloured by the influence of French poetry, and their measures borrowed from the French writers, who from time to time preceded them in fashioning their memorials of love and conquest. Poetry and victory seem to have accompanied each other to our shores, and to have floated upon the same wing. *Taillifer*, a minstrel (on the invasion of William), is said to have advanced before the soldiers, animating them with 'songs of Charlemain and Roland,' and then to have rushed amongst the opposing ranks, and perished! A single incident like this is almost enough to stir Poetry from her trance:—for poetry is never dead, but sleepeth,—waiting only the touch of some Ithuriel spear which can waken passion into words, and untie the wings of thought to quit the dust and darkness of human life, and raise herself like Speculation to the stars.

In regard to the Romances and Chronicles to which we have alluded, they appear to have been a mixed brood, springing partly from tradition, and partly from legends which then stood

in the place of history. That history, it must be admitted, may have arisen, in its turn, from songs and stories; for, in truth, none of our earlier historical writings, however founded on fact, can be considered as entirely independent of fable. In a word, it is scarcely possible to trace poetry very correctly upwards to its springs. Its fountains are both on Helicon and Pindus, and the waters of Bœotia are as bright and as pregnant with inspirations as the more celebrated streams of Thessaly.

It is not our purpose here to trace the minuter steps of the Muse. She appears, indeed, to have hovered for ages over our hills and forests, before she alighted, and became a denizen of the soil. We shall therefore pass by, for the present, the crowds of ballads (some of which, however, possess great merit), and also the works of *Wace*, who translated Geoffrey of Monmouth, —and *Layamon*, who translated Wace into the language of the period, —*Robert of Gloucester* and his histories of Merlin and Arthur, —*Lawrence Minot* and his battle songs, —*Langlande* and his Visions, —and even by the gentle Gower ('ancient Gower'), and come at once upon the patriarch *Chaucer*.

There is nothing (setting aside the Ballads which are of doubtful date) which can truly be called poetry before the days of CHAUCER. There were indeed verses, in which we now scarcely recognise either the measure or the rhyme; but they were destitute of imagination, and almost barren of fancy. Chaucer's predecessors were the mere pioneers of literature. They cleared the ways, perhaps, a little, by inventing a rude metre, or adopting, from foreign romances, a measure which became not the English tongue; but, after all, they possessed little more than a mechanical power. They cut a road, level and rugged, through the thorny queaches of the English language, but they never left the ground. They could not rise above the obstacles of the age, nor pierce through the mists that lay around them. Chaucer followed, and raised poetry from the dust. He has been likened to 'the spring,' and has been called the 'morning star' of English poetry. He was so; or rather, he was a sun whom no star preceded, —who rose above our literary horizon, dissipating the wandering lights and sullen vapours which hung about it; and who, by a power independent of accident or the time, threw out a dazzling splendour, which showed at once his own lustre, and the wastes by which he was surrounded. He rose upon us like the morning, fresh and beautiful, and kept on his shining way, strong, untired, and rejoicing!

After Chaucer there is scarcely a name worth mentioning until the days of Surrey and Sackville. There were indeed

Lydgate, who was traveller, teacher, and Benedictine monk, but little of a poet,—*James the First* of Scotland, who gave large tokens of promise,—*Skelton*, who is more remarkable for having written against Wolsey in the plenitude of his power than for his rhymes,—*Occleve*, a dull writer, though reputed the scholar of Chaucer,—*Gawin Douglass*, a spirited translator;—and *Sir Thomas Wyatt*, a clever, and somewhat elegant writer, but who was rather the cotemporary than the precursor of *Surrey*, as were indeed *Lord Rochford* and *Lord Vaux*.

Henry Howard, Earl of *Surrey*, bears deservedly a high character in story, as an accomplished courtier, a romantic soldier, a tender lover, and a good poet. He signalized himself at *Florence* and at *Floddenfield*, and sung the praises of his 'Ladye Geraldine' in verses which it even now gives us a pleasure to recur to. He was the first writer of blank verse—of narrative blank verse—we believe, in our language. The following is translated by him from the *Eneid*, and, making certain allowances, is extremely like the manner of *Milton*. *Dido*,

'Clad in a cloke of Tyre, embroider'd rich,'
is seen to issue from her 'chamber dore':—

'The Trojans of her train
Before her go, with gladsome Iulus;
Eneas eke, the goodliest of the route,
Makes one of them, and joineth close the throng.
Like when Apollo leaveth Lycia,
His wintring place, and Xanthus' flood beside,
To visit Delos, his mother's mansion,
The Candians and the folke of Driope,
With painted Agathyrises, shout and crie,
Environing the altars round about:
So fresh and lustie did Eneas seme,' &c.

His account of *Dido* deserted, also, is worth extracting.

'Alone she mourns within her palace void,
And sits her down on her forsaken bed;
And absent him she hears when he is gone'—
and also that of *Mercury*, alighting upon the head of *Atlas*,
'foregown with pine.'—

'Here Mercury with equal shining wings
First touch-ed; and, with body headlong bent,
To the wáter then took he his descent.
Like to the fowl that, endlong coasts and stronds
Swarming with fish, flies, sweeping by the sea;
Cutting betwixt the winds and Lybian lands,
Cyllene's child so came, and then alight
Upon the houses with his winged feet.'

Thomas Sackville Lord *Buckhurst*, was the author of 'Ferrex

Porrex,' (our first regular tragic play), and also of the 'Legend of the Duke of Buckingham,' incomparably the best part of the 'Mirrour for Magistrates.' The 'Legend' was known of course to Spenser, and appears to have been, to a certain degree, the model after which he fashioned his 'Masque of Love.' As this poem has been much quoted of late, we will not trouble the reader with any extracts from it. It is, however, a production of great value. After Lord Buckhurst follow *Churchyard* and *Edwards*, a large contributor to the 'Paradise of Dainty Devices.' The poem on 'May,' by this author, has been praised by Ritson; but it is a mere play upon words, and not a very ingenious one. His stanzas entitled (42) '*Anantium ira amoris redintegratio est*,' eulogized by Warton, are much better. The last four lines of the first stanza, indeed, describing a mother and her child, are tender and graceful.

'She was full weary of her watch, and grieved with her child,
She rock-ed it, and rat-ed it, until on her it smiled:
Then &id she say, Now have I found the proverb true to prove,
That falling out of faithful friends is the renyung (renewing) of love.'

Next in order is George Gascoigne, 'one of the smaller poets of Queen Elizabeth's days,' but who, however, is by no means without merit. His 'Steel Glass' is one of the earliest specimens of blank verse, and about the first regular satire of which we can boast, if we are to boast of our satires at all. Of this one, in particular, we cannot say much that is favourable. We prefer his little poem to 'Philip,' his sparrow, which, though far below the delightful lines of Catullus, is pretty smoothly enough versified. Gascoigne divided his poems into 'Weeds,' 'Flowers,' and 'Herbs,' &c. according to the fashion of the day; and under those titles may be found occasionally, pleasant specimens of versification.

Christopher Marlowe is more celebrated as a dramatic writer than as a mere poet, although his song of 'Come live with me and be my Love' is well known. Beside these things, he translated Coluthus's 'Rape of Helen,' and also part of Musæus's 'Hero and Leander.' The commencement of this last poem is very beautiful—

'On Hellespont, guilty of true love's blood,
In view and opposite, two cities stood,
Sea-borderers, disjoined by Neptune's might:
The one Abydos, the other Sestos high.
At Sestos HERO dwelt,—Hero the fair,
Whom young Apollo courted for her hair,

And offered as a dower his burning throne !'

'Some say, for her the fairest Cupid pined,
And looking in her face was stricken blind.
So lovely fair was Hero, *Venus' nun !*'

Again, after speaking of the people who flocked to Sestos every year, to be present at the festival of Adonis, the poet says—

'But far above the loveliest Hero shined,
And stole away the enchanted gazer's mind :
For, like sea-nymphs' inveigling harmony,
So was her beauty to the passers by.
Not that night-wandering, pale, and watery star,
When yawning dragons draw her whirling car,
From Latmos' mount up to the gloomy sky,
Where, crowned with blazing light and majesty
She proudly sits, more over-rules the flood,
Than she the hearts of those who near her stood.—
E'en as when gaudy nymphs pursue the chase,
Wretched Ixion's shaggy-footed race,
Incensed with savage heat, gallop amain
From steep pine-bearing mountains to the plain—
So ran the people forth to gaze upon her,' &c.

In the temple, among the multitude, is her future lover. Hero, who has been sacrificing at the altar, opens her eyes modestly as she rises—

'Thence flew Love's arrow with the golden head,
And thus Leander was enamoured.'

The catastrophe of this story is known to every one.

We now come to the all-famous *Sir Philip Sydney*. Not unlike Lord Surrey in his renown, he was yet more of a hero than his illustrious precursor. Lord Surrey was an accomplished and illustrious patrician, the first of his age ; but Sidney was a refinement upon nobility. He was like the abstract and essence of romantic fiction, having the courage (but not the barbarity) of the *preux chevalier* of ancient time—their unwearied patience—their tender and stainless attachment. He was a hero of chivalry, without the grossness and frailty of the flesh. He lived beloved and admired, and died universally and deservedly lamented. He is the last of those who have passed into a marvel ; for he is now remembered almost as the ideal personification of a true knight, and is translated to the skies, like the belt of the hunter Orion, or Berenice's starry hair !

Sir Philip Sidney's poetry was not without the faults of his time. It is full of conceits and strained similes, and the versification is occasionally cramped. Nevertheless, many of his Sonnets contain beautiful images and deep sentiment (such as

the 31. 82. 84. and others), though a little impoverished by this alloy.

But Sir Philip Sidney's fame was won upon crimson fields, as well as upon poetic mountains. He wooed Bellona as well as the Muses; and his last great act on the plain of battle at Zutphen, is of itself enough to justify the high admiration of his countrymen. It was one of those deeds by which men should be remembered, when the mere animal valour of soldiers, and the accidents of conquest, shall perish in the obscurity of the times to come.

We will not stop now to notice any other writers of this period, but must content ourselves with enumerating *Churchyard* (whose verses have been reprinted), and *Tuberville* (best known as a translator of Ovid),—*Paynter* (the author of 'The Palace of Pleasure')—*Whetstone* and *Peele*—who are the most remarkable amongst them. Then comes the great name of *Edmund Spenser*!

SPENSER was steeped in Romance. He was the prince of magicians, and held the keys which unlocked enchanted doors. All the fantastic illusions of the brain belong to him,—the dreamer's secrets, the madman's visions, the poet's golden hopes. He threw a rainbow across the heaven of poetry, at a time when all seemed dark and unpromising. He was the very genius of personification: and yet his imagination was less exerted than his fancy. His spirit was idle, dreaming, and voluptuous. He seems as though he had slumbered through summer evenings, in caves or forests, by Mulla's stream, or the murmuring ocean. Giants and dwarfs, fairies, and knights, and queens, rose up at the waving of his 'charming-rod.' There was no meagreness in his fancy, no poverty in his details. His invention was without limit. He drew up shape after shape, scene after scene, castle and lake, woods and caverns, monstrous anomalies and beautiful impossibilities, from the unfathomable depths of his mind. There is a prodigality and a consciousness of wealth about his creations, which reminds one of the dash and sweep of Rubens's pencil; but in other respects, his genius differed materially from that of the celebrated Fleming. In colouring they are somewhat alike, and in the 'Masque of Cupid,' some of the figures even claim an affinity to the artist's shapes. But, generally speaking, Spenser was more ethereal and refined. Rubens was a decided painter of flesh and blood. He belonged to earth, and should never have aspired to heaven. His men were, indeed, sometimes chivalrous and intellectual, (his beasts were grand and matchless!); but his women were essentially of clay, and of a very homely fashion. Spenser

ser sketched with more precision, and infinitely more delicacy. He had not the flush and fever of colouring which lighted up the productions of the other; but his genius was more spiritualized: his fancy traversed a loftier eminence, and loved to wander in remoter haunts. The brain of the one was like an ocean, casting up at a single effort the most common and extraordinary shapes; while the poet had a wilderness of fancy, front whose silent glades and haunted depths stole forth the airiest fictions of romance. The nymphs of Spenser are decidedly different from those of the painter; and his Sylvans have neither the hideous looks of Poussin's carnal satyrs, nor that vicious spirit which flushes and gives life to the reeling Bacchanalians of Rubens.

The adventurous spirit of *Sir Walter Raleigh* did not extend to his poetry, which, though graceful, is cramped, and somewhat disfigured by the fashions of his age. It is, however, pleasant to think, that a man who had crossed the Atlantic after 'barbaric pearl and gold,' and had heard the brazen throat of war, should return to the pastures of his own country, and compose the song of 'The Shepherd to the Flowers.'

' Sweet violets (Love's paradise), that spread
Your gracious odours, which you couched bear
Within your palie faces;

Upon the gentle wing of some calm-breathing wind,
That plays amidst the plain,

If by the favour of propitious stars you gain
Such grace as in my ladie's bosom place to find:
Be proud to touch those places;

And when her warmth your moisture forth doth wear,
Whereby her dainty parts are sweetly fed—
You honours of the flowery meads I pray,
You pretty daughters of the earth and sun,
With mild and stemly breathing strait display
My bitter sighs that have my heart undone.

Joshua Silvester, the once celebrated translator of *Du Bartas*, whose popularity more than rivalled the fame of *Shakespeare* and *Spenser*, is now almost utterly unknown. It would be difficult to account for such taste, did not the absurdities of fashion render every thing conceivable. The 'Divine Weeks' is dull enough on the whole; yet there are parts which might be quoted, sufficient to justify the author's claim to great talent and lively fancy: and some of his minor poems, although full of conceits, are very musical. In his '*Posthumus*,' the one beginning, 'They say that shadows of deceased ghosts,'—and that commencing, 'Thrice toss these oaken ashes in the air,'

give proofs of a good ear, to say no more. Cotemporary with Silvester were the famous dramatists, *Webster*, *Delker*, *Ben Jonson* (who has left some delightful flowers amongst his 'underwoods'), *Maister Middleton*, and the rest; and also *Fairfax* (the translator of Tasso), *Fitzgeffrey*, *Warner* (a voluminous writer), *Constable* (the sonneteer), *Sir John Davis*, *Drayton*, and the contributors to 'England's Helicon,'—*Green*, *Breton*, *Bar. Yong*, and others. Several of the little poems in this publication require nothing but modern spelling to suit a reader of the present age.

About this time also lived SHAKESPEARE, the greatest of poets, and of men!—Leaving him, as a dramatist, to his uncontested supremacy, we may venture to assert, that, merely as a writer of lyrical poetry and sonnets, there are few who can stand in competition with him. His sonnets have more concentrated thought than any other productions of the same length in our language, and his songs are to this day unrivalled. As his poems have been lately brought before the public in a very pleasant and useful publication ('The Retrospective Review'), which seems doing to past ages that justice which we are aiming to do towards the present, we shall refrain from any quotations here. We shall leave this mighty spirit, therefore, upright in his renown, and triumphant over commentary and criticism, like that attractive rock which was fatal to the steps of every ignorant adventurer, and the object of admiration to all the world beside.

Between Shakespeare and Milton lived a great number of good writers of verse. Some, indeed, have high claims upon our respect. First, there were Beaumont and Fletcher, who deserve even all their fame, and seem to have run their bright course on earth touching and beautifying all things—sometimes warlike, sometimes jocose, sometimes grand and awful, and sometimes as soothing as evening winds, and as tender as Pity herself. What can excel the song sung to the restless dying emperor, in the tragedy of 'Valentinian?'—

'Care-charming Sleep, thou easer of all woes,
Brother to Death, sweetly thyself dispose
On this afflicted prince. Fall like a cloud
In gentle showers: give nothing that is loud
Or painful to his slumbers; easy, sweet,
And as a purling stream, thou son of Night
Pass by his troubled senses: Sing his pain
In hollow murmuring wind, or silver rain.
Into this prince gently, oh! gently slide,
And kiss him into slumbers like a bride!'

Then come—Old *Chapman*, the translator of *Homer*—*Bishop Corbet*—*Carew*, a courtier-like poet—*Sir John Suckling*, the wit—*Quarles*, the puritan—*Brown*, the pastoral writer—*Drummond* of Hawthornden, a writer of excellent sonnets—*Crashaw*, the translator of *Marino*—*Lovelace*, the cavalier, and lover of *Althea*—*Herrick*, a writer of great merit—the ‘melancholy *Cowley*,’ as he called himself—and *Sir Richard Fanshawe*, who translated *Camoens* and the Pastor Fido of *Guarini*. This last-mentioned work is an unequal performance; but parts of it are full of vigour—as, for instance, the Prologue (it speaks of

‘The woods where the old russet *Honestie*
Did live and die’)—

The lyrical chorus at the end of the fourth act, commencing—

‘Fair Golden Age! when milk was th’ only food,
And cradle of the infant world, the wood
Rocked by the winds; and th’ untoucht flocks did bear
Their dear young for themselves! None yet did fear
The sword or poison: no black thoughts begun
To eclipse the light of the eternal Sun;
Nor wandering pines unto a foreign shore
Or war, or riches, (a worse mischief) bore!’—

and the opening of the fifth act, where ‘*Carino*’ says, that ‘the loadstone,’ which bears the ‘wary mariner’—

‘Now to the rising sun, now to his set,
Doth never lose that hidden virtue yet,
Which makes it to the North retort its look!’

and other parts which we cannot afford space to give.

We had almost forgotten to mention *Donne*, a quaint writer, somewhat earlier than *Fanshawe*, as also *Wither*, an interminable rhymer (he wrote, however, a glorious apostrophe to Poetry), and *Sir John Denham*, his cotemporaries. And these bring us to the greatest epic poet of our country.

In regard to *MILTON*, we scarcely know whether to prefer his sublimity or beauty. His power over both was perfect. We prostrate ourselves before him, alternately in fear and love; while he lets loose the statutes of Hell upon us, or unbars the blazing doors of Heaven, or carries us ‘winding through the marble air,’ past *Libra* and the *Pole*, or laps us in a dream of Paradise, and unfolds the florid richness of his Arcadian landscapes. *Milton* has told a story of burning ambition. He has sung the Pæan of victory over the foes of Heaven,—that ‘horrid crew,’ who, banished from the sky, and hurled headlong down to Hell,

‘Lay vanquished, rolling in the fiery gulf,
Confounded, though immortal:’

But he has not dwarfed the contest of the angels, by striking prone their enemies, and arming with stings and reptile tails the legions who scared Chaos and the Deep, and waged even 'dubious battle' with the Creator and his myriads in arms.

The Satan of Milton is the most magnificent creation in poetry. He is a personification of all that is gloomy or grand in nature, with more than the daring of man. He has the strength of a giant, the fashion of an angel,—'unconquerable will, immortal hate'—revenge that nothing can soothe, endurance which never shrinks, the intellect of heaven and the pride of earth, ambition immeasurably high, and a courage which quails not, even before God! Satan is essentially *ideal*. He is not like Macbeth or Lear, real in himself, literally true, and only lifted into poetry by circumstance: But he is altogether moulded in a dream of the imagination. Heaven and earth and hell are explored for gifts to make him eminent and peerless. He is compounded of all; and at last stands up before us, with the starry grandeur of darkness upon his forehead, but having the passions of clay within his heart, and his home and foundation in the depths below. It is this gleaning, as it were, from every element, and compounding them all in one grand design, which constitutes the poetry of the character. Perhaps Ariel and Caliban are as purely ideal as the hero of Milton, and approach as nearly to him as any other fiction that occurs to us; but the latter is incontestably a grander formation, and a mightier agent, and moves through the perplexities of his career with a power that defies competition. Milton's way is like the '*terribil via*' of Michael-Angelo, which no one before or since has been able to tread.

Comparisons have been instituted between our great poet and Dante; and there are certainly occasional resemblances in the speeches and similes; for instance—

'As cranes

Chaunting their dolorous notes, traverse the sky
Stretched out in long array, so I beheld
Spirits who came loud wailing, hurried on,' &c.—(*Inf.* c. v.)

And again—

'And now there came o'er the perturbed waves
Loud-crashing, terrible, a sound that made
Either shore tremble, as if of a wind
Impetuous, from conflicting vapours sprung;
That 'gainst some forest driving all its might
Plucks off the branches,' &c.—(*Inf.* c. 9.)

But Dante reminds us oftener of Virgil than Milton, and as

often of Spenser, we think, in the treatment of his subject. We recollect the latter, particularly when we read Dante's personifications of Pleasure, of Ambition and Avarice (in the first canto of the *Inferno*), and the punishment of Fucci for blasphemy (in the twenty-fifth canto), and other things similarly treated. Dante's genius seems to consist in a clear and striking detail of particulars, giving them the air of absolute fact. His strength was made up of units. Milton's, on the other hand, was massy and congregated. His original idea (of Satan) goes sweeping along, and colouring the subject from beginning to end. Dante shifts from place to place, from person to person, subduing his genius to the literal truths of history, which Milton overruled and made subservient. However excellent the Florentine may be (and he *is* excellent), he had not the grasp nor the soaring power of the English poet. The images of Dante pass by like the phantasmas on a wall, clear, indeed, and picturesque; but although true, in a great measure, to fact, they are wanting in reality. They have complexion and shape, but not flesh or blood. Milton's earthly creatures have the flush of living beauty upon them, and show the changes of human infirmity. They inhale the odours of the garden of Paradise, and wander at will over lawns and flowers: they listen to God; they talk to angels; they love, and are tempted, and fall! And with all this there is a living principle about them, and (although Milton's faculty was by no means generally dramatic) they are brought before the reader, and made—not the shadows of what once existed—but present probable truths. His fiercer creations possess the grandeur of dreams, but they have vitality within them also, and in character and substance are as solid as the rock.

The genius of Milton was as daring as it was great. He did not seek for a theme amidst ordinary passions, with which men must sympathize, or in literal facts, which the many might comprehend. On the contrary, he plunged at once through the deep, and ventured to the gates of Heaven for creatures wherewith to people his story. Even when he descended upon earth, it was not to select from the common materials of humanity: But he dropped at once upon Paradise, and awoke Adam from the dust, and painted the primitive purity of woman, and the erect stature and yet unclouded aspect of man. Nothing can be more beautiful than his pictures of our 'first parents,' breathing the fragrant airs of Eden, communing with superior natures, dreaming in the golden sun, feeding upon nectarous fruits, and lying 'imparadised' in one another's arms, on pillows of violet and asphodel! What can surpass the figure of Adam—

‘ His fair large front, and eye sublime, declared
 Absolute rule,’
 except it be that of Eve, who—

‘ —as a veil, down to the slender waist
 Her unadorned golden tresses wore,’
 the meekest, the purest, the loveliest of her sex.—Thus has Milton, without any of the ordinary aids, fashioned a poem, which, both for sublimity and beauty, is quite unparalleled, in the history of fiction. Homer was more various, more dramatic, more uniformly active, more true to the literal fact, perhaps, than he, and Virgil more correct, while Spenser dwelt as completely upon poetic ground; but there is a grandeur of conception in Milton, a breadth of character, and a towering spirit, which stood over his subject and pervaded it from beginning to end, that we shall scarcely admit to exist in any other poet. He was, in our minds, the greatest epic poet of the world. At any rate, there is no one but Homer who can stand in competition with him. Shakespeare alone excelled them both; but *he* went beyond all men, and stands in the array of human intellect, like the Sun in the system, single and unapproachable.

The restoration of Charles the Second was fatal to poetry. That prince brought with him a long train of wits; and large bands of exiled courtiers flocked round him, who knew the points of a ruff, and were connoisseurs in silk stockings and Flanders lace,—but of English literature they were utterly ignorant. Adversity had taught them nothing, except hatred for their countrymen at home, and contempt for their taste, in all things. French fashions, French literature, French morals prevailed; and the wholesome examples of conjugal love and social integrity were fast melting away and disappearing before the dazzling influence of a vicious court. The time of the English exiles had been employed in patching their broken fortunes, and rendering themselves agreeable to their French patrons. Had they been reduced simply to banishment, and left to ponder on the past, it is possible that they might have taken a lesson from misfortune, which would have strengthened the relaxed state of their moral constitution, and awaked them to the high gratification derivable from the works of intellect alone. But they had no example and little motive. Their King was utterly without any character, and the French did not require any sterling accomplishments to admit them to the full benefits of their society. They were, however, compelled to turn their wit to present account; and so they contented themselves with paying court to their hosts, with emulating their gallantry, with play, and other such ordinary palliatives as offer themselves most

readily to the unhappy. If our exiles ever thought seriously, it was how they might circumvent Old Noll and his Round-heads, not how they might endure philosophically, or qualify themselves for prosperity again. Under all circumstances, it was scarcely possible to avoid adopting the tone and manners of the people with whom they lived. They *did* adopt them; and the literature of the age of Charles the Second may be considered as one consequence of the exile of the Stuarts.

In a great change of this sort, however, the new current of fashion did not at first entirely destroy, although it completely discoloured, the complexion of the old literature. Some writers, as might have been expected, partook at once of the fresh draughts of wit and humour brought over by Charles and his followers, without utterly forsaking their previous taste, or abandoning to dust and contempt the wisdom of their English ancestors. In this class we may perhaps be allowed to reckon old Isaac *Walton*, the patriot *Marvel*, *Cotton*, and *Stanley*; although even these writers must, if there be a question raised, be reckoned amongst the later school of poets. 'Walton's Angler,' to which Cotton added the discourse on fly-fishing, is well known; but the poems of the latter writer are not so common. One of the most pleasant, is that addressed 'To my dear and most worthy friend, Mr *Isaac Walton*,' in which, after telling him how blustering and inclement the country was, he goes on—

'Whilst all the ills are so improved
Of this dead quarter of the year,
That even you so much beloved
We would not *now* wish with us here :

In this estate, I say it is
Some comfort to us to suppose,
That, in a better clime than this,
You our dear friend have more repose ;

And some delight to me the while,
Though Nature now does weep in rain,
To think that I have seen her smile,
And haply may I do again.

If the all-ruling Power please
We live to see another May,
We'll recompense an age of these
Foul days, in one fine fishing day !

We then shall have a day or two,
Perhaps a week, wherein to try,
What the best master's hand can do
With the most deadly killing lie :

A day without too bright a beam,
 A warm, but not a scorching sun,
 A southern gale to curl the stream,
 And, Master, half our work is done !' pp. 114, 115.

This, if not very high poetry, is very agreeable writing. Marvell's poems are full of wit or sentiment, as the vein may be which we hit upon. Sometimes indeed, his little plots of Parnassus are laid out rather too much in the style of old English gardening, square and formal, but they never fail in possessing something good. The heart of the poet was in every thing he did, and there was not a purer or a firmer one in the world ! *Waller* is the first writer who made *prose* sound agreeably in rhyme. He was in truth an indifferent poet,—possessing little genius as an author, or principle as a man, and obtained a name chiefly by reducing verse to 'the level of the meanest capacity.' But, in fact, the first name of that period which is really great, is that of *Dryden*.

DRYDEN was at the head of his line. As a bitter, biting satirist, as a writer of sensible, masculine, sounding verse, there is no one who goes beyond him. But as a poet, he was of a different order from those who illuminated the reigns of Elizabeth and James ; and he occupied, in our opinions, a decidedly lower step. He was a writer of shrewd sarcasm and of excellent good sense, but he was deficient in imagination, in pathos, and in nature. He was more artificial, generally speaking, than his predecessors—and he ought to have been more natural,—for he resorted far more to common phraseology and existing people. Nevertheless, it is not too much to say, that he failed signally in tragedy, and that he did not excel in narrative or in tender serious poetry many of inferior reputation who have preceded and followed him. But in the *war* of verse he was in his element. He fought well and effectively ; he gave blow back for blow, and knew the weak side of his foes, and launched his sounding anathemas against their characters and persons. His 'Absalom' and 'Achitophel,' and 'Mac-Flecnoe' are each capital, are each excellent satires, though the palm must assuredly be awarded to the former poem. 'The Hind and the Panther' also is a fine thing in its way ; but it differs little in point of style from such of his productions as were merely satirical. His description of the Hind, at the commencement, is delightful, (the '*many-winged wounds* aimed at her heart,' is even poetical,) and the account of the Panther—

'The Panther, sure the noblest next the Hind,
 And fairest creature of the spotted kind :

Oh ! could her in-born stains be washed away,
 She were too good to be a beast of prey !
 How can I praise, or blame, and not offend,
 Or how divide the frailty from the friend ;
 Her faults and virtues lie so mixed, that she
 Nor wholly stands condemned, nor wholly free'—

is terse and good, and seems to have been the parent of five hundred portraits of a similar kind.

Cotemporary with Dryden was *Lee*, a powerful irregular writer, whose stormy verses shook the stage from its propriety, and *Shadwell*, the 'Young Ascanius' of Mac-Flecnoe, who swore

'That he to death true Dullness would maintain ;
 And in his father's right and realm's defence,
 Ne'er to have peace with wit, nor truce with sense.'

Then came *Sedley* and *Dorset*, and *John Phillips*, (the author of 'the Splendid Shilling') and *Rowe*, and *Parnell*, (who wrote the 'Hermit')—and witty *Dr Garth*, and *Addison*, so great in prose and so little in poetry,—and lively laughing *Mat. Prior*, to whom the world was a joke—then followed *Vanbrugh* and *Congreve*, the brilliant twins of Comedy, and *Gay*, (who reduced folly to a fable, and wrote 'Black-eyed Susan,' and the 'Beggars Opera,') and lastly, the better known and more justly celebrated *Alexander Pope*.

POPE was a fit successor for the chair of Dryden. He had the same good sense, the same stinging sarcasm ; the same hatred of what is base or mean, with something more of refinement, and a clearer moral view than can perhaps be ascribed to his predecessor. Each, however, belonged to his age, and illustrated it finely. Dryden would have been out of place at the court of Queen Anne, and Pope could not easily have reconciled himself to the coarse gallants and lascivious wits of the Restoration. The one had a strong arm and a fearless spirit, and struck down whole squadrons of rogues and politicians, with all the indignation of a moralist, and the rancour of a partisan. The other shot his sharp arrows at the heart of the proud man and the knave, the time-server, and the hypocrite, (whether hidden in an alias or covered with lawn)—he spared neither rank, nor sex, nor age, so it were impudent and profligate—but wisely thought, that if a reformation in morals was to be effected, it must be effected by example,—not of the poor, but of the high-born and opulent. This led him amongst the aristocracy of his time ; and he whipped the gilded follies and humble sins of the wealthy, with as much good will and more honesty than the magistrates of our time exercise their summary

justice upon the petty offenders who sell cabbages and beef upon the Sabbath. Pope, in a word, was a first-rate writer of the same genius as Dryden, and upon the whole his equal. His poems contain passages of great pathos, of piercing satire, and of admirably turned compliment; and his 'Rape of the Lock' has never yet been equalled.

Next to Pope we may record *Swift*, a stern, shrewd, sarcastic writer of verse, and a 'fellow of infinite humour.' There were two sides, however, to the Dean's character, one of which we do not desire at present to contemplate; but the other was rich and bright as the genius of wit could make it. After him we find the name of *Thomson*, who looked on Nature with an observant but easy eye, and transcribed her varying wonders to man. His 'Seasons,' contain finer or at least more popular things than any of his other poems, (although he but too frequently amplifies a simple fact, till you scarcely know what he is about,) but there is a much more equal power, and far more pure poetry in his delightful 'Castle of Indolence.'—It was here that he built up those shadowy battlements, and planted those 'sleep-soothing' groves, under which lay

'Idlesse, in her dreaming mood.'

It was here that he wove in his poetic loom those pictures of pastoral quiet—of flowery lawns and glittering streams—of flocks and tranquil skies, and verdant plains,

'And vacant shepherds piping in the dale'—

the stockdove, and the nightingale, and the rest of that tuneful quire which lull our minds into forgetfulness, and sing to us on summer mornings and winter nights, in town and in country equally well, until we forget the prose of human life in its romance, and bathe our fevered senses in the fresh flowers of poetry which the bounty of Thomson has bequeathed to us! There is nothing in the history of verse, from the restoration of Charles the Second to the present time, (not even in Collins, we think, and certainly not in Gray,) which can compete with the first part of the 'Castle of Indolence.' His account of the land of 'Drowsy head,' and

'Of dreams that wave before the half-shut eye,'

of the disappearance of the sons of Indolence, with the exquisite simile with which it closes—the huge covered tables, all odorous with spice and wine—the tapestried halls and their Italian pictures—the melancholy music—and, altogether, the golden magnificence and oriental luxuries of the place, and the ministering of the spirits who

'Poured all the Arabian heaven upon our nights,'

(an exquisite line)—may stand in comparison with almost any thing in the circle of poetry.

We must not forget, in our list, Doctor *Young*, whose 'Night Thoughts' have acquired at least as much reputation as they deserve—not the unfortunate, and not very deserving *Richard Savage*, nor *Cibber*, the prince of coxcombs—nor *Churchill*, a coarse and immoral satirist—nor *Shenstone*, fine and finical—though with touches of tenderness and beauty—especially in his sweet Spenserian stanzas of 'The Schoolmistress.' After him came Mark *Akenside*—*Armstrong*—excellent *Goldsmith*—and *Gray*—and his satellite *Mason*. Of these, and indeed of most of the other modern writers of verse, so much has been said in various places, (in fact, we ourselves have had occasion frequently to glance at them), that we shall not now trouble the reader with any further discussion on the subject. In the same manner also must we now pass over the few remaining names on the poetic roll, with the exception of *Warton*, *Cowper*, and *Burns*; in truth, there are no other which can claim our particular attention. The two latter are great names; and we think deserving of all the fame they inherit. The effect of *Cowper's* writings is even now observable in our poetry; and *Burns* is beyond all doubt the greatest untaught poet since the time of *Shakespeare*.

In regard to the character of the poetry of the present day, its growth and comparative excellence, we must leave them (together with our opinion of their living authors), to form the subject of a future article—in which there will be room enough for originality, if we can only bring our illustrious contemporaries into one class, as distinguished from their predecessors; and endeavour to show how much they have each been acted upon by the prevailing spirit of the age.

In regard to the volumes, of which we have prefixed the titles to this article—they are so many indications of the taste and intellect which are widely diffusing themselves amongst all classes of this kingdom. We will not stay to inquire very narrowly into the merit of these little publications; but will content ourselves with observing, that the one entitled 'Specimens of the Earlier English Poets,' is the most valuable, as far as it goes, inasmuch as it offers to the public some considerable poems of a high order, at a much cheaper rate than is usual. It contains the whole of the translated poem of 'Hero and Leander,' by *Marlowe* and *Chapman*, the whole of *Sir Walter Raleigh's*, and the best of *Crashaw's* poems, (to say nothing of some considerable extracts from *Chapman's Homer*) at less than one fourth of the ordinary price. We are induced to state this, because it is a matter which is but too often lost sight of in reprinting our old English authors. So far as the publisher has done this

it is well; but we cannot refrain from stating, that the volume is defective in arrangement, and seems to have been put together without much consideration. Besides these volumes, we understand that a publication is now in progress, in which it is intended to concentrate the spirit of English poetry; and to offer it in such a form as may render it accessible to every one. A work of this sort is much wanted; for our larger collections of the poets are far too expensive, and include a vast deal of trash, as well as the names of a multitude of writers who never had the slightest pretension to the laurel.

ART. III. 1. *Memoires pour servir à l'Histoire de France, sous Napoleon, Ecrits à Sainte Helene sous la dictée de l'Empereur, par les Généraux qui ont partagé sa Captivité, et publié sur les Manuscrits entièrement corrigés de sa Main.* 6 vols. 8vo. Paris, 1822-1823.

2. *Memoires de Joseph Fouché, Duc d'Otrante, Ministre de la Police Générale.* 1^{re} Partie. 1 vol. 8vo. 1824. pp. 418.

THE character of a man who ruled the world so long as Napoleon, is not likely to be impartially estimated so soon after his fall. Who, even yet, can venture to say, that the being who has now quitted the scene, has not in some measure influenced his interests, his feelings, or his opinions? or, in recording the eventful history of his life, can affirm with Tacitus, '*Neque irâ, neque studio motus, quorum causas procul habeo?*' In France, especially, this diversity of opinion may be expected to be most conspicuous; and the truth accordingly is, that every class and order in her society has a distinct and separate feeling as to the merits of the late Emperor;—the army thinks one way, the citizens another; the manufacturing classes think differently from the agriculturists; the labourers and peasantry from the intermediate classes of society; and the lawyers from the physicians! The same contradictory sentiments may be traced, on a larger scale, through all the nations of Europe. Germany and Italy, Spain and Switzerland, Austria and Poland, Holland and Belgium, all differ from each other in the estimate they have formed of his character; and the opinion of England itself, though it coincides perhaps with none of the others, has been more favourable to him since his fall, than it was at the height of his fortunes.

This extreme diversity of opinion with regard to this extraordinary man, has resulted, not so much from an actual opposition of interests, as from the differences of situation and infor-

mation among the judges. The army, who saw him only in the field, could not form the same opinions with those who viewed him as connected with his political institutions; the States of Germany, whose laws and liberties he overturned, could not regard him with the same feelings as those of Italy, among whom he restored tranquillity and order, and projected the establishment of independence.

‘Depuis sept ans,’ say the Editors of his Memoirs, ‘on a beaucoup écrit sur Napoleon : chacun a voulu dire ce qu’il savait ;—beaucoup ont dit ce qu’ils ne savaient pas. Les administrateurs, les militaires, les écrivains de toutes les nations, ont voulu le juger ; tout le monde en a parlé—excepté lui-même. Il rompt enfin le silence, et d’une manière solennelle.’

But in thus breaking silence, was it the intention of Napoleon to lay open the secret springs which have put the world in motion, from his first appearance on its stage, to the closing scene of the drama? Are we to look here for an explanation of the motives of each important action of his life? Will he expose the men who have acted as his instruments, and the means by which he rendered them subservient to his purposes?—the resistance which he experienced from the brave—the incitements to tyranny which were suggested by the servile—and the character of those whom he considered formidable? It would be in vain, we think, to look for such a confession as this—even if the author of it had died in penitence and humiliation. Such absolute candour, we fear, is not to be expected in any statement that a man makes to his fellows—as it plainly implies either an utter carelessness for the opinions of others—or such a degree of immorality as to impede the perception of good and evil. But Napoleon was neither in the one situation nor the other. His warmest admirers have never pretended to deny that he had both faults and frailties to account for ; and his bitterest enemies do not assert, that he was either destitute of moral feeling, or insensible to shame. Napoleon, in fact, in looking back on his past existence, was placed in a situation by no means uncommon ; conscious of actions which he knew to be culpable—and equally unwilling either meanly to deny, or openly to avow them. Now, no situation can be more unfavourable for a writer of memoirs ; for it compels him to be continually on his guard, and excludes all openness and confidence.

There are two other circumstances which tend to weaken the interest of the works before us. As long as Buonaparte continued a mere soldier, he seems to have known nothing beyond what might be learned in the field, or in an enemy’s country—

the manners of camps, the morals and dispositions of professional soldiers—the qualities, in short, that are displayed or required in the conduct of sieges, manœuvres, and battles. When he attained supreme power, he found himself, like other monarchs, secluded from all familiarity with ordinary men; he looked only on the mask, instead of the real man; and the ceremonial of etiquette concealed the movements of the heart. With mankind, therefore, he was, from first to last, but very imperfectly acquainted;—and he had neither sufficient magnanimity, nor sufficient contempt for public opinion, to exhibit an undisguised portrait of that with which he was acquainted—his own vast and extraordinary mind.

The most interesting circumstances of his life are those, where, unable to attain his ends by the mere exertion of authority, he was obliged to lend himself for a time to the passions of others, and to become their instrument, in order to render himself ultimately their master. These occasions, it is true, are not numerous. They may, indeed, be reduced to three or four; the first, when he sided with the National Convention against the insurgent Parisians; the second, when he had to gain over the followers of Mahomet in Egypt; the third, when he found it necessary to deceive the heads of the different factions which divided France, in order to overturn the constitution, and to attain supreme power; and the last, and by far the greatest and most glorious, when, in 1815, he returned, almost alone, to repossess himself of that empire from which he had been driven by the united arms of Europe.

But if Napoleon himself either could not, or would not, disclose the secret history of his reign, we cannot but think that this *desideratum* has been in a good degree supplied by his Minister of Police, Fouché, whose Memoirs form one of the most amusing, and, we might add, instructive works which has appeared in France since the overthrow of the Imperial Government.

At the commencement of the French Revolution, two classes of men, entirely different in their characters and their views, appeared upon the scene. The one consisted of philosophers,—men, for the most part, of pure and simple character, full of theory and system, ignorant of the world, unacquainted with business, and seeming never to suspect the existence of prejudices and vices in society. The other was composed of men, who, having shaken off all religious belief, without even preserving the slender substitute of moral habits, and indifferent to all principle and opinion, looked upon the world as a prize which would fall to the lot of the boldest, or the most dexterous.

They adopted at all times, without scruple, the language which suited their views for the time,—and flattered, by turns, the vanity of the middle classes, the coarse passions of the populace, and the violence of military despotism. The great error of the former lay in their ignorance of the prejudices and vices of the age; and accordingly, they became the easy and early dupes of the intriguing adventurers by whom they were surrounded. The latter erred not less widely, and far more ignobly, in doubting the very existence of virtue—of disinterested actions, and generous sentiments. They found themselves unexpectedly opposed by a force on which they had not calculated. Accustomed to consider self-interest as the only principle of action, they were disconcerted the moment they came in contact with men who acknowledged the influence of more exalted impulses.

To this latter class belonged Joseph Fouché, Member of the Convention, and afterwards Minister of the General Police, and Duke of Otranto. If it were not already perfectly plain, from his political career, that he was a man totally destitute of principle, sacrificing every feeling to personal advancement, and employing the language of liberty and devoted attachment merely as the best means of attaining that end, these Memoirs would place the matter beyond dispute. He relates the numerous events in which he has acted a part, whatever be their character, with an admirable *naïveté*;—he confesses the most dishonourable actions without the least disguise; and never for a moment seems to doubt, that every man of sense, if placed in the same circumstances, would have acted just as he did. This total absence of moral feeling, united to his exclusive means of information, render him a most amusing, and we have no doubt a most correct narrator of those events which he has witnessed. His Memoirs may be considered as a supplement to those of Napoleon; they fill up the blanks, and throw light on the obscurities of the Emperor's narrative. It is true, that these Memoirs of Fouché have been disavowed by his son. This, however, is not at all to be wondered at; for there are not many sons who would care to belong to such a father. But the publisher states boldly that he received the Memoirs from a friend of the ex-minister, and is in possession of the original manuscript, and bids defiance to legal proceedings. The Memoirs, besides, require only to be read to convince any one, that they are the work of one who has had a principal share in the events of the Revolution, and is perfectly acquainted with all its details.

Many different accounts have been given of the origin of Napoleon, and it is easy to see, that many of their authors have

been more anxious to gratify their dislike to the man, than to ascertain the truth. Into these we have no intention of entering. It is sufficient to state, that Napoleon was anxious to have it believed that his family was originally noble, and that, in this particular, he was as sensitive as if he had been born in Gascony itself. It is said, that the Emperor of Austria having once remarked to him in conversation, that he recollected having met with the name of *Buonaparte* in some old book, Napoleon evinced the greatest anxiety to get possession of the volume; but the Austrian monarch, who probably meant merely to flatter the vanity of his son-in-law, extricated himself from the difficulty, by saying the book had been carried off when the French entered Vienna.

This wish to be illustrious by birth or by alliance, sometimes led to amusing displays.—One day when some member of the Council of State recommended some popular measure as the means of appeasing discontent, and attaching the nation to his government, he spoke in the most decided terms against the proposal. ‘It was this system of concession,’ said he, ‘that brought my unfortunate uncle *Louis XVI.* to the scaffold.’ The members of the Council were rather at a loss for a moment to trace the relationship between the late King of France and the General of the Convention, not recollecting that the latter had married the niece of Marie Antoinette! Such anecdotes, however, would hardly deserve notice, were it not that *Buonaparte*, in these Memoirs, has taken great pains to enlighten the public on the subject of his descent, and his family alliances. The family of *Buonaparte*, he tells us, were originally from Tuscany, (he had been frequently reproached with his Corsican extraction.) They figured in the middle ages as senators of the Republics of Florence, San Munato, Bologna, Sarzan, and Treviso, and as prelates attached to the Court of Rome; they were allied to the families of Medici, Ursini, and Lomellini; several of them were employed in the service of their respective states; others cultivated literature at the date of the revival of the arts in Italy;—a Joseph *Buonaparte* wrote one of the earliest regular comedies of this period; a Nicholas *Buonaparte*, a prelate of Rome, published a history of the siege of Rome by the Constable of Bourbon; and finally, about the 15th century, a younger branch of the family established itself in Corsica. This is the Emperor’s own account of the matter. But one of the editors of Napoleon’s Memoirs traces his descent still higher. He tells us, in a note, that a branch of the family of *Comnenes*, which had some claim to the throne of Constantinople, retired to Corsica in 1462; that several members of that far

bore the name of *Calomeros*, which is the same with that of *Buonaparte*, and that the name had been afterwards Italianized. The Editor adds, that he thinks Buonaparte was not acquainted with this circumstance; but in this he is mistaken. When Napoleon had made himself master of the Government, he proposed to Louis XVIII. who then bore the title of Comte de Lille, that the latter should sell to him his claim to the throne. Having failed in this attempt to purchase legitimacy, * he commissioned some of his antiquaries to prove that he was really a *legitimate* sovereign, being descended from this very family of Comenes.

Napoleon was born at Ajaccio on the 15th August 1769. His father, a member of the Tribunal of that city, came into France, as deputy of the Noblesse, in 1779, and brought with him his two sons, Joseph and Napoleon. He placed the first in a school at Autun, and the second in the Military School of Brienne, where he remained six years. In 1784, he was sent to the Military School of Paris; but remained there only six months, and left it as second lieutenant of artillery in the regiment of La Fère. He was made captain in 1791, in the regiment of artillery of Grenoble. He served at first under General Duguay, who commanded the artillery of the army of Italy; and in 1793, he was sent to the siege of Toulon, then in possession of the English. It is here that the career of Napoleon may be said to commence; for till then he had exhibited nothing remarkable in his character. In his own Memoirs he gives an anxious account of the situation of things at the time he appeared on the scene; and states, with much precision and correctness, the progress of the popular party during the four first years of the Revolution. From his account we see, that the greater the efforts which were made to suppress popular movements, the more influence did the lower classes acquire, till the whole terminated in a despotism more harsh and violent than that which it had been their original object to destroy.

'Les royalistes,' says Napoleon, 'avoit formé le côté droit de l'assemblée constituante; les constitutionnelles le côté gauche, et marché à la tête du peuple; mais à l'Assemblée Legislative les constitutionnelles formerent le côté droit, et les Girondins le côté gauche; ceux-ci à leur tour, formerent à la Convention le côté droit, et le parti de la Montagne forma le côté gauche, dirigeant le parti populaire. Les constitutionnelles à la constituante avaient demandé l'expulsion des troupes de ligne, proclamant le principe que l'Assemblée devait être

* This fact, which has been long known, is confirmed by the Memoirs of Fouché, who gives the answer of Louis XVIII. to Buonaparte's proposal.

gardé par la garde nationale. A la législative ils soutinrent une opinion opposée, *et* réclamèrent à grands cris des troupes de ligne; mais les Girondins repoussèrent avec indignation l'emploi de toute armée soldée contre la majorité du peuple. La Gironde, à son tour, reclama la protection d'une armée de ligne contre le parti populaire. Ainsi les partis changèrent alternativement d'opinion selon les circonstances.

This sketch, we believe, is generally correct; but the consequence which the author draws from it as to the versatility of public opinion is not so. The *people* against whom, in 1793, the assistance of the soldiery was demanded, was by no means the same people who were to have formed the military protectors of the state two years before: They were a totally different class of persons.

Napoleon relates, at considerable length, the operations which he suggested, or in which he was engaged before Toulon; but this part of the narrative, though sufficiently interesting to military men, need not now detain us long. It is sufficient to state, that it was after the taking of this city that General Dugommier, who commanded the army, wrote to the Board of Public Safety, of Napoleon, in these terms. 'Reward and promote this young man; for if we do not, he will promote himself!'

After the taking of Toulon, Napoleon spent the two first months of 1794 in garrisoning the coasts of the Mediterranean. He reached Nice in the month of March. He spent part of that month in visiting the positions occupied by the French army; inquired particularly into the details of the actions which had taken place the year before; was engaged in some slight affairs; and afterwards returned to Paris. He arrived just after the fall of Robespierre and of the Revolutionary Government. A frightful reaction was then in the height of its operation; property in land had ceased to be saleable; the value of assignats was sinking every day; the army was unpaid; requisitions and 'the *maximum*' had alone kept it up; recruiting was no longer resorted to. It continued to gain victories, because at no time had it been more numerous; and yet it was experiencing daily and irreparable losses. Napoleon does not explain the reason of his visit to Paris at this great political crisis; but it is easy to see that he foresaw the probability of some result which he might mould into the means of his advancement. The Convention, which had just published a republican constitution, had incurred the displeasure of the Parisians, by declaring that two-thirds of its members should form part of the two new Assemblies established by the constitution. Rebellion was openly threatened; and it was evident, that the man who should suc-

ceed either in preserving or overturning the government, would have a leading part to play in the stormy scene that was to ensue. People who knew Napoleon intimately have said, that he hesitated a long time whether to side with the Convention, or lend his efforts to overturn it; but the assertion always seemed improbable: and he himself puts the matter beyond doubt, by the account he gives of the way on which the thing took place. The population of Paris, and the troops of the line under General Menou, had at last come to extremities. Menou very stupidly took up a position which placed his army at the mercy of the Parisians. In this situation he was glad to be allowed to retreat, by a kind of capitulation; and the insurgents found themselves victorious, without firing a shot.

Napoleon, attaché depuis quelque mois à la direction des armées de la Republique, était au spectacle, au theatre de Feydeau, lorsque instruit de la scène singulière que se passait si près de lui, il fut curieux d'en observer les circonstances; voyant les troupes Conventionnelles repoussées, il courut aux tribunes de la Convention pour jouet de l'effet de cette nouvelle, et suivre le developpement et la couleur qu'on y donnerait. La Convention était dans la plus grande agitation. Les representans aupres de l'armée voulant se desculper se haterent d'accuser Menou; ils attribuerent à la trahison ce que n'était du qu'à la malhabileté. Menou fut décrété d'arrestation; alors divers representans se montrerent successivement à la tribune; ils peignerent l'état du danger. Les nouvelles que à chaque instant arrivaient des sections, ne faisaient voir que trop, combien il était grand; chacun proposa le général qui avait sa confiance pour remplacer Menou; les Thermidoriens proposaient Barras: mais il était peu agreable aux autres partis. Ceux qui avaient été à Toulon, à l'armée d'Italie, et les membres du Comité du Salut Public, qui avaient des relations journalières avec Napoleon, le proposerent comme plus capable que personne de les tirer de ce pas dangereux, par la promptitude de son coup d'oeil, l'énergie et la moderation de son caractère. Mariette qui était du parti des moderés, et une membre des plus influens, de comité des quarante, approuva ce choix. *Napoleon, qui entendait tout du milieu de la foule ou il se trouvait, delibera près d'une demi heure avec lui-même sur ce qu'il avait à faire. Il se decida enfin, et se rendit au comité.*—*Mem.* III. 67.

It is probable, that had the first application been made by the insurgents, he might have sided with them;—he adopted the opposite course, because he saw that, by doing so, he could render important services, and would probably be well rewarded for them. The result of that day is well known. A few cannon-shots dispersed the insurgents, and about two hundred were left dead on the field. This affair rendered Buonaparte for some time unpopular. His apologists attempted to justify

him, by asserting that the cannon had been charged with powder only, and that those who were killed had suffered from the musketry alone. But this assertion is contradicted by Napoleon himself; for he admits that he continued to use ball till the insurgents were dispersed, and there was no longer any resistance to fear.

The Government, which had received so signal a service from Napoleon, rewarded him with the command of the Army of Italy. The campaigns which followed were highly interesting, as long as there was any reason to suppose that this career of victory would assist the cause of liberty and independence in Italy and France. But now, when the real consequences of these victories have been developed; when we see that the glory acquired in these campaigns tended only to destroy the liberty of France, and to pave the way for the subjection and degradation of the Continent, it is difficult to sympathize with his successes. We regret that he should have been victorious, precisely because we cannot believe that any defeat would have been more disastrous to the liberty of the world than his fatal triumphs. Had he fallen at 20 years of age, France would not have wanted generals; she would not then have been degraded by twelve years of despotism, and the Coalition would not have found her without arms and without institutions.

The manner in which Napoleon relates the events of his campaigns, may be instructive to military men, for he states with much detail the causes of his success; and, however objectionable his character may be as a citizen or a legislator, his talents as a general seem incontestable. This part of his narrative, however, has few attractions for general readers. We meet with none of those generous and enthusiastic impulses, which prompted the French in former times to fly to their frontiers to guard their independence. All is calculation, combination, selection of time and place. We find him as cold, at the head of the armies of the republic, as under the imperial mantle. If he ever attempts to inspire his soldiers with enthusiasm, his language is bombastic and unnatural—his speeches are those of an actor, who believes nothing of what he says, and who aims merely at deceiving his credulous auditors. He talks of Brutus and Tarquin, while he meditates the subjection of his country!

On his return from Italy, he began to be an object of apprehension to the republican government. His victories had rendered him popular, but they proved only his talents for war; and these were not sufficient to procure him a share in the government. Had he been born two centuries earlier, he would,

like Cromwell, have sought the favour of the public by the affectation of religious zeal. The era of this species of hypocrisy however was over, and he therefore had recourse to another; he affected a love of science, republican simplicity, and a disdain of luxury, amusement and popularity. He never appeared at the theatres, but attended regularly the meetings of the Institute, of which he was a member; he courted the society of the learned, instead of the military; if obliged to be present at any public ceremony, he never appeared in a military dress, but in that of a member of the Institute. He had his portrait taken in this dress, and at the bottom was a list of the learned societies to which he belonged, *preceding* his military titles. Never, in a word, was any one apparently better fitted to be the head of a civil government, and to tread in the footsteps of Washington!

But, before he thought of adopting this plan, his ambitious views had been suspected. Relying too much on the popularity which his victories had procured him, he had not been sufficiently anxious to conceal his dislike to the existing government.

'Buonaparte,' says Fouché, 'avait en horreur du gouvernement multiple, et il méprisait le Directoire qu'il appelait les cinq rois à terme. Enivré de gloire à son retour d'Italie, accueilli par l'ivresse Française, il medita de s'emparer du gouvernement suprême; mais sa faction n'avait pas encore jeté d'assez profondes racines. Il s'en aperçut; et je me sers de ses expressions, *que la poire n'était pas mure.*' Fouché, p. 42.

The simplicity of his manners, and his affected love for science, however, dispelled the fears of the less suspicious part of the nation, though the few who had penetrated his designs, were only the more alarmed by this pretended indifference. He had been appointed to the command of an expedition against England; but this, it was thought, would still keep him too near Paris; and he himself felt little inclination to an enterprise where a single failure might have destroyed for ever his hold on public opinion. The government, in a word, were at a loss what to do with him.

'On était à la recherche d'une expedition, lorsque l'ancien évêque d'Autun (Talleyrand), si delié, si insinuant, et qui venait d'introduire, aux affaires étrangères l'intrigante fille de Necker, * imagina le brillant ostracisme en Egypte. Il en insinua d'abord l'idée à Reubel, puis à Merlin, se chargeant de l'adhesion de Barras (trois membres du Directoire.) L'expedient parut d'autant plus heureux qu'il éloignait, tout d'abord, l'âpre et audacieux général en le livrant à des chances hasardeuses. Le conquérant de l'Italie donna abord à plein collier et avec

* Fouchés hatred to Mad. de Staël is well known.

ardeur dans l'idée d'une expédition qui ne pouvait manquer d'ajouter à sa renommée, lui livrait des possessions lointaines ; il se flattait d'y gouverner en sultan ou en prophète. Mais bientôt se refroidissant, soit qu'il vit le piège, soit qu'il convoitât toujours le pouvoir suprême, il tergiversa ; il eut beau de s'abattre, susciter obstacles sur obstacles — tous furent levés ; et quand il se vit dans l'alternative d'une disgrâce ou de rester à la tête d'une armée, qui pouvoit révolutionner l'Orient, il ajourna ses desseins sur Paris, et mit à la voile avec l'élite de nos troupes.—*Fouché*, p. 43.

Napoleon, however, assigns different motives for his adoption of the Egyptian expedition. According to his account, the main object of that undertaking was to humble the power of the English in the East. The Nile was only to be the starting place, from which the army was to set out that was to give laws to India. Egypt, at the same time, was destined to replace St Domingo and the Antilles ; and the liberty of the Blacks was to be blended with the interests of the French manufacturers. The conquest of this province would draw along with it the ruin of the English Establishments, both in America and in Asia. France would have been in possession of the ports of Italy, Corfu, Malta, and Alexandria ;—the Mediterranean itself would have been but a lake in the centre of her dominions. Such in fact were the pretexts under which the removal of a troublesome and powerful individual were disguised. It appears, however, from two letters which are to be found among the *pieces justificatives*, that the expedition had been talked of a year before between Talleyrand and Buonaparte—and he sailed at last, with every appearance of zeal and satisfaction.

In Paris, Napoleon had studied to gain public favour, by dissembling his military inclinations, and adopting the dress and manners of a citizen and a man of letters. In Egypt he was an admirer of Mahomet ;—he celebrated the feast of the prophet with the Sheicks ;—he sang litanies with them, held out hints of his wish to embrace the religion of the Koran, and entered on a negotiation for a dispensation in his favour from the prohibition of wine and the injunction of circumcision. These two concessions had actually been made, when the arrangements for his own conversion and that of his army were suspended by the events of the war. His manners, however, his opinions, his language,—every thing about him had become Oriental. He wrote to the Pacha Achmet, on the 22d August 1798 in the following terms :

‘ En venant en Egypte faire la guerre aux Beys, j'ai fait une chose juste et conforme à tes intérêts ; puisqu'ils étaient tes ennemis ; je ne suis point venu faire la guerre aux Musulmans. Tu dois savoir, que mon premier soin, en entrant à Malte, a été de faire mettre en liberté

deux mille Turcs, qui depuis plusieurs années geussaient dans l'esclavage.

‘ En arrivant en Egypte, j'ai rassuré le peuple, protégé les Muphtis, les Imans et les mosquées ; les pelerins de la Mecque n'ont jamais été accueillis avec plus de soin et d'amitié que je ne l'ai fait, et la fête du prophete vient d'être célébrée avec plus de splendeur que jamais.’

He wrote in the following terms to the Sheicks, Ulomar, and the other inhabitants of the provinces of Gaza, Ramleh, and Jaffa, on the 9th of March 1799—

‘ Dieu est clement et misericordieux.

‘ Je vous écris la présente pour vous faire connaître que je suis venu dans la Palestine, pour en chasser les Mamelucks et l'armée de Djezzar Pacha.

‘ De quel droit en effet Djezzar a-t-il étendu ses vexations sur les provinces de Jaffa, Ramleh et Gaza, qui ne sont pas partie de son pachalie ? Mon intention est que les Cadis continuent comme à l'ordinaire leurs fonctions, et à rendre la justice, *que la religion, surtout, soit protégée et respectée, et que les mosquées soient fréquentées par tous les bons Musulmans* ; c'est de Dieu que viennent tous les biens, c'est lui qui donne la victoire !

‘ Il est bon que vous sachiez que tous les efforts humains sont inutiles contre moi, car tout ce que j'entreprends doit reussir ! Ceux qui se déclarent mes amis prospèrent ; ceux qui se déclarent mes ennemis périssent. L'exemple de ce qui vient arriver à Jaffa et à Gaza doit vous faire connaître, que si je suis terrible pour mes ennemis, je suis bon pour mes amis, et surtout clement et misericordieux pour le pauvre peuple.’

On the 10th February preceding, he had written to the Directory from Cairo.

‘ Le Rahmadain qui a commencé hier, a été célébré de ma part avec la plus grande pompe ; j'y ai rempli les mêmes fonctions que remplissait le Pacha. — *Mémoires Historiques*, II. p. 356, 364, 366.

Before setting out for Egypt, Napoleon had begun to organize the faction, which two years afterwards raised him to the throne. About six weeks before his return, the Minister of Police, Fouché, learned that two clerks in his office, in talking of the news of the day, had been heard to remark that they should soon see Buonaparte again in France. He traced the matter to its source, and found that, in this case, the prophecy had no foundation beyond the casual observation of the parties. This was sufficient, however, to put him on the alert. He learned from the associates of Lucien and Joseph Buonaparte, what they thought of their brother's return ; and he gathered from them, that if their letters and despatches had escaped the vigilance of the English cruizers, and reached him in Egypt, there

was no doubt he would make every exertion to return. Real, one of the secret correspondents of Buonaparte, and who afterwards became a member of his Council, and Prefect of Police, went still farther, and told the Minister plainly, that he hoped that this would be the case. He disclosed this information also to Barras, but he found him indifferent about the matter.

The conduct of Fouché, in these circumstances, is remarkable, and affords a key to that singular good fortune which attended his political career. His situation of Minister of Police made it his duty to discover, and to disappoint every project against the Government from which he held the appointment; and he profited by the information which his official situation procured him, to conciliate the favour of the faction that was plotting its subversion! He concealed his discoveries; and made proposals to the two brothers of Napoleon, and to his wife Josephine, in the hope of gaining them over to his interests. The success, however, was only partial. Josephine he found accessible enough. It is true, that, on the recommendation of Barras, he had included her name in the list of secret distribution of the money obtained by the licensing of gaming-houses, and had contrived privately to transmit to her a thousand *Louis*; 'a piece of ministerial gallantry which had the desired effect.' (*Mem.* p. 103-4.) We find afterwards that these ministerial gallantries continued even under the Imperial dynasty; and that by means of a daily *douceur* of 1000 francs, Fouché contrived to render the Empress herself a most zealous observer, and ready reporter of all the opinions and projects of her husband.

Napoleon says, that, while in Egypt, his only information as to the state of affairs in France was derived from the newspapers. One of the editors of his Memoirs, however, Montholon, informs us, in a Note, that he had taken care to establish a correspondence with his family (his brothers being at the head of the faction he had organized in France) by land, through Constantinople; that the letters addressed to him were sent to Berlin, from which they were directed to the Dutch ambassador at the Porte, the Baron van Dedern van Gelder, who sent them forward by Tartar messengers. The Editor adds, that this correspondence was interrupted after the expedition to Syria, but without informing us whether it was afterwards resumed.—*Memoires Historiques*, v. 3. p. 338. *des Mélanges*.

Napoleon closes his Memoirs, on the subject of Egypt, with the battle of Aboukir, and appears all at once on the coast of France, without explaining how he left his army, or how he escaped the vigilance of the English cruizers. In his Notes on

the 'Manuscrit venu de Sainte Helene d'une maniere inconnu,' he merely states, that he returned to France because he was authorized to do so by his instructions, having *carte blanche* to act as he pleased; that he had already projected the day of the 18th Brumaire, (when he assumed the supreme power); and that he communicated his plans to General Menou. But the first of these assertions is unsupported by any evidence; and his Editors themselves admit, that when Napoleon states that he had *full power* to act as he chose, the statement rests only on his own authority.

Napoleon, before his arrival in France, had announced himself by the bulletin of the *victory* of Aboukir. It had not escaped the vigilance of Fouché, that this bulletin had been assiduously circulated in certain *coteries*, and that all sorts of hyperbole and exaggeration had been resorted to, to increase its effect. From the date of the arrival of the last despatches from Egypt, says he, Josephine and his brothers exhibited evident marks of bustle and high spirits.

"Ah! s'il allait nous arriver!" me dit Josephine; "cela ne serait pas impossible; s'il avait reçu à tems la nouvelle de nos revers, il brulerait de venir tout réparer, tout sauver!" Il n'y avait que quinze jours que j'avais entendu ces paroles; ajoute Fouché, et tout à coup Buonaparte débarque!—*Fouché*, p. 107.

The military reputation which Buonaparte enjoyed before his departure for Egypt,—the simplicity he had affected in his manners,—his pretended attachment to science,—and the assiduity of the secret faction, which was silently preparing for him the way to supreme power—all contributed to make his arrival be regarded as a public benefit. His landing at Frejus was publicly announced in all the Parisian theatres; and the intelligence occasioned an extreme sensation. Fouché observes, however, that in this general excitement something of a secret artificial influence might be traced. The Directory were at first both displeased and alarmed, and the republicans were immediately visited by an instinctive feeling of dismay.

'Transfuge de l'Armée d'Orient, et violateur de lois sanitaires, Buonaparte eut été brisé devant un gouvernement fort.' Mais le Directoire, témoin de l'ivresse générale, n'osa pas sevir; il était d'ailleurs divisé. —*Fouché*, I. 107, 108.

period of his life, with regard to which Napoleon has with the minutest details, is really the most interesting, namely, his history from the date of his landing at Frejus to the period when he had rendered himself completely independent. The events which preceded this period, preparatory to his elevation; and those which

followed it were only its natural consequences. He arrived in the Gulf of Frejus the 9th October 1799. Thirty-three days after—he had overturned the Government, and was in possession of unlimited power!

The object which had prompted this sudden return, was one which did not admit of attention to the quarantine laws. He broke through them, therefore, without ceremony; and instantly set out for Paris with General Berthier. He describes, with much pomp, and, we doubt not, with some exaggeration, the joy excited by his return, in all the towns through which he passed. Crowds flocked from all quarters to see him.

‘Tout le monde pleurait de joie. Ce n’était pas un citoyen qui rentrait dans sa patrie; ce n’était pas un Général qui revenait d’une armée victorieuse, c’était déjà un Souverain qui retournait dans ses états.’

This expression is remarkable;—it shows that, in Napoleon’s opinion, it is the character of a *sovereign* only which is likely to produce this general enthusiasm. Yet we doubt whether Louis XVIII. would have ventured on a similar one, in describing the joy caused by his return to Paris after the battle of Waterloo.

We have already mentioned, on the authority of Fouché, that after the conquest of Italy, Napoleon had in view the assumption of supreme power, but that he had then been deterred from the attempt, *‘la poire n’étant pas mûre.’* Napoleon himself confirms the statement of the minister, by disclosing his designs immediately after his return from Egypt. He states the matter thus, speaking always in the third person.

‘La nature des événemens passés l’instruisait de la situation de la France; et les renseignemens qu’il s’était procuré sur la route, l’avaient mis au fait de tout. Sa résolution était prise. Ce qu’il n’avait pas voulu tenter à son retour d’Italie, il était déterminé à le faire aujourd’hui. Son mépris pour le gouvernement du Directoire, et pour les membres du Conseil était extrême. Résolu de s’emparer de l’autorité, de rendre à la France les jours de gloire, en donnant une direction forte aux affaires publiques—c’était pour l’exécution de ce projet qu’il était parti d’Egypte; et tout ce qu’il venait de voir dans l’intérieur de la France avait accru ce sentiment, et fortifié sa résolution.’—Mem. I. 57.

At this period all public offices were elective in France, and considering Napoleon’s popularity at the time, it is difficult to understand what motive could have induced him to take the dangerous step of getting into power by force alone. It might, in all probability, have been legally attained, but however, occurs in his Memoirs to lead to this last idea ever suggested itself to him.

says himself, a great contempt for the government of the Directory. But the cause of this feeling, we suspect, was not so much that the members were in themselves contemptible, as that they were rulers only for a term, and that four or five reigned in place of one. He certainly wished to see a perpetuity of royalty, in the person of an individual.

He observes, that the information he procured on his route from Frejus, had put him in possession of the true condition of France. And yet he says, that he left Egypt, with the *resolution already formed* of seizing on the Government. The project of this usurpation, then, preceded the information to which he seems afterwards to ascribe it. The contempt he felt for the men in power, was so little connected with any design of overturning the Government, that, with the exception of Barras, he never mentions in favourable terms any but those members who were opposed to him. Moulin he calls a man of honour; Gœbier, an advocate of talent and exalted patriotism,—a distinguished lawyer, a man of frankness and integrity; Ducos, a man of weak and bounded views, but of undoubted honour and probity.

For a short time after his return, he followed the same system he had adopted after his Italian campaigns. He avoided fêtes and public places, or appeared there only with the greatest simplicity of dress and manner. All the ministers invited him to fêtes. He declined the invitations of the Minister of War, the Minister of the Marine, and the Minister of Finance; but he accepted that of the Minister of Justice, expressing a wish that the distinguished lawyers of the republic should be present. He was in high spirits; discussed at great length the civil and criminal codes, to the astonishment of Tronchet, Treilhard, Merlin, and Target, and expressed his wish for a code more simple and more suited to the intelligence of the age, to protect *the liberties and property of the republic.*

Although France had been obliged to make great efforts, and to keep up a great military establishment to repel the attacks of the Allied Powers, the military spirit had not yet become that of the nation. A great lawyer, a man of science, or a distinguished artist, were looked on with more favour than a man merely possessed of military talents. Republican simplicity was a sure means of gaining popularity. It was thus that Buonaparte had acquired his extensive power. It is not therefore surprising, that Buonaparte should have shunned the public life, and surrounded himself ostensibly with those who distinguished themselves in a civil capacity. It was, in fact, the only way of clearing his road to power. He gives so

good an account of the matter himself, that we cannot do better than quote his own words.

‘Constant dans son système, il gouta peu ces fêtes publiques, et adopta le même plan de conduite qu’il avait suivi à son premier retour d’Italie. Toujours vêtu de l’uniforme de membre de l’Institut, il ne se montrait en public, qu’avec cette société; il n’admettait dans sa maison que les savans, les généraux *de sa suite*, et quelques amis. Regnault de St Jean d’Angely, qu’il avait employé en Italie, en 1797. et que depuis il avait placé à Malte; Volney, auteur d’un très bon *Voyage en Egypte*; Roederer, dont il estimait les nobles sentimens et la probité; Lucien Buonaparte, un des orateurs les plus influens du Conseil des Cinq Cents; Joseph Buonaparte, qui tenait une grande maison, and était fort accredité. Il fréquentait l’Institut, mais il ne se rendait aux théâtres, qu’aux momens ou il n’y était pas attendu, et toujours dans les loges grillées.’—*Mem. I.*

But, while Napoleon thus sought to gain public opinion, by the affectation of simplicity,—by courting the society of lawyers and men of science,—and, by shunning public appearances at the theatres, in order to escape the suspicion of aiming at popularity, he was secretly forming his arrangements with all those intriguing politicians, who were dissatisfied with the share of power which the Revolution had placed in their hands,—with Talleyrand, Sieyes, Real, and most of those who afterwards figured as courtiers under the Empire.

Three parties, according to Fouché’s account, then existed in the country. The popular party, or that of the ‘Manege,’* numbered among its members, Bernadotte, the present King of Sweden, Augereau, Jourdan, Marbot, and some other distinguished officers. This was the party of the more zealous republicans. Napoleon says, in his Memoirs, that the leaders of this party offered him a military dictatorship, provided he would second the principles of their society. Fouché says nothing of this offer: he merely mentions that Napoleon could not accept their assistance, ‘parceque après avoir vaincu avec eux, il aurait fallu ‘presqu’aussitôt vaincre sans eux.’ He means to say, that they would immediately have abandoned him. Jourdan, who is mentioned by Napoleon among the leaders of the party, which offered him the dictatorship, defends himself stoutly from the imputation, in a letter addressed by him to Gourgaud, one of the authors of these Memoirs. He states, on his honour, that he was a member of that society;—that he did not go to see Napoleon at the Thuilleries;—that foreseeing the abuse which was likely to take place under such a leadership, he declared that he would *not* lend him his support, ex

* So called from the place where its sittings were held.

condition of his granting the most positive guarantee of the liberties of the public; instead of mere vague promises; and that it was on account of the sincerity of this declaration, that his name was shortly after inserted in the list of proscriptions. (T. i. des Mem. Hist. 377, 378.)

The second party was that which Fouché calls 'Les speculateurs de Revolution,' and Buonaparte 'Les pourris,' and which had Barras at its head. Fouché tells us, that Napoleon rejected the co-operation of this party, 'parcequ'il ne lui offrit qu'une planche pourrie;' but Napoleon states the matter otherwise.

'Soit que Barras eut contracté des engagements avec le pretendant, comme on l'a dit dans le tems, * soit que s'abusant sur sa situation personnelle, car de quelle erreur ne sont pas capables la vanité et l'amour propre d'un homme ignorant! Il crut pouvoir se maintenir à la tête des affaires.'

There remained the party of Sieyes, which it was also necessary to deceive; for, as Fouché remarks,

'Napoleon ne voulait se servir que comme instrument de celui qui pretendait rester maître des affaires. Ainsi au fond Buonaparte n'avait pour lui aucun parti qui eut l'intention de fonder sa fortune sur une usurpation manifeste—et pourtant il a reussi—mais en abusant tout le monde, en abusant les directeurs Barras et Sieyes, surtout Moulins et Gohier qui étaient les seuls de bonne foi.'

We have already seen that Fouché had penetrated the designs of Napoleon even before his return from Egypt, and that he afterwards endeavoured to gain the favour of Lucien and Joseph, and particularly of Josephine; and, consistently with his character, he now laboured to advance the fortunes of the person who he foresaw would soon be at the head of affairs. Napoleon, however, did not admit him into his secrets; the affair of the 18th Brumaire took place, without his having had any confidential communication from Napoleon at all; and the reason he assigns for his caution is, '*qu'il connaissait son immoralité et la versatilité de son esprit!*'

It was a matter of indifference to Fouché, however, whether

* The connexion which subsisted between Barras and Louis XVIII. is no longer matter of doubt. In 1815, one of the secret agents of the Bourbons, named Fauche-Borrel, printed a pamphlet of about 150 pages, in which he states the services he had done them. The agreement between the Director and Louis XVIII. will be found among the '*pieces justificatives*,' annexed to this volume. Barras was to receive the title of Count, and an indemnity for the loss of his appointment of director, &c. This book of Fauche-Borrel was never published, and only a very few copies were circulated.

Napoleon chose to communicate to him his designs or not; for if he did not interfere to disconcert the plans of the conspirators against the existing government, it was not because he was ignorant of any thing that was taking place. He tells us, that Napoleon formed a sort of council composed of his brothers, of Berthier, Real, Rœderer, Bruis and Talleyrand. It was Talleyrand who disclosed to him the plans of the government, the state of parties, and the character of individuals; who made him acquainted in particular with the projects of Sieyes, and induced him apparently to enter into his views, that he might the more securely disconcert them. Napoleon concealed his own intentions so artfully, that Chenier and Danton, two of the most zealous partisans of liberty, were the persons who were most active in establishing a connection between him and Sieyes.*

It is impossible for us to detail at length the manœuvres by which a handful of intriguing and ambitious politicians and their dupes, led the way to the subjection and degradation of France. Fouché himself does not pretend to state all the particulars;—a volume, he says, would be insufficient for the purpose, or at least it would require the compression of Tacitus. We must confine ourselves, therefore, to the leading features,—and the most characteristic of the actors and the age.

Napoleon did not attach himself to the Republican party. It was that, he says, whose assistance might have been the most useful;—but ‘they were men who could have no attachment to a chief;’ and he would have required, when he had gained his end through their assistance, to have suppressed or extirpated them. It was to Sieyes he made his proposals, and these were the motives he assigned.

‘A Sieyes s’attachoient un grand nombre d’hommes instruits, probes et republicains par principe, mais ayant en général peu d’énergie; fort intimidés de la faction du Manege, et des mouvemens populaires, mais qui pouvaient être conservés, après la victoire, et être employés dans un gouvernement regulier. Le caractère de Sieyes ne donnait aucun ombrage; dans aucun cas, ce ne pouvait être un rival dangereux.’ *Mems. T. 1. p. 68.*

* Fouché’s own account of his reasons for not interfering with the plans of the conspirators, is sufficiently curious. ‘La Revolution de St Claud,’ says he, ‘aurait echoué si je lui avais été contraire; je pouvais egarer Sieyes, donner l’éveil à Barras, éclairer Gohier et Moulins; je n’avais que seconder Dubois de Crancé le seul ministre opposant, et tout croulait! Mais il y aurait eu de la stupidité de ma part, à ne pas preferer un avenir à rien de tout,’ p. 113. The same motive afterwards induced him to betray Napoleon himself.

It is evident, from the last sentence, that what Napoleon wanted, was the assistance of a party, in which, after his end had been obtained, he was likely to meet with a rival. He declined engaging with the majority of the Directory, because 'a divided magistracy could never lead to any satisfactory result;' he rejected the alliance of the Republican party, because its members were incapable of attachment to any acknowledged master; and when it is added, that a connexion with this latter party, which numbered among its members Bernadotte, Augereau, Marbot, and other generals, would have exposed him to a dangerous rivalry, the motives which induced him to side with the party of Sieyes are sufficiently obvious.

Before applying, however, to this ambitious and artful speculator, Napoleon, at the instigation of Real and Fouché, endeavoured to gain over the venal Barras. 'Ayez Barras,' said Fouché, 'soignez le parti militaire, paralysez Bernadotte, Jourdan, Augereau, et entraînez Sieyes.' Napoleon agreed to the proposal, and promised to make overtures to the Director, or to receive them from him. Barras was soon made acquainted with the matter, and invited Napoleon to dine with him next day. An overture was then made by the Director, but he gave Napoleon to understand, that he expected to be at the head of the new government, and Napoleon retired without giving him the least hint of his own designs. The ambitious general, who could not endure the idea of a divided authority, did not attempt to conceal the impression which the views of the Director had left on his mind. The conversation, he said, was decisive. In the course of a few minutes, he was with Sieyes. He told him that for the last ten days, he had been applied to by all parties;—but that he had at last resolved to connect himself with Sieyes, and the majority of the *Conseil des Anciens*, and that he came there to give positive assurance of his intention. It was then arranged, that between the 15th and 20th Brumaire, the Revolution should take place.

Real and Fouché, whom Napoleon had made acquainted with the demands of Barras, now offered their services, to bring him to more reasonable terms, and to convince him that disguise was out of place in the circumstances. They visited him immediately. The Director assured them that he had been completely in earnest in his demand, and required guarantees to that effect, which Buonaparte contrived to evade, till his emissaries succeeded at last in frightening the Director into more reasonable terms, and inducing him to enter into the designs of Napoleon. By this time, however, Buonaparte had made

his arrangements with Sieyès, and Barras was left in a state of uncertainty.

While Napoleon was thus planning the overthrow of the constitution with Sieyès, and keeping Barras in suspense, he had succeeded also in lulling the vigilance of the other directors, Moulins and Gohier. He received the former at his house every morning between eight and nine o'clock; conversed with him freely on every thing that concerned the army, but spoke shortly and undecidedly of civil affairs. The latter visited him occasionally in the evening, though less frequently than Moulins. Fouché himself knew nothing of his plans, but through Real. He assures us himself, however, that he had formed his arrangements with Sieyès on the 8th Brumaire, and the conspiracy was matured with great rapidity. Talleyrand gained over Bournonville, Semonville, and Macdonald. The Banker Collot lent them two millions; and this, says Fouché, put the enterprise in motion. The garrison of Paris was secretly gained over; and particular reliance was placed on two regiments of cavalry which had served in Italy under Buonaparte. Murat, Lannes, and Le Clerc, were employed to conciliate the leaders and the principal officers; and they soon succeeded in drawing over Berthier, Marmont, Serrurier, Lefevre, Moncey, and even Moreau. Lucien, on his part, seconded by Regnier, and Boulay de la Meurthe, treated with a few of the deputies who were devoted to Sieyès. And thus a multitude of various opinions, and different interests, concurred to facilitate the overthrow of the constitution; while none, but Buonaparte himself, appeared to have any idea what would be the result of the attempt.

But while the conspirators were arranging the execution of their plans, the Minister of War, Dubois de Crancé, discovered the plot, and hastened to communicate it to the Directors, Moulins and Gohier. He demanded from the Directory the immediate arrest of General Buonaparte, and offered to take upon himself the execution of their order. The two Directors, however, could not believe the report; they had seen Napoleon almost every morning and evening; his manners appeared to them so simple and unpretending; his advices were so uniformly disinterested and open, that they could not believe him capable of the imputed treachery. How could they bring themselves to imagine that a General, who laid aside the military dress for that of a Member of the Institute, who was never seen in public, but in the society of philosophers and men of science, who dined only with lawyers, and declaimed to his soldiers about Tarquin and Brutus, could be at the head of a conspiracy for

overturning the republic, and subjecting France to a military government?

Unable to overcome their incredulity, the Minister of War sent for an agent of the Police, who was acquainted with the plot, and who went over the whole of it, even to the minutest details. The Directors, after hearing his story, ordered him to be shut up in a neighbouring apartment, till they should deliberate upon his communications. The agent of Police became alarmed; he found means to escape by a window; and his escape led the two Directors to believe that the whole story was an imposture. Lucien received them at the country-house of Madame Recamier, in order to concert the apparently legal measures which were to accompany the military movements. On the 13th Brumaire, Sieyes and Buonaparte finally arranged the operations of the 18th. The legislative power was then divided into chambers, the one called the *Council of Ancients*, the other the *Council of Five Hundred*. Sieyes had a great influence in the first; Lucien Buonaparte was president of the second. The executive power was in the hands of five directors. The plan which was settled between the two leaders of the conspiracy was to dissolve both Councils, annihilate the executive powers of the Directors, and take possession of supreme power.

During the stormy periods of the Revolution, the Legislative Assemblies had been several times overawed by the popular movements of the Parisians. To escape this yoke, the National Convention had inserted in the Republican Constitution, a clause authorizing the Council of Ancients to transfer the sittings of the Legislature to some place out of Paris: And now the conspirators availed themselves of this provision to deprive these Assemblies of the support of the Parisian populace, and to place them in the power of the military. On the 16th Brumaire, the last meeting of the Conspirators was held in the Hotel Breteuil, and the plan of operations definitively settled. It was arranged that the Council of Ancients should be summoned to the Thuilleries for the 18th, but that all the deputies should not be summoned at the same hour; that those who were connected with the conspiracy, and those whose weakness was known, should be summoned to meet at five o'clock in the morning; that those who had no concern with the conspiracy, and whose energy of character rendered them formidable, should be summoned at ten; that the former should then decree the removal of the legislative body to St Cloud, and invest Napoleon with military power before the others should arrive. Le Mercier, who was one of the conspirators, undertook to carry

into effect the public summons, in his character of President of the Council of Ancients. Cornet took charge of intimating the private meeting at five in the morning.

The members of the Council of Ancients, who were connected with the conspiracy, and some of those whose well-known weakness of character had procured them an invitation to the meeting, accordingly assembled at 5. Cornet, who had summoned them, stated to them, in an imposing speech, the dangers of the republic; and proposed to them to transfer the legislative assembly to St Cloud, and to commit the command of the army to Buonaparte. Those members who were unconnected with the plot, saw the snare into which they had been drawn. They resisted more firmly than might have been expected from their character; but at last the resolution was carried, though, as Buonaparte says, not without strong opposition. * The hour fixed for the public meeting, was 10; at 8 the decree had already passed, and all was over when the rest of the Deputies arrived. At half-past 8, Napoleon had a copy of the decree in his hands. †

While a part of the conspirators were thus endeavouring to give a legal colour to their measures, Napoleon was drawing around him a force capable of supporting them. He was seconded by many unacquainted with the views of the conspirators, and who really believed that their assistance was called for in the execution of a legal measure. Many of the officers had requested to be introduced to him, but this he had always evaded, under different pretexts. The evening before he was to be invested with the command, he summoned together the officers and soldiers whose assistance he calculated on in the execution of the conspiracy. This is his account of the matter:

Le 17. Napoleon fit prevenir les officiers qu'il les recevrait le lendemain à six heures de matin. Comme cette heure pouvait paraître indue il pretexta un voyage; il fit donner la même invitation aux quarante adjudans de la Garde Nationale. ‡ Et il fit dire aux trois regimens de cavalerie qu'il les passerait en revue aux Champs Elisées le même jour 18, à sept heures du matin. Il prévint en même tems les généraux qui étoient revenus d'Egypte avec lui, et tous ceux dont il connoissoit les sentimens, qu'il serait bien aisé de les voir à cette heure là. Chacun d'eux crut que l'invitation étoit pour

* T. i. Mem. de Nap. p. 76.

† Ib. p. 73-76.

‡ C'étoient des militaires qu'il avoit lui même nommés à ce grade peu de tems auparavant, en sa qualité de commandant de l'armée de l'intérieur.

lui seul, et supposait que Napoleon avait des ordres à lui donner; car on savait que le ministre de la Guerre Dubois de Crancé avait porté chez lui les états de l'armée, et prenait ses conseils sur ce qu'il fallait faire, tant sur les frontieres du Rhin qu'en Italie.—*T. i. des Mem. p. 73 & 74.*

On the morning of the 18th, when the 'Acte,' which was entitled, a Decree of the Council of Ancients, was sent him, Buonaparte was surrounded by a numerous body, most of whom were entirely ignorant of the purpose for which they had been called together. The messenger of State, who was the bearer of the pretended decree, found the avenues filled with officers of the garrison, adjutants of the national guard, generals of the troops, and the three regiments of cavalry. Napoleon had his doors thrown open; but finding his house far too small to contain the numbers who were in waiting, he came forward upon the steps, and addressed the officers. He declared, that he relied on their cooperation to save France, and produced the commission by which he was invested with the command of the army. Then placing himself at the head of the generals, the officers, and the 1500 horse, he ordered the *générale* to be beat, gave directions that the decree should be immediately published all over Paris, and proceeded to the Council of Ancients, whom he addressed in the following remarkable words:

'Vous etes la sagesse de la nation! c'est à vous d'indiquer dans cette circonstance les mesures qui peuvent sauver la patrie. Je viens, environné de tous les généraux, vous promettre l'appui de tous nos bras. Je nomme le général Lefevre mon lieutenant; je remplirai fidelement la mission que vous m'avez confié; qu'on ne cherche pas dans le passé des exemples sur ce qui passe. Rien dans l'histoire ne rassemble à la fin du dixhuitieme siecle, rien dans le dixhuitieme siecle ne rassemble au moment actuel!'

While Napoleon was thus haranguing the Council of Ancients, a part of the conspirators were urging Barras and some of his colleagues to resign their offices. Sieyes had already given in his resignation. A proclamation was published in Paris, in which the head of the conspiracy intimated to the citizens—'Le Conseil des Anciens me charge de prendre des mesures pour la sureté de la representation nationale; sa translation est necessaire et momentanée.' He told the soldiers that he was commissioned to assist in the execution of constitutional measures, which were about to be taken in favour of the people; and that liberty, victory and peace, would soon replace France in the high rank she had occupied among the States of Europe.

Fouché, on his part, was not idle. He closed the barriers,

and stopped the departure of the couriers and diligences—for it was particularly essential that France should know nothing of what was passing that day, and was about to follow the next, except from the conspirators themselves. In the evening, another council was held on the proposed operations of the next day. Fouché was present;—and there, for the first time, he saw the two parties openly united for the same end. One of them, however (that of Sieyes), seemed already to feel alarmed at the visible ascendancy of the party of the army. Every measure which Buonaparte proposed, either in person or through the mouth of his brothers, breathed a spirit of military dictatorship. Many would willingly have drawn back, but it was now too late. The more timid members retired; and as soon as they were got rid of, three temporary Consuls were named, Buonaparte, Sieyes, and Roger Ducos. Sieyes proposed the arrest of forty of the leading members of both Councils, that they might overcome more easily the resistance of the others at St Cloud. ‘I advised Buonaparte,’ says Fouché, ‘not to consent to it, and not to render himself the instrument of the rage of a vindictive priest.’ We find, however, from the *Memoirs of Buonaparte*, that he afterwards repented that he had not followed the advice of Sieyes. But though Fouché succeeded in rejecting this proposition, he did not feel at all confident as to the result of the next day’s operations. All that he had heard, and all the information he had procured, led him to fear that the conspirators would not have a majority of the members of the two Councils, from the idea which was now prevalent among them; that the object of the movement was to overturn the constitution, and to substitute a military government in its place; and even several of the conspirators themselves by no means approved of the dictatorial power at which Napoleon was now visibly aiming.

Next day the road from Paris to St Cloud was covered with horse and foot, commanded by Murat. Lannes commanded the troops which formed the guard of the Legislative Assembly. There was no longer an executive power; and the Parisians saw nothing in the movements that were taking place around them, but the execution of an apparently legal and formal decree. The two Councils were thus placed in the midst of the military which Buonaparte commanded, without any means of support from without. All the members, however, met at the place to which they had been summoned.

The Council of Ancients included a large proportion of the conspirators; but as the authors of the clandestine decree did not constitute a majority, the debate became extremely

stormy. The conspirators insisted on proceeding immediately in the formation of a provisional government: One of them, in order to bring over a majority to this resolution, stated, that all the directors had given in their resignation. 'We must then name others,' said the opponents of the measure. Buonaparte, who was informed of what was passing, now thought it time to appear. He entered the Council, declared there was no longer a government,—and that the existing constitution could not save the Republic. He conjured the Council instantly to set about framing a new order of things;—for himself, whatever form of government might be adopted, he wished only to be the guardian of its safety, and to execute the orders of the Council. 'Sa harangue,' says Fouché, 'fut débité sans ordre et sans suite; elle attestait le trouble qui agitait le Général, qui tantôt s'adressait aux députés, tantôt se tournait vers les militaires restés à l'entrée de la Salle.' It was received by his partisans with cries of 'Vive Buonaparte!'

In the Council of Five Hundred, the sitting was opened by an insidious speech from Emile Gaudin, * who proposed that a committee should be named, with instructions immediately to report upon the situation of affairs—and that no definitive resolution should be taken till its report should be received. As this proposal had been previously arranged with some of the conspirators, Boulay de la Meurthe had the Report ready. The following is the account Napoleon gives of the effect produced by this proposal.

'Les vents renfermés dans les antres d'Eole, s'échappant avec furie, n'exciterent jamais une plus grande tempête. L'Orateur fut précipité avec fureur en bas de la tribune. L'agitation devint extrême. Delbred demanda, que les membres prêtassent de nouveau serment à la constitution de l'an 3. Chenier, Lucien, Boulay palierent ensemble. L'appel nominal eut lieu.

'L'Assemblée paraissait se prononcer avec tant d'unanimité, qu'aucun Député n'osa refuser de prêter serment à la constitution. Lucien lui même y fut contraint. Des hurlemens, de bravos se faisaient entendre dans toute la salle. Le moment était pressant. Beaucoup de membres, en prononçant ce serment, y ajoutèrent des développemens, et l'influence de tels discours pouvait se faire sentir sur les troupes. Tous les esprits étaient en suspens: les zelés devenaient timides, les timides avaient déjà changé de bannière. Il n'y avait pas un instant à perdre.'—*Mem. I. 87.*

In the midst of the confusion, the resignation of Barras was announced. But the assembly seeing nothing in this but the result of a conspiracy, proceeded to debate, whether it should

* Afterwards one of Buonaparte's Ministers.

be received or not. It was in the height of this discussion that Buonaparte arrived from the Council of Ancients, followed by a company of grenadiers, and expecting, apparently, the same ready submission that had attended his appearance in that assembly. The result, however, was signally different. The instant they descried him and his military escort, they broke out into the wildest disorder. The whole body stood up, and expressed, by loud shouts and execrations, their resentment of this invasion of their privileges—this profanation of the temple of Law “*vous violez la sanctuaire des lois, retirez vous!*” lui disent plusieurs députés. “*Que faites vous téméraire!*” lui crie Bigonnet. “*C’est donc pour cela que tu as vaincu?*” lui dit Destrem. En vain Buonaparte, arrivé à la tribune, veut balbutier quelques phrases : De toutes partes il entend répéter les cries de “*Vive la Constitution! Vive la République!*” De tous côtés on l’apostrophe “*A bas le Cromwell! A bas le dictateur! A bas le tyran! Hors de la loi le dictateur!*” S’écrient les députés les plus furieux; quelques uns s’élancent sur lui et le repoussent. “*Tu feras donc la guerre à la patrie!*” lui crie Arena, en lui montrant la pointe de son poignard! Les grenadiers voyant palir et chanceler leur général, traversent la Salle pour lui faire un rempart; Buonaparte se jette dans leur bras, et on l’emporte. Ainsi dégagé, la tête perdue, il remonta son cheval et galloppait vers le pont de St Cloud, criant aux soldats, “*Ils ont attenté à ma vie!*”

In this, the most critical period perhaps of his whole existence, and the only one in which his presence of mind appears to have totally failed him, he was saved by the energy of Murat, who, riding up to him on the bridge, called out to him, that it was not fitting that the conqueror of so many potent enemies should be overcome by a few noisy blockheads; and, turning his horse’s head again to the palace, led him into the midst of the soldiers, who still lingered around it. In the mean time, the most horrible tumult continued in the Hall, where Lucien, who conducted himself throughout with the utmost intrepidity, was loudly required to put the vote for the instant outlawry of his brother—and after vainly entreating a hearing, at last attempted to dissolve the meeting—and leaping from the chair, threw off his official dress, and was instantly hurried away by a party of soldiers. He no sooner rejoined his brother, than he agreed with Murat that there was no safety but in the instant employment of force—and, in his character of President, applied formally for a guard to enable him to dissolve the assembly, which a few factious individuals, he said, had thrown into the most dreadful disorder! ‘Le President,’ said he, ‘du

‘ Conseil des Cinq Cents vous demande de secours contre les agitateurs;—des factieux le poignard à la main en ont violé les délibérations. Il vous requiert d’employer la force contre ces factieux ! Le Conseil des Cinq Cents est dessous. ’ Napoleon answered in these words—‘ President, cela sera fait. ’ At the same moment, he gave orders to Murat to march into the hall in close column. General B requested fifty men to fire upon the fugitives; but this Buonaparte refused as unnecessary. Murat instantly presented himself at the door, at the head of his troops; Moulin, aide-de-camp of Brune, gave the word to advance; the soldiers, to the number of 500, rushed into the hall with their bayonets fixed,—and the Deputies ran out at the windows, which luckily happened to be nearly level with the ground !

During these events, Sieyes was stationed near the park gate, in a carriage with six horses,—ready for flight if the conspiracy should fail, or to take possession of power if it should succeed.

As soon as the Council of Five Hundred had been thus dispersed, the President Lucien hastened to justify the measure in the Council of Ancients, who were already trembling under the ascendancy of military power. He made use of the same arguments to them, which he had employed with the soldiers, adding, that he had only made use of the power which his situation as President conferred upon him; that the measure was not unconstitutional, and that the Council of Five Hundred would be again summoned, when its deliberations could be conducted with more calmness.

The heads of the conspiracy, Napoleon, Lucien, Sieyes, Talleyrand, Rœderer, and Boulay de la Meurthe, instantly decided that not a moment was to be lost in assembling the deputies of their party, who were dispersed through the corridors and gardens of St Cloud. A search was commenced, and from twenty-five to thirty were assembled (the Assembly consisting of 500). Buonaparte, however, states the number as something more.

‘ De ce conciliabule, ’ says Fouché, ‘ sort bientôt un decret d’urgence, portant que le général Buonaparte, les officiers généraux, et les troupes ont bien mérité de leur patrie. Ils arrêtent ensuite, qu’on établira en fait dans les journaux de lendemain, que plusieurs députés ont voulu assassiner Buonaparte, et que la majorité du conseil a été dominée par une minorité d’assassins. ’ T. i. p. 144, 145.

This Decree of the twenty-five or thirty members who represented the Council of Five Hundred, was presented to the Council of Ancients, and adopted by the minority, who were in the interest of the conspirators; the majority, says Fouché, remaining mournfully silent.

‘ Ainsi l’établissement intermédiaire du nouvel ordre de choses fut converti en loi, par une soixantaine de membres de la législature, qui d’eux même se déclarèrent aptes aux emplois de ministres, d’agens diplomatiques, et de délégués de la commission consulaire.’ p. 146.

Thus closed in France the dream of republican freedom, and the experiment of Representative Government! for we cannot give this title to the *Council of Mutes* established by the conspirators, which lasted till the downfall of the Imperial Government, a space of about fourteen years. The members of this Council were elected by a body called the Senate, in which all the members of the conspiracy took care to be included.

We have thought it necessary to detail, with some minuteness, the principal circumstances of this conspiracy and revolution; because the particulars have hitherto been but imperfectly known, even in France; and because these were truly the events by which the dominion of one man was restored in that country, and the foundation laid for that military dominion to which she was so long subjected. Once in possession of power, the conspirators most faithfully performed their engagement, ‘ d’établir en fait que la majorité ‘ du Conseil des cinq cents avait été dominée par une minorité ‘ d’assassins;’—and that it was to support this majority that the assistance of the army had been required. One Journal only had the courage to state the matter as it really stood,* but it was seized before publication. Fouché had taken care to close the barriers, and stop the couriers and mails; so that the conspirators had ample time to organize that extensive system of imposture which was never after relaxed. Before the truth could be known, it was necessary that the Imperial Government should be at an end, and its supporters proscribed or divided among themselves. If Buonaparte had remained on the throne, and Fouché in the ministry, we should neither have been in possession of their Memoirs, nor of those of others; and the press, both in France and the Continent, would still have continued in a slavish subjection to power.

We shall not stop to inquire how Napoleon got rid of those members of the conspiracy who had joined his party with the view of securing the triumph of their own political systems. Those who were willing to devote themselves to his interests were loaded with favours, riches, and honours: those who still wished to preserve some independence of character, were irrevocably banished from his favour. Among these were Chenier and Cabanis. The latter died of grief, at having been accessory

* We believe, the *Decade Philosophique*.

to the subjection of his country; the former did not long survive him, from the same cause.

The two chiefs of the conspiracy, Napoleon and Sieyes, endeavoured to maintain themselves in possession of the power they had obtained, by inspiring their adversaries with terror. On the day on which they overturned the government, they declared there should be no acts of oppression, no lists of proscription; and yet, the very next day, a list of proscription appeared! including 59 deputies of the assembly. These were to be banished without trial, 37 to Guiana, and 22 to the Isle of Oleron. Napoleon also took care to unite in these lists the names of the most respectable characters with those of the lowest, that he might lower them by the juxtaposition. This was a piece of policy he always adopted.

The existence of Napoleon's government has presented two problems to foreign nations, both of which they have been unable to resolve. Within three months after his assumption of power, all the popular institutions were overturned; but the partisans of liberty did not disappear along with them; they were numerous even in the army itself. By what means, then, did Napoleon contrive to paralyze their efforts so effectually, that their very existence was no longer perceived? And how did he succeed in preserving, amidst this numerous class of society, no small share of that popularity which his first victories, and the simplicity of his manners had obtained? The desire of riches, honours, or employments, and the dread of revolutionary excesses, drew into his train many who had, till then, been sincerely devoted to liberty. The terror inspired by military power, and still more, the fear of being confounded with those who had rendered themselves odious by their excesses, imposed silence on others; the absence of all public discussion or popular election, prevented the opinions of others from being known; and lastly, the slavish subjection of the press, furnished Buonaparte with the power of creating or destroying men's reputation at will. Even all these means, however, were insufficient, and others of a more decisive cast were resorted to.

‘Un parti,’ says Fouché, ‘s’agitait dans la Vendée en faveur des Bourbons; d’autres avaient à Paris la hardiesse de parler de liberté: “je ne veux pas,” dit Napoleon à Fouché, gouverner en chef debonnaire; la pacification de l’ouest ne va pas; il y’a trop de licence et de jactance dans les écrits.” ‘L’execution du jeune Toustain, celle du comte de Frotté et de ses compagnons d’armes, la suppression d’une partie des journaux, le style menaçant des dernières proclamations, en glaçant d’effroi les republicains et les royalistes, firent

evanouir dans presque toute la France, les esperances si douces d'un gouvernement equitable et humain.' p. 170, 171.

Becoming more suspicious as he became stronger, Buonaparte surrounded himself with an increased military train. He was no longer the General habited in the costume of the Institute, and surrounded by men of learning, but the despot surrounded by satellites and spies, and protected by a guard chosen from the *elite* of the army. He established, at the same time, four different branches of police, independent of each other, and communicating only with himself;—the military police, which had its centre at the Thuilleries itself; the police of the inspectors of the Gendarmerie; the police of Dubois; and that of Fouché.

'Tous les jours,' says the last, 'il recevait quatre bulletins de police separés, provenant de sources differentes, et qu'il pouvait comparer entre eux, sans compter les rapports de ses correspondans affidés. C'était qu'il appelait *tâter le pouls* a la republique.' pp. 190, 191.

These precautions were not unnecessary; for republican and royalist conspiracies succeeded each other with fearful rapidity. He felt less uneasiness at the latter, however, than the former. On the occasion of the explosion of the *infernal machine*, it was clearly proved to him by Fouché, that the conspirators were partisans of the Bourbons; yet next day he ordered, without examination or trial, the more formidable members of the *republican* party to be banished to Africa! The Minister of Police succeeded in saving forty, before the list of proscription was presented to the Senate. At the same time, the trial by jury was exchanged for that by military commission, which continued during the existence of the Imperial government.

The spirit of liberty, however, still existed in the army; and to suppress it, Napoleon, Berthier, and Duroc planned the expedition to St Domingo. Twenty-two thousand men, including the soldiers who had been formed in the school of Moreau, those general officers whose attachment to Buonaparte was doubtful, and those who were suspected of an inclination to republican institutions, were sent on this expedition,—the disastrous results of which are sufficiently known.

When Napoleon caused himself to be declared Consul for life, he had formed a secret association in the army, of the friends of liberty, under the name of *Philadelphes*. It would seem that this association existed even under the empire; for Fouché describes the manner in which those officers were got rid of who were suspected of being members.

'Dans ces derniers tems, on soupçonna le brave Oudet, colonel du neuvieme regiment de ligne, d'avoir été porté à la presidence des

Philadelphes. Une lâche délation l'ayant signalé comme tel, voici quelle fut la malheureuse destinée de cet officier. Nommé général de brigade la veille de la journée de Wagram, on l'attira, *le soir même qui suivit la bataille*, dans un guet-apens à quelques de là dans l'obscurité de la nuit, où il tomba sous le feu d'une troupe, qu'on supposa être de Gendarmes ! Le lendemain il fut trouvé étendu, sans vie, avec vingt deux officiers de son parti, tiré autour de son corps. Cet événement fit grand bruit à Schönbrunn, à Vienne, et dans tous les états majors de l'armée—sans qu'on eut aucun moyen de percer ou d'éclaircir un si horrible mystère. Fouché, 396, 397.

Napoleon's great engine of popularity among the more ignorant classes of the people, consisted in claiming the merit of all the good which the Revolution had produced, and in throwing the blame of its evils either on the friends of liberty, the philosophers, or the government he had overturned. And this, the state of the public press, the absence of public discussion, a reign of fourteen years, and a want of communication with free States, rendered sufficiently easy.

He took the merit of the good laws which had been previously framed in civil matters, by publishing them anew with his name, making some slight alterations, which were not always improvements. A Penal Code, and a Code of Criminal Procedure, had been published before his advancement to power : He remodelled them, only to render the punishments more severe,—to suppress the system of grand juries,—to withdraw from the cognizance of juries, trials for political offences,—and to control the public tribunals more arbitrarily. But he was silent on the reforms which the Revolution had produced ; he was silent even on the wise reforms which had been made by the Ministers of Louis XIV. in some of the branches of legislation, because he had republished the Ordonnances of that prince under a more modern form. He gave himself out as the reformer of religion, although, before his elevation to power, the Directory had restored to almost all the members of the clergy the free use of their churches. He even went so far as to date from his own reign the public monuments which existed 150 years before.

The acts with which he is reproached by Fouché, the destruction of popular institutions, and the calumnies which, for fourteen years, he circulated against the philosophers and the friends of liberty, rendered him odious to the enlightened classes of society ; but as the liberty of the press was entirely destroyed, and as those only were allowed to be heard who were devoted to his interests, these oppressive acts injured him but slightly in the opinion of the ignorant, who unfortunately in all countries form the majority. While the press was free, and

while he was courting public favour as a step to power, he affected a love for the sciences, and cultivated the society of literary men. But no sooner was his end attained, and the press subject to his disposal, than he threw aside the philosopher, surrounded himself with his satellites, and calumniated his old allies, thinking that he was thus establishing his power on a broad and solid basis.

The peace with England rendered him more popular than even his victories had done. But he soon saw, says Fouché, that peace would not suit him; that it did not allow him sufficient facilities for extending his dominion abroad, while it materially impeded the operation of his power at home; and that the daily intercourse between France and England was beginning to produce its effects on the political opinions of the nation, and to awaken its ideas of liberty.

‘ Des lors il resolut de nous priver de tout rapport avec un peuple libre. Il ralluma donc la guerre; mais ce fut sans perdre la popularité que la paix lui avait acquise. Il donna à sa haine pour la liberté les couleurs du patriotisme; il se proposait, disait il, de détruire l’industrie Anglaise, pour que l’industrie Française restât sans rivale: et cette absurdité exerçait une influence d’autant plus grande, que la censure n’aurait pas permis la publication d’une idée juste en économie politique.’

The return of Buonaparte in 1815, and the rapid success of his plans, prove plainly how strong his influence still was over the minds of the people. But the wonder which this sudden success gives rise to, soon disappears when we read his own memoirs, and when the situation of the country at the time is considered. He then wished to play a new part; but the moment for deceiving the public was past;—hypocrisy was out of season. The declarations, the protestations, the oaths which he made in favour of liberty, were considered by the enlightened classes as miserable pieces of affectation, which degraded the actor, without gaining him a single additional partisan; and he fell at last, betrayed by the greater part of those satellites who had seconded his first usurpation, abandoned by the people whom he had so long deceived, and followed only by a few who were attached to him from necessity or pity.

The historical memoirs of Napoleon, though frequently deficient in candour, would still have been exceedingly interesting had their publication been intrusted to editors more competent to the task; but as it is, every thing is left in confusion. He read, in his exile, every work of consequence connected with the events of his reign. In the course of these readings, he used to dictate to one of his attendants the reflexions which

occurred to him; he corrected such mistakes as he detected, or endeavoured to refute the accusations with which he was charged. His memoirs are made up in a great measure of such notes; but generally so confused and disorderly in their arrangement, as to occasion the greatest perplexity to those who attempt to read them, without some previous knowledge of the subject.

The memoirs of Fouché, again, are arranged with more of method; they present events in chronological order, and possess a different kind of interest. One would imagine in reading them, that he was perusing a French translation of Tacitus, if he were not reminded by the constant recurrence of modern names, that it is the history of a cotemporary government. At the Court of Napoleon we meet again with all the intrigues, the secret accusations, the distrust, the fears, and even in some degree the cruelties and debaucheries of that of Tiberius. Even the victories, which form the most brilliant portion of his reign, are deprived of their charm in the pages of the Ex-Minister; for we see there that gold effected more defeats than either the talents of the general or the bravery of the soldiers. The Austrian armies were not more incorruptible than the Spanish generals.

The conspiracy which established a military government in France, called forth several men who have played rather a remarkable part in public life. What has been their fate? This is a question not without interest, and may be answered briefly.

Murat, who led the armed force against the national assembly became a prince, a grand duke, and afterwards a king. But he was dethroned, proscribed, obliged to seek safety in concealment, taken by the soldiers, tried by a military commission, and shot.

Berthier, who assisted in the conspiracy, and who was also engaged in the expedition to St Domingo, became a prince and a grand duke; He was thrown from a window, and died on the pavement.

Lannes, who was engaged in the transactions of St Cloud, became a duke and marechal of France, and died soon after in battle.

Sieyes, who, next to Buonaparte, was the principal leader of the conspiracy, received in ready money the price of his ignoble treason, was expelled from the government, and despised by Napoleon himself—he lived in proscription, and without a friend who would receive or recognise him.

Regnault de St Jean d'Angely, became a counsellor of state,

but was soon *proscrit*, found himself despised and without money, became insane, and died in that situation.

Fouché became a duke, and a minister, betrayed both parties, was abandoned and detested by all,—wrote these Memoirs, and died proscribed.

Real became a préfet of Police and counsellor of state. He lives proscribed. *Boulay de la Meurthe*, who afterwards became a counsellor of state, has also shared the fate of *Real*.

Moreau, who assisted in the grand conspiracy, was afterwards accused of another against Buonaparte himself; he was tried and proscribed. He died in the ranks of the Russian army, mortally wounded by a cannon ball, fighting against Napoleon.

Cabanis, who was equally the dupe of Buonaparte's artifices, had the weakness to accept a place in the senate, and died of grief at having been instrumental in the subjection of his country. *Chénier*, deceived like *Cabanis*, would accept nothing from Buonaparte, remained poor, wrote in support of the cause of liberty, and died without being able to publish his writings. Vexation shortened his days.

Two persons only remain, whose fate we shall not venture to predict. *Lucien Buonaparte*, and *Talleyrand*.

As to the hero of the piece himself, if what we have already said on the subject is insufficient, and if our readers wish to form a more correct idea of the happiness *he* enjoyed,—let them turn to the Memoirs of his Minister, and the account of what took place at St Helena. Great he was undoubtedly—great in talent and in fortune, beyond the standard of any modern potentate; and not naturally without qualities entitling him both to love and respect. But good he was not undoubtedly—and still more assuredly, he was not happy. His defection from the cause of liberty was fatal at once to his glory, his security and his enjoyment;—and while it is impossible not to mourn over the extinction of those golden prospects which his powers and opportunities seemed to open at the beginning of his career, we cannot but feel that the retribution was just, which cast down the throne of a military despot, and crushed, under the iron hand of force, the mighty captain who had forcibly overthrown the freedom of his country!

ART. IV. *On the Alien Bill.* By an ALIEN. 'One law, and one manner, shall be for you, and for the stranger which sojourneth with you.' NUMBERS xv. 15. Hunt, London, 1824.

THE laws respecting aliens are entitled, in a general view, to a more dispassionate and philosophical consideration than they have hitherto received. But the crisis at which the Alien Act has now arrived among ourselves, must confine our attention at present to the single point, of the right and privilege of an alien friend to admission and residence in England. And here the first question is obviously as to the validity of the different arguments which have been used to support a sweeping and summary *Prerogative* in the Crown, to exclude, or dismiss, at pleasure.

It is most desirable, that such a claim, having been once seriously raised, should be deliberately examined, and, if possible, set at rest. This would be best done, no doubt, by a solemn judicial determination. But as Ministers will not venture with this boasted prerogative into a court of justice, but affect to be shooting its arrows from behind the shield of an act of Parliament, we have nothing for it but a public discussion of reasons and authorities; and an appeal, bottomed on these, to the wisdom and humanity of the Legislature. Will they prolong a measure, introduced, as one of quarantine, and under the imminent apprehension of internal conspiracies, into times of health, and peace, and unanimity? Can it possibly dream of making *that* permanent, which it has repeatedly pledged itself should be temporary, and when Ministers have themselves disclaimed the contrary imputation, as an outrage on the ancient policy of England? And shall the period selected for this innovation on the honest confidence of the old English constitution, be the very moment when the sufferers for that liberty (which must soon be, and, indeed, already is our common cause) are in the extremest need of every sympathy and consideration which national kindness can bestow? When Edward VI. repealed the statute which had given his father's Proclamations, in certain cases, the strength of law, he assigned as a reason, in his mild and merciful preamble, 'that it might seem to those of foreign realms, and to many of his subjects, very strict, sore, extreme, and terrible;' and so it was honourably laid in its grave. We have paid the full penalty of the age in which we live; and an English Minister might now address these men of foreign realms in the words, as well as spirit, of the Roman statesman—*Me natura misericordem, patria severum: crudelem nec patria, nec*

natura esse voluit : denique istam personam vehementem et acrem, quam mihi, tum tempus, et respublica imposuit, jam voluntas, et natura ipsa detraxit.

The Alien Act, we should always remember, is no standing part of the British constitution ; but was one of the monster births of the French revolution. It was then proposed, and has since been uniformly supported, on a supposed necessity, creating that fear, *qui cadere possit in constantem virum*, for which, if proved, Parliament not only might, but as surely ought to provide. Thus renewed and modified, it has come down to 1825. In the course of the last discussion, Mr Canning intimated, that some permanent measure was under consideration. From the generosity of his character, and the manliness of his opinions, we expect every thing that is just and liberal. We trust therefore that he meditates nothing more than a registry (whose returns might be statistically useful, as a thermometer of our foreign communications), or, at most, the affixing expulsion, either permanent or temporary, as the punishment on conviction in a court of justice, for certain offences, where a natural-born subject might be left to work out his penalty at home. But such is 'the hard condition, and twin-born with greatness,' that there is no knowing what concessions may be extorted from him, by that which is pleased to call itself the consistent part of the Cabinet !—consistent in declaiming on the wisdom of our ancestors, when a precedent, obsolete or doubtful, may protect the 'hoary head of some inveterate abuse,'—consistent in laughing to scorn that wisdom, when the liberal policy of ages is to be put down ! It is impossible to foresee how soon the circumstances of Europe may revive the temptations to abuse this alleged prerogative : and therefore it is most important that the legal and constitutional part of the argument should now receive a fuller examination, than the patience of any popular assembly could, in such circumstances, be expected to undergo. One reason tells with one mind, another with another ; and many respectable persons will look but negligently at the necessity, whilst they are hearing reiterated declarations, that the only novelty is a slight modification in the power, accommodating it to present use, but that the power itself is inherent in, and as ancient as the Crown. The mere priests of the idol will of course be indignant, that the object of their superstition is brought out of the dim twilight, where it loves to shroud itself, and where alone false colours and tinsel ornaments are likely to deceive :—but all who have no interest in imposture, must applaud and assist in the inquiry.

There are two points of view in which the subject appears to us

us of the greatest possible importance; first, as affecting the manner in which a constitutional controversy should be conducted; for, unless we are so shameless as to admit two different degrees of proof, one, where a prerogative is to be established against a foreigner, and another, when it is to be established against ourselves, there is no Englishman, however indifferent to others, who has not himself a deep and an immediate interest in watching a line of argument which, if applied to other cases, would at once arm the Princes of the House of Hanover with every power for which the Tudors and the Stuarts struggled in vain. Secondly, as regards the immediate matter in dispute,—which in truth is nothing less than ‘the difference between will and law, Middlesex and Morocco’—the real question being, whether every foreigner within these realms is to have the secure and manly condition of a freeman, or the crawling and dependent existence of a slave—whether the English Constitution, in the 19th century, is to maintain the reputation which its liberal provisions acquired for it in the 12th, or to forfeit this its true and ancient glory, by taking the tone of the Continental governments, and assimilating with a system which our ancestors despised.

The first observation, which lies on the surface of the case, is, If there is a prerogative, why call in Parliament at all? They have read but a little way, either in human nature or in English history, who can imagine that such is the constitutional sympathy of a King of England with a House of Commons, that he will ever apply to it for power which he can lawfully exercise of himself. The principal partner does not wait for the authority of the firm, in cases which, by the express articles of partnership, are reserved to his own discretion. Governments are not usually so fond of reducing their independent strength, as to require Parliamentary cooperation, when they can do without it, or to ask as favour any thing which they can demand as right. Kings like to win the innings, if possible, off their own bat: and whenever the game is in their own hands, their humble partners will never be permitted to make a trick. Ministers, therefore, who come to the other branches of legislature for powers which they in the same breath declare they already have as a prerogative of the Crown, cannot but feel the necessity of accounting for such an anomaly in their practice. Some explanation then must be tendered; and it must be shown why a prerogative, so studiously and solemnly put forward to catch stray votes in a debate, should not be left to fight its way through a court of justice. The Judges of the King’s Bench would assuredly be as capable a commission for ascertaining the boundaries of a disputable prerogative, as the county mem-

bers. But the only suggestion which legal ingenuity has yet devised, is, that this prerogative, so clear in principle, is unprovided with the means of being carried into effect. There is a clear *right*, it seems, to dismiss, but no power to enforce that right; for, should a foreigner disobey the royal order to depart, the only process against him is said to be an indictment for disobedience: an indictment, by the way, which we will venture to say no lawyer ever heard of, or read of, and of which there is not a trace in any law-book whatsoever.

We shall have occasion afterwards to show how completely this admission, that the King has no means of enforcing his order by actual commitment, puts out the least glimmer of authority, which their few *supposed* precedents could be imagined to possess: They themselves tread out the last spark: For the present, however, we would only ask how it happens, that this discovery of the helpless state of the prerogative should never have raised a doubt as to the existence of the prerogative itself? This is called a Prerogative, ancient as the Crown of England: It is not pretended that the Crown has lost any part of the machinery by which it could at any time have been lawfully put in motion; yet it is acknowledged, that, when sought to be taken down out of their armoury of strength, it is a weapon incapable of striking a blow. Ministers, like Macbeth, are seen holding converse with an airy dagger, which 'marshalls them the way that they should go;' but, when they come to execute their cruel purpose, both are obliged to substitute more substantial instruments of their own. Assuredly state-thunder, forged if at all when royal power was at its height, would have secured the means of reaching, and not merely muttering at its object: As there can be no right without a remedy, so we believe there can be no legal power without the means of carrying it into effect. Can any other prerogative be shown whose vigour is in *terrorem* only? What would an impressment by mere order and proclamation amount to? The case submitted to Sergeant Hill, proves that this notion of a prerogative, existing but inefficient, is a mere after-thought. His opinion gives it no countenance; for he assumes that, in the particular instance where he imagines the prerogative to hold, (that of foreigners charged with crimes), the Crown *has* the power of seizure. The authorized proceeding too with respect to the expected case of an ambassador, clearly shows, that, if the premises were correct, such would be the law; and Count Gyllenberg (*Foster*, 187), the Swedish Minister, was accordingly in 1716 imprisoned, his papers seized, and himself sent home in custody. Besides, is it possible, were this a real operative part of the British Constitution, that, century after century,

comprising our whole constitutional history, should have passed away, whilst the prerogative, whose essence is usage, should never have been discovered, in this singular and remarkable branch of it, to be so maimed and defective, that it could not be used, or exerted at all? It was difficult to escape from this dilemma: The Crown either has the prerogative, or it has it not; if it has the prerogative, the children of this world are certainly wise enough to know, that the course pursued is, notwithstanding every protestation, raising evidence against a right, whose exercise is virtually abandoned, and that a gratuitous discredit is thus thrown on their own order, which they dare not put in circulation without a Parliamentary indorsement. A prerogative, in short, which takes the arm of Parliament, is *felo de se*. If it has not the prerogative, scruples, we should think, must come across the most careless politician, at the idea of granting out a permanent power, which the Constitution does not recognise. The law is our best inheritance; and when once charged, and, as it were, mortgaged, by an arbitrary enactment, no sinking fund can be devised, by which this, the most odious of all national incumbrances, may be redeemed. In grasping the first horn of the dilemma, we trust ministers judged rightly of the feelings of the English people; but what sort of a prerogative that is, which requires such doctoring at the outset, will be seen by those, who can afford time and patience to follow us to the close.

The prerogative, or ordinary executive power, which, by the English Constitution, is left in the hands of the King, as Chief Magistrate, and with the discretionary exercise of which he is intrusted, is absolute within its proper jurisdiction, and over the subjects, to which it lawfully applies: its precise boundary, therefore, has been drawn with a clear and decisive hand: Vainly have Parliaments been told, in times of awe and dogmatism, that they ought not to 'deal, judge, or meddle with prerogative royal,' and that 'to dispute with princes what they might do in the height of their power, was like disputing with God.' Witnesses entirely, and counsel partially, are now admitted against the King (8. *St. Tr.* 723.); and no lawyer, in the present age, will be obliged to seek for pardon in an humiliating apology before the Lords of Council, for having given a favourable opinion to a client on a debated question of prerogative (2. *St. Tr.* 766.) From the judicial favour it receives, when once legally made out, it has indeed been called *primogenita pars legis*; 'the common law of England (which is 'an old servant of the Crown) entertaineth his Majesty well 'and nobly, wheresoever it meeteth him, with a garland of

'prerogative, agreeable to monarchy, and yet agreeable to justice.' But this branch of the law must be made out, and proved like any other; and where else can the law be looked for, but in acts of Parliament, Decisions of courts of justice, or clear immemorial Usage? The ample admissions made by Mr Wetherell, of the complete absence of all evidence of this description, and his endeavour to substitute a few gossiping anecdotes in its room, is in fact a destruction and an abandonment of the case. Bacon, and Sir J. Davis, when they accepted the drudgery and disgrace of labouring to legalize the prerogative of levying custom on goods imported and exported, &c. (which with loans, benevolences, and monopolies, would have made Parliament by this time a matter of tradition only), felt the necessity of covering their enterprise at least with a parade of law. The counsel who argued shipmoney, and the judges who decided it, paid the rights of the English people the same compliment—*docti accesserunt ad perdendam rempublicam!* They smothered the Constitution beneath superfluous learning. When the torch of freedom was bent downwards, it was extinguished indeed—but was extinguished by the same oil, which would have fed it in its natural position. But in the case of a foreigner, it would seem, it is simply to be blown out; for the reader will soon see, that very little trouble has been taken beyond that of bold and unhesitating assertion.

As we have no interest in confusion, we shall class, under separate heads, the Reasons which have been at different times advanced in support of this prerogative, in order that their nature may be distinctly seen, and some judgment formed of their comparative weight.

1. *The Law of Nations*—is put in front of the battle. We have a great respect for this calm and matronly science: We hear the most of her lectures, to be sure, when some feeble state, like Greece, is unfortunate enough to mistake the language of international jurisprudence; but when Poland is divided, Spain prostrated, and the sanctuary of Switzerland profaned, her crutch is found but a feeble guard for those rights which tyrants, 'flushed with conquest, aim to hit.' Still we love to hear her just and gentle voice; and our only regret is, that the Law of Nations must, from the very nature of the case, be as inapplicable to the present occasion, as the First Proposition in Euclid is to the First Book in Virgil; and we fear this ignorance of its proper boundaries is but too closely allied with a disregard of its influence within its natural sphere. What, between two unconnected individuals, would be 'the Law of Nature,' is entitled 'the Law of Nations' in the case of two in-

dependent kingdoms—that portion of public morals which it has been found expedient to apply to communities, for the purpose of regulating the intercourse of separate States. If the Holy Alliance were to require, that England should, or should not, admit any of their subjects; or, having been admitted, were to insist, that England should either allow them to remain, or should dismiss them, or surrender them, the Law of Nations would authorize the English Government to reject all such interference, and to consult merely its own discretion. In this point, every country is left at liberty to please itself. It may receive, or refuse to receive—it may keep or drive away; and whilst those whom it harbours demean themselves peaceably, whatever previous offences they come charged with, another power would be as much justified in violating an independent territory to obtain possession of their persons, as in holding out a threat, or meditating an aggression, on account of our non-compliance with their requisitions. This is all that can find its way into the law of nations: the manner in which any particular country may provide for the exercise of this general discretion, which the public law of Europe thus reserves to its private determination, is another, and a totally different question—it is mere matter of municipal law. Governments may indeed merge the power, as far as is possible, by a general declaration to-day, that they will never exercise it; which declaration, however, as long as there is no treaty, nothing can prevent them from revoking to-morrow altogether. An absolute monarchy probably will take one course, an aristocracy another; but whatever method is adopted, no neighbouring government can come down, with the law of nations in its hand, and remonstrate against the form of our institutions. It is quite impossible, therefore, for *that* law to raise the shadow of a presumption in favour of any exclusive authority in the English Crown.

The prerogative is a plant strictly indigenous, the discovery of which can be looked for no where but at home; and indeed nothing can prove more clearly the irrelevancy of all that is said about the law of nations, than the solemn protestations of ministers, that, in the execution of the Alien Act, they would never be influenced by foreign interference; for, were the law of nations applicable, foreign governments would be entitled to insist, in any given case, on its observance. The whole scaffolding of this argument rests on a foundation which gives way. Indeed St. 16 Geo. III., would seem to have been drawn up expressly on the understanding, that the English law would not assist in the apprehension even of capital offenders, where the

crime had been committed in countries not belonging to England. 'If at any time any *person resiant* in this realm shall have committed any *capital* offence in Scotland, Ireland, or any of the Plantations where he ought to be tried for his offence, such person may be sent to such place, to receive such trial, in the same manner as the same might have been used before the making of this act.' When any such right, capable of being enforced, was intended to be obtained between separate states, it was sought for in the specific engagements of a treaty. When James II. demanded Burnet, Locke, and 80 others from the Dutch, and considered their refusal as a just ground of war, he rested his claim entirely on the treaty by which *all rebels* were to be surrendered. Modern Europe has generally omitted from such treaties political offenders. The Treaty of Amiens, ratified by Parliament, contained a stipulation between England and France, Spain and Holland, by which fugitives accused of murder, forgery, or fraudulent bankruptcy, committed within their respective jurisdictions, were to be given up, on such evidence of guilt as would have justified, in the country from which they were demanded, their commitment for trial. This treaty expired with the peace; and we have been since content with having reverted to our ancient position. Strong governments have doubtless, from time to time, made requisitions on the weak; but the high-minded and the honourable have always struggled to save themselves from the degradation of submission. De Witt refused to surrender Joyce, the officer who seized Charles I., to Sir W. Temple. One of the American Courts of Justice, within the last three or four years (we believe New-York), discharged, upon an habeas corpus, an English subject, who was charged with forgery, and had been apprehended for the purpose of being given up. We understand that the crown lawyers, not many years ago, gave an opinion, that runaway Negroes, coming from foreign colonies to our own, could not be restored. In a recent case, where slaves escaped from Florida on board an English ship, which may be considered a floating island or royal castle, subject to English laws, the commander was held justified in harbouring them after notice.

Coke tells us, in his rough black-letter language, but which, if a contrary doctrine is now seriously asserted, is worthy to be set out in letters of gold in answer to the Publicists of the Austrian Observer. (3. *Coke*, 180). 'It is holden, and so it hath been resolved, that divided kingdoms, under several kings, in league one with another, are sanctuaries for servants and subjects, flying for safety from one kingdom to another, and upon demand made by them, are not, by the laws and

' liberties of kingdoms, to be given up; and this some hold is
 ' grounded upon the law in Deuteronomy, Non trades servum
 ' domino suo, qui ad te confugerit. When Queen Elizabeth's
 ' ambassador, lieger in France, anno 34 of her reign, demanded
 ' of the French King, Morgan and others of her subjects that
 ' had committed treason against her, the answer of the French
 ' King to the Queen's ambassador is truly related in these
 ' words: Si quid in *Galliâ* machinarentur, regem ex jure in
 ' illos animadversurum; sin in *Angliâ* quid machinati fuerint,
 ' regem non posse de eisdem cognoscere, et ex jure agere.
 ' Omnia regna profugis esse libera, regum interesse, ut sui
 ' quisque regni libertates tueatur. Imo Elizabetham non ita
 ' pridem in suum regnum Mountgomerium, Principem Con-
 ' dæm, et alios e gente Gallicâ admisisse, &c.: and so it rested.
 ' King Henry VIII. in the 28th year of his reign, being in
 ' league with the French King, and in enmity with the Pope,
 ' who was in league with the French King, sent Cardinal Pool
 ' ambassador to the French King, of whom King Henry VIII.
 ' demanded the said Cardinal, being his subject, and attainted
 ' of treason, and to that end caused a treatise to be made (which
 ' I have seen) that so it ought to be done, jure gentium; sed
 ' non prævaluit. But Ferdinando, King of Spain, upon re-
 ' quest made by Henry VII. to have Edmund de la Pool, Earl
 ' of Suffolk, attainted of high treason by Parliament, anno 19.
 ' Henry VII. at the first, intending to observe the privilege
 ' and liberty of kings to protect such as came to him for succour
 ' and protection, delivered him not; yet, in the end, upon the
 ' earnest request of Henry VII. and promise, that he would not
 ' put him to death, caused the said Earl to be delivered to him,
 ' who kept him in prison, and, construing his promise to be
 ' personal to himself, commanded his son Henry, after his de-
 ' cease, to execute him, who, in the 5th year of his reign, per-
 ' formed the same upon cold blood.'

A common lawyer is not bound to keep up much intercourse
 with Grotius or, Bynkershook; but it is difficult to understand
 how Mr Sergeant Hill's erudition allowed him to forget this
 passage, and to place treason amongst the offences, which, he
 supposed, gave a right to demand, and could therefore justify a
 surrender. Parliament, we lament to say, has recently had to
 consider the very case. Our commander at Gibraltar, instructed
 by our Cadix consul, delivered up certain Spanish subjects, who
 had sought refuge there, to Ferdinand VII.: (*Par. Deb.* 29.
 1126). Government, however, instantly signified its displeasure;
 Mr W. Pole, and Mr Bathurst, publicly acknowledged the of-
 fence, and, thank God, there was but one feeling and one opi-

nion in an English Parliament upon 'a violation of the rights of suppliant strangers, at which an Arab Sheik would have shuddered.' Lord Castlereagh not only admitted, but contended, that 'there could be no greater abuse, even of the Alien Bill, than by employing it as an instrument to gratify the personal resentments of foreign governments, or for the punishment of mere political crimes against them.' (*P. B.* 34. 453.) Mr Peel says, 'the bill secures to those, who seek in this country an asylum, an oblivion of the past;' (*New S.* 7. 819), and Mr Wetherell added, in still more explicit terms, 'that Aliens were accused of offences in foreign countries, was no reason for refusing them protection here: the regicides of Louis XVI., if they had sought shelter here, ought not to have been sent away: exiles for crime ought to find an asylum in this country. (*N.* 1722). This therefore was, and is the practice of nations. It is impossible, therefore, to state, that, in obedience to any universal law, every government must have, in esse and in exercise, the power of dismissing aliens; although it is inherent (and what power is not?) in their several sovereign characters, and may be called out into action, when their own occasions serve. Still less can it be seriously argued, that Puffendorff, or Vattel can put aside the power of Parliament, and prove a prerogative in the crown of England.

There is a shrewd suspicion against those who go abroad for authority in a question of domestic law, that nothing nearer home would have served their turn. In this manner Jeffries (*10. St. Tr.* 529.) sets about proving, in the case of the interlopers, the King's power to restrain all trade, by a royal prohibition of commerce with any foreign nation, especially with infidels. After the example of Fleming, in the case of impositions, his leading principle is, that he will not argue the King's power in these matters on the common law, but on the law of nations. Such precedents show the nature of the causes in whose service this argument is enlisted, and the conclusion to which a disclaimer of the British constitution may be expected to lead.

2. *The Supreme Power in the State.*—But then it is said, such a power must reside in the Sovereign Power of every state; and the sovereign power is, for this purpose, by the form of the British Constitution, in the King. The first point of this proposition is admitted; and our only objection to the second is, that it assumes the whole question in dispute;—a species of argument better suited to the lips of a pretty woman, than of the grave Lords and learned Gentlemen who have taken refuge in it here. The *Legislature* must always be the same with the Supreme Power; for whatever laws it makes, Courts of Justice

must administer. There can be no doubt, therefore, that the Supreme Power in a state has this right,—and every other! it can do within its jurisdiction whatever it thinks fit; it can put poison into the well at which the community must drink. Such language as that of Blackstone, that no human laws should be suffered to contradict the law of Nature, or of God, and if any such are made we are bound to transgress them; or that of Coke, though borrowed from Parliament itself, where he speaks of acts of Parliament that would be void, in fact belongs only to a treatise on Ethics; and, when it finds its way into commentaries on the law, can only lead the blind or the scrupulous first into the ditch, and afterwards to the gallows. That Sovereign Power which can suspend the Habeas Corpus Act as to natives, may of course dismiss or surrender foreigners; but it does not follow, that the King of England, who is a limited monarch, and has only such rights as the supreme authority of the state has given him, can by himself do both or either. Let any one first show from those sources, to which alone the Constitution refers us for evidence in cases of this nature, that such a power has been asserted and kept up, as part of the standing force of the state, independent of parliamentary authority, and at this place, and not before, can reasoning from the nature of the executive be brought to bear. It is in this way, accordingly, that after stating, from legal documents, the several proofs of the power of impressment, in constant exercise without any authority from Parliament, Blackstone proceeds (*Bl.* i. 419), ‘All which do most evidently imply a power of impressment to reside somewhere; and, if any where, it must, from the spirit of the Constitution, as well as the frequent mention of the King’s Commission, reside in the Crown alone.’ But had such an inference been foisted in, after the manner which is attempted in the present instance, merely resting on the acknowledgment of the sovereignty of the state, every one would perceive its manifest absurdity; and yet the only distinction between the two cases is the mean and miserable one, that the consequences in one of them would affect ourselves.

Mr Wynne (*Par. Deb.* 34. 626.) asked properly, ‘Where did the Sovereignty of this kingdom rest? The term, indeed, was given as a mark of honour to the King, but the sovereign authority existed in the King and Parliament alone.’ Twelve years of the reign of James I. give us not a single statute, but 230 Proclamations. He collected these, his royal works, into a single volume; and yet, though his dogmatical style would be something less disagreeable than the disgraceful

verbosity of our statutory authorship, (which Lord Colchester has since in vain endeavoured to reform on the model of America), this experiment in favour of proclamations was not found to answer. We speak of the King's peace, the King's dominions, and King's ships, only as we talk of the King's highway; but whatever rights are rights of sovereignty, exist and remain in the King and Parliament, unless in those particular cases where it can be shown, that the King and Parliament have parted with them into other hands. It is pretended, that the power, in the present instance, is intrusted to the executive; all we require is, that this should be proved. Blackstone (*Com.* i. 256.), under the prerogative of making treaties, saw the necessity of declaring the specific transmission of the power; for, after stating, that, 'by the law of nations, it is essential to the goodness of a league, that it be made by the Sovereign Power,' he adds, 'And in England (*i. e.* by the law of England) the Sovereign Power *quoad hoc* is vested in the person of the King.' The *quoad hoc* sufficiently recognises the general law. It is the same in the case of impressment; and when the like evidence of this transmission, or any thing approaching to it, is given of the prerogative of dismissal of aliens, as half an hour's research could produce, of the prerogative of treaties, all legal discussion would be at an end. When James II. was mad enough to degrade his judges * in the eyes of his people, by seeking a judgment in favour of the dispensing power, and ten of them traitorously submitted 'to subvert the very rights and beings of Parliament,' they could only get at their conclusion by declaring, that 'the Kings of England are sovereign princes (Shower says 'absolute sovereigns'), and that this is not a trust granted by 'the people, but the ancient remains of the sovereign power 'and prerogative of the Crown.' We are in no apprehension that *these* principles will ever again be plainly and tangibly maintained; but we protest against an incautious recurrence to such modes of speech, which can only embarrass, endanger, and mislead.

3. *Analogous Prerogatives.*—This is rather dangerous ground for the unwary: But, before entering upon it, there are three

* Case of Sir Edward Hales, with Lord Chief Justice Herbert's account of the authority, and the answers of Mr Atwood and Sir Robert Atkyns; 11 St. Tr. 1166. Luttrell's Diary has the following entry—'Aug. 16. The Judges, since their opinion of the King's 'dispensing power, have not, in their circuits, had that respect as 'formerly.' Strange, that Clarendon's picture of a similar effect of the Ship-Money decision should so soon have been forgotten!

questions we should be prepared to answer; 1st, Is the subject, in itself, of such a nature, and so depending on *principle*, as to be much affected by analogies at all? 2dly, Supposing this question answered in the affirmative, does the analogy proposed fit so close as that one common principle must necessarily include them? 3dly, Supposing the subject and the proof suited to each other *philosophically*, yet, as what we are now seeking is the *law*, it will still remain to be inquired, whether the proof be of that kind which the law, in this particular, approves? It is implied, in the admission of all analogical argument, as applicable to any division of human laws, that they have been founded on strict principle; for, except upon this supposition, the very ground of inference fails. It is the grand simplicity of the few general laws by which Divine Wisdom accomplishes its work of order and of beauty, that has enabled man, by a series of bold and synthetical analogies, to open out a natural theology, of a much higher order than was revealed to the Heathen world. But the laws of most countries, certainly those of England, were framed at a period when man, in this respect, had much less resemblance to the image of his maker even than he has at present. As we fall back upon the darkness of antiquity, and draw near to our early legislators, instead of finding details simplified, apparent exceptions arranging themselves under one comprehensive rule, the scattered atoms of positive law connected and bound together by some gravitating principle, there is no trace, as in the laws of physical nature, that we are approaching the great original idea. There is not a vestige of any thing that looks like system; no combination of purpose; no reference of one part to another; nothing, in short, like the elements of a science, but the mere materials out of which a science may be one day made. Alfred and Edward I. provided for the necessities of their age, but never heard, we suspect, a word about *codification*. We insist, therefore, that there is an absolute impossibility, from the nature of the case with which we have to deal, that any reasoner can take the 'high *priori* road,' and infer from the existence of such and such prerogatives the necessary existence of any other. We would give a political Cuvier any one bone he chooses to ask for, and we would defy his comparative anatomy to make out the remainder. Whether or no, they are metaphysically mad, who expect to clip the human mind into the Quaker propriety of a Dutch garden, may be a difficult question; but it can be none, as a matter of fact, that English policy has made no such experiment. Our Government had about it, from the beginning, a noble tendency to freedom, but little more

at the beginning than the surrounding nations. From fortunate circumstances, which De Lolme has in part explained in his early chapters, this tendency got head, outgrew the weeds which sought to strangle it, and has now almost killed them beneath its shade. But it has grown as a forest tree grows; the number of its branches, and the direction in which they have struck out, is a point of observation, not of theory. There is, at least, as much anomaly as analogy. All argument from analogy assumes, that, if you ascend to a certain point, you will reach a principle which may, for this purpose, be regarded as the common ancestor; and that, reasoning downwards, you will come to the degree of relationship which you are seeking to ascertain: But, if there is no such principle, of course all attempt to complete the pedigree is at an end. It is like directing a traveller over a common by the possible position of a flock of sheep.

Arguments which proceed from false assumptions, the more logical they are, will only (as the keeper of Bedlam knows full well) lead us the further wrong. However, a man must be most unreasonable to make that complaint on the present occasion; for the analogies now referred to hang as loose as ever did an Irishman's great coat, and might be turned to about as many uses. The writ of '*Ne exeat regno*,' has been frequently referred to as a point of analogy. By it, the King can oblige his subjects to remain within the realm, or can recal them from beyond the seas; and this, not merely in respect of attempts prejudicial to the State, but from the King's right to the attendance and service of his liege-men within the realm. Yet the King alone can impose no species of exile, in however honourable a shape; and therefore, he cannot insist on the service of a subject as foreign ambassador, or Irish Lord Lieutenant (for that might be to send him out of the country), against his will. This writ was extended, towards the latter end of the reign of James I., to civil cases, 'which did concern multitudes of the King's subjects,' (*Bacon's Ordinances*, 89.), and is now the ordinary form of equitable arrest in private suits, where it is material to prevent the party withdrawing himself abroad beyond the jurisdiction of the Court. Any country which has made a single step in the road to freedom and civilization, will make liberty of loco-motion the general rule, liable only to such exceptions as public policy may occasionally introduce. It is only the ancient Muscovites, or the present Chinese, who could prohibit all travelling under the pain of death. Our common law seems to have left the right, in the first instance, entirely open, but subject to Royal injunction; afterwards a perpetual prohibition was

introduced by *Parliament*, as to certain classes. The 5. Richard II. c. 2. extended the restriction to other descriptions of persons; but it was repealed by 4. James I. c. 1., who immediately published a proclamation for a temporary prohibition to the same effect, as that which had been made permanent by the statute just repealed.

Even this right, therefore, has generally been regulated by the Legislature; and the prerogative, *valeat quantum*, has confessedly been long disused. The last instance we recollect is one, not of confining, but of recalling: it was exercised against Lord Wharton (who had seceded to the court of St Germain's) for the purpose of confiscating his property during absence. Even during the last war, the voluntary repairing to France was regulated by *statute*, (38. Geo. III. c. 79.); and Government, we suspect, is not at this moment at all disposed to try a sporting case of prerogative, by issuing a Royal proclamation against departure from the realm. The *avatars* even of folly are seldom, if baffled, twice the same. In 1637-8, Charles I. published his proclamations against taking passengers to New-England, Summer Island, and other plantations in America, 'among whom were many idle and refractory persons, whose only or principal end is to live out of the reach of authority, where they take liberty to nourish and preserve their factious and schismatical humours.' (2. *Rush.* 408. 409. 718.) Pym, Hampden, and Cromwell were among these passengers! and often and bitterly must Charles have reproached himself for listening to advice which made him the instrument of his own destruction. Bancroft had previously obtained from James I. a proclamation forbidding Puritans to migrate to Virginia, at a time when this savage prelate withdrew his mild alternative, 'that he would make them conform, or harrie them out of the land,' and resolved to worry his victims on the spot, that the *videre, et aspici*, the last misery of Domitian's despotism, might be enjoyed.

But supposing this prerogative to be not dead but sleeping, it is time to see how far it applies. The argument is, the King cannot send natural-born subjects from the home of their birth, but he may keep them here, or recal them; therefore he may force alien subjects away from the home of their adoption! A 'therefore' of this description might cover and include consequences to an extent the spirit of prophecy only can foresee. Does not the following statement look more like the pattern that we are examining? An alien subject can be forbidden to leave the realm, as well as a native: Lord Bacon (4. *Bacon's Works*, 687, &c. A.D. 1618.) issued writs of '*ne exeat regno*,' against 180 Dutch merchants charged with exporting gold; and James I.

was much gratified by the proceeding, whereby it was announced to the people that it was the Netherlanders, and not Scotland, that sucked the realm of treasure. In *Flack v. Holme*, (1. A. et W. A. D. 1820.), a *ne exeat* was granted by Lord Eldon against a Russian, as, of course, without an observation. Nay, even if an alien goes abroad, under such circumstances as leave him still a subject here, the law (*Foster*, 185. by all the Judges) follows him with all the liabilities which belong to a natural-born subject: Therefore, as he has all the liability in this respect, does not strict analogy require, that he should also have all the privileges which correspond? As he is equally exposed to be detained, ought he not to be equally safe against being sent away? Mr Wetherell in fact admits as much; and yet, whilst he is endocrinating Mr Scarlett and Mr Williams with this sort of learning, he rests his whole argument on the assumption, that it does not apply to aliens as well as natives.

Another instance of supposed coincidence, which has been selected, is the prerogative, which is reserved to the Crown of giving licenses of *safe-conduct* and residence to alien enemies during war; and it is concluded, that the same authority which privileges alien enemies, must be able to disqualify alien friends. But the obvious distinction is, that the one power is of favour, and the other of punishment. The King can incorporate, but not disfranchise, pardon but not condemn; he is the fountain of mercy and honour. The discretion of relaxing the general exclusion, which follows a declaration of war in particular cases, is no reasonable object of jealousy, and ranks naturally with the ordinary royal attributes of courtesy and grace; and as such it has been frequently recognised not only by courts of law, but by solemn judgments in Parliament. (*Foster*, 185.) But the severe and odious necessity of criminal law is placed in other hands. The sword of justice is carried *before* the King, not *by* him; and whilst he may open our gates to those, who can only come in by indulgence, it by no means follows that he should be intrusted with a power of the very contrary description, that of driving away those, who can come without license and by right. (*Bl. I.* 252).

Again, it is said, that 'the King in foreign concerns is the representative of the people, and what is done by royal authority in regard to foreign powers, is the act of the whole nation.'—A hasty inference from this acknowledged truth, seems to be the thread which led Blackstone astray on this subject. The principle, in so far as it is just, comprises every thing which is requisite for our intercourse and relations with foreign nations in their corporate capacity; but confers no power, and implies

no-regulation over their separate and *individual* members. The King is our state-officer for declaring war and peace, making treaties, sending, and receiving ambassadors, and granting reprisals; acts which *are* within the province of the law of *nations*, and affect the whole community, to which they respectively apply. But whether *individual* aliens (friends or enemies) shall be admitted or dismissed, or surrendered, is, as we have already seen, a question with which the law of nations has no concern. Every independent people may act in this behalf as they think fit, and whatever regulations their municipal law adopts, the only authority, which is necessary to the executive department, is that of making such communications to foreign governments as may explain, as occasions arise, the nature and exercise of our law. We have shown above the true origin of the gentle prerogative of safe-conduct; it is difficult to comprehend what Blackstone meant, when, after having enumerated the public prerogatives of peace and war, and the rest of the official class, he goes on, 'safe-conduct stands exactly upon the same reason' (*Bl. I. 259.*), and then, misinterpreting safe-conduct, sweeps into one comprehensive net, aliens, both enemies and friends. Mr Sergeant Hill sought, in the same principle, the more limited authority which he conceives the Crown to possess over alien *criminals* only; but until he can convince an English court of justice, that foreign governments may insist upon the surrender of fugitives, whom they charge with crime, it is evident, that such a partial power of dismissal is no more indispensable to the King as head of our foreign relations, than the more general one; and, it is clear, the prerogative in both cases would be one against individuals, as individuals, and not on a national subject, which by the law of nations is matter of negotiation or right between independent states. This prerogative of representing England with foreign kingdoms, is one almost of necessity in the cases where it applies, and is one comparatively impossible to be abused; for individuals have a great security against personal oppression, when they cannot be picked out one by one; but the declaration, before it can touch them, must extend to the whole body, and draw after it consequences of the last importance to the state.

Whilst these fanciful analogies are suggested, which seem more like diversions to distract our attention from the real point of attack, than serious foundations of legal belief, we are surprised that the greatest of all should be kept out of sight and forgotten. When a simple and paramount principle is thus drowned in generalities, and evaded and splintered by minute distinctions, we cannot but think of Lord Chatham's exclamation—

tion in the American contest, that 'he did not come with the 'statute-book doubled down in dog's ears to defend the cause of 'freedom!' for what analogy is so striking among the provisions of the English constitution, as that by which some possible and occasional inconvenience is hazarded, from want of the vulture power of at once pouncing on an object, rather than grant out a summary discretion, arbitrary in its nature, unaccountable in its action, and sown thick with temptations to abuse? and what anomaly can be so great as a measure which, in a case full of difficulty, danger and suspicion, dispenses with every precaution, that our ancestors have declared was indispensable to justice in ordinary cases between man and man; whose boast is, that it is executive, but not judicial; which has not a single means for trial, but every one for punishment; which establishes a Goshen of slavery in a land of Liberty, and reverses every rule but that of Rhadamanthus, whom Coke calls justly that damnable and damned judge of Hell,

'Castigatque, auditque dolos, cogitque fateri?'

Were the analogies which we have been investigating complete, and were they all one way, we should still answer, they do not afford that evidence on which, in such a case, the law can be declared. Sir Robert Atkyns, in his *Refutation of the Dispensing Prerogative*, reasons on this principle (*St. Tr.* 11. 228.) 'If such a prerogative were 'in the Crown by prescription (as it ought to be, if it were a legal prerogative, '12. H. 7. 19. Plowd. 319, 322.), it ought then to be confined and limited to such cases, wherein it had been *anciently and frequently* exercised: and there ought to be no 'extension of cases, where they are depending upon a prescription; nor is there any arguing *à paritate rationis* in 'such cases, which have their force *merely* from ancient and 'constant usage; it is a rule at common law, *ubi eadem est 'ratio, ibi idem jus*; but this rule does not hold in customs and 'prescriptions.' In that most important judgment, which determined, that a warrant to search for, and seize the papers of the accused, in the case of a seditious libel, is contrary to law, Lord Camden said, (*Entick v. Carrington*, 19. *St. Tr.* 1067.) 'Judges must look into their books; if it is law, it will be 'found in our books; if it is not to be found there, it is not 'law.' And when the resemblance of the known case of searching for *other goods* was urged on him, he answered, 'If 'the two cases resembled each other more than they do, we 'have no right, without an act of Parliament, to adopt a new 'practice in the criminal law, which was never yet allowed 'from all antiquity.' On the other hand, he considered the

anomaly of an arbitrary authority, left loose from the checks with which the circumspection of the law had guarded other cases, as conclusive the other way. 'All such precautions would have been long since established by law, if the power itself had been legal; and the want of them is an undeniable argument against the legality of the thing.'

4. But the matter of *Safe-Conduct* has been so expressly insisted upon, and by a little rhetorical management, has been so disguised and bewildered, that it is necessary to make a separate head of it, and to particularize the various meanings of a word, which has given way (in cases where it applied), to the convoys, licenses, and passports, or letters of recommendation of modern times. Blackstone introduces his assumption of the prerogative of dismissal under the head of *Safe-Conduct*; and, by his unauthorized extension of the necessity of *safe-conduct* to an alien in peace, as well as to an alien at war, seems to have been led into the confusion which pervades this paragraph in his invaluable book. Mr Wetherell (*Par. Deb. New Series*, 7. 1718, *A. D.* 1822), volunteered the following extraordinary statement for the instruction of the unlearned in the House. 'Magna Charta in terms applied to *merchant strangers* only; and they could not come but under the *safe-conduct* and protection of *the King*, by which, in fact, was meant the *King's licence*. There were between 15 and 20 statutes from the time of Magna Charta to the reign of Henry the Sixth, in which provision was made for the admission into our ports of *merchant strangers* only. How, then, could gentlemen contend, that a right, specifically granted for the purposes of trade, could be extended generally to persons having nothing to do with trade? Magna Charta gave the right of *safe-conduct* to those who came here to trade, but it went no farther. This was the interpretation given to the passage by Sir Matthew Hale and other eminent men. There was a curious document now in existence, from which it appeared, that in the reign of Edward III. a *safe-conduct* was given to a *merchant of Bourdeaux* to come here to prosecute his affairs, which showed, that the power to allow or to prevent the entry of *foreigners* into this country, had been anciently exercised by the crown.' It would be difficult to compress (and conciseness is not the Solicitor-General's most shining virtue) more error or mis-statement into the same number of lines. The *safe-conduct* spoken of in Magna Charta was a *parliamentary safe-conduct*, or national assurance of security to foreign merchants coming into, and residing in England, the express declaration of which it is not very singular to

find at a period, when the Rhine was castellated for contributions on travellers, and in a charter, promulgated amidst the rapine of a civil war. That it was *not* the *King's license*, we have the express authority of Lord Coke, professing to deliver the collected opinions of himself and the other judges, 'any subject, being in league, may come into this realm *without licence*.' (7. Co. 22). It is equally a mistake to say, that Sir M. Hale interprets Magna Charta of merchants only; his words expressly are, (1. P. C. 93), 'The statute speaks, indeed, of mercatores, but under that name *all foreigners living, or trading here, are comprised*.' We pass on to the 'curious document now in existence,' of which the use attempted to be made is at least as curious as the document itself. No more acceptable instance could have been offered to prove, that safe-conduct must be frequently understood, not as a necessary protection by which the crown enables those, who have otherwise no right to admission, to enter its dominions, but only as an official recommendation to particular attention on the part of public functionaries, &c. in which sense it is entirely beside the present question. For this boasted document would otherwise prove, not so much that *alien friends* required safe-conduct, as that *natural born subjects* are in that same condition—the fact being, that *Bordeaux* was at that time an integral part of the English dominions. For 'the dukedom of Aquitaine, whereof Gascony (and *Bordeaux*) was parcel, came to Henry II. by his marriage, and continued in the actual possession of the Kings of England, from 1. Henry II. to 32. Henry VI. on the point of three hundred years—during all which time, neither book, case, nor record, can be found to disable any that were born there, by *foreign birth*.' So say all the judges in Caloin's case; and Coke mentions there, a mandatory writ of the same reign, to the Mayor of *Bordeaux*, to certify concerning a person outlawed, if he were in servitio regis; and among these mandatory writs, such as concern not the particular rights or properties of *the subjects*, but the government and superintendency of the King, Vaughan places writs for a safe-conduct and protection!

Safe-conduct had occasionally, in the early part of our history, a more particular meaning attached to it; namely, what would be at present understood by Convoy. (*Cotton's Records*). In the 21. Ed. 3. there is a complaint, that a charge had been made for the keeping of the realm, and *safe-conduct* of ships without common consent. The answer was, 'that, inasmuch, as the charge was for safe-conduct of merchandise into the realm, on which conduct the King had spent much, it seemed the

‘levying of it for so small a time to come, should not be grievous:’ and, afterwards, an order was made, that the merchants, who, for the duty, had undertaken for safe conduct, but had not performed the same, should answer to the merchants, who had paid 12d. a sackbut, being robbed. Subsequently, in 25. Ed. 3. such payment for waisting over goods is expressly called convoy. To this effect a tribute was formerly demanded for the guard of the English seas; and Selden (*Mare clausum* B. 2. C. 15) gives the ordinance of Parliament, 2. R. 2. affecting foreigners as well as English merchants, whereby the guardians of the seas are not be bound to convoy their ships without allowance. In a subsequent chapter, (C. 20), Selden instances the passports, which used to be granted formerly by the kings of England to foreigners, for permission to pass through our seas; and he assumes, that, even in time of Elizabeth, it was understood, that her dominions would be violated, if any should presume to use the English sea without her leave. The only justification of such a claim must be an implied undertaking to guard the seas from pirates; when it might be plausibly argued, that none ought to share in the benefit, who did not contribute to the expense: otherwise, it is merely an act of force, or the means of one piratical state complimenting another. For, in Howard’s Letters, 198, there is a safe-conduct for two ships of the Emperor of Morocco to pass through the narrow seas, signed by Elizabeth,—which might be the commencement of that amiable connexion and interchange of kindness, by which, for the protection of the revenues of certain Barbary powers, the counterfeiting of Mediterranean passes, under the hands of the Lords of the Admiralty, has been made felony without benefit of clergy. Passports have been employed also between nations as a certificate or compliment in mutual intercourse; but without a notion of conferring any right of entrance. Thus the gypsies, on their first appearance, early in the 15th century, are said to have come with a sort of vagrant pass, in the shape of passports, real or pretended, from the Emperor Sigismund, King of Hungary.

Another, and the ordinary class of letters of safe-conduct, as matter of law, comprises the protection, by which Alien enemies coming into the realm, or travelling on the high seas with their goods and merchandise, are secured from seizure by English subjects. The statutes, to which Blackstone refers, and which are still in force, are of the reign of Henry VI.; they were passed partly for the protection of the coast, but principally as revenue and prize acts, in consequence of frauds committed by

Alien enemies, having safe-conducts, and by neutrals who, pretended to have goods on board such ships, to protect them from being lawful prize. It is enacted, that such safe-conduct must be granted under the King's Great Seal, and be enrolled in Chancery, or else to be of no effect. Blackstone adds, 'But passports under the King's sign-manual, or licences from his ambassadors abroad, are now more usually obtained, and are allowed to be of equal validity.' If, according to the English law, no statute can fall into desuetude, is it possible, since the Bill of Rights, that, should a serious question of lawful prize ever turn upon the validity of such passport or license, the courts of justice would indulge the Crown with this exercise of a suspending or dispensing power over the statutes, which require the Great Seal, and enrolment? But the important thing is, that the recitals of these statutes show, that the goods, &c. of an Alien friend required of themselves no safe-conduct. Amity is itself sufficient; and Blackstone accordingly, when treating of the violation of safe-conduct, as an offence against the law of nations, follows the division pointed out by Parliament, and distinguishes between 'safe-conduct or passports expressly granted by the king or his ambassadors to the subjects of a foreign power in time of mutual war; or committing acts of hostilities against such as are in amity, league, or truce with us, who are here under a general implied safe-conduct.' (Comm. 4. 68.) The only inaccuracy is, calling peace an implied safe-conduct; when it is in fact the removal of the temporary incapacity, superinduced by hostilities, and a restoration to that state, wherein no safe-conduct at all, express or implied, is wanted. All the ancient statutes on the subject show, that the necessity of safe-conduct, as a protection, arose, and expired, with the war. 2. H. 5. S. 1. c. 6. distinguishes truce from safe-conduct; so 14. E. 4. c. 4. divides the offence into branches of truce, league, and safe-conduct. So 31. H. 6. c. 4. provides redress for 'any strangers in amity, league, truce, or by safe-conduct.' Against an Alien in amity, therefore the law does not presume that any jealous precaution need be observed, but he may come freely, safe in the public faith and public policy of the nation, under that Magna Charta, which Coke so often tells us was only declaratory of the common law.

5. *Prerogative over Ports*; is next made the basis of a power over Aliens. Mr Wetherell, in the same speech, professes to derive his argument upon this point, as he does the only authority which he mentions, from Lord Hale. (*New Series*, 7. 1721.) Lord Hale spoke of the Crown, as the bearer of the keys of all

‘ the ports and havens in the country. He could cite various letters from the time of Henry III., which had been directed by the Crown to the Governor of Dover, the Archbishop of Canterbury, and others, to prevent foreigners coming into this country, in time of peace. If they ventured here, it was ordered that they should be sent back. At various periods this power was vigilantly exerted, to prevent emissaries from the See of Rome coming to England. This was a clear proof of the exercise of that authority, which they had been told never existed. But it was quite evident, that in some branch of the constitution, that power always did exist, to prevent individuals who were not merchants, from coming here.’ It is singular, that even in the hurry of debate, it should not have been perceived, how inconsistent this general authority over ports, as stated, is with the admitted exception in case of merchants; for it is admitted, that ‘ if persons came here simply to trade, it would be a breach of Magna Charta to remove them.’ But the fact is, that Hale’s avowed object is to support the contrary doctrine; and to prove ‘ *que la mer soit ouverte*,’ is the general principle; while in this oration, the instances of particular inhibitions, which Hale enumerates, are strangely converted into the general rule. Hale’s express limitation is ‘ great persons of a foreign realm;’ the original mandate specifies ‘ *aliquis magnus*’ accordingly, and yet it is quoted as applying to foreigners universally! The circumstances of his age can alone account for the mass of minute learning which Hale has collected, and arranged in this treatise, to *repress* those very errors, which are now sought to be revived. The decision of the Exchequer in Bates’s case, and the elaborate debates (A. D. 1610) in the Commons, and the petitions against prerogative impositions on exports and imports, had rendered the principles in dispute of the last importance. Hale considers this right of opening or shutting the gates of the realm, in relation first to the peace and safety, and, 2dly, to the trade and commerce of the kingdom. Knowing the nature of the subject, he naturally divides it into what was *de facto* actually done in this kind, and also into what might be done *de jure*, as the laws and statutes of the kingdom then stood.

First, as to the inhibition of persons to come into the realm on surmise of danger or inconvenience; this, it appears, had been actually issued in the following circumstances; 1. Against an enemy at war, inhibited by proclamation, unless with the King’s special license; 2. Even in times of peace there were many times inhibitions restraining *Great Persons* of a foreign

kingdom to come into the realm, 20. H. III. (It is right to remember what was passing between him and his barons on this subject). When the Emperor came hither to visit the King of England, the Earl of Gloucester ran into the water with his drawn sword, and withstood his landing, till he had got the King's license to arrive; 'because he was an absolute prince, and his access might raise disturbances here;' a king, representing his nation, might be too dangerous a visitor—especially as he brings over his own law with him. Both Coke and Vaughan mention the case from *Fleta*, of a robbery of some silver dishes in Edward the 1st's house, whilst he was at Paris. (14. *Ed. I.*) There was a dispute with the French King and Council about the trial of the prisoner; but he was convicted before Edward's steward, and executed. (*Fleta*, B. 2. c. 3.) Lord Ellenborough, in *Picton's case*, (30. *St. Tr.* 899.) recognises this right,—'By the courtesy of nations, if any King should reside here, he would have a right to exercise criminal judicature in his own palace; but that is a species of criminal judicature of which the Court of King's Bench would be jealous.' Such an authority alone would make the instance of the person exercising it an excepted case, and Coke treats it as such accordingly; for he considers (7. *Co.* 22.) the King of Man to be proved to be absolute king of an independent kingdom, by the very fact of his suing for a license; 'for a monarch or absolute prince cannot come into England without license of the King.' Among the prerogatives of the Crown, as representing the country with foreign nations, none is more undisputed than that of sending and receiving ambassadors. H. VII. 'that wise and politic King would not all his time suffer leiger ambassadors of any foreign king within his realm, nor he any with them; but upon occasion used ambassadors;' and Lord Coke (4. *Inst.* 155.) at the same time gives the reason,—'It is to be observed, that until later days no ambassador came into this realm before he had a safe-conduct; for as no King can come into this realm without a license, or safe-conduct, so no pro-rex, which representeth a king's person, can do it.' He refers, in the margin, to the case of the Pope's legate, mentioned below, who came within this exception also.

Now nothing, it seems to us, can prove more forcibly the general rule, than the existence of these exceptions, and their being treated and received as such. Upon 9. H. VI. when safe-conduct was granted to an Irishman to come to the presence of the King and Council, Cotton remarks, 'It is to be noted, that to this time, and long after, there came no ambassador into this

‘realm before he had the like safe-conduct.’ There is an absurdity in noting this as peculiar to ambassadors, if it were the general rule applying to all aliens whatever. The perfect impunity of an ambassador from all proceedings, both civil and criminal, indeed is a doctrine which John Bull appears to have admitted very reluctantly. This honourable spy is authorized, not only to tell lies for the good of his country, but whatever debts he may contract, or crimes he may commit, the law of nations makes him answerable for them nowhere but at home: All the learning upon the subject is collected 5. *St. Tr.* 462; and, though Elizabeth hanged Story, ambassador from Spain, and Cromwell Don Pantaleon Sa, the *quasi* ambassador from Portugal, it seems now agreed, that an ambassador must be sent home, and satisfaction demanded of his master. 3. The only other instance of restrained inhibition mentioned by Hale, is that of the Pope’s agents bringing bulls, &c.: besides the case 15. H. III., whose reign was one tumult. In 1. H. VII. fol. 10, Chief-Justice Hussey mentions the case, in time of Ed. IV. of a legate from the Pope (whom Cotton regards as an ambassador also) being at Calais to come into England, where it was resolved, in full council, before the Lords and Judges, that he should not have license to come into England, unless he would take an oath at Calais, that he would bring nothing with him that should be prejudicial to the King and his Crown. It is worthy of observation too, that, by 16. R. H. c. 5, whoever procures at Rome, or elsewhere, bulls, &c. which touch the King, his Crown, or realm, shall be attached by their bodies to answer to the King or his council, or have process of *premunire*. If it is worth while to seek to reduce what passed in the Star-Chamber to any principle, the case of the Abbot of the Cisterians, 2. H. VIII. as mentioned in Hudson’s Treatise on the Star-Chamber (2. *Coll. Jurid.* 139.), is probably referable to this head.

As to the inhibition of persons, then, how does the argument stand, upon the authority of a name so deservedly entitled to respect, as that of Hale? If there had been any general rule, a single sentence would have been given, and would have sufficed. But two classes of cases are set out—one of great personages, the example under which is ‘the Emperor,’ and the reason assigned ‘because he is an absolute Prince;’ the other of Pope’s agents, bringing bulls and interdictions, arms more formidable than any secular prince could wield. We have thrown in by way of collateral authority Coke’s Notice, that the former was an exception at common law, and statute after statute had been

passed in riddance of the latter. Wherefore then should we be wise above what is written? What possible reason can be suggested, why a general power should be understood, when a limited one alone is expressed, and when the reason as given is coextensive only with the limit as assigned? What is become of the old maxim, *Expressio unius est exclusio alterius*, that it is to be rejected here? No rule is so well proved by the exception, as one of this description, where the exception is distinct, and stands upon grounds intelligible and ascertained. Assuredly the principle cannot be carried beyond them, otherwise they cease to be exceptions, and a general rule is extorted from the very argument which disclaims one. Is it credible that a writer, gathering up with infinite labour the detail of such a prerogative, should stop short in this manner by an omission, resembling that of the strolling company, which acted the play, but left out the character of Hamlet? Had Hale reasoned after this fashion, his word would not have been at this day law; but, when we recollect whom he understood by *merchants*, there can be no doubt of his meaning; it coincides precisely with Coke's, 'that any subject being in league may come into the realm without a license.' Is it common sense, then, or indeed common honesty, to hold up as the rule, what turns out to be only two fragments of it, and to hang out to strangers false lights, which must mislead? What would a foreigner, who was neither absolute Prince nor Pope's agent, understand by such a passage? Where could an inquiring stranger seek for information but in these depositories of learning and of justice? or must the oracles of ancient law be dumb under the new dispensation of modern prophets?

6. *Magna Charta*, as a last resource, has been put to the rack, and compelled to speak their language. It is rather a bold manœuvre thus at once to play through the trump, and return their adversaries' lead. In Blackstone's Commentaries (*Bl. Comm.* Vol. I. 260.) the article in question is quoted in these words, 'All merchants, (unless publicly prohibited before hand) shall have safe-conduct to depart from, to come into, to tarry in, and to go through England, for the exercise of merchandise, without any unreasonable imposts, except in time of war; and, if a war breaks out between us and their country, they shall be attached (if in England) without harm of body, or goods, till the King, or his chief justiciary be informed how our merchants are treated in the land with which we are at war; and, if ours be secure in that land, they shall be secure in ours.' It forms the 30th clause 9. *H. 3.* and is a mere

transcript of the 34th of the charter, granted in the 1st year of his reign, which also is copied word for word from the 41st clause of the charter of King John; all founded upon the 31st paragraph of the *articuli cartæ regis Johannis*. (*Blackstone's Mag. Charta*, p. 6. 22. 42. 71.) The only variation which exists between this chapter of Magna Charta, as translated in the Commentaries, and that printed in the copy of the charter is, that in his translation he adopts the phrase, they shall have 'safe-conduct' to depart; whereas in the text of the charter, which he prints, he keeps to the old form, which has run through all the preceding charters, and the articles of John, 'free passage,'—*habeant saluum et securum exire*, &c.; and he puts it among the *variæ lectiones* in the note, *conductum exire*. A. 77. W. This clearly shows, that the difference is only in the form of expression, but that the meaning is the same; and 14. E. 3d. c. 2., which Hakewell calls a mere declaration of Magna Charta, might have been passed to meet this very question, though it never seems to have entered into the imagination of any one before our time. The words are 'whereas it is contained in the Great Charter, that all merchants *shall have safe-conduct*, &c., we grant, that all merchants, denizens, 'and forreins *may freely pass*,' &c. Coke accordingly describes the right of alien subjects to be, not to come *with safe-conduct*, but to come *without license*. The words 'unless before publickly prohibited,' are not in the charter of John; they are introduced in that of L. H. 3. The use, however, now attempted to be made of them, is not new. The Exchequer decision on the case of impositions, already mentioned, set the Commons of England upon inquiry. The Crown lawyers there insisted, that the words, 'except they be prohibited, they shall have free passage without paying toll,' implied, that if they were prohibited they might be compelled to pay impositions. The debate turned on this very sentence; and if it is now to be understood, as merely of the King's pleasure in respect to passage, it ought then to have been so received in respect to impositions; but the result of the profound Parliamentary discussions of 1610, has decided this controversy the other way; it brought on the tonnage and poundage act of 1640; and after the Restoration (12. C. 2d. c. 4.), the enactment is expressly assigned as law, because no rates can be imposed upon merchandise imported or exported by subjects or Aliens, but by common consent in Parliament. Thus was this *public prohibition* ruled by the Legislature to be 'common consent in Parliament;' and this construction was established by the researches of that age,

which flourished above all others in constitutional learning, when the law had not yet assumed its tendency towards becoming a trade, rather than a profession; when Spelman, Prynne, Selden, Whitelocke, and others, acquired for their names an inheritance of glory, which may perhaps outlast the fortunes of some of their successors.

The adoption of the opposite doctrine was indeed made a special ground of impeachment against the ship-money judges: And the Legislature has since solemnly precluded it. When, in 1766, on a crisis admitted by all, and in the very jaws of famine, an embargo was laid on the exportation of wheat by proclamation, even Lord Mansfield shrunk from the prerogative: an express act of indemnity was passed, as well for those who advised *this species* of public prohibition, as those who acted under it; and it was expressly stated in the act, 'that the embargo could not be justified by law.' The frequency and importance of this great constitutional question must have compelled Lord Coke to come to a serious consideration of it, and to a positive conclusion: And his conclusion accordingly is, 'this prohibition is intenable of merchants, strangers in amicitie (for the act provideth afterwards for merchant enemies), and therefore the prohibition intended by this act must be by the common or public counsel of the realm, that is, BY ACT OF PARLIAMENT' (2. *Inst.* 57 & 60.); and, again, 'no imposition can be set without assent of Parliament on any stranger.' Sir Matthew Hale quotes and adopts Coke's construction in his very words, (*De Portibus* 90.), and applies it also (1. P. C. 93.), as does Coke, to all strangers whatever resident in England. The matter, in short, has never been seriously questioned by any one deserving the name of a lawyer: and, though our ancestors from time to time made no scruple of passing temporary acts against aliens as occasions arose, yet, if Magna Charta is with us what the Twelve Tables were at Rome (almost the *carmen necessarium*) the meaning of Magna Charta, as received by the people and the Parliament of England, is, we think, now beyond dispute; and there is at least that respect owing to antiquity, that something like a case should be made out before one of its most sacred provisions is thrown aside, as coarse and massive lumber, fit only for fire-wood in these politer days. They get little, it appears, by seeking 'the lion in his den to beard him there.'

7. *Professional Authorities.* * We shall be excused from an in-

* If knowledge is power, so is character; and accordingly all public men are obliged to keep together a decent sort of reputation, as

quiry into the comparative merit of political opinions given in Parliament *pendente lite*: But in a case of such dignity and importance as a branch of the Prerogative Royal, evidence of a right can never be a matter of much conjecture and research. This is an heroic subject, which could never perish, 'illachrymabile nocte, caret quia vate sacro.' If the earliest sages of English Law took the trouble of narrating the King's rights

part of their stock in trade. The world naturally abates something of the personal security it otherwise requires, in the case of those whose situation is supposed to raise a presumption in their favour; and political *lawyers* in this manner are enabled to come into the market, not merely on their own individual resources, but upon the general credit of the profession. We fear, however, that this is sometimes abused; and we are sure there are few weaknesses which the country has a greater interest in proscribing than that servile ambition which can not only set its learning up to sale, but make use of its professional integrity to enhance the terms of the bargain. Blackstone's speech in Parliament on the Middlesex Election, in direct contradiction to the rule which he had laid down in his Commentaries, almost justifies the burning invective of Junius; and though, in the House of Commons, there are generally means for correcting such aberrations, in the case of the law *Lords*, these are in great part wanting. Besides, where the legal knowledge lies, as at present, all on one side of the House, they can easily keep their opponent at arms length by some technical guard, or cover themselves with broad assertion as with a shield. Besides, it is not merely that they bring into the field a preponderance of learning. They are, or have been, Judges; and a natural association connects the principles of their judicial conduct, and the reputation which they and their brethren have in that character so honourably maintained, with any opinion, especially a legal one, which they may elsewhere deliver. It remains to inquire whether this combination of the Judge and the Politician brings out practically such a result as can justify any prepossessions in its favour. For ourselves, we confess at once that there is no constitutional principle we think more valuable than the complete separation of the legislative and the judicial functions. Wheresoever necessity or circumstances have introduced an exception, and mixed up the two together, it has been to the injury of both,—although the politician has generally suffered infinitely more than the judge. The temptation to lay down the law loosely in Parliament, and to borrow on the judicial capacity for the benefit of the political side of the account, is, it seems, more than ordinary virtue can withstand. We will mention one or two modern instances. The 'Letter upon Libels,' drawn up, it is said, by some of the most celebrated men of their times, thus observes upon the indictment of Mr Webb, the Solicitor for the Treasury, for perjury, and upon Lord Mansfield's declaration re-

to every Roman coin which is turned up by a ploughboy, and of appropriating every surgeon that might be caught upon our coast in equitable proportion, the head unto the king, and the tail unto the queen, we must surely find in Stamford, Fitzherbert, the Register, or in some of our several text-books, treatises, or abridgements, this powerful prerogative announced

specting it in the House of Lords. ‘After such an acquittal, what should one think of a judge who should, in a public assembly, wantonly and unnecessarily mention this case, and declare there was not the least colour or pretence for the prosecution? What the attorney may say, I know not; but I am sure I would never afterwards, for my own part, give such judge credit for a fact he should advance upon his own testimony only, however glad I might be to hear his reasoning upon any subject whatever; for ingenuity is one thing, and simple testimony another; and “plain truth (I take it) needs no flowers of speech.”

The following extract from the Life of Bishop Watson (p. 221) contains the judgment of persons no less distinguished upon the legislative manœuvring of Lord Thurlow. The debate spoken of was on the Regency. ‘The Chancellor, in his reply, boldly asserted, that he perfectly well remembered the passage I had quoted from Grotius, and that it solely respected natural, but was inapplicable to civil, rights. Lord Loughborough, the first time I saw him after the debate, assured me that, before he went to sleep that night, he had looked into Grotius, and was astonished to find that the Chancellor, in contradicting me, had presumed on the ignorance of the House, and that my quotation was perfectly correct. What miserable shifts do great men submit to in supporting their parties! The Chancellor Thurlow was an able and upright judge; but, as the Speaker of the House of Lords, he was domineering and insincere. It was said of him, that, in the Cabinet, he opposed every thing, proposed nothing, and was ready to support any thing. I remember Lord Camden’s saying to me one night, when the Chancellor was speaking contrary, as I thought, to his own conviction, “There now, I could not do that; he is supporting what he does not believe a word of!”

We have already noticed Lord Ellenborough’s strange misrepresentation concerning the petition, 18. Ed. I.; and we can well imagine the condensed and apothegmatical indignation with which he would have crushed, as under a rock, the counsel who had sought to impose such a garbled statement upon him in his own court. Even the present Chancellor, we think, has not been quite unaffected by the double character he has been obliged to bear—and though the subject is not a grateful one, we subjoin two instances arising on this very question of the Alien Act.

1. Not satisfied with the cooperation of the living, he was pleased

or assumed. It must be either given by statute, or be part and parcel of the common law—that is, 600 years old at least: It cannot rise up of to-day and of itself, like Adam, full grown at its birth. No statute, however, is pretended, express or implied; and for legal authority, in proof of a common law prerogative as ancient as Richard I., his Majesty's ministers, with a complacency which can never be sufficiently admired, refer us, as

(Parliamentary Debates, 34, 1065), in 1816, to appeal to the authority of the dead—a species of witness who may generally be called with safety. 'He was *Attorney-General* in 1793. At that period he had 'the honour of *knowing* many *learned men*, now in their *sepulchres*, 'but whose names would long live; and he *knew of* NONE, whether 'they opposed the measure then proposed or not, who *denied* that 'the *King* had the power, without the sanction of *Parliament*, to prevent *aliens* from staying in the country.' Now, Mr Sergeant Hill was a learned man, well known to Lord Eldon, alive in 1793, and in his sepulchre in 1816. For his learning, Mr Hargrave called him the Plowden of his day; and Lord Eldon, within two years of this Parliamentary declaration, received his professional opinion on a point before the Court, with this acknowledgment from the Bench: 'I know Mr Sergeant Hill to have been, during many years, the 'best lawyer in the kingdom.' (3. Swanston, 237. *James, v. Bion*). But the Crown lawyers had been officially in the habit of paying a more substantial compliment to his learning—namely, that of taking the benefit of his opinion on occasional questions of an abstract and difficult nature: And it happened that the Solicitor of the Treasury laid a case before him, at the close of 1792, upon this very point of the prerogative, at the precise moment in which the Government, of which Lord Eldon was then the legal adviser, was meditating the experiment, and desirous of ascertaining its legality. Now, what was his answer? Serjeant Hill, on this case, so laid before him, *denied that the King has any such power, without the sanction of Parliament*. The opinion is dated the close of November 1792. Parliament meets on the 13th of December; and the assistance of Parliament, as suggested in his opinion, is obtained. And it is with express reference to that discussion that Lord Eldon makes the statement we have already quoted!

2. The Marriage Act Amendment Bill was passed in 1822, repealing, in general terms, the prior statute, and containing no clause for the protection of such interests in property as had been acquired under the law in its former state. Believing that it is better to suffer any individual hardship than violate a general principle, and knowing no principle more sacred than that no act affecting person or property should be retrospective, we were disposed to sympathize with Lord Eldon in his opposition to this enactment: and yet, even with this allowance, his language must be thought strong. (P. D.

'the be all, and the end all,' as much as we need wish for, and the most that we can obtain,—to a pocket opinion of Sir Ed. Northey, when Attorney-General, A. D. 1705, and to a line and a half, slurred over, and without authority, in Blackstone's Commentaries, first published 1765! (Bl. i. 259.) The pedigree, it is confessed, begins a little late; so late, that had old Jenkyns, the year he died, brought into court a child of ten

7. new S. 1455.) 'My Lords,' says he, 'ten days ago, I believe this House possessed the good opinion of the public, as the mediator between them and the laws of the country: if this bill pass to-night, I hope in God that this House may still have that good opinion ten days hence. But, to say the least of this measure, consider it neither more nor less than a *legal robbery*—so help me God! I have but a short time to remain with you; but I trust that it will be hereafter known that I used every means in my power to prevent its passing into a law.' Let us now see, however, whether the learned Lord acted up to this principle, on a question, and a very narrow one, of alienage, that occurred some little time before.

By an act of the Parliament of Scotland (1695), recognised by five several acts of the British Parliament, all alien purchasers of stock in the Bank of Scotland, to a certain amount, were naturalized. In June (*P. D.* 38. 1034) 1818, the Lord Chancellor himself moved, and carried an enactment, that all persons who might have been naturalized since the *preceding* April under that act, should be deemed and taken to be aliens, whilst the alien act was in force. Now, the *legal robbery* which Lord Eldon was so soon afterwards thus vehemently to reprobate, consisted in this, that it was a deprivation, by subsequent enactment, of a legal right previously acquired. Yet what have we here? Parliament had, by a solemn statute, encouraged foreigners to take shares in the bank by the *bonus* of naturalization: they trust to the word of Parliament: they purchase the stock; and then the great Master of Equity himself brings forward a proposition which, by its retrospective operation, is to tear from them, by the hand of law, those very rights which the law had bribed them to purchase, and had undertaken to secure. Suppose an alien, accepting the faith of Parliament, to have invested his whole fortune in land during the month of May, the effect of this arrangement would have been, to forfeit it to the crown! And what was the great national object for which this sacrifice of a great principle was volunteered? Neither more nor less than the getting a few obnoxious individuals from under the protection of the English law, back again within the outlawry of the Alien Act! When the Whig Naturalization Act of Foreign Protestants was repealed, though it too was done in jealousy and spleen, the Tory Ministers of Queen Ann, with little magnanimity assuredly, had yet sufficient sense of shame not to meddle with the privileges which had already been conferred. Even that base sacrifice to po-

years old as witness to his birth-entry in the parish register, it would not have been a more ridiculous contradiction. If, in ordinary cases, it is conclusive against a legal right, that there is no evidence in existence by which it can be proved, it is so emphatically in this: For the king's prerogative is not only limited to points which are necessary for the support of society, but, as Blackstone (Bl. i. 237.) elsewhere states (though in this

pular delusion and malignity, the repeal of the Jew Bill, was not antedated. (*P. D.* 38. 1273). Well then might Romilly exclaim, 'A thing so extravagant, so contrary to all law, so completely in violation of all justice, was never thought of before the time of the noble Lord and his colleagues: and what was worse was, that it emanated from that branch of the legislature which was the supreme court of justice in the country, that it proceeded from men who filled the highest judicial offices, who took an oath to administer justice with impartiality!'

When such contradictions appear in the political determinations of a judge, who in his office is bound to consistency, the public ought to be on their guard against confounding two characters which are unfortunately distinct. The same mind which may be diseased with that last judicial infirmity—the being more skilful in raising doubts than in removing them—must not always be supposed peculiarly safe when it is found positive in a political decision. If Lord Eldon does in Court, and out of Court, really dedicate to the professional duties of his high office that attention and fixed energy which the public has a right to demand, then he has no moral cause of reproach, (beyond that of so long discouraging all improvement in the system, till we come to the alternative, that either it or the judge must be condemned), for the misery in which hundreds of families have struggled—bankrupts, creditors, and claimants of every description,—whilst their property has been wasting away to a skeleton under the exhausting process of his Court. It is not enough that, once or twice in twenty years, a Lord Chancellor by domestic perusals of the pleadings, may succeed in putting a cause in a different and more favourable light than that in which the parties own counsel and accredited agent had left it. Life is not long enough for an eternal and rambling search after this transcendental justice: we must put up with a less degree of certainty, especially if the insurance duty is thus to be raised nearly to the value of the stake, and the price at which this occasional triumph is to be purchased, is almost a denial of their rights to the rest of the community. In the law of property, it matters little comparatively what the law is, so that its rule be certain, and its decision speedy: and no worse character can be given of it, than that its principal court administers so refined an equity, that it rather resembles an invention by which people are kept out of their estates, than an active practical institution for putting them in possession. Again, we are aware that

instance he has not a little wandered from his principle), is also limited by bounds certain and notorious.

Sir Ed. Northey was asked by the Board of Trade, whether Queen Anne might not direct Jesuits or Romish priests to be turned out of Maryland? He answers, 'I am of opinion, if the Jesuits or priests be aliens, not made denizens, or naturalized, that her Majesty may, by law, compel them to depart.' (*Chalmers's Opinions*, i. 26.) Now this, it will be observed, is a bare opinion, without a rag of argument or of authority on its back; and, such as it is, was to be acted upon, if at all, in a place no more conversant with the strict letter of English law, than Maryland was 120 years ago, and on persons who were not likely to criticise its legality, when they were certainly subject, as Popish priests under 11. W. III., to imprisonment for life. Even acts of Parliament affecting only our colonies, although published in the face of day, are not the very places where we should seek for the British constitution. The *responsa prudentium*, under certain circumstances, are entitled to great weight; but nothing can be more dangerous, than that Crown officers should thus be intrusted with the means of making for each other their own law. Sir Samuel Romilly (*P. D.* 34. 445.) protested against producing such opinions, given at the instance

'Fools rush in where angels fear to tread;' and that Lord Eldon is entitled to every allowance for irresolution, which great learning and great ingenuity can claim. Like Chillingworth, he may be too subtle for his subject. But we must lament the timidity which has almost always narrowed down every judgment, to the minutest point on which it could be possibly rested; which has avoided establishing principles, but prefers riding off on the special circumstances of the case; and which has put so many limitations, exceptions, and parentheses, to the point that is at last decided, that the use of the judgments, as precedents with posterity, will not bear a due proportion with their intrinsic merit—whilst the seeds of another Chancery suit seem sown in every sentence that we read.

Whatever may be the cause of this atmosphere of reserve and doubt which overhangs the Court of Chancery, our astonishment is, to see it so suddenly clear away in the House of Lords! An entirely new character comes there upon the boards. *Aeneas*, entering Carthage under a cloud, and *Aeneas* pious, prosperous, and laying down the law at Alba, are not more different persons. There is a Scotch law-book called *Dirleton's Doubts*; of which it was said, that his Doubts were better than other people's Certainties;—and though we cannot admire scruples which paralyze justice, yet we have no hesitation in preferring any judicial doubts whatever, to such political certainties as those with which we have compared them.

of ministers, as authorities on great constitutional points. Under such a practice, he said, 'it would not be difficult, by ransacking the repositories of the Secretary of State, and of the Council office, to find authority for the most dangerous doctrines.' Sir J. Hawles (8. *St. Tr.* 723. himself Solicitor-General to W. III.), in his remarks on Colledge's trial, does not encourage us to place much reliance on the private opinions of Counsel, 'especially of King's Counsel, who are, or at least behave themselves, as if they were parties.' Sir James Mackintosh (*P. D.* 34. 468.), in the same debate (*A. D.* 1816), compared these successive assertions of mere opinion, giving neither principle or usage, to the multiplication of nothing by nothing; while he admitted, that the judgment of a court, even a single judgment, was in itself some evidence of law. Now, it happens, that two years previous to this discussion (*A. D.* 1814), such a judgment (*Strange's Madras Reports*, 2. 256. *R. v. Symons*) had been obtained in a quarter of the world not supposed the most favourable to liberty, and where a power of this description might, if any where, under our present tenure of the country, be required. Certain Goa priests had been apprehended within the territory of Madras by the Government in Council, for the purpose of being sent away; they moved the Supreme Court for a writ of Habeas Corpus; the prerogative was stoutly and learnedly maintained by Sir S. Toller, Advocate-General; but the Court, consisting of Sir T. Strange, Sir J. Newbolt, and Sir F. Macnaghten, unanimously determined that there was no such prerogative existing in India. Their criticism upon Blackstone, and the general line of their observations, show also very satisfactorily their judicial opinion, that there is no such prerogative at all.

The passage in the Commentaries has been so repeatedly referred to, that it is almost pulverized under the feet of the combatants. It was natural, that, finding nothing to their purpose in any text writer of a previous age, they should make the most of the 'God-send' of so respectable a name; but fortunately Blackstone has not left us to the indefinite presumptions which the legal services he has conferred upon the public by his excellent work would raise in favour of any opinion he let drop. He has quoted no *authority*, but relies on *reasons*, the legal strength of which every one can examine. The reasons are compounded of the law of nations, and that of safe-conduct. Considering the different objects of a Treatise on the Law of Nations, and of a chapter of Prerogative, we have already lamented the inattention which could adopt Puffendorf as an authority for the powers reserved by the law of England to the absolute discretion of the Crown. Our sur-

prise is no less at the unwarrantable advantage which is taken of the generality of the term Safe-Conduct, where different meanings of the same word are all mixed together, matters of right with matters of favour, and, as in the antient syllogisms, things in no less contradiction with each other than war and peace, are passed under the delusion of one common name. Blackstone often fences a little loose; but the carelessness with which the whole page in question is put together is extreme. The last paragraph would give a dispensing power, and the immediate proposition is stated broadly, without any distinction between the case of merchants and others; and the power, as he describes it, *sc.* of sending home, includes not only the right of deportation, but that also of surrender, both of which are universally abandoned. His attention was evidently never drawn to the difficulties of the doctrine which he was throwing out in this inconclusive and unqualified manner; he passed hastily on to other subjects; and the best excuse for the cloud which he left on this, must be found in the great improbability, that on a point which had lain dormant for centuries, these few words of his at the corner of a sentence should ever be of the least importance.

Looking at the date of these opinions, the only two which have been produced, both given since the Revolution, at a period during which no such *practice* was prevailing, we felt at a loss to imagine whence the notion had been derived. Such an error was not likely to be the original invention of lawyers of their age; it must have floated down to them on some tradition; and by selecting the proper era of *unconstitutional* history for our search, we had at last the pleasure of discovering the father of their church. He is precisely the saint under whom we should have wished a heresy, so full of cruelty and despotism, to make its first, and, we should have hoped, its last appearance. It is no less a person than Lord Chief Justice Jefferies himself! In the era of monopolies the East India Company had attained letters-patent for securing to them the sole trade of the East Indies; a confirmation of this charter was not purchased from Parliament till 10. W. III.; meantime its legality was disputed by interlopers, or free traders, and a suit was brought against Mr Sandys for trading thither without a license. This question was first argued for the Company by Holt, on the footing, that the Crown has a right to restrain a trade with *infidels*, as perpetual *enemies*, except to those of its subjects whom it can trust; afterwards by Finch, that the King might restrain all trade, by a total prohibition of any commerce with any foreign nation; and, lastly, by Sir R. Sawyer, that the common law permitted trade with alien friends, subject only to

the King's express prohibition, but that with respect to infidels, and alien enemies, the common law was a prohibition itself, in which case trade cannot be managed but by King's license; to round his argument he adds, 'Besides the restraining or calling back his own subjects, the common law intrusts to the King for the defence of the realm, with the prerogative of inhibiting and remanding aliens.' (10. *St. Tr.* 461.) None of the other counsel move this point, which lies wholly beside the question before the court; and the only judge who notices it in his judgment, is the celebrated C. J. Jefferies. It was too tempting an opportunity for this knight-errant on the bench to forego. The *gratis dicta* of Jefferies which follow, are extrajudicial therefore from beginning to end; and rest on his leading principle, that he will not argue the King's power in this matter on the common law, but on the law of nations. Such as they are, they are much at the service of all who will range themselves under so glorious a banner.

Sawyers (the quo warranto lawyer) gave two instances only, and those from the time of H. 3., whose whole reign was little else than a civil war, and when the dismissal of foreigners was only a compliance with the demands of the barons. If we go to that reign for law in any act of royalty, future Spaniards may use the conduct of their present Ferdinand for the same purpose: and yet, were that King at this moment to clear Spain of the French army, such a measure would not be a very satisfactory proof that such was his constitutional prerogative. Jefferies, however, goes on, (10. *St. Tr.* 530.) 'I conceive the King hath an absolute power to forbid foreigners, whether merchants or others, from coming within his dominions, both in times of war, and in times of peace, according to his royal will and pleasure; and therefore gave safe-conduct to merchant strangers to come in all ages, and at his pleasure commanded them out again by his proclamation, or order in council, of which there is no King's reign without many instances.' He then, as Sawyers had before, perverts Coke's language, who says no such thing, as that the King before Magna Charta might prohibit strangers at his pleasure; omitting the words *nisi publice prohibiti*, which that learned person expressly states to be as applicable to the law before Magna Charta, as well as since. He continues, 'Mr Attorney and Mr Solicitor both in their arguments quoted several records and precedents, where the King in all times after the making of that act did prohibit strangers from coming in, and did command them out, when they were here, at pleasure.' Unfortunately no trace of all this supposed learn-

ing appears in the report, or any where else; and it is rather singular, that this should have been represented to have been so indisputably clear in the 36th of C. 2., the very king who was bearded openly in the most tender question of prerogative, his royal amours, by a foreign rival, and whose inability of getting rid of this interloper without the assistance of Louis 14th was matter of serious contemporary condolence.

Jefferies' notions of Commerce and Liberty, however, are about upon a par: 'Terra suis contenta bonis, non indiga mercis, says the poet; and truly, I think, that, if at this day, most of the East Indian commodities were absolutely prohibited, though it might be injurious to the profits of some few traders, it would not be so to the generality of the inhabitants of this realm. God be praised, it is in the King's power to call, and dissolve Parliaments, when and how he pleases; and he is the only judge of these ardua regni, that he should think fit to consult the Parliament about: But it hath been too much practised at this, and other Bars in Westminster Hall, of late years, to captivate the lay gentlemen, by lessening the power of the King, and advancing, I had almost said, the prerogative of the people; and from hence come the many mischiefs to the King's subjects in parts abroad, by making the power of the King thought so inconsiderable, as though he were a mere Duke of Venice, being absolutely dependent upon his Parliament. Would it not be mightily for the honour and dignity of the Crown of England, think ye, that the Emperor of Fez and Morocco should be told, that Mr Sandys, one of the King's subjects, came thither against the King's consent, and that the King had no power to hinder him, unless he would consent with all his nobles, and the representatives of all his common subjects, to assist therein? would not the Emperor think Sandys the greater prince of the two?' After putting forward the King's right to keep his guards together (of whom he had 5000, and James II. 30,000, without consent of Parliament), and to borrow money on the credit of the revenue, 'a privilege the meanest of the persons concerned in the question would think themselves highly injured to be debarred of;' he adds, 'I cannot help being of opinion, that this kingdom was in greater regard abroad, and the inhabitants thereof more prosperous at home, when the prerogative of the Crown was more absolute than now it is. . . . Were the charter now in question not in being, it would be worth while for Mr Sandys to consider how far he might be obnoxious to punishment for trading with infidels, who are in law called "perpetual enemies," and therefore I conceive it as penal to trade

‘with infidels, who are Alien enemies, without a royal licence, as it is to trade with Alien enemies contrary to a royal prohibition.’

Well might North be startled at seeing this forward bloodhound overrun the scent. (*Lord Keeper Guildford's Life*, vol. 2. 109.) Jefferies (he observes) espoused the matter with great fury, and, though not much given to law matters in giving his judgments, made a prolix argument; there was something extraordinary at the bottom, but I have no ground to say what. If there is any truth in the proverb, ‘tell me whom you live with, and I will tell you what you are,’ the obsolete and lunatic notions, with which this incidental topic seems to be here domesticated, expose its nature, and will enable us to prophesy its fate. Sawyer and Jefferies (461. 531,) contend against Coke’s construction of the words ‘nisi publicè prohibeantur;’ aware, that it is an impediment, which they must remove either by argument or force. However, when all they can themselves offer in contradiction, is their mere general denial, an opinion laid down by Coke, adopted by Hale, and confirmed in Parliament, will not materially suffer from wanting the sanction of two names, who have come down to us connected with most that is dark and scandalous in the most disgraceful crisis of English law. This was the time, when the 12 judges of England met, and resolved, and did all subscribe, that it was criminal at common law to publish any news whatever, though true and innocent, without license from the King! ‘But can the 12 judges extrajudicially,’ says Lord Camden, ‘make a thing law to bind the kingdom by a declaration that such is their opinion? I say, no. It is a matter of impeachment for any judge to affirm it; there must be an antecedent principle or authority, from whence this opinion may be fairly collected, otherwise the opinion is null, and nothing but ignorance can excuse the judge that subscribed it.’ Where would Jefferies have found the antecedent principle, or authority, for the novelty he was then palming upon the Court? No where but in the convenient plea, that the question turned upon *reasons of state*! a topic, upon which Lord Camden, in this same judgment, proceeds to observe, ‘The common law does not understand that kind of reasoning, nor do our books take notice of any such distinctions. Sergeant Ashley was committed to the Tower, 3. C. I. by the House of Lords, only for asserting, in argument, that there was “a Law of State” different from the common law; and the Ship-Money Judges were impeached, first, for holding, that State necessity would justify the raising money without

‘consent of Parliament,’ and secondly, that the King was ‘judge of that necessity.’ The article against Sir W. Berkeley, for saying there was a rule of law and a rule of government, is given 2. *Rush.* 609.

It seems to have occurred to Mr Luders (*Considerations on the Law of High Treason, in the Article of Levying War*), that some readers might raise an argument from a paragraph 3. *Inst.* 9, in favour of the prerogative to expel strangers—such a power being there spoken of as belonging to Royal authority. It is certain, however, that no such inference was contemplated by Coke, whose express authority to the contrary we have already cited; nor is it implied in the passage, which runs thus, ‘to expulse strangers, to deliver men out of prison, to remove counsellors, or against any statute, &c. is levying of war, because they take upon them royal authority, which is against the King.’ Now the truth is, that this phrase, like many others, has kept its place in our law books since the time when almost every crime was included in the charge of accroaching, assuming, or usurping royal power. (*P. C.* 133.) Hale, as usual, gives the sensible reason, ‘because it is generally against the King’s laws, and taking a reformation, which no subject hath a right to do.’ What is conclusive, however, is, that one offence which is spoken of, *sc.* that ‘against statutes,’ is an act, such as the Crown never could perform; as others, *sc.* ‘to level all inclosures, to open prisons, and pull down meeting-houses,’ are such as the Crown never either could or did perform. Accordingly, Chief-Justice Parker (*St. Tr.* 15. 609.) checks himself in *Damaree’s* case, and alters the expression, aware that the only royal authority that can be meant in such a case, is the sovereign authority, or that of the law; ‘it is taking on them royal authority; nay more, for the Queen cannot pull them down till the law is altered; therefore he has here taken on him not only royal authority, but a power that no person in England has.’

When the Crown lawyers indulged Parliament with the private opinion of Sir Ed. Northey, they admit the value which they are disposed to place on authority of this description; for it was given in answer to a question of a line and a half, spliced on at the end of other questions, to which his chief attention was required; and the answer accordingly is as brief,—his mere opinion, and nothing more. It is dated 1705, and the scene of action a distant province. What weight, then, would they not attribute to an opinion, where principle is stated and precedent searched, given in answer to an elaborate case, raising and distinguishing the several points

in agitation; the case prepared by themselves; the answer returned by a lawyer of their own selection; the whole question one of deep and immediate domestic interest; at home and in our own times; and where the line of law and conduct, as chalked out in that opinion, was the very line which the government, thus consulting, and thus advised, instantly adopted! Yet, strange to say, the public never hear of *that* opinion—and Ministers seem speedily to forget it. Its effects, indeed, were visible in the original debate on the Alien Act, which was proposed in conformity with its suggestions, and when that prerogative, which it denied, was accordingly most gingerly handled, and whispered in a very subaltern and humble tone; (it is not even noticed in the Preamble of the act, which is itself throughout an enacting, and not a declaratory law); but, as bullies become louder and more pugnacious as they get out of hearing, so the Prerogativists grow bolder by degrees, as the apprehension of being shown up from the mouth of their own counsel grew fainter and died away. As the public, however, paid for this opinion, we think it is now, though somewhat late, entitled to the benefit of it. The first part of it lies within his own province, the principles and learning of the common law of England, where his authority holds deservedly the very highest place; the second part rests on an assumption of the law of nations, with which he was less conversant, and where his erroneous conclusion as to the surrender of offenders, has been, by common consent of Parliament, universally condemned. The following are the questions which were laid before Mr Sergeant Hill by the Solicitor for the Treasury in November 1792.

1. 'Has the King the power (unless restrained by the special provisions of treaty) to forbid any alien from coming into his Majesty's dominions, or to require them to depart from the same? Or, if such power does not exist generally, does it exist in the cases of persons charged with crimes, or of any other description, and what?

2. 'What are the most effectual means which the King, could by law, order to be taken to enforce the departure of foreigners of any of the foregoing descriptions from the country?

3. 'If foreigners of any of the foregoing descriptions were, by order of the King in council, put into custody for the purpose of being conveyed out of this kingdom, would they be respectively entitled to have a writ of Habeas Corpus?

4. 'If a writ of Habeas Corpus were to be granted to any of the persons so detained, what return would be made thereto? And is there any return, in consequence of which the court would order such persons to be remanded to custody, for the purpose of being conveyed out of the kingdom?

5. 'Has the King, by law, the power, with the advice of his Privy Council, to deliver, upon requisition from foreign states, persons charged with having been guilty of crimes against the laws of such states? And is there any distinction with respect to the nature of the crimes with which they are charged?'

The answers are as follows.

'First, I think the King has *not* a general power of forbidding any Aliens coming into his dominions, or of requiring them to depart from the same; for the prerogative is part of the common law, and therefore depends, as all other parts of the common law do, on usage; and such a general power doth not appear to be warranted by usage, and therefore I think it doth not exist generally in the Crown, though I think there are particular cases in which the Crown hath that power.

'There is not only a want of precedents of the exercise of such a general power in the Crown, but there are laws that make against it. By Magna Charta, c. 30., all merchants, not publicly prohibited, have a right of safe-conduct to come to England, stay there, and go out of the same; and, though the statute speaks of merchants, yet Lord Hale's opinion is, that under that name all foreigners living, or trading here, are comprised, 1. Hale, P. C. 93.; and Lord Coke's opinion is, that a public prohibition means a prohibition by act of Parliament, 2. Inst. 57.; and, accordingly, when King Henry V. was desirous that the inhabitants of Bretagne, who had come in great numbers into this kingdom, should quit the same, an act of Parliament was passed, authorizing him to issue a proclamation for that purpose. St. 3. H. 5. Sess. 2. c. 3. By St. 2. R. 2. c. 1., all merchants, as well aliens as denizens, of all realms, in amity with the King, may safely come, and abide in the realm under the King's protection, as long as they please; and there are many other statutes to the like effect. But these statutes are in general terms, and therefore subject to some exceptions allowed by the law of nations with respect to crimes, but no others, that I have discovered.

'Secondly, 1. Hale's P. C. 93, If the King issues a proclamation of war against any state, that is a prohibition on *all* the subjects of such state, from coming into his dominions, and a command to depart within the time limited by such proclamation, or by treaty (if there be any, as frequently there is), which ascertains the time; if not within a reasonable time, according to Stat. 27. Ed. 3. Sess. 2. c. 17., and if any of them are found in the kingdom after the time for their departure, the King may either suffer them to continue, or else (if not accepted in the declaration of war) order them to be dealt with as prisoners of war, the facts would be a good return to a Habeas Corpus, if any should be procured for them, and they must be remanded. So far is, I think, clear. But as to subjects of states in amity, I think *the King hath no power* over any, if they do not offend his laws, but such as are charged by the states, whose subjects they are, with high treason, or murder, or defrauding their state, or other

atrocious crimes. And as to them, if the sovereign of such state applies to have them delivered up, I think his Majesty is, by the constitution, invested with a power of granting or refusing the application; and, if granted, may issue a proclamation either to quit his dominions, or else may order them to be apprehended and sent in safe custody, and delivered to such persons, as the sovereign of the state to which they belong shall appoint; and if any of them should procure a writ of Habeas Corpus, the special matter might be returned, and they would not be entitled to be discharged; for this is warranted by the practice of nations, and is therefore not part of the Legislative, but of the executive power, which is vested solely in the King, who, as observed by a late learned judge (1. Bl. Comm. 253), with regard to foreign concerns, is representative of his people, and what is done by the royal authority with regard to foreign powers (he adds), is the act of the whole nation: and the prerogative in this respect has always been taken to be so clear, that no foreigner ever contested it in the English Courts of Justice; and the Habeas Corpus act appears to have been designedly so penned, as not to interfere with it; for the prohibition in that act (Sect. 9. & 12.) against removing prisoners from one prison to another, or sending them abroad, is confined to subjects of this realm, whereas all the other provisions of the act extend to all persons and all prisoners, without once mentioning the subjects of the realm; and therefore all the others are intended to extend to Aliens, and these not so. For these reasons, I think, no effectual means can be taken otherwise than by an act of Parliament, to enforce the departure of foreigners, who are subjects of states in amity of any description, except those already mentioned. November 27, 1792. G. Hill, Lincoln's Inn.'

How strong the inclination of Sergeant Hill (the favoured referee of Government) must have been, to put in a word for the prerogative, if possible, is evinced by the paragraph regarding offenders, which is now admitted to be erroneous. Sergeant Davy, (*St. Tr.* 20. 78), in his argument on Somerset's case, derives a powerful appeal from the known contrary practice: 'To punish not even a criminal for offences against the laws of another country; to set free a galley-slave, who is a slave by his crimes,—and yet to make a slave of a Negro, who is one by his complexion, is a cruelty and an absurdity, which, I trust, will never take place here: such, as if promulged, would make England a disgrace to all the nations under Heaven, for reducing a man guiltless against the laws, to the condition of slavery, the worst and most abject state.' The celebrated judgment on the return to this Habeas Corpus (A. D. 1773), which discharged the Negro (notwithstanding a continued contrary usage, and all the apprehended danger from letting loose 14 or 15,000 Negroes, the number then supposed to be in England), seems to compre-

hend in principle the present case. Even that most injured portion of the human race, whom the avarice of their fellow-creatures has degraded from the rank of persons to that of things, and whose chains the English legislature itself had riveted, found the spirit of our constitution would not permit him to wear them here. Lord Holt declared, 'as soon as a negro came into England, he became free.' Lord Worthington repeated, 'as soon as a man puts foot upon English ground, he is free; a negro may maintain an action against his master for ill usage, and may have a Habeas Corpus, if restrained of his liberty.' And even in Elizabeth's time, whilst villenage was scarce worn out, when a master, who had brought a slave from Russia, and would have scourged him, was questioned for it, it was resolved, that England was too pure an air for a slave to breathe in. When Lord Mansfield and his brethren held, that Somerset, a foreign slave, must stand, despite of the claim of slavery, in the rank of any other foreigner, the Habeas Corpus act, which in the case of foreigners is now suspended by the Alien act, immediately released him from the vessel which was about to carry him away. Nor can there be any doubt, that it is the return of this inestimable writ that makes Government shrink, and reduce its claim from one of imprisonment and deportation, to a paper order to depart. In the case of *Knight v. Wedderburn*, (A. D. 1778,)—(*Dictionary of Decisions*, Vol. 33. p. 14,545,) the Scottish Supreme Court came to the same decision on their analogous act of A. D. 1701. c. 6. 'for preventing wrongous imprisonment;' which providing, that 'no person shall be transported forth of this kingdom,' except with his own consent given before a judge, or by legal sentence, was held of itself, independent of the question of slavery, a positive protection. In the face of statute, then, and of decision, is it not a monstrous doctrine to maintain, that the Crown can do indirectly by proclamation what it cannot do directly by its own arm? We should like to see an attorney-general venture on an indictment for disobedience. The King's Bench in 1813, (*R. v. Eastbourne*, 4. *East*. 103.) determined that a foreigner gained a settlement in England by occupying a tenement of L. 10 per annum; he was not indeed made relievable, as casual poor, but the Court expressly held, 'he had that interest, which enabled him to gain a settlement by the provisions of the legislature.' There is no intimation, that though in this manner chargeable, and as it were *ascriptus glebæ*, he is removable from his settlement at the volition of the Crown. The law, when it tells an alien he may in many cases rent a house, in all occupy, gain a parish settlement here, carry

on his trade, acquire to any extent personal property, maintain all personal actions, have his Habeas Corpus, if his liberty is infringed, &c., means surely to perform that which it promises: But it can only do so, by taking him under its protection. If it leaves him liable to be torn from his home, driven from his settlement, hurried from the management of his trade, from his property, and from the courts where he was suing, and above all, if the writ of Habeas Corpus is denied him, and this too at a moment's warning, in the very case where it is principally wanted, because a minister signifies to him his displeasure, it is in vain to say the law gives him such rights at all. A right, with no legal security for its enjoyment, and which therefore must, if violated, be without a remedy, loses that character which the law of England impresses upon every thing to which it gives that sacred name. The having let drop such an idea in the Banker's case, was made an article of impeachment against Lord Somers; Foster calls it throwing out to a drowning man a rope, which will not reach him, giving our children baubles, when they ask for bread. However mildly for a time the system may work, it is mere permission; the jealousy, and suspicion, which have, as it were, palisadoed the law in our own case against every possibility of tyrannical oppression, makes it an hypocritical piece of mockery to go about assuring a foreigner, that he need be under no apprehensions, for that he is equally secure. If our ancestors had accepted such an answer, we should have been at this time some third-rate power in Europe; a pulk of Cossacks might have found very comfortable quarters in Westminster Hall; and have been now pricking with the point of their lance the Chancery and the Exchequer into rather unseasonable activity.

8. *Precedents*, however, are next announced, with a flourish of trumpets, and their champions come forward to take up the glove of any challenger, and make good the proposition, which legal proof of a more precise character has been insufficient to maintain. Now, precedents, properly so called, are Judicial decisions, determining the point on solemn argument; more loosely, they may include parliamentary petitions, proclamations, orders of council, and public acts of state, or perhaps the mere practice, of certain ministers whilst in office. But it is not pretended by our adversaries, that they have the least glimpse or shadow of *judicial precedent*. There is no trace that the words were ever uttered in a Court of Justice, but amidst that rabble-rout of domineering and precipitate declamation, in which Jefferies caroused. But even judicial precedents themselves are far from being universally con-

clusive. The declaration of the twelve judges under Scroggs against the liberty of the press, is acknowledged to have been contrary to law, as resting upon no principle. In a chapter of all others the most likely to arrest attention, namely treason, Lord Coke found so many indictments and attainders 'which are not warrantable by law at this day,' that he resolves in the preface to his 3d Institute to follow the old and sure rule, 'Quod judicandum est legibus, non exemplis.' And indeed where the question is never brought before the Court for deliberate discussion, Lord Mansfield and the King's Bench declared with great unanimity, in the case of general warrants, and Lord Camden and the Common Pleas in the case of the seizure of papers, 'most heartily concurred in that opinion, that, no objections having been taken to the returns, and 'the matter having passed *sub silentio*, the precedents were of 'no weight.' Yet these were precedents, in which the Courts had often heard the returns read without the slightest animadversion (10. St. Tr. 1170), and on the first branch of which Mr B. Carteret Webb, the then Solicitor to the Treasury, published in his justification a collection of similar warrants, issued by different Secretaries of State, on various occasions in almost every reign for the preceding hundred years.

In a case therefore, like the present, we should not have felt ourselves debarred from entering into proof of circumstances similar to those, by which the authority of other precedents of this important description had been destroyed. But we are relieved from the necessity: for *there is not one such precedent in existence!* and we are remitted to the subordinate and subsidiary class, which consists of the threats, or attempts of government to exercise the power. We are really astonished at the small amount of violence, which thirty years search into the annals of injustice has been able to bring forward; since evil examples, of a certain date at least, are generally to be had for looking for, to give colour to any the most iniquitous proceedings. We argue on the supposition, that the few facts, which are paraded as equivalent to prescriptive usage, are all literally true, and accurately stated: whereas it is a most suspicious circumstance, that there was never any fair and reasonable discussion, where instances were advanced as proofs, of which upon further examination, (though with all the disadvantages to which such remote inquiries are exposed) so large a proportion have been shown to advance the contrary conclusion. Look only at the period, which in the silence of all antiquity, as to the law, is selected to show that every thing, which was once done in it by the outstretched hand of power, must be taken to be lawful! consider

the defenceless objects on whom this storm would fall; the obscurity which might close round many cases, and hide them from the public knowledge; the prejudices which would shut many out from sympathy, and too often rejoice in their oppression; remember our total ignorance of every circumstance which accompanied each specific exercise of power, and which might explain or change its nature; think of the difficulty of shaking hands and connecting the cause with the effect over a chasm of 300 years; and some idea may be then formed of the honesty or sagacity of that complacent acquiescence, which (in a case whose principle is found in no contemporary text book, nor a hint to be tortured out of any single statute), professes itself satisfied with the proof by precedent, of what Finch would have called the Regality of the banishment of strangers! We will examine the cases which have been adduced; but it will be seen shortly what English Judges and English Parliaments have proclaimed on the insignificance and worthlessness of such authorities; and in their names we protest against being thus set to untwist what is at best only a rope of sand. (*P. D.* 34. 624.)

Mr Yorke, in 1816, quoted the *Petitions* of the Commons in 1. R. 2., that aliens generally, and Bohemians, may depart the kingdom, and an *Act* 1. H. 5 as to Merchants. He founded his argument on the distinction between the form of a Parliamentary petition, and that of a statute. The zeal with which his speeches boil over against foreigners is only inferior to that of Sir John Knight, a patriotic member for Bristol, who, when the Prince on throne was himself a foreigner, had the decency to propose in the Parliament, 'to kick all foreigners out of the nation.' But still it is strange, that he should mingle in this species of discussion, if ignorant that such petitions were at that time *incipient statutes*. What is Mr Justice Foster's argument on such documents, when he builds upon them the most substantial part of his judgment on the legality of press-warrants? (*Foster's Crown Cases*. 161.) 'These *petitions*, though styled in the record the *petitions* of the Commons, as having probably begun in that House, were really the *Acts of both Houses*,—otherwise they could not have been offered to the King in a Parliamentary way. For the ancient method of passing bills was, that the matter of the bill was tendered to the Crown for the Royal assent by both Houses in form of petitions; and, according to the answer from the throne, they passed into laws, or were rejected.' (1. *Rush*. 574.) Glanville also, in his speech, 1628, upon the sovereign power, at a committee of both Houses, is very express in showing the practice which prevailed till 2. H. 5., of the Crown sometimes passing part only of such petition into a law, and some-

times engrafting qualifications of its own : whence he concludes, that as 'the King, according to the usage of those times, might insert the savings into his answers, which would pass from thence into the statute-roll, that this only gives some little colour, but is no proof at all that the petitions also were with savings.'

There is no such distinction, therefore, as Mr Yorke presumed ; and where he says, 'it would be observed, that it was found necessary to pass a law with regard to the foreign merchants, and the prerogative was not found sufficient,' it follows that, since these petitions are now shown to be also acts, the force of the partial inference which he would have drawn, governs the whole case, and proves the insufficiency of the prerogative altogether. (*P. D.* 34. 1069-1135.) Lord Ellenborough falls into an error still more difficult to understand ; 'on the subject of merchant strangers, the citizens of London presented a petition to Edward I., asserting the prerogative of the sovereign to send such Aliens out of the country ; and the King concurred in that opinion : such then was the impression almost immediately after Magna Charta was enacted.' Were the King and Sir William Curtis to agree on a point of prerogative at the present day, their concurrent opinion might not perhaps be thought absolutely conclusive on the law. But let us see how the matter stands. Notwithstanding this authoritative appeal to 18. Ed. 1., the Marquis of Buckingham had the precaution to turn to the rolls of Parliament, and he there found, —1st, that it was a petition, not to the King as sovereign, but addressed to him as *sitting in Parliament*, and acting by its advice and authority ; and, 2d, that the King, in his answer, expressly referred to Parliament as the only competent authority. The petition was, that foreign merchants be expelled the country, for they tended to the impoverishment of the citizens. The King's answer was somewhat wiser ; 'foreign merchants were useful ; and he had not the advice of his great council to expel them.' Even had this been otherwise, it would not have afforded an inference, that the Londoners were petitioning the King for any thing beyond a legal exercise of his proclamation, since a few years before, on the charge of using false weights, &c. the Commons had granted the King a 50th part of their moveables, on condition of expelling them the kingdom. Afterwards (1289) the King and Lords, repenting the absence of their money-lenders, recalled them ; and then came this remonstrance on the part of those, who, representing trading companies and corporation franchises, found themselves defrauded of their bargain.

Foiled by a reference to public Parliamentary proceedings, the prerogative lawyers next betake themselves to rummage in a corner of their own: And, after all the laudable industry which has been exhausted in this honourable cause, what is the result? Not a scrap of law discovered: and even from the sweepings of the Council Board, that *officina tyrannidos* (where the rack was long an instrument of state), nothing has been raked out through the whole despotism of English history, Plantagenets, Tudors, and Stuarts, but the ragged instances which follow; and who can say, whether really enforced, or even in those times only so many abortive experiments, or muttered threats? Mr Mitford, in 1793 (*P. D.* 30. 217), mentions an order in the time of Henry IV., when the influx of foreigners was greatly feared, that they should be detained on their arrival at the ports; and Lord Redesdale cited in 1816 (*P. D.* 34. 1137.), ‘as an instance of a prerogative extremely similar, a proclamation by Henry V., by which the keepers of the passage were ordered to stop all Aliens on their approach to our shores, to inquire into their business, and to transmit their answers to the Crown, before they could obtain permission to land.’ Now, who can presume to know, that any instance producible from the reign of the Henries, may not have passed in a season, and in a manner, when all claim of independent right was out of the question? We have already shown, that the mandates of Henry III. *disprove* a general authority: though such would only have been a precedent of the same downright force, which his barons assumed: These proclamations, however, of H. 4. and H. 5. (one or both, if there is no misprint), would be in fact only compliances with *the laws*, which were at that time in existence. What those laws were, the references made *alio intuitu* by Mr York, sufficiently show; and it is the proper office of a proclamation to enforce the law when made, though not itself to make it. The state paper office (*P. D.* 34. 1140.) was examined for this purpose by Lord Sidmouth; and he found, under 5th October 1571, a project returned to the Lords of Council, drawn out by Lord Burleigh, providing, that a general search should be made for foreigners, with orders thereon, especially against the Scotch. The Reports of the Privy Council also contain, 28th October 1571, a statement touching the daily increase of foreigners in the country; and 10th December 1574, a consultation ‘relative to the case of a Frenchman, who had been charged with some designs against the state; and though no positive proof was given, yet being suspected to be of lewd behaviour, it was thought fit to send him out of the realm; and

‘ 20th November 1575, a letter was read from Plymouth, respecting a Frenchman committed to prison there for words spoken at Rochelle; and it was ordered, that if that were the fact, he should be banished the realm without delay, but that, if the language were used in England, he should be dealt with according to the quality of his offence!’ Mr Sergeant Copley quoted these same cases in the debate (*P. D.* 38. 823.) of A. D. 1818, but added nothing further. (*New Series*, 7. 1851. 898.) Lord Liverpool repeated one of them again in 1822. Mr Peel was fortunate to discover another instance, whereupon he suggests that Elizabeth perhaps recollected at one period of her reign, that expression ‘*nisi antea prohibiti*,’ for that in her Council Register may be seen copies of directions issued to Bishops and the Master of the Rolls, and to two Aldermen of London, directing that all foreigners, *not belonging to any church or congregation*, should be ordered presently to avoid the kingdom.’

These form the sum total of official documents, which Government has been able, after thirty years search, to get together. Mr Wetherell has indeed gone a little farther, and laid antiquarian collectors under contribution. He referred to Sir Dudley Digby’s compilation, from which it appears that the King of France complained of Elizabeth’s having given shelter to the relics of the Hugonots after the massacre of St Bartholomew, and required ‘not only that they should be admonished, but that they should be commanded to return.’ Burleigh and Sir T. Smith instructed Sir F. Walsingham to expostulate, for ‘It is the privilege of Great Britain to receive exiles of France and every other country, but, if they attempt any thing to the disquietude of the realm, they are sent away.’ He adds an occurrence from the reign of James I. where the Court of Spain, remonstrating against the expulsion of a Spaniard from this country, the answer was, ‘that he had been intriguing at Court.’

From among these instances we will first dispose of that part of Burleigh’s order, 5th Oct. 1571, which regards the Scotch; the dismissal of two of whom was for a time specifically relied upon, till the statute of 7. H. 7. c. 7. turned up, by which all Scots, not made denizens, were to depart the realm within forty days after proclamation, upon forfeiture of all their goods; an act not repealed till 4. James I. The directions in the Council Register mentioned by Mr Peel, are explained by the description of foreigners, to whom they relate, ‘those not belonging to any church, or congregation,’ that is anabaptists. (*Neale* 1. 339.) ‘The weight of the laws fell heaviest upon

‘some of the German anabaptists, who refused to join with the Dutch, or English churches.’ The Dutch church had been established A. D. 1550 as a corporation, under the superintendence of John a Lasco; in the patent the Lord Mayor, &c. are peremptorily commanded to respect them: But having been put down by Mary, they as well as the French protestants were restored by Elizabeth; the refugees increased in 1568, and as Elizabeth and James both granted them a liberty of conscience, which they refused to their own puritan subjects, (whom the Dutch church was forbidden, 1573, to receive into their communion), they brought over with them not only their manufactures, but the spirit, and the example of religious freedom. From these indulgences, however, the anabaptists were specially excluded; in a statute of H. 8. anabaptists are mentioned by name, as ‘to be burnt in some open place!’ In 1549 a commission was granted from the council of the young and gentle Edward to the Bishops, &c. to search for anabaptists, and, if irreclaimable, to hand them over to the secular arm; and even Mr Southey (*V.* 2. 296.) admits them to have been ‘at this time under the ban of society.’ Crosby (68. 69.) in his account of the English baptists,—(whose first congregation in England seems to have been about A. D. 1640,) gives from Wall and Fuller the history of the twenty-seven anabaptists, who were apprehended 1575, in a private house without Aldgate Bar; these were disposed of in different ways; out of eleven (all Dutchmen) who were condemned to be burnt, the sentence was only carried into execution against two, and the rest were banished. Banishment, therefore, in these cases, was mercy; and they, who apply such a precedent to unoffending aliens in general, must suppose, that the government by law could burn them all, but in its humanity mitigates its claim to the punishment of exile! It should be remembered too, that by 35. Elizabeth, c. 1. non-conformists were to abjure the realm, and go into perpetual banishment,—which act Lord Chancellor King has described as placing them in a worse condition than felons were in at common law: But surely religious excommunication, thus enforced into outlawry, will hardly establish the universal proposition for which it is produced.

We will assume for the present purpose, that the other instances make out an occasional exercise of the power; it remains to see how far they bear upon its legality. If ever any Sovereign was excusable in taking summary and violent precautions of this nature, it was Elizabeth, in the positions where she then stood, threatened from within and from without, deposed by excommunication, and invaded by a con-

secreated armada. Her temper led her to cut a knot, rather than untie it; and the affectionate confidence of the majority of her people humoured her in irregularities and excesses, which, as Clarendon most justly observes, she never pretended to claim at the time under the colour of law. The council orders, and the statements of private practice, such as we are now discussing, would not have the notoriety belonging even to a proclamation: yet the length to which proclamations outran their tether, (as if the 31. H. 8. c. 8. had never been repealed), is known to every one who has looked farther than the veriest children's history of England. Elizabeth published declarations of martial law against persons importing bulls, and forbidden books, and against idle vagabonds. She prohibited, by edict, the cultivation of woad, because she disliked its smell. She sent out her officers to break every sword, and clip every ruff, whose length exceeded the dimensions which were most agreeable to her royal eye. James I. and Charles I., following her example; pulled down new houses in London, forfeited the materials, fined the builders, and compelled the country gentlemen, by severe penalties, to go home to their counties. Mean time the state tribunal was at hand to intimidate the obstinate into submission. Hudson's penegyrical treatise on the Star-Chamber, will show what importance ought to be attached in legal argument to questions which would come before that Court, even when Englishmen were the complainants, and the prerogative was publicly assumed, (2. *Coll. Jurid.* 107.) 'I come now to express the great and high jurisdiction of *this Court*, which, by the arm of Sovereignty, punisheth errors creeping into the commonwealth, which otherwise might prove dangerous and infectious diseases; or giveth life to the execution of laws, or the performance of such things, as are necessary in the commonwealth, yea although *no positive law*, or continued *custom* of common-law, giveth warrant to it. Such are all punishments of breach of proclamations, before they have the strength of an act of Parliament, which this court has stretched as far as any act of Parliament ever did. As 41. *Eliz.*, builders of houses in London were sentenced, and their houses ordered to be pulled down, and the materials to be distributed to the benefit of the parish where the building was; which dispositions of the goods soundeth as a great extremity, and beyond the warrant of our laws; and yet surely very necessary, if any thing would deter men from that horrible mischief of increasing that head, which is swoln to a great hugeness already.' James I. in his speech to Parliament, April 5th, 1614 (termed, for its tone of benignity and

concession, Flowers of Grace), allows himself an intermediate space for the operation of proclamations, during which tyranny would have free quarter, 'As touching proclamations, which in the last Parliament were excepted against, as he is a *traitorous subject* that will say a king may not proclaim, and bind by it, so did I never intend proclamations to have force of law, but to prevent sudden mischiefs arising, wherein the law hath not provision, until a Parliament can provide.' Yet in times so precarious and full of danger, the Judges of England did not shrink from the obligation of their office and their oath. They discharged several persons who had been committed to prison 'by noblemen and counsellors, against the laws of the realm.' It was in vain, (1. *And.* 297. 34. *Eliz.*) '*pur que aucun grandes fuerunt offend et procure un commandement a les juges que ils ne ferr issint apres ceo.*' The Twelve Judges, notwithstanding such interference and such commandment, recite the grievances complained of in a Remonstrance, to which they set their hands, and declare, that their duty is imperative, to grant relief and help according to the laws. It is not, therefore, in the acts of 'noblemen and counsellors' of that day, that we shall seek either for the letter or the spirit of an English court of justice.

Admitting, then, that a practice may have crept in, whilst prerogative was daily stretching out its wing a little further, it will not follow, as Mr Peel surmises, that it was from any recollection or application of the '*nisi antea prohibiti*' passage in Magna Charta; for, let us ask the law, speaking in the voice of its great contemporary masters, what was the construction which that passage was then legally receiving, and what was the opinion of those who held the greatest offices, both as Crown lawyers and as Judges, on the legal usage? Coke and Hale carry us down from Elizabeth to C. II. both inclusive; they connect the two extremes of the period, when more was heard about prerogative in a day than we now hear in a year; they are indisputably the greatest names, too, in our national jurisprudence: But, for the sake of trying the value of the instances, which are now advanced as precedents, we are not called on to use their judgments as commentators on a debateable point of law; but are merely examining them on a question of contemporaneous fact. Is it possible, that if the lawyers of their day conceived these instances of the dismissal of aliens, some of which were passing under their eyes, the rest only a few years preceding, to be indeed examples of a prerogative, claimed and allowed accordingly, that Coke and Hale, in the face of the profession and the

public, should have dared to put forward, as they both have done, a statement of the law contrary to the very usage that the age in which they were writing, was at the time acknowledging and receiving as constitutional? Yet either this must be assumed against them, or we must confess that there was no such usage; that is, that the precedents in dispute were then charged to the running account of arbitrary power, but not taken and revered as law. Allowing, therefore, that were the question a mere interpretation of Magna Charta, as a commentary on its original meaning, Mr Peel, who construes 'public prohibition' to be by the King in council, ought to overrule Coke and Hale, who agree that it is by act of Parliament only,—admitting that lawyers in both Houses are justified *lite pendente*, on the spur of the moment, in sneering at the judicial exposition of the two miracles of juridical learning, labouring in their closets, calmly and impartially, for the instruction of posterity; granting that we are wiser than our masters, and can read Hannibal lectures upon war, we still submit, that, as mere contemporary historians, of decent reputation and considerable industry, they are entitled to some credit for their account of what was the living usage, and what the general understanding, as to the prior usage at the time they wrote.

Clarendon (*V.* 1. 55), a witness above all suspicion, has left us a striking picture of the folly of the Stuarts, founded on this express distinction, that they first attempted to mix up the law and the judges in these arbitrary proceedings. 'They who look back upon the Council-Books of Elizabeth, and the acts of the Star-Chamber then, shall find as high instances of power and sovereignty upon the liberty and property of the subject, as can since be given: But upon this consideration it is very observable, that in the wisdom of former times, when the prerogative went highest, (as very often it hath been swoln above any pitch we have seen it at in our times), never any court of law, very seldom any judge or lawyer of reputation, was called upon to assist in an act of power; the Crown well knowing the moment of keeping those the objects of reverence and veneration with the people, and that, though it might sometimes make sallies upon them by the prerogative, yet the law would keep the people from any invasion of it, and that the King could never suffer, whilst the law was looked upon by the subject as the asylum for their liberties and security: And therefore, you shall find the policy of many princes hath endured as sharp animadversions and reprehensions from the judges of the law, as their piety hath from the bishops of the Church. So when ship-money was transacted

' at the Council Board, men looked upon it as a work of that
 ' power they were all obliged to trust, and an effect of that
 ' foresight which they were naturally to rely upon: imminent
 ' necessity and public safety were convincing persuasions; and
 ' it might not seem of apparent ill consequence to them, that,
 ' upon an emergent occasion, the regal power should fill up an
 ' hiatus, or supply an impotency in the law: but when they
 ' saw in a court of law (that law which gave them title to, and
 ' possession of all they had) reasons of state urged as elements
 ' of law, Judges as sharp-sighted as Secretaries of State,' &c.
 It would therefore be the height of absurdity to look for the
 authority of law in those tribunals, which disowned the law as
 the limit and 'golden mete-wand' of their conduct. The Coun-
 cil table, and the Star Chamber 'were the same persons in se-
 ' veral rooms; the Council by proclamations enjoining the peo-
 ' ple to what was not enjoined by law, and prohibiting that
 ' which was not prohibited; and the Star Chamber censuring the
 ' breach and disobedience to these proclamations,' (against whose
 illegality in some cases Parliament itself petitioned) by heavy
 fines and imprisonment.

To try the present age by such a standard, when in the
 darkness which time has drawn over these transactions, it
 is impossible to distinguish by the acts themselves between
 what was lawful and what was violent, is, (as Preby says,
 most truly) *notum per ignotius*, and, unless latter precedents
 are concurring, is only fit to introduce disorder. To disco-
 ver here and there a stray example of advantage taken over
 the weak and ignorant, and thereon to form a theory, is at
 once to reduce us to the minimum of that period, and to make
 what was with them the worst exception henceforward our best
 and only rule. Lord Camden treated with just contempt the
 endeavour, in the case of seizure of papers, to argue its legality
 from the conduct of Secretaries of State. (*St. Tr.* 19. 1068.)
 ' This is the first instance I have met with, where the ancient im-
 ' memorable law of the land, in a public matter, was attempted to
 ' be proved by the practice of a private office. The names, and
 ' rights of Public Magistrates, their power, and forms of proceed-
 ' ing, as they are settled by law, have been long since written, and
 ' are to be found in books and records. Private customs are in
 ' deed still to be sought from private tradition; but who ever con-
 ' ceived a notion, that the public law could be buried in the ob-
 ' scure practice of a particular office? That such a right should
 ' have existed from the time where the memory of man runneth
 ' not to the contrary, and never yet have found a place in any book
 ' of law, is incredible; but, if so strange a thing could be sup-

‘posed, I do not see how we could declare the law upon such evidence. But still it is insisted, that there has been a general submission, and no action brought to try the right; I answer, there has been a subjection of Guilt and Poverty to Power, and the terror of punishment; but it would be a strange doctrine to assert, that all the people of this land are bound to acknowledge that to be universal law, which a few criminal booksellers have been afraid’ (or we may add, a few ignorant foreigners unable) ‘to dispute.’ Such was the judgment pronounced upon a regular course of official warrants, continued from the Revolution to the very year, in which the judgment was delivered. Where the precedents break down at an earlier stage, they lose even the little credit which might be attached to more recent practice, from our ignorance of the circumstances under which they passed. (*Rushworth*, I. 555.) ‘Upon the ordinance of the King and Council, Sir John Banks said, he could show above forty writs that had gone out to all the King’s subjects.’ But what replied Judges Hutton and Croke (who were then what Powell was at the trial of the seven bishops, ‘among the faithless faithful only he’)? ‘I am very sorry such obsolete and ancient things have been mentioned, many of which, in my judgment, had been better to have slept in silence, than to have been spoken of in these times. Now, we are not to argue what has been done *de facto*, for many things have been done, which were never allowed; but our question is, what hath been done, and may be done *de jure*: multitude of precedents, unless they be confirmed by judicial proceedings in Courts of record, are not to be regarded.’ This warning was not taken; and Clarendon has immortalized his abhorrence of the judgment founded upon such documents, which judgments, within two years (1640), was declared illegal, and the record vacated by both Lords and Commons without a dissentient voice. Mr Justice Foster accordingly puts his argument in the conjunctive, and requires not only immemorial usage, but continuous practice. (*Crown Cases*, 157. *St. Tr.* 18.) ‘For rights of every kind, which stand on the foot of usage, gradually receive new strength in point of light and evidence from the continuance of that usage, as it implieth the tacit consent, and approbation of every successive age, in which it has prevailed. Had the practice of pressing been discontinued from the time of C. I., unless when revived by subsequent temporary acts, I think what hath been said upon the foot of ancient precedents could after all have had little weight; for I declare, that ancient precedents alone, unless supported by modern practice, weigh very little with me in questions of this nature; I mean

‘in questions touching the prerogative.’ Yet the precedents put forward now are such as vanished at the crowing of the cock, and the approach of dawn—they not only end at that period, when constitutional precedents begin, but they end so thoroughly, that the council office has not rendered up a single scrap of paper to testify a consultation, or a surmise of such an experiment for 200 years.

Among the ‘antient and obsolete things,’ from which the dust was shaken in the argument on ship-money, one as the 23d. Ed. 1., mentioned (1. *Rush.* 531.) by St John; when, on war with Scotland and France, Dover Haven was shut up for a great part of the time, and all strangers whatever, that landed, were arrested. Charles I., after his marriage, seems to have had almost as much difficulty at first in acquiring the mastery in his own family, as he afterwards had in attempting to retain that over his people. This uxorious monarch could only accomplish it by sending all his consort’s French establishment home, in a very summary and angry manner. Rushworth mentions the discontent among them, who were mostly younger brothers, and had come over on speculation of advancement from their Queen. Mr Ellis has lately published the curious correspondence, which passed on the occasion; they were put under confinement, and shipped off.* In the year 1627, a German of the name of Weisman, a kind of purveyor to foreigners in England, was examined before a special commission by the King’s order, on a charge of extortion and scandal, preferred by the Danish ambassador against him: ‘they first inordered him into safe custody, until he gave satisfaction to the foresaid ambassador, if he thinks it not fit to bring him before the King, his master, to be punished according to his demerits.’ After four or five days restraint in the house of a messenger, he was delivered by warrant from the Lord President, into the hands of the ambassador, who im-

* The following is the letter from the King to the Duke of Buckingham, ‘for the final driving away of the Monsieurs,’ written entirely in his own hand. We do not know whether Dr Wordsworth will see in it any resemblance to the style of *Eikon Basilike*.

‘Steenie, I have received your letter by Dic Graeme: This is my answer. I command you to send all the French away to-morrow out of the touve, if you can, by fair means (but stike not longe in disputing), otherwise force them away lyke so manie wyld beastes, until ye have shipped them—and so the devill goe with them! Lett me here no answer, bot of the performance of my command.
‘Charles R.’

prisoned him in the Compter. The warrant gave power 'to dispose of him,' and he was on the point of being sent to Ham-burgh, when he saved himself by submission.

The period, in short, which supplied these false and nominal precedents, we will venture to say, would furnish a multitude of the same style and origin, sufficient to disfranchise the British constitution of every free principle which it owns. We are at a loss to conceive the ingenious profligacy of that logic, which discards them in the one case, but quietly adopts them in the other. We will add only one further observation, which seems to us to be conclusive; nothing is said in any of them about *order* to depart, or *indictment* on disobedience. The authority, which they seem to claim (for it is the only one of which they are the exercise), is that of actual and forcible dismissal. If they prove any thing, they prove not only the Crown's right to declare a foreigner's residence here illegal, but the right of manual riddance, with a King's messenger at his back. Now, the formal pretext for the interference of Parliament by the Alien act, as reiterated by Lords Sidmouth, Liverpool, Eldon, and Castlereagh, &c. has all along assumed, that the Crown has the first right, but not the last. Precedents, therefore, which prove *both*, by proving too much, prove neither. They who wish to use them as evidence of the British Constitution, cannot take the half that suits their purpose, and leave the rest; they must either have all or none. If none, we are agreed; if all, then upon their own showing, these favourite precedents are just so many breaches of the law, and are nothing more or less, than acts of individual outrage, perpetrated by secretaries of state on the persons of wretched strangers, whose ignorance of English law, and whose friendless condition, enabled these masters of official responsibility to commit oppression with impunity.

In such a case, it is impossible for us, on the other side, to call precedents to contradict. We can only open the book of the English Constitution for its plain and manly text; and read from the book of Time, which Lord Bacon calls the best book, a silent and continuous practice, opposed to any such doctrine, and commencing with our own liberties of person, under that Habeas Corpus Act, whose provisions give shelter alike to the foreigner and to ourselves.

The silence of history during two hundred years of the most vehement temptation to the exercise of such a power, is the strongest acknowledgment and testimony of the fact, as well as principle, of a contrary usage; it is a negative pregnant; *dum tacet, clamat*. Direct evidence, in such a state of things, can only incidentally arise: But we will refer to two occasions, when the

absence of such prerogative was expressly assumed. The first we have already spoken of; and it has been frequently alluded to in Parliament. A Frenchman had the insolence, in the reign of Charles II., to appear at the theatre with the King's mistress, and in the King's presence, as her favoured lover. The outraged sovereign wrote to Louis XIV. to beg that he would call this rival home; and a French writer of the time condoles over the misery of a limited monarch, who had no means of protecting himself against so disagreeable a visitor, but by the circuitous form of this humiliating request! The other is a declaration in Parliament, by the great Lord Chatham (*St. Tr.* 20. 1316.), in respect to issuing a warrant, which he was told by Lord Camden was illegal, and of which he must take the consequence on himself. Nevertheless he said, 'Preferring the general safety, in time of war, to every personal consideration, he ran the risk, (as he would that of his head, had that been the forfeit, upon the like motive), and did an extraordinary act (it was that of sending Count St Germain out of the country) upon a suspicious foreigner, just come from France, and who was concealed, at different times, in different houses.' So far from *justifying* such interference as a lawful act, this great statesman thus puts himself boldly on the country, for an indemnity in the exercise of a vigour beyond the law.

9. *Acts of Parliament.*—We have shown above, how what Mr Yorke called petitions of the Commons, were really acts of Parliament; and how he thereby became the victim of his own argument, and was made to roar in his own bull. The only mistake, however, was in the fact: For the inference is one, which, on a question of prerogative, has always been regarded as so convincing, that it deserves to be more particularly developed. Any one who is seeking for truth in an inquiry like the present, would, in the absence of judicial decision, class his historical researches under two heads, acts of the Executive, and acts of Parliament. He would again subdivide the acts of the Executive, and submit them to a careful analysis, in order to ascertain whether they were the legitimate exercise of an acknowledged independent authority, or measures for carrying the judgment of the Legislature into effect, or only the irregular ebullitions of so much power. We have already referred our readers to the test by which this question must be determined: a foundation of right must be looked for first in those records where the foundation of English law is laid; and that being made sure, the constitutional value of any given instance, where it is exerted, can only be estimated by a comparison with other contemporaneous proceedings. In such an investigation, Mr Plunkett

must not tell us we are not to pick and choose out of history, but, when we are dealing with antiquity, must take *all* that its cart shoots out upon us,—every thing or nothing. Lord Bacon, with better judgment, has warned us, that such precedents are to be avoided as smack of the times; and no one should know better than Mr Plunkett, that it is no less true with governments than with individuals, that the best evidence against a party is his own admissions to his prejudice; whereas, what a party volunteers in his own favour, is subject to the most reasonable suspicion, and cannot legally be received. Acts of power, so far from establishing a right, often do not claim it. What would Lord Chatham have thought of that constitutional reasoning, which insisted upon drawing from his dismissal of Count St Germain, an argument that the act itself must become consequently legal? He honestly avowed the contrary, and would have disdained the artifice, which should seek to extort from it any evidence of right, and to confound violence, however necessary, with a prerogative ordinary and just. Privy Council Minutes speak no public sentiment, and prove no principle; if known, they might probably be indifferent to the public; but probably would be known only to the oppressor, the myrmidon, and the victim. Even now, when we live in a sort of whispering gallery, and the newspaper reporters can tell almost how many lumps of sugar every man puts into his tea, yet a foreigner is taken up in the dark, and galloped off on the Dover road, and nobody either knows or cares. Acts of Parliament, on the other hand, are public in their nature, and, if unqualified, pass out to the public as direct assertions of right. This is evidence which cannot lie. Now, all governments resemble, in one respect, the simplicity of Nature; they never do by more what they can do by less; we may be sure there is the *dignus vindice nodus*, when the cooperation of the other branches of the Legislature is required. It is no practical workman whom Hogarth exhibits in his caricature as combining all the mechanical powers to make a corkscrew. In despotic periods, reference to Parliament, instead of to the Council Board, enactments in the place of proclamations, repeated petitions, that *the laws and statutes* respecting the banishment of aliens be observed, not that the *prerogative may dismiss*, is the language of legislative, and not of executive proceedings. A series of *statutes*, on the very point, is such a surrender and extinguishment of a similar *prerogative*, that it never can revive; it is a succession of solemn parliamentary admissions. In the present instance, the evidence from the Rolls of Parliament is so complete, that our only apprehension is, lest the notice which

we have been obliged to give to those self-created precedents we have been examining, should seem to attach to them an importance which they in no degree deserve.

We will only mention, out of a long list before us of the laws affecting Aliens, those the most directly touching the present question.

Coke mentions a law of Alfred's, by which no merchant should remain in the country above forty days (1. *Bl.* 113), but we must remember, that at that period every body was obliged to belong to some tything, and that the tything became answerable for any one, who remained within it forty days, as a host did for the hospes *trium noctium*, the lodger, who had slept three nights under his roof. (1. *Reeve.* 14.) The 'friendless man, who could not obtain admission into one, was on that account condemned to death, a punishment, in that age of pecuniary compensation, inflicted on few other crimes, except that also of wandering from the highway without sounding a horn. These are regulations of police not likely to be recommended for our present practice. Were the country broken up into tithings of this description, Mr Owen should have our vote for trying his parallelograms upon it; and Gurth and Cedric might feed their swine in our Exchange, instead of our hearing there every day every language in Europe. Some have thought, that the laws against Aliens were introduced in time of Hen. II., when a law is said to have been made at the Parliament of Wallingford, for the expulsion of strangers, in order to drive away the Flemings and Picards, introduced in the wars of Stephen; under which law, Hen. II. on his accession, purged the realm of foreign soldiers. Coke says all the troubles of Hen. III. arose from his Gascoigne favourite (3. *Inst.* 226.); and though he was induced to banish Aliens, 1224, the year before Magna Charta, and again, 1232, yet the presence and protection of Aliens continue the master-grievance of his reign. We have spoken of Magna Charta elsewhere; but when Lord Liverpool asks, if the clause in Magna Charta does not show, that the contrary was the law before, the same question may with the same reason be put on every other article in the charter; and he will find the answer laid down generally; Magna Charta was not so much introducing of a new, as declaratory of the antient law. 11. Ed. 1. contains the grant of Commons of a 50th, on condition of expelling strangers: 18. Ed. 1. an unsuccessful petition to the same purport to the King in Parliament: 31. Ed. 1. (1302) *charta mercatoria*, or charter of protection to merchant strangers, which is only an explanation of this branch of Magna Charta—by payment of certain customs they buy certain rights. Mer-

chants of all foreign parts, 'shall, and may safely come into his cities,' &c. Speedy justice according to law-merchant: Jury, one half foreigners, where such can be had. Nothing is said about safe-conduct, and no proviso of public prohibition, so both these questions are got rid of. This charter is declared perpetual, and it is also declared, that 'the said foreign merchants' should hereafter be liable to no execution, stop, or loan, either on themselves or their goods.' So Coke (2. *Inst.* 60.) observes, no imposition without assent of Parliament can be set upon any stranger. Hale says (*P. C.* 93.) expressly also, that the statute speaks indeed of merchants, but under that name all foreigners living, or trading here, are comprised. That the *charta mercatoria* passed in Parliament, we have Ed. 2d's express authority (1311.) Philip of France had requested, that his merchants might be released from the 3d. per pound; Edward answered, that, as a full English Parliament had granted that custom to his father, both from English and foreign merchants, on account of the many special liberties and immunities which he bestowed on them in perpetuity, he must therefore consult his Parliament before he can give any determinate answer. Can any thing therefore be more evident, than that the prerogative, now insisted upon, would have been in plain language nothing short of a power of dispensing with that part of this law which promises free passage; a power which might occasionally be irregularly adopted, but which no one since the Bill of Rights, or since the embargo question in 1766, will have the boldness to enumerate as part of the British Constitution? This, however, was an abuse which kept its ground more or less till the Revolution; and therefore, though the right of arresting one foreigner for the debt of another, was not taken away till 1353, (27. *Ed.* 3. *St.* 2. c. 17.), we need not be surprised to find this same Ed. 2., who pleaded his Parliament in bar to the King of France, discharging from this liability the merchants of Venice trading with England during ten years. Ed. 3. in second year of his reign, 1328, renews the *charta mercatoria* by charter, which is confirmed by statute 1335, when also 9. *Ed.* 3. was passed at York, which, after reciting the grievous damage to king and people from some people of cities, boroughs, &c. not suffering merchant strangers and others to sell to themselves, enacts, they should be at liberty to trade, buy, and sell, where they please, without disturbance. 14. *Ed.* 3. a statute was passed, inviting foreign clothiers, and authorizing the King to grant them franchises, 'as many, and such as may suffice them;' and the King's reprimand to Bristol, 1339, and to London, 1344, and his resolution that the act should be obeyed, may be seen in Rymer, (*Fœd.* V. 5. 137. 429.)

By 14. Ed. III. St. 2. c. 2. and 25. Ed. III. c. 2., and by 15. Ed. III. St. 2. c. 5., and 18. Ed. III. St. 1. c. 3., the King doth grant, according to the great charter, that foreigners may without let safely come, &c. and that 'all persons,' as well foreigners as natives, may buy and sell, where, when, and how, &c. 27. Ed. III. c. 1., and St. 2. c. 2., as well as c. 17. and 36. Ed. III. c. 7. recognise the same principles. The evening of this magnanimous Prince's reign, (who, it is observed, made more good laws than all his predecessors), lingered on in melancholy contrast to his former greatness; *Hæc data pœna diu viventibus!* but it was not disgraced in this respect by contradicting the policy of his life. The mayor and citizens of London, (*Seymour's Survey of London*, V. 2. 314), reciting a promise made to them in the last *Parliament*, that they should have good remedy for their grievances, dwell principally on the admission of strangers; (50. Ed. III.), 'whereby the merchants of the said city are greatly impoverished, and the navy impaired, and the secrets of the land by the said strangers discovered to our enemies by spies, and other strangers into these houses received; may it therefore please your Majesty and Council, in this present parliament, to ordain,' &c. The King puts them off by minute concessions; and in the next year, 51. Ed. III. being the last of his reign, the Commons petitioned, that the statute of provision (sc. against jobbing with the court of Rome) might be executed, and 'that all strangers be commanded to depart the realm during the war,' (2. St. Tr. 428.) The King answers again, *the statutes and ordinances* therefore made shall be observed.

Rich. II. In the reign of this unfortunate Prince, who was not long in squandering the inheritance of glory and of confidence, which his father and his grandfather had left him, we are not to expect much consistent policy. Golden compliments from the city of London bribed him in the first year (1. R. II.) of his reign to take away, but always *by statute*, from strangers their right to sell within franchises. This statute, however, is repealed the following year, 2. R. II. c. 1. and 9. Ed. III. is restored. (11. R. II. c. 7. is accordingly). 6. R. II. 2. 1382, and 7. R. II. c. 11. are in the same spirit. While, on the other hand, we have 11. R. II. enacting, on the petition of the Commons, that all Bohemians and others, than such as be by Council appointed to serve the Queen, may depart the realm by midsummer ensuing, on pain to be out of the King's protection.

H. IV. wanted all the popularity that he could acquire, either by burning the first apostles of the Reformation to please the clergy, or by throwing an act of Parliament into the

scale, to force down the balance of trade to please the city of London and other trading towns. 4. H. 4. c. 15. begins accordingly, and there are divers acts to 7. Ed. 6. c. 6., such as would do credit to Lord Bexley himself for better keeping the gold and silver within the kingdom, and compelling aliens to employ their purchase-money on commodities of the realm. 5. H. IV. at the request of the Commons, and certain Lords especially appointed, enacted, That all strangers taking part with Antipope do avoid the realm, and that other strangers remain upon such frontiers within the realm, where garrisons are. By another act of the same year, and by 8. H. IV., all religious persons, born French, are ordered to depart the realm: and by 11. H. IV. all strangers, except merchants, are required to live and die in the King's quarrels, to serve in his wars, to lodge only in English houses, and (*hinc illæ lacrymæ*), that none of them shall be brokers!

The reign of H. V. was more like a campaign than a civil government. He began it by throwing away the scabbard; and one cannot wonder he should be suspicious of strangers, whom he left as it were in his rear. Accordingly, by 1. H. V. it is enacted, that all aliens do depart the realm, and that all such alien merchants as remain be under English hosts, under pain of imprisonment at the King's will. The Commons previously had prayed, that 5. H. IV. for the avoiding of aliens might be observed; whereto the King granteth, saving his prerogative, and that he may dispense with whom he pleases; to which the Commons answered, that their intent was no other, nor ever should be, by the grace of God! The prerogative here saved, however, is not that of sending out aliens, but of dispensing with an act of Parliament; and the record is cited by Sir Edward Herbert for that purpose. (*St. Tr.* 11. 1260.) On this and a similar concession also mentioned, Sir Robert Atkyns observes (*Parliamentary Tracts*, 313.), 'they are no more than prudent and patient avoiding of disputes with the several Kings; and there are multitudes of the like in the old Parliamentary rolls. It is but an humble clearing of themselves from any purpose in general to abridge the king of any of his prerogatives, (which have been always touchy and tender things), but it is no clear and direct allowance of that dispensing there mentioned, to be any prerogative in him.'

In 4. H. VI. the Commons petition, that all strangers being within the realm about Queen Jean may depart out of the realm. Answer, *the statutes* therefore made shall be observed. In 9. H. VI. An act of Parliament was passed, that all the Irish people should depart the realm, and go into Ireland before

the feast of the nativity of the Blessed Lady upon pain of death; of which statute Coke says, (*Case of Proclamations* 12. Co. 74.—if the 12th report is to be considered his after the doctoring it received) that it could only have been meant *in terrorem*, and was utterly against the law:—a bold and somewhat strange rebuke of King and Parliament,—and only intelligible on the supposition that it did not occur to him, that the Irish were at the time of the statute not considered as natural-born subjects. Yet what power will do against the defenceless may be seen in this very instance of the Irish; for Rushworth mentions a proclamation by C. I. (A. D. 1629.) for speedy sending away Irish beggars out of this country into their own kingdom. 4. Ed. VI. had regulated how alien vagrants were to be sent to the nearest port, but it had been repealed twice over by Elizabeth and James. 1. H. V. c. 8. ordains, that all Irishmen with certain exceptions, and Irish clerks, called Chamber Deacons, are to be voided out of the realm by a certain time on pain of losing their goods, and being imprisoned at the King's pleasure. 4. H. V. c. 6. imposes a penalty on Irish bishops bringing an Irishman to Parliament, to discover the counsel of Englishmen to rebels. 1. H. VI. c. 3. and 2. H. VI. c. 8. that the Irish who did not leave the kingdom within a month after proclamation of that statute, were also to forfeit their goods, and be imprisoned at the King's pleasure. No Irish scholar was to enter England without testimonial under seal of the Lieutenant or Justices of Ireland, that he was of the King's obedience; if he did, he was to be deemed a rebel. These acts were passed in consequence of a petition by the Commons in Parliament, grounded on 'the multitudes of murders, man-slaughters, rapes, robberies, riots, and other misdemeanors, committed by the Irish repairing into England, especially to the Universities of Oxford and Cambridge!' It is stated in the Rolls of Parliament, that the Irish, and Scotch, and Welsh scholars in the University of Cambridge, had burnt and rifled several houses in the county, as they had nothing to support them; and in 8. H. VI. there was the like petition against them, to which there was only answered, 'that the statutes formerly made against the Irish should be observed.' 3. H. V., St. 2. c. 3. enacts, that all Britons dwelling in the Queen's house, and others abiding near the house, and not made denizens, should be voided out of the realm by a certain day. *Barrington*, 388, and *Reeve*, V. iii. 261. interprets this, Statute of the Welch, and *Sergeant Hill*, of the Inhabitants of Bretagne. But with reference to the present question, the ex-

ception of 'not made denizens,' shows that the principle as applied to either country is the same.

7. H. VII. c. 7. enacted, that all Scots, not made denizens, were to depart the realm within 40 days after proclamation, upon forfeiture of all their goods; an act not repealed till 4. James I. And finally, 22. H. VIII. c. 10. (afterwards enforced with greater severity by statutes of Philip and Mary, and of Elizabeth), directs, that 'the outlandish people,' calling themselves Egyptians, who have come into this realm in great company, and used crafty means to deceive the people, should avoid the realm.

We have got, at last, to the end of this long enumeration of statutes, which have been passed at various times, to prohibit the admission or residence of foreigners within the realm. They disappear as we get out of the region of civil wars, and come to a more settled period in our history: But is it credible, that, reign after reign, and year after year, all these enactments should be made in Parliament, without a single hint that it was a mere question of prerogative, had not the contrary been fully understood? For this purpose we may notice the view which even James I. took of it. He says, in one of his commissions (*Fœd.* 17. 318.), 'that he had been often solicited, with much importunity, by his good and loving subjects, the citizens of London, to take *the laws and statutes* against foreigners into his princely consideration'—but hints nothing about his prerogative. And afterwards (374. & 375.) he plainly adverts to 1. R. III. c. 9. where he adds, 'that masterless men of handicraft trades, who would continue to the extreme hurt both of the English and strangers, shall either speedily return into their own country, or put themselves to work as hired servants, according to the true meaning of *our laws*, or else shall undergo the severity of our laws provided and in force against them.' Here again, not a word of his own prerogative,—by a prince who was vainer of it than ever peacock of the hundred eyes upon its tail. On the other hand, when matters truly falling under the King's prerogative are moved in Parliament, a protestation in its behalf will uniformly be found. Thus, to mention one instance only, 11. H. IV. (2. *Inst.* 205.), one Kowley petitions Parliament, 'that he may take mark and reprisal of all Frenchman's goods,' &c. The answer is, that 'upon suit made *to the King* he shall have such letters as are needful,' &c.; thus avoiding to compromise the royal prerogative by a proceeding of Parliament, but pointing out to the complainant the proper method by which evidence of

its prescriptive authority would be preserved unimpaired to the Crown.

A succession of temporary acts of Parliament, bears irrefragable testimony in favour of the common law (*Hale, P. C.* 112.), on which they were thus repeatedly engrafted, and for the modification and suspension of which the united strength of every branch of the Legislature was required. In the case of impressment (678.) the hurried acts of 16. and 17. C. I. (c. 5. 23. 26.) made Lord Hale entertain doubts of its legality; doubts which Foster considers as removeable only by subsequent statutes of a contrary tendency, and by continued usage, to the present day. Yet these were acts passed on the very eve and crisis of a civil war. Whilst he seeks, therefore, in this manner to evade their authority, he expressly and honestly acknowledges in a paragraph, part of which we have already had occasion to quote—‘Had temporary acts of that kind been frequent, or had the practice of pressing been discontinued from the time of C. I., unless when revived by subsequent temporary acts, I think, what hath been said upon the foot of antient precedents’ (and yet these precedents were of the very highest order short of being judicial) ‘could, after all, have had very little weight. But we all know, that the practice of pressing by the Admiralty warrants hath now continued near a century, since the expiration of those acts of Charles I., without one statute of the like kind to authorize it.’ Whereas, in the case before us, we have traced the statutes for the banishment of Aliens, reign after reign, far lower down than that period, where alone the first stone for a legal prerogative can be laid; and as there was no act, so we all know that there was no practice of the expulsion of Aliens, from the Revolution till the Alien Act of 1793. It is evident, therefore, how according to his own principles, this great master of Crown Law would have ruled on the present argument. There are the acts, and there is not the continued practice—just the reverse of the conditions which he exacts; for acts of Parliament negative any simple right, and must be considered as a judgment of the Legislature, (which is supposed to do nothing in vain), that the Prerogative alone is inefficient for the purpose.

Looking back at the several divisions of this argument, we may in one sense congratulate our readers on the necessity, which has been imposed upon us, of presenting so many fronts to the adversary, and of travelling over so much ground. It is now so long since a question of prerogative was seriously discussed, that its advocates appear to have absolutely forgot-

ten the nature and degree of evidence which it requires for its support. The celebrated judgment of Foster in 1743 as to the prerogative of Impressment, is in all its parts a confirmation of the doctrine we have been maintaining, and a contrast to the short and contemptuous way of reasoning of our opponents. There was there a long unbroken proof of practice from the most ancient to the most recent times—and repeated Parliamentary recognitions of the Crown's right—with no one enabling act to bring that right into question, except in the time of King Charles, when the civil war was substantially begun. Yet even upon evidence high and multiplied as this, Sir M. Hale still doubted of the validity of that Prerogative which it went to prove. Let us only look at the contrast of the case before us.

Instead of a multitude of commissions, regularly reaching to the present day, we have two council orders of Elizabeth, and two or three other stings of the executive, all withdrawn and closed long before the Revolution. Instead of acts of Parliaments from R. II. to Queen Anne, presupposing and recognising the Crown's authority, no parliamentary document whatever has been produced, with a tendency to any inference of the sort. Modern usage, thus backed by Parliament, is alone insisted on by Foster, and ancient precedents by themselves utterly despised—yet a scanty array of *quasi* precedents, ancient, and unsupported, are all that have been ferretted out on this occasion. It is clearly admitted, by the learned advocate for impressment, that successive acts of Parliament, providing for the very case to which the prerogative is said to apply, would be conclusive against it—yet such acts of Parliament, creating the authority from time to time, we trace down the whole stream of English history, till the gulf of the Star Chamber opens to swallow up every thing like law! Then the prerogative, as described, stultifies and nullifies itself at the outset; for, like Glendower's power over the devil, it is represented as only able to call, but not to compel obedience. They talk indeed of an indictment for disobedience; a prurient novelty, in favour of which there is not a syllable to be found in any book whatever of English law. The law of nations leaves the supreme power in every independent state at liberty to admit, or to exclude foreigners at pleasure: and the supreme power in England is the King in Parliament. It cannot be inferred, because the supreme power has intrusted the King with one prerogative, that therefore it has conferred upon him every other of a similar description. But even if it were otherwise, there is no prerogative analogous to this. It is quite distinct from the King's

general power to represent the English government with foreign nations; and is as different from safe-conduct, as the power of pardon is from the power of death. It plainly is not included in the King's jurisdiction over ports, which is itself limited to the two cases of great persons and enemies. Magna Charta, the very scriptures of the English law, as understood and preached by its greatest prophets, pledges to every foreigner the security of an English Parliament. Jefferies, the sacrilegious Jefferies, is, as far as yet appears, the first name in our legal history, who sought by his unholy touch to desecrate the ark of our covenant, and make its simple text of none effect through his tradition! The error in Blackstone is made manifest. Sergeant Hill (according to Lord Eldon the best lawyer in England) answers Sir Edward Northey; whilst the foreigner has an express decision of the courts in Scotland, and a strong judicial intimation from the supreme court at Madras in his favour. The precedents are shown to have no single characteristic, which in the opinion of the most celebrated judges could give them the least legal title to the name. They end where they should begin; some are covered by acts of Parliament, some merely anecdote and hearsay; none asserting the principle of right, and distinguishing it from the mere tiger-spring of force; and *all*, without exception; tainted and damned by being mixed up with *the violent act of deportation*,—and which consequently they might be as fairly quoted to justify, yet the illegality of which, ministers make out to be the excuse for now coming to Parliament for its assistance. Lastly, such Parliamentary assistance granted out, reign after reign, and including the whole period when prerogative could take root, is absolutely inconsistent with any contemporaneous prerogative at all. Considering the nature of the case to be proved, and the evidence, which has been called to prove it, we hope we are not saying too much, when, in allusion 'to the decided opinion' expressed by Lord Eldon, and other lawyers, in favour of this prerogative, we think that 'a propensity to doubt' was *not* the specific 'mental infirmity,' of which, at that moment, they would have been most justified in complaining. Mr Canning, who, upon a hasty view of the subject, saw such a want of present actual vitality, as obliged him to speak of it as lapsed, will, we suspect, upon farther examination, have the candour to discard an epithet which would imply that it once had an existence; and recur to the opinion of the Attorney-General, who in 1818 admitted, 'that without an Alien Act the Crown had no power over individual aliens.' (*P. D.* 38. 828.)

The length to which the legal argument has been protracted by the various outworks which have been thrown up around

this claim, and which we have been compelled successively to carry, leaves us time barely to notice the general topics that remain,—though they involve considerations of the last importance. The wanton hardships, having no reference to its object, which are scattered through the bill, show the indifference with which Legislation works, when it is solely at the expense of those who have no right of remonstrance. The actual instances of abuse, evidence of which has been tendered in Parliament, but refused, are signs of the same spirit, and at the same time proofs of the mischief inherent in such a measure. The tendency of power once in the saddle never to dismount, was never more palpably exhibited than in the exaggeration of a series of insignificant dangers which have been put forward, one after the other, to replace the terrors of the great original necessity of the French Revolution. The example of the heroic characters who brought us through the crisis of our own revolution—through intrigues with Rome and Paris, and two Jacobite rebellions, into the land of promise and of freedom,—and who would not degrade the object of their reverence by the cheap expedient of substituting force for the proper virtues of their station, is a solemn ancestral rebuke on the credulous timidity, which has successively accepted so many paltry pretexts, for those stern and ultimate reasons which may be allowed to justify any measure by which their object is secured. The proposal of a permanent regulation is not only in contradiction with the whole line of argument on which the bill has, from first to last, been defended, but is a breach of faith with Parliament and the people. The advocates of the power have always assured us, that it should be temporary only; and the greatest names among them have expressly declared, that the power was too great for peace, and inconsistent with its laws. Established and confirmed, it will be a standard and example of domestic slavery; an exception which can never be admitted with impunity. It acts immediately upon a body of 25,000 strangers; indirectly on all whom suspicion of our alien policy may deter from seeking refuge or settlement among us. It *must* be abused,—from the nature of power to corrupt,—from the impure sources whence information on such subjects must ever be derived,—from the obscure and invidious class of persons who are the subjects of it,—and from its wanting all the means for the discovery of truth. It is an abandonment of our national sovereignty, and of that proverbial policy adhered to, time out of mind, by us and by every free state; and it must tend to disturb and not secure, our amicable relations with other powers; since a refusal to dismiss will much more readily be felt

as an affront, when an English minister can no longer return his ancient constitutional answer—the impossibility of trespassing on the English law. It is a tacit encouragement to the despotisms of the Continent, a gratuitous injury to our national reputation—and is felt over Europe to connect us more or less with the system of arbitrary violence, and of contempt for the law of nations, by which the privilege of Switzerland as an asylum and independent State (though guaranteed by the most solemn treaty), has been violated and torn away. It makes us hated by our natural allies, the liberal part of Europe, and for no object—and arrests in all countries the progress of more humanized legislation on this interesting subject.*

* Article 11th of the French Code Civil declares, 'A foreigner shall enjoy in France the same civil rights as those which are or shall be granted to Frenchmen by treaty with the nation to which such foreigner shall belong.' According to the note in Burguignon's conference, this article, notwithstanding the letter of it is confined to treaties, is construed (as the text was originally proposed) to establish in all cases the principle of 'an exact reciprocity.' So that although the *Droit d'Aubaine* had been totally abolished by the Constituent Assembly, it was by the force of this provision revived in the cases where this principle applied. This article, coupled with our Alien Act, reconciles the conduct of the French government with the declaration of the French lawyers to Sir Robert Wilson, that under the charter foreigners could not be sent out of France. (P. D. New Series, 1. 774.) 'France has not the same power over Aliens.' Sir J. Mackintosh, 29. P. D. 1150. By act 272, Code Penal, 'foreigners *judicially* declared vagrants may be sent by order of Government out of the kingdom'—a special provision (similar to that in our statute 4. Ed. 6. c. 16, since repealed), which is inconsistent with the idea of a general power. When Sir R. Wilson answered the taunting question, 'what power had sent him out of France?' by replying, 'the same which had broken the Convention of Paris,' he might have fixed the stigma, it seems, more justly upon those who volunteered the sneer. We thus have it in our power to make the condition of our countrymen, in France at least, as secure as we please. Our law in this respect becomes at once and immediately the law of France. Englishmen, therefore, have to thank their own government only for any tyranny which they encounter there. Whilst by a just retribution, we have provided the Bourbons with weapons against ourselves, we ought to feel some shame for that sullen and splenetic policy which has prevented us from taking advantage of an opening thus naturally presented to us for liberalizing, in the great centre of European reunion, the general system of the intercourse of mankind.

An Englishman can scarcely mistake the character of the present times, or the urgent interest which England has in uniting herself with every thing progressive and enlightened all over the world. We have in fact now to choose between those who abhor the British Constitution, and tell us so, and those whose admiration of it constitutes their only crime. It is not for *us* to fear refugees for freedom. The Pope might as reasonably see an Iconoclast in every artist who was bending his pilgrim steps to Rome, and persist that he must be coming for the purpose of destroying the Belvidere Apollo. The English law can of itself punish every criminal act, intrigue or libel, whether by foreigner or by native, and whether tending to disturb our domestic tranquillity or our foreign relations. They who recommend the Alien Act as an instrument for the preservation of peace, seem to forget the only terms on which a solid peace can be maintained. It has already lasted too long, if purchased for a day by a subservient compromise of our rightful interest and dignity, by a disgusting indifference to the happiness of other nations, and to every principle but that of trade, and by our silent acquiescence in the destruction of free governments, and of the very seeds of freedom, in every quarter of the world.

The cause of liberty in Europe is at present what Protestantism was 200 years ago; for liberty is the heresy of our age! Glory and honour to this country, and to those who govern it! if they duly feel the dignity of the station which they occupy, standing in this great moral struggle on 'the Thermopylae of mankind.' They have the resources of a mighty empire, the hearts of a determined people, the strength of virtue, and the wealth, talent, and spirit of indignant freedom, all thrown into their lap, and waiting their command. The cry is gone up from all lands. Let but the tone of their foreign policy rise to the liberality of their domestic system, and that disgraceful contrast with which we have been of late so often and so justly taunted, will cease to be a continental byword against the English name. It is true, an awful responsibility surrounds such topics. There is a stern obedience to reflecting prudence, to which a minister must subdue the generosity of his personal feelings. And if the pusillanimous Polemic shrunk from the remonstrance of his subjects 'in this strange confederacy of the Popish Princes, speedily and effectually to take his sword into his hand,' it should 'be remembered that Elizabeth also stood aloof from the Flemings for a time: as she withstood the eagerness of her nobility and gentry, who, after the massacre of St Bartholomew, volunteer-

ed at their own charge an army into France. Such discretion, however, mingles its thread on the very borders of a faint and treacherous caution—and unless invigorated from a higher source, will sink into that degenerate meanness which loses first its honour, and afterwards the selfish purposes for which we may have made the sacrifice that men and nations can make but once!

The feelings of the English public have been fermenting from day to day, as their countrymen returning from abroad bring in the details of the horrors which they have witnessed. Yet they leave to Government (and wisely) to choose its time for silencing these harpies—*importune volucres*, a union of owl and vulture—who have screeched around our shore in notes irreconcilable with our independence and our peace. In the case of Spain, worse than whilst under the Vandals or the Moors, we must feel a peculiar detestation at the tyranny which has turned our laurel-leaf into nightshade, and poured misery and contempt over a land which we rescued and redeemed in vain. Their patriots are our own. Austria too confers no less proud a title on those leaders of the youth of Italy, whom she passes through the Aulic chamber, the true Trophonius's cave. The brutalizing sway of German force over Italian genius presents the revolting spectacle of a gigantic creature, huge and reasonless, a sort of political Ajax, trampling down with its clouted shoon all the germs of moral and intellectual beauty, which it has not virtue to feel, or understanding to comprehend; and Italy is Boccaccio's Iphigenia, forced into the arms of Cymon, whilst he is yet 'that man-beast' the story finds him,—she degraded to his level, instead of the omnipotence of Love raising him to her's. Venice, crumbling piecemeal into the Adriatic, is but a symbol of the universal decay of the strength and mind of a country, which is sinking under a system whose Alpha and Omega is blind force,—where Nature is thwarted, and those are to govern who should obey. Austria in Italy is an anomaly and a curse, of the same character as the Turk in Greece. When we think of these Governments, rooting out liberal principles, and breathing a thick unwholesome mist around them, they remind us of the monks of the dark ages, at work in their gloomy cloisters, erasing from their parchment Cicero's wisdom and Virgil's beauty, to make way for the Homilies of St Gregory, or Augustin's Commentary on the Psalms! Rebellion against such a rule may be truly compared to the sin of witchcraft; the charge of it is equally indefinite and mysterious, and the same highly gifted individuals are its objects.

Every magnanimous virtue, in these devoted countries, is a suspicion and a crime. The intelligence which would have once burned its owner as a magician, will now hang him as an Exaltado, or incarcerate him as a Carbonaro.

These are the honourable exiles, who, inheriting the principles of Locke and Sidney, have inherited their misfortunes; who, too proud to stand as pictures, *date obolum Belisario*, are scattered over our land; and who, seeking to maintain themselves in their reverses by their talents, only demand that these reverses should not be rendered still more painful by a precarious and grudging shelter. In former days their presence would have been an honourable preference; but Misery is a sacred thing; and should not be less sacred because the ubiquity of despotism leaves England now their only European refuge. Unless we reserve and appropriate all our sympathy for the case of men in power, some drops must stray over for the sorrows of the poor and friendless,—some consideration for their fears,—some apprehension for their danger,—some shame and indignation at the pretexts under which all security against oppression has been denied them. We have formerly received on our shores fugitives, both for religion and for monarchy: But had Burke lived to these days, and seen the wretched reaction of tyranny abroad, he would again have fulminated over Europe, and scattered around those thrones, whom his mighty genius laboured to rescue from impending ruin, the whole eloquence of a soul, whose feelings and imagination seemed to gather vividness and intensity from age. When he gave this pledge, in case politics should ever resume their antient tendency, he could never have anticipated that he should be called upon to redeem it under circumstances like the present. We want a *pendant* to some of his glorious sketches; and those who have wept and shuddered over his representation of royal misery, should have some tears for a people's woes,—for the Scholars and the Gentlemen of Italy and Spain. He would have pushed aside a board which our ancestors never spread; he would not have put such men below the Salt, and served them with menial viands; he would not have pandered to the vulgar insolence of power, by which one class of men wantonly excludes and degrades another; he would not have receded from that old hereditary principle, by which, in all our history, we never sustained a single loss, but by which we have acquired a glory, that nothing but a dereliction of those principles can impair. We have sown over Europe, with our own hand, the seeds of freedom; we have spoken of it always as our common cause;

in heading every resistance to Buonaparte, we proclaimed the great results, more or less specific, which must follow the sheathing as well as the drawing a victorious sword.

Cruel has been the pelfy by which the triumph of national independence has been lowered, on the Continent, to little more than the worthless struggle for a change of masters; miserable the catastrophe where the pen drops poison quicker than the sword sheds blood, and the council table is found more fatal to human happiness than the battle plain! Incalculable the destruction of loyal faith and moral confidence, when, after all the hopes in which we were made to dress ourselves, and the glorious motives by which we were roused and impassioned, the most delightful half of Europe is left to calculate, in chains and darkness, the amount of the advantages which the universal tyranny of a partnership of kings, whose fears and ignorance are covering their kingdoms with sackcloth and ashes, possesses over the universal empire of—a conqueror it is true—but of a Statesman and a Hero;—a man who did more, in a few troubled years, for advancing the countries he enslaved, than their hereditary masters had attempted in the whole history of their race! We are not required to interfere and realize the promises that have been broken; or to come forward and fulfil the expectations which we joined in raising. Sympathy and security for those who fly to us, is the only part of the solemn obligation which circumstances have imposed on us, that we are now called upon to discharge. The humble service asked of us, is a compassionate welcome, and a free, undegraded, unconditional asylum.

Let us Repeal, then, this odious enactment, and, as Englishmen, we still shall not need to blush in the presence of these strangers; but may proudly gather with them, in Westminster Abbey, round Paoli's bust, and read to them, from its inscription, the national testimony of the open arms and open hand with which England received him, after a fruitless attempt to give his country independence. Take away from among us this unholy thing, and our soil will at once recover its ancient saving virtue! our land may then echo again the poet's praise,—‘Slaves cannot breathe in England!’—and truth justify the orator's splendid peroration,—‘I speak in the spirit of the British law, which makes liberty commensurate with, and inseparable from British soil; which proclaims, even to the stranger and sojourner, the moment he sets his foot on British earth, that the ground on which he treads is holy, and consecrated by the genius of universal freedom. No matter in what language his doom may have been pronounced,—no matter what com-

‘ plexion incompatible with freedom, an Indian or an African
 ‘ sun may have burnt upon him,—no matter in what disastrous
 ‘ battle his liberty may have been cloven down,—no matter
 ‘ with what solemnities he may have been devoted upon the al-
 ‘ tar of slavery; the first moment he touches the sacred soil of
 ‘ Britain, the altar and the God sink together in the dust;
 ‘ his soul walks abroad in her own majesty; his body swells
 ‘ beyond the measure of his chains, that burst from around
 ‘ him, and he stands redeemed, regenerated, and disentrall’d
 ‘ by the irresistible Genius of Universal Freedom !’

ART. V. *The Italian Novelists, selected from the most approved Authors in that Language, from the earliest period down to the close of the eighteenth century, arranged in an Historical and Chronological Series. Translated from the Original Italian; accompanied with Notes, Critical and Biographical.* By THOMAS ROSCOE. 4 vols. 8vo. London, 1825.

THESE are very amusing volumes; and present the English reader with the first regular and connected view of a branch of Italian literature much talked of, and very little known, but which has exercised a great influence over the literature of most European nations. On the whole, we do not think the task could have fallen into better hands than Mr. Roscoe's. The selections are generally judicious, and the translation combines fidelity with elegance. The notes, though containing little that is new to those who are studied in Italian, embody, in a very plain and unambitious style, much curious information as to the authors of the Italian Novelle; and the work, on the whole, presents a faithful, though rather too favourable, portrait of the spirit of Italian fiction.

In tracing the progress by which the art of fictitious narrative has advanced from its rude origin to its perfection, we are struck, amidst all the diversities occasioned by government, climate and education, with the singular coincidence of certain phenomena attending its different stages, which have given a kind of uniformity to its history, in all ages and countries of the world.

The infancy of fiction, for example, is every where characterized by a superabundance of incident. Attention is kept awake by rapidity of succession; and the beauty or propriety of individual occurrences, or their relation to each other, is forgotten in the bustle and excitement produced by the train. If

there exist a principle of selection at all, it seems to be in favour of what is most wild and improbable. Every thing is viewed by the Novelist through a veil of mystery, for so the face of nature was actually regarded by those to whom he addresses himself. Ignorant of the laws that regulate the course of the material world, and by which he is afterwards enabled almost to control its movements, man at first regards himself as an inferior being in the chain of existences by which he believes himself surrounded. He humbles himself before the objects of his terror; he endows the elements with will and intelligence; peoples the rocks, mountains and streams, with imaginary beings, to whom he ascribes powers surpassing his own, and, like Tancred in the Enchanted Forest, sees a nymph or a spirit issuing from every tree. The narrator, with an 'untaught innate philosophy,' avails himself of these feelings; and trusting little to the delineation of familiar occurrences, endeavours to excite and sustain attention by touching the master-key of mysterious terror;—by the tales of mythology, the legends of superstition, the detail of those strange phenomena which at times disturb the course of nature, or of those dark and fearful moral calamities which, suppressing the common powers of thought and action, seem to render man a helpless instrument in the hands of an overpowering and irresistible destiny.

As society advances, however, this mode of interesting passes away. Feeling emerges with the increase of intelligence, as warmth follows the dawn. The mind 'touched to finer issues,' is acted on by gentler stimuli. The tales which formerly fettered the reason, are now addressed only to the imagination, and gradually sink into nursery legends. The influence of female society appears more visible, in the less revolting character of the *matériel* of fiction, and in the increasing tendency to the representation of the affairs of actual and domestic life, to which it has communicated so many varied aspects and new attractions. The aim of merely exciting attention by a multitude of incidents, is exchanged for that of touching the feelings, which is found to be more effectually accomplished by a few. The novelist abandons the character of a chronicler or annalist;—he exercises a principle of selection, passes over or details events according to their importance, and their relation to the end he has in view; and, in supplying his imaginary actors with motives, language and sentiments, suited to the scenes in which they are placed, he invents and delineates *character*.

There is still another stage in the progress of fiction:—When knowledge and intelligence have been diffused over the whole

surface of society; when life becomes daily more uniform, decorous and conventional, less subject to strange interruptions—less animated by enthusiasm; when men amply furnished with materials for contemplation, and little solicited by external objects that lead to emotion, desire rather the repose of thought than the stir of action or of feeling; and, in the representation of the things of life, are occupied more with the springs and motives, the hopes or fears which lead to action, than with action itself—then a corresponding character is impressed on fictitious writing. Plots become simple and domestic to excess; the place of incident is supplied by wit, by sentiment, by eloquence, by argument, by metaphysical analysis; and novels, no longer intended merely to amuse, are made the vehicle of communicating dogmata, moral, political, religious, or philosophical, as the authors peculiar vein may incline.

Of course these several stages of fiction do not really stand quite separate and apart. Each rises out of its predecessor, and subsides into the next by degrees; by the gradual dimness and disappearance of some features, the gradual increase and clearness of others: But still, through all the phases which it exhibits, the progress seems to be from the marvellous to the extreme of simplicity, and from a profusion to a penury of incident.

The vast mass of novels which Mr Roscoe has opened up to the English reader, by these interesting specimens, seems to connect the two first periods, and to have originated in that peculiar state of society in Italy—when knowledge had dispelled, in some degree, among the higher classes, the rude ignorance which is the parent of superstitious wonder, but while all the wild and fierce passions of a barbarous age were still abroad, filling Italy with blood and crime, and habituating its inhabitants to scenes of horror and licentiousness. Even in the earliest of the Italian novels, the supernatural machinery which characterizes the rudest efforts of fiction, has disappeared. We perceive traces of a national mind which has already made some progress in knowledge, but none in social refinement—which has escaped from the trammels and terrors of superstition, but is still struggling with that coarseness of feeling and rudeness of taste, which has been induced by centuries of feudal warfare yet unextinguished. We meet with something of the old leaven of a darker era, in the atrocious and revolting character of many of the incidents, the apparent want of confidence in the delineation of gentler feelings, the coarseness of all that is meant for humour, the absence of character, and the principle of rest-

ing the interest and effect of the tale, rather on a number of incidents slightly touched, than on a few more strongly drawn and more richly and carefully coloured.

And singular as it may at first appear, this character which distinguishes the earlier of the Italian *novelle*, is applicable, with little variation, to the whole series, from Boccaccio down to Gozzi and Gironi. The changes which might have been expected in the course of five centuries having, in fact, been arrested, partly by the stationary and unchanging nature of the national character, but still more by the peculiar views with which most of the imitators of Boccaccio (and what Italian novelist is not confessedly so?) appear to have written. Boccaccio, by creating and fixing the prose style of his country, had consecrated even the defects of the Decameron, and for ever given the tone to the Italian novel. Thenceforward he stood, as it were, between nature and his literary posterity; intercepting by his gigantic form the light which she shed, and attracting all eyes to himself as the source of inspiration. The tales of his imitators too seem all to be composed, less with the view of exciting interest by the narratives themselves, which they borrowed or imitated without ceremony, than in the hope of emulating or surpassing that Tuscan elegance of style, in which he had embalmed so many trifling and worthless legends. The incidents they really seem to have regarded merely as the vehicles of fine writing—as slight themes which were to be adorned with all the brilliant variations of which the music of Italian speech was susceptible. Of what consequence was it to an Italian that his tales were indecent—provided his Tuscan was pure?—that his incidents were borrowed,—provided he was master of those flowers of Florentine low life which delighted the classic ears of the Della Crusca Academy?—that his novels were dull and foolish, provided they were told in the most approved language of the ‘*Conciosiacosache*’ school?—The glory they aspired to, in fact, was that of writing elegantly,—not that of writing to the imagination or the heart. And this, while it explains that stationary character, which in our opinion pervades the ‘long file’ of Italian novels, accounts also for that sovereign unconcern, and easy impudence with which each appears to have borrowed the matter of his tales from his predecessors, altering merely names and dates, or slightly varying some minor incidents; a system which, though in other countries it would have been fatal to the reputation of an author, never seems to have weighed much with the Italian critics in their estimates of literary merit.

This general uniformity of manner, though of course it ren-

ders the Italian novelists rather a monotonous and wearisome study to those who make a point of going through them as a matter of historical inquiry, has its advantages for the lazy general reader, who is thus enabled, with much ease and sufficient accuracy, to appreciate the whole character of Italian fiction, from the examination of almost any one individual author of the series: And indeed the whole question of the originality, the peculiarities, the merits and defects of these tales cannot, we think, be viewed with more advantage than in connexion with the first and greatest name on the list,—the Decameron of Boccaccio.

It is almost unnecessary, we presume, to inform our readers, that this work is a collection of a hundred tales, supposed to be told by a party consisting of seven ladies and three gentlemen, assembled at a villa, or rather two villas, near Florence, (the site of which has sadly puzzled the Italian commentators,) to which they had retired from the memorable pestilence which desolated that city in 1348. The tales are supposed to occupy ten days in narration, each member of the party relating ten tales, and presiding in turn over the amusements of the day.

The description of the pestilence, which forms the introduction to the novels, is imitated in its general outline from Thucydides, but filled up with a terrible minuteness of detail, which shows the narrator's personal acquaintance with the miseries of which he is the historian. The pathological accuracy with which the rise and spreading of the disease is described; the gloomy despair, and still more fearful riot and jollity which pervade the town; the numerous and anxious plans adopted by the citizens for their safety—all different, yet all leading to the same fatal result; the universal selfishness and corruption of morals which it produced, are described with a solemn and stately precision, varied occasionally by passages of impassioned eloquence, and a judicious selection of individual incidents, which leave a deep impression of horror upon the mind. Such is the picture of the cattle going out at dawn and returning to their stalls at evening—'quasi come razionali,'—after the death of the herdsmen,—which strikes the imagination with a sense of loneliness and desolation, like that produced by the solitary figure in the midst of a street of palaces, in one of Poussin's delineations of the plague. *

* The story of the Death of the Hogs, looks a little apocryphal, but at all events, the blame does not lie with Boccaccio, for he has copied the incident very literally from the cotemporary chronicle of Giovanni Morelli, p. 280.

When all this machinery of disease and terror has been exhausted, the scene suddenly changes. Florence and the pestilence are shut out, and we find ourselves in the circle of the fugitive party in the embowering shades of the Poggio Gherardi; where, 'seated on the long green grass, where the sun could not enter, beside the cooling murmur of a fountain, and fanned by a soft breeze,' we prepare to listen to the tales of the first day. From this moment all is gaiety among the fugitives; like Lot's family they 'look not back on the city' they had left but two short miles (*due piccole miglie*) behind them. The miseries of Florence, the loss of friends already dead, and the uncertain fate of those who were still alive, are forgotten in the gay round of 'Novelle,' 'Canzoni,' and 'Ballate,' which fill up the hours in this delicious retreat. And thus has Boccaccio beautifully illustrated that anomaly of the human mind, which, in seasons of strange calamity, leads it to indulge a reckless gaiety in the midst of all that is calculated to inspire the profoundest sorrow, and to cling to life with a more desperate spirit of enjoyment, the nearer it seems to hasten to its close. Let us eat and drink, said the Florentines, for to-morrow we die!

The idea of thus enclosing his Tales in a frame-work so as to give a kind of unity to the whole, though it had not yet been adopted by any author, either in France or Italy, (the *Fabliaux* and the *Novellino* having been the work of numerous hands), was by no means the invention of Boccaccio. In the East, the great fountain from which the fictions of modern Europe were at that time derived, the plan was well known; and there, with the characteristic fondness of the Orientals for parabolic instructions, the Tales are generally represented as related for the purpose of conveying some important moral lesson, or effecting some great end of domestic or state policy. In the *Dolopathos*, of which it is supposed Boccaccio possessed a manuscript copy, and the general outline of which will be familiar to English readers, from the imitation under the title of *Turkish Tales*, the story which forms the connecting link of the rest, is that of a young prince, who, resisting the guilty love of one of his father's queens, is accused by her to his father of the very crime he had refused to commit;—in short, an Oriental version of the *Phædra* and *Hippolytus*. The father hesitates, however, about condemning his son to death, and the queen relates a tale, the object of which is, to overcome his irresolution. This is met by a counter tale on the part of the young prince's tutors, to show the danger of rash measures. The queen replies in a third—and so on, till the invention of the author is exhausted. This was sufficiently ab-

surd; and Boccaccio, while he saw the advantage of connecting his tales, judiciously abandoned the idea of rendering them subservient to any higher purpose than that of amusing the party among whom they are told.

The invention to which he had recourse was certainly extremely beautiful. We cannot agree with Warton that the frame-work of the *Canterbury Tales* is in its general design superior to that of the *Decameron*. For though, as Mr Dunlop has remarked, Chaucer's plan of a pilgrimage has this advantage, that the subject has thus a natural limitation, while Boccaccio's has no other limit but the imagination of the author, the design of the former seems to us to be liable to a more formidable objection—that tales told on horseback to a party of twenty-nine persons, could never have been heard by them all. Perhaps of all modes of introducing a series of tales, none affords such advantages as that of placing the scene at sea, and supposing the tales related to dissipate the ennui of a voyage. And indeed it appears to us rather singular that so natural and obvious a plan should have so seldom been employed,—none of the Italian novelists having adopted it before Cintio, who supposes, that on the Sack of Rome by the Constable of Bourbon, ten ladies and gentlemen sailed for Marseilles, and, during the voyage, related the *Tales of Hecatommithi* for their amusement.* The extent of these '*entretiens des voyageurs sur la mer*' is thus limited by the voyage, in the same manner as by Chaucer's idea of a pilgrimage; while the party are enabled to narrate or to listen, with the same convenience as among the shady walks and marble fountains of the *Villa Palimieri*.

In appreciating the inventive powers of Boccaccio from the tales to which this powerful introduction forms the prelude, our readers are probably aware that much difference of opinion prevails among Italian critics. While some are anxious to increase still farther the glory of the '*Tuscan artist*' by denying his obligations to his predecessors, others have been equally solicitous to display their own critical acumen and research, by converting every trifling resemblance into a plagiarism. Perhaps the strangest whim is that of the learned Manni, who, with the professed view of exalting the literary glory of Boccaccio, endeavours to prove, in an amusing but most inconclusive quarto, that every one of Boccaccio's novels is founded on some popular tale then current in Italy, or on

* The novels of Bisaccioni (a writer of the 17th century) are also supposed to be narrated '*sopra una nave, mentre questa era vicina per entrare in porto.*'

the historical events of the time.* It is not our intention to enter on the details of this *questio vexata*, which has already been done in a way that admits of no improvement by Mr Dunlop in his admirable *History of Fiction*; but we may state generally what appears to us to be the result of a careful comparison of the *Decameron* with the works of the ruder novelists who preceded its illustrious author.

The sources which are commonly supposed to have furnished the greater part of his materials, are the various collections of *Oriental Tales* which were then current in Italy; the *Gesta Romanorum*, the old collection entitled the *Novellino* or *Cento Novelle Antiche*, and the *Fabliaux*. His obligations to these works, however, must be very differently proportioned.

The mass of Arabian Fiction, as far as we are acquainted with it, seems to arrange itself in three classes: Those supernatural tales, the brilliant machinery of which has influenced so strongly the imaginative literature of Europe; Tales of domestic and comic adventure often singularly ingenious in their structure, and in which the events are produced merely by human agency; and those apologues or parables, in which the incidents are typical of some deeper and mystical meaning. Each class seems to have found its own admirers when the influence of Oriental fiction began to be felt in Europe. The supernatural world of Arabian fiction was transferred to the longer and more elaborate romances of chivalry;—the moral and mystical fictions were appropriated by the monks, and incorporated with the lives of saints and martyrs;—while the world of common life with its lively pictures of gallantry and ingenious knavery, was congenial to the more worldly and unspiritualized character of the *Trouvères*, and was imitated by them without ceremony in the *Fabliaux*.

With what may be considered the higher or epic class of Arabian fable, Boccaccio has no connexion. He had no relish for

* Not content with giving a local habitation and a name to the events and character of the Tales, Manni will have it that Boccaccio's party did actually meet just as described in the *Decameron*, and he thus gravely adverts to the difficulties of the subject—"Non intendo io però come l'adunanza descritta, composta in gran parte di femminili persone, avesse potuto agevolmente dilungarsi da Firenze a piedi, per giugnere alla villa di S. Anna presso Prato, e come agevole fosse stato loro altresì in tempo di grande infezione passare liberamente da più luoghi guardati e custoditi, a cagione della medesima pestilenza, quanti e credibile che se ne trovassero in sì lungo tratto;" and therefore he is inclined to bring the scene of action nearer Florence.

the marvellous, and no taste for the employment of supernatural machinery. The Moral Apologues of the East had been collected principally in the Clericalis Disciplina of Alphonsus, and in the Gesta Romanorum; and from these, as well as from the old collection in the Novellino, which blends the orientalism of the Gesta with the fables of Chivalry; and with the historical incidents of the time, Boccaccio has certainly adopted several tales, and many particular incidents. But in almost every case he has done so with so many improvements;—and has so finely varied the incidents, filled up a meagre outline, retrenched the absurdities of the original, improved the dialogues (which are rare), and clothed the whole with so rich a colouring of style, that, in every thing which renders invention valuable, he may be said to have invented them. He has appropriated them to himself, as La Fontaine afterwards did the tales of the Decameron, by giving them a new character; he found them of brick, and he left them of marble.

The other great branch of Arabian fiction is more intimately connected with the spirit of the Decameron, though the influence which we trace was probably only of a mediate nature. The numerous tales of common life in which the imagination of the Arabian fabulists,—rarely, if ever, exerted in the delineation of character, and painting men only in masses, and through the medium of professions,—had exhausted itself in the invention of adventures of a comic nature, in the contrivance of *imbroglios* and mistakes, in the artful arrangement of a chain of incidents, of which the extremes would often appear the most remote and improbable, were they not so happily united by the intermediate links, that the reader almost feels that any other termination would be out of place;—these tales had met with congenial admirers among the *Trouvères*. Too much men of the world to indulge in visions of marvel and romance, they adopted the humbler manner of the Arabian fabulists, applied it to the circumstances of their own age, and gave birth to a multitude of tales of intrigue and knavery, and sometimes of gallantry and chivalrous devotion. Among these the comic preponderates; but in the few specimens of a more serious kind which they have left, they have displayed powers of no ordinary kind. The tale of Aucassin and Nicolette, * is, in ingenuity and beauty of incident, fully equal to any in the Decameron. In the comic or serio-comic class, none of Boccaccio's equal the frequently

* This tale is translated in Way's *Fabliaux*, and has been very ingeniously converted by Madame Murat into a Fairy Tale, under the title of *Etoilette*, in the *Lutins de Kernosy*.

imitated tale of *Les Trois Bossus*, or the graceful levity of *Le Manteau mal taillé*. In fact, the advantages they possessed enabled them to paint with peculiar force, truth and vivacity. Men, in general of acute and vigorous mind, though destitute of learning, and too often of principle; welcome guests in all society from their powers of amusing, but respected in none; experiencing every extreme of life, and apparently at home in all; sometimes dispelling the ennui of baronial castles; at others courting the society of humble vassals; and, wandering on the earth without any thing to attach them to their kind, they had the amplest opportunity of observing accurately, and painting impartially, the changes of many-coloured life; and, if neither their ability nor their inclination prompted them to invent new worlds, they may fairly be said to have exhausted that of French manners in the thirteenth and fourteenth centuries. It is from these light and joyous compositions, and not from the *plat* and heavy annalists of the time, that we derive the best knowledge we possess of the state of society at that period. 'A straw thrown up into the air,' says the learned Selden, 'will show how the wind sits, which cannot be learned by casting up a stone.'

The style of the *Fabliaux*, too, though frequently disgustingly coarse, has in its general character a lightness and buoyancy, a tinge of naïve humour and vivacity, which breathes of the sunny skies and vine-covered hills of France; and which was singularly congenial to the mind of Boccaccio, accustomed to look on life in its brighter aspects, and, even in his tragic tales, indulging only a pleasing and tempered melancholy. Accordingly, it can hardly be doubted, that much of the general manner of the *Decameron*, so different from the unbending pomp of the *Fiammetta* and *Filocolo*, has been borrowed from the *Fabliaux*, though it appears there modified in such a manner as we should expect, by a union with classical recollections, and the more diffuse and turgid style of the romances of chivalry. It is in this view, then, rather as having copied the manner of the *Trouvères*, than as being indebted to them for particular tales, that Boccaccio is really an imitator. It is true we are in possession only of a small part of S. Palaye's vast collection; but out of a hundred and fifty-six specimens given by Le Grand, not more than six appear to us to have been directly borrowed by Boccaccio.

After all, then, a vast number remain to which he has an undoubted claim; and, what is of more importance, these are the best in the book. No lynx-eyed critic has yet deprived him of the invention of the *Falcon*,—the simplest, the least laboured, yet the most touching of all his tales;—of the deeply pathetic

story of Girolamo and Salvestra—the tale of the Lovers poisoned amidst their holiday rejoicings by the laurel leaf—the Pot of Basil—Sigismunda and Guiscardo—the happy illustration of the power of love contained in Cynon and Iphigenia,—each perfect in its own class, and unequalled in the range of Italian novels. As a proof, too, how totally different are the imitations of Boccaccio from the rude originals on which they are founded, perhaps no fairer illustration could be selected than the well known tale of Titus and Gisippus (8th Giorn. 10.), which will be familiar to the English reader in the Alcander and Septimius of Goldsmith. The main idea of the story may be found in three writers before Boccaccio. It occurs in the Clericalis Disciplina of Alphonsus, in the Gesta Romanorum (Nov. 171.), and in the collection of Le Grand, under the title of Les Deux Bons Amis. But all the better and more interesting parts of the tale are Boccaccio's; who has adorned the whole with a brilliancy of colouring which renders this legend, in the opinion of Italian critics, the most eloquent in the Decameron, or perhaps in the Italian language.

And this brings us to the style of the Decameron, in which, whatever may be thought of his incidents, Boccaccio's claims to originality are undoubted. And when we reflect what powers of mind were necessary to evolve order and beauty from the chaos of the Romanzo dialect, as it then existed, without models and without assistance,—and to frame a narrative style, which is at this day the standard to which the most eloquent of his countrymen are proud to conform, we may doubt whether the task does not demand a higher reach of intellect and imagination than any arrangement of incidents, however new and ingenious. Whether that style is the best adapted for the purpose of narrative, is another question. It is certainly the very perfection of elaborate musical writing,—flowing on like a copious river, confined by no narrow banks, broken by no precipices, and filling the ear and soothing the mind with a soft and ever-varying murmur. Perhaps this extreme sweetness becomes at last wearisome, and we long for some interruption of this melodious current,—some cessation of this stream of language,

‘Which runs, and as it runs, for ever would run on.’

Undoubtedly the style of the Decameron is too musical and diffuse. The most tragic and the most comic events, description, narrative, and dialogue, are all given with the same plethoric fulness, the same ‘solemn loquaciousness’* of expression, which

* ‘Feierliche geschwätzigkeit.’ Bouterwek.

has since tinged the whole literature of Italy. But though objectionable as a whole, it is peculiarly calculated to produce an effect in tales of a quiet and pensive cast; and the recollection of some particular passages of melancholy beauty which we have long ago read, must often recur, we think, to the mind of every one who is not insensible to the pathos of sound.

To us the great charm of the Decameron consists, not so much in the effect of particular tales, as in the peculiarly happy manner in which the vast and varied materials it contains have been arranged, so that each occupies its proper share of importance and attention. The great aim of Boccaccio seems to have been to avoid all exaggeration, to render nothing too prominent or engrossing, to exhibit sketches rather than pictures of life. The spirit of the middle ages rises indeed before us, but its form is misty and dim. The actors of his Dramas—the petty princes and rude nobles of Italy, monks, nuns, pilgrims, merchants, usurers, robbers, and peasants—pass before us as in a brilliant but rapid procession, where the eye has no time to pause on individuals, and the mind retains little beyond the impression, that a stately and imposing pageant has gone by. The moving picture of the Decameron is purposely painted in a calm and subdued tone, with no strong lights or deep shadows, but tinged all over with a soft glow of kindly feeling, and breathing the very spirit of serenity and repose. Nothing is glaring, nothing oppressive: pathos and humour, incident and description, activity and repose succeed each other as in the drama of life, none engrossing attention, none excluding another, but all blending in tempered harmony. The vast range of Boccaccio's mind, which prevented any exclusive devotion to one class of feelings, is imaged forth in the infinite variety of the Decameron; and the admirably balanced union of powers which he possessed, in the profound art with which its discordant materials are reduced to a consistent whole.

In fact, when we begin to analyze more minutely the features of Boccaccio's mind, it will at once be seen that his strength lay in their union. Character painting, was not the mode of the age; and Boccaccio was even less gifted in this respect than his cotemporary, our own Chaucer, as the least comparison of the personages of the *Canterbury Tales* with those in the Decameron, will evince. Boccaccio's are distinguished merely by station or sex; each of Chaucer's is marked by such characteristic traits, that he cannot possibly be confounded with his companion. 'I know them all,' says Dryden, 'as well as if I had supped with them.' Chaucer painted by minute touches, by the observance of small traits of character, and even of language. Boccaccio saw

only the broader shades of distinction, and painted what he saw. In the same way, his pathos, though pleasing is rarely deep. It seldom agitates the mind with any strong emotion, or leaves any other impression on the memory but that of a vague softness. His humour we cannot help thinking exceedingly indifferent; and, indeed, this remark applies to the whole series of Italian Novels, nothing being, in general, more melancholy than their wit, or more forced than their humour. Coarse allusions to personal defects, and practical jokes, are the wit of a rude age; true wit and ingenious pleasantry is the production of a very advanced state of civilization; and Boccaccio only reflected, in this particular, the manners of his times. Neither do we think that his powers of description, though considerable, are of the highest order. Except in the gloomy portrait of the plague, and in some few of the rural descriptions which preface or conclude the tales of each day, there is little that can be called forcible or defined. The vivacity and clearness of the ideas seem always to be sacrificed to the elaborate polish of the style.

It is time, however, to come more particularly to the specimens before us. From the hundred tales contained in the Decameron, Mr Roscoe has selected nine, as illustrating the genius and manner of Boccaccio. These are the story of Landolfo Ruffolo, (Nov. iv. Gior. ii.)—Madonna Beritola, (Nov. vi. Gior. ii.)—The Count of Angiers, (Nov. viii. Gior. ii.)—Cimon and Iphigenia, (Nov. i. Gior. v.)—Nastagio degli Onesti, (Nov. viii. Gior. v.)—The Falcon, (Nov. ix. Gior. v.)—Calandrino, (Nov. iii. Gior. viii.)—Mithridates and Nathan, (Nov. iii. Gior. x.)—and Saladin and Torello, (Nov. ix. Gior. x.) It is not easy to read this list without some surprise. The first question naturally is, where is Girolamo and Salvestra, Pasquino, Isabella, Griselidis, Sigismunda? Perhaps, it may be said, it was impossible to admit them all; and Boccaccio's powers in the pathetic are sufficiently shown by the specimen of the Falcon. But surely *any* of these we have named would have been preferable to some which have been admitted. What claims on our attention do the insipid stories of Madonna Beritola, of Landolfo Ruffolo, and the Count of Angiers possess, which, we suppose, are meant as specimens of the novels of adventure? We are quite aware that there are reasons for not extracting many of the best tales of the Decameron, which every translator of the present day is bound to respect; and we are far from wishing to see licentious or immoral tales transferred to these specimens, merely because 'the story is extant, written in very choice Italian.' But still, we think, Mr Roscoe might have contrived to avoid this, and, at the same time, materially im-

prove his selections. There are many of Boccaccio's best tales, where the omission of a few sentences would remove every thing objectionable, and this is a liberty which we observe Mr Roscoe has occasionally taken in those he has extracted. We wish he had applied it to some he has omitted. As a specimen of Boccaccio's *Tales of Adventure*, how much superior is the *Bernabo da Genova* to the *Count of Angiers*, besides the extrinsic interest it possesses for us as the foundation of the principal plot of *Cymbeline*? And how different is the *Tale of Titus and Gisippus*, full of adventure and eloquence, from the meagre anecdote of *Landolfo Ruffolo*?—The other specimens, however, are sufficiently judicious. *Cimon and Iphigenia* is a fine illustration of the power of beauty; and *Nastagio*, though not a very effective tale in itself, and borrowed by Boccaccio from a monkish chronicle, derives interest from the beautiful imitation of Dryden, *Theodore and Honoria*. There is also an imposing pomp about the story of *Torello and Saladin*, which, without any remarkable feature, renders it a favourite with us. As illustrative of Boccaccio's comic powers, we have only the tale of *Calandrino*—and perhaps it was the best that Mr Roscoe could have selected. The comic tales are, in general, dangerous ground, and it was no easy matter to find one which combined humour with delicacy. This story is the representative of a vast class of Italian tales, to which we will afterwards have occasion to allude,—founded on practical jokes, absurd or impossible in themselves, but generally detailed with considerable ingenuity, and sometimes exciting a smile by the oddity of their conception. We regret that our limits will allow us only to extract Mr Roscoe's translation of the *Falcon*.

Federigo degli Alberighi becomes enamoured of a lady of Florence, called *Monna Giovanna*—ruins his fortune by a succession of tournaments, feasts, and banquets, in honour of his mistress, who takes no notice of his suit,—retires stripped of his vast possessions to a little farm, by the produce of which he contrives to procure a bare subsistence—and carries nothing with him but a favourite falcon, the last memorial of his days of splendour. His cruel mistress in the meantime marries, and is left a widow with one son; who, coming with her to reside in Federigo's neighbourhood, conceives a great admiration for his falcon, and falling sick, implores his fond mother to endeavour to obtain it for him. She consents with some reluctance: and the story proceeds.

'This promise brought a beam of joy into the boy's countenance, and the same day he shewed evident signs of amendment. The next morning *Monna Giovanna*, taking with her another lady as a companion, proceeded to Federigo's humble habitation, and inquired for him,

As it happened not to be a day fit for hawking, he was in his garden, and desired one of his people to go to the gate. He was beyond measure surprised when he heard that Monna Giovanna was asking for him, and ran in great joy to meet her. As soon as she saw him approach she gracefully moved to meet him, and respectfully saluting him, said, "Federigo, I am come to recompense you in some sort for the evil you have received at my hands, at a time when you loved me more than was wise on your part, and the recompense I intend is to make myself and my companion your guests at dinner to-day." To which Federigo with great humility replied, "Alas! Madam, I do not recollect to have received any evil at your hands, but so much good, that if it were ever in my power, I should be happy, for the love I have borne you, and more so for the honour of this visit, to expend my fortune a second time in your honour;" and thus speaking, he respectfully led her into his house, and thence conducted her into his garden, and there, not having any other person to introduce her to, said, "Madam, this good woman, the wife of my husbandman, will wait on you whilst I prepare our table." Living in extreme poverty, Federigo was seldom in a state to receive any one in his house, and this morning being less prepared than usual, and finding nothing to show respect to a lady, in whose honour he had entertained such numbers of people, he was grieved beyond measure, and stood in great perplexity, inveighing against his evil fortune as a man bereft of his senses, and running hither and thither, and finding neither money nor provision, and the hour being late, and his desire being great to show the lady some mark of attention, and happening to cast his eyes on his favourite falcon, which was resting on its perch in his chamber, and seeing no other resource, he seized the poor bird, and finding it fat and in good condition, thought it would be a dish worthy of the lady, and without further hesitation he wrung its neck, and giving it to a girl, ordered her to pluck it and place it on the spit, and carefully roast it. He then spread on his table a napkin of snowy whiteness, one of the few things which yet remained to him of his former possessions, and after some time, with a cheerful aspect, returned into the garden to the lady, and told her that a dinner, the best he could provide, was prepared for her. On this the lady with her companion went and seated themselves at the table, where Federigo with great courtesy waited on them, whilst they unknowingly eat his favourite bird. When they had risen from table, after some agreeable conversation, it seemed to the lady to be now a proper time to make known the purpose of her visit, and turning politely to Federigo, she thus spoke: "Calling to recollection your past life, Federigo, and remembering my reserve, which you perhaps esteemed hard-heartedness and cruelty, I doubt not that you will wonder at my presumption when you learn the object of my visit; but if you now had, or ever had had children, and knew the strength of a parent's affection, I feel assured that you would in some measure pardon me; and though you have none, I who have a dear and beloved son, cannot yet forego the common affections of a mother. I am

then by maternal love and duty, compelled to ask of you the gift of a possession, which I know is indeed very dear to you, and justly so, since your evil fortune has left you no other comfort in your adversity. The gift then I ask is your falcon, which my son is so desirous of possessing, that if I do not obtain it for him, I fear it will so far aggravate the illness under which he labours, that I shall lose him. On this account, therefore, I entreat you, not by the love which you profess for me (by which you ought in no degree to be governed) but by the magnanimity of your character, which is better manifested in a courtesy of this kind than in any other way, that you would do me the favour to bestow it on me, so that by this gift I may be enabled to preserve the life of my dear and only son, and I shall myself be for ever indebted to you." Federigo thus hearing the request of the lady, and seeing it out of his power to gratify her, as he had served his falcon for dinner, began in her presence to weep most bitterly, and became unable to utter a word in reply. The lady supposing that Federigo's grief arose from his affection to his falcon, and his regret to part with it, and expecting a refusal, prepared herself for the worst. "Since the hour, most honoured lady," began Federigo, "that I first fixed my affection on you, I have always found Fortune most perverse and cruel to me, but all her blows I consider light in comparison with the one she has now dealt me, seeing that you have condescended to visit my house, which when I was rich you would not deign to enter, and entreat me for so small a gift, for she has so contrived that it is not in my power to grant it you, and why it is not you shall briefly hear. When you informed me that you meant to honour me with your company to dinner, considering your rank, and that it was only proper that I should pay you due honour by procuring every delicacy in my power, as is becoming on such occasions, and recollecting the falcon which you now request of me, and its many excellent qualities, I considered it a dish not unworthy to be placed before you, and I therefore this morning served it up to you roasted at dinner, a thing which at the time I considered most opportune, but finding now that you wished to possess the falcon alive for your sick son, my inability to gratify you grieves me so far, that I think I shall never know happiness more." In confirmation of his words he then produced the feathers and beak and talons of the poor bird. Monna Giovanna at this recital reprehended him for killing so fine a falcon for a lady's dinner, at the same time however highly commending in her own mind his magnanimity, which it had not been in the power of fortune to abase. The lady having thus lost all chance of possessing the falcon, and despairing of the recovery of her son, thanked Federigo for the honour done her, and for his intended good will, and departed very much dejected. Her son, either through pining for the falcon, or from his complaint being aggravated by disappointment, died a few days after, to the great grief of his mother. After having for some time indulged her sorrow and tears, her brothers seeing that she was left extremely rich, and was still young, entreated her to marry again. This she was not desirous of doing, but finding herself con-

stantly assailed by their request, and recollecting the noble conduct of Federigo, and this last instance of his magnanimity, in having sacrificed the finest falcon in the world out of respect to her, she said to her brothers, "I should willingly, if it were agreeable to you, remain in my present state, but if you insist that I marry, I will assuredly take no one for my husband but Federigo de gli Alberighi." On which her brothers smiling, replied, "What folly is this! Would you marry a man who is a beggar?" To this she answered, "Brothers, I well know that the matter is as you state it, but I chuse rather a man that hath need of wealth, than wealth that hath need of a man." The brothers seeing her fixed determination, and knowing the genuine worth of Federigo, notwithstanding his poverty, bestowed their sister on him with all her fortune. Federigo thus unexpectedly found himself united to a beautiful lady whom he had long dearly loved, and passed the remainder of his days in peace and happiness. — I. pp. 194-200.

Our readers who compare this tale, the simplicity of which is very happily preserved by Mr Roscoe, with the laboured versions of La Fontaine and Barry Cornwall, will be at no loss, we think, where to bestow the preference.

We have been so long occupied with Boccaccio that we must pass rapidly over his successors; and indeed most of them resemble each other so closely, and possess so few characteristic features, that little more than an enumeration of their works can be given.

First in the list is Franco Sacchetti, (1335 to 1440), a contemporary of Boccaccio, though his novels were not written till after the Decameron had been some time in circulation. His *Novellino* consisted of 300 tales, but of these only 258 have yet been printed. He is a great favourite with Italian critics, principally, we should suppose, on account of his style, for assuredly his tales have little else to recommend them. They are unconnected by any framework, and consist in a great measure of meagre historical anecdotes, or indifferent jests. A few out of the large number contained in his *Novellino*, are no doubt amusing, but there is none that bears the stamp of genius, or displays any knowledge of character, none which strongly rouses the attention, exalts the imagination, or touches the heart. Mr Roscoe seems to have a kind of favour for him, however, for he gives no less than *ten* of his tales. The first of his specimens, which is the second of Sacchetti, is rather a lively story, which has been several times imitated. An abbot who had incurred the displeasure of Bernabo, Lord of Milan, is sentenced to pay a fine, unless he answer four questions, viz. What is the distance from earth to Heaven? what quantity of water is there in the sea? what do people do in the infernal regions? and, what is the value of the governor's

person? The abbot, who was by no means an *Cædipus*, suggests that the miller of the convent, a fellow of some talent and unbounded impudence, should personate him next day, and answer the questions. The miller readily undertakes the mission, and, on being interrogated, answers coolly, that the distance from earth to Heaven was precisely thirty-six millions, eight hundred and fifty-four miles, seventy-two yards, and twenty-two feet,—offering, if any doubt remained, to submit the point, in the usual way, to arbitration. He gives similar answers to the second and third questions. The fourth, which was the main difficulty, he resolves by valuing the person of the governor at two shillings and five pence,—and when the enraged governor demands to know on what principle his calculation is founded, he reminds him that Christ had been sold for thirty pence, and that he cannot object to be rated a penny lower!—The 132d novel of Sacchetti, which is quoted by Mr Roscoe, may have suggested some hints to Cervantes; for the adventure of Brother Antonio has a pretty close resemblance to the conduct of Sancho during the attack on Barataria. Another tolerably amusing specimen, quoted by Mr Roscoe, is (No. 140.) the story of Three Beggars, who receive a farthing from a stranger, who tells them it is a shilling. When the reckoning comes, each suspects the other of having embezzled the coin, and a general battle ensues. This novel of Sacchetti, which is the third of Sozzini, (not the second, as mentioned by Mr Dunlop), is borrowed, but certainly not improved from the fabliau of the Three Blind men of Compiègne, but the fabliau itself is obviously taken from the adventure of one of the Barber's Brothers in the Arabian Nights.

The next of the Italian novelists is Ser Giovanni, a Florentine notary. His work, which is entitled *Il pecorone* (the Duncce), and contains fifty tales, supposed to be related by a monk and nun, of Forli, was begun in 1378, but not published till 1558. Five of his novels are given in this collection, of which the 1st and 2d of the first day are the best. The second, which is also the 4th of the 4th night of Straparola, is imitated from an Eastern tale in the *Bahar Danush*, and besides its own merit, which is considerable, is interesting, as containing the germ of those scenes in the *Merry Wives of Windsor*, where Falstaff confides to Ford, under the name of Brooke, his progress in the good graces of his wife. Another tale also of Eastern origin, which is not quoted by Mr Roscoe, (1st of the 4th day), contains the outline of that part of the plot of the *Merchant of Venice* which relates to the bond for the pound of flesh. Some of the historical novels are interesting as showing the profound igno-

rance of foreign history, which then prevailed in Italy. Our Henry the First, we are told, left the crown of England to his son Stephen. That Monarch bequeathed it to a second Henry, who was succeeded by his son John. He dying without issue, is succeeded by Richard. John is a particular favourite with Ser Giovanni. 'I know not' says Mr Dunlop, 'how King John, unless it was by his dastardly submission to the Pope, obtained such high reputation in Italy, but the novels of that country, particularly the *Cento Novelle Antiche*, are full of instances of his generosity and courtesy.' This conjecture displays Mr Dunlop's usual ingenuity, but we suspect that in as far as regards the *Cento Novelle*, both he and the translator of these specimens have fallen into an error. Mr Roscoe has no doubt translated the tales in the *Cento Novelle*, as if they were applicable to King John; but if he had looked at the edition of 1572, by the Giunti, he would have seen that the hero of these novels is not '*Il Re Giovanni*'—(King John), but *il re giovane* (the young King), an appellation bestowed on his eldest brother Henry, who governed in Normandy during the life of his father Henry, *il re vecchio*: The word *giovane*, too, is printed without a capital, and in novel 49th, where another King John is mentioned,* the word is spelt *Giovanni* in the usual way. Besides all the incidents in the novel correspond with Henry's history. John, as far as we know, never did revolt against his father, though his brothers Henry, Richard, and Geoffrey did, and Henry actually died at Chateau Martel during his father's lifetime, in the manner related in the novel.

Massuccio of Salerno follows Ser Giovanni. His tales, which amount to fifty, are divided into five parts, each of which is devoted to the illustration of some particular maxim. They are considered more original than those of his predecessors, but his manner is flat and heavy. None of the tales quoted by Mr Roscoe with the exception of the 32d, which is in substance, the same with the *Giulietta* of Luigi da Porto, and the *Romeo and Juliet* of Shakespeare, possess any great interest.

The Three Tales from the *Portrettane* of Sabadino degli Arienti, which follow, are in the same situation.

The next tale, though the solitary production of the author, is of a higher order. This is the celebrated *Giulietta* of Luigi da Porto, which the research of Mr Douce has endeavoured to trace as far back as the *Ephesiaca* of Xenophon Ephesius. The coincidence however is really excessively slight; and for

* D'una campana che s'ordino al tempo del Re Giovanni.

any thing we can see, might be accidental. The only incident in the Greek Romance which corresponds with the plot of *Da Porto* and *Shakespeare*, is, that *Anthia* drinks a potion to avoid her marriage with *Perilaus*. But she believes it to be poison, and not a sleeping draught. Every thing else is totally different. *Anthia* is rescued from the tomb by robbers; and the lovers, instead of expiring by each other's side, are happily united. The reader will find the story in the third book of *Ephesiaca*. But from whatever source *Da Porto* may have taken the hint of his Tale, he has adorned it with so many new and striking traits, that it possesses all the spirit of an original. This novel does not appear to have been the immediate source from which *Shakespeare* borrowed, or if it were, his alterations are by no means judicious.

Passing over the uninteresting names of *Brevio*, *Parabosco*, and *Marco Cademosto da Lodi*, we come at last to an author whose manner is distinguished by something characteristic and original. *Giovambattista Giraldi Cintio*, published his *Hecatommithi* or *Hundred Fables* in 1565. His work is divided into two parts, each containing five decades, composed of ten novels each. His tales are distinguished from those of his predecessors by greater boldness of conception and execution, and by a wild and tragic horror which strongly rouses the attention, even while it is revolting to the feelings. 'He appears,' says *Mr Roscoe*, 'to have exhausted the catalogue of human crimes, and to have ransacked every country and every age; sparing neither classic nor romantic traditions, for subjects which he might dissect and display to the world in all their horrible minuteness.' And yet, on the whole, the *Hecatommithi* is prodigiously dull. We grow familiar with atrocity, and disgusted with impossible horrors. We may feel a momentary pleasure in contemplating the convulsions of the moral world, as well as of the physical, but the mind can repose permanently only on order and regularity.

Cintio has nevertheless been a great favourite with our dramatists. The influence of his tales, and those of *Bandello*, as *Mr Dunlop* justly observes, is strongly visible in the atrocities which abound in the plays of *Ford* and *Shirley*. The Seventh of the 3d Decade has furnished *Shakespeare* with the plot of *Othello*, which, however, he has materially improved; and the 5th of the 8th Decade has suggested that of *Measure for Measure*. We observe, that in the specimens *Mr Roscoe* has given (none of which possess much merit), he has avoided the tragic tales of *Cintio*. We doubt whether this was judicious; for whatever may be the faults of his tales, it is only as a tragic

novelist that he is in any way distinguished from the mass of his countrymen.

Next in order is Antonio Francesco Grazzini, in our opinion by far the best of the Italian novelists, with the exception of Boccaccio. His genius inclined him principally to the comic; and his manner possesses a graceful lightness, which contrasts to much advantage with the stiffness of the *Hecatomithi*, and approaches nearly to the style of the *Decameron*. The interest of his tales does not arise, however, from the vividness of his pictures of life and character. They are chiefly stories of practical jokes, sometimes ingenious, but almost always improbable and cruel.* We are tempted to make an extract from the first novel of the Second Evening, which Mr Dunlop considers the best of his tales, and which is certainly amusing enough.

Lazzaro, a foolish creature, who, by the death of all his relations during a disease which prevailed in Pisa, had succeeded to a large property, contracts a great friendship for a fisherman in his neighbourhood, named Gabriello, who happened to resemble him so closely, that their friends could hardly detect the difference. During one of their interviews the conversation turns on fishing, and the idiot is seized with the desire of accompanying his acquaintance to the river side to take a lesson.

They bent their way through the *Porta à Mare*, directly towards the Arno, along the fence of pales, above the great bank crowned with alder-trees, spreading a most delicious shade. There the fisherman begged his patron to sit down and refresh himself, while he observed the manner in which he should proceed. Having first stripped himself, he bound the nets round his arms and neck, and then, boldly plunging into the river, down he went. But being a complete adept at his business, he rose again very shortly to the surface, bringing up with him at one drag, eight or ten great fish, all of the best kind. This was a real miracle in the eyes of Lazzaro, who could not divine how he could possibly see to catch them under water, and he resolved to ascertain the manner in which it was done. With this view, being a hot July day, and thinking that a cold bath might refresh him, he prepared, with Gabriello's assistance, to step in. He was conducted by him to a shallow part, and when about up to his knees, Gabriello left him to his own discretion; only warning him, that though the bottom shelved down very gradually, he had better go no farther than where a certain post rose above the rest, and pointing

* Incredible as most of the Italian hoaxes appear to be, we observe one related by Madame Genlis, as having been actually played off by her husband on a painter named Firmane, quite in the spirit of these tales, and at least as improbable as any of them,—*Vol. I. Mémoires*, p. 155, *et seq.*

it out to him once more, he pursued his business. Lazzaro felt singular pleasure in being thus left to himself, and splashing about, performed all sorts of antics in the water. His eyes were often fixed in admiration upon his friend Gabriello, who every now and then rose from the bottom with a fish in his mouth, the better to please his patron, who at this sight could no longer restrain his applause.

"It is very plain now," he cried, "that it must be light under water, or he could never have seen how to catch that fish in his mouth, besides all the others in his net; I wish I knew how." So saying, the next time that he saw Gabriello dive, he imitated the motion by ducking his head, and at the same time losing his footing, slipped gently down, till he not only reached the post, but passed it with his head still under water. When he fairly got out of his depth, still trying whether he could see, it appeared a strange thing to him; for he found he could no longer get his breath, and he endeavoured in vain to fight his way up again, the water pouring in at his mouth and ears, at his nose and eyes, in such a way that he could see nothing. In short, the current at length catching him, bore him away. In perfect amazement, and he was too far gone to cry out for help. Gabriello was in the mean time employed in diving down into a large hole he had discovered near the stakes, full of fish, which he was handing into his net with the greatest alacrity; while his poor friend and patron was already more than half dead, having now come up and gone down again for the third time, and at the fourth he rose no more!

Just at this moment, Gabriello, with a prodigious draught, again appeared, and turning round, with a joyous face to look at Lazzaro, what was his surprise and terror when he found his master was gone! Gazing round with the hope of perceiving him somewhere, he only found his clothes just as he had left them. In the utmost alarm he ran again to the water, and in a short time discovered his body thrown by the current, on the opposite bank. He swam to the place, and on perceiving that his good patron was quite cold and lifeless, he stood for some moments like a statue, overpowered with grief and terror, without knowing how to act. In the first place he was afraid, if he published the tidings of his death, of being accused of having drowned him, to plunder him of his money, an idea which threw him into such alarm, that covering his face with his hands, he stood buried in profound grief and reflection. At length he suddenly uttered an exclamation of joy, as the thought rushed into his mind, "I am safe, I am safe; there are no witnesses of the accident, and I know what I will do: it is the hour when luckily every body is asleep." With these words he thrust the nets and the fish into his great basket, and taking the dead body of Lazzaro on his shoulders, heavy as it was, he placed it among some wet reeds hard by the shore. He then bound the nets round his poor friend's arms, and again bearing him to the water, he contrived to fasten the strings in such a way round

one of the deepest stakes, that they could with difficulty be withdrawn, giving the body the appearance of having been thus entangled while fishing. He then assumed his patron's attire, and got even into his very shoes, and sat down quietly on the bank, resolved to try what fortune would do for him. His strong resemblance to his deceased friend, if successful, would now not only save his life, but make it ever after, as he believed, most happy and comfortable. As the hour seemed now arrived, with equal skill and courage, he entered upon the dangerous experiment, and began to call out lustily for help in the person of poor Lazzaro: "Help! help, good people, or the poor fisherman will be drowned! Oh, he comes up no more!" and with this, he roared out tremendously. The miller was the first man who reached the spot; but numbers of people were gathering on all sides to learn what could possibly cause such an insufferable noise. Gabriello continued to bellow, even some time after they arrived, the better to counterfeit his patron, weeping the whole time, as he told his tale; how the poor fisherman had dipped, and brought up fish so often; but the last time he had stopped nearly an hour under water, and having waited for him in vain, he began to be afraid he was coming up no more. The people inquiring, with a smile at his simplicity, whereabouts it was, he pointed out the spot, on which the miller, who was a great friend of Gabriello's, began to strip, and plunged into the river. And there, sure enough, as he believed, he found his friend Gabriello, caught in his own net, and entangled fast by his neck and heels to the unlucky stake.

"Heaven have mercy on us!" cried the miller, "here he is, poor Gabriello! poor Gabriello! quite drowned, in his own entangled net;" using his utmost efforts at the same time to loosen it from about the stake. Such were the lamentations of Gabriello's friends on hearing this, that he could scarcely refrain from betraying himself. Two more threw themselves into the water to assist the miller, and at length, with some difficulty, they fished the body out. The arms and legs were all entangled in the net, and his relations in their indignation tore the unlucky cords to tatters. The tidings of his death being spread abroad, a priest immediately attended, and the body was borne upon a bier to the nearest church, where it was laid out, in order to be recognised by Gabriello's friends. His disconsolate widow, accompanied by other relations, bewailing him and her children, now hastened to the spot. Believing the body to be his, a scene of tender affliction ensued. After beating her breast and tearing her hair, she sat down and wept with her little children, while every one around, and above all the real Gabriello, could not restrain their tears. So overpowered, indeed, was he by his feelings, that pulling his poor patron's hat over his brows, and hiding his face in his pocket-handkerchief, he addressed his wife before all the people, in a hoarse and piteous voice: "Come, good woman, do not despair, do not cry so. I will provide for you, and take care both of you and your children; the poor man lost his life in trying to amuse me, and

I shall not forget it. He was a clever fisherman; but leave off crying, I tell you I will provide for you. So go home, and go in peace, for you shall want for nothing while I live, and when I die I will leave you what is handsome;" and this he ended with a kind of growl, intended to express his concern both for her and the deceased fisherman. For these words he was highly applauded by all the people present, while the imaginary widow, somewhat consoled by his promises, was conveyed back by her relations to her own dwelling. II. 207-213.

Gabriello takes possession of his foolish friend's house, gradually drops the character of the idiot, and at last discovers the matter to his wife, whom he marries a second time, under his new name.

Another tale which Mr Roscoe has selected (the fifth of the First Evening), is the story of Fazio, on which Mr Milman has founded his tragedy, and which shows that Grazzini's powers in the serious novel were at least highly respectable.

The well known novel of Belphegor, by the Florentine Secretary, follows. This tale appeared originally in a Latin manuscript, long preserved in the library of St Martin of Tours. It is a matter of dispute whether Macchiavelli's or Brevio's Italian imitation of the story appeared first; but, as to the comparative merits of the tales, there can be little doubt. Macchiavelli's evinces the same mastery in light and graceful writing, which his other prose writings do, in the profoundest questions of morals and government. The imitations and translations of this tale are too numerous to be mentioned.

Among the novelists contained in the second volume of these specimens, Straparola is the only name of any interest, and that arises not so much from the merit of his tales, as from their importance in illustrating some points as to the origin and progress of fiction. His work has been a perfect storehouse to succeeding writers. In particular, the Fairy Tales of Straparola, the first specimens of the kind in the prose literature of Italy, seem to be the original source of that vast multitude of similar stories in France, by Perrault, the Countess d'Aulnoy, Madame La Force, and their imitators. It is to this source that we are indebted for the celebrated legend of Fair Star, Pass in Boots, Fortunio, and the rest which fill our nursery libraries. Straparola, however, was in all probability the inventor of but few of these tales, which, with slight variations, are to be met with in the early literature of almost all nations. We particularly regret that want of room prevents us from entering at all on this interesting subject at present; but we hope soon to have an opportunity of doing so, in introducing to our

readers the views adopted by the accomplished German brothers Grimm, in their Notes to the *Kinder und Haus Märchen*.

The third volume opens with Bandello, who, after Boccaccio, is the best known of the Italian novelists among foreigners. On what this popularity is founded, we are rather at a loss to conjecture; for though one of the most voluminous, he is certainly about the most tedious of his tribe. His Tales first appeared at Lucca in 1554. They are rather historical than imaginary; and each is dedicated to some distinguished person of the time, some of the most licentious being inscribed to ladies of rank and character. The style is rather rude and inelegant, and disfigured, as the author admits, by the provincialisms of Lombardy. But to strangers they have a worse fault; for the carelessness which characterizes his style, pervades also the arrangement of his incidents. Of course, however, in the nine volumes of his novels contained in the *Novelliero*, many good tales are to be found; and no Italian author seems to have furnished the dramatists of Spain and our own country with ampler materials. The twenty-second of the first part is the origin of Shakespeare's *Much Ado about Nothing*. The ninth of part second is the story of Romeo and Juliet, an obvious, though unsuccessful attempt, to excel Da Porto's Novel. The thirty-sixth of the second part is the groundwork of *Twelfth Night*. The twenty-first of the first, of Massinger's *Picture*; the forty-second of the second, of Beaumont and Fletcher's *Triumph of Death*; and the thirty-fifth of the second, of Walpole's *Mysterious Mother*. This horrible tale, which appeared about the same time in the *Heptameron* of the Queen of Navarre, and which, in different shapes, occurs in the traditions of France, Spain and Germany, as well as Italy, is supposed by Mr Dunlop to have been founded on some current tradition of the time. For the honour of human nature, let us hope not. May not all these stories have had their origin in the 13th chapter of the *Gesta Romanorum*?

Bandello is the last name of any great eminence in these specimens. Novelists and novels continue indeed as numerous as ever; but after the sixteenth century, there is a visible decline in their merit. The names of Firenzuola, Fortini, Sansovino, Doni, Erizzo, Granucci, Ascanio Mori, Malespini, and others which occur about this period, offer nothing which is likely to detain the reader long, though several of their tales quoted by Mr Roscoe are amusing enough. We prefer quoting one specimen of Italian practical jokes, which appears to us the best of the class. This is the famous novel of Grasso Legnaiuolo, by an unknown author, which, with three others, is generally ap-

pended to the editions of the *Cento Novelle*. Of the date of the tale, little is known. It does not seem to have occurred to Mr Roscoe, that the idea must have been taken from the Adventure of Abon Hassan and the Caliph in the *Arabian Nights*, where Abon Hassan is first induced to doubt his own identity, and at last firmly persuaded that he is the Caliph. Even the incident of the Sleeping Draught is taken from the *Arabian Tale*. It is very ingeniously varied, however, by the Italian novelist, and narrated with a spirit and liveliness which we hope will excuse the length of our extract.

A company of young Florentines being assembled at supper one Sunday evening, were conversing around the fire on a variety of topics, among others the absence of one of their friends named Manetto, whose *enbonpoint* had procured him the name of Grasso, and who, to their mortification, had declined their invitation to the supper party. By way of punishment, it is resolved to play him a trick; and the one fixed on is, to persuade him that he had, by some means or other, been changed into Matteo, another member of the party.

The ensuing night was accordingly fixed upon for the transformation; when Philip, as being upon the most intimate terms with Grasso, was appointed to go, about the time of shutting up shop, to visit him. So he went; and after talking with Grasso, as had been agreed upon, for some time, there appeared a little lad running in great haste, who inquired if Signor Brunellesco were there? Philip answered, he was, and begged to know what he wanted. "Oh, signor," said the boy, "you must come immediately, for your mother has met with a sad accident; she is very nearly killed, so you must come home now." With well feigned grief and alarm, Philip exclaimed, "Good Lord defend us!" and took leave somewhat abruptly of his friend Grasso, who said he would go with him, if he thought he could be of any service, for now was the time to show his regard. Somewhat conscience-smitten, Philip thanked him, saying, "No, not now; but if I want you, I will make bold to send for you." Then pretending to hasten homewards, Philip turned the corner of a street leading to Grasso's house, opposite to Santa Reparata, and very unceremoniously picking the lock of the door, he marched in, and fastened it behind him, so that no one could follow.

Now it happened that Grasso's mother had set off some days before to a little country place at Polerossa, for the purpose of washing linen and such household concerns, and she was expected back again that day. After shutting up his shop, Grasso went sauntering along the Piazza ruminating on his friend's misfortune, until, finding that it grew late, he concluded that Philip would hardly think of sending for him that night. So he resolved to go home, but was somewhat puzzled, on ascending the steps, to find that he could not open the door as usual; and after several vain attempts, he supposed

it must be locked in the inside, and knocking prettily sharply, he shouted, "Open the door!" thinking that his mother had returned, and for some reason or other had fastened it after her in the inside. But at length a voice answered, in Grasso's own tone, "Who is there?" and Grasso, a little startled, said, "It is I; let me in." "No," returned the voice; "and I beg, Matteo, that you will go away: I am in great anxiety about a friend of mine; for as I was just now talking in my shop to Philip, there came a messenger in haste to say that his mother was nearly dead, and I am very sorry for him." Philip pretended, all the while he said this, to take poor Grasso for his friend Matteo; and then, as he turning to Grasso's mother, he continued, "Pray, good mother, let me have my supper; it is really too bad; you ought to have been back two days since, and you come in just at this time of night"—and he went on grumbling and scolding exactly in Grasso's own voice. Still more surprised at this, Grasso now said, "That is very like my own voice, what the deuce can it all mean? Who is it, speaking there up stairs? can it be I? How is it, I wonder? he says Philip was at his shop when he heard his mother was ill, and now he is busy chiding his mother, or my mother Giovanna, I do not know which. Have I lost my senses, or what does it mean?" Then he went down the steps again, and shouted up at the windows, when, as had been agreed upon, there passed by his friend Donatello, the sculptor, who said as he went past, "Good night, Matteo, good night; I am going to call upon your friend Grasso, he is just gone home." Grasso was now perfectly bewildered, on hearing his friend Donatello address him as Matteo; and turning away, he went into the Piazza San Giovanni, saying to himself, "I will stay here, till somebody comes by who can tell me who I really am." He was next met by some officers of police, a bailiff, and a creditor, to whom Matteo, whom, however reluctantly, he now represented, owed a sum of money. "This is the man; this is Matteo, take him, he is my debtor, I have watched him closely, and caught him at last!" cried the creditor; and the officers, laying hands on him, led him away. It was in vain that Grasso, turning towards the creditor, exclaimed, "Why, what have you to do with me? you have mistaken your man! my name is Grasso the Carver; I am not Matteo, nor any of his kin: I do not even know him." And he was beginning to lay about him lustily; but they soon secured him, and held him fast. "You not Matteo?" cried his creditor, surveying him from head to foot, "we shall soon see that. Do you think I do not know my own debtor Matteo? Yes, too well. Cannot I distinguish him from Grasso the Carver, think you? You have been in my books too long. I have had accounts against you this year past: yet you have the impudence to tell me you are not Matteo; but will such an alias, think you, pay me my money back? Off with him: we shall soon see whether he be Matteo or not." They then hurried him in no very gentle way to prison; and it being supper-time, they encountered no one on the

road. His name was entered in the gaol-book as Matteo, and he was compelled to take up his station with the rest of the prisoners, all of whom hailed him in the same tone, saying, "Good night, Matteo, good night!" Hearing himself thus addressed, Grasso said, "There must be something in it certainly; what can it mean!" and he almost began to persuade himself, that, as every body said so, he must indeed be Matteo. "Will you come and take some supper with us," said the prisoners, "and put off thinking of your case till to-morrow?" So Grasso supped with them, and took up his quarters along with one of them, who observed, "Now, Matteo, make yourself as comfortable as you can to-night, and to-morrow, if you can pay, well and good; but, if not, you must send home for bed-clothes." Grasso, thanking him, laid himself down to rest, thinking what would become of him, if he were really changed into Matteo; "which I fear," he continued, "must in some way be the case, there are so many proofs of it on all sides. Suppose I send home to my mother; but then if Grasso be really in the house, they will only laugh at me, and perhaps say I am mad. And yet surely I must be Grasso." And with such cogitations he lay perplexing himself all night, not able to determine which of the two he was. After a sleepless night he arose, and stationed himself at the small grated window, in hopes some one might pass who knew him; and, as chance would have it, Giovanni Rucellai, one of the supper party when the plot was first hatched, approached. It happened that Grasso was making a dressing table for Giovanni, intended for a lady, and the latter had been in his shop the day before, pressing him to finish the work in a few days at farthest. Giovanni, going into a shop facing the prison gate, on the ground-floor where Grasso stood, the prisoner began to smile and make mouths at him; but his friend only stared at him, as if he had never seen him in his life before. Grasso, thinking the other did not know him, said, "Pray, do you happen to know a person of the name of Grasso, who lives at the back of the Piazza San Giovanni, and makes inlaid work?" "Know him! to be sure I do," replied Giovanni, "very well; he is a particular friend of mine, and I am going to him directly about a little job he has in hand for me." "Then," said Grasso, "as you are going, pray be so good as just to say to him, 'A very particular acquaintance of yours, Grasso, has been taken into custody, and would be glad to exchange a word with you!'" "To be sure I will," said the other, "very willingly;" and, taking his leave, pursued his way. Friend Grasso, remaining at the window of the prison, began to commune with himself, "Well, at last, it is clear that I am no longer Grasso, for I am Matteo, and no one else with a vengeance. The devil give him good of the change; but what a wretched fate is mine! If I say a word about the matter, they will think me mad, and the very beggar lads will laugh at me; and if I fail to explain it, a thousand mistakes will occur, like that of yesterday, when I was arrested for him, so that I am in a most awkward dilemma. Well, I must wait for Grasso's arrival, and see what he says when I explain the affair to him." IV. 113-119.

The brothers of Matteo, who were in the plot, call in the course of the day, read him a long lecture on his extravagance, and, under his character of Matteo, become bound for his debts, and liberate him from prison. He accompanies his new brothers to their house, one of whom immediately calls on a priest, and telling him that he had a brother who was a little disordered in his intellect, and haunted with a strange fancy, that he had been turned into Grasso the carver, requests his good offices to endeavour to bring him to his senses.

The good priest replied, that he would cheerfully attend him; for he was sure that if he could only engage his brother in conversation, he should hit upon some method of restoring him to reason. So they set out together, and on their arrival, the priest was instantly introduced to our hero, who rose up on his entrance. "Good evening to you, Matteo," said the former. "Good evening and good year to you also," said Grasso, "who are you looking for?" The priest answered, "I am come to sit with you a little while;" and seating himself, he continued: "Come, sit down by me, Matteo, and I will tell you what I am thinking of. You must know, I have been much concerned to hear that you have been arrested, and have taken the thing so much to heart, as almost to lose your wits. Among other notions, they tell me that you have got it into your head you are no longer the same Matteo, but are become a certain fellow named Grasso the Carver, who keeps a shop at Santa Raparata. Now if this be so, you are much to blame for permitting such a slight reverse of fortune to affect your mind. I have to entreat you will dismiss these whims altogether from your imagination, and attend to your business like other people. By so doing, you will please your brothers as well as me, besides doing yourself the greatest service in the world; for if you once let people suspect it, they will never give you credit for being in your senses again. Then rouse yourself, be a man, and scorn to indulge such absurdities any longer." Grasso hearing the kind and encouraging way in which he spoke, declared that he should be glad to obey him as far as lay in his power, being convinced that it was all meant for his good; and that from that hour he would no longer imagine he was any one else but Matteo, as it was clear he was not. There was one thing, however, that he particularly desired, which was, to have an interview with the real Grasso, in order to set his mind quite at rest. "What then," said the priest, "I see it is still running in your head; why do you wish to speak with Grasso? It would only be indulging and proclaiming your folly," and he said so much that the poor man was content to abandon the idea. Then leaving him alone, the priest went to inform the brothers of all that had passed, and shortly taking his leave, he returned to officiate at church.

While the priest had been engaged with our hero, came Philip Brunellesco, bringing with him a certain beverage, which he handed to one of the two brothers, saying, "Take care that you give him

this to drink while you are at supper, for it will throw him into so sound a slumber, that you might beat him to a mummy, during six hours, before he would awake. So give it him, and I will return again about five, when we will finish the joke." Accordingly the brothers sat down to sup with our hero, and contrived to make him swallow the whole of the mixture without his perceiving it. After supper, Grasso turned towards the fire, and the potion very soon began to operate in such a way, that he was no longer able to keep his eyes open; when the brothers, not a little amused, said to him, "Why, Matteo, you are very dull; you are almost asleep!" "True," returned Grasso, "I think I never felt so sleepy in all my life; had I never had a wink of sleep for this month past, I could not feel worse. So pray let me go to bed." And it was with some difficulty he was able to get there, and more especially to undress himself, before he fell into a profound slumber, snoring like a pig. Philip, with three of his companions, then made his appearance, and finding him fast asleep, had him laid upon a litter, with all his clothes, and carried to his own house. No one being within, his mother not having yet returned from the country, they laid him gently upon his bed, and placed every thing exactly in the same order as usual. Next they took the keys of his shop, which they found hanging on a nail in the wall, and going straight to the place, they took all the instruments of his trade they could find, and laid them in different positions. Planes, saws, hammers, rules, and hatchets, all were turned awry, and confused in such sort, as if twenty demons had been puzzling their heads how to produce so much disorder. Then shutting up the shop again, they restored the keys to the same place, and retired to their own houses to rest. Grasso continued sunk in profound repose the whole night, nor awoke until after matins the next morning. Directly recognising his old spot at Santa Reparata, he gazed through the window, and endeavoured to collect his confused thoughts. He felt the utmost astonishment at finding himself in his own house, considering where he lay down the preceding evening. "The Lord help me," he exclaimed as he dressed himself, and took down the keys, proceeding with all haste to inspect his shop. "The Lord help me, what a sight is here!" he continued, as he beheld every thing out of its place, and began the Herculean task of re-adjusting his different articles in the manner he had left them. At this moment arrived Matteo's brothers, who finding him thus busily engaged, affected not to know him, one of them saying, "Good day, master." Grasso turning round, and recognizing them, began to change colour, replying, "Good day and good year; pray whom are you seeking?" "I will tell you," said the other. "We happen to have a brother whose name is Matteo, who has latterly become a little odd, and got into his head that he is no longer the same Matteo, but the master of this shop, a man of the name of Grasso. After giving him the best advice we could, the priest of our parish, a very good kind of person, tried to assist us in eradicating this foolish impression

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from his mind, and we believed that he was getting better, as he fell into a quiet slumber before we left him. But this morning we found that he had absconded : whither is fled we know not, and we came here to inquire." Grasso seemed quite confounded at this account, and turning towards them, said, "I know nothing of this ; why disturb me with your affairs ? Matteo has never been here ; if he said he was I, he was guilty of a falsehood, and if I meet with him I intend to tell him so, and learn whither I am he, or he is I before we part. We are surely all bediveled within this day or two ; why come to me with such a story ?" and with this he seized his cloak, and left them in great anger, closing his shop, and proceeding towards Santa Reparata, complaining bitterly the whole way. The brothers also went off, while our hero, stopping at the church, began to walk about in great wrath, until he happened to be joined by one his companions, formerly his fellow-labourer in the same trade of inlaid work, under Maestro Pellegrino, a native of Terma. This youth had for some time been settled in Hungary, and managed his affairs so well, that he had returned to Florence, in order to obtain assistance to execute the numerous commissions he received. Often had he tried to persuade Grasso to accompany him back, by holding out the prospect of his acquiring great wealth ; and the moment our hero cast his eyes upon him, he resolved to avail himself of the offer. Hastening towards him, he said, "You have more than once asked me to go with you into Hungary, which I have hitherto refused ; but now, from some particular circumstances, as well as a little dispute with my mother, I shall be very happy to return with you. Yet if I am to go, it must be soon, as most probably before to-morrow it might be too late." The young man received this proposal with great joy, and it was arranged that Grasso should immediately proceed to Bologna, where he was to wait for his companion. He accordingly hired a horse, and set out for that city, having first left a letter for his mother, informing her of his departure, and desiring her to take possession of his property in Florence. The undertakings of the two friends in Hungary prospered so well, that they acquired considerable fortunes, and Grasso more than once returned to his native place, and diverted his friends by relating the mysterious adventure of his earlier years. IV. 124-130.

The selections contained in the fourth volume are from Bisaccioni, Colombo, Bargagli, Bottari, Capacelli, Soave, Altaneri, Magalotti, Lodoli, Manni, Padovani, Sanvitale, Gozzi, Bramieri, and Gironi. The best of the Tales in this volume, we think, are Colombo's Novel of Father Timothy, and Bargagli's Ippolito and Gangenova. There is some humour in the 8th of Count Carlo Gozzi ; but we scarcely recognise in it the talent of one who, by the grace and liveliness of his dramatic Fairy Tales, succeeded in stripping the laurel from the brows of Chiari and Goldoni.

The impression, on the whole, which the Italian novelists leave on the mind, though pleasing, is not striking. It is difficult for any one to produce a powerful effect by these little tales, which either exhibit human life only under some brief and momentary aspect, by which the eye is confined to a single point; or where the incidents, if numerous, want that detail and continuity which is the chief source of fictitious interest—where every thing seems as it were viewed from a distance, and nothing possesses clearness or vivacity of colouring. It is almost uniformly the case too, in short tales, that from the difficulty of rendering character intelligible by a few insulated scenes, the novelist is compelled to trust rather to the interest of incident, and the better and nobler part of fiction is neglected. In the Italian novelle this is too generally the case. Their effect depends much on the combination of incident and style, and but little on character. Still they are interesting and valuable as illustrating manners, though few of the Italian novelists can be said to have penetrated deeper.

When the system of interesting, by variety of incident, is introduced, it generally follows, *first*, that the incidents cannot always be probable or agreeable to good taste; and, *secondly*, that a multitude of plagiarisms and imitations in the works of different authors will take place. The numerous scenes of knavery and imposture, of licentiousness and coarse humour, which lower the tone of Italian fiction, are obviously a consequence of the necessity of stimulating interest by varied exhibitions of life and manners, and the difficulty of doing so, without having recourse to much that is vulgar and revolting; and the perpetual recurrence of the same plots, with some slight variation of time, place, or circumstances, is equally the result of this mistaken system. But the resources afforded by the painting of character are almost infinite; the possible combinations of events really adapted for the purposes of fiction, are much less numerous than is generally imagined. ‘Whether it be,’ says Dr Johnson, ‘that we comprehend but few of the possibilities of life, or that life itself affords but little variety, every man who has tried, knows how much labour it costs to form a combination of circumstances, which shall at once have the grace of novelty and credibility, and delight fancy without violence to reason.’—Even this system of plagiarism, however, is not without its interest. We know of no amusement more delightful than detecting coincidences and plagiarisms of this kind; stripping a tale of all the disguises under which it has been concealed, and tracing it back from one author to another—from age to age—from country to country. To follow up in this manner the

stream of fiction to its source, perhaps in some region far distant from that where the inquiry commenced; to survey from thence, as from an eminence, the numerous channels into which it divides; to observe the strange windings of its course, and the different names and aspects it puts on in its progress, has an interest and an excitement for the literary inquirer, similar to that which the traveller feels in following up the course of the Niger or the Nile. This pleasure the reader of the Italian Novelists will enjoy in perfection. Continual resemblances suggest themselves,—his reading is constantly put in requisition—his memory exercised in retracing the source of the resemblance, and his acuteness in detecting the changes which it has undergone, and the reasons of them. But independently of these intrinsic qualities, we can promise our readers very considerable pleasure from these specimens, and take leave of Mr Roscoe, in the hope of meeting him again on the field of Italian literature.

ART. VI. *A Reply to Mr Brougham's 'Practical Observations upon the Education of the People, addressed to the Working Classes and their Employers.'* By E. W. GRINFIELD, M.A. Minister of Laura Chapel, Bath. London. Rivington, 1825.

MR BROUGHAM and the advocates of general Education must be insatiable of victory indeed, if they desire any more success than is sure to attend their cause, when their adversaries come boldly forward to maintain that there is danger in diffusing knowledge among the people. That this alarm should have been *felt* by some weak men conscientiously; that others should have affected to feel it, while, in reality, they apprehended danger only to themselves, or the abuses on which they fatten,—we can well believe. But the instinct of prudence, which for the most part accompanies the fears of the one class and the cunning of the other, might have been expected to teach them, how necessary it was for their safety to preserve an unbroken silence, and to avoid every movement that could create undue discussion. Nothing could be more unlikely than that either the real or the pretended alarmists should come forward from their lurking places, and defy the instructors of mankind to prove that knowledge is a good, and ignorance an evil. We live in times, however, when the improbability of any act of folly being committed by persons engaged in controversy, especially on subjects capable of being allied with religious feelings, or rather with

the zeal of churchmen for their establishment, is any thing rather than a reason against expecting to see it done, and that too with abundant earnestness and exemplary ostentation.

It might have been thought, that whatever difference of opinion existed respecting Mr Brougham's political principles and public conduct, no man was likely to attack him for stepping forward to assist the artisans and peasantry of the country in their attempts to acquire useful knowledge. Nor can we perceive what interest of his own he could possibly have to serve, either personal or political; since a carpenter or a ploughman is not much more likely to follow Whig principles, because he understands the doctrine of mechanics and vegetation: And if casillers maintain that a desire of fame is a motive to such exertions, they should maintain that all men's actions should be condemned to obscurity, and leave no one any power to serve his country or his species, except by writing anonymous tracts: For we are aware of no public and avowed exertion beneficial to society, which is not for that very reason attended with some portion of popular applause. Mr Grinfield, for instance, puts his name to his pamphlets, and he preaches at Laura Chapel, Bath, without a mask, we presume. Yet what would he think of that man's charity, who should impute all his labours, of tongue and pen, to the love of making himself notorious for illiberal opinions, or, by means of them, recommending himself to their powerful patrons?

But he must needs revive against Mr Brougham the old accusation, of aiming at being 'Dictator both to the Senate and the People,' by assuming the control of universal education. And he exclaims, that surely 'a more grand, sublime, and noble object, it never entered into the heart of man to conceive,' and then it is 'the *πρωτοβουλία*,' &c. &c. Now this is precisely the old charge preferred by the judicious persons who chose, for *their* line of distinction, to rail at the Education Committee in 1818 and 1819. They would by no manner of means suffer Mr Brougham to search into the abuses of charities, because he meant in fact to assume a dictatorial power over the whole property in the country! and they warned the Legislature against becoming his accomplices or his dupes, by passing any act enlarging in any one of the particulars which he recommended, the powers of the commissioners. Fortunately, Parliament listened not to those reverend doctors and learned professors, who chose to dabble in political controversy. To their no little dismay, the patrons, to please whom all their spite and zeal were exhausted, almost immediately afterwards adopted the whole of Mr Brougham's recommendations, with a single exception: and yet that gentleman,

we understand, by the latest advices from England; has not yet assumed the dictatorship, nor in any way attempted to possess himself of the landed property of the country. On the other hand, it is our duty to state, that, painful as it may prove to the objectors, great progress has been made in remedying abuses, and restoring charitable funds to their original destination; and much discomfiture has every where attended those sincere friends of Church and State, those *disinterested* supporters of the established order of things, those *candid* and *honest* alarmists, who had quietly and regularly, and with true clerical and aristocratic dignity, appropriated to their own use the property of the poor.

The Reverend Author, in his Preface, states very fairly the question at issue between him and his adversaries. They 'commend the knowledge of particular arts and sciences as the channel of popular improvement, instead of that *general knowledge*, which is the best *manure* of the mind.' In other words, they are silly enough to fancy that a practical engineer will make better steam-engines for knowing the laws of motion, and the nature of the mechanical powers, while *he* takes it for granted, that if the workman's mind is only well manured with general information, peradventure by means of such books as our author's 'Bulwarks of the English Church,' he will be more up to his business of engineering! Not that we deny the advantages of general knowledge; on the contrary, it is our clear opinion, and one inculcated in every page of Mr Brougham's book, that artisans should be taught, not merely the learning connected with their particular trades, but other branches of literature and science, to expand their minds, and also those general branches which belong alike to all, for the purpose of raising their ideas, and lifting them above the baser enjoyments of sense. But we are here grappling with the only general objection urged by our author in stating the question; and one more absurd in its substance, or less felicitous in the expression, we have seldom seen. For the risk stated, is the making each man too knowing in his own vocation, and all that is connected with it; and the remedy is, to lay on his mind a load of what its very eulogist can find no better name for than *trash*—when he is pleased to call the operation *manuring*.

In the body of the tract, the author enters into more detail upon his objections, and each step only serves to show their futility. But he begins with a subject not even touched upon in Mr Brougham's pamphlet, that of Infant Schools. Against these he inveighs with a truly edifying ardour of vituperation. They take the infants, it seems, from the parents, contrary to

‘the intention of God and Nature, that they should themselves, and not by deputy,’ tend their offspring. Truly such was the intention of Providence; but Mr Grinfield stops short in his historical knowledge; he adheres to the old saying, that God made man perfect, but drops the latter half, that man found out many inventions. God and Nature, we suspect, made no gin-shops—no brothels—no drunken, swearing, blaspheming parents. Nay, in the primitive state to which he refers, parents had leisure to work for themselves and their family, and at the same time to care for their progeny. Besides, we never saw a less fair statement than that which charges infant schools with separating the parent and child; the child is at home at meals, at nights, all night, in the morning, and all the Sabbath. Then the discipline of those schools is the object of invective, it makes them ‘formal, priggish little creatures;’ instead of letting them ‘tumble about at home,’—or ‘run about in all the carelessness and unconsciousness of childhood.’ As to formality and priggishness, we presume no one who ever saw an infant school, can doubt that this cautious and candid objector is deplorably ignorant of the very first principles of the system. Had he searched his whole dictionary for two words, to mark with certainty that he never can have entered one single infant school, he would have found none so appropriate, (indeed he would only have found one of the words there at all, unless he had taken down his much-thumbed copy of the Slang Dictionary). He then sums up all his reasonings (so to call them) in a word; and, as if by one great effort to confound his adversaries, gathers himself up, and pronounces the plan ‘most arrant humbug.’ (p. 7.) But its effects on the parents, it seems, are still more fatal than on the children, by removing the restraints of prudence, when they have no longer the check of their children over their conduct, and the care of them to stimulate their exertions. This is really too amusing. The dissolute parent, it seems, will stand more in awe of a child, whom he has trained up in the habit of seeing nothing but immorality, and hearing only the sounds of profligacy or ill humour, than of one trained to pure and virtuous ideas; and the being allowed to work all the morning, unincumbered with the care of infants, will make the mother less anxious and less able to provide for their clothes and meals; it being a fundamental part of the plan never to give any pecuniary relief whatever, but only care and instruction. We doubt, though Mr Grinfield speaks contemptuously of the powers of children so young as three and four, if most of them would not be ashamed to reason as he does. We feel, however, for the serious alarm, which somewhat ingenuously escapes in these

touching accents. 'Still, it should be remembered, that the system of Infant Schools is well calculated to make a very strong impression on *the parents*, by prepossessing them in favour of those by whom they are chiefly supported and patronized; and, consequently, that if generally adopted by those who favour the British Schools, it *must* eventually be taken up by others who prefer the National System. Whatever may have been the motives of Mr Brougham and his friends for introducing this plan, it is in effect, *to steal a march* on all other parties; and whether they approve or not of its principles, they will be obliged to adopt it as a measure of self-defence, if it should become generally established, as a preface to the Lancasterian Schools.' (pp. 8, 9.) Truly we rejoice to see all this thus set down. We never doubted that it was the Lancaster schools that led the way; and that the Dissenters having begun, the Church was forced to follow, whether it would or no. We were quite aware how reluctant many of Mr Grinfield's Right Reverend and Most Reverend brethren were to take these courses; but what we doubted was, that they would ever be simple enough to confess it, and complain of it. These doubts, however, are now removed, and we have it under the judicious author's own hand, that the Church party adopted the measure of education from no love to instruction, no abatement of their predilection for popular ignorance, but as 'a measure of self-defence!' If, says he, those troublesome philosophers and patriots had only left us alone, we desired nothing better than to see our flocks cropping their flowery food, and yearly coming to the shears; but now, a plague on their activity, their 'meddling and officious charity,' (p. 6)—their 'restless attempts at doing good,' (*ib.*)—'their fashionable novelties,' (*ib.*)—'their vague and sickly philanthropy,' (*ib.*)—they must be always strenuously 'pursuing the phantoms of their benevolence,' (p. 8), and, whether good regular High Churchmen will or no, the people must now be treated as rational creatures, and taught something more than the '*Bulwarks of the English Church*,'—that is, paying tithe of all they have once a year, and yawning once a week at Laura Chapel.

Advancing next another step, Mr Grinfield remains at the same distance from the point, and comes to a subject equally foreign to the pamphlet he has undertaken to answer, viz. Elementary Schools for reading and writing—a topic never, we believe, once mentioned in the work of Mr Brougham. But if he remains so long lingering at a somewhat respectful distance from the field of controversy, we have still, as before, the same reason to admire his exemplary candour; nay, the primitive sim-

plicity with which he almost thinks aloud, and makes his reader a party to all that passes within himself. After sufficiently abusing Mr Brougham and his supporters for their 'most foolish assumption,'—'the strange notion,' which, it seems, they have, that reading and writing are tools of common use, and may very well be acquired at schools, without any peculiar use being prescribed for them while in those schools, so that religion may be taught by their parents and ministers, while their masters give them only the means of learning religion, as well as every other useful knowledge, he at once announces his opinion, that if we are only to teach reading and writing at the elementary schools, 'it would be far better for the common people of this country to remain *wholly illiterate*, than to be thus furnished with 'tools, by which they would *inevitably* work out their own and 'the public ruin!' (p. 11.) Now, we confess our incapacity to comprehend any thing of this. We should imagine a people who can read and write not at all more perilous to deal with, either by statesmen or churchmen, than a people sunk in the rudest ignorance, and more resembling beasts than men. We know that the Scotch have long been taught exactly in the way so formidable to our reverend author, and yet they never have attempted to work out either their own or the public ruin, by the tools which our parish schools furnish them withal. We put it to Mr Grinfield, whether there can really be so much risk in giving all men the power to read his works, including the 'Bulwarks of the English Church.' Is he afraid that no one may think of resorting voluntarily to those sacred fountains of pure knowledge? Is he apprehensive that adults will refuse the proffered draughts, and that his specificks must be administered by the combined force of the schoolmaster, and of reason to the infant mind? Or does he, peradventure, modestly suppose, that they will produce no effect on the robust constitution of youth, and are only fitted to stimulate childhood and extreme old age? Nevertheless, true it is, that all our existing schools, the Lancaster as well as the National, teach the Bible; the only difference being, that the former rejects those additions of human ingenuity, the food of eternal disputes among Christians, and confines its elementary lessons to doctrines of divine authority, and in accepting which all denominations of Christians agree.

But again, listen to our reverend and most candid author. He thus magnifies the national schools. 'The grand design,' saith he, 'of this system, is to train up children in the way 'wherein they should go.' Now, what way is this? We have a very plain guide-post erected by Mr Grinfield; but were we only to read the first line, we should go wrong, and should only

reach the kingdom of Heaven—instead of Lambeth and St James's, the sacred spots to which our author's views so evidently point. For he says, 'to inspire the youthful mind with the love and fear of God; to impress them with feelings of moral responsibility, and to teach them that all real knowledge must begin with the fear of the Lord'—is the end of the national schools. So far all good; but it is one word for religion, and two for themselves, with these bishops, priests, and deans: for he instantly adds, that at the national schools, the only safe ones, the only ones where it is better that the people should be educated than remain 'wholly illiterate,' the children 'are habitually brought up with a *bias* in favour of the existing order of things; obedience to civil government is inculcated on their minds as a bounden duty,' (p. 11.) And he adds triumphantly, 'Such are the great and important objects of our Elementary Schools. We aim at bringing up the children to reverence the laws and institutions of their country.' To this zealous lover of passive obedience, we venture just to hint, that had he lived in James the Second's time, he and his schools must have done their utmost for popery and arbitrary power, for aiding our rebellion, against which they now bless King William, and for crowning that rebellion with success, laud Almighty God from their pulpits.

Being now arrived nearly at the middle of the work, we find our author at length enter upon the subject of Mr Brougham's observations, which he had undertaken to answer; and his first attempt is singularly infelicitous. It seems, if elementary schools teach only reading and writing, the working classes will come to lectures upon science unprepared for profiting by them. But who ever proposed that when the child had learnt to read, he should go to sleep, like an abbot or a prebendary, and never open a book till he came to hear a lecture upon natural or moral philosophy! This hiatus between school and college, however, being assumed by our worthy author, becomes the source of indescribable consolation to him. He espies in it a sure antidote to the mischiefs of the system; the workmen must come to lecture wholly incapable of understanding a word that is delivered; and consequently Mr Brougham's plan of diffusing knowledge, the bane of all happiness, because the enemy of all usurpation, civil and spiritual, must fail. 'We can,' says he, 'regard his scheme only as the baseless fabric of a vision, HAPPILY quite beyond his or any man's power to accomplish on a large and permanent scale, but calculated, so far as it can be accomplished, to ALARM all sober and prudent persons among the middle and UPPER orders of

‘society, and to render the labouring classes, UNEASY, UN-
 ‘HAPPY, and DISSATISFIED.’ (p. 14.) What a picture does
 this give of the state of Government in Church and State, at
 least in the estimation of the High Church party! As to know-
 ledge making the people unhappy, they will always have the
 remedy in their own hands; they will not repair to the fountain,
 if its waters are bitter to the taste, or smite them with sickness.
 • And as to the lectures being unintelligible to them—if they can-
 not drink, or drinking cannot digest, they will cease to crowd
 fruitlessly round the margin of the living spring. But if the
 draught only renders them discontented with the system in
 Church and State under which they live, what is this but say-
 ing, that the order of things worshipped by Mr Grinfield as
 perfect, and a passive and blind obedience to which resounds
 through the roofs of Laura Chapel, as an absolute prostration of
 the understanding and the will, forms the corner-stone of Bishop
 Howley’s practical faith, proves, after all, to be only safe, while
 its devotees continue sunk in ignorance, and totters to its fall
 the moment knowledge abounds? This must necessarily be
 his opinion: but we being less zealous and more rational friends
 of that system, do wholly deny such doctrine, as the foulest
 calumny which can be levelled at it, and the most dangerous
 blow to its foundations. But we can easily imagine that there
 are certain abuses in the system, of so gross a nature as ‘to be
 hated need but to be seen;’ and can therefore readily compre-
 hend, how those who live in and fatten upon such impurities,
 • should have the same dread of the light being let in upon them,
 that vermin have of the comb and the brush.

The reverend champion of ignorance and things as they are,
 proceeds to offer his nostrum for educating the adult population.
 ‘Let (says he) the Elementary Schools for the common people
 ‘first produce their effects in raising the standard of their minds
 ‘to their proper pitch, before any attempts are made to give them
 ‘a philosophical and scientific education. Let them become
 ‘conversant with Morals and History and Biography, before
 ‘we introduce them to Chemistry, Hydrostatics, or Astronomy.
 ‘Instead of encouraging restless or self-interested individuals
 ‘(i. e. volunteer and gratuitous lecturers) to rove about the
 ‘country, distracting the minds of our mechanics by lecturing
 ‘on civil or political economy, or by giving them a smattering
 ‘in the higher branches of abstract science, let cheap collec-
 ‘tions of books be formed in our towns and cities, consisting of
 ‘the popular literature of our country, containing voyages and
 ‘travels, the lives of eminent individuals, and the history of the
 ‘most distinguished nations.’ (p. 15.) Now, let not Mr Grin-

field be scared, and retreat from this proposition, if we at once step forward and embrace it; but then we take it not from him so much as from his adversary, Mr Brougham, of whose system we profess ourselves humble disciples. For where does our author find that system rejecting biography, history, and travels, in the course of popular education? On the contrary, it inculcates with, but somewhat before Mr Grinfield, the formation of libraries for the purpose of bringing works of that kind within the reach of the poor, and only propounds the instruction by lectures on physics, when the occupations of the people require, and their intelligence fits them to receive this education. But one part of the author's proposal is plainly absurd. Wait, says he, till the time comes, when all the people are learned enough to attend lectures with advantage, before you establish lectures for any part of them. As if he were to say, wait till all the town has got up in a morning before any man shall have his breakfast; or don't let any one dine until every body in the parish has earned his dinner by a day's work, and his appetite by a walk. If large bodies of men are not prepared for profiting by lectures on philosophy, the philosopher will lecture in vain; and if there are bodies so prepared, how absurd would it be to bid them wait until all their fellow-citizens were ready; a time that may never come, and if it does, will be in the days of those men's heirs and successors who now beset the doors of the library and lecture room.

Our author extols the instruction derived from workmen reading 'by their fireside, and in company with their wives and children,' in preference to 'the ostentatious meetings of the London Institution,' p. 16. But first, the workmen will not prefer fireside, wife, and children, to the alehouse, though they may prefer the lecture room to it—and next, books of science, unaided by the lecturer, will not give them the desired information.—After they have learnt how to read such works, and while they are learning, no doubt, they will read at home; and in direct opposition to Mr Grinfield's alarms, about seven or eight hundred mechanics being apt to adjourn to the alehouse after meeting at a lecture, we can only set up *the fact*, attested by all who have written or spoken upon this most interesting subject, that whatever their aptitudes may be, those men do not, in reality, ever so adjourn; but are content to read at home on the nights in which there is no lecture.

We have more than once had occasion to admire our author's ingenuous spirit, and to smile at the tone of his confessions to the public; but the following passage is beyond what could have been hoped in this kind. It speaks really this lan-

guage and no other. Bad as knowledge is for us of the Establishment, we can no longer prevent its spreading, therefore let us step in and do the best we can to limit and narrow its course. The flood is up, the waters are out—to make them take their old course is beyond our power—let us prepare a new channel to drain them off, and save our old rotten walls, whose foundations their approach threatens!

• ‘It is plain that far greater variety is requisite to give success to this plan, and that the minds of the working orders are now arriving at such a degree of strength and maturity that they will no longer be satisfied with the simple food which contented their forefathers.

‘The case is this, we must either undertake to meet this demand for popular information by furnishing them with cheap editions of our most popular writers, or we must leave them to chance and accident to make their own selection; or, what appears to be the worst of all, we must leave them to the tricks of wandering lecturers, who shall harangue them on subjects little fitted to their rank and condition in society, and still less fitted to promote their private and domestic happiness.

‘In this dilemma, the duty of all who wish well to the safety and security of our present establishments in Church and State, is plain and incontrovertible. The day has gone by for arguing the previous question, whether the poor shall be educated or not, the period is rapidly approaching when the fruits and effects of this education will become visible to all. Already restless and artful men are attempting to pervert it to their own mischievous purposes; some, under the mask of diffusing science, are teaching them a species of knowledge which may give them power but will not furnish them with the means or desire of self-government; others under the pretence of the love of liberty, are inviting them to discuss questions of politics, and to attend lectures on moral and political science; but every friend to our present establishments in Church and State is bound now to lend his influence to keep things in their proper channels, by making the knowledge and education of the poor subservient to their advancement in piety and morals, and by increasing their attachment to the laws and institutions of our country.’ pp. 17, 18.

For our parts, we wish such undertakings every success.—Let the churchmen go on spreading the excellent works, a most useful list of which is published by the Society for Promoting Christian Knowledge, as an Appendix to their religious catalogues—let our author add his excellent and well chosen list to theirs—let all the religious tracts of the Society and of Mr Grinfield be added to the catalogue—let all other churchmen and dissenters bring in their mite of religious publications—we shall only rejoice the more. Nay, let the preachers of passive obedience—the advocates of every existing institution—the defenders and praisers of every established abuse in church and in state, be fully heard by the instructors of the community,

high and low—*provided* the other side of the question may also freely be stated, and the arguments of the religious Society shall not be enforced by the individuals of the Bridge Street Association.—Free discussion is all we want; truth will never be injured by it; error and imposture alone need dread it. To show how little prejudice against Mr Grinfield operates on our minds, we cheerfully pay him the homage of our respectful gratitude for a most useful and valuable suggestion contained in his tract, in favour of circulating libraries, as opposed to the absurd plan of distributing tracts; and, while we recommend his whole pamphlet to the attention of the public, anxious that every thing on both sides should be universally read, we extract the passage alluded to, that we may insure to the best part of the work a wider circulation.

‘The force and economy of Circulating Libraries, as channels of National Instruction and Amusement, have not been sufficiently considered:—*1st*, A tract or book which is *given* away is almost instantly destroyed: if placed in such a library it would last for several years, until it was fairly worn out. *2nd*, A tract which is *given* away, is given to an *individual*, and seldom goes out of a *single family*; but when such a tract is in a cheap circulating library, it is given to the *public*, and it may be read by *multitudes*. Hence it will appear, that a single copy of any book, when placed in such a library, may be read by a greater number of individuals than a hundred copies *given* away in the usual manner of tract societies.’ p. 39.

We proceed to answer him, where unfortunately we agree less with him. He is very much against Mr Brougham’s scheme of diffusing among the working classes the ‘crabbed doctrines of political economy,’ and still more averse to such a propagation of discussions upon the improvements and reforms which a change of circumstances may require in our constitution. ‘I am as much a friend, I trust, to the civil and religious liberties of my country as Mr Brougham or any of his Northern allies; but there is a time and place for all things, and it is very clear that no moral or political benefit could arise to the community from bringing such topics under the *especial* notice of our mechanics or artisans.’ (p. 19.) Unfortunately for this argument, the constitution itself has made these artisans and mechanics the arbiters in many cases, and plainly intended to do so in all; and would have done so but for the vices which time has ingrafted on its original stock;—and the ‘time and place’ for their being qualified to treat of such subjects, by previously knowing something about them, is not surely the Hustings at an election, but their own fireside or the lecture-room, before being called upon to exercise their power. The laws of the land, these very existing institutions so deeply revered by Mr Grinfield, give the mechanics a voice in the government of the state; and he would

have them exercise that voice in utter ignorance of what is best for the state! To take an example of the tendency of such a doctrine, from a topic of alarm very level to the capacity of writers like Mr Grinfield—is the mechanic, when called upon to determine a political question, less likely to decide for the good of his country, because he has learnt wherein that consists? Is he less likely to vote for an equalization of rights and division of property, because he is kept in ignorance of any other interests than his own?

To some of Mr Grinfield's arguments we have given answers; but not a few answer themselves. Thus, after premising that the fact of perfect quiet and regularity attending every one case hitherto known of popular meetings for instruction negatives all the anticipations of 'tumultuous assemblies,' in the following passage we leave it to its own powers of self-destruction.

'But the advantages of reading at home by the cottager's fire-side, and in the midst of his own family, is so very apparent if compared with any sort of "association" or "club," that I am surprised to find Mr Brougham giving any sanction to such tumultuous assemblies, (p. 8.) It is scarcely possible to think that any prudent or sensible master would encourage or countenance such meetings of his workmen; but if any could be so foolish or absurd, I doubt not that a "strike" would soon awake him from his reveries. It is easy to observe that there is a strange ignorance of human nature discoverable in many of Mr Brougham's speculations.

'Several of his suggestions, however, as to the best mode of communicating scientific instruction to artisans and mechanics are both ingenious and solid, *if* I could bring myself to believe that this kind of instruction would really benefit those classes of the people. But, feeling persuaded that, with a few rare and splendid exceptions, the knowledge of "Geometry" and "Algebra" and "Dynamics" is not necessary to carpenters, and that the study of "Mathematics" and "Natural Philosophy" is little adapted to those who must earn their bread with their daily labour, it is not in my power to admire this Utopian scheme of popular education. Nothing should be denied to the poor that is calculated to render them more virtuous and happy; but it seems to be a gross delusion, if not absolute quackery, to call their attention to lectures on "mechanical philosophy and chemistry, astronomy and geology;" nor can I see any reason why "moral and political philosophy should be explained to them in public lectures, though they may be learnt by reading far more easily than the physical sciences." (p. 11.)

'Such strange projects appear to argue much more of a restless ambition, bent on trying rash novelties, than they indicate of that "good sense, which, though no science, is fairly worth the seven."

Doubtless it is possible, by continued and repeated efforts, to force a kind of unnatural inquiry amongst the common people. Men who love popularity and display, may easily collect large assemblages of workmen to listen to things which they do not and cannot understand; they may fire them with the hope of becoming "a working Chemist, like Scheele," or "a working Printer, like Franklin," and whilst they are thus *disturbing and agitating society* they may imagine themselves actuated "by no other excitement than that of general philanthropy." But I confess that I behold all such spectacles with some diffidence and distrust, and that a less noisy and less ostentatious mode of doing good would have greater attractions, even though "fit lecturers" should be obtained for every town and village in the United Kingdom." pp. 20, 21.

After relating in a summary, but sufficiently accurate manner, the actual progress of the system, our author very candidly adds, that he views it, 'if not with all the enthusiasm of Mr Brougham and Dr Birkbeck, yet with mingled emotions of hope and fear, being anxious that the great powers which he here sees called forth into exercise should take a good and salutary direction.' (p. 25.) He states his chief ground of alarm now to be, that every one, whatever be his faculties or his line of employment, is called upon to enter the whole field of science; and 'is forced on pursuits calculated neither to improve his station in society, nor to render him more happy in the station to which Providence has called him.' (ib.) But this is a total misconception of the system; nothing is at all forced on any class; the means of learning what each likes and requires are provided; and all are left to choose according to their several tastes or wants. While all will probably, in time, come to learn what alike interests every one, as history, and politics, and moral and theological science, with a general knowledge of the constitution of the universe, both as regards our own planet and the system at large—the best ally of true religion, and the surest cure for superstition—one class will devote more time and attention to chemistry—another to mechanics—a third to geometry—a fourth to agriculture, or farriery, or botany.

The following passages, we doubt not, are those by which our author sets the greatest store, as being the most in favour of the established system which he adores. For this reason we extract them—being no way alarmed at their effects, and every way desirous of promoting the most free and unrestrained discussion. We cite them, too, as requiring no argument to refute such parts of them as are erroneous—and only thankful to Mr Grinfield for his candour.

‘ Upon a calm review of these combined efforts to give a *scientific* turn to the education of the common people, I think that there is sufficient ground to put all prudent men upon their guard, though I am by no means prepared to assert that it ought to be regarded with unfriendly or hostile feelings. That such a project may be easily perverted by artful and designing men to the most mischievous purposes is not a sufficient reason for offering it any opposition, but it furnishes good ground for endeavouring to prevent such dangers; and having laid the case fully before my reader, I shall now conclude by shortly stating what appears to be the best and wisest course to pursue.

‘ First, then, as Mr Brougham and his friends are using all their efforts to give the common people a scientific and philosophical education, it should be the earnest endeavour of those who do not place an *implicit* trust in science and philosophy, to furnish them with the far more powerful restraints of religion and morals. To whatever height the pyramid is carried, we ought to proportion our care and zeal respecting its foundation.

‘ To this end nothing will so much conduce as a steady and judicious support of the national system of education, as it is developed and exhibited in the National Schools. These are schools at which something better and more important than the arts of “reading and writing” are communicated to the children of the poor. It is here they learn their duties towards God and man, a strong attachment to the laws and institutions of their country is early engrafted on their minds. It is here they are taught that knowledge and science are of very secondary value when compared with piety and virtue, “that godliness with contentment is great riches,” and that “the fear of the Lord is the beginning of wisdom.”

‘ It is the peculiar recommendation of these schools that something fixed and definite is taught, and that their system accords with the *order of society existing amongst us*. Mr Brougham and his friends may hint “at the abuses which have crept into the constitution, the errors committed in its administration, and the improvements which a change of circumstances requires in its principles,” but these are discoveries which we do not seek to impress on our pupils. We inculcate a strong attachment to the constitution, *such as it now is*; we teach them to love and revere our establishments in Church and State, even with *all their real or supposed imperfections*; and we are far more anxious to make them good and contented citizens, than to fit them for noisy patriots, who would perhaps destroy the constitution whilst pretending to correct it.

The Tract before us is closed with a very uncandid, and, we trust, a thoughtless attack on Mr Brougham, for what is rashly and unfairly termed, ‘his attempt to *subvert* the present charitable institutions existing in every part of

'the country,' (p. 30)—and a sentence addressed to the working classes, in the same spirit of uncharitable zeal, so manifestly at variance with the general tone of the pamphlet, warning them 'against quacks and impostors of all kinds;' and those especially 'who would confine education exclusively to the purposes of the present life.' Now, one who begun his work by calling Mr Brougham, 'a man of great genius, and greater energy and ambition, in the opinion of all parties,' somewhat departs from this tone of respect when he concludes it, by ranking his adversary among quacks and impostors: And it is not true—it is most notoriously false to say, that the system of that adversary excludes religion from the circle of popular instruction. The charge respecting charities is still more in contradiction to the truth. Mr Brougham is now better known, and we believe more dreaded and slandered for his efforts to prevent the abuse of charitable endowments, than for almost any of his measures; and Mr Grinfield knows very well, that he only recommends the application of voluntary and occasional subscriptions to purposes of real benevolence, and at the expense only of objects positively hurtful to the community,—and to none more than those attempted to be immediately benefited by their misapplication. Every man living who has thought coolly, we might say at all thought, upon the subject, is now convinced that money given to maintain the poor in idleness, is worse than thrown away; and that maintaining poor children only encourages improvident marriages and criminal intercourse of the sexes. Mr Brougham only pursues this doctrine to its inevitable consequence, that, instead of giving their alms in this pernicious manner, the benevolent should bestow them in relieving the want of knowledge which presses on the labouring classes. A few years ago, he was reckoned charitable who gave money to beggars; all are now agreed, that this is an abuse, and that relieving beggars is not charity, but folly. Yet, if Mr Grinfield had been writing in those days, he would have inveighed against any one who recommended withholding such misplaced and pernicious gifts, as the hard-hearted enemy of all humane and compassionate feelings. A foundling hospital has only been found within the last fifty years to be no charity but a public nuisance, encouraging profligacy among the poor, and leading directly to child-murder; and our author, to be consistent, ought to blacken the memory of those who changed the London Hospital, which still bears that name, into a nuisance of a far less fatal tendency, as having perverted the funds destined to support the children of the poor. Mr Brougham,

and those * who support his views of sound policy respecting charities, only recommend the adoption of another improvement, as clearly necessary as the change of the Foundling Hospital into an hospital for poor children. They hold all such establishments as making more paupers than they ever can relieve; and recommend employing the funds destined for charitable purposes in purposes of real charity. They, however, on the present occasion, have said nothing about *endowments*; they have treated merely of the occasional and yearly subscriptions of well-disposed but careless individuals, becoming a prey to greedy and jobbing tradesmen, whom they intrust with their money, and who employ it in doing themselves good, and the public—and the poor especially—in calculable harm. Mr Grinfield has in a moment of controversial irritation stigmatized as enemies of charity, and of the poor, those who advise all men to do what Mr Justice Bayley did in London, examine the application of their donations; and if they cannot correct the abuses, cease to become their prey. He, in effect, says—Spend your money in degrading the poor, and increasing their numbers, in order that a few tradesmen may fatten upon the plunder of your benevolence, and the abuse of your hospitals.

Mr Grinfield expresses a considerable apprehension that the wish expressed in the last Number of this Journal may be realized, by the very extensive circulation of Mr Brougham's work; for, says he, 'the copy which I possess is designated by 'the thirteenth edition.' (p. 1.) We can give him little comfort on this score; for the copy lying before us is of the nineteenth edition; three thousand of the first were printed, as we learn from direct inquiry of the publishers; and there was one of two thousand five hundred printed at Manchester. Thus, no less than a number equal to twenty-nine ordinary editions, of five hundred each, have been circulated; beside the reprints in almost all the provincial papers. It would be no exaggerated estimate to assert, that fifty thousand copies are at this moment in circulation: And we sincerely wish the same general perusal to all that Mr Grinfield has written, and all that his fellow-labourers may write on the other side of the question. We go further, and wish him speedy promotion in

* Among these see a sensible article in the Westminster Review—written, as is usual in that Journal, with an ostentation of discovery and originality somewhat ridiculous at this time of day, and a careful suppression of all reference to those whom it very accurately follows, without adding a single new idea.

the Church; and we cannot avoid remarking how short-sighted our rulers are, not to choose such men, men who are prone to exert themselves in appealing to the public, and who, if not always right, are at any rate not inactive, in preference to such as, 'fruges consumere nati,' think they fulfil the end of their advancement as of their creation, by remaining all their lives in a state of safe quiescence.

The effects of these discussions, we fear, will give our author as little consolation as their universal diffusion. It is said, that about thirty new Mechanics' Institutions and Libraries have already, since the work was published late in January, been formed in different parts of the country. Among these, the principle so strenuously recommended by Mr Brougham has, we rejoice to find from a note to the Editors now before us, been universally adopted, of leaving the management in the hands of the men, by providing that two-thirds at least of the managing committee should be workmen, and that all members, that is all who contribute, should have an equal voice in all elections. This is a principle of the most essential importance, both to secure a permanent attention to the concerns of those institutions, and to keep alive the interest and fix the confidence of the members.

In the same nineteenth edition we find a note of great interest; it announces that the suggestion given in the first edition has been vigorously followed up, for improving the education of the upper classes in London, by the establishment of a University. Our distinguished countryman, Mr Campbell the poet, has stood forward as an active promoter of this plan. He addressed to Mr Brougham a letter upon the subject, immediately after the pamphlet first appeared; and he has recurred to it since in the pages of the *New Monthly Magazine*, so ably edited by him. The last London papers announce that Mr Brougham has given notice in Parliament of a bill to incorporate the new College, and we trust that the Legislature will have sanctioned it before these pages see the light. But happily, though a convenient help, such an act is not a necessary preliminary to the erection of the Institution, and no doubt can be entertained of its speedy and complete success.

We regard this as altogether one of the most important events of our day, and the consequences of which are the most likely to prove extensive and lasting, in improving the understandings, and enlarging the views of the upper and middle classes of society in England. That the means of literary and scientific instruction should so long have been confined to

a few hundred families of the highest rank and greatest wealth, and that the seats even of this limited education should be at a day's journey from the metropolis, will in after times hardly be credited. Unless a parent can both afford to pay about three hundred pounds a year for each son, and resolve to neglect his duty so far as to devolve upon others the whole care of their morals, nay to leave their morals almost entirely uncared for, he has no means of educating his family at all. The establishment of a college in London, where every one may obtain for his children the most complete education, at the expense of ten or twelve pounds a year for each, retaining his parental superintendence, and not sacrificing the mutual pleasures of their society, is the complete and appropriate remedy for so great a defect. When the working classes are become scientific, their superiors, as Mr Brougham has remarked, to continue their betters, must learn a little more than they now do. Accordingly we expect most confidently the greatest increase in the education of the higher and middle classes, and the greatest improvement in their virtue, from the new Institution. We are sure, too, that one such Institution will not suffice to supply the extended demands of the country. There must soon be others, as at Durham, York or Richmond, Exeter, and perhaps elsewhere, as soon as the magical spell is once broken, which for so many centuries has bound all men to the notion that education can only be carried on near the Isis and Granta. The new Colleges will begin their work with immense advantages. They will have no trammels of old rules, forms and prejudices, to hamper their proceedings; every useful art and science will be freely taught; and the young offspring of those venerable stocks will have all the virtues of the parents, without any of their antiquated frailties and more recent abuses. The good, too, thus effected, will be unmixed with evil, even to the old institutions. To certain classes, the authority of Oxford and Cambridge, their power of conferring degrees, and the fellowships, and livings, and other advantages attached to them, will always prove of superior attraction; and the more general diffusion of a taste for scientific education will greatly augment the numbers of those who, being able to afford it, will prefer an university for their sons.

ART. VII. *A Short Address from a Layman to their Graces Dr Magee and Dr Murray, Lords Archbishop of Dublin, and Bishop of Glandalough, &c. &c. &c.* London, Keatinge. 1825.

THIS is a very sensible and well written pamphlet, upon a most important subject, the political necessity and Christian duty of toleration in religious matters. The author demonstrates conclusively, that religious disputation, and still more exclusion, and all the other forms which persecution assumes, are more directly opposed to the commands of Jesus Christ, and the whole spirit of Christianity, than to those of any other religious system; and yet it is not a little remarkable, that hardly any other religious professions have made persecution their study. The truth indeed is, that while the government did not mix up itself with the faith of the community, persecution was unknown; but no sooner did Constantine signalize his conversion by uniting the Church with the State, than religion became an engine to be used against the people; and the monster, so incongruous in its composition, *religious war*, was produced—till then unknown.

Our author, placing himself above the conflicting and narrow prejudices of various sects, shows how inconceivably trivial their differences are in comparison with the great points on which they all agree, and the paramount interest which all have to unite with mutual forbearance in brotherly affection. He illustrates the follies and mischiefs of polemical controversy, when dogmas are enforced on either side by political power; and he recurs to the history of former times, which is unhappily replete with warning examples. He might have stated in one sentence, the nature of most disputes and persecutions of churchmen. Mr Brougham once mentioned it in Parliament, and the leaders of the High Church have since fully confirmed it. He stated the law of controversy to be, that conflicting sects hated one another with a hatred which was inversely as the distance of their respective creeds. A striking example of this principle is furnished by our author, when he reminds us of the declaration of the first minister of the Eastern Christian Empire—that he would rather see the Turban of Mahomet at Constantinople, than the Tiara of the Pope. His excellency's successors had the benefit of this wish with a vengeance; but we do not suppose that their tenets were changed by it. The following passage is every way creditable to the talents and opinions of the author.

But the unbridled ambition and love of power which unceasingly act on the minds of the clergy, whether they wear the tiara or the lawn sleeves, are not peculiar to the cloth, nor a consequence of their calling. The same spirit actuates all public bodies or corporations,—a spirit that never flags. Supported as such corporations are, by the short-sighted policy of kings, they are in most instances much too powerful for the isolated interests of individuals. Prosperity, in the long-run, slips from the possession of private families, even the most prudent; while corporations, or extensive bodies of men, hold steadily on in the race of aggrandisement. This person, or that, belonging to the establishment, may, from indolence, or an honest feeling, faint by the way, and relax their efforts; but the great mass is borne impetuously forward to the one point. The policy of the Popes and Cardinals of one century is the same as that of the Popes and Cardinals of another century, though Alexander the VIth is in one instance invested with the Tiara, and Clement the XIIth in another. If the times were propitious for the invasion of liberty of conscience, and of our temporal possessions, we should still have a Whitgift or a Laud at the head of the Anglican church. The wonder is, that the influence of the Church has not been even more oppressive. It would appear, however, that as mankind has advanced rapidly in civilization, since the lights of science and philosophy have penetrated through the thick darkness that overspread the face of Europe in the middle ages, not merely the spirit of Christianity has been of a milder, a more tolerating nature, but the duties of men and of Christians are performed with more regularity, and more in the spirit of the Gospel; and that, in direct proportion as the trammels of priestcraft have been thrown off, in that degree mankind have advanced in every art and every science. Till this great revolution took place in the human mind, no advancement could be made. The little portion of intellect which had escaped the fetters of the schoolmen, was condemned to inaction, and to a torpid state of idleness. Nothing that had the least tendency to improvement was permitted; nothing in the walks of natural philosophy existed but Alchymy and Astrology. It was as great a crime, in the eyes of the priesthood, to adopt with Copernicus his planetary system, as to deny the existence and comprehensibility of the Trinity. Even as late as the seventeenth century, the Protestant Doctors were in arms against the philosophy of the human mind. They opposed the system of Mr Locke, a system which has conferred such inestimable benefits on his countrymen, and on all the civilized world, and which at last has firmly established itself over the better portion of Europe, in opposition to, and in despite of, the influence of every Church,—in despite of the monkish education that then, and still exists, in all countries, Protestant as well as Catholic. Were our Universities not strictly modelled on the plan of Convents, rather than of enlightened institutions, such as should have existence for advancing the interests of

humanity, of philosophy, and religion, that monkish spirit would not have been developed which actuated the Fellows of Oxford to expel from their University the illustrious Locke, and the enlightened and amiable Sir William Jones. Neither should we have seen, in our time, the portrait of a man whose talents shed such lustre on his country, torn with ignominy from the walls of our own Trinity College.' pp. 11-13.

With reference to these principles, we now resume the great subject of Catholic Emancipation—not, however, with any design of entering at large into the discussion of it, but for the purpose of calling the attention of the country to the new and fearful importance which it is assuming; and this we shall best do, by recapitulating its history since we last had occasion to discourse of Irish affairs.

The Session of Parliament now drawing to a close, and which equals any one that ever sate, whether we regard the importance of its deliberations, or the talents displayed in conducting them, opened in circumstances of a nature fitted to excite the most intense anxiety. And we grieve to say, that the course which affairs have taken, seems little calculated to allay those feelings of alarm, at its conclusion. The Catholic Association had, during the preceding vacation, obtained a consistency in its establishment and an influence over the country sufficient to excite the attention of Government; nor can we deny that its power and its measures were justly the subjects of vigilant observation. A voluntary union of the most active and able leaders of the Catholics, the men of that body most important for their property, joined by the chief ecclesiastics, and unanimously obeyed by the whole people, even to the extent of levying weekly contributions to a large amount, presented an indication of the highest value in the eyes of all sound and rational statesmen. •Could such a body have sprung up, and in a few weeks grown to finished maturity, in a healthful state of the empire? Compare with it all the attempts of the reformers in this Island, whether to form associations, to hold meetings, or to present petitions; and they sink into insignificance. Yet our reformers are zealous and able men; they have a strong hold over the intelligent portion of the community; their personal influence is large, from honesty and from talents; their cause is a good one, because there are great and admitted abuses undeniable in theory, and producing the worst mischiefs in the practical administration of affairs. Still we see how little hold all this weight of influence and of reason has ever had upon the minds of the nation at large. But all the people of Ireland was seen leagued under the standard of a Parliament

assembled at Dublin,—debating daily on every subject most interesting to the country, and issuing its directions to six millions of fellow-citizens, who heartily concurred, and cheerfully complied with their suggestions. Those millions were represented in the Imperial Parliament all the while: They had to the full as considerable a share in choosing its members as the inhabitants of England, and an infinitely larger share than those of Scotland; yet they all turned their eyes away from the point to which all England and Scotland habitually look; and fixed their regards almost exclusively upon their assembled brethren in Dublin! A surer symptom no time ever exhibited of something rotten in the State, and calling loudly for a healing and kindly hand. But empirics are either blind to symptoms, and occupied only with praising their own nostrums; or they mistake the symptom for the malady, and attack it with the knife. Our rulers, whose perverse impolicy and long continued injustice, were the real causes of the association—who had, by a course of maltreatment, improverished and irritated the constitution, until it broke out in a running sore—instead of trying to restore its vigour by a generous system, set about cutting and scarifying, so as to exasperate the disease, and seemed indeed to propose to themselves no higher object than making the wounds skin over, so as to escape the eye for the present, by drawing back the foul humour and causing it, as Lord Bacon said, to burst inwards.

It was easy to perceive, that, divided as our Cabinet had been upon no less a question than the whole system of Irish politics, upon this point of the Association they would all be agreed. Partly from principle, partly from having been followers of Mr Pitt, who had given the Catholics a pledge at the Union; partly, perhaps, from having taken this line while in opposition to the ministry of the day, and under the impression that the present Monarch would adopt it at his accession, some of the ministers had early committed themselves upon the Catholic question. All of them, indeed, had, to serve the purpose of the day, in 1807, and while the late King reigned in vigour, raised the base shout of No Popery, and, by means of it, had taken the government from men whose only fault was their proposing a bill to equalize the rights of Catholics in both islands, as far as inferior military offices went, so that a Catholic subaltern or captain might no longer, on crossing the Irish Channel, be liable to the penalties of the code; and it is equally true, that all of them, a few years after, when the cry had served its turn, were so utterly unmindful of it, as to carry through the self-same bill with their own hands, and without a single dissentient

voice in either House of Parliament, or a whisper in any part of the country, or a petition from any cathedral or vestry in either island! Nevertheless, these things were not unwillingly forgotten by the Opposition, ever the firm and consistent friends of civil and religious liberty, because they desired to do good for its own sake, having for that sake alone abandoned, and then repeatedly refused, the highest offices in the State: And accordingly, from 1812 downwards, they were always found willing to cooperate most cordially with some of the men who had, five years before, held them up to the fury of a Church and King mob, for the greater convenience of robbing them of their places. Those men, again, had in the course of this cooperation, rendered no little assistance to the good cause of toleration, and had become so much mixed up with it while out of office, that upon entering into the administration, they could not so far yield to the predominating influence of the High Court party, as to abandon the Catholics. That party, however, continued as inveterate as ever in the principles of severe intolerance; and, rather than concede any thing to the more liberal views of their colleagues, would have—not perhaps gone out of office—but turned out those colleagues, and endeavoured to carry on the government alone.

A singular, a wholly unprecedented compromise, was the result of this state of things, and mixture of persons;—a compromise infinitely disgraceful to all the parties, new in the history of governments, and, as itself without a precedent, so not likely, we should hope, ever to form a precedent for after times. The most important branch of our national policy by far, since the conclusion of the war in Europe—indeed the branch which alone required either vigour or talent to conduct it,—became that upon which alone our rulers differed, and could not possibly adopt any one line of operations. They must, therefore, either separate, and suffer a new administration to take their places, or, in order to keep their places, they must come at once to an understanding never to name Ireland, and to exercise no judgment whatever, in common, upon Irish affairs! It does not appear that they hesitated one instant in deciding between the two alternatives, of doing their duty and preserving their honour, or of keeping their places. They unanimously preferred office to reputation.

Nothing could be more scandalous than the results of this unworthy bargain for office. As the two parts of the Cabinet differed so widely on every Irish question, it became necessary either that no Irish question should be discussed, or that every such point should be pursued by a middle course, so as to follow the

opinions of neither the one half of the Cabinet nor the other. Thus, some discussions were indefinitely postponed to avoid differences; others, which could not be delayed, were taken up in a way agreeable to neither class, and for that reason objected to by neither, though evidently approved of by no one and some measures were framed, and appointments made, by a kind of jumble of all tastes and judgments. The same discrepancies that prevailed in England, were faithfully reflected in Ireland—both as regards persons and measures. An Anti-Catholic Secretary of State issued his directions to a Catholic Lord Lieutenant, while an Anti-Catholic Under-Secretary corresponded with a Catholic Attorney-General: and the Viceroy was neutralized by an Anti-Catholic Chancellor, and served by a Secretary of the same persuasion. Had all these juggles only served to humiliate and harass the parties, we might have been reconciled to their continuance; but the cost was paid at every turn, by the peace and the prosperity of Ireland.

While this disgraceful state of things was at its height, and the members of the Cabinet were probably wishing, that Ireland had never emerged from the ocean, (if not with one of their supporters, convinced that an immersion of four-and-twenty hours was the only cure for its disorders), the Catholic association appears to have been hailed by them as an opportune relief. Here was a case of sufficient novelty to unite them all, without the charge of inconsistency. The High Court party being resolved not to yield one inch, steady in the support of the Crown and the Heir-presumptive, and the Church—the friends of emancipation seemed to have nothing for it but to yield, when the rise of the association offered a kind of bridge by which they might cross over, from the slippery precinct where they stood, partly on the ground of principle and popular favour, to the firm and safe footing where their colleagues were already posted, securely basking in the unclouded sunshine of the Court. The question now admitted of being represented as no longer the same; it was mixed with the new and alarming one of the Association—and what so easy as to be alarmed? Change of circumstances (and when do they not change?) required change of policy; and with the strongest opinions upon the main question, with the firmest resolution to sacrifice every thing but place itself—which is as it were a professional politician's honour, and never to be parted from but with life—it was absolutely necessary, even for the sake of the Catholics themselves, to join in strong measures against their favourite Association, and save them from their own folly and their chosen leaders! Unanimity was accordingly restored to the Cabinet, even upon an Irish question; and a

bill brought in to suppress by violence the symptoms of that deep-rooted discontent, the precious fruits of long misrule; which the selfish and profligate conduct of the Cabinet, and their base system of compromise, had nurtured to maturity.

The Opposition at once repaired to their post. They rallied themselves, and roused the country to a sense of public duty. Although a general election approached, and the Catholic Association was far from being popular; and even the Emancipation unpopular also—they saw the clear line of conduct which their principles pointed out; and, with a disinterested magnanimity, of which the history of party affords no second example, they unhesitatingly pursued it. In vain were they assailed with the vulgar cries of encouraging discontent and exciting rebellion; in vain were the evils that oppressed, and the perils that menaced Ireland, charged upon them, by the men whose intolerant misrule, and the men whose treachery to the cause had occasioned both the one and the other; in vain were they threatened with the yell of No Popery, in the election supposed to be at hand! The Opposition despised all those artifices, and, ranging themselves against the new inroads upon the Constitution, by which the evil consequences of its old breaches were sought to be repaired, not a man of them was found, when the day of battle arrived, to have deserted his ranks. Their measures were not less signalized by skill and by prompt decision, than by gallant self-devotion. They began, from the hour the Session opened, to make their stand, and appeal to the country. They openly avowed their principles, and pledged themselves to maintain them as heretofore, through good fortune and through evil; and they awaited the attack upon that Association, which they professed to defend as the friends of oppressed Ireland and of religious liberty.

When the Bill was prepared for putting it down, a debate ensued, not, as usual, after its introduction, but before giving leave to bring it in; a debate not perhaps to be paralleled in Parliamentary history for its importance, and the sustained excellence which marked the whole compass of its duration. Four whole nights did this memorable contest last, if contest it might be called, where all the strength lay, excepting that of numbers, on one side. The effect produced by this debate out of doors, and even within the Parliament itself, was truly important. The whole range of Irish policy was discussed; all the grievances of Ireland were openly canvassed; the conduct of the government freely arraigned; and such a death-blow given to the cry of No Popery, and the other de-

lusions of the High Church party, that intolerance lost more ground that night than it had ever hoped to regain by the alarm which the Association enabled it to excite. The conduct of that body was most triumphantly defended; and it appeared plainly that the peace of Ireland had been restored by its exertions, and maintained by its influence. Of eleven counties, half a year before proclaimed under the Curfew-act, not *one* now remained disturbed; rents were peacefully paid; Captain Rock no longer trained the nightly bands of depredators; and a new era seemed to dawn upon the sister kingdom, under the auspicious authority of that body which had succeeded in obtaining the confidence forfeited by the natural rulers of the country.

It is remarkable that even the liberal part of the Cabinet not only exerted themselves to put down the Association, but did their best to revive the No Popery cry, by proclaiming loudly the universal dislike in which the question of Catholic Emancipation, they asserted, was held in England and Scotland; and they pronounced the ruin of that cause to be the certain consequence of the Association's success. Their motives were too plain to deceive any one for a moment; it was their interest to mix up the Association with the question itself, in order to justify their dereliction of the latter; and to repress all attempts at reviving the discussion when the Association should be put down. But their disingenuous attempt met with the fate it so well deserved. The firm stand made by the opposition, and their fearlessly coming forward to meet the cry, silenced it. The severe scrutiny which the subject underwent during the long debate, threw such light on all its details as dispelled every remaining prejudice in the country; and all efforts to excite once more the disgraceful outcry of danger to the Church, were more signally defeated than upon any former occasion,—notwithstanding the materials of alarm drawn from that new, and somewhat threatening aspect of Ireland under the powerful guidance of the Catholic Association. A circumstance which almost unavoidably marked these debates, encouraged, if it did not point out a most important measure to the Opposition leaders. The more liberal part of the Government who had befriended the Catholics, now that they took part against the Association were driven, in defence of their own consistency, to the necessity of reasserting their principles on the general question, and pledging themselves still to support it, when severed from the Association. It appeared clearly then, that now was the time to press them to redeem this pledge by bringing the question forward, while the indignation of the Catholic body at the suppression

of their favourite Association, must compel those of their friends who supported the bill, to exert themselves in favour of the Emancipation, and might also induce many who had not before supported the question, to save themselves and pacify the country by joining to carry it. After many attempts made to dissuade from this course, on the pretence that it was not yet the time; and that a season should be allowed to allay the late heats; and that great loss would be sustained by a defeat at the present moment,—the question was brought forward, and carried through the Commons after eight or nine long debates, in addition to the five or six nights already spent in canvassing the Association.

And here we must step aside to remark upon the history of the Irish delegates, who resorted to London armed with full powers from their Catholic countrymen to oppose the Association bill, and to promote the Catholic question. No men in circumstances so difficult and delicate, ever behaved with greater temper and moderation, or more recommended themselves to all parties by their fairness and by the conciliatory manner of their proceedings. Of necessity ignorant of the men with whom the state of things called upon them to act, they could not avoid falling into some errors; but these were all excusable, when the purity of their motives and the extreme novelty of their situation was considered. The sanguine temper which made them give ear to the hope so unaccountably held out by some persons, is to be reckoned the chief of these mistakes; for it led to far too much carelessness about the blow levelled at the Association, and to a degree of kindness towards the very worst and most bigotted enemies of their cause, perhaps to a degree of confidence in their more doubtful supporters, easily mistaken for indifference to bad treatment, and neglect of their best and truest friends. It is most certain that in reality they felt neither. Those who knew them were well aware that their gratitude to the champions of their cause exceeded all powers of description; and that if they overlooked for the moment the destruction of the Catholic Association, it was not because they ever could forgive that act of violence and folly, but because, in the momentary hope of carrying the Catholic question (the only object of the Association) they suffered themselves only to look forward, and declined to look behind. Unfortunately, a wrong construction was put upon this conciliatory demeanour; and the intolerant party, once more mistaking patience for pusillanimity, refused to believe that there could be any real danger in thwarting the wishes of the Irish, until the peril should come too near to leave them any choice either as to the manner or the extent

of the concession. It is a truth, but a most unhappy one, that while those persons talk in such high sounding terms of their courage, and express such horror at the bare mention of yielding any thing to fear, no one act of justice has ever yet been done to Ireland, excepting under the influence of immediate apprehensions, arising from the presence of extreme difficulty, and the approach of the most formidable dangers. Unfortunately, it seems equally true, that there are some men on whom not only the experience of others, but their own is thrown away; and who will not get wisdom by that which is proverbially said teaches it even to fools. Looking back to the history of former times, and indeed to some very recent passages in the proceedings of the House of Lords and the government, we cannot help suspecting that the rejection of the Catholic Bill by so large a majority, and the language in which it was opposed in that House, proceeded in part from a contempt of the Irish Catholics, not justified, though probably excited, by the conciliatory demeanour which they held upon that suppression of the Association.

An incident of a very unlucky kind marked the progress of the bill, and arose out of the same circumstances; we mean the connexion of the measure with two others, not necessarily allied to it, and much more likely to divide and even alienate its friends, than to gain any new support. Upon the merits of those projects we shall at present say little: one is of difficult consideration and of a most unpopular aspect,—the restraint upon leasehold qualifications: The other is perhaps a wise measure, but ought to have followed and not accompanied the repeal of those penal laws, the existence of which must ever be an insuperable bar to the clergy accepting any provision, or keeping any terms, with a government that oppresses their flocks. The leasehold question seems indeed now set at rest, at least as part of the emancipation; and we fear it deserves little support upon its own merits,—convinced that the root of the evil is not in the manner of multiplying votes, but in the unfortunate circumstances of the Irish peasantry, a poor, ignorant, and therefore most dependant body, whom their rich landlords will always make voters in one way or another, as long as the one party is disposed to encourage, and the other to commit perjury for electioneering purposes. But, at any rate, both these obnoxious measures are now forever severed from the general question, and may be regarded as a removal of the old securities so inconsistently required by the enemies of the penal code, and long since exploded from the question. The adoption of those '*wings*,' as they were figuratively termed by the parliamentary friends of the bill, was

expected to secure its quick and easy flight through both Houses of Parliament: But they proved wings of lead; they were laughed at, and indeed vehemently resisted by the intolerant party; they gained, as it was ascertained, not a single vote in the one house, while they lost the support of five or six of the best friends of civil and religious liberty in the other.

An event occurred in the latter period of the discussion, intended to effect great things against the Catholics in Parliament, and still more relied upon out of doors; but which, though certainly not without its influence in the Upper House, has signally failed in the country. We allude to the extraordinary declaration of his Royal Highness the heir-presumptive to the throne. We are aware of the protection which the privilege of Parliament flings around all its members: But the publick conduct of publick men is the subject of free discussion in a free state; and we are well assured that the illustrious personage in question would be the last man in the country to deny those fellow-citizens to whom he has appealed upon this occasion, the power of canvassing his words or actions. We acquit him most readily of every sinister design; we believe that he spoke, unguardedly and most unadvisedly spoke, the honest sentiments of his heart; and, respecting sincerely his consistency, and willing to excuse his frankness, it is impossible to receive, without grief and wonder, his implied assertion, that whatever opinion he may once have adopted, he never, while he lives, can qualify or change. This, let us remind the Duke of York, is the profession not of a wise, but of an unwise man; it betokens no strength of understanding, but rather a degree of weakness bordering upon incapacity. Unless he is absolutely infallible, which we doubt whether even the Bishop who affirmed the King's perfection will assert of an heir presumptive, to pronounce that he never will change his opinion upon any great subject, is the greatest folly imaginable. If he is a man, and liable to err, religion, above all a religion founded on reason, and appealing to reason alone, should teach him, that as he may possibly be in the wrong, he is bound to correct his opinion, the instant he discovers it to be erroneous. And if he fancies that greatness of mind is best evinced by an obstinate adherence to every notion he may at any time have adopted, we will show him, in every cell of Bethlem Hospital, men to the full as magnanimous as himself, who would suffer martyrdom rather than give up an iota of the delusions that form part of their nature. So much for the sense of this memorable declaration; now for its constitutional propriety. Supposing him deliberately to reason, and still to remain of his present opinion, it seems

he holds it right never to yield it, let what will betide. He utters an asseveration, under the sanction of an oath, that in every station (meaning plainly when he shall be King), no power on earth shall ever make him act on any other views than those he now entertains; that is, in short, that if both Houses of Parliament, and *all* his councillors and *all* his people were to present to him the Emancipation Bill, he would at once refuse his Royal assent, at all hazards to himself, his crown, and his kingdoms!

Does he reflect that he is, if ever, only to be the King of a free people?—To be the first Magistrate of a country from which the Stuarts were driven because they attempted to govern by violence and without a Parliament? But what else is it than saying that he is prepared for violence, and reckless of a Parliament, if he avows his intention of following his own inclination, whatever Parliament may say? Is there any reason why another king should not have some other prejudice, and pursue it in like manner? Nay, is there any reason why he himself should not have an opinion of his own upon any, and upon every other question of domestic and of foreign policy, and hold it as obstinately, and act upon it as steadily? One who has so spoken, may not, on other subjects, be averse to the maxims of the Holy Allies. The questions of war against liberty abroad, and treaty with the emancipated colonies in America, have doubtless attracted his Royal Highness's regards. He has certainly made up his mind upon them; and, consistently with what he has now stated, he may insist, that happen what may, and vote what the two Houses may, and address as the people may, he will persist in making war, together with Ferdinand in Europe, and refusing to make peace with the free men of the New World. Here, then, is a fine prospect of quiet and prosperous times, when it shall please God to make his Royal Highness our King. Why James the Second never openly spoke so much against the spirit of the constitution, for Popery, as this Prince has spoken for the Protestant church; and yet he lost his crown for what he did and said, although he was as conscientious and as bold a man as the Duke. These must no doubt have been the feelings of the House of Commons when they shouted with one voice an echo to the prayer for the present King's long life, which accompanied the reference to his successor's extraordinary speech.

But a prayer and its echo are not all that the occasion demands. Something more is needful for the salvation of the State. Can mortal man imagine a more conclusive argument for speedily carrying through the Catholic question—a more trumpet-tongued

warning against the dangers of delay—than this frank declaration of the next King? In addition to all the other reasons for redressing the wrongs of Ireland,—for deeming every day's delay a step to certain destruction—we now have notice—and it is our own fault if we do not profit by it—that the only chance of carrying the question for Ireland, without involving England in revolution and civil war, is the carrying it while the reigning Monarch fills the throne which his family acquired from the voice of a free people. His Majesty is an ancient supporter of the rights of conscience generally, and especially he is a warm friend of the Irish Catholics. He has no scruples like his royal father; he labours under no delusions like his Hanoverian people breathing to the utmost extent the principles of absolute and universal toleration. While his life is yet preserved to us, it is the bounden duty of all to promote the Catholic question, who regard the peace of the empire and the stability of the constitution, at least if they regard at the same time the permanency of the government in the House of Brunswick, as established by the Act of Settlement. If any one is still a sincere and unconverted friend of the penal code, if he expects from the progress already made that finally both houses of Parliament will vote for its repeal, even he is bound to hasten that period, in order that the bill may be carried up to the Throne while his Majesty fills it. Even if he doubts its being soon carried, and deems its success an evil, still, unless he prefers the penal code to the permanency of the existing dynasty and the tranquillity of the whole empire, he is bound to support its repeal at the present moment. He only, in short, can consistently vote against it, who values the remaining laws against the Catholics so highly, that he would rather see a monarch backed by an army, arrayed against a parliament backed by the people, than give up a letter of these statutes; and deems the exclusion of Roman Catholics from the constitution cheaply purchased by involving the country in confusion, staining it with blood, and exposing that constitution itself either to perish or be saved, by a change of dynasty and by civil war. If there be any man, now at large, who really so highly prizes the penal code, he may consistently and conscientiously answer the appeal of the Duke of York. All else will take warning from it, and act accordingly.

No such view of the subject, unhappily, seems to have presented itself to the Lords' House of Parliament when the Royal Duke's warning was pronounced. We desire to be understood as expressing all the respect which it is possible to feel upon

viewing the proceedings of their Lordships in this memorable affair. No persons can entertain a higher opinion than we do of the virtue and prudence that distinguish this august body; but it is quite consistent with these sentiments to declare the deep sorrow which we feel in common with the large majority of our countrymen at the disappointment which the best hopes of the nation received on this remarkable occasion. Nor did the force of reason then brought into operation materially lessen this disappointment. On the contrary, their Lordships seemed to take the higher ground,—to pursue the more dignified course of declaring their good pleasure on the credit of their great authority, and backing it by some particularly flimsy arguments, as if to let the world know that they were far removed above the vulgar necessity of accounting for their actions by appealing to men's understandings.

The debate was preceded by a notable incident. A parson in London, borne away by his intolerance and presuming spirit, had committed the scandalous indecorum of addressing his congregation from the pulpit, and exhorting them all, women as well as men, to sign the petition, then lying in the vestry-room, against the Catholic claims. A Noble Lord justly expressed his indignation at such an outrage; when the Bishop of London (Dr Howley, so much distinguished in the late Queen's case) is said to have pronounced a panegyrick upon the reverend person who had so grossly misdemeaned himself, and professed to see no ground for censuring him. Lord Spencer, a name alike dear to the friends of learning and of the constitution, and a firm supporter of the church establishment, rose to express how much shocked he had been at the shameful proceedings of the priest, and how much more shocked at the defence of it by his Diocesan; and the Archbishop of Canterbury, to his great honour be it spoken, so highly disapproved of both, that he openly avowed his reprobation of the clergyman's conduct, in the presence of the Bishop—thus reading that prelate a memorable lesson, and showing, that if the diocesan forgot his clerical duty, of superintending his parson's, in the heat of his political zeal, and the fervour of his devotions to the rising sun, his Metropolitan had not forgotten his duty of correcting that diocesan,—notwithstanding his Grace's known approval of the very same political doctrines. In truth, it was manifest to all the rational members of the High Church party, that on the right principles might suffer through the injudicious violence of an indiscriminating supporter.

The cause of liberal opinions received upon this occasion,

not only the able support of its old and faithful allies, but the signal advantage of a most able speech from the Duke of Devonshire; evincing clearly that his Grace inherits, with the honours and princely possessions of his house, those sound principles, which more than either have endeared the name of Cavendish to Englishmen, and placed it beside that of Russell; and that he is eminently distinguished for his talents as well as for his station and his worth. But we must endeavour to account for the failure of the bill, though so defended, by looking a little at the arguments urged against it. And here the lead was taken by a new bishop, and a new convert from liberality to intolerance. Dr Blomfield, formerly known for his great classical attainments, and long a supporter of the cause of religious liberty; afterwards tutor to the minister's near relations, then promoted to a rich living in London of 4000*l.* a year, next imbued with a sincere love of the Penal Code, and finally advanced to the See of Chester, worth as much more, without giving up his living. When we say finally, it is only with reference to the present time. Far be it from us to limit thus his views of preferment; doubtless he aspires to the higher and richer posts of the hierarchy; and certainly a more indefatigable prelate has not, since the days of Horsley, appeared within the walls of Parliament. He is no doubt a Lord of Parliament, and has privileges as such; and he may find it easier to complain of us than to answer for his own conduct; but we cannot but regard him as a public man, eagerly thrusting himself forward upon every occasion into the view of the public, and hardly letting a day pass without some advertisement of his claims upon Durham and London.

After 'freely confessing the change which his opinions had undergone,' he asserts the cause to have been, that he had since 'reflected upon the innumerable evils which Popery, if not the Catholic religion, had inflicted;'—and, because its principles were unchangeable, therefore he must now oppose—not Popery—for that is not in question—but the admission of Catholics to the equal rights which have raised him from an humble station to be a lord-bishop, with 8,000*l.* a year, and the privilege of venting his matter by the hour in the first assembly of the empire. Thus he would have us believe that he never heard till lately of Smithfield fires, sales of indulgencies, monkish profligacies, and papal tyranny. His eyes are for the first time opened to the nature of the Catholic claims, by being for the first time opened to the history of what all the fifth form boys know by heart. But why charge 'Protestant

‘bishops,’ says he, ‘with motives so mean and sordid as self-interest? What ground does their history afford for this mode of unworthy attack? Was it personal interest that induced the seven bishops to resist the encroachments of an arbitrary king? No—their motives sprung from a pure source—it was their honest and firm ambition of proving themselves vigilant sentries, and ready champions of the church of which they were dignitaries—an ambition which he hoped would long pervade the minds, and influence the conduct of their successors, placed in situations of similar trial.’ We rather think this about the boldest attempt upon the gravity of the reader or hearer that was ever ventured. So then Bishop Blomfield must be held to be quite disinterested in his overdone devotion to the ruling party at Court, and the heir presumptive of the Crown, because the seven Bishops resisted the Court, and went to prison rather than abandon the sacred duty of opposing the King’s strongest wishes! Let us see him in any the most minute particular oppose the pleasure of the King, or his minister for the time being—his Majesty not being in the article of death,—and we shall suffer him to speak in the same sentence of himself and those very admirable fathers of the English church, who underwent persecution and exposed themselves to destruction in defence of our liberties and religion. He indeed talks of being placed ‘in a situation of similar trial with the seven Bishops!’ How? when? where? Is it because he is doing his uttermost to serve both the court, the minister, and the heir presumptive, with a forwardness of obsequiousness that distinguishes him even on the Bench of Bishops? Is it because his past ‘trials’ have been Bishopsgate Without, and Chester, and that he expects the more severe ‘trial’ of London, or Worcester, or Durham, to prove his constancy? He trusts the church may never want ‘vigilant sentries and ready champions.’ No fear whatever of that, as long as the court protect it—no fear of men being found to brave the approving smiles of the reigning prince; to hold fast their revenues, in spite of the patronizing nods and cheers of the Treasury Bench; and to seek the place of honour in further translation, in spite of the gracious favour of the next King! We should not wonder if it were even possible to get men from ‘among the dignitaries of the church,’ willing to perform some act of still more magnanimous self-devotion—some martyr ready to take the advanced posts—to fly with fervent zeal towards the northern frontier, and make head against the inroads of Presbyterianism, ‘as vigilant sentinels’ in Durham.

No doubt this active and self-devoted gentleman has been somewhat unfortunate in his present exertions; and his failure has been signalized by such unhappy scrapes, as may lead his patrons to dispense with his services in behalf of some less bustling and more prudent candidate for translation. The remedy he proposed for all the ills of Ireland was about as unluckily selected as could have been desired by his bitterest enemy; 'Let those who receive *rents* from the soil, reside there,' says his Lordship. 'Indeed! And what ought those to do who receive *tithes* from the soil, without labouring it? Does the Bishop of Chester divide himself in twain, so that he may both live in Chester and Bishopsgate? What demon could suggest such a topic to such a speaker? We know not; but he was not a whit a less wicked imp, who put his Lordship upon uttering the statement, since so signally refuted, that Dr Dromgoole's attack on the Protestant establishment had been echoed by the Catholics, and that it spoke the sense of the whole body. For it so happens, that the very morning after his speech was delivered, the Catholic body met, and thought proper to publish a formal disavowal of the attack! So humiliating an exposure of his Lordship's inaccuracy, we think, will silence him in future upon this great question; and may serve to remind him, how little a readiness to believe the worst, and a rashness in making charges for which he has no authority, and therefore has no right to bring, suits the character of a Christian Bishop, who has taken upon him the office of overseer in a Church professing the religion of truth and of charity.

The rhetorick of the Duke of York, with the new zeal against toleration with which his Royal Highness's declaration seems to have inspired the Prime Minister, proved too powerful for the unassisted force of human reason, in the Upper House; and, in spite of the blunders of the Bishop, the bill to restore the Irish people to the Constitution, and peace to Ireland, was rejected by a majority of forty-seven; the ministers being about equally divided, as became them on such a question, and the Irish Viceroy's proxy being given by an Opposition Peer, in favour of the measure!

Awful is the responsibility which rests on those ministers and that House! We have only been historians of their late perilous acts; and we devoutly hope our forebodings may prove imaginary.

ART. VIII. *Inaugural Discourse of Henry Brougham, Esq. M. P. on being installed Lord Rector of the University of Glasgow, Wednesday April 6, 1825. Glasgow.*

HOBBS, if we mistake not, has somewhere observed, that the man who seriously contemplates the utter extinction of civil Liberty, would do well to begin his operations by destroying the literary remains of Antiquity. And truly, for the attainment of that great and desirable object, we cannot conceive a more indispensable preliminary. The tone of conscious dignity, the inextinguishable hate of tyranny and corresponding attachment to freedom, the love of country, the love of fame, contempt of death, the fixed and rooted opinion, so often inculcated, that the value of life is not to be estimated so much by the comforts and conveniences, as by the independence and dignity of our condition,—sentiments like these, which blaze out in almost every page of these immortal works, form a powerful excitement to manly and generous action. The liberal and profuse commendations bestowed, in the most passionate strains of eloquence, upon those who have deserved well of mankind, have a constant tendency to produce the same species and degree of merit in each succeeding generation; and, like the triumphs of Miltiades, which disturbed, as we are told, the repose of Themistocles, will not, even yet, allow the generous and high-minded to sleep. For which reason, whilst the orators, historians, and poets of Greece and Rome, (of the former more particularly), and a taste duly to appreciate their merits, shall remain, so long may we rest assured that the scheme alluded to by the Philosopher of Malmesbury will be attended with very considerable interruption and difficulty in the execution. These writings constitute, as it were, a chain of fortresses from which sallies will be continually made, ‘to disturb and trouble the aspirants after absolute power, and to redeem mankind from slavery to freedom;’—ἐνοχλῆσαι τοῖς ἀρχὴν βουλομένοις, καὶ πάντας ἀνδράποους εἰς ἐλευθερίαν ἐξαφελίσθαι.*

We have been led into this train of reflection by the perusal of the publication prefixed to this article; which, considering the quarter from which it comes, and the circumstances occasioning it, we take the earliest opportunity of noticing, as Mr Brougham himself, it seems, thought it right to lose no time in justifying the propriety of the appointment, which produced this discourse, and to which his great fame, his splendid

* Demosthenes *περὶ τῶν ἐν Χερσονήσῳ*.

talents and infinitely diversified information, so justly entitled him. The appearance of this Treatise we conceive to be an intellectual and physical phenomenon. When and how does Mr Brougham contrive to continue or revive pursuits and studies of this nature? Cicero, in the shape, and under the mask of apology and exculpation, assumes to himself, in his accustomed manner, merit and praise for seizing opportunities to follow his literary labours, during seasons devoted by others to amusements and pleasures. 'Quare quis tandem me reprehendat, aut quis mihi jure succenseat, si, quantum cæteris ad suas res obeundas, quantum ad festos dies ludorum celebrandos, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis; quantum alii tribuunt tempestivis conviviiis, quantum denique aleæ, quantum pilæ, tantum mihi egomet ad hæc studia recolenda sumpsero?'

* But from which hour out of the twenty-four, can Mr Brougham, considering his unavoidable engagements, contrive to pilfer some small fraction for such purposes? What part of that time, which others may devote now (as it seems they did in the days of Cicero) to the Tennis Court, or Almack's, or Crockford's, can Mr Brougham appropriate to himself? To affirm of the same person that he is in the Court of King's Bench all day in the active discharge of the most laborious profession in the world, under which the stoutest nerves and firmest constitutions are found to fail, and afterwards in the House of Commons all night, a first-rate debater on every subject proposed;—that he is in the Court of Exchequer often—in the House of Lords as often—before the Privy Council whenever it meets—a constant attendant at public meetings—in society frequently, and yet finds time for the cultivation of literature and science, for general and most extensive reading and frequent composition, sounds like monstrous and shocking exaggeration, or fabulous invention, when compared with the every day and average performances of ordinary exertion. And yet is this apparently imaginary picture but a faithful description of the manifold occupations of this wonderful man. Accordingly, as an illustration of our remarks, in his usual course, and by no means as an exception to it, we find that this inaugural lecture was actually composed during the exigency and pressure of the very busiest part of the most busy circuit in the kingdom.

The plan, we believe, was new; addresses to the learned body of which Mr Brougham is now the head, having, on all former occasions, been delivered extempore. This deviation, however,

* Cicero pro Archia, poeta.

from the usual course, and the composition of a written speech, we consider to have been extremely well judged, as conveying at once a delicate compliment to his audience, and adding the weight of his example to a precept of great importance, which we shall hereafter notice. The subject chosen, also, is happy and appropriate in the extreme. Upon no topic of greater consequence could he possibly have addressed the University; and upon none could suggestions have come from him with so great effect, as upon that art, in which Mr Brougham himself has, by universal assent, made so great a proficiency.

Mr Brougham begins naturally by an appeal to the younger part of his audience, upon whom, in truth, the effect produced was likely to be greatest, reminding them of the inestimable value of that precious portion of life, and of the direction necessarily given, by the use or abuse of it, to their future character and fortune. This subject, indeed, like all others of primary and vital importance, has been treated too often to admit of much novelty; but it cannot be too often repeated—exhortation upon exhortation—precept upon precept ('till their ears are so stunned, that, if possible, they can hear nothing else,')*) that every hour they snatch from amusement, or wrest from pleasure, will become the source, if not of glory, as in the case of their Rector, at least of ornament to their maturer years, and of elegant enjoyment and harmless pleasure at that more advanced period, when ambition shall have long forsaken them. They were moved (we will hope) by the following earnest and affectionate passage.

'It is not the less true, because it has been oftentimes said, that the period of youth is by far the best fitted for the improvement of the mind, and the retirement of a college almost exclusively adapted to much study. At your enviable age, every thing has the lively interest of novelty and freshness; attention is perpetually sharpened by curiosity, and the memory is tenacious of the deep impressions it thus receives, to a degree unknown in after life; while the distracting cares of the world, or its beguiling pleasures, cross not the threshold of these calm retreats; its distant noise and bustle are faintly heard, making the shelter you enjoy more grateful; and the struggles of anxious mortals embarked upon that troublous sea, are viewed from an eminence, the security of which is rendered more sweet by the prospect of the scene below. Yet a little while, and you too will be

* Quare, quanquam a Cratippo nostro, principe hujus memoriæ philosophorum hæc te assidue audire atque accipere confido; tamen conducere arbitror talibus aures tuas vocibus circumsonare, nec eas, si fieri possit, quidquam aliud audire.—Cicero to his Son—*Offices*, Book 3d.

plunged into those waters of bitterness!—and will cast an eye of regret, as now I do, upon the peaceful regions you have quitted for ever. Such is your lot as members of society: But it will be your own fault if you look back on this place with repentance or with shame; and be well assured that, whatever time—ay, every hour—you squander here on unprofitable idling, will then rise up against you, and be paid for by years of bitter but unavailing regrets. Study then, I beseech you, so to store your minds with the exquisite learning of former ages, that you may always possess within yourselves sources of rational and refined enjoyment, which will enable you to set at nought the grosser pleasures of sense, whereof other men are slaves; and so imbue yourselves with the sound philosophy of later days, forming yourselves to the virtuous habits which are its legitimate offspring, that you may walk unhurt through the trials which await you, and may look down upon the ignorance and error that surround you, not with lofty and supercilious contempt, as the sages of old times, but with the vehement desire of enlightening those who wander in darkness, and who are by so much the more endeared to us by how much they want our assistance.*

Mr Brougham then proceeds (we do not affect to take the topics in their precise order) to the consideration of a part of his subject, which, restricted as he was unavoidably within narrow limits, we are extremely glad he did not pass over. We allude to the importance and necessity of attending to *written composition*, with a view to attaining even a moderate share of excellence in the art of which he was treating. ‘I should lay it down as a rule (says Mr Brougham*), admitting of no exception, that a man will speak well in proportion as he has written much; and that with equal talents, *he* will be the finest extempore speaker, when no time for preparing is allowed, who has prepared himself the most sedulously when he had an opportunity of delivering a premeditated speech. All the exceptions, I have ever heard cited to this principle, are apparent ones only,’ &c. And we deem this to have been the more useful and even necessary, because there is a most mistaken and injurious notion not unusual, that facility is the first object to be attained,—quantity, no matter what quality,—and that he is no mean proficient, who can, in a given period of time, utter a certain number of words without stammering or hesitation, as the poet, whom Horace notices not to commend, took credit to himself for writing a hundred verses whilst he stood on one leg. Now, so far are we from considering such a habit, or practice, or trick (whatever it is), any gain or advance, that

* P. 6.

† P. 38.

it is, in our opinion, with reference to any thing like higher attainments, a positive defect,—a step the wrong way. He will never arrive at excellence, who is too soon satisfied with himself. If not a certain proof, it is, we are sure, a fair promise of eminence and distinction, when a man thinks modestly and diffidently of himself, and is anxious rather for improvement and acquisition than content with the progress already made. The standard of merit should be placed high, as there is pretty sure to be some falling off, wherever that imaginary standard may be fixed; but so far will those, who have not submitted to the reflection, the arrangement and the polish of composition, (the *limæ labor*, the ‘laborious days,’ and ‘midnight lamp’ which have formed the great masters, in every art, of all times,) be from setting their standard of excellence at a due elevation, or of approaching perfection, that they will not be able to comprehend what it is. What if Addison, by a single constitutional infirmity, was incapacitated from acquiring, even in a moderate degree, the talent of elocution? Would it be reasonable to infer, that, if he could have overcome his terrors, some portion, at least, of that grace and ease and elegance so abundant in his compositions, would not have found their way into his speeches? For our own part, we must think that, upon subjects of a mild and temperate nature, of no particular excitement or elevation (such, for instance, as befitted Mr Wilberforce peculiarly,) he would have been ‘orator parum ‘vehemens, dulcis tamen,’* and that, on such occasions, ‘the neat and mild discourse’ of that accomplished gentleman would have procured for him a willing audience.† Johnson, it is plain, must, originally have taken sufficient pains,—pains enough (as we have observed on more than one occasion), to spoil himself from an over anxiety to avoid a common, and as he most erroneously thought, therefore, a vulgar mode of expression. For this reason he had recourse to an ‘out of the way style,’ *εξηλλαγμένην λήσιν*, as Dionysius calls it, upon the demerits of which it is not necessary again to make any observation: But, nevertheless, this very habit of composition, though faulty, gave to his extempore speeches, or conversations, as reported by Mr Boswell, great power and vigour. It seems, indeed, as if on the sudden, he had not time enough to mar what he had to say, and that, from necessity, he was compelled to drop some of

* Cic. de officiis.

† Facit sibi audientiam disertis senis, compta et mitis oratio. Id. de Senectute.

his habitual vices; and, accordingly, if there had been no impediment from the 'hugeness,'* or 'bearishness,' which, it seems, shocked Mrs Boswell, it is little to be doubted but that he would have been a debater of no ordinary calibre.

How many of those orations of antiquity, which have come down to us, were actually written, we have formerly noticed, and our readers are, doubtless, aware. Of the frequency of this practice of retouching, or, in plain terms, writing over again speeches delivered before, we may form some idea from this circumstance, that Cicero makes Cato enumerate this as amongst the leading occupations and recreations of his old age. 'I am now polishing up (says the aged philosopher) to the utmost, the speeches which I have delivered in causes of great interest,'—'*causarum illustrium, quasunque defendi nuncquam maxime conficio orationes.*'—The labours of Isocrates are proverbial. We really feel at a loss to discover what he could have been about, during the ten years he was engaged in it, when we look at his famous Panegyric; but we must think that, when a person of such extraordinary proficiency and practice in writing and speaking is found to have bestowed such uncommon pains and labour, it may fairly create some diffidence in those who are too much disposed to calculate upon facility and fluency. Nor was this care employed after the delivery of the speech merely. Pericles, we learn,—Pericles, of whose astonishing powers an attempt has been made to convey an adequate idea by affirming of him, that he thundered, and lightened, and shook all Greece,—a man of business, too, (as Mr Hume justly observes of him, if there ever was one), prepared himself by written composition, and first introduced the practice—*πρωτος γραπτοι λογος εν δικαστηριω ειπε, τον προ αυτου σχεδιαζοντων.*† And this, it will be remembered, was done at Athens, where the people were, according to Demosthenes, the readiest, the quickest, and the most expert at extempore composition. We shall conclude these few and hasty remarks, in furtherance of Mr Brougham's suggestion and recommendation, with the ingenious observation of Mr Hume. • It by no means follows,

* Cicero under this term, '*vastus*,' seems to imply every species of awkwardness. Probably he had seen, in public, some of that lolling, and rolling and snorting, depicted in the *Chronicles* of Boswell. By the way, the Lady alluded to seems to have caught Johnson's manner very successfully, when, in noticing his ascendancy over her husband, she observed, that she had known bears led by men, but it was the first time she ever heard of a man being led by a bear!

† Suidas.

that a person of experience and study, if prepared with regular and set passages (Lord Erskine, we believe, had written down, word for word, the passage about the Savage and his bundle of sticks, in his speech on Stockdale's trial), is, when those passages are ended, like a swimmer who goes to the bottom, the very moment he loses his corks.—*Nabit sine cortice!*—The mind, having acquired a certain excitement and elevation, and received an impetus from the tone and quality of the matured and premeditated composition, perseveres in the same course, and retains that impetus after the impelling cause shall have died away.

In the shape of hints and recommendations to the students, we find the following judicious and practical remarks.

‘ After forming and chastening the taste, by a diligent study of those perfect models, it is necessary to acquire correct habits of composition in our own language, first by studying the best writers, and next by translating copiously into it from the Greek. This is by far the best exercise that I am acquainted with, for at once attaining a pure English diction, and avoiding the tameness and regularity of modern composition. But the English writers who really unlock the rich sources of the language, are those who flourished from the end of Elizabeth's to the end of Queen Anne's reign; who used a good Saxon dialect with ease, but correctness and perspicuity,—learned in the ancient classics, but only enriching their mother tongue where the Attic could supply its defects,—not overlaying it with a profuse pedantic coinage of foreign words,—well practised in the old rules of composition, or rather collocation (*σύνθεσις*), which unite natural ease and variety with absolute harmony, and give the author's ideas to develop themselves with the more truth and simplicity when clothed in the more ample folds of inversion, or run from the exuberant to the elliptical, without ever being either redundant or obscure. Those great wits had no foreknowledge of such times as succeeded their brilliant age, when styles should arise, and for a season prevail over both purity, and nature, and antique recollections—now meretriciously ornamented, more than half French in the phrase, and to mere figures fantastically sacrificing the sense—now heavily and regularly fashioned as if by the plumb and rule, and by the eye rather than the ear, with a needless profusion of ancient words and flexions, to displace those of our own Saxon, instead of temperately supplying its defects. Least of all could those lights of English eloquence have imagined, that men should appear amongst us, professing to teach composition, and ignorant of the whole of its rules, and incapable of relishing the beauties, or, indeed, apprehending the very genius of the language, should treat its peculiar terms of expression and flexion as so many inaccuracies, and practise their pupils in correcting the faulty English of Addison, and training down to the mechanical rhythm of Johnson the lively and inimitable measures of Bolingbroke.’

The concluding observations upon the dissection of Addison by a justly celebrated preacher and Professor of our own country, will, we fear, to our Southern neighbours, seem, in many respects, too well founded. It is, at the same time, but justice to observe, that, notwithstanding the anatomical course of lecturing which he has chosen to pursue upon the admired and popular English writer, our critic does, in the main, justly estimate his distinguished beauties and excellences.

From the quotation just made, it will appear, as, indeed, from the nature of the discourse, must have been anticipated, that Mr Brougham has not omitted to bring before his audience those 'models,' which he considers to be most worthy of their attention and study. Nor, we presume, will our readers be surprised, when they bear in mind the tone of energy which Mr Brougham himself assumes, that his preference and attachment is to the Greeks, and, amongst the Greeks, to the most energetic of them all,—to him, who, according to Longinus, had for his peculiar properties (specially vouchsafed to him by the immediate dispensation of some divinity) unrivalled and '*unapproachable*' vigour and power, τῆς ἀπαρίσταντος ἀνεξάντητης καὶ ἀνίμωτης,—Demosthenes. After the many pages we have devoted to this subject, on more than one occasion, it is not our intention to revert to it. Mr Brougham, also, from necessity, could do no more than give his opinion and recommendation, and single out some leading points. In this selection, he justly observes, as a distinguishing feature and excellence in the Athenian orator, (Mr Brougham, by no means, overlooks or excludes Æschines, of whom he seems to entertain a very high opinion)—that he reasons and declaims, declaims and reasons all at once, without having compartments of ornament, compartments of argument, and compartments of declamation perfectly distinct and separate from each other. You are never required, as if by a due and regular notice (which is sometimes almost literally the case with Cicero) to stop. 'Now your reason shall be convinced;—now I am going to rouse your passions;—and now you shall see how I can amuse your fancy;'"* now for declamation;—now for pathos;—and now for the subject again: But the oratory is mixed up with the body and substance of the speech, forming an integral part of it, and seems, always without exception, to be subservient and ancillary to the purpose of persuasion and conviction. This observation is so absolutely true, that we do not believe a single instance to the contrary can be produced from the whole compass of the ora-

tions of Demosthenes. And yet the ancient critics, Dionysius and Longinus, are always treating of the merit of the composition (merely so considered), and pointing out its peculiar nature and merits. *Sed hæc hæcenus.*

Mr Brougham then touches upon another point of the greatest nicety and delicacy in all composition,—the proper limits,—the *certi fines* beyond which it is wrong to go, or the knowing where to stop. The want of this knowledge he seems to consider the besetting sin of the present day; and against that he warns the rising youth with becoming distinctness and earnestness. He gives, in the way of examples to his Thesis, some appropriate instances from Demosthenes, (which, undoubtedly, might be swelled almost to any amount) of much being effected in a small space, and of his uniform tendency to pass on, when once a bold or happy stroke has been made, to his argument and inference, without endangering the effect by additions, or supposed embellishments, or incurring the hazard of tearing the subject to tatters and very rags.* He then notices, by way of contrast, a passage of great and just celebrity in the speech on the payment of the Nabob of Arcot's debts, which Mr Brougham classes as the highest of all Mr Burke's compositions, and which, together with that on Mr Fox's India Bill, respecting misgovernment in that quarter (on his attention to which, Mr Burke informs us, that he plumed himself the most) do contain greater powers of indignant irony, sarcasm, and invective, than are to be found elsewhere. The passage is the description of Hyder Ali's invasion of the Carnatic, as to which, though Mr Brougham considers it overlaboured and overdone, and that so the effect is weakened, yet we cannot suppose that he means to describe it in any other light than as abounding with the highest proofs of a salient and vigorous imagination, accompanied with great richness and copiousness of expression. Mr Brougham, however, thinks that if Mr Burke had pursued his original image (unquestionably a very fine one, and, as unquestionably, we presume, taken from Livy,* as Mr Brougham suggests) of a black cloud hanging on the mountain, through the process of its bursting, and had confined himself more specifically to that process, and had selected particulars of the strongest and most appropriate kind, illustrative of it, the passage would have been better, and the effect greater. He particularly objects and in that part of the objection there seems to be the greatest weight, that, after the natural effect of the bursting had been

* —tandem eam nubem, quæ sedere in jugis montium solita est, cum procelloso imbrem dedisse. Liv. lib. 22.

described by 'the storm' (the procella) that followed, which is given with great power, the passage dwindles into 'the trampling of horses,' &c. which falls greatly short of the first general and sweeping idea of desolation, and is, moreover, not necessarily connected with the bursting of the cloud—the original and prevailing metaphor. Now, it does so happen that the treatment of nearly the same subject has fallen into the hands of Demosthenes, whose abstemiousness, or discretion, or tact (call it what you please) to finish at the very point of effect, Mr Brougham has deservedly praised, and held up as a model for studious and unreserved imitation. Our readers will, of course, understand that we are alluding to the description given of the dreadful sufferings of the Phocians, and of the utter destruction of their country, by the corruption of Æschines, whom he charged with being bribed, for the express purpose of giving them up to the remorseless cruelty and revenge of their bitterest and most inveterate enemies. It is certainly curious to observe how the two Orators have acquitted themselves. The following is the passage in Demosthenes,—and our most imperfect attempt at translation.

Ὅτι μὲν τοῖσι τὸν τρόπον οἱ ταλαίπωροι φωνεῖς ἀπολάσασιν, οὐ μόνον ἐκ τῶν δογμάτων τέτων ἐστὶν ἰδεῖν, ἀλλὰ καὶ ἐκ τῶν ἔργων ἃ πέπρακται.—Θάμεν δεινόν, ὦ ἄνδρες Ἀθηναῖοι, καὶ λεινόν! "Ὅτε γὰρ τῶν ἐπορευομένων εἰς Δελφοὺς, ἐξ ἀνάγκης ἦν ἡμῖν ὁρᾶν πάντα τὰντα,—οἰκίας κατακαμμενας, τέχνη περιηρημένα χώρων ἔρημον τῶν ἐν ἡλικίᾳ, γυναῖκα δὲ καὶ παιδιάρια ὀλίγα καὶ πρεσβυτάς ἀνδράποδες οἰκτρούς. Ὅλος δὲ, οὐδ' ἂν εἰς ἐφικέσθαι τὰ λόγῳ δυνατόν τῶν ἐκεκακῶν τῶν ὄντων. Ἀλλὰ μὲν, ὅτι τὴν ἐναντίαν ποτὲ Θηβαίῳ ψῆφον ἔδεικτο οὗτοι περὶ ὑμῶν ὑπὲρ ἀνδραποδισμοῦ προτεθεῖσαν, ὑμῶν ἔργῳ ἀκούω πάντων. Τίνα ἂν οὖν αἰεσθε, ὦ ἄνδρες Ἀθηναῖοι, τοὺς προγόνους ὑμῶν, εἰ λάβοιεν αἰσθησιν, ψῆφον ἢ γνώμην θέσθαι περὶ τῶν τοῦ φωνεῖαν ὀλέθρου αἰτίων; Ἐγὼ μὲν γὰρ οἶμαι, καὶ καταλείψαντας αὐτοὺς ταῖς ἰαυτῶν χερσὶ, καθαρὸς ἐστῆναι νομίζω. Πᾶς γὰρ οὐκ αἰσχροὺς, μᾶλλον δὲ τίς ἐστὶν ὑπερβολὴ τούτου, τοὺς σισακότας ἡμᾶς τότε, καὶ τὴν σώζουσάν περὶ ἡμῶν ψῆφον θεμένους, τοὺς τῶν ἐναντιῶν τετυχημένους διὰ τοὺς, καὶ περιᾶσθαι τοιαῦτα πεπονθότας, οἷα οὐδὲν ἄλλοι τῶν Ἑλλήνων; Τίς οὖν ὁ τούτων αἰτίας; Τίς ὁ τὰντα φωνεῖσας; Οὐκ οὗτος; *

'In what manner the wretched Phocians were destroyed, we may learn, not from the decrees which have been read only, but from the acts which were done.—A dismal and pitiable spectacle, O men of Athens! For it, of necessity, fell to our lot, as we were journeying to Delphi, to see the whole,—houses razed from their foundations, fortifications levelled, a country destitute of people in the prime of life, a few dwindled old women, and stunted children, and miserable aged men. In a word, no man can, by description, reach the mise-

* Demosth. περὶ παραπρεσβείας.—P. 60. Brooke's Ed.

ries now existing there.—And yet that this very people heretofore pronounced, against the Thebans, their vote for us upon the question proposed respecting our enslavement, is what I am constantly hearing from you all. What vote then, O men of Athens, or opinion do you think your ancestors, if they were brought back to life, would pronounce upon the authors of the ruin of the Phocians? Why, in my opinion, they would consider themselves guiltless if they stoned them to death with their own hands. For is it not base, or rather something beyond all baseness, that those, who then preserved us, and gave the saving vote on our behalf, should receive treatment the very reverse by means of these men, and should be overlooked amidst such sufferings as none of the Greeks have ever endured? Who then was the cause of this?—Who, by his impostures, led to it?—Who but *Æschines*?

This is, in all its parts, literally an illustration of the remarks of Mr Brougham, and it would not, perhaps, be easy to find a more appropriate specimen of the manner in which Demosthenes employs his oratory and his topics.—His working up a strong condensed passage and then leaving it,—his turning to another bold view of the subject connected with it, and then, without loss of time, making an application of the whole to his principal object, are here observable in a very peculiar manner. The conduct of the two orators is different enough;—which is to be deemed the best, must depend upon the peculiar taste of our readers: Mr Brougham, we need not say, would give his vote for antiquity. Something, however, having been said of the management of the topic by Mr Burke in his famous passage, we shall, perhaps, be excused for drawing attention, with some particularity, to the extract from Demosthenes, which though well known undoubtedly, has not, so far as we remember, been dwelt upon as one of his brightest spots. The object of the speech, of course, was to produce the conviction of *Æschines* any how, *per fas et nefas*, by passion, or reason; by any possible matter belonging to the cause or not. For upon this the antients were not scrupulous, and had none of our salutary restrictions, —these celebrated antagonists (*Æschines* and Demosthenes, as was the case with Cicero too) bringing forward against each other upon any, no matter what charge, private scandal,—the treatment of a wife or daughter, for instance,—an assault committed ten years before,—the mean occupation of a father, or the levity of a mother's conduct,—taking too much wine, or too little,—all was thrown into the scale upon the chance of adding to the weight against the accused. In the present instance, Demosthenes thought it would be of advantage (and so, no doubt, it was likely to be), to give a frightful picture of the ruin of the Phocians, and by that means, to increase the exasper-

ation of the Athenians against Æschines. With this view, without preface, he abruptly places his hearers, as it were, upon the spot, and in the very scene of misery, by a few expressions of peculiar boldness and elevation. Nothing, we think, can be imagined, even in the Greek, more powerfully attractive, and tragically rousing than the rapid introduction and the words employed *Ἰαμα δεινὸν, ὦ ἄνδρες Ἀθηναῖοι, καὶ ἑλεεινόν!* He then gives, as the passage shows, all the particulars (for what single item in the inventory of desolation is omitted?) of a country wasted by fire and sword, in one sentence. Mr Burke describes the solitude left by Hyder Ali as perfect and complete, our troops having marched 200 or 300 miles without seeing a human creature,—Dreadful surely!—Demosthenes makes some exceptions, but of what?—of the leavings of avarice, rapacity, and revenge,—beings, to whom diminutive epithets are applied, (not old women merely, but *little* old women not worth carrying away),—wretched outcasts lingering and expiring on the loathsome corpse of their mangled and murdered country. The conclusion and winding up of the passage is worthy of the beginning; nothing, in any tragic poet, or in any composition of any time, having surpassed the softness, tenderness, and pathos of—*πρεσβύτας ἀνθρώπους οἰκτερούς.*—Having thus, and within this space (not 40 words of all sorts and sizes are employed) dealt with his topic, he stops, and as if, instead of having embodied misery in a sentence, he had done nothing, says it was of no use to attempt conveying an adequate idea, for no words could do it. Mr Burke, also, ‘leaves something to general conceptions,’ but not until two pages of description and oratory have been employed. Demosthenes, however, content with his condensed picture, hastens instantly to *his object*,—which was, as we have stated, to bring the whole to bear upon Æschines, and then brings forward one of the most home touches that imagination can conceive,—no other indeed, than that these very Phocians had formerly saved the city of Athens from destruction, and its inhabitants from slavery by their memorable declaration, that they did not wish to have Greece with one eye,—*ἑτερόφθαλμον τὴν Ἑλλάδα.* He then supposes their ancestors, who were saved, to be sitting in judgment, and wishes to know what verdict they were likely to give against the author of such mischiefs, and appeals to their own sense of justice as to the propriety of such a return for such a favour. He then turns short round upon Æschines as the sole delinquent against those their best friends, and the cause of such just imputation upon their country. This is doing a good deal in one short paragraph.—Yet let our readers look at it:—There it is—It is done!

Mr Brougham does not omit one of the highest recommendations and important consequences of the study which he praises so much. This divine art has never flourished—will not flourish,—except in a land of freedom: ‘Hæc una res in omni libero populo, maximeque in pacatis tranquillisque civitatibus, præcipuè semper floruit, semperque dominata est.’—*Cic.* Never can the slave, watching the beck of a master—the fawning minion of power—feel, or, if he should feel, dares he express those lofty sentiments, which a sense of independence, as much as precept or education, is wont to produce. ‘Liberty,’ (says * Milton in his *Areopagitica*) ‘is the nurse of all great wits; this is that which hath rarefied and enlightened our spirits, like the influence of Heaven; this is that which hath enfranchised, enlarged, and lifted up our apprehensions, degrees above themselves.’ And if it be true, as all experience shows, that Liberty is the parent and nurse of Eloquence, it is equally certain that the child, grateful and dutiful, in return preserves and revives the parent, to which it owes its birth. That is the best and the highest end of the power of speech; and its effect is, in this view, as great and excellent, as the exercise of it is, to the possessor, glorious. Silence must be imposed,—‘the tongue of freedom must be cut out,’ as Crassus nobly expressed it, before that inestimable blessing can be endangered, and its last expiring vibration will emit a sound, frightful in the ears, and dangerous to the hopes of injurious and tyrannous men. ‘Hæc tibi est excidenda lingua; quæ vel evulsa, spiritu ipso, libidine tuam, libertas mea refutabit.’—*Cic. de Oratore*.

Fearing, however, lest we should relapse into a course which we have expressed it to be our purpose to avoid, we will conclude, by letting it be seen what Mr Brougham, whilst he is exhorting others, can do in the art which he professes.

‘Let me therefore indulge in the hope, that, among the illustrious youths whom this ancient kingdom, famed alike for its nobility and its learning, has produced, to continue her fame through after ages, possibly among those I now address, there may be found some one—I ask no more—willing to give a bright example to other nations in a path yet untrodden, by taking the lead of his fellow-citizens,—not in frivolous amusements, nor in the degrading pursuits of the ambitious vulgar,—but in the truly noble task of enlightening the mass of his countrymen, and of leaving his own name no longer encircled, as heretofore, with barbaric splendour, or attached to

* We ought to say Longinus, from whom Milton, without acknowledgement, took it. *Θεῖσαι τε γὰρ, Φίλοι, ἱκανὰ τὰ φρονημάτων τῶν μεγάλωφροναν ἢ ΕΛΕΥΘΕΡΙΑ, καὶ ἐπιλτίσαι καὶ ἀμὰ διαδεῖν τὸ προδουμὸν τῆς πρὸς ἀλλήλους ἐξῆδος καὶ τῆς περὶ τὰ πρῶτα φιλοτιμίας.*—LONG.

courtly gewgaws, but illustrated by the honours most worthy of our rational nature—coupled with the diffusion of knowledge—and gratefully pronounced through all ages, by millions whom his wise beneficence has rescued from ignorance and vice. To him I will say, “Homines ad Deos nulla re propius accedunt quam salutem hominibus dando: nihil habet nec fortuna tua majus quam ut possis, nec natura tua melius quam ut velis servare quamplurimos.” This is the true mark for the aim of all who either prize the enjoyment of pure happiness, or set a right value upon a high and unsullied renown.—And if the benefactors of mankind, when they rest from their pious labours, shall be permitted to enjoy hereafter, as an appropriate reward of their virtue, the privilege of looking down upon the blessings with which their toils and sufferings have clothed the scene of their former existence; do not vainly imagine that, in a state of exalted purity and wisdom, the founders of mighty dynasties, the conquerors of new empires, or the more vulgar crowd of evil-doers, who have sacrificed to their own aggrandizement the good of their fellow-creatures, will be gratified by contemplating the monuments of their inglorious fame!—Their’s will be the delight—their’s the triumph—who can trace the remote effects of their enlightened benevolence in the improved condition of their species, and exult in the reflection, that the prodigious change they now survey, with eyes that age and sorrow can make dim no more—of knowledge become power—virtue sharing in the dominion—superstition trampled under foot—tyranny driven from the world—are the fruits, precious, though costly, and though late reaped, yet long enduring, of all the hardships and all the hazards they encountered here below.’ p. 48.

ART. IX. *The Spirit of the Age: or Contemporary Portraits.* 8vo. pp. 424. London, Colburn, 1825.

THE author of this work is evidently a very clever man, who has read and thought a great deal—but observed both less extensively, and with far less accuracy. His writing is often powerful, and his ideas are generally original—sometimes valuable, not seldom brilliant. But a perpetual hunting after originality, and a determination to say every thing in a strange manner, lead him into paradox, error, and extravagance; and give a tinge of affectation to his style, which is far from captivating. His besetting sin is self-sufficiency, and this in all its branches, whereof dogmatism is among the most prevailing. Whatever he writes is likely to be read, and either praised or censured beyond its deserts. But it is his own fault that he does not write much better than he ever has done. Let him only be somewhat more humble and diffident. Let him reflect, that fine writing really cannot exist without good sense, and an earnest pursuit of ‘whatsoever things are just, and whatsoever things are true⁴,’ let him be assured, that the first object with

every rational writer is to be in the right, rather than to strike by novelty; and that no degree of brilliancy will ever make up for want of sense and nature; and with his talents, nay, with far less than his talents, far more valuable books will be produced.

The subject of this book is just such a one as such an author might be expected to choose. Any thing less betokening distrust of a man's own judgment, or power, or credit with his readers, cannot well be imagined. For an anonymous writer, or indeed any individual writer not much known by the world as one of first-rate eminence, to take upon himself the estimating of the character of all the most remarkable men of the age, strikes us as a very perilous adventure, and one only to be justified by the greatest success. This we hardly think the author has attained; and certainly nothing can be more absurd than some of the errors he has fallen into, partly through extreme hastiness in passing his judgments, and chiefly through the determined resolution, by which he is always actuated, of never thinking as other men think, or saying what he thinks as others would say it.

We purposely abstain from any full account of these contemporary portraits. We protest against the subject; and indeed every one must see how very apt it is to be abused, and made the vehicle of very unfair praise and censure—of adulation, the offspring of friendly partiality, or more sordid interest—of vituperation, dictated by personal dislike. What else indeed would any reasonable man expect, in a pretended account of the personal character of eminent contemporaries, but a series of satires or panegyrics? But it is fit that we should note a few instances of the ridiculous blunders which our author has committed, and then give a fair sample of his manner, showing his merits as well as his defects. If we thought it very likely that this book should go down to posterity, we might be tempted to furnish a corrective to its errors in more minute detail; for assuredly, by the specimens we are about to give, the reader may perceive how widely after-ages would mistake the great men of these times, were they to take their ideas of them from this portfolio of caricatures and un-likenesses.

In the very first article, the Sketch of Jeremy Bentham, we have examples enough of the singular unfaithfulness of the pencil which has filled this volume with fancy-pieces rather than with portraits. Passing by the unintelligible refinements in which it abounds, as, that Mr Bentham 'is a man occupied 'with some train of fine and inward association;,'—'that he 'hears and sees only what suits his purpose, or some "fore-gone conclusion,"' (p. 7.)—that 'he is very much among 'philosophers what La Fontaine was among poets,' (p. 5.): and that he is 'a thoughtful spectator of the scenes of life, or

‘ ruminator on the fate of mankind, not a painted pageant, a stupid idol set up on its pedestal of pride for men to fall down and worship with idiot fear and wonder at the thing themselves have made, and which, without that fear and wonder, would in itself be nothing ! ’ we have at length the astounding statement, by way of showing this great man to the life—that he is not original, (p. 9.) This, no doubt, is false, and absurdly false, in the thought ; but the manner of expressing it is as much wide of nature, as the sentiment is of truth. ‘ He has not struck out any great leading principle or parent-truth, from which a number of others might be deduced ; nor has he enriched the common and established stock of intelligence with original observations, like pearls thrown into wine, ’ (pp. 8, 9.) Happening to mention Mr Fox in the course of the same Sketch, he actually describes his features by speaking of ‘ his quivering lip, and restless eye, ’ (p. 7.) ; than which, no two expressions that the language affords, could possibly have presented any thing more entirely unlike the original :—it would have been just as accurate to have represented him as a negro, with black face and woolly hair. This sort of painting is, however, a mighty favourite with our author ; though whether he is always as happy in hitting the opposite to the fact, we cannot pretend to affirm ; for he very often takes care so to wrap up his meaning, that he might defy *Œdipus* himself to unfold it. Who, for example, shall say whether the following passage well paints Mr Coleridge, or any body else, or whom or what it would be at ! ‘ Mr Coleridge has “ a mind reflecting ages past : ” his voice is like the echo of the congregated roar of the “ dark rearward and abyss ” of thought. He who has seen a mouldering tower by the side of a crystal lake, hid by the mist, but glittering in the wave below, may conceive the dim, gleaming, uncertain intelligence of his eye. He who has marked the evening clouds uprolled (a world of vapours) has seen the picture of his mind, unearthly, unsubstantial, with gorgeous tints and ever-varying forms. ’ (p. 62.)

The following parallel between Mr Godwin and Mr Coleridge, is certainly not very much in the manner of Plutarch, or of any body else, we hope.

‘ Mr Coleridge, in writing an harmonious stanza, would stop to consider whether there was not more grace and beauty in a *Pas de trois*, and would not proceed till he had resolved this question by a chain of metaphysical reasoning without end. Not so Mr Godwin. That is best to him which he can do best. He does not waste himself in vain aspirations and effeminate sympathies. He is blind, deaf, insensible to all but the trump of Fame. Plays, operas, painting, music, ball-rooms, wealth, fashion, titles, lords, ladies, touch

him not—all these are no more to him than to the anchorite in his cell, and he writes on to the end of the chapter, through good report and evil report. *Pingo in eternitatem*—is his motto. He neither envies nor admires what others are, but is contented to be what he is, and strives to do the utmost he can. Mr Coleridge has flirted with the Muses as with a set of mistresses: Mr Godwin has been married twice, to Reason and to Fancy, and has to boast no short-lived progeny by each. So to speak, he has *valves* belonging to his mind, to regulate the quantity of gas admitted into it, so that like the bare, unsightly, but well compacted steam-vessel, it cuts its liquid way, and arrives at its promised end: while Mr Coleridge's bark, "taught with the little nautilus to sail," the sport of every breath, dancing to every wave,

'Youth at its prow, and Pleasure at its helm,'
flutters its gaudy pennons in the air, glitters in the sun,—but we wait in vain to hear of its arrival in the destined harbour! Mr Godwin, with less variety and vividness, with less subtlety and susceptibility both of thought and feeling, has had firmer nerves, a more determined purpose, a more comprehensive grasp of his subject, and the results are as we find them. Each has met with his reward: for justice has, after all, been done to the pretensions of each; and we must, in all cases, use means to ends!' pp. 78, 79.

Of Mr Godwin he is pleased to say, that 'the fault of his philosophy was, that he conceived *too nobly* of his fellow-creatures; and raised the standard of morality above the reach of humanity!'—while of Mr Wilberforce he has discovered, that 'his religion is a mixture of *fashion* and fanaticism!' Mr Southey's mind, again, we are informed, 'is essentially sanguine, even to overweeningness. It is ever prophetic of good; and he cannot bear to give up the thought of happiness—his confidence in his fellow-men, when all else despair.' Mr Brougham's eloquence, too, we are told, is 'mechanical;'—'it is ticketted and labelled eloquence; registered, and in numeros, like the successive parts of a Scotch Encyclopædia; and adds, a little after that, one of the hardest of all intellectual tasks is to follow the meaning of one of Mr Canning's speeches.'

The author has not fared much better in either style or substance, where poets have been the theme of his Sketches. Take the united portraits of Mr Campbell and Mr Crabbe as a specimen. Mr Campbell is likened to a Scotch canal; a thought very far from the description of fine writing once given by a sagacious critic, that it consisted in saying things which were natural without being obvious; for this notable comparison is both far-fetched and unnatural; and then comes something touching 'the centre' (but of what?) which we own no powers of ours are able to unriddle. Let the reader try his hand; we give in. 'The story moves slow, and is mechanically conduct-

‘ed, and rather resembles a Scotch canal carried over lengthened aqueducts and with a number of *locks* in it, than one of those rivers that sweep in their majestic course, broad and full, over Transatlantic plains and lose themselves in rolling gulfs, or thunder down lofty precipices. But in the centre, the inmost recesses of our poet’s heart, the pearly dew of sensibility is distilled and collects, like the diamond in the mine, and the structure of his fame rests on the crystal columns of a polished imagination.’ (pp. 191, 192.)

Then he comes to the poet’s minor pieces, which he compares to the morn, to clustering roses, and to bloody drops, all in three lines. ‘Breathing freshness, blushing like the morn, they seem, like clustering roses, to weave a chaplet for love and liberty; or their bleeding words gush out in mournful and hurried succession, like “ruddy drops that visit the sad heart” of thoughtful Humanity.’ (p. 193.) A correct print is next given of that rare and curious manuscript poem, the battle of Hohenlinden; but lest this should be deemed commonplace, it is called of all ‘modern compositions the most lyrical in spirit and in sound’—the celebrated ode of Dryden being, of course, an ancient Lyric. Mr Crabbe is no favourite of the author; nothing is said except what vilifies him; and perhaps Mr Crabbe himself may prefer this reception to praise, when he finds the author, with his usual happy power of blunder, calling this most vigorous and original delineator of nature and character, a ‘sickly poet.’ (p. 201.) In a preceding page, he has still more felicitously characterized Lord Byron’s muse, as affecting all the supercilious airs of a ‘modern *fine lady*, and an *upstart*.’ But his hatred of Mr Gifford is far more bitter and unsparing; it runs over through above twenty pages, with hardly one pause or variety. We can hardly suppose all this without a cause; and the vehemence of abuse with which the Quarterly Review is treated, seems to indicate the kind of quarrel which the author has had with its Editor. Of him we are no panegyrists; but who can seriously assert, that he is a person of little knowledge and no taste? A more weighty charge has indeed been lately sanctioned by the verdict of a jury; that he prostitutes his pages to the slanders of official men against their adversaries; publishes what officially they had refused to reveal, and what a court of justice pronounces and treats as malicious falsehoods.

We have spoken of the faults of this writer very freely; and the rather because, should he improve, and become as considerable in the literary world as his undoubted talents entitle him to be, the glaring errors of this book will go down to posterity, and create much deception. He is beyond all doubt a man not merely of talents, but of genius; and that it rests with

himself to acquire real celebrity, we hesitate not to affirm, in the face of all the enemies his frankness has made him, and in the face of a far more powerful than them all, his own bad taste and affectations. He has but to think more of his subject-matter than of himself—to give up the eternal desire to strike and surprise, for the sober and rational pleasure of discovering or unfolding the truth—to say sensible things in a plain way, and be content to shine only when a great occasion arises, or where brilliancy is native to the theme, or the thought—and he has powers of thought to succeed assuredly.

We subjoin a specimen of his better manner,—far from faultless indeed, and greatly exaggerating the merit of the subject, which is Mr Wordsworth, but much better than most of this volume! It was judiciously said by Pericles, or rather by Thucydides, in one of the orations which he puts in that great orator's mouth, that praise, beyond a certain point, is sure to offend the hearers; and that is the point of excellence which each may think he could himself attain. Now, the book before us must make enemies in every page; for it is all exaggerated to the pitch of unattainable perfection; and whatever defects may be ascribed to the characters sketched, wherever they are praised, it is for some quality ascribed to them, in a measure far exceeding the powers of human nature to attain. But a more creditable cause of the author's unpopularity may be assigned. To his infinite honour, he is, on all occasions, the advocate of liberty and human improvement, and the fearless antagonist of those poor, but pernicious creatures, who, loving darkness rather than light, are ever found at work in the regions of their choice, and at vile and congenial occupations.

Prevented by native pride and indolence from climbing the ascent of learning or greatness, taught by political opinions to say to the vain pomp and glory of the world, "I hate ye," seeing the path of classical and artificial poetry blocked up by the cumbrous ornaments of style and turgid *common-places*, so that nothing more could be achieved in that direction but by the most ridiculous bombast or the tamest servility; he has turned back, partly from the bias of his mind, partly perhaps from a judicious policy—has struck into the sequestered vale of humble life, sought out the Muse among sheep-cotes and hamlets and the peasant's mountain-haunts, has discarded all the tinsel pageantry of verse, and endeavoured (not in vain) to aggrandize the trivial and add the charm of novelty to the familiar. No one has shown the same imagination in raising trifles into importance: no one has displayed the same pathos in treating of the simplest feelings of the heart. Reserved, yet haughty, having no unruly or violent passions, (or those passions having been early suppressed,) Mr Wordsworth has passed his life in solitary musing, or in daily converse with the face of nature. He exemplifies in an eminent degree the power of *association*; for his poetry has no other source or cha-

racter. He has dwelt among pastoral scenes, till each object has become connected with a thousand feelings, a link in the chain of thought, a fibre of his own heart. Every one is by habit and familiarity strongly attached to the place of his birth, or to objects that recal the most pleasing and eventful circumstances of his life. But to the author of the *Lyrical Ballads*, nature is a kind of home; and he may be said to take a personal interest in the universe. There is no image so insignificant that it has not in some mood or other found the way into his heart: no sound that does not awaken the memory of other years.

“To him the meanest flower that blows can give
Thoughts that do often lie too deep for tears.”

The daisy looks up to him with sparkling eye as an old acquaintance; the cuckoo haunts him with sounds of early youth not to be expressed; a linnet's nest startles him with boyish delight; an old withered thorn is weighed down with a heap of recollections; a grey cloak, seen on some wild moor, torn by the wind, or drenched in the rain, afterwards becomes an object of imagination to him: even the lichens on the rock have a life and being in his thoughts. He has described all these objects in a way and with an intensity of feeling that no one else had done before him, and has given a new view or aspect of nature. He is in this sense the most original poet now living, and the one whose writings could the least be spared; for they have no substitute elsewhere. The vulgar do not read them; the learned, who see all things through books, do not understand them; the great despise, the fashionable may ridicule them; but the author has created himself an interest in the heart of the retired and lonely student of nature, which can never die. Persons of this class will still continue to feel what he has felt; he has expressed what they might in vain wish to express, except with glistening eye and faltering tongue! There is a lofty philosophic tone, a thoughtful humanity, infused into his pastoral vein. Remote from the passions and events of the great world, he has communicated interest and dignity to the primal movements of the heart of man, and ingrafted his own conscious reflections on the casual thoughts of hinds and shepherds. Nursed amidst the grandeur of mountain scenery, he has stooped to have a nearer view of the daisy under his feet, or plucked a branch of white thorn from the spray; but in describing it, his mind seems imbued with the majesty and solemnity of the objects around him—the tall rock lifts its head in the erectness of his spirit; the cataract roars in the sound of his verse; and in its dim and mysterious meaning, the mists seem to gather in the hollows of Helvellyn, and the forked Skiddaw hovers in the distance. There is little mention of mountainous scenery in Mr Wordsworth's poetry; but by internal evidence one might be almost sure that it was written in a mountainous country, from its bareness, its simplicity, its loftiness and its depth!

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