EDINBURGH EDITION.

THE

LIFE AND WORKS

OF

LORD MACAULAY

COMPLETE.

IN TEN VOLUMES—VOL. VII.

LONGMANS, GREEN, AND CO.

LONDON, NEW YORK, AND BOMBAY.

1897.

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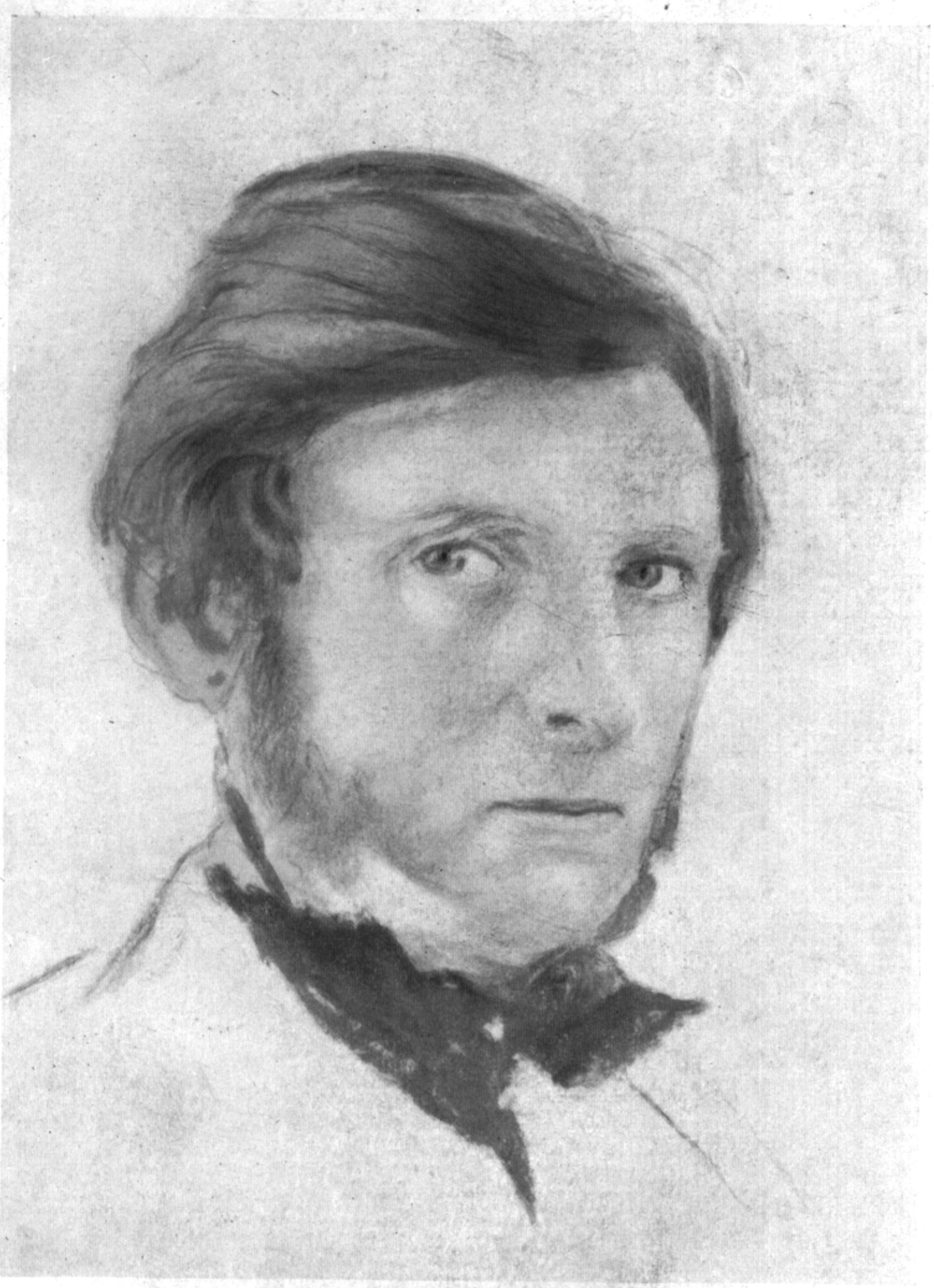
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JOHN RUSKIN, 1864-65

From a self-portrait in water colour

[*frontispiece*

13 JAN 93

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CRITICAL AND HISTORICAL ESSAYS

CONTRIBUTED TO

THE EDINBURGH REVIEW.

MADAME D'ARBLAY. (JANUARY 1843.)

Diary and Letters of Madame D'Arblay. Five vols. 8vo.
London: 1842.

THOUGH the world saw and heard little of Madame D'Arblay during the last forty years of her life, and though that little did not add to her fame, there were thousands, we believe, who felt a singular emotion when they learned that she was no longer among us. The news of her death carried the minds of men back at one leap over two generations, to the time when her first literary triumphs were won. All those whom we had been accustomed to revere as intellectual patriarchs seemed children when compared with her; for Burke had sate up all night to read her writings, and Johnson had pronounced her superior to Fielding, when Rogers was still a schoolboy, and Southey still in petticoats. Yet more strange did it seem that we should just have lost one whose name had been widely celebrated before any body had heard of some illustrious men who, twenty, thirty, or forty years ago, were, after a long and splendid career, borne with honour to the grave. Yet so it was. Frances Burney was at the height of fame and popularity before Cowper had published his first volume, before Porson had gone up to college, before Pitt had taken his seat in the House of Commons, before the voice of Erskine had been once heard in Westminster Hall. Since the appearance of her first work, sixty-two years had passed; and this interval had been crowded, not only with

political, but also with intellectual revolutions. Thousands of reputations had, during that period, sprung up, bloomed, withered, and disappeared. New kinds of composition had come into fashion, had gone out of fashion, had been derided, had been forgotten. The fooleries of Della Crusca, and the fooleries of Kotzebue, had for a time bewitched the multitude, but had left no trace behind them; nor had misdirected genius been able to save from decay the once flourishing schools of Godwin, of Darwin, and of Radcliffe. Many books, written for temporary effect, had run through six or seven editions, and had then been gathered to the novels of Afra Behn, and the epic poems of Sir Richard Blackmore. Yet the early works of Madame D'Arblay, in spite of the lapse of years, in spite of the change of manners, in spite of the popularity deservedly obtained by some of her rivals, continued to hold a high place in the public esteem. She lived to be a classic. Time set on her fame, before she went hence, that seal which is seldom set except on the fame of the departed. Like Sir Condy Rackrent in the tale, she survived her own wake, and overheard the judgment of posterity.

Having always felt a warm and sincere, though not a blind admiration for her talents, we rejoiced to learn that her Diary was about to be made public. Our hopes, it is true, were not unmixed with fears. We could not forget the fate of the Memoirs of Dr. Burney, which were published ten years ago. That unfortunate book contained much that was curious and interesting. Yet it was received with a cry of disgust, and was speedily consigned to oblivion. The truth is, that it deserved its doom. It was written in Madame D'Arblay's later style, the worst style that has ever been known among men. No genius, no information, could save from proscription a book so written. We, therefore, opened the Diary with no small anxiety, trembling lest we should light upon some of that peculiar rhetoric which deforms almost every page of the Memoirs, and which it is impossible to read without a sensation made up of mirth, shame and loathing. We soon, however, discovered to our great delight that this Diary was kept before Madame D'Arblay became eloquent. It is, for the most part, written in her earliest and best manner, in true woman's English, clear, natural, and lively. The two works are lying side by side before us; and we never turn from the Memoirs to the Diary without a sense of relief. The difference is as great as the difference between the atmosphere of a perfumer's shop, fetid with lavender water and

jasmine soap, and the air of a heath on a fine morning in May. Both works ought to be consulted by every person who wishes to be well acquainted with the history of our literature and our manners. But to read the Diary is a pleasure; to read the Memoirs will always be a task.

We may, perhaps, afford some harmless amusement to our readers if we attempt, with the help of these two books, to give them an account of the most important years of Madame D'Arblay's life.

She was descended from a family which bore the name of Macburney, and which, though probably of Irish origin, had been long settled in Shropshire, and was possessed of considerable estates in that county. Unhappily, many years before her birth, the Macburneys began, as if of set purpose and in a spirit of determined rivalry, to expose and ruin themselves. The heir apparent, Mr. James Macburney, offended his father by making a runaway match with an actress from Goodman's Fields. The old gentleman could devise no more judicious mode of wreaking vengeance on his undutiful boy than by marrying the cook. The cook gave birth to a son named Joseph, who succeeded to all the the lands of the family, while James was cut off with a shilling. The favourite son, however, was so extravagant, that he soon became as poor as his disinherited brother. Both were forced to earn their bread by their labour. Joseph turned dancing master, and settled in Norfolk. James struck off the Mac from the beginning of his name, and set up as a portrait painter at Chester. Here he had a son named Charles, well known as the author of the History of Music, and as the father of two remarkable children, of a son distinguished by learning, and of a daughter still more honourably distinguished by genius.

Charles early showed a taste for that art, of which, at a later period, he became the historian. He was apprenticed to a celebrated musician in London, and applied himself to study with vigour and success. He soon found a kind and munificent patron in Fulk Greville, a highborn and highbred man, who seems to have had in large measure all the accomplishments and all the follies, all the virtues and all the vices, which, a hundred years ago, were considered as making up the character of a fine gentleman. Under such protection, the young artist had every prospect of a brilliant career in the capital. But his health failed. It became necessary for him to retreat from the smoke and river fog of London, to

the pure air of the coast. He accepted the place of organist, at Lynn, and settled at that town with a young lady who had recently become his wife.

At Lynn, in June, 1752, Frances Burney was born. Nothing in her childhood indicated that she would, while still a young woman, have secured for herself an honourable and permanent place among English writers. She was shy and silent. Her brothers and sisters called her a dunce, and not without some show of reason; for at eight years old she did not know her letters.

In 1760, Mr. Burney quitted Lynn for London, and took a house in Poland Street; a situation which had been fashionable in the reign of Queen Anne, but which, since that time, had been deserted by most of its wealthy and noble inhabitants. He afterwards resided in Saint Martin's Street, on the south side of Leicester Square. His house there is still well known, and will continue to be well known as long as our island retains any trace of civilisation; for it was the dwelling of Newton, and the square turret which distinguishes it from all the surrounding buildings was Newton's observatory.

Mr. Burney at once obtained as many pupils of the most respectable description as he had time to attend, and was thus enabled to support his family, modestly indeed, and frugally, but in comfort and independence. His professional merit obtained for him the degree of Doctor of Music from the University of Oxford; and his works on subjects connected with his art gained for him a place, respectable, though certainly not eminent, among men of letters.

The progress of the mind of Frances Burney, from her ninth to her twenty-fifth year, well deserves to be recorded. When her education had proceeded no further than the horn-book, she lost her mother, and thenceforward she educated herself. Her father appears to have been as bad a father as a very honest, affectionate, and sweet tempered man can well be. He loved his daughter dearly; but it never seems to have occurred to him that a parent had other duties to perform to children than that of fondling them. It would indeed have been impossible for him to superintend their education himself. His professional engagements occupied him all day. At seven in the morning he began to attend his pupils, and, when London was full, was sometimes employed in teaching till eleven at night. He was often forced to carry in his pocket a tin box of sandwiches, and a bottle of wine and

water, on which he dined in a hackney coach, while hurrying from one scholar to another. Two of his daughters he sent to a seminary at Paris; but he imagined that Frances would run some risk of being perverted from the Protestant faith if she were educated in a Catholic country, and he therefore kept her at home. No governess, no teacher of any art or of any language, was provided for her. But one of her sisters showed her how to write; and, before she was fourteen, she began to find pleasure in reading.

It was not, however, by reading that her intellect was formed. Indeed, when her best novels were produced, her knowledge of books was very small. When at the height of her fame, she was unacquainted with the most celebrated works of Voltaire and Molière; and, what seems still more extraordinary, had never heard or seen a line of Churchill, who, when she was a girl, was the most popular of living poets. It is particularly deserving of observation that she appears to have been by no means a novel reader. Her father's library was large; and he had admitted into it so many books which rigid moralists generally exclude that he felt uneasy, as he afterwards owned, when Johnson began to examine the shelves. But in the whole collection there was only a single novel, Fielding's Amelia.

An education, however, which to most girls would have been useless, but which suited Fanny's mind better than elaborate culture, was in constant progress during her passage from childhood to womanhood. The great book of human nature was turned over before her. Her father's social position was very peculiar. He belonged in fortune and station to the middle class. His daughters seemed to have been suffered to mix freely with those whom butlers and waiting maids call vulgar. We are told that they were in the habit of playing with the children of a wigmaker who lived in the adjoining house. Yet few nobles could assemble in the most stately mansions of Grosvenor Square or Saint James's Square, a society so various and so brilliant as was sometimes to be found in Dr. Burney's cabin. His mind, though not very powerful or capacious, was restlessly active; and, in the intervals of his professional pursuits, he had contrived to lay up much miscellaneous information. His attainments, the suavity of his temper, and the gentle simplicity of his manners, had obtained for him ready admission to the first literary circles. While he was still at Lynn, he had won Johnson's

Dictionary. In London the two friends met frequently, and agreed most harmoniously. One tie, indeed, was wanting to their mutual attachment. Burney loved his own art passionately; and Johnson just knew the bell of Saint Clement's church from the organ. They had, however, many topics in common; and on winter nights their conversations were sometimes prolonged till the fire had gone out, and the candles had burned away to the wicks. Burney's admiration of the powers which had produced Rasselas and The Rambler bordered on idolatry. Johnson, on the other hand, condescended to growl out that Burney was an honest fellow, a man whom it was impossible not to like.

Garrick, too, was a frequent visitor in Poland Street and Saint Martin's Street. That wonderful actor loved the society of children, partly from good nature, and partly from vanity. The ecstasies of mirth and terror, which his gestures and play of countenance never failed to produce in a nursery, flattered him quite as much as the applause of mature critics. He often exhibited all his powers of mimicry for the amusement of the little Burneys, awed them by shuddering and crouching as if he saw a ghost, scared them by raving like a maniac in Saint Luke's, and then at once became an auctioneer, a chimneysweeper, or an old woman, and made them laugh till the tears ran down their cheeks.

But it would be tedious to recount the names of all the men of letters and artists whom Frances Burney had an opportunity of seeing and hearing. Colman, Twining, Harris, Baretti, Hawkesworth, Reynolds, Barry, were among those who occasionally surrounded the tea table and supper tray at her father's modest dwelling. This was not all. The distinction which Dr. Burney had acquired as a musician, and as the historian of music, attracted to his house the most eminent musical performers of that age. The greatest Italian singers who visited England regarded him as the dispenser of fame in their art, and exerted themselves to obtain his suffrage. Pachierotti became his intimate friend. The rapacious Agujari, who sang for nobody else under fifty pounds an air, sang her best for Dr. Burney without a fee; and in the company of Dr. Burney even the haughty and eccentric Gabrielli constrained herself to behave with civility. It was thus in his power to give, with scarcely any expense, concerts equal to those of the aristocracy. On such occasions the quiet street in which he lived was blocked up by coroneted chariots, and his little drawingroom was crowded with peers, peeresses, ministers,

and ambassadors. On one evening, of which we happen to have a full account, there were present Lord Mulgrave, Lord Bruce, Lord and Lady Edgecumbe, Lord Barrington from the War Office, Lord Sandwich from the Admiralty, Lord Ashburnham, with his gold key dangling from his pocket, and the French Ambassador, M. De Guignes, renowned for his fine person and for his success in gallantry. But the great show of the night was the Russian Ambassador, Count Orloff, whose gigantic figure was all in a blaze with jewels, and in whose demeanour the untamed ferocity of the Scythian might be discerned through a thin varnish of French politeness. As he stalked about the small parlour, brushing the ceiling with his toupee, the girls whispered to each other, with mingled admiration and horror, that he was the favoured lover of his august mistress; that he had borne the chief part in the revolution to which she owed her throne; and that his huge hands, now glittering with diamond rings, had given the last squeeze to the windpipe of her unfortunate husband.

With such illustrious guests as these were mingled all the most remarkable specimens of the race of lions, a kind of game which is hunted in London every spring with more than Meltonian ardour and perseverance. Bruce, who had washed down steaks cut from living oxen with water from the fountains of the Nile, came to swagger and talk about his travels. Omai lisped broken English, and made all the assembled musicians hold their ears by howling Otaheitean love songs, such as those with which Oberea charmed her Opano.

With the literary and fashionable society, which occasionally met under Dr. Burney's roof, Frances can scarcely be said to have mingled. She was not a musician, and could therefore bear no part in the concerts. She was shy almost to awkwardness, and scarcely ever joined in the conversation. The slightest remark from a stranger disconcerted her; and even the old friends of her father who tried to draw her out could seldom extract more than a Yes or a No. Her figure was small, her face not distinguished by beauty. She was therefore suffered to withdraw quietly to the background, and, unobserved herself, to observe all that passed. Her nearest relations were aware that she had good sense, but seem not to have suspected that, under her demure and bashful deportment, were concealed a fertile invention and a keen sense of the ridiculous. She had not, it is true, an eye

liarity instantly caught her notice and remained engraven on her imagination. Thus while still a girl, she had laid up such a store of materials for fiction as few of those who mix much in the world are able to accumulate during a long life. She had watched and listened to people of every class, from princes and great officers of state down to artists living in garrets, and poets familiar with subterranean cookshops. Hundreds of remarkable persons had passed in review before her, English, French, German, Italian, lords and fiddlers, deans of cathedrals and managers of theatres, travellers leading about newly caught savages, and singing women escorted by deputy husbands.

So strong was the impression made on the mind of Frances by the society which she was in the habit of seeing and hearing, that she began to write little fictitious narratives as soon as she could use her pen with ease, which, as we have said, was not very early. Her sisters were amused by her stories: but Dr. Burney knew nothing of their existence; and in another quarter her literary propensities met with serious discouragement. When she was fifteen, her father took a second wife. The new Mrs. Burney soon found out that her stepdaughter was fond of scribbling, and delivered several goodnatured lectures on the subject. The advice no doubt was well meant, and might have been given by the most judicious friend; for at that time, from causes to which we may hereafter advert, nothing could be more disadvantageous to a young lady than to be known as a novelwriter. Frances yielded, relinquished her favourite pursuit, and made a bonfire of all her manuscripts.*

She now hemmed and stitched from breakfast to dinner with scrupulous regularity. But the dinners of that time were early; and the afternoon was her own. Though she had given up novel writing she was still fond of using her pen. She began to keep a diary, and she corresponded largely with a person who seems to have had the chief share in the formation of her mind. This was Samuel Crisp, an old friend of her father. His name, well known, near a century ago, in the most splendid circles of London, has long been forgotten. His history is, however, so interesting and instructive, that it tempts us to venture on a digression.

* There is some difficulty here as to the chronology. "This sacrifice," says the editor of the Diary, "was made in the young authoress's fifteenth year." This could not be; for the sacrifice was the effect, according to the editor's own showing, of the remonstrances of the second Mrs. Burney; and Frances was in her sixteenth year when her father's second marriage took place.

Long before Frances Burney was born, Mr. Crisp had made his entrance into the world, with every advantage. He was well connected and well educated. His face and figure were conspicuously handsome; his manners were polished; his fortune was easy; his character was without stain; he lived in the best society; he had read much; he talked well; his taste in literature, music, painting, architecture, sculpture, was held in high esteem. Nothing that the world can give seemed to be wanting to his happiness and respectability, except that he should understand the limits of his powers, and should not throw away distinctions which were within his reach in the pursuit of distinctions which were unattainable.

"It is an uncontrolled truth," says Swift, "that no man ever made an ill figure who understood his own talents, nor a good one who mistook them." Every day brings with it fresh illustrations of this weighty saying; but the best commentary that we remember is the history of Samuel Crisp. Men like him have their proper place, and it is a most important one, in the Commonwealth of Letters. It is by the judgment of such men that the rank of authors is finally determined. It is neither to the multitude, nor to the few who are gifted with great creative genius, that we are to look for sound critical decisions. The multitude, unacquainted with the best models, are captivated by whatever stuns and dazzles them. They deserted Mrs. Siddons to run after Master Betty; and they now prefer, we have no doubt, Jack Sheppard to Von Artevelde. A man of great original genius, on the other hand, a man who has attained to mastery in some high walk of art, is by no means to be implicitly trusted as a judge of the performances of others. The erroneous decisions pronounced by such men are without number. It is commonly supposed that jealousy makes them unjust. But a more creditable explanation may easily be found. The very excellence of a work shows that some of the faculties of the author have been developed at the expense of the rest; for it is not given to the human intellect to expand itself widely in all directions at once, and to be at the same time gigantic and well proportioned. Whoever becomes preeminent in any art, nay, in any style of art, generally does so by devoting himself with intense and exclusive enthusiasm to the pursuit of one kind of excellence. His perception of other kinds of excellence is therefore too often impaired. Out of his own department he praises and blames at random,

and is far less to be trusted than the mere connoisseur, who produces nothing, and whose business is only to judge and enjoy. One painter is distinguished by his exquisite finishing. He toils day after day to bring the veins of a cabbage leaf, the folds of a lace veil, the wrinkles of an old woman's face, nearer and nearer to perfection. In the time which he employs on a square foot of canvass, a master of a different order covers the walls of a palace with gods burying giants under mountains, or makes the cupola of a church alive with seraphim and martyrs. The more fervent the passion of each of these artists for his art, the higher the merit of each in his own line, the more unlikely it is that they will justly appreciate each other. Many persons who never handled a pencil probably do far more justice to Michael Angelo than would have been done by Gerard Douw, and far more justice to Gerard Douw than would have been done by Michael Angelo.

It is the same with literature. Thousands, who have no spark of the genius of Dryden or Wordsworth, do to Dryden the justice which has never been done by Wordsworth, and to Wordsworth the justice which, we suspect, would never have been done by Dryden. Gray, Johnson, Richardson, Fielding, are all highly esteemed by the great body of intelligent and well informed men. But Gray could see no merit in Rasselas; and Johnson could see no merit in the Bard. Fielding thought Richardson a solemn prig; and Richardson perpetually expressed contempt and disgust for Fielding's lowness.

Mr. Crisp seems, as far as we can judge, to have been a man eminently qualified for the useful office of a connoisseur. His talents and knowledge fitted him to appreciate justly almost every species of intellectual superiority. As an adviser he was inestimable. Nay, he might probably have held a respectable rank as a writer, if he would have confined himself to some department of literature in which nothing more than sense, taste, and reading was required. Unhappily he set his heart on being a great poet, wrote a tragedy in five acts on the death of Virginia, and offered it to Garrick, who was his personal friend. Garrick read, shook his head, and expressed a doubt whether it would be wise in Mr. Crisp to stake a reputation, which stood high, on the success of such a piece. But the author, blinded by ambition, set in motion a machinery such as none could long resist. His intercessors

that generation. Pitt was induced to read Virginia, and to pronounce it excellent. Lady Coventry, with fingers which might have furnished a model to sculptors, forced the manuscript into the reluctant hand of the manager; and, in the year 1754, the play was brought forward.

Nothing that skill or friendship could do was omitted. Garrick wrote both prologue and epilogue. The zealous friends of the author filled every box; and by their strenuous exertions, the life of the play was prolonged during ten nights. But, though there was no clamorous reprobation, it was universally felt that the attempt had failed. When Virginia was printed, the public disappointment was even greater than at the representation. The critics, the Monthly Reviewers in particular, fell on plot, characters, and diction without mercy, but, we fear, not without justice. We have never met with a copy of the play; but, if we may judge from the scene which is extracted in the Gentleman's Magazine, and which does not appear to have been malevolently selected, we should say that nothing but the acting of Garrick, and the partiality of the audience, could have saved so feeble and unnatural a drama from instant damnation.

The ambition of the poet was still unsubdued. When the London season closed, he applied himself vigorously to the work of removing blemishes. He does not seem to have suspected, what we are strongly inclined to suspect, that the whole piece was one blemish, and that the passages which were meant to be fine, were, in truth, bursts of that tame extravagance into which writers fall, when they set themselves to be sublime and pathetic in spite of nature. He omitted, added, retouched, and flattered himself with hopes of a complete success in the following year; but in the following year, Garrick showed no disposition to bring the amended tragedy on the stage. Solicitation and remonstrance were tried in vain. Lady Coventry, drooping under that malady which seems ever to select what is loveliest for its prey, could render no assistance. The manager's language was civilly evasive; but his resolution was inflexible.

Crisp had committed a great error; but he had escaped with a very slight penance. His play had not been hooted from the boards. It had, on the contrary, been better received than many very estimable performances have been, than Johnson's Irene, for example, or Goldsmith's Goodnatured Man. Had Crisp been wise, he would have thought himself happy in having purchased selfknowledge so cheap. He

would have relinquished, without vain repinings, the hope of poetical distinction, and would have turned to the many sources of happiness which he still possessed. Had he been, on the other hand, an unfeeling and unblushing dunce, he would have gone on writing scores of bad tragedies in defiance of censure and derision. But he had too much sense to risk a second defeat, yet too little sense to bear his first defeat like a man. The fatal delusion that he was a great dramatist, had taken firm possession of his mind. His failure he attributed to every cause except the true one. He complained of the ill will of Garrick, who appears to have done for the play every thing that ability and zeal could do, and who, from selfish motives, would, of course, have been well pleased if Virginia had been as successful as the Beggar's Opera. Nay, Crisp complained of the languor of the friends whose partiality had given him three benefit nights to which he had no claim. He complained of the injustice of the spectators, when, in truth, he ought to have been grateful for their unexampled patience. He lost his temper and spirits, and became a cynic and a hater of mankind. From London he retired to Hampton, and from Hampton to a solitary and long deserted mansion, built on a common in one of the wildest tracts of Surrey. No road, not even a sheepwalk, connected his lonely dwelling with the abodes of men. The place of his retreat was strictly concealed from his old associates. In the spring he sometimes emerged, and was seen at exhibitions and concerts in London. But he soon disappeared, and hid himself, with no society but his books, in his dreary hermitage. He survived his failure about thirty years. A new generation sprang up around him. No memory of his bad verses remained among men. His very name was forgotten. How completely the world had lost sight of him, will appear from a single circumstance. We looked for him in a copious Dictionary of Dramatic Authors published while he was still alive, and we found only that Mr. Henry Crisp, of the Custom House, had written a play called Virginia, acted in 1754. To the last, however, the unhappy man continued to brood over the injustice of the manager and the pit, and tried to convince himself and others that he had missed the highest literary honours, only because he had omitted some fine passages in compliance with Garrick's judgment. Alas, for human nature, that the wounds of vanity should smart and bleed so much longer than the wounds of affection! Few people, we believe, whose nearest friends and relations died in 1754, had any acute feeling of the loss in

1782. Dear sisters, and favourite daughters, and brides snatched away before the honeymoon was passed, had been forgotten, or were remembered only with a tranquil regret. But Samuel Crisp was still mourning for his tragedy, like Rachel weeping for her children, and would not be comforted. "Never," such was his language twenty-eight years after his disaster, "never give up or alter a tittle unless it perfectly coincides with your own inward feelings. I can say this to my sorrow and my cost. But mum!" Soon after these words were written, his life, a life which might have been eminently useful and happy, ended in the same gloom in which, during more than a quarter of a century, it had been passed. We have thought it worth while to rescue from oblivion this curious fragment of literary history. It seems to us at once ludicrous, melancholy, and full of instruction.

Crisp was an old and very intimate friend of the Burneys. To them alone was confided the name of the desolate old hall in which he hid himself like a wild beast in a den. For them were reserved such remains of his humanity as had survived the failure of his play. Frances Burney he regarded as his daughter. He called her his Fannikin; and she in return called him her dear Daddy. In truth, he seems to have done much more than her real parents for the development of her intellect; for though he was a bad poet, he was a scholar, a thinker, and an excellent counsellor. He was particularly fond of the concerts in Poland Street. They had, indeed, been commenced at his suggestion, and when he visited London he constantly attended them. But when he grew old, and when gout, brought on partly by mental irritation, confined him to his retreat, he was desirous of having a glimpse of that gay and brilliant world from which he was exiled, and he pressed Fannikin to send him full accounts of her father's evening parties. A few of her letters to him have been published; and it is impossible to read them without discerning in them all the powers which afterwards produced Evelina and Cecilia, the quickness in catching every odd peculiarity of character and manner, the skill in grouping, the humour, often richly comic, sometimes even farcical.

Fanny's propensity to novelwriting had for a time been kept down. It now rose up stronger than ever. The heroes and heroines of the tales which had perished in the flames, were still present to the eye of her mind. One favourite story, in particular, haunted her imagination. It was about a certain Caroline Evelyn, a beautiful damsel who made an unfor-

tunate love match, and died, leaving an infant daughter. Frances began to image to herself the various scenes, tragic and comic, through which the poor motherless girl, highly connected on one side, meanly connected on the other, might have to pass. A crowd of unreal beings, good and bad, grave and ludicrous, surrounded the pretty, timid, young orphan; a coarse sea captain, an ugly insolent fop, blazing in a superb court dress; another fop, as ugly and as insolent, but lodged on Snow Hill, and tricked out in secondhand finery for the Hampstead ball; an old woman, all wrinkles and rouge, flirting her fan with the air of a miss of seventeen, and screaming in a dialect made up of vulgar French and vulgar English; a poet lean and ragged, with a broad Scotch accent. By degrees these shadows acquired stronger and stronger consistence; the impulse which urged Frances to write became irresistible; and the result was the history of Evelina.

Then came, naturally enough, a wish, mingled with many fears, to appear before the public; for, timid as Frances was, and bashful, and altogether unaccustomed to hear her own praises, it is clear that she wanted neither a strong passion for distinction, nor a just confidence in her own powers. Her scheme was to become, if possible, a candidate for fame without running any risk of disgrace. She had not money to bear the expense of printing. It was therefore necessary that some bookseller should be induced to take the risk; and such a bookseller was not readily found. Dodsley refused even to look at the manuscript unless he were entrusted with the name of the author. A publisher in Fleet Street, named Lowndes, was more complaisant. Some correspondence took place between this person and Miss Burney, who took the name of Grafton, and desired that the letters addressed to her might be left at the Orange Coffeehouse. But, before the bargain was finally struck, Fanny thought it her duty to obtain her father's consent. She told him that she had written a book, that she wished to have his permission to publish it anonymously, but that she hoped that he would not insist upon seeing it. What followed may serve to illustrate what we meant when we said that Dr. Burney was as bad a father as so goodhearted a man could possibly be. It never seems to have crossed his mind that Fanny was about to take a step on which the whole happiness of her life might depend, a step which might raise her to an honourable eminence, or cover her with ridicule and contempt. Several people had already been trusted, and strict concealment was therefore not to be expected. On so grave an

occasion, it was surely his duty to give his best counsel to his daughter, to win her confidence, to prevent her from exposing herself if her book were a bad one, and, if it were a good one, to see that the terms which she made with the publisher were likely to be beneficial to her. Instead of this, he only stared, burst out a laughing, kissed her, gave her leave to do as she liked, and never even asked the name of her work. The contract with Lowndes was speedily concluded. Twenty pounds were given for the copyright, and were accepted by Fanny with delight. Her father's inexcusable neglect of his duty happily caused her no worse evil than the loss of twelve or fifteen hundred pounds.

After many delays Evelina appeared in January 1778. Poor Fanny was sick with terror, and durst hardly stir out of doors. Some days passed before anything was heard of the book. It had, indeed, nothing but its own merits to push it into public favour. Its author was unknown. The house by which it was published was not, we believe, held in high estimation. No body of partisans had been engaged to applaud. The better class of readers expected little from a novel about a young lady's entrance into the world. There was, indeed, at that time a disposition among the most respectable people to condemn novels generally; nor was this disposition by any means without excuse; for works of that sort were then almost always silly, and very frequently wicked.

Soon, however, the first faint accents of praise began to be heard. The keepers of the circulating libraries reported that every body was asking for Evelina, and that some person had guessed Anstey to be the author. Then came a favourable notice in the London Review; then another still more favourable in the Monthly. And now the book found its way to tables which had seldom been polluted by marble covered volumes. Scholars and statesmen, who contemptuously abandoned the crowd of romances to Miss Lydia Languish and Miss Sukey Saunter, were not ashamed to own that they could not tear themselves away from Evelina. Fine carriages and rich liveries, not often seen east of Temple Bar, were attracted to the publisher's shop in Fleet Street. Lowndes was daily questioned about the author, but was himself as much in the dark as any of the questioners. The mystery, however, could not remain a mystery long. It was known to brothers and sisters, aunts and cousins: and they were far too proud and too happy to be discreet. Dr. Burney wept over the book in rapture. Daddy Crisp shook his fist at his Fannikin in affec-

tionate anger at not having been admitted to her confidence. The truth was whispered to Mrs Thrale; and then it began to spread fast.

The book had been admired while it was ascribed to men of letters long conversant with the world, and accustomed to composition. But when it was known that a reserved, silent young woman had produced the best work of fiction that had appeared since the death of Smollett, the acclamations were redoubled. What she had done was, indeed, extraordinary. But, as usual, various reports improved the story till it became miraculous. Evelina, it was said, was the work of a girl of seventeen. Incredible as this tale was, it continued to be repeated down to our own time. Frances was too honest to confirm it. Probably she was too much a woman to contradict it; and it was long before any of her detractors thought of this mode of annoyance. Yet there was no want of low minds and bad hearts in the generation which witnessed her first appearance. There was the envious Kenrick and the savage Wolcot, the asp George Steevens, and the polecat John Williams. It did not, however, occur to them to search the parish register of Lynn, in order that they might be able to twit a lady with having concealed her age. That truly chivalrous exploit was reserved for a bad writer of our own time, whose spite she had provoked by not furnishing him with materials for a worthless edition of Boswell's Life of Johnson, some sheets of which our readers have doubtless seen round parcels of better books.

But we must return to our story. The triumph was complete. The timid and obscure girl found herself on the highest pinnacle of fame. Great men, on whom she had gazed at a distance with humble reverence, addressed her with admiration, tempered by the tenderness due to her sex and age. Burke, Windham, Gibbon, Reynolds, Sheridan, were among her most ardent eulogists. Cumberland acknowledged her merit, after his fashion, by biting his lips and wriggling in his chair whenever her name was mentioned. But it was at Streatham that she tasted, in the highest perfection, the sweets of flattery, mingled with the sweets of friendship. Mrs. Thrale, then at the height of prosperity and popularity, with gay spirits, quick wit, showy though superficial acquirements, pleasing though not refined manners, a singularly amiable temper, and a loving heart, felt towards Fanny as towards a younger sister. With the Thrales Johnson was

domesticated. He was an old friend of Dr. Burney; but he had probably taken little notice of Dr. Burney's daughters, and Fanny, we imagine, had never in her life dared to speak to him, unless to ask whether he wanted a nineteenth or a twentieth cup of tea. He was charmed by her tale, and preferred it to the novels of Fielding, to whom, indeed, he had always been grossly unjust. He did not, indeed, carry his partiality so far as to place Evelina by the side of Clarissa and Sir Charles Grandison; yet he said that his little favourite had done enough to have made even Richardson feel uneasy. With Johnson's cordial approbation of the book was mingled a fondness, half gallant half paternal, for the writer; and this fondness his age and character entitled him to show without restraint. He began by putting her hand to his lips. But he soon clasped her in his huge arms, and implored her to be a good girl. She was his pet, his dear love, his dear little Burney, his little character-monger. At one time, he broke forth in praise of the good taste of her caps. At another time he insisted on teaching her Latin. That, with all his coarseness and irritability, he was a man of sterling benevolence, has long been acknowledged. But how gentle and endearing his deportment could be, was not known till the Recollections of Madame D'Arblay were published.

We have mentioned a few of the most eminent of those who paid their homage to the author of Evelina. The crowd of inferior admirers would require a catalogue as long as that in the second book of the Iliad. In that catalogue would be Mrs. Cholmondeley, the sayer of odd things, and Seward, much given to yawning, and Baretti, who slew the man in the Haymarket, and Paoli, talking broken English, and Langton, taller by the head than any other member of the club, and Lady Millar, who kept a vase wherein fools were wont to put bad verses, and Jerningham, who wrote verses fit to be put into the vase of Lady Millar, and Dr. Franklin, not, as some have dreamed, the great Pennsylvanian Dr. Franklin, who could not then have paid his respects to Miss Burney without much risk of being hanged, drawn, and quartered, but Dr. Franklin the less,

Αἴας
μείων, οὔτι τόσος γε ὅσος Τελαμώνιος Αἴας,
ἀλλὰ πολὺ μείων.

It would not have been surprising if such success had turned even a strong head, and corrupted even a generous and affec-

any feeling inconsistent with a truly modest and amiable disposition. There is, indeed, abundant proof that Frances enjoyed with an intense, though a troubled, joy, the honours which her genius had won; but it is equally clear that her happiness sprang from the happiness of her father, her sister, and her dear Daddy Crisp. While flattered by the great, the opulent, and the learned, while followed along the Steyne at Brighton, and the Pantiles at Tunbridge Wells, by the gaze of admiring crowds, her heart seems to have been still with the little domestic circle in St. Martin's Street. If she recorded with minute diligence all the compliments, delicate and coarse, which she heard wherever she turned, she recorded them for the eyes of two or three persons who had loved her from infancy, who had loved her in obscurity, and to whom her fame gave the purest and most exquisite delight. Nothing can be more unjust than to confound these outpourings of a kind heart, sure of perfect sympathy, with the egotism of a bluestocking, who prates to all who come near her about her own novel or her own volume of sonnets.

It was natural that the triumphant issue of Miss Burney's first venture should tempt her to try a second. Evelina, though it had raised her fame, had added nothing to her fortune. Some of her friends urged her to write for the stage. Johnson promised to give her his advice as to the composition. Murphy, who was supposed to understand the temper of the pit as well as any man of his time, undertook to instruct her as to stage effect. Sheridan declared that he would accept a play from her without even reading it. Thus encouraged, she wrote a comedy named The Witlings. Fortunately it was never acted or printed. We can, we think, easily perceive, from the little which is said on the subject in the Diary, that The Witlings would have been damned, and that Murphy and Sheridan thought so, though they were too polite to say so. Happily Frances had a friend who was not afraid to give her pain. Crisp, wiser for her than he had been for himself, read the manuscript in his lonely retreat, and manfully told her that she had failed, that to remove blemishes here and there would be useless, that the piece had abundance of wit but no interest, that it was bad as a whole, that it would remind every reader of the *Femmes Savantes*, which, strange to say, she had never read, and that she could not sustain so close a comparison with Molière. This opinion, in which Dr. Burney concurred, was sent to Frances, in what she called "a hissing, groaning, catcalling epistle." But she had too much sense

not to know that it was better to be hissed and catcalled by her Daddy, than by a whole sea of heads in the pit of Drury Lane Theatre: and she had too good a heart not to be grateful for so rare an act of friendship. She returned an answer, which shows how well she deserved to have a judicious, faithful, and affectionate adviser. "I intend," she wrote, "to console myself for your censure by this greatest proof I have ever received of the sincerity, candour, and, let me add, esteem, of my dear daddy. And as I happen to love myself more than my play, this consolation is not a very trifling one. This, however, seriously I do believe, that when my two daddies put their heads together to concert that hissing, groaning, catcalling epistle they sent me, they felt as sorry for poor little Miss Bayes as she could possibly do for herself. You see I do not attempt to repay your frankness with an air of pretended carelessness. But, though somewhat disconcerted just now, I will promise not to let my vexation live out another day. Adieu, my dear daddy, I won't be mortified, and I won't be *downed;* but I will be proud to find I have, out of my own family, as well as in it, a friend who loves me well enough to speak plain truth to me."

Frances now turned from her dramatic schemes to an undertaking far better suited to her talents. She determined to write a new tale, on a plan excellently contrived for the display of the powers in which her superiority to other writers lay. It was in truth a grand and various picture gallery, which presented to the eye a long series of men and women, each marked by some strong peculiar feature. There were avarice and prodigality, the pride of blood and the pride of money, morbid restlessness and morbid apathy, frivolous garrulity, supercilious silence, a Democritus to laugh at every thing, and a Heraclitus to lament over every thing. The work proceeded fast, and in twelve months was completed. It wanted something of the simplicity which had been among the most attractive charms of Evelina; but it furnished ample proof that the four years, which had elapsed since Evelina appeared, had not been unprofitably spent. Those who saw Cecilia in manuscript pronounced it the best novel of the age. Mrs. Thrale laughed and wept over it. Crisp was even vehement in applause, and offered to insure the rapid and complete success of the book for half a crown. What Miss Burney received for the copyright is not mentioned in the Diary; but we have observed several expres-

That the sale would be great nobody could doubt; and Frances now had shrewd and experienced advisers, who would not suffer her to wrong herself. We have been told that the publishers gave her two thousand pounds, and we have no doubt that they might have given a still larger sum without being losers.

Cecilia was published in the summer of 1782. The curiosity of the town was intense. We have been informed by persons who remember those days that no romance of Sir Walter Scott was more impatiently awaited, or more eagerly snatched from the counters of the booksellers. High as public expectation was, it was amply satisfied; and Cecilia was placed, by general acclamation, among the classical novels of England.

Miss Burney was now thirty. Her youth had been singularly prosperous; but clouds soon began to gather over that clear and radiant dawn. Events deeply painful to a heart so kind as that of Frances followed each other in rapid succession. She was first called upon to attend the deathbed of her best friend, Samuel Crisp. When she returned to Saint Martin's Street, after performing this melancholy duty, she was appalled by hearing that Johnson had been struck with paralysis; and, not many months later, she parted from him for the last time with solemn tenderness. He wished to look on her once more; and on the day before his death she long remained in tears on the stairs leading to his bedroom, in the hope that she might be called in to receive his blessing. He was then sinking fast, and though he sent her an affectionate message, was unable to see her. But this was not the worst. There are separations far more cruel than those which are made by death. She might weep with proud affection for Crisp and Johnson. She had to blush as well as to weep for Mrs. Thrale.

Life, however, still smiled upon Frances. Domestic happiness, friendship, independence, leisure, letters, all these things were hers; and she flung them all away.

Among the distinguished persons to whom she had been introduced, none appears to have stood higher in her regard than Mrs. Delany. This lady was an interesting and venerable relic of a past age. She was the niece of George Granville, Lord Lansdowne, who, in his youth, exchanged verses and compliments with Edmund Waller, and who was among the first to applaud the opening genius of Pope. She had married Dr. Delany, a man known to his contemporaries as a profound scholar and an eloquent preacher, but remembered in our time chiefly as one of that small circle in which the



fierce spirit of Swift, tortured by disappointed ambition, by remorse, and by the approaches of madness, sought for amusement and repose. Doctor Delany had long been dead. His widow, nobly descended, eminently accomplished, and retaining, in spite of the infirmities of advanced age, the vigour of her faculties and the serenity of her temper, enjoyed and deserved the favour of the royal family. She had a pension of three hundred a year; and a house at Windsor, belonging to the crown, had been fitted up for her accommodation. At this house the King and Queen sometimes called, and found a very natural pleasure in thus catching an occasional glimpse of the private life of English families.

In December 1785, Miss Burney was on a visit to Mrs. Delany at Windsor. The dinner was over. The old lady was taking a nap. Her grandniece, a little girl of seven, was playing at some Christmas game with the visiters, when the door opened, and a stout gentleman entered unannounced, with a star on his breast, and "What? what? what?" in his mouth. A cry of "The King!" was set up. A general scampering followed. Miss Burney owns that she could not have been more terrified if she had seen a ghost. But Mrs. Delany came forward to pay her duty to her royal friend, and the disturbance was quieted. Frances was then presented, and underwent a long examination and crossexamination about all that she had written and all that she meant to write. The Queen soon made her appearance, and his Majesty repeated, for the benefit of his consort, the information which he had extracted from Miss Burney. The good nature of the royal pair might have softened even the authors of the Probationary Odes, and could not but be delightful to a young lady who had been brought up a Tory. In a few days the visit was repeated. Miss Burney was more at ease than before. His Majesty, instead of seeking for information, condescended to impart it, and passed sentence on many great writers, English and foreign. Voltaire he pronounced a monster. Rousseau he liked rather better. "But was there ever," he cried, "such stuff as great part of Shakspeare? Only one must not say so. But what think you? What? Is there not sad stuff? What? What?"

The next day Frances enjoyed the privilege of listening to some equally valuable criticism uttered by the Queen touching Goethe and Klopstock, and might have learned an important lesson of economy from the mode in which her Majesty's library had been formed. "I picked the book up on a stall,"

said the Queen. "Oh, it is amazing what good books there are on stalls!" Mrs. Delany, who seems to have understood from these words that her Majesty was in the habit of exploring the booths of Moorfields and Holywell Street in person, could not suppress an exclamation of surprise. "Why," said the Queen, "I don't pick them up myself. But I have a servant very clever; and, if they are not to be had at the booksellers, they are not for me more than for another." Miss Burney describes this conversation as delightful; and, indeed, we cannot wonder that, with her literary tastes, she should be delighted at hearing in how magnificent a manner the greatest lady in the land encouraged literature.

The truth is, that Frances was fascinated by the condescending kindness of the two great personages to whom she had been presented. Her father was even more infatuated than herself. The result was a step of which we cannot think with patience, but which, recorded as it is, with all its consequences, in these volumes, deserves at least this praise, that it has furnished a most impressive warning.

A German lady of the name of Haggerdorn, one of the keepers of the Queen's robes, retired about this time; and her Majesty offered the vacant post to Miss Burney. When we consider that Miss Burney was decidedly the most popular writer of fictitious narrative then living, that competence, if not opulence, was within her reach, and that she was more than usually happy in her domestic circle, and when we compare the sacrifice which she was invited to make with the remuneration which was held out to her, we are divided between laughter and indignation.

What was demanded of her was that she should consent to be almost as completely separated from her family and friends as if she had gone to Calcutta, and almost as close a prisoner as if she had been sent to gaol for a libel; that with talents which had instructed and delighted the highest living minds, she should now be employed only in mixing snuff and sticking pins; that she should be summoned by a waiting woman's bell to a waiting woman's duties; that she should pass her whole life under the restraints of a paltry etiquette, should sometimes fast till she was ready to swoon with hunger, should sometimes stand till her knees gave way with fatigue; that she should not dare to speak or move without considering how her mistress might like her words and gestures. Instead of those distinguished men and women, the flower of all political parties, with whom she had been in the habit of mixing

on terms of equal friendship, she was to have for her perpetual companion the chief keeper of the robes, an old hag from Germany, of mean understanding, of insolent manners, and of temper which, naturally savage, had now been exasperated by disease. Now and then, indeed, poor Frances might console herself for the loss of Burke's and Windham's society, by joining in the "celestial colloquy sublime" of his Majesty's Equerries.

And what was the consideration for which she was to sell herself to this slavery? A peerage in her own right? A pension of two thousand a year for life? A seventy-four for her brother in the navy? A deanery for her brother in the church? Not so. The price at which she was valued was her board, her lodging, the attendance of a manservant, and two hundred pounds a year.

The man who, even when hard pressed by hunger, sells his birthright for a mess of pottage, is unwise. But what shall we say of him who parts with his birthright, and does not get even the pottage in return? It is not necessary to enquire whether opulence be an adequate compensation for the sacrifice of bodily and mental freedom; for Frances Burney paid for leave to be a prisoner and a menial. It was evidently understood as one of the terms of her engagement, that, while she was a member of the royal household, she was not to appear before the public as an author: and, even had there been no such understanding, her avocations were such as left her no leisure for any considerable intellectual effort. That her place was incompatible with her literary pursuits was indeed frankly acknowledged by the King when she resigned. "She has given up," he said, "five years of her pen." That during those five years she might, without painful exertion, without any exertion that would not have been a pleasure, have earned enough to buy an annuity for life much larger than the precarious salary which she received at court, is quite certain. The same income, too, which in Saint Martin's Street would have afforded her every comfort, must have been found scanty at Saint James's. We cannot venture to speak confidently of the price of millinery and jewellery; but we are greatly deceived if a lady, who had to attend Queen Charlotte on many public occasions, could possibly save a farthing out of a salary of two hundred a year. The principle of the arrangement was, in short, simply this, that Frances Burney should become a slave, and should be rewarded by being made

With what object their Majesties brought her to their palace, we must own ourselves unable to conceive. Their object could not be to encourage her literary exertions; for they took her from a situation in which it was almost certain that she would write, and put her into a situation in which it was impossible for her to write. Their object could not be to promote her pecuniary interest; for they took her from a situation where she was likely to become rich, and put her into a situation in which she could not but continue poor. Their object could not be to obtain an eminently useful waiting maid; for it is clear that, though Miss Burney was the only woman of her time who could have described the death of Harrel, thousands might have been found more expert in tying ribands and filling snuff boxes. To grant her a pension on the civil list would have been an act of judicious liberality, honourable to the court. If this was impracticable, the next best thing was to let her alone. That the King and Queen meant her nothing but kindness, we do not in the least doubt. But their kindness was the kindness of persons raised high above the mass of mankind, accustomed to be addressed with profound deference, accustomed to see all who approach them mortified by their coldness and elated by their smiles. They fancied that to be noticed by them, to be near them, to serve them, was in itself a kind of happiness; and that Frances Burney ought to be full of gratitude for being permitted to purchase, by the surrender of health, wealth, freedom, domestic affection, and literary fame, the privilege of standing behind a royal chair, and holding a pair of royal gloves.

And who can blame them? Who can wonder that princes should be under such a delusion, when they are encouraged in it by the very persons who suffer from it most cruelly? Was it to be expected that George the Third and Queen Charlotte should understand the interest of Frances Burney better, or promote it with more zeal, than herself and her father? No deception was practised. The conditions of the house of bondage were set forth with all simplicity. The hook was presented without a bait; the net was spread in sight of the bird: and the naked hook was greedily swallowed; and the silly bird made haste to entangle herself in the net.

It is not strange indeed that an invitation to court should have caused a fluttering in the bosom of an inexperienced young woman. But it was the duty of the parent to watch

infantine vanities and chimerical hopes, on the other liberty, peace of mind, affluence, social enjoyments, honourable distinctions. Strange to say, the only hesitation was on the part of Frances. Dr. Burney was transported out of himself with delight. Not such are the raptures of a Circassian father who has sold his pretty daughter well to a Turkish slavemerchant. Yet Dr. Burney was an amiable man, a man of good abilities, a man who had seen much of the world. But he seems to have thought that going to court was like going to heaven; that to see princes and princesses was a kind of beatific vision; that the exquisite felicity enjoyed by royal persons was not confined to themselves, but was communicated by some mysterious efflux or reflection to all who were suffered to stand at their toilettes, or to bear their trains. He overruled all his daughter's objections, and himself escorted her to her prison. The door closed. The key was turned. She, looking back with tender regret on all that she had left, and forward with anxiety and terror to the new life on which she was entering, was unable to speak or stand; and he went on his way homeward rejoicing in her marvellous prosperity.

And now began a slavery of five years, of five years taken from the best part of life, and wasted in menial drudgery or in recreations duller than even menial drudgery, under galling restraints and amidst unfriendly or uninteresting companions. The history of an ordinary day was this. Miss Burney had to rise and dress herself early, that she might be ready to answer the royal bell, which rang at half after seven. Till about eight she attended in the Queen's dressing room, and had the honour of lacing her august mistress's stays, and of putting on the hoop, gown, and neckhandkerchief. The morning was chiefly spent in rummaging drawers and laying fine clothes in their proper places. Then the Queen was to be powdered and dressed for the day. Twice a week her Majesty's hair was curled and craped; and this operation appears to have added a full hour to the business of the toilette. It was generally three before Miss Burney was at liberty. Then she had two hours at her own disposal. To these hours we owe great part of her Diary. At five she had to attend her colleague, Madame Schwellenberg, a hateful old toadeater, as illiterate as a chambermaid, as proud as a whole German Chapter, rude, peevish, unable to bear solitude, unable to conduct herself with common decency in society. With this delightful associate, Frances Burney had to dine,

and pass the evening. The pair generally remained together from five to eleven, and often had no other company the whole time, except during the hour from eight to nine, when the equerries came to tea. If poor Frances attempted to escape to her own apartment, and to forget her wretchedness over a book, the execrable old woman railed and stormed, and complained that she was neglected. Yet, when Frances stayed, she was constantly assailed with insolent reproaches. Literary fame was, in the eyes of the German crone, a blemish, a proof that the person who enjoyed it was meanly born, and out of the pale of good society. All her scanty stock of broken English was employed to express the contempt with which she regarded the author of Evelina and Cecilia. Frances detested cards, and indeed knew nothing about them; but she soon found that the least miserable way of passing an evening with Madame Schwellenberg was at the cardtable, and consented, with patient sadness, to give hours, which might have called forth the laughter and the tears of many generations, to the king of clubs and the knave of spades. Between eleven and twelve the bell rang again. Miss Burney had to pass twenty minutes or half an hour in undressing the Queen, and was then at liberty to retire and to dream that she was chatting with her brother by the quiet hearth in Saint Martin's Street, that she was the centre of an admiring assemblage at Mrs. Crewe's, that Burke was calling her the first woman of the age, or that Dilly was giving her a cheque for two thousand guineas.

Men, we must suppose, are less patient than women; for we are utterly at a loss to conceive how any human being could endure such a life, while there remained a vacant garret in Grub Street, a crossing in want of a sweeper, a parish workhouse, or a parish vault. And it was for such a life that Frances Burney had given up liberty and peace, a happy fireside, attached friends, a wide and splendid circle of acquaintance, intellectual pursuits in which she was qualified to excel, and the sure hope of what to her would have been affluence.

There is nothing new under the sun. The last great master of Attic eloquence and Attic wit has left us a forcible and touching description of the misery of a man of letters, who, lured by hopes similar to those of Frances, had entered the service of one of the magnates of Rome. "Unhappy that I am," cries the victim of his own childish ambition: "would nothing content me but that I must leave mine old pursuits and mine old companions, and the life which was without

care, and the sleep which had no limit save mine own pleasure, and the walks which I was free to take where I listed, and fling myself into the lowest pit of a dungeon like this? And, O God! for what? Was there no way by which I might have enjoyed in freedom comforts even greater than those which I now earn by servitude? Like a lion which has been made so tame that men may lead him about by a thread, I am dragged up and down, with broken and humbled spirit, at the heels of those to whom, in mine own domain, I should have been an object of awe and wonder. And, worst of all, I feel that here I gain no credit, that here I give no pleasure. The talents and accomplishments which charmed a far different circle, are here out of place. I am rude in the arts of palaces, and can ill bear comparison with those whose calling, from their youth up, has been to flatter and to sue. Have I, then, two lives, that, after I have wasted one in the service of others, there may yet remain to me a second, which I may live unto myself?"

Now and then, indeed, events occurred which disturbed the wretched monotony of Frances Burney's life. The court moved from Kew to Windsor, and from Windsor back to Kew. One dull colonel went out of waiting, and another dull colonel came into waiting. An impertinent servant made a blunder about tea, and caused a misunderstanding between the gentlemen and the ladies. A half witted French Protestant minister talked oddly about conjugal fidelity. An unlucky member of the household mentioned a passage in the Morning Herald, reflecting on the Queen; and forthwith Madame Schwellenberg began to storm in bad English, and told him that he made her "what you call perspire!"

A more important occurrence was the King's visit to Oxford. Miss Burney went in the royal train to Nuneham, was utterly neglected there in the crowd, and could with difficulty find a servant to show the way to her bedroom, or a hairdresser to arrange her curls. She had the honour of entering Oxford in the last of a long string of carriages which formed the royal procession, of walking after the Queen all day through refectories and chapels, and of standing, half dead with fatigue and hunger, while her august mistress was seated at an excellent cold collation. At Magdalene College, Frances was left for a moment in a parlour, where she sank down on a chair. A goodnatured equerry saw that she was exhausted, and shared with her some apricots and bread, which he had wisely put into his pockets. At that moment the door

opened; the Queen entered; the wearied attendants sprang up; the bread and fruit were hastily concealed. "I found," says poor Miss Burney, "that our appetites were to be supposed annihilated, at the same moment that our strength was to be invincible."

Yet Oxford, seen even under such disadvantages, "revived in her," to use her own words, "a consciousness to pleasure which had long lain nearly dormant." She forgot, during one moment, that she was a waiting maid, and felt as a woman of true genius might be expected to feel amidst venerable remains of antiquity, beautiful works of art, vast repositories of knowledge, and memorials of the illustrious dead. Had she still been what she was before her father induced her to take the most fatal step of her life, we can easily imagine what pleasure she would have derived from a visit to the noblest of English cities. She might, indeed, have been forced to travel in a hack chaise, and might not have worn so fine a gown of Chambery gauze as that in which she tottered after the royal party; but with what delight would she have then paced the cloisters of Magdalene, compared the antique gloom of Merton with the splendour of Christ Church, and looked down from the dome of the Radcliffe Library on the magnificent sea of turrets and battlements below! How gladly would learned men have laid aside for a few hours Pindar's Odes and Aristotle's Ethics, to escort the author of Cecilia from college to college! What neat little banquets would she have found set out in their monastic cells! With what eagerness would pictures, medals, and illuminated missals have been brought forth from the most mysterious cabinets for her amusement! How much she would have had to hear and to tell about Johnson, as she walked over Pembroke, and about Reynolds, in the antechapel of New College! But these indulgences were not for one who had sold herself into bondage.

About eighteen months after the visit to Oxford, another event diversified the wearisome life which Frances led at court. Warren Hastings was brought to the bar of the House of Peers. The Queen and Princesses were present when the trial commenced, and Miss Burney was permitted to attend. During the subsequent proceedings a day rule for the same purpose was occasionally granted to her; for the Queen took the strongest interest in the trial, and when she could not go herself to Westminster Hall, liked to receive a report of what had passed from a person who had singular

powers of observation, and who was, moreover, acquainted with some of the most distinguished managers. The portion of the Diary which relates to this celebrated proceeding is lively and picturesque. Yet we read it, we own, with pain; for it seems to us to prove that the fine understanding of Frances Burney was beginning to feel the pernicious influence of a mode of life which is as incompatible with health of mind as the air of the Pontine marshes with health of body. From the first day she espouses the cause of Hastings with a presumptuous vehemence and acrimony quite inconsistent with the modesty and suavity of her ordinary deportment. She shudders when Burke enters the Hall at the head of the Commons. She pronounces him the cruel oppressor of an innocent man. She is at a loss to conceive how the managers can look at the defendant, and not blush. Windham comes to her from the manager's box, to offer her refreshment. "But," says she, "I could not break bread with him." Then, again, she exclaims, "Ah, Mr. Windham, how came you ever engaged in so cruel, so unjust a cause?" "Mr. Burke saw me," she says, "and he bowed with the most marked civility of manner." This, be it observed, was just after his opening speech, a speech which had produced a mighty effect, and which, certainly, no other orator that ever lived could have made. "My curtsy," she continues, "was the most ungrateful, distant, and cold; I could not do otherwise; so hurt I felt to see him the head of such a cause." Now, not only had Burke treated her with constant kindness, but the very last act which he performed on the day on which he was turned out of the Pay Office, about four years before this trial, was to make Doctor Burney organist of Chelsea Hospital. When, at the Westminster election, Doctor Burney was divided between his gratitude for this favour and his Tory opinions, Burke in the noblest manner disclaimed all right to exact a sacrifice of principle. "You have little or no obligations to me," he wrote: "but if you had as many as I really wish it were in my power, as it is certainly in my desire, to lay on you, I hope you do not think me capable of conferring them, in order to subject your mind or your affairs to a painful and mischievous servitude." Was this a man to be uncivilly treated by a daughter of Doctor Burney, because she chose to differ from him respecting a vast and most complicated question, which he had studied deeply during many years, and which she had never studied at all? It is clear, from Miss Burney's own narrative, that, when she behaved so un-

kindly to Mr. Burke, she did not even know of what Hastings was accused. One thing, however, she must have known, that Burke had been able to convince a House of Commons, bitterly prejudiced against himself, that the charges were well founded, and that Pitt and Dundas had concurred with Fox and Sheridan, in supporting the impeachment. Surely a woman of far inferior abilities to Miss Burney might have been expected to see that this never could have happened unless there had been a strong case against the late Governor General. And there was, as all reasonable men now admit, a strong case against him. That there were great public services to be set off against his great crimes is perfectly true. But his services and his crimes were equally unknown to the lady who so confidently asserted his perfect innocence, and imputed to his accusers, that is to say, to all the greatest men of all parties in the state, not merely error, but gross injustice and barbarity.

She had, it is true, occasionally seen Mr. Hastings, and had found his manners and conversation agreeable. But surely she could not be so weak as to infer from the gentleness of his deportment in a drawing room, that he was incapable of committing a great state crime, under the influence of ambition and revenge. A silly Miss, fresh from a boarding school, might fall into such a mistake; but the woman who had drawn the character of Mr. Monckton should have known better.

The truth is that she had been too long at Court. She was sinking into a slavery worse than that of the body. The iron was beginning to enter into the soul. Accustomed during many months to watch the eye of a mistress, to receive with boundless gratitude the slightest mark of royal condescension, to feel wretched at every symptom of royal displeasure, to associate only with spirits long tamed and broken in, she was degenerating into something fit for her place. Queen Charlotte was a violent partisan of Hastings, had received presents from him, and had so far departed from the severity of her virtue as to lend her countenance to his wife, whose conduct had certainly been as reprehensible as that of any of the frail beauties who were then rigidly excluded from the English Court. The King, it was well known, took the same side. To the King and Queen all the members of the household looked submissively for guidance. The impeachment, therefore, was an atrocious persecution; the managers were rascals; the defendant was the most deserving and the

worst used man in the kingdom. This was the cant of the whole palace, from Gold Stick in Waiting, down to the Table-Deckers and Yeomen of the Silver Scullery; and Miss Burney canted like the rest, though in livelier tones, and with less bitter feelings.

The account which she has given of the King's illness contains much excellent narrative and description, and will, we think, be as much valued by the historians of a future age as any equal portion of Pepys' or Evelyn's Diaries. That account shows also how affectionate and compassionate her nature was. But it shows also, we must say, that her way of life was rapidly impairing her powers of reasoning and her sense of justice. We do not mean to discuss, in this place, the question, whether the views of Mr. Pitt or those of Mr. Fox respecting the regency were the more correct. It is, indeed, quite needless to discuss that question: for the censure of Miss Burney falls alike on Pitt and Fox, on majority and minority. She is angry with the House of Commons for presuming to enquire whether the King was mad or not, and whether there was a chance of his recovering his senses. "A melancholy day," she writes; "news bad both at home and abroad. At home the dear unhappy king still worse; abroad new examinations voted of the physicians. Good heavens! what an insult does this seem from Parliamentary power, to investigate and bring forth to the world every circumstance of such a malady as is ever held sacred to secrecy in the most private families! How indignant we all feel here, no words can say." It is proper to observe, that the motion which roused all this indignation at Kew was made by Mr. Pitt himself. We see, therefore, that the loyalty of the minister, who was then generally regarded as the most heroic champion of his Prince, was lukewarm indeed when compared with the boiling zeal which filled the pages of the backstairs and the women of the bedchamber. Of the Regency bill, Pitt's own bill, Miss Burney speaks with horror. "I shuddered," she says, "to hear it named." And again, "Oh, how dreadful will be the day when that unhappy bill takes place! I cannot approve the plan of it." The truth is that Mr Pitt, whether a wise and upright statesman or not, was a statesman; and whatever motives he might have for imposing restrictions on the regent, felt that in some way or other there must be some provision made for the execution of some part of the kingly office, or that no government would be left in the country. But this was a matter of

which the household never thought. It never occurred, as far as we can see, to the Exons and Keepers of the Robes, that it was necessary that there should be somewhere or other a power in the state to pass laws, to preserve order, to pardon criminals, to fill up offices, to negotiate with foreign governments, to command the army and navy. Nay, these enlightened politicians, and Miss Burney among the rest, seem to have thought that any person who considered the subject with reference to the public interest, showed himself to be a badhearted man. Nobody wonders at this in a gentleman usher: but it is melancholy to see genius sinking into such debasement.

During more than two years after the King's recovery, Frances dragged on a miserable existence at the palace. The consolations, which had for a time mitigated the wretchedness of servitude, were one by one withdrawn. Mrs. Delany, whose society had been a great resource when the Court was at Windsor, was now dead. One of the gentlemen of the royal establishment, Colonel Digby, appears to have been a man of sense, of taste, of some reading, and of prepossessing manners. Agreeable associates were scarce in the prison house, and he and Miss Burney therefore naturally became attached to each other. She owns that she valued him as a friend; and it would not have been strange if his attentions had led her to entertain for him a sentiment warmer than friendship. He quitted the Court, and married in a way which astonished Miss Burney greatly, and which evidently wounded her feelings, and lowered him in her esteem. The palace grew duller and duller; Madame Schwellenberg became more and more savage and insolent; and now the health of poor Frances began to give way; and all who saw her pale face, her emaciated figure, and her feeble walk, predicted that her sufferings would soon be over.

Frances uniformly speaks of her royal mistress, and of the princesses, with respect and affection. The princesses seem to have well deserved all the praise which is bestowed on them in the Diary. They were, we doubt not, most amiable women. But "the sweet queen," as she is constantly called in these volumes, is not by any means an object of admiration to us. She had undoubtedly sense enough to know what kind of deportment suited her high station, and selfcommand enough to maintain that deportment invariably. She was, in her intercourse with Miss Burney, generally gracious and affable, sometimes, when displeased, cold and reserved, but

never, under any circumstances, rude, peevish, or violent. She knew how to dispense, gracefully and skilfully, those little civilities which, when paid by a sovereign, are prized at many times their intrinsic value; how to pay a compliment; how to lend a book; how to ask after a relation. But she seems to have been utterly regardless of the comfort, the health, the life of her attendants, when her own convenience was concerned. Weak, feverish, hardly able to stand, Frances had still to rise before seven, in order to dress the sweet Queen, and to sit up till midnight, in order to undress the sweet Queen. The indisposition of the handmaid could not, and did not, escape the notice of her royal mistress. But the established doctrine of the Court was, that all sickness was to be considered as a pretence until it proved fatal. The only way in which the invalid could clear herself from the suspicion of malingering, as it is called in the army, was to go on lacing and unlacing, till she fell down dead at the royal feet. "This," Miss Burney wrote, when she was suffering cruelly from sickness, watching, and labour, "is by no means from hardness of heart; far otherwise. There is no hardness of heart in any one of them; but it is prejudice, and want of personal experience."

Many strangers sympathized with the bodily and mental sufferings of this distinguished woman. All who saw her saw that her frame was sinking, that her heart was breaking. The last, it should seem, to observe the change was her father. At length, in spite of himself, his eyes were opened. In May 1790, his daughter had an interview of three hours with him, the only long interview which they had had since he took her to Windsor in 1786. She told him that she was miserable, that she was worn with attendance and want of sleep, that she had no comfort in life, nothing to love, nothing to hope, that her family and friends were to her as though they were not, and were remembered by her as men remember the dead. From daybreak to midnight the same killing labour, the same recreations, more hateful than labour itself, followed each other without variety, without any interval of liberty and repose.

The Doctor was greatly dejected by this news; but was too goodnatured a man not to say that, if she wished to resign, his house and arms were open to her. Still, however, he could not bear to remove her from the Court. His veneration for royalty amounted in truth to idolatry. It can be compared only to the crovelling superstition of those Scotch

who made their children pass through the fire to Moloch. When he induced his daughter to accept the place of keeper of the robes, he entertained, as she tells us, a hope that some worldly advantage or other, not set down in the contract of service, would be the result of her connection with the Court. What advantage he expected we do not know, nor did he probably know himself. But, whatever he expected, he certainly got nothing. Miss Burney had been hired for board, lodging, and two hundred a year. Board, lodging, and two hundred a year, she had duly received. We have looked carefully through the Diary, in the hope of finding some trace of those extraordinary benefactions on which the Doctor reckoned. But we can discover only a promise, never performed, of a gown: and for this promise Miss Burney was expected to return thanks, such as might have suited the beggar with whom Saint Martin, in the legend, divided his cloak. The experience of four years was, however, insufficient to dispel the illusion which had taken possession of the Doctor's mind; and, between the dear father and the sweet Queen, there seemed to be little doubt that some day or other Frances would drop down a corpse. Six months had elapsed since the interview between the parent and the daughter. The resignation was not sent in. The sufferer grew worse and worse. She took bark; but it soon ceased to produce a beneficial effect. She was stimulated with wine; she was soothed with opium; but in vain. Her breath began to fail. The whisper that she was in a decline spread through the Court. The pains in her side became so severe that she was forced to crawl from the card table of the old Fury to whom she was tethered, three or four times in an evening, for the purpose of taking hartshorn. Had she been a negro slave, a humane planter would have excused her from work. But her Majesty showed no mercy. Thrice a day the accursed bell still rang; the Queen was still to be dressed for the morning at seven, and to be dressed for the day at noon, and to be undressed at midnight.

But there had arisen, in literary and fashionable society, a general feeling of compassion for Miss Burney, and of indignation against both her father and the Queen. "Is it possible," said a great French lady to the Doctor, "that your daughter is in a situation where she is never allowed a holiday?" Horace Walpole wrote to Frances, to express his sympathy. Boswell, boiling over with good-natured rage, almost forced an

can put up with it no longer. Some very violent measures, I assure you, will be taken. We shall address Dr. Burney in a body." Burke and Reynolds, though less noisy, were zealous in the same cause. Windham spoke to Dr. Burney; but found him still irresolute. "I will set the club upon him," cried Windham; "Miss Burney has some very true admirers there, and I am sure they will eagerly assist." Indeed the Burney family seem to have been apprehensive that some public affront, such as the Doctor's unpardonable folly, to use the mildest term, had richly deserved, would be put upon him. The medical men spoke out, and plainly told him that his daughter must resign or die.

At last paternal affection, medical authority, and the voice of all London crying shame, triumphed over Dr. Burney's love of courts. He determined that Frances should write a letter of resignation. It was with difficulty that, though her life was at stake, she mustered spirit to put the paper into the Queen's hands. "I could not," so runs the Diary, "summon courage to present my memorial: my heart always failed me from seeing the Queen's entire freedom from such an expectation. For though I was frequently so ill in her presence that I could hardly stand, I saw she concluded me, while life remained, inevitably hers."

At last with a trembling hand the paper was delivered. Then came the storm. Juno, as in the Æneid, delegated the work of vengeance to Alecto. The Queen was calm and gentle; but Madame Schwellenberg raved like a maniac in the incurable ward of Bedlam! Such insolence! Such ingratitude! Such folly! Would Miss Burney bring utter destruction on herself and her family? Would she throw away the inestimable advantage of royal protection? Would she part with privileges which, once relinquished, could never be regained? It was idle to talk of health and life. If people could not live in the palace, the best thing that could befall them was to die in it. The resignation was not accepted. The language of the medical men became stronger and stronger. Dr. Burney's parental fears were fully roused; and he explicitly declared in a letter meant to be shown to the Queen that his daughter must retire. The Schwellenberg raged like a wild cat. "A scene almost horrible ensued," says Miss Burney. "She was too much enraged for disguise, and uttered the most furious expressions of indignant contempt at our proceedings. I am sure she would gladly have confined us both in the Bastille, had England such a misery as a fit place to bring us to our

selves, from a daring so outrageous against imperial wishes." This passage deserves notice, as being the only one in the Diary, so far as we have observed, which shows Miss Burney to have been aware that she was the native of a free country, that she could not be pressed for a waiting maid against her will, and that she had just as good a right to live, if she chose, in Saint Martin's Street, as Queen Charlotte had to live at St James's.

The Queen promised that, after the next birthday, Miss Burney should be set at liberty. But the promise was ill kept; and her Majesty showed displeasure at being reminded of it. At length Frances was informed that in a fortnight her attendance should cease. "I heard this," she says, "with a fearful presentiment I should surely never go through another fortnight in so weak and languishing and painful a state of health. . . . . As the time of separation approached, the Queen's cordiality rather diminished, and traces of internal displeasure appeared sometimes, arising from an opinion I ought rather to have struggled on, live or die, than to quit her. Yet I am sure she saw how poor was my own chance, except by a change in the mode of life, and at least ceased to wonder, though she could not approve." Sweet Queen! What noble candour, to admit that the undutifulness of people, who did not think the honour of adjusting her tuckers worth the sacrifice of their own lives, was, though highly criminal, not altogether unnatural!

We perfectly understand her Majesty's contempt for the lives of others where her own pleasure was concerned. But what pleasure she can have found in having Miss Burney about her, it is not so easy to comprehend. That Miss Burney was an eminently skilful keeper of the robes is not very probable. Few women, indeed, had paid less attention to dress. Now and then, in the course of five years, she had been asked to read aloud or to write a copy of verses. But better readers might easily have been found: and her verses were worse than even the Poet Laureate's Birthday Odes. Perhaps that economy, which was among her Majesty's most conspicuous virtues, had something to do with her conduct on this occasion. Miss Burney had never hinted that she expected a retiring pension; and indeed would gladly have given the little that she had for freedom. But her Majesty knew what the public thought, and what became her own dignity. She could not for very shame suffer a woman of distinguished genius, who had quitted a lucrative career to wait on her, who

had served her faithfully for a pittance during five years, and whose constitution had been impaired by labour and watching, to leave the court without some mark of royal liberality. George the Third, who, on all occasions, where Miss Burney was concerned, seems to have behaved like an honest, good-natured gentleman, felt this, and said plainly that she was entitled to a provision. At length, in return for all the misery which she had undergone, and for the health which she had sacrificed, an annuity of one hundred pounds was granted to her, dependent on the Queen's pleasure.

Then the prison was opened, and Frances was free once more. Johnson, as Burke observed, might have added a striking page to his poem on the Vanity of Human Wishes, if he had lived to see his little Burney as she went into the palace and as she came out of it.

The pleasures, so long untasted, of liberty, of friendship, of domestic affection, were almost too acute for her shattered frame. But happy days and tranquil nights soon restored the health which the Queen's toilette and Madame Schwellenberg's card table had impaired. Kind and anxious faces surrounded the invalid. Conversation the most polished and brilliant revived her spirits. Travelling was recommended to her; and she rambled by easy journeys from cathedral to cathedral, and from watering place to watering place. She crossed the New Forest, and visited Stonehenge and Wilton, the cliffs of Lyme, and the beautiful valley of Sidmouth. Thence she journeyed by Powderham Castle, and by the ruins of Glastonbury Abbey to Bath, and from Bath, when the winter was approaching, returned well and cheerful to London. There she visited her old dungeon, and found her successor already far on the way to the grave, and kept to strict duty, from morning till midnight, with a sprained ankle and a nervous fever.

At this time England swarmed with French exiles, driven from their country by the Revolution. A colony of these refugees settled at Juniper Hall, in Surrey, not far from Norbury Park, where Mr. Lock, an intimate friend of the Burney family, resided. Frances visited Norbury, and was introduced to the strangers. She had strong prejudices against them; for her Toryism was far beyond, we do not say that of Mr. Pitt, but that of Mr. Reeves; and the inmates of Juniper Hall were all attached to the constitution of 1791, and were therefore more detested by the royalists of the first emigration than Petion or Marat. But such a woman as Miss Burney

could not long resist the fascination of that remarkable society. She had lived with Johnson and Windham, with Mrs. Montague and Mrs. Thrale. Yet she was forced to own that she had never heard conversation before. The most animated eloquence, the keenest observation, the most sparkling wit, the most courtly grace, were united to charm her. For Madame de Staël was there, and M. de Talleyrand. There too was M. de Narbonne, a noble representative of French aristocracy; and with M. de Narbonne was his friend and follower General D'Arblay, an honourable and amiable man, with a handsome person, frank soldierlike manners, and some taste for letters.

The prejudices which Frances had conceived against the constitutional royalists of France rapidly vanished. She listened with rapture to Talleyrand and Madame de Staël, joined with M. D'Arblay in execrating the Jacobins and in weeping for the unhappy Bourbons, took French lessons from him, fell in love with him, and married him on no better provision than a precarious annuity of one hundred pounds.

Here the Diary stops for the present. We will, therefore, bring our narrative to a speedy close, by rapidly recounting the most important events which we know to have befallen Madame D'Arblay during the latter part of her life.

M. D'Arblay's fortune had perished in the general wreck of the French Revolution; and in a foreign country his talents, whatever they may have been, could scarcely make him rich. The task of providing for the family devolved on his wife. In the year 1796, she published by subscription her third novel, Camilla. It was impatiently expected by the public; and the sum which she obtained for it was, we believe, greater than had ever at that time been received for a novel. We have heard that she cleared more than three thousand guineas. But we give this merely as a rumour. Camilla, however, never attained popularity like that which Evelina and Cecilia had enjoyed: and it must be allowed that there was a perceptible falling off, not indeed in humour or in power of portraying character, but in grace and in purity of style.

We have heard that, about this time, a tragedy by Madame D'Arblay was performed without success. We do not know whether it was ever printed: nor indeed have we had time to make any researches into its history or merits.

During the short truce which followed the treaty of Amiens, M. D'Arblay visited France. Lauriston and La Fayette represented his claims to the French government, and obtained

a promise that he should be reinstated in his military rank. M. D'Arblay, however, insisted that he should never be required to serve against the countrymen of his wife. The First Consul, of course, would not hear of such a condition, and ordered the general's commission to be instantly revoked.

Madame D'Arblay joined her husband at Paris, a short time before the war of 1803 broke out, and remained in France ten years, cut off from almost all intercourse with the land of her birth. At length, when Napoleon was on his march to Moscow, she with great difficulty obtained from his ministers permission to visit her own country, in company with her son, who was a native of England. She returned in time to receive the last blessing of her father, who died in his eighty-seventh year. In 1814 she published her last novel, the Wanderer, a book which no judicious friend to her memory will attempt to draw from the oblivion into which it has justly fallen. In the same year her son Alexander was sent to Cambridge. He obtained an honourable place among the wranglers of his year, and was elected a fellow of Christ's College. But his reputation at the University was higher than might be inferred from his success in academical contests. His French education had not fitted him for the examinations of the Senate House; but, in pure mathematics, we have been assured by some of his competitors that he had very few equals. He went into the church, and it was thought likely that he would attain high eminence as a preacher; but he died before his mother. All that we have heard of him leads us to believe that he was a son as such a mother deserved to have. In 1832, Madame D'Arblay published the memoirs of her father: and on the 6th of January, 1840, she died in her eighty-eighth year.

We now turn from the life of Madame D'Arblay to her writings. There can, we apprehend, be little difference of opinion as to the nature of her merit, whatever differences may exist as to its degree. She was emphatically what Johnson called her, a charactermonger. It was in the exhibition of human passions and whims that her strength lay; and in this department of art she had, we think, very distinguished skill.

But in order that we may, according to our duty as kings at arms, versed in the laws of literary precedence, marshal her to the exact seat to which she is entitled, we must carry our examination somewhat further.

faces and the minds of men. No two faces are alike; and yet very few faces deviate very widely from the common standard. Among the eighteen hundred thousand human beings who inhabit London, there is not one who could be taken by his acquaintance for another; yet we may walk from Paddington to Mile End without seeing one person in whom any feature is so overcharged that we turn round to stare at it. An infinite number of varieties lies between limits which are not very far asunder. The specimens which pass those limits on either side, form a very small minority.

It is the same with the characters of men. Here, too, the variety passes all enumeration. But the cases in which the deviation from the common standard is striking and grotesque, are very few. In one mind avarice predominates; in another, pride; in a third, love of pleasure; just as in one countenance the nose is the most marked feature, while in others the chief expression lies in the brow, or in the lines of the mouth. But there are very few countenances in which nose, brow, and mouth do not contribute, though in unequal degrees, to the general effect; and so there are very few characters in which one overgrown propensity makes all others utterly insignificant.

It is evident that a portrait painter, who was able only to represent faces and figures such as those which we pay money to see at fairs, would not, however spirited his execution might be, take rank among the highest artists. He must always be placed below those who have skill to seize peculiarities which do not amount to deformity. The slighter those peculiarities, the greater is the merit of the limner who can catch them and transfer them to his canvass. To paint Daniel Lambert or the living skeleton, the pig faced lady or the Siamese twins, so that nobody can mistake them, is an exploit within the reach of a signpainter. A thirdrate artist might give us the squint of Wilkes, and the depressed nose and protuberant cheeks of Gibbon. It would require a much higher degree of skill to paint two such men as Mr. Canning and Sir Thomas Lawrence, so that nobody who had ever seen them could for a moment hesitate to assign each picture to its original. Here the mere caricaturist would be quite at fault. He would find in neither face any thing on which he could lay hold for the purpose of making a distinction. Two ample bald foreheads, two regular profiles, two full faces of the same oval form, would baffle his art; and he would be reduced to the miserable shift of writing their names at the foot of his pic-

ture. Yet there was a great difference; and a person who had seen them once would no more have mistaken one of them for the other than he would have mistaken Mr. Pitt for Mr. Fox. But the difference lay in delicate lineaments and shades, reserved for pencils of a rare order.

This distinction runs through all the imitative arts. Foote's mimicry was exquisitely ludicrous, but it was all caricature. He could take off only some strange peculiarity, a stammer or a lisp, a Northumbrain burr or an Irish brogue, a stoop or a shuffle. "If a man," said Johnson, "hops on one leg, Foote can hop on one leg." Garrick, on the other hand, could seize those differences of manner and pronunciation, which, though highly characteristic, are yet too slight to be described. Foote, we have no doubt, could have made the Haymarket theatre shake with laughter by imitating a conversation between a Scotchman and a Somersetshireman. But Garrick could have imitated a conversation between two fashionable men, both models of the best breeding, Lord Chesterfield, for example, and Lord Albemarle, so that no person could doubt which was which, although no person could say that, in any point, either Lord Chesterfield or Lord Albemarle spoke or moved otherwise than in conformity with the usages of the best society.

The same distinction is found in the drama and in fictitious narrative. Highest among those who have exhibited human nature by means of dialogue, stands Shakspeare. His variety is like the variety of nature, endless diversity, scarcely any monstrosity. The characters of which he has given us an impression, as vivid as that which we receive from the characters of our own associates, are to be reckoned by scores. Yet in all these scores hardly one character is to be found which deviates widely from the common standard, and which we should call very eccentric if we met it in real life. The silly notion that every man has one ruling passion, and that this clue, once known, unravels all the mysteries of his conduct, finds no countenance in the plays of Shakspeare. There man appears as he is, made up of a crowd of passions, which contend for the mastery over him, and govern him in turn. What is Hamlet's ruling passion? Or Othello's? Or Harry the Fifth's? Or Wolsey's? Or Lear's? Or Shylock's? Or Benedick's? Or Macbeth's? Or that of Cassius? Or that of Falconbridge? But we might go on for ever. Take a single example, Shylock. Is he so eager for money as to be indifferent to revenge? Or so eager for revenge as to be indifferent to

money? Or so bent on both together as to be indifferent to the honour of his nation and the law of Moses? All his propensities are mingled with each other, so that, in trying to apportion to each its proper part, we find the same difficulty which constantly meets us in real life. A superficial critic may say, that hatred is Shylock's ruling passion. But how many passions have amalgamated to form that hatred? It is partly the result of wounded pride: Antonio has called him dog. It is partly the result of covetousness: Antonio has hindered him of half a million; and, when Antonio is gone there will be no limit to the gains of usury. It is partly the result of national and religious feeling: Antonio has spit on the Jewish gaberdine; and the oath of revenge has been sworn by the Jewish Sabbath. We might go through all the characters which we have mentioned, and through fifty more in the same way; for it is the constant manner of Shakspeare to represent the human mind as lying, not under the absolute dominion of one despotic propensity, but under a mixed government, in which a hundred powers balance each other. Admirable as he was in all parts of his art, we most admire him for this, that while he has left us a greater number of striking portraits than all other dramatists put together, he has scarcely left us a single caricature.

Shakspeare has had neither equal nor second. But among the writers who, in the point which we have noticed, have approached nearest to the manner of the great master, we have no hesitation in placing Jane Austen, a woman of whom England is justly proud. She has given us a multitude of characters, all, in a certain sense, commonplace, all such as we meet every day. Yet they are all as perfectly discriminated from each other as if they were the most eccentric of human beings. There are, for example, four clergymen, none of whom we should be surprised to find in any parsonage in the kingdom, Mr. Edward Ferrars, Mr. Henry Tilney, Mr. Edmund Bertram, and Mr. Elton. They are all specimens of the upper part of the middle class. They have all been liberally educated. They all lie under the restraints of the same sacred profession. They are all young. They are all in love. Not one of them has any hobbyhorse, to use the phrase of Sterne. Not one has a ruling passion, such as we read of in Pope. Who would not have expected them to be insipid likenesses of each other? No such thing. Harpagon is not more unlike to Jourdain, Joseph Surface is not more unlike to Sir Lucius O'Trigger, than every one of Miss

Austen's young divines to all his reverend brethren. And almost all this is done by touches so delicate, that they elude analysis, that they defy the powers of description, and that we know them to exist only by the general effect to which they have contributed.

A line must be drawn, we conceive, between artists of this class, and those poets and novelists whose skill lies in the exhibiting of what Ben Jonson called humours. The words of Ben are so much to the purpose that we will quote them :

> "When some one peculiar quality
> Doth so possess a man, that it doth draw
> All his affects, his spirits, and his powers,
> In their confluxions all to run one way,
> This may be truly said to be a humour."

There are undoubtedly persons, in whom humours such as Ben describes have attained a complete ascendency. The avarice of Elwes, the insane desire of Sir Egerton Brydges for a barony to which he had no more right than to the crown of Spain, the malevolence which long meditation on imaginary wrongs generated in the gloomy mind of Bellingham, are instances. The feeling which animated Clarkson and other virtuous men against the slavetrade and slavery, is an instance of a more honourable kind.

Seeing that such humours exist, we cannot deny that they are proper subjects for the imitations of art. But we conceive that the imitation of such humours, however skilful and amusing, is not an achievement of the highest order; and, as such humours are rare in real life, they ought, we conceive, to be sparingly introduced into works which profess to be pictures of real life. Nevertheless, a writer may show so much genius in the exhibition of these humours as to be fairly entitled to a distinguished and permanent rank among classics. The chief seats of all, however, the places on the dais and under the canopy, are reserved for the few who have excelled in the difficult art of portraying characters in which no single feature is extravagantly overcharged.

If we have expounded the law soundly, we can have no difficulty in applying it to the particular case before us. Madame D'Arblay has left us scarcely any thing but humours. Almost every one of her men and women has some one propensity developed to a morbid degree. In Cecilia, for example, Mr. Delvile never opens his lips without some

allusion to his own birth and station; or Mr. Briggs, without some allusion to the hoarding of money; or Mr Hobson, without betraying the self-indulgence and self-importance of a purseproud upstart; or Mr. Simkins, without uttering some sneaking remark for the purpose of currying favour with his customers; or Mr. Meadows, without expressing apathy and weariness of life; or Mr. Albany, without declaiming about the vices of the rich and the misery of the poor; or Mrs. Belfield, without some indelicate eulogy on her son; or Lady Margaret, without indicating jealousy of her husband. Morrice is all skipping, officious impertinence, Mr. Gosport all sarcasm, Lady Honoria all lively prattle, Miss Larolles all silly prattle. If ever Madame D'Arblay aimed at more, we do not think that she succeeded well.

We are, therefore, forced to refuse to Madame D'Arblay a place in the highest rank of art; but we cannot deny that in the rank to which she belonged, she had few equals, and scarcely any superior. The variety of humours which is to be found in her novels is immense: and though the talk of each person separately is monotonous, the general effect is not monotony, but a very lively and agreeable diversity. Her plots are rudely constructed and improbable, if we consider them in themselves. But they are admirably framed for the purpose of exhibiting striking groups of eccentric characters, each governed by his own peculiar whim, each talking his own peculiar jargon, and each bringing out by opposition the oddities of all the rest. We will give one example out of many which occur to us. All probability is violated in order to bring Mr. Delvile, Mr. Briggs, Mr. Hobson, and Mr. Albany into a room together. But when we have them there, we soon forget probability in the exquisitely ludicrous effect which is produced by the conflict of four old fools, each raging with a monomania of his own, each talking a dialect of his own, and each inflaming all the others anew every time he opens his mouth.

Madame D'Arblay was most successful in comedy, and indeed in comedy which bordered on farce. But we are inclined to infer from some passages, both in Cecilia and Camilla, that she might have attained equal distinction in the pathetic. We have formed this judgment, less from those ambitious scenes of distress which lie near the catastrophe of each of those novels, than from some exquisite strokes of natural tenderness which take us here and there by surprise. We would mention as examples, Mrs. Hill's account of her little boy's death in

Cecilia, and the parting of Sir Hugh Tyrold and Camilla, when the honest baronet thinks himself dying.

It is melancholy to think that the whole fame of Madame D'Arblay rests on what she did during the earlier half of her life, and that everything which she published during the forty-three years which preceded her death, lowered her reputation. Yet we have no reason to think that at the time when her faculties ought to have been in their maturity, they were smitten with any blight. In the Wanderer, we catch now and then a gleam of her genius. Even in the Memoirs of her father, there is no trace of dotage. They are very bad; but they are so, as it seems to us, not from a decay of power, but from a total perversion of power.

The truth is, that Madame D'Arblay's style underwent a gradual and most pernicious change, a change which, in degree at least, we believe to be unexampled in literary history, and of which it may be useful to trace the progress.

When she wrote her letters to Mr. Crisp, her early journals, and her first novel, her style was not indeed brilliant or energetic; but it was easy, clear, and free from all offensive faults. When she wrote Cecilia she aimed higher. She had then lived much in a circle of which Johnson was the centre; and she was herself one of his most submissive worshippers. It seems never to have crossed her mind that the style even of his best writings was by no means faultless, and that even had it been faultless, it might not be wise in her to imitate it. Phraseology which is proper in a disquisition on the Unities, or in a preface to a Dictionary, may be quite out of place in a tale of fashionable life. Old gentlemen do not criticize the reigning modes, nor do young gentlemen make love, with the balanced epithets and sonorous cadences which, on occasions of great dignity, a skilful writer may use with happy effect.

In an evil hour the author of Evelina took the Rambler for her model. This would not have been wise even if she could have imitated her pattern as well as Hawkesworth did. But such imitation was beyond her power. She had her own style. It was a tolerably good one; and might, without any violent change, have been improved into a very good one. She determined to throw it away, and to adopt a style in which she could attain excellence only by achieving an almost miraculous victory over nature and over habit. She could cease to be Fanny Burney; it was not so easy to become Samuel Johnson.

In Cecilia the change of manner began to appear. But in Cecilia the imitation of Johnson, though not always in the best taste, is sometimes eminently happy; and the passages which are so verbose as to be positively offensive, are few. There were people who whispered that Johnson had assisted his young friend, and that the novel owed all its finest passages to his hand. This was merely the fabrication of envy. Miss Burney's real excellences were as much beyond the reach of Johnson, as his real excellences were beyond her reach. He could no more have written the Masquerade scene, or the Vauxhall scene, than she could have written the Life of Cowley or the Review of Soame Jenyns. But we have not the smallest doubt that he revised Cecilia, and that he retouched the style of many passages. We know that he was in the habit of giving assistance of this kind most freely. Goldsmith, Hawkesworth, Boswell, Lord Hailes, Mrs. Williams, were among those who obtained his help. Nay, he even corrected the poetry of Mr. Crabbe, whom, we believe, he had never seen. When Miss Burney thought of writing a comedy, he promised to give her his best counsel, though he owned that he was not particularly well qualified to advise on matters relating to the stage. We therefore think it in the highest degree improbable that his little Fanny, when living in habits of the most affectionate intercourse with him, would have brought out an important work without consulting him; and, when we look into Cecilia, we see such traces of his hand in the grave and elevated passages as it is impossible to mistake. Before we conclude this article, we will give two or three examples.

When next Madame D'Arblay appeared before the world as a writer, she was in a very different situation. She would not content herself with the simple English in which Evelina had been written. She had no longer the friend who, we are confident, had polished and strengthened the style of Cecilia. She had to write in Johnson's manner without Johnson's aid. The consequence was, that in Camilla every passage which she meant to be fine is detestable; and that the book has been saved from condemnation only by the admirable spirit and force of those scenes in which she was content to be familiar.

But there was to be a still deeper descent. After the publication of Camilla, Madame D'Arblay resided ten years at Paris. During those years there was scarcely any intercourse between France and England. It was with difficulty that a

short letter could occasionally be transmitted. All Madame D'Arblay's companions were French. She must have written, spoken, thought, in French. Ovid expressed his fear that a shorter exile might have affected the purity of his Latin. During a shorter exile, Gibbon unlearned his native English. Madame D'Arblay had carried a bad style to France. She brought back a style which we are really at a loss to describe. It is a sort of broken Johnsonese, a barbarous *patois*, bearing the same relation to the language of Rasselas, which the gibberish of the Negroes of Jamaica bears to the English of the House of Lords. Sometimes it reminds us of the finest, that is to say, the vilest parts, of Mr. Galt's novels; sometimes of the perorations of Exeter Hall; sometimes of the leading articles of the Morning Post. But it most resembles the puffs of Mr. Rowland and Dr. Goss. It matters not what ideas are clothed in such a style. The genius of Shakspeare and Bacon united, would not save a work so written from general derision.

It is only by means of specimens that we can enable our readers to judge how widely Madame D'Arblay's three styles differed from each other.

The following passage was written before she became intimate with Johnson. It is from Evelina.

"His son seems weaker in his understanding, and more gay in his temper; but his gaiety is that of a foolish over-grown schoolboy, whose mirth consists in noise and disturbance. He disdains his father for his close attention to business and love of money, though he seems himself to have no talents, spirit, or generosity to make him superior to either. His chief delight appears to be in tormenting and ridiculing his sisters, who in return most cordially despise him. Miss Branghton, the eldest daughter, is by no means ugly; but looks proud, ill-tempered, and conceited. She hates the city, though without knowing why; for it is easy to discover she has lived nowhere else. Miss Polly Branghton is rather pretty, very foolish, very ignorant, very giddy, and, I believe, very good-natured."

This is not a fine style, but simple, perspicuous, and agreeable. We now come to Cecilia, written during Miss Burney's intimacy with Johnson; and we leave it to our readers to judge whether the following passage was not at least corrected by his hand.

"It is rather an imaginary than an actual evil, and though a deep wound to pride, no offence to morality. Thus have I laid open to

vainglory, and exposed with equal sincerity the sources of my doubts and the motives of my decision. But now, indeed, how to proceed I know not. The difficulties which are yet to encounter I fear to enumerate, and the petition I have to urge I have scarce courage to mention. My family, mistaking ambition for honour, and rank for dignity, have long planned a splendid connection for me, to which, though my invariable repugnance has stopped any advances, their wishes and their views immoveably adhere. I am but too certain they will now listen to no other. I dread, therefore, to make a trial where I despair of success. I know not how to risk a prayer with those who may silence me by a command."

Take now a specimen of Madame D'Arblay's later style. This is the way in which she tells us that her father, on his journey back from the Continent, caught the rheumatism.

"He was assaulted, during his precipitated return, by the rudest fierceness of wintry elemental strife; through which, with bad accommodations and innumerable accidents, he became a prey to the merciless pangs of the acutest spasmodic rheumatism, which barely suffered him to reach his home, ere, long and piteously, it confined him, a tortured prisoner, to his bed. Such was the check that almost instantly curbed, though it could not subdue, the rising pleasure of his hopes of entering upon a new species of existence—that of an approved man of letters; for it was on the bed of sickness, exchanging the light wines of France, Italy, and Germany, for the black and loathsome potions of the Apothecaries' Hall, writhed by darting stitches, and burning with fiery fever, that he felt the full force of that sublunary equipoise that seems evermore to hang suspended over the attainment of long-sought and uncommon felicity, just as it is ripening to burst forth with enjoyment!"

Here is a second passage from Evelina.

"Mrs. Selwyn is very kind and attentive to me. She is extremely clever. Her understanding, indeed, may be called masculine; but unfortunately her manners deserve the same epithet; for, in studying to acquire the knowledge of the other sex, she has lost all the softness of her own. In regard to myself, however, as I have neither courage nor inclination to argue with her, I have never been personally hurt at her want of gentleness, a virtue which nevertheless seems so essential a part of the female character, that I find myself more awkward and less at ease with a woman who wants it than I do with a man."

This is a good style of its kind; and the following passage from Cecilia is also in a good style, though not in a faultless one. We say with confidence, either Sam Johnson or the Devil.

in London. Secure in his own castle, he looked round him with a pride of power and possession which softened while it swelled him. His superiority was undisputed: his will was without control. He was not, as in the great capital of the kingdom, surrounded by competitors. No rivalry disturbed his peace; no equality mortified his greatness. All he saw were either vassals of his power, or guests bending to his pleasure. He abated, therefore, considerably the stern gloom of his haughtiness, and soothed his proud mind by the courtesy of condescension."

We will stake our reputation for critical sagacity on this, that no such paragraph as that which we have last quoted, can be found in any of Madame D'Arblay's works except Cecilia. Compare with it the following sample of her later style.

"If beneficence be judged by the happiness which it diffuses, whose claim, by that proof, shall stand higher than that of Mrs. Montagu, from the munificence with which she celebrated her annual festival for those hapless artificers who perform the most abject offices of any authorized calling, in being the active guardians of our blazing hearths? Not to vainglory, then, but to kindness of heart, should be adjudged the publicity of that superb charity which made its jetty objects, for one bright morning, cease to consider themselves as degraded outcasts from all society."

We add one or two shorter samples. Sheridan refused to permit his lovely wife to sing in public, and was warmly praised on this account by Johnson. "The last of men," says Madame D'Arblay, "was Doctor Johnson to have abetted squandering the delicacy of integrity by nullifying the labours of talents."

The Club, Johnson's Club, did itself no honour by rejecting on political grounds two distinguished men, one a Tory, the other a Whig. Madame D'Arblay tells the story thus: "A similar ebullition of political rancour with that which so difficultly had been conquered for Mr. Canning foamed over the ballot box to the exclusion of Mr. Rogers."

An offence punishable with imprisonment is, in this language, an offence "which produces incarceration." To be starved to death is "to sink from inanition into nonentity." Sir Isaac Newton is "the developer of the skies in their embodied movements;" and Mrs. Thrale, when a party of clever people sat silent, is said to have been provoked by the dulness of a taciturnity that, in the midst of such renowned interlocutors, produced as narcotic a torpor as could have been

In truth, it is impossible to look at any page of Madame D'Arblay's later works without finding flowers of rhetoric like these. Nothing in the language of those jargonists at whom Mr. Gosport laughed, nothing in the language of Sir Sedley Clarendel, approaches this new Euphuism.

It is from no unfriendly feeling to Madame D'Arblay's memory that we have expressed ourselves so strongly on the subject of her style. On the contrary, we conceive that we have really rendered a service to her reputation. That her later works were complete failures, is a fact too notorious to be dissembled: and some persons, we believe, have consequently taken up a notion that she was from the first an overrated writer, and that she had not the powers which were necessary to maintain her on the eminence on which good luck and fashion had placed her. We believe, on the contrary, that her early popularity was no more than the just reward of distinguished merit, and would never have undergone an eclipse, if she had only been content to go on writing in her mother tongue. If she failed when she quitted her own province, and attempted to occupy one in which she had neither part nor lot, this reproach is common to her with a crowd of distinguished men. Newton failed when he turned from the courses of the stars, and the ebb and flow of the ocean, to apocalyptic seals and vials. Bentley failed when he turned from Homer and Aristophanes, to edite the Paradise Lost. Inigo failed when he attempted to rival the Gothic churches of the fourteenth century. Wilkie failed when he took it into his head that the Blind Fiddler and the Rent Day were unworthy of his powers, and challenged competition with Lawrence as a portrait painter. Such failures should be noted for the instruction of posterity; but they detract little from the permanent reputation of those who have really done great things.

Yet one word more. It is not only on account of the intrinsic merit of Madame D'Arblay's early works that she is entitled to honourable mention. Her appearance is an important epoch in our literary history. Evelina was the first tale written by a woman, and purporting to be a picture of life and manners, that lived or deserved to live. The Female Quixote is no exception. That work has undoubtedly great merit, when considered as a wild satirical harlequinade; but, if we consider it as a picture of life and manners, we must pronounce it more absurd than any of the romances which it was designed to ridicule.

Indeed, most of the popular novels which preceded Evelina were such as no lady would have written; and many of them were such as no lady could without confusion own that she had read. The very name of novel was held in horror among religious people. In decent families, which did not profess extraordinary sanctity, there was a strong feeling against all such works. Sir Anthony Absolute, two or three years before Evelina appeared, spoke the sense of the great body of sober fathers and husbands, when he pronounced the circulating library an evergreen tree of diabolical knowledge. This feeling, on the part of the grave and reflecting, increased the evil from which it had sprung. The novelist, having little character to lose, and having few readers among serious people, took without scruple liberties which in our generation seem almost incredible.

Miss Burney did for the English novel what Jeremy Collier did for the English drama; and she did it in a better way. She first showed that a tale might be written in which both the fashionable and the vulgar life of London might be exhibited with great force, and with broad comic humour, and which yet should not contain a single line inconsistent with rigid morality, or even with virgin delicacy. She took away the reproach which lay on a most useful and delightful species of composition. She vindicated the right of her sex to an equal share in a fair and noble province of letters. Several accomplished women have followed in her track. At present, the novels which we owe to English ladies form no small part of the literary glory of our country. No class of works is more honourably distinguished by fine observation, by grace, by delicate wit, by pure moral feeling. Several among the successors of Madame D'Arblay have equalled her; two, we think, have surpassed her. But the fact that she has been surpassed gives her an additional claim to our respect and gratitude; for, in truth, we owe to her not only Evelina, Cecilia, and Camilla, but also Mansfield Park and the Absentee.

THE LIFE AND WRITINGS OF ADDISON.

(JULY, 1843.)

The Life of Joseph Addison. By LUCY AIKIN. 2 vols. 8vo. London: 1843.

SOME reviewers are of opinion that a lady who dares to publish a book renounces by that act the franchises appertaining to her sex, and can claim no exemption from the utmost rigour of critical procedure. From that opinion we dissent. We admit, indeed, that in a country which boasts of many female writers, eminently qualified by their talents and acquirements to influence the public mind, it would be of most pernicious consequence that inaccurate history or unsound philosophy should be suffered to pass uncensured, merely because the offender chanced to be a lady. But we conceive that, on such occasions, a critic would do well to imitate the courteous Knight who found himself compelled by duty to keep the lists against Bradamante. He, we are told, defended successfully the cause of which he was the champion; but, before the fight began, exchanged Balisarda for a less deadly sword, of which he carefully blunted the point and edge.*

Nor are the immunities of sex the only immunities which Miss Aikin may rightfully plead. Several of her works, and especially the very pleasing Memoirs of the Reign of James the First, have fully entitled her to the privileges enjoyed by good writers. One of those privileges we hold to be this, that such writers, when, either from the unlucky choice of a subject, or from the indolence too often produced by success, they happen to fail, shall not be subjected to the severe discipline which it is sometimes necessary to inflict upon dunces and impostors, but shall merely be reminded by a gentle touch, like that with which the Laputan flapper roused his dreaming lord, that it is high time to wake.

Our readers will probably infer from what we have said that Miss Aikin's book has disappointed us. The truth is,

* Orlando Furioso, xlv. 68.

that she is not well acquainted with her subject. No person who is not familiar with the political and literary history of England during the reigns of William the Third, of Anne, and of George the First, can possibly write a good life of Addison. Now, we mean no reproach to Miss Aikin, and many will think that we pay her a compliment, when we say that her studies have taken a different direction. She is better acquainted with Shakspeare and Raleigh, than with Congreve and Prior; and is far more at home among the ruffs and peaked beards of Theobald's, than among the Steenkirks and flowing periwigs which surrounded Queen Anne's tea table at Hampton. She seems to have written about the Elizabethan age, because she had read much about it; she seems, on the other hand, to have read a little about the age of Addison, because she had determined to write about it. The consequence is that she has had to describe men and things without having either a correct or a vivid idea of them, and that she has often fallen into errors of a very serious kind. The reputation which Miss Aikin has justly earned stands so high, and the charm of Addison's letters is so great, that a second edition of this work may probably be required. If so, we hope that every paragraph will be revised, and that every date and fact about which there can be the smallest doubt will be carefully verified.

To Addison himself we are bound by a sentiment as much like affection as any sentiment can be, which is inspired by one who has been sleeping a hundred and twenty years in Westminster Abbey. We trust, however, that this feeling will not betray us into that abject idolatry which we have often had occasion to reprehend in others, and which seldom fails to make both the idolater and the idol ridiculous. A man of genius and virtue is but a man. All his powers cannot be equally developed; nor can we expect from him perfect selfknowledge. We need not, therefore, hesitate to admit that Addison has left us some compositions which do not rise above mediocrity, some heroic poems hardly equal to Parnell's, some criticism as superficial as Dr. Blair's, and a tragedy not very much better than Dr. Johnson's. It is praise enough to say of a writer that, in a high department of literature, in which many eminent writers have distinguished themselves, he has had no equal; and this may with strict justice be said of Addison.

As a man, he may not have deserved the adoration which he received from those who, bewitched by his fascinating

society, and indebted for all the comforts of life to his generous and delicate friendship, worshipped him nightly, in his favourite temple at Button's. But, after full enquiry and impartial reflection, we have long been convinced that he deserved as much love and esteem as can be justly claimed by any of our infirm and erring race. Some blemishes may undoubtedly be detected in his character; but the more carefully it is examined, the more will it appear, to use the phrase of the old anatomists, sound in the noble parts, free from all taint of perfidy, of cowardice, of cruelty, of ingratitude, of envy. Men may easily be named, in whom some particular good disposition has been more conspicuous than in Addison. But the just harmony of qualities, the exact temper between the stern and the humane virtues, the habitual observance of every law, not only of moral rectitude, but of moral grace and dignity, distinguish him from all men who have been tried by equally strong temptations, and about whose conduct we possess equally full information.

His father was the Reverend Lancelot Addison, who, though eclipsed by his more celebrated son, made some figure in the world, and occupies with credit two folio pages in the Biographia Britannica. Lancelot was sent up, as a poor scholar, from Westmoreland to Queen's College, Oxford, in the time of the Commonwealth, made some progress in learning, became, like most of his fellow students, a violent Royalist, lampooned the heads of the University, and was forced to ask pardon on his bended knees. When he had left college, he earned a humble subsistence by reading the liturgy of the fallen Church to the families of those sturdy squires whose manor houses were scattered over the Wild of Sussex. After the Restoration, his loyalty was rewarded with the post of chaplain to the garrison of Dunkirk. When Dunkirk was sold to France, he lost his employment. But Tangier had been ceded by Portugal to England as part of the marriage portion of the Infanta Catharine; and to Tangier Lancelot Addison was sent. A more miserable situation can hardly be conceived. It was difficult to say whether the unfortunate settlers were more tormented by the heats or by the rains, by the soldiers within the wall or by the Moors without it. One advantage the chaplain had. He enjoyed an excellent opportunity of studying the history and manners of Jews and Mahometans; and of this opportunity he appears to have made excellent use. On his return to England, after some years of banishment, he published an interesting volume on the Polity

and Religion of Barbary, and another on the Hebrew Customs and the State of Rabbinical Learning. He rose to eminence in his profession, and became one of the royal chaplains, a Doctor of Divinity, Archdeacon of Salisbury, and Dean of Lichfield. It is said that he would have been made a bishop after the Revolution, if he had not given offence to the government by strenuously opposing, in the Convocation of 1689, the liberal policy of William and Tillotson.

In 1672, not long after Dr. Addison's return from Tangier, his son Joseph was born. Of Joseph's childhood we know little. He learned his rudiments at schools in his father's neighbourhood, and was then sent to the Charter House. The anecdotes which are popularly related about his boyish tricks do not harmonize very well with what we know of his riper years. There remains a tradition that he was the ringleader in a barring out, and another tradition that he ran away from school and hid himself in a wood, where he fed on berries and slept in a hollow tree, till after a long search he was discovered and brought home. If these stories be true, it would be curious to know by what moral discipline so mutinous and enterprising a lad was transformed into the gentlest and most modest of men.

We have abundant proof that, whatever Joseph's pranks may have been, he pursued his studies vigorously and successfully. At fifteen he was not only fit for the university, but carried thither a classical taste and a stock of learning which would have done honour to a Master of Arts. He was entered at Queen's College, Oxford; but he had not been many months there, when some of his Latin verses fell by accident into the hands of Dr. Lancaster, Dean of Magdalene College. The young scholar's diction and versification were already such as veteran professors might envy. Dr. Lancaster was desirous to serve a boy of such promise; nor was an opportunity long wanting. The Revolution had just taken place; and nowhere had it been hailed with more delight than at Magdalene College. That great and opulent corporation had been treated by James, and by his Chancellor, with an insolence and injustice which, even in such a Prince and in such a Minister, may justly excite amazement, and which had done more than even the prosecution of the Bishops to alienate the Church of England from the throne. A president, duly elected, had been violently expelled from his dwelling: a Papist had been set over the society by a royal

mandate: the Fellows who, in conformity with their oaths, had refused to submit to this usurper, had been driven forth from their quiet cloisters and gardens, to die of want or to live on charity. But the day of redress and retribution speedily came. The intruders were ejected: the venerable House was again inhabited by its old inmates: learning flourished under the rule of the wise and virtuous Hough; and with learning was united a mild and liberal spirit too often wanting in the princely colleges of Oxford. In consequence of the troubles through which the society had passed, there had been no valid election of new members during the year 1688. In 1689, therefore, there was twice the ordinary number of vacancies; and thus Dr. Lancaster found it easy to procure for his young friend admittance to the advantages of a foundation then generally esteemed the wealthiest in Europe.

At Magdalene Addison resided during ten years. He was, at first, one of those scholars who are called Demies, but was subsequently elected a fellow. His college is still proud of his name: his portrait still hangs in the hall; and strangers are still told that his favourite walk was under the elms which fringe the meadow on the banks of the Cherwell. It is said, and is highly probable, that he was distinguished among his fellow students by the delicacy of his feelings, by the shyness of his manners, and by the assiduity with which he often prolonged his studies far into the night. It is certain that his reputation for ability and learning stood high. Many years later, the ancient Doctors of Magdalene continued to talk in their common room of his boyish compositions, and expressed their sorrow that no copy of exercises so remarkable had been preserved.

It is proper, however, to remark that Miss Aikin has committed the error, very pardonable in a lady, of overrating Addison's classical attainments. In one department of learning, indeed, his proficiency was such as it is hardly possible to overrate. His knowledge of the Latin poets, from Lucretius and Catullus down to Claudian and Prudentius, was singularly exact and profound. He understood them thoroughly, entered into their spirit, and had the finest and most discriminating perception of all their peculiarities of style and melody; nay, he copied their manner with admirable skill, and surpassed, we think, all their British imitators who had preceded him, Buchanan and Milton alone excepted. This is high praise; and beyond this we cannot with justice

go. It is clear that Addison's serious attention, during his residence at the university, was almost entirely concentrated on Latin poetry, and that, if he did not wholly neglect other provinces of ancient literature, he vouchsafed to them only a cursory glance. He does not appear to have attained more than an ordinary acquaintance with the political and moral writers of Rome; nor was his own Latin prose by any means equal to his Latin verse. His knowledge of Greek, though doubtless such as was, in his time, thought respectable at Oxford, was evidently less than that which many lads now carry away every year from Eton and Rugby. A minute examination of his works, if we had time to make such an examination, would fully bear out these remarks. We will briefly advert to a few of the facts on which our judgment is grounded.

Great praise is due to the Notes which Addison appended to his version of the second and third books of the Metamorphoses. Yet those notes, while they show him to have been, in his own domain, an accomplished scholar, show also how confined that domain was. They are rich in apposite references to Virgil, Statius, and Claudian; but they contain not a single illustration drawn from the Greek poets. Now, if, in the whole compass of Latin literature, there be a passage which stands in need of illustration drawn from the Greek poets, it is the story of Pentheus in the third book of the Metamorphoses. Ovid was indebted for that story to Euripides and Theocritus, both of whom he has sometimes followed minutely. But neither to Euripides nor to Theocritus does Addison make the faintest allusion; and we, therefore, believe that we do not wrong him by supposing that he had little or no knowledge of their works.

. His travels in Italy, again, abound with classical quotations, happily introduced; but scarcely one of those quotations is in prose. He draws more illustrations from Ausonius and Manilius than from Cicero. Even his notions of the political and military affairs of the Romans seem to be derived from poets and poetasters. Spots made memorable by events which have changed the destinies of the world, and which have been worthily recorded by great historians, bring to his mind only scraps of some ancient versifier. In the gorge of the Apennines he naturally remembers the hardships which Hannibal's army endured, and proceeds to cite, not the authentic narrative of Polybius, not the picturesque narrative of Livy, but the languid hexameters of Silius Italicus. On the banks of

the Rubicon he never thinks of Plutarch's lively description, or of the stern conciseness of the Commentaries, or of those letters to Atticus which so forcibly express the alternations of hope and fear in a sensitive mind at a great crisis. His only authority for the events of the civil war is Lucan.

All the best ancient works of art at Rome and Florence are Greek. Addison saw them, however, without recalling one single verse of Pindar, of Callimachus, or of the Attic dramatists; but they brought to his recollection innumerable passages of Horace, Juvenal, Statius, and Ovid.

The same may be said of the Treatise on Medals. In that pleasing work we find about three hundred passages extracted with great judgment from the Roman poets; but we do not recollect a single passage taken from any Roman orator or historian; and we are confident that not a line is quoted from any Greek writer. No person, who had derived all his information on the subject of medals from Addison, would suspect that the Greek coins were in historical interest equal, and in beauty of execution far superior to those of Rome.

If it were necessary to find any further proof that Addison's classical knowledge was confined within narrow limits, that proof would be furnished by his Essay on the Evidences of Christianity. The Roman poets throw little or no light on the literary and historical questions which he is under the necessity of examining in that Essay. He is, therefore, left completely in the dark; and it is melancholy to see how helplessly he gropes his way from blunder to blunder. He assigns, as grounds for his religious belief, stories as absurd as that of the Cock-Lane ghost, and forgeries as rank as Ireland's Vortigern, puts faith in the lie about the Thundering Legion, is convinced that Tiberius moved the senate to admit Jesus among the gods, and pronounces the letter of Agbarus King of Edessa to be a record of great authority. Nor were these errors the effects of superstition; for to superstition Addison was by no means prone. The truth is that he was writing about what he did not understand.

Miss Aikin has discovered a letter, from which it appears that, while Addison resided at Oxford, he was one of several writers whom the booksellers engaged to make an English version of Herodotus; and she infers that he must have been a good Greek scholar. We can allow very little weight to this argument, when we consider that his fellow labourers were to have been Boyle and Blackmore. Boyle is remembered chiefly as the nominal author of the worst book on Greek history and

philology that ever was printed; and this book, bad as it is, Boyle was unable to produce without help. Of Blackmore's attainments in the ancient tongues, it may be sufficient to say that, in his prose, he has confounded an aphorism with an apophthegm, and that when, in his verse, he treats of classical subjects, his habit is to regale his readers with four false quantities to a page.

It is probable that the classical acquirements of Addison were of as much service to him as if they had been more extensive. The world generally gives its admiration, not to the man who does what nobody else even attempts to do, but to the man who does best what multitudes do well. Bentley was so immeasurably superior to all the other scholars of his time that few among them could discover his superiority. But the accomplishment in which Addison excelled his contemporaries was then, as it is now, highly valued and assiduously cultivated at all English seats of learning. Every body who had been at a public school had written Latin verses; many had written such verses with tolerable success, and were quite able to appreciate, though by no means able to rival, the skill with which Addison imitated Virgil. His lines on the Barometer and the Bowling Green were applauded by hundreds, to whom the Dissertation on the Epistles of Phalaris was as unintelligible as the hieroglyphics on an obelisk.

Purity of style, and an easy flow of numbers, are common to all Addison's Latin poems. Our favourite piece is the Battle of the Cranes and Pygmies; for in that piece we discern a gleam of the fancy and humour which many years later enlivened thousands of breakfast tables. Swift boasted that he was never known to steal a hint; and he certainly owed as little to his predecessors as any modern writer. Yet we cannot help suspecting that he borrowed, perhaps unconsciously, one of the happiest touches in his voyage to Lilliput from Addison's verses. Let our readers judge.

"The Emperor," says Gulliver, "is taller by about the breadth of my nail than any of his court, which alone is enough to strike an awe into the beholders."

About thirty years before Gulliver's Travels appeared Addison wrote these lines:

> "Jamque acies inter medias sese arduus infert
> Pygmeadum ductor, qui, majestate verendus,
> Incessuque gravis, reliquos supereminet omnes
> Mole gigantea, mediamque exsurgit in ulnam."

mired both at Oxford and Cambridge, before his name had ever been heard by the wits who thronged the coffeehouses round Drury-Lane theatre. In his twenty-second year, he ventured to appear before the public as a writer of English verse. He addressed some complimentary lines to Dryden, who, after many triumphs and many reverses, had at length reached a secure and lonely eminence among the literary men of that age. Dryden appears to have been much gratified by the young scholar's praise; and an interchange of civilities and good offices followed. Addison was probably introduced by Dryden to Congreve, and was certainly presented by Congreve to Charles Montague, who was then Chancellor of the Exchequer, and leader of the Whig party in the House of Commons.

At this time Addison seemed inclined to devote himself to poetry. He published a translation of part of the fourth Georgic, Lines to King William, and other performances of equal value, that is to say, of no value at all. But in those days, the public was in the habit of receiving with applause pieces which would now have little chance of obtaining the Newdigate prize or the Seatonian prize. And the reason is obvious. The heroic couplet was then the favourite measure. The art of arranging words in that measure, so that the lines may flow smoothly, that the accents may fall correctly, that the rhymes may strike the ear strongly, and that there may be a pause at the end of every distich, is an art as mechanical as that of mending a kettle, or shoeing a horse, and may be learned by any human being who has sense enough to learn anything. But, like other mechanical arts, it was gradually improved by means of many experiments and many failures. It was reserved for Pope to discover the trick, to make himself complete master of it, and to teach it to everybody else. From the time when his Pastorals appeared, heroic versification became matter of rule and compass; and, before long, all artists were on a level. Hundreds of dunces who never blundered on one happy thought or expression were able to write reams of couplets which, as far as euphony was concerned, could not be distinguished from those of Pope himself, and which very clever writers of the reign of Charles the Second, Rochester, for example, or Marvel, or Oldham, would have contemplated with admiring despair.

Ben Jonson was a great man, Hoole a very small man. But Hoole, coming after Pope, had learned how to manufacture decasyllable verses, and poured them forth by thousands

and tens of thousands, all as well turned, as smooth, and as like each other as the blocks which have passed through Mr. Brunel's mill, in the dockyard at Portsmouth. Ben's heroic couplets resemble blocks rudely hewn out by an unpractised hand, with a blunt hatchet. Take as a specimen his translation of a celebrated passage in the Æneid:

> "This child our parent earth, stirr'd up with spite
> Of all the gods, brought forth, and, as some write,
> She was last sister of that giant race
> That sought to scale Jove's court, right swift of pace,
> And swifter far of wing, a monster vast
> And dreadful. Look, how many plumes are placed
> On her huge corpse, so many waking eyes
> Stick underneath, and, which may stranger rise
> In the report, as many tongues she wears."

Compare with these jagged misshapen distichs the neat fabric which Hoole's machine produces in unlimited abundance. We take the first lines on which we open in his version of Tasso. They are neither better nor worse than the rest:

> "O thou, whoe'er thou art, whose steps are led,
> By choice or fate, these lonely shores to tread,
> No greater wonders east or west can boast
> Than yon small island on the pleasing coast.
> If e'er thy sight would blissful scenes explore,
> The current pass, and seek the further shore."

Ever since the time of Pope there has been a glut of lines of this sort; and we are now as little disposed to admire a man for being able to write them, as for being able to write his name. But in the days of William the Third such versification was rare; and a rhymer who had any skill in it passed for a great poet, just as in the dark ages a person who could write his name passed for a great clerk. Accordingly, Duke, Stepney, Granville, Walsh, and others whose only title to fame was that they said in tolerable metre what might have been as well said in prose, or what was not worth saying at all, were honoured with marks of distinction which ought to be reserved for genius. With these Addison must have ranked, if he had not earned true and lasting glory by performances which very little resembled his juvenile poems.

Dryden was now busied with Virgil, and obtained from Addison a critical preface to the Georgics. In return for this service, and for other services of the same kind, the veteran poet, in the postscript to the translation of the Æneid, compli-

mented his young friend with great liberality, and indeed with more liberality than sincerity. He affected to be afraid that his own performance would not sustain a comparison with the version of the fourth Georgic, by "the most ingenious Mr. Addison of Oxford." "After his bees," added Dryden, "my latter swarm is scarcely worth the hiving."

The time had now arrived when it was necessary for Addison to choose a calling. Every thing seemed to point his course towards the clerical profession. His habits were regular, his opinions orthodox. His college had large ecclesiastical preferment in its gift, and boasts that it has given at least one bishop to almost every see in England. Dr. Lancelot Addison held an honourable place in the Church, and had set his heart on seeing his son a clergyman. It is clear, from some expressions in the young man's rhymes, that his intention was to take orders. But Charles Montague interfered. Montague had first brought himself into notice by verses, well timed and not contemptibly written, but never, we think, rising above mediocrity. Fortunately for himself and for his country, he early quitted poetry, in which he could never have attained a rank as high as that of Dorset or Rochester, and turned his mind to official and parliamentary business. It is written that the ingenious person, who undertook to instruct Rasselas, prince of Abyssinia, in the art of flying, ascended an eminence, waved his wings, sprang into the air, and instantly dropped into the lake. But it is added that the wings, which were unable to support him through the sky, bore him up effectually as soon as he was in the water. This is no bad type of the fate of Charles Montague, and of men like him. When he attempted to soar into the regions of poetical invention, he altogether failed; but, as soon as he had descended from that ethereal elevation into a lower and grosser element, his talents instantly raised him above the mass. He became a distinguished financier, debater, courtier, and party leader. He still retained his fondness for the pursuits of his early days; but he showed that fondness, not by wearying the public with his own feeble performances, but by discovering and encouraging literary excellence in others. A crowd of wits and poets, who would easily have vanquished him as a competitor, revered him as a judge and a patron. In his plans for the encouragement of learning, he was cordially supported by the ablest and most virtuous of his colleagues, the Lord Chancellor Somers. Though both these great statesmen had

that they were desirous to enlist youths of high intellectual qualifications in the public service. The Revolution had altered the whole system of government. Before that event, the press had been controlled by censors, and the Parliament had sat only two months in eight years. Now the press was free, and had begun to exercise unprecedented influence on the public mind. Parliament met annually and sat long. The chief power in the State had passed to the House of Commons. At such a conjuncture, it was natural that literary and oratorical talents should rise in value. There was danger that a government which neglected such talents might be subverted by them. It was, therefore, a profound and enlightened policy which led Montague and Somers to attach such talents to the Whig party, by the strongest ties both of interest and of gratitude.

It is remarkable that, in a neighbouring country, we have recently seen similar effects follow from similar causes. The Revolution of July 1830 established representative government in France. The men of letters instantly rose to the highest importance in the state. At the present moment, most of the persons whom we see at the head both of the Administration and of the Opposition have been Professors, Historians, Journalists, Poets. The influence of the literary class in England, during the generation which followed the Revolution, was great, but by no means so great as it has lately been in France. For, in England, the aristocracy of intellect had to contend with a powerful and deeply rooted aristocracy of a very different kind. France had no Somersets and Shrewsburies to keep down her Addisons and Priors.

It was in the year 1699, when Addison had just completed his twenty-seventh year, that the course of his life was finally determined. Both the great chiefs of the Ministry were kindly disposed towards him. In political opinions he already was, what he continued to be through life, a firm, though a moderate Whig. He had addressed the most polished and vigorous of his early English lines to Somers, and had dedicated to Montague a Latin poem, truly Virgilian, both in style and rhythm, on the peace of Ryswick. The wish of the young poet's great friends was, it should seem, to employ him in the service of the crown abroad. But an intimate knowledge of the French language was a qualification indispensable to a diplomatist; and this qualification Addison had not acquired. It was, therefore, thought desirable that he should pass some

ployment. His own means were not such as would enable him to travel; but a pension of three hundred pounds a-year was procured for him by the interest of the Lord Chancellor. It seems to have been apprehended that some difficulty might be started by the rulers of Magdalene College. But the Chancellor of the Exchequer wrote in the strongest terms to Hough. The State—such was the purport of Montague's letter—could not, at that time, spare to the Church such a man as Addison. Too many high civil posts were already occupied by adventurers, who, destitute of every liberal art and sentiment, at once pillaged and disgraced the country which they pretended to serve. It had become necessary to recruit for the public service from a very different class, from that class of which Addison was the representative. The close of the Minister's letter was remarkable. "I am called," he said, "an enemy of the Church. But I will never do it any other injury than keeping Mr. Addison out of it."

This interference was successful; and, in the summer of 1699, Addison, made a rich man by his pension, and still retaining his fellowship, quitted his beloved Oxford, and set out on his travels. He crossed from Dover to Calais, proceeded to Paris, and was received there with great kindness and politeness by a kinsman of his friend Montague, Charles Earl of Manchester, who had just been appointed Ambassador to the Court of France. The Countess, a Whig and a toast, was probably as gracious as her lord; for Addison long retained an agreeable recollection of the impression which she at this time made on him, and, in some lively lines written on the glasses of the Kit Cat club, described the envy which her cheeks, glowing with the genuine bloom of England, had excited among the painted beauties of Versailles.

Lewis the Fourteenth was at this time expiating the vices of his youth by a devotion which had no root in reason, and bore no fruit of charity. The servile literature of France had changed its character to suit the changed character of the prince. No book appeared that had not an air of sanctity. Racine, who was just dead, had passed the close of his life in writing sacred dramas; and Dacier was seeking for the Athanasian mysteries in Plato. Addison described this state of things in a short but lively and graceful letter to Montague. Another letter, written about the same time to the Lord Chancellor, conveyed the strongest assurances of gratitude and attachment. "The only return I can make to your Lordship," said Addison, "will be to avoid

to my business." With this view he quitted Paris and repaired to Blois, a place where it was supposed that the French language was spoken in its highest purity, and where not a single Englishman could be found. Here he passed some months pleasantly and profitably. Of his way of life at Blois, one of his associates, an Abbé named Philippeaux, gave an account to Joseph Spence. If this account is to be trusted, Addison studied much, mused much, talked little, had fits of absence, and either had no love affairs, or was too discreet to confide them to the Abbé. A man who, even when surrounded by fellow countrymen and fellow students, had always been remarkably shy and silent, was not likely to be loquacious in a foreign tongue, and among foreign companions. But it is clear from Addison's letters, some of which were long after published in the Guardian, that, while he appeared to be absorbed in his own meditations, he was really observing French society with that keen and sly, yet not illnatured side glance, which was peculiarly his own.

From Blois he returned to Paris; and having now mastered the French language, found great pleasure in the society of French philosophers and poets. He gave an account, in a letter to Bishop Hough, of two highly interesting conversations, one with Malbranche, the other with Boileau. Malbranche expressed great partiality for the English, and extolled the genius of Newton, but shook his head when Hobbes was mentioned, and was indeed so unjust as to call the author of the Leviathan a poor silly creature. Addison's modesty restrained him from fully relating, in his letter, the circumstances of his introduction to Boileau. Boileau, having survived the friends and rivals of his youth, old, deaf, and melancholy, lived in retirement, seldom went either to Court or to the Academy, and was almost inaccessible to strangers. Of the English and of English literature he knew nothing. He had hardly heard the name of Dryden. Some of our countrymen, in the warmth of their patriotism, have asserted that this ignorance must have been affected. We own that we see no ground for such a supposition. English literature was to the French of the age of Lewis the Fourteenth what German literature was to our own grandfathers. Very few, we suspect, of the accomplished men who, sixty or seventy years ago, used to dine in Leicester Square with Sir Joshua, or at Streatham with Mrs. Thrale, had the slightest notion that Wieland was one of the first wits and poets, and Lessing, beyond all dispute, the first critic in Europe. Boileau knew

just as little about the Paradise Lost, and about Absalom and Achitophel; but he had read Addison's Latin poems, and admired them greatly. They had given him, he said, quite a new notion of the state of learning and taste among the English. Johnson will have it that these praises were insincere. "Nothing," says he, "is better known of Boileau than that he had an injudicious and peevish contempt of modern Latin; and therefore his profession of regard was probably the effect of his civility rather than approbation." Now, nothing is better known of Boileau than that he was singularly sparing of compliments. We do not remember that either friendship or fear ever induced him to bestow praise on any composition which he did not approve. On literary questions, his caustic, disdainful, and self-confident spirit rebelled against that authority to which every thing else in France bowed down. He had the spirit to tell Lewis the Fourteenth firmly, and even rudely, that his Majesty knew nothing about poetry, and admired verses which were detestable. What was there in Addison's position that could induce the satirist, whose stern and fastidious temper had been the dread of two generations, to turn sycophant for the first and last time? Nor was Boileau's contempt of modern Latin either injudicious or peevish. He thought, indeed, that no poem of the first order would ever be written in a dead language. And did he think amiss? Has not the experience of centuries confirmed his opinion? Boileau also thought it probable, that, in the best modern Latin, a writer of the Augustan age would have detected ludicrous improprieties. And who can think otherwise? What modern scholar can honestly declare that he sees the smallest impurity in the style of Livy? Yet is it not certain that, in the style of Livy, Pollio, whose taste had been formed on the banks of the Tiber, detected the inelegant idiom of the Po? Has any modern scholar understood Latin better than Frederic the Great understood French? Yet is it not notorious that Frederic the Great, after reading, speaking, writing French, and nothing but French, during more than half a century, after unlearning his mother tongue in order to learn French, after living familiarly during many years with French associates, could not, to the last, compose in French, without imminent risk of committing some mistake which would have moved a smile in the literary circles of Paris? Do we believe that Erasmus and Fracastorius wrote Latin as well as Dr. Robertson and Sir Walter Scott wrote English? And are there not in the Dissertation on India, the last of Dr.

Robertson's works, in Waverley, in Marmion, Scotticisms at which a London apprentice would laugh? But does it follow, because we think thus, that we can find nothing to admire in the noble alcaics of Gray, or in the playful elegiacs of Vincent Bourne? Surely not. Nor was Boileau so ignorant or tasteless as to be incapable of appreciating good modern Latin. In the very letter to which Johnson alludes, Boileau says—"Ne croyez pas pourtant que je veuille par là blâmer les vers Latins que vous m'avez envoyés d'un de vos illustres académiciens. Je les ai trouvés fort beaux, et dignes de Vida et de Sannazar, mais non pas d'Horace et de Virgile." Several poems, in modern Latin, have been praised by Boileau quite as liberally as it was his habit to praise anything. He says, for example, of the Père Fraguier's epigrams, that Catullus seems to have come to life again. But the best proof that Boileau did not feel the undiscerning contempt for modern Latin verses which has been imputed to him, is, that he wrote and published Latin verses in several metres. Indeed it happens, curiously enough, that the most severe censure ever pronounced by him on modern Latin is conveyed in Latin hexameters. We allude to the fragment which begins—

> "Quid numeris iterum me balbutire Latinis,
> Longe Alpes citra natum de patre Sicambro,
> Musa, jubes?"

For these reasons we feel assured that the praise which Boileau bestowed on the *Machinæ Gesticulantes*, and the *Gerano-Pygmæomachia*, was sincere. He certainly opened himself to Addison with a freedom which was a sure indication of esteem. Literature was the chief subject of conversation. The old man talked on his favourite theme much and well, indeed, as his young hearer thought, incomparably well. Boileau had undoubtedly some of the qualities of a great critic. He wanted imagination; but he had strong sense. His literary code was formed on narrow principles; but in applying it, he showed great judgment and penetration. In mere style, abstracted from the ideas of which style is the garb, his taste was excellent. He was well acquainted with the great Greek writers; and, though unable fully to appreciate their creative genius, admired the majestic simplicity of their manner, and had learned from them to despise bombast and tinsel. It is easy, we think, to discover, in the Spectator and the Guardian, traces of the influence

and in part pernicious, which the mind of Boileau had on the mind of Addison.

While Addison was at Paris, an event took place which made that capital a disagreeable residence for an Englishman and a Whig. Charles, second of the name, King of Spain, died; and bequeathed his dominions to Philip, Duke of Anjou, a younger son of the Dauphin. The King of France, in direct violation of his engagements both with Great Britain and with the States General, accepted the bequest on behalf of his grandson. The House of Bourbon was at the summit of human grandeur. England had been outwitted, and found herself in a situation at once degrading and perilous. The people of France, not presaging the calamities by which they were destined to expiate the perfidy of their sovereign, went mad with pride and delight. Every man looked as if a great estate had just been left him. "The French conversation," said Addison, "begins to grow insupportable; that which was before the vainest nation in the world is now worse than ever." Sick of the arrogant exultation of the Parisians, and probably foreseeing that the peace between France and England could not be of long duration, he set off for Italy.

In December 1700 * he embarked at Marseilles. As he glided along the Ligurian coast, he was delighted by the sight of myrtles and olive trees, which retained their verdure under the winter solstice. Soon, however, he encountered one of the black storms of the Mediterranean. The captain of the ship gave up all for lost, and confessed himself to a capuchin who happened to be on board. The English heretic, in the meantime, fortified himself against the terrors of death with devotions of a very different kind. How strong an impression this perilous voyage made on him, appears from the ode, "How are thy servants blest, O Lord!" which was long after published in the Spectator. After some days of discomfort and danger, Addison was glad to land at Savona, and to make his way, over mountains where no road had yet been hewn out by art, to the city of Genoa.

At Genoa, still ruled by her own Doge, and by the nobles whose names were inscribed on her Book of Gold, Addison made a short stay. He admired the narrow streets overhung by long lines of towering palaces, the walls rich with frescoes,

* It is strange that Addison should, in the first line of his travels, have misdated his departure from Marseilles by a whole year, and still more strange that this slip of the pen, which throws the whole narrative into inextricable confusion, should have been repeated in a succession of editions, and never detected by Tickell or by Hurd.

the gorgeous temple of the Annunciation, and the tapestries whereon were recorded the long glories of the house of Doria. Thence he hastened to Milan, where he contemplated the Gothic magnificence of the cathedral with more wonder than pleasure. He passed Lake Benacus while a gale was blowing, and saw the waves raging as they raged when Virgil looked upon them. At Venice, then the gayest spot in Europe, the traveller spent the Carnival, the gayest season of the year, in the midst of masques, dances, and serenades. Here he was at once diverted and provoked, by the absurd dramatic pieces which then disgraced the Italian stage. To one of those pieces, however, he was indebted for a valuable hint. He was present when a ridiculous play on the death of Cato was performed. Cato, it seems, was in love with a daughter of Scipio. The lady had given her heart to Cæsar. The rejected lover determined to destroy himself. He appeared seated in his library, a dagger in his hand, a Plutarch and a Tasso before him; and, in this position, he pronounced a soliloquy before he struck the blow. We are surprised that so remarkable a circumstance as this should have escaped the notice of all Addison's biographers. There cannot, we conceive, be the smallest doubt that this scene, in spite of its absurdities and anachronisms, struck the traveller's imagination, and suggested to him the thought of bringing Cato on the English stage. It is well known that about this time he began his tragedy, and that he finished the first four acts before he returned to England.

On his way from Venice to Rome, he was drawn some miles out of the beaten road, by a wish to see the smallest independent state in Europe. On a rock where the snow still lay, though the Italian spring was now far advanced, was perched the little fortress of San Marino. The roads which led to the secluded town were so bad that few travellers had ever visited it, and none had ever published an account of it. Addison could not suppress a good-natured smile at the simple manners and institutions of this singular community. But he observed, with the exultation of a Whig, that the rude mountain tract which formed the territory of the republic swarmed with an honest, healthy, and contented peasantry, while the rich plain which surrounded the metropolis of civil and spiritual tyranny was scarcely less desolate than the uncleared wilds of America.

At Rome Addison remained on his first visit only long

His haste is the more extraordinary because the Holy Week was close at hand. He has given no hint which can enable us to pronounce why he chose to fly from a spectacle which every year allures from distant regions persons of far less taste and sensibility than his. Possibly, travelling, as he did, at the charge of a Government distinguished by its enmity to the Church of Rome, he may have thought that it would be imprudent in him to assist at the most magnificent rite of that Church. Many eyes would be upon him; and he might find it difficult to behave in such a manner as to give offence neither to his patrons in England, nor to those among whom he resided. Whatever his motives may have been, he turned his back on the most august and affecting ceremony which is known among men, and posted along the Appian way to Naples.

Naples was then destitute of what are now, perhaps, its chief attractions. The lovely bay and the awful mountain were indeed there. But a farmhouse stood on the theatre of Herculaneum, and rows of vines grew over the streets of Pompeii. The temples of Pæstum had not indeed been hidden from the eye of man by any great convulsion of nature; but strange to say, their existence was a secret even to artists and antiquaries. Though situated within a few hours' journey of a great capital, where Salvator had not long before painted, and where Vico was then lecturing, those noble remains were as little known to Europe as the ruined cities overgrown by the forests of Yucatan. What was to be seen at Naples Addison saw. He climbed Vesuvius, explored the tunnel of Posilipo, and wandered among the vines and almond trees of Capreæ. But neither the wonders of nature, nor those of art, could so occupy his attention as to prevent him from noticing, though cursorily, the abuses of the government and the misery of the people. The great kingdom which had just descended to Philip the Fifth was in a state of paralytic dotage. Even Castile and Aragon were sunk in wretchedness. Yet, compared with the Italian dependencies of the Spanish crown, Castile and Aragon might be called prosperous. It is clear that all the observations which Addison made in Italy tended to confirm him in the political opinions which he had adopted at home. To the last he always spoke of foreign travel as the best cure for Jacobitism. In his Freeholder, the Tory fox-hunter asks what travelling is good for, except to teach a man to jabber French, and to talk against passive obedience.

coast which his favourite Virgil had celebrated. The felucca passed the headland where the oar and trumpet were placed by the Trojan adventurers on the tomb of Misenus, and anchored at night under the shelter of the fabled promontory of Circe. The voyage ended in the Tiber, still overhung with dark verdure, and still turbid with yellow sand, as when it met the eyes of Æneas. From the ruined port of Ostia, the stranger hurried to Rome; and at Rome he remained during those hot and sickly months when, even in the Augustan age, all who could make their escape fled from mad dogs and from streets black with funerals, to gather the first figs of the season in the country. It is probable that, when he, long after, poured forth in verse his gratitude to the Providence which had enabled him to breathe unhurt in tainted air, he was thinking of the August and September which he passed at Rome.

It was not till the latter end of October that he tore himself away from the masterpieces of ancient and modern art which are collected in the city so long the mistress of the world. He then journeyed northward, passed through Sienna, and for a moment forgot his prejudices in favour of classic architecture as he looked on the magnificent cathedral. At Florence he spent some days with the Duke of Shrewsbury, who, cloyed with the pleasures of ambition, and impatient of its pains, fearing both parties, and loving neither, had determined to hide in an Italian retreat talents and accomplishments which, if they had been united with fixed principles and civil courage, might have made him the foremost man of his age. These days, we are told, passed pleasantly; and we can easily believe it. For Addison was a delightful companion when he was at his ease; and the Duke, though he seldom forgot that he was a Talbot, had the invaluable art of putting at ease all who came near him.

Addison gave some time to Florence, and especially to the sculptures in the Museum, which he preferred even to those of the Vatican. He then pursued his journey through a country in which the ravages of the last war were still discernible, and in which all men were looking forward with dread to a still fiercer conflict. Eugene had already descended from the Rhætian Alps, to dispute with Catinat the rich plain of Lombardy. The faithless ruler of Savoy was still reckoned among the allies of Lewis. England had not yet actually declared war against France: but Manchester had left Paris; and the negotiations which produced the Grand Alliance against the House of Bourbon were in pro-

gress. Under such circumstances, it was desirable for an English traveller to reach neutral ground without delay. Addison resolved to cross Mont Cenis. It was December; and the road was very different from that which now reminds the stranger of the power and genius of Napoleon. The winter, however, was mild; and the passage was, for those times, easy. To this journey Addison alluded when, in the ode which we have already quoted, he said that for him the Divine goodness had warmed the hoary Alpine hills.

It was in the midst of the eternal snow that he composed his Epistle to his friend Montague, now Lord Halifax. That Epistle, once widely renowned, is now known only to curious readers, and will hardly be considered by those to whom it is known as in any perceptible degree heightening Addison's fame. It is, however, decidedly superior to any English composition which he had previously published. Nay, we think it quite as good as any poem in heroic metre which appeared during the interval between the death of Dryden and the publication of the Essay on Criticism. It contains passages as good as the secondrate passages of Pope, and would have added to the reputation of Parnell or Prior.

But, whatever be the literary merits or defects of the Epistle, it undoubtedly does honour to the principles and spirit of the author. Halifax had now nothing to give. He had fallen from power, had been held up to obloquy, had been impeached by the House of Commons, and, though his Peers had dismissed the impeachment, had, as it seemed, little chance of ever again filling high office. The Epistle, written at such a time, is one among many proofs that there was no mixture of cowardice or meanness in the suavity and moderation which distinguished Addison from all the other public men of those stormy times.

At Geneva, the traveller learned that a partial change of ministry had taken place in England, and that the Earl of Manchester had become Secretary of State. Manchester exerted himself to serve his young friend. It was thought advisable that an English agent should be near the person of Eugene in Italy; and Addison, whose diplomatic education was now finished, was the man selected. He was preparing to enter on his honourable functions, when all his prospects were for a time darkened by the death of William the Third.

Anne had long felt a strong aversion, personal, political, and religious, to the Whig party. That aversion appeared in the first measures of her reign. Manchester was deprived of

the seals, after he had held them only a few weeks. Neither Somers nor Halifax was sworn of the Privy Council. Addison shared the fate of his three patrons. His hopes of employment in the public service were at an end; his pension was stopped; and it was necessary for him to support himself by his own exertions. He became tutor to a young English traveller, and appears to have rambled with his pupil over great part of Switzerland and Germany. At this time he wrote his pleasing treatise on Medals. It was not published till after his death; but several distinguished scholars saw the manuscript, and gave just praise to the grace of the style, and to the learning and ingenuity evinced by the quotations.

From Germany Addison repaired to Holland where he learned the melancholy news of his father's death. After passing some months in the United Provinces, he returned about the close of the year 1703 to England. He was there cordially received by his friends, and introduced by them into the Kit Cat club, a society in which were collected all the various talents and accomplishments which then gave lustre to the Whig party.

Addison was, during some months after his return from the Continent, hard pressed by pecuniary difficulties. But it was soon in the power of his noble patrons to serve him effectually. A political change, silent and gradual, but of the highest importance, was in daily progress. The accession of Anne had been hailed by the Tories with transports of joy and hope; and for a time it seemed that the Whigs had fallen never to rise again. The throne was surrounded by men supposed to be attached to the prerogative and to the Church; and among these none stood so high in the favour of the Sovereign as the Lord Treasurer Godolphin and the Captain General Marlborough.

The country gentlemen and country clergymen had fully expected that the policy of these ministers would be directly opposed to that which had been almost constantly followed by William; that the landed interest would be favoured at the expense of trade; that no addition would be made to the funded debt; that the privileges conceded to Dissenters by the late King would be curtailed, if not withdrawn; that the war with France, if there must be such a war, would, on our part, be almost entirely naval; and that the Government would avoid close connexions with foreign powers, and, above all, with Holland.

But the country gentlemen and country clergymen were

fated to be deceived, not for the last time. The prejudices and passions which raged without control in vicarages, in cathedral closes, and in the manor-houses of foxhunting squires, were not shared by the chiefs of the ministry. Those statesmen saw that it was both for the public interest, and for their own interest, to adopt a Whig policy, at least as respected the alliances of the country and the conduct of the war. But, if the foreign policy of the Whigs were adopted, it was impossible to abstain from adopting also their financial policy. The natural consequences followed. The rigid Tories were alienated from the Government. The votes of the Whigs became necessary to it. The votes of the Whigs could be secured only by further concessions; and further concessions the Queen was induced to make.

At the beginning of the year 1704, the state of parties bore a close analogy to the state of parties in 1826. In 1826, as in 1704, there was a Tory ministry divided into two hostile sections. The position of Mr. Canning and his friends in 1826 corresponded to that which Marlborough and Godolphin occupied in 1704. Nottingham and Jersey were, in 1704, what Lord Eldon and Lord Westmoreland were in 1826. The Whigs of 1704 were in a situation resembling that in which the Whigs of 1826 stood. In 1704, Somers, Halifax, Sunderland, Cowper, were not in office. There was no avowed coalition between them and the moderate Tories. It is probable that no direct communication tending to such a coalition had yet taken place; yet all men saw that such a coalition was inevitable, nay, that it was already half formed. Such, or nearly such, was the state of things when tidings arrived of the great battle fought at Blenheim on the 13th August, 1704. By the Whigs the news was hailed with transports of joy and pride. No fault, no cause of quarrel, could be remembered by them against the Commander whose genius had, in one day, changed the face of Europe, saved the Imperial throne, humbled the House of Bourbon, and secured the Act of Settlement against foreign hostility. The feeling of the Tories was very different. They could not indeed, without imprudence, openly express regret at an event so glorious to their country; but their congratulations were so cold and sullen as to give deep disgust to the victorious general and his friends.

Godolphin was not a reading man. Whatever time he could spare from business he was in the habit of spending at Newmarket or at the card table. But he was not absolutely

indifferent to poetry; and he was too intelligent an observer not to perceive that literature was a formidable engine of political warfare, and that the great Whig leaders had strengthened their party, and raised their character, by extending a liberal and judicious patronage to good writers. He was mortified, and not without reason, by the exceeding badness of the poems which appeared in honour of the battle of Blenheim. One of those poems has been rescued from oblivion by the exquisite absurdity of three lines.

> "Think of two thousand gentlemen at least,
> And each man mounted on his capering beast;
> Into the Danube they were pushed by shoals."

Where to procure better verses the Treasurer did not know. He understood how to negotiate a loan, or remit a subsidy: he was also well versed in the history of running horses and fighting cocks: but his acquaintance among the poets was very small. He consulted Halifax; but Halifax affected to decline the office of adviser. He had, he said, done his best, when he had power, to encourage men whose abilities and acquirements might do honour to their country. Those times were over. Other maxims had prevailed. Merit was suffered to pine in obscurity; and the public money was squandered on the undeserving. "I do know," he added, "a gentleman who would celebrate the battle in a manner worthy of the subject: but I will not name him." Godolphin, who was expert at the soft answer which turneth away wrath, and who was under the necessity of paying court to the Whigs, gently replied that there was too much ground for Halifax's complaints, but that what was amiss should in time be rectified, and that in the meantime the services of a man such as Halifax had described should be liberally rewarded. Halifax then mentioned Addison, but, mindful of the dignity as well as of the pecuniary interest of his friend, insisted that the Minister should apply in the most courteous manner to Addison himself; and this Godolphin promised to do.

Addison then occupied a garret up three pair of stairs, over a small shop in the Haymarket. In this humble lodging he was surprised, on the morning which followed the conversation between Godolphin and Halifax, by a visit from no less a person than the Right Honourable Henry Boyle, then Chancellor of the Exchequer, and afterwards Lord Carleton. This highborn Minister had been sent by the Lord Treasurer as

the proposed task, a task which, to so good a Whig, was probably a pleasure. When the poem was little more than half finished, he showed it to Godolphin, who was delighted with it, and particularly with the famous similitude of the Angel. Addison was instantly appointed to a Commissionership worth about two hundred pounds a year, and was assured that this appointment was only an earnest of greater favours.

The Campaign came forth, and was as much admired by the public as by the Minister. It pleases us less on the whole than the Epistle to Halifax. Yet it undoubtedly ranks high among the poems which appeared during the interval between the death of Dryden and the dawn of Pope's genius. The chief merit of the Campaign, we think, is that which was noticed by Johnson, the manly and rational rejection of fiction. The first great poet whose works have come down to us sang of war long before war became a science or a trade. If, in his time, there was enmity between two little Greek towns, each poured forth its crowd of citizens, ignorant of discipline, and armed with implements of labour rudely turned into weapons. On each side appeared conspicuous a few chiefs, whose wealth had enabled them to procure good armour, horses, and chariots, and whose leisure had enabled them to practise military exercises. One such chief, if he were a man of great strength, agility, and courage, would probably be more formidable than twenty common men; and the force and dexterity with which he flung his spear might have no inconsiderable share in deciding the event of the day. Such were probably the battles with which Homer was familiar. But Homer related the actions of men of a former generation, of men who sprang from the Gods, and communed with the Gods face to face, of men, one of whom could with ease hurl rocks which two sturdy hinds of a later period would be unable even to lift. He therefore naturally represented their martial exploits as resembling in kind, but far surpassing in magnitude, those of the stoutest and most expert combatants of his own age. Achilles, clad in celestial armour, drawn by celestial coursers, grasping the spear which none but himself could raise, driving all Troy and Lycia before him, and choking Scamander with dead, was only a magnificent exaggeration of the real hero, who, strong, fearless, accustomed to the use of weapons, guarded by a shield and helmet of the best Sidonian fabric, and whirled along by horses of Thessalian breed, struck down with his own right

found. There are at this day countries where the Lifeguardsman Shaw would be considered as a much greater warrior than the Duke of Wellington. Buonaparte loved to describe the astonishment with which the Mamelukes looked at his diminutive figure. Mourad Bey, distinguished above all his fellows by his bodily strength, and by the skill with which he managed his horse and his sabre, could not believe that a man who was scarcely five feet high, and rode like a butcher, could be the greatest soldier in Europe.

Homer's descriptions of war had therefore as much truth as poetry requires. But truth was altogether wanting to the performances of those who, writing about battles which had scarcely anything in common with the battles of his times, servilely imitated his manner. The folly of Silius Italicus, in particular, is positively nauseous. He undertook to record in verse the vicissitudes of a great struggle between generals of the first order: and his narrative is made up of the hideous wounds which these generals inflicted with their own hands. Asdrubal flings a spear which grazes the shoulder of the consul Nero; but Nero sends his spear into Asdrubal's side. Fabius slays Thuris and Butes and Maris and Arses, and the longhaired Adherbes, and the gigantic Thylis, and Sapharus and Monæsus, and the trumpeter Morinus. Hannibal runs Perusinus through the groin with a stake, and breaks the backbone of Telesinus with a huge stone. This detestable fashion was copied in modern times, and continued to prevail down to the age of Addison. Several versifiers had described William turning thousands to flight by his single prowess, and dyeing the Boyne with Irish blood. Nay, so estimable a writer as John Philips, the author of the Splendid Shilling, represented Marlborough as having won the battle of Blenheim merely by strength of muscle and skill in fence. The following lines may serve as an example:

> "Churchill, viewing where
> The violence of Tallard most prevailed,
> Came to oppose his slaughtering arm. With speed
> Precipitate he rode, urging his way
> O'er hills of gasping heroes, and fallen steeds
> Rolling in death. Destruction, grim with blood,
> Attends his furious course. Around his head
> The glowing balls play innocent, while he
> With dire impetuous sway deals fatal blows
> Among the flying Gauls. In Gallic blood
> He dyes his reeking sword, and strews the ground

Addison, with excellent sense and taste, departed from this ridiculous fashion. He reserved his praise for the qualities which made Marlborough truly great,energy, sagacity, military science, but, above all, the poet extolled the firmness of that mind which, in the midst of confusion, uproar, and slaughter, examined and disposed every thing with the serene wisdom of a higher intelligence.

Here it was that he introduced the famous comparison of Marlborough to an Angel guiding the whirlwind. We will not dispute the general justice of Johnson's remarks on this passage. But we must point out one circumstance which appears to have escaped all the critics. The extraordinary effect which this simile produced when it first appeared, and which to the following generation seemed inexplicable, is doubtless to be chiefly attributed to a line which most readers now regard as a feeble parenthesis,

"Such as, of late, o'er pale Britannia pass'd."

Addison spoke, not of a storm, but of the storm. The great tempest of November 1703, the only tempest which in our latitude has equalled the rage of a tropical hurricane, had left a dreadful recollection in the minds of all men. No other tempest was ever in this country the occasion of a parliamentary address or of a public fast. Whole fleets had been cast away. Large mansions had been blown down. One Prelate had been buried beneath the ruins of his Palace. London and Bristol had presented the appearance of cities just sacked. Hundreds of families were still in mourning. The prostrate trunks of large trees, and the ruins of houses, still attested, in all the southern counties, the fury of the blast. The popularity which the simile of the angel enjoyed among Addison's contemporaries, has always seemed to us to be a remarkable instance of the advantage which, in rhetoric and poetry, the particular has over the general.

Soon after the Campaign, was published Addison's Narrative of his Travels in Italy. The first effect produced by this Narrative was disappointment. The crowd of readers who expected politics and scandal, speculations on the projects of Victor Amadeus, and anecdotes about the jollities of convents and the amours of cardinals and nuns, were confounded by finding that the writer's mind was much more occupied by the war between the Trojans and Rutulians than by the war between France and Austria; and that he seemed to have

Empress Faustina. In time, however, the judgment of the many was overruled by that of the few; and, before the book was reprinted, it was so eagerly sought that it sold for five times the original price. It is still read with pleasure: the style is pure and flowing; the classical quotations and allusions are numerous and happy; and we are now and then charmed by that singularly humane and delicate humour in which Addison excelled all men. Yet this agreeable work, even when considered merely as the history of a literary tour, may justly be censured on account of its faults of omission. We have already said that, though rich in extracts from the Latin poets, it contains scarcely any references to the Latin orators and historians. We must add that it contains little, or rather no information, respecting the history and literature of modern Italy. To the best of our remembrance, Addison does not mention Dante, Petrarch, Boccaccio, Boiardo, Berni, Lorenzo de' Medici, or Machiavelli. He coldly tells us, that at Ferrara he saw the tomb of Ariosto, and that at Venice he heard the gondoliers sing verses of Tasso. But for Tasso and Ariosto he cared far less than for Valerius Flaccus and Sidonius Apollinaris. The gentle flow of the Ticin brings a line of Silius to his mind. The sulphurous steam of Albula suggests to him several passages of Martial. But he has not a word to say of the illustrious dead of Santa Croce; he crosses the wood of Ravenna without recollecting the Spectre Huntsman, and wanders up and down Rimini without one thought of Francesca. At Paris, he had eagerly sought an introduction to Boileau; but he seems not to have been at all aware that at Florence he was in the vicinity of a poet with whom Boileau could not sustain a comparison, of the greatest lyric poet of modern times, Vincenzio Filicaja. This is the more remarkable, because Filicaja was the favourite poet of the accomplished Somers, under whose protection Addison travelled, and to whom the account of the Travels is dedicated. The truth is, that Addison knew little, and cared less, about the literature of modern Italy. His favourite models were Latin. His favourite critics were French. Half the Tuscan poetry that he had read seemed to him monstrous, and the other half tawdry.

His Travels were followed by the lively Opera of Rosamond. This piece was ill set to music, and therefore failed on the stage; but it completely succeeded in print, and is indeed excellent in its kind. The smoothness with which the verses glide, and the elasticity with which they bound, is, to our

ears at least, very pleasing. We are inclined to think that if Addison had left heroic couplets to Pope, and blank verse to Rowe, and had employed himself in writing airy and spirited songs, his reputation as a poet would have stood far higher than it now does. Some years after his death, Rosamond was set to new music by Doctor Arne; and was performed with complete success. Several passages long retained their popularity, and were daily sung during the latter part of George the Second's reign, at all the harpsichords in England.

While Addison thus amused himself, his prospects, and the prospects of his party were constantly becoming brighter and brighter. In the spring of 1705, the ministers were freed from the restraint imposed by a House of Commons, in which Tories of the most perverse class had the ascendency. The elections were favourable to the Whigs. The coalition which had been tacitly and gradually formed was now openly avowed. The Great Seal was given to Cowper. Somers and Halifax were sworn of the Council. Halifax was sent in the following year to carry the decorations of the order of the Garter to the Electoral Prince of Hanover, and was accompanied on this honourable mission by Addison, who had just been made Undersecretary of State. The Secretary of State under whom Addison first served was Sir Charles Hedges, a Tory. But Hedges was soon dismissed to make room for the most vehement of Whigs, Charles, Earl of Sunderland. In every department of the state, indeed, the High Churchmen were compelled to give place to their opponents. At the close of 1707, the Tories who still remained in office strove to rally, with Harley at their head. But the attempt, though favoured by the Queen, who had always been a Tory at heart, and who had now quarrelled with the Duchess of Marlborough, was unsuccessful. The time was not yet. The Captain General was at the height of popularity and glory. The Low Church party had a majority in Parliament. The country squires and rectors, though occasionally uttering a savage growl, were for the most part in a state of torpor, which lasted till they were roused into activity, and indeed into madness, by the prosecution of Sacheverell. Harley and his adherents were compelled to retire. The victory of the Whigs was complete. At the general election of 1708, their strength in the House of Commons became irresistible; and, before the end of that year, Somers was made Lord President of the Council, and Wharton Lord Lieutenant of Ireland.

Addison sat for Malmsbury in the House of Commons which was elected in 1708. But the House of Commons was not the field for him. The bashfulness of his nature made his wit and eloquence useless in debate. He once rose, but could not overcome his diffidence, and ever after remained silent. Nobody can think it strange that a great writer should fail as a speaker. But many, probably, will think it strange that Addison's failure as a speaker should have had no unfavourable effect on his success as a politician. In our time, a man of high rank and great fortune might, though speaking very little and very ill, hold a considerable post. But it would now be inconceivable that a mere adventurer, a man who, when out of office, must live by his pen, should in a few years become successively Undersecretary of State, chief Secretary for Ireland, and Secretary of State, without some oratorical talent. Addison, without high birth, and with little property, rose to a post which Dukes, the heads of the great houses of Talbot, Russell and Bentinck, have thought it an honour to fill. Without opening his lips in debate, he rose to a post, the highest that Chatham or Fox ever reached. And this he did before he had been nine years in Parliament. We must look for the explanation of this seeming miracle to the peculiar circumstances in which that generation was placed. During the interval which elapsed between the time when the Censorship of the Press ceased, and the time when parliamentary proceedings began to be freely reported, literary talents were, to a public man, of much more importance, and oratorical talents of much less importance, than in our time. At present, the best way of giving rapid and wide publicity to a fact or an argument, is to introduce that fact or argument into a speech made in Parliament. If a political tract were to appear superior to the Conduct of the Allies, or to the best numbers of the Freeholder, the circulation of such a tract would be languid indeed when compared with the circulation of every remarkable word uttered in the deliberations of the legislature. A speech made in the House of Commons at four in the morning is on thirty thousand tables before ten. A speech made on the Monday is read on the Wednesday by multitudes in Antrim and Aberdeenshire. The orator, by the help of the shorthand writer, has to a great extent superseded the pamphleteer. It was not so in the reign of Anne. The best speech could then produce no effect except on those who heard it. It was only by means of the press that the opinion

opinion of the public without doors could not but be of the highest importance in a country governed by parliaments, and indeed at that time governed by triennial parliaments. The pen was therefore a more formidable political engine than the tongue. Mr. Pitt and Mr. Fox contended only in Parliament. But Walpole and Pulteney, the Pitt and Fox of an earlier period, had not done half of what was necessary, when they sat down amidst the acclamations of the House of Commons. They had still to plead their cause before the country, and this they could do only by means of the press. Their works are now forgotten, but it is certain that there were in Grub Street few more assiduous scribblers of Thoughts, Letters, Answers, Remarks, than these two great chiefs of parties. Pulteney, when leader of the Opposition, and possessed of thirty thousand a year, edited the Craftsman. Walpole, though not a man of literary habits, was the author of at least ten pamphlets, and retouched and corrected many more. These facts sufficiently show of how great importance literary assistance then was to the contending parties. St. John was, certainly, in Anne's reign, the best Tory speaker; Cowper was probably the best Whig speaker. But it may well be doubted whether St. John did so much for the Tories as Swift, and whether Cowper did so much for the Whigs as Addison. When these things are duly considered, it will not be thought strange that Addison should have climbed higher in the state than any other Englishman has ever, by means merely of literary talents, been able to climb. Swift would, in all probability, have climbed as high, if he had not been encumbered by his cassock and his pudding sleeves. As far as the homage of the great went, Swift had as much of it as if he had been Lord Treasurer.

To the influence which Addison derived from his literary talents was added all the influence which arises from character. The world, always ready to think the worst of needy political adventurers, was forced to make one exception. Restlessness, violence, audacity, laxity of principle, are the vices ordinarily attributed to that class of men. But faction itself could not deny that Addison had, through all changes of fortune, been strictly faithful to his early opinions, and to his early friends; that his integrity was without stain; that his whole deportment indicated a fine sense of the becoming; that, in the utmost heat of controversy, his zeal was tempered by a regard for truth, humanity, and social decorum; that no outrage could ever provoke him to retaliation unworthy of a Christian

and a gentleman; and that his only faults were a too sensitive delicacy, and a modesty which amounted to bashfulness.

He was undoubtedly one of the most popular men of his time; and much of his popularity he owed, we believe, to that very timidity which his friends lamented. That timidity often prevented him from exhibiting his talents to the best advantage. But it propitiated Nemesis. It averted that envy which would otherwise have been excited by fame so splendid, and by so rapid an elevation. No man is so great a favourite with the public as he who is at once an object of admiration, of respect, and of pity; and such were the feelings which Addison inspired. Those who enjoyed the privilege of hearing his familiar conversation, declared with one voice that it was superior even to his writings. The brilliant Mary Montague said, that she had known all the wits, and that Addison was the best company in the world. The malignant Pope was forced to own, that there was a charm in Addison's talk, which could be found nowhere else. Swift, when burning with animosity against the Whigs, could not but confess to Stella that, after all, he had never known any associate so agreeable as Addison. Steele, an excellent judge of lively conversation, said, that the conversation of Addison was at once the most polite, and the most mirthful, that could be imagined; that it was Terence and Catullus in one, heightened by an exquisite something which was neither Terence nor Catullus, but Addison alone. Young, an excellent judge of serious conversation, said, that when Addison was at his ease, he went on in a noble strain of thought and language, so as to chain the attention of every hearer. Nor were Addison's great colloquial powers more admirable than the courtesy and softness of heart which appeared in his conversation. At the same time, it would be too much to say that he was wholly devoid of the malice which is, perhaps, inseparable from a keen sense of the ludicrous. He had one habit which both Swift and Stella applauded, and which we hardly know how to blame. If his first attempts to set a presuming dunce right were ill received, he changed his tone, "assented with civil leer," and lured the flattered coxcomb deeper and deeper into absurdity. That such was his practice we should, we think, have guessed from his works. The Tatler's criticisms on Mr. Softly's sonnet, and the Spectator's dialogue with the politician who is so zealous for the honour of Lady Q—p—t—s, are excellent specimens of this innocent mischief.

Such were Addison's talents for conversation. But his

rare gifts were not exhibited to crowds or to strangers. As soon as he entered a large company, as soon as he saw an unknown face, his lips were sealed, and his manners became constrained. None who met him only in great assemblies would have been able to believe that he was the same man who had often kept a few friends listening and laughing round a table, from the time when the play ended, till the clock of St. Paul's in Covent Garden struck four. Yet, even at such a table, he was not seen to the best advantage. To enjoy his conversation in the highest perfection, it was necessary to be alone with him, and to hear him, in his own phrase, think aloud, "There is no such thing," he used to say, "as real conversation, but between two persons."

This timidity, a timidity surely neither ungraceful nor unamiable, led Addison into the two most serious faults which can with justice be imputed to him. He found that wine broke the spell which lay on his fine intellect, and was therefore too easily seduced into convivial excess. Such excess was in that age regarded, even by grave men, as the most venial of all peccadilloes, and was so far from being a mark of ill-breeding that it was almost essential to the character of a fine gentleman. But the smallest speck is seen on a white ground; and almost all the biographers of Addison have said something about this failing. Of any other statesman or writer of Queen Anne's reign, we should no more think of saying that he sometimes took too much wine, than that he wore a long wig and a sword.

To the excessive modesty of Addison's nature, we must ascribe another fault which generally arises from a very different cause. He became a little too fond of seeing himself surrounded by a small circle of admirers, to whom he was as a King or rather as a God. All these men were far inferior to him in ability, and some of them had very serious faults. Nor did those faults escape his observation; for, if ever there was an eye which saw through and through men, it was the eye of Addison. But, with the keenest observation, and the finest sense of the ridiculous, he had a large charity. The feeling with which he looked on most of his humble companions was one of benevolence, slightly tinctured with contempt. He was at perfect ease in their company; he was grateful for their devoted attachment; and he loaded them with benefits. Their veneration for him appears to have exceeded that with which Johnson was regarded by Boswell, or

to turn such a head, or deprave such a heart, as Addison's. But it must in candour be admitted that he contracted some of the faults which can scarcely be avoided by any person who is so unfortunate as to be the oracle of a small literary coterie.

One member of this little society was Eustace Budgell, a young Templar of some literature, and a distant relation of Addison. There was at this time no stain on the character of Budgell, and it is not improbable that his career would have been prosperous and honourable, if the life of his cousin had been prolonged. But, when the master was laid in the grave, the disciple broke loose from all restraint, descended rapidly from one degree of vice and misery to another, ruined his fortune by follies, attempted to repair it by crimes, and at length closed a wicked and unhappy life by selfmurder. Yet, to the last, the wretched man, gambler, lampooner, cheat, forger, as he was, retained his affection and veneration for Addison, and recorded those feelings in the last lines which he traced before he hid himself from infamy under London Bridge.

Another of Addison's favourite companions was Ambrose Phillipps, a good Whig and a middling poet, who had the honour of bringing into fashion a species of composition which has been called, after his name, Namby Pamby. But the most remarkable members of the little senate, as Pope long afterwards called it, were Richard Steele and Thomas Tickell.

Steele had known Addison from childhood. They had been together at the Charter House and at Oxford; but circumstances had then, for a time, separated them widely. Steele had left college without taking a degree, had been disinherited by a rich relation, had led a vagrant life, had served in the army, had tried to find the philosopher's stone, and had written a religious treatise and several comedies. He was one of those people whom it is impossible either to hate or to respect. His temper was sweet, his affections warm, his spirits lively, his passions strong, and his principles weak. His life was spent in sinning and repenting; in inculcating what was right, and doing what was wrong. In speculation, he was a man of piety and honour; in practice he was much of the rake and a little of the swindler. He was, however, so goodnatured that it was not easy to be seriously angry with him, and that even rigid moralists felt more inclined to pity than to blame him, when he diced himself into a spunging house, or drank himself into a fever.

Addison regarded Steele with kindness not unmingled with scorn, tried, with little success, to keep him out of scrapes, introduced him to the great, procured a good place for him, corrected his plays, and, though by no means rich, lent him large sums of money. One of these loans appears, from a letter dated in August 1708, to have amounted to a thousand pounds. These pecuniary transactions probably led to frequent bickerings. It is said that, on one occasion, Steele's negligence, or dishonesty, provoked Addison to repay himself by the help of a bailiff. We cannot join with Miss Aikin in rejecting this story. Johnson heard it from Savage, who heard it from Steele. Few private transactions which took place a hundred and twenty years ago, are proved by stronger evidence than this. But we can by no means agree with those who condemn Addison's severity. The most amiable of mankind may well be moved to indignation, when what he has earned hardly, and lent with great inconvenience to himself, for the purpose of relieving a friend in distress, is squandered with insane profusion. We will illustrate our meaning by an example, which is not the less striking because it is taken from fiction. Dr. Harrison, in Fielding's Amelia, is represented as the most benevolent of human beings; yet he takes in execution, not only the goods, but the person of his friend Booth. Dr. Harrison resorts to this strong measure because he has been informed that Booth, while pleading poverty as an excuse for not paying just debts, has been buying fine jewellery, and setting up a coach. No person who is well acquainted with Steele's life and correspondence can doubt that he behaved quite as ill to Addison as Booth was accused of behaving to Dr. Harrison. The real history, we have little doubt, was something like this:—A letter comes to Addison, imploring help in pathetic terms, and promising reformation and speedy repayment. Poor Dick declares that he has not an inch of candle, or a bushel of coals, or credit with the butcher for a shoulder of mutton. Addison is moved. He determines to deny himself some medals which are wanting to his series of the Twelve Cæsars; to put off buying the new edition of Bayle's Dictionary; and to wear his old sword and buckles another year. In this way he manages to send a hundred pounds to his friend. The next day he calls on Steele, and finds scores of gentlemen and ladies assembled. The fiddles are playing. The table is groaning under Champagne, Burgundy, and pyramids of sweatmeats. Is it strange that a man whose

kindness is thus abused, should send sheriff's officers to reclaim what is due to him?

Tickell was a young man, fresh from Oxford, who had introduced himself to public notice by writing a most ingenious and graceful little poem in praise of the opera of Rosamond. He deserved, and at length attained, the first place in Addison's friendship. For a time Steele and Tickell were on good terms. But they loved Addison too much to love each other, and at length became as bitter enemies as the rival bulls in Virgil.

At the close of 1708 Wharton became Lord Lieutenant of Ireland, and appointed Addison Chief Secretary. Addison was consequently under the necessity of quitting London for Dublin. Besides the chief secretaryship, which was then worth about two thousand pounds a year, he obtained a patent appointing him keeper of the Irish Records for life, with a salary of three or four hundred a year. Budgell accompanied his cousin in the capacity of private Secretary.

Wharton and Addison had nothing in common but Whiggism. The Lord Lieutenant was not only licentious and corrupt, but was distinguished from other libertines and jobbers by a callous impudence which presented the strongest contrast to the Secretary's gentleness and delicacy. Many parts of the Irish administration at this time appear to have deserved serious blame. But against Addison there was not a murmur. He long afterwards asserted, what all the evidence which we have ever seen tends to prove, that his diligence and integrity gained the friendship of all the most considerable persons in Ireland.

The parliamentary career of Addison in Ireland has, we think, wholly escaped the notice of all his biographers. He was elected member for the borough of Cavan in the summer of 1709; and in the journals of two sessions his name frequently occurs. Some of the entries appear to indicate that he so far overcame his timidity as to make speeches. Nor is this by any means improbable; for the Irish House of Commons was a far less formidable audience than the English House; and many tongues which were tied by fear in the greater assembly became fluent in the smaller. Gerard Hamilton, for example, who, from fear of losing the fame gained by his single speech, sat mute at Westminster during forty years, spoke with great effect at Dublin when he was Secretary to Lord Halifax.

While Addison was in Ireland, an event occurred to which

he owes his high and permanent rank among British writers. As yet his fame rested on performances which, though highly respectable, were not built for duration, and which would, if he had produced nothing else, have now been almost forgotten, on some excellent Latin verses, on some English verses which occasionally rose above mediocrity, and on a book of travels, agreeably written, but not indicating any extraordinary powers of mind. These works showed him to be a man of taste, sense, and learning. The time had come when he was to prove himself a man of genius, and to enrich our literature with compositions which will live as long as the English language.

In the spring of 1709 Steele formed a literary project, of which he was far indeed from foreseeing the consequences. Periodical papers had during many years been published in London. Most of these were political; but in some of them questions of morality, taste, and love casuistry had been discussed. The literary merit of these works was small indeed; and even their names are now known only to the curious.

Steele had been appointed Gazetteer by Sunderland, at the request, it is said, of Addison, and thus had access to foreign intelligence earlier and more authentic than was in those times within the reach of an ordinary newswriter. This circumstance seems to have suggested to him the scheme of publishing a periodical paper on a new plan. It was to appear on the days on which the post left London for the country, which were, in that generation, the Tuesdays, Thursdays, and Saturdays. It was to contain the foreign news, accounts of theatrical representations, and the literary gossip of Will's and of the Grecian. It was also to contain remarks on the fashionable topics of the day, compliments to beauties, pasquinades on noted sharpers, and criticisms on popular preachers. The aim of Steele does not appear to have been at first higher than this. He was not ill qualified to conduct the work which he had planned. His public intelligence he drew from the best sources. He knew the town, and had paid dear for his knowledge. He had read much more than the dissipated men of that time were in the habit of reading. He was a rake among scholars, and a scholar among rakes. His style was easy and not incorrect; and, though his wit and humour were of no high order, his gay animal spirits imparted to his compositions an air of vivacity which ordinary readers could hardly distinguish

from comic genius. His writings have been well compared to those light wines which, though deficient in body and flavour, are yet a pleasant small drink, if not kept too long, or carried too far.

Isaac Bickerstaff, Esquire, Astrologer, was an imaginary person, almost as well known in that age as Mr. Paul Pry or Mr. Samuel Pickwick in ours. Swift had assumed the name of Bickerstaff in a satirical pamphlet against Partridge, the maker of almanacks. Partridge had been fool enough to publish a furious reply. Bickerstaff had rejoined in a second pamphlet still more diverting than the first. All the wits had combined to keep up the joke, and the town was long in convulsions of laughter. Steele determined to employ the name which this controversy had made popular; and, in April 1709, it was announced that Isaac Bickerstaff, Esquire, Astrologer, was about to publish a paper called the Tatler.

Addison had not been consulted about this scheme; but as soon as he heard of it, he determined to give his assistance. The effect of that assistance cannot be better described than in Steele's own words. "I fared," he said, "like a distressed prince who calls in a powerful neighbour to his aid. I was undone by my auxiliary. When I had once called him in, I could not subsist without dependence on him." "The paper," he says elsewhere, "was advanced indeed. It was raised to a greater thing than I intended it."

It is probable that Addison, when he sent across St. George's Channel his first contributions to the Tatler, had no notion of the extent and variety of his own powers. He was the possessor of a vast mine rich with a hundred ores. But he had been acquainted only with the least precious part of his treasures, and had hitherto contented himself with producing sometimes copper and sometimes lead, intermingled with a little silver. All at once, and by mere accident, he had lighted on an inexhaustible vein of the finest gold.

The mere choice and arrangement of his words would have sufficed to make his essays classical. For never, not even by Dryden, not even by Temple, had the English language been written with such sweetness, grace, and facility. But this was the smallest part of Addison's praise. Had he clothed his thoughts in the half French style of Horace Walpole, or in the half Latin style of Dr. Johnson, or in the half German jargon of the present day, his genius would have triumphed over all

faults of manner. As a moral satirist he stands unrivalled. If ever the best Tatlers and Spectators were equalled in their own kind, we should be inclined to guess that it must have been by the lost comedies of Menander.

In wit, properly so called, Addison was not inferior to Cowley or Butler. No single ode of Cowley contains so many happy analogies as are crowded into the lines to Sir Godfrey Kneller; and we would undertake to collect from the Spectators as great a number of ingenious illustrations as can be found in Hudibras. The still higher faculty of invention Addison possessed in still larger measure. The numerous fictions, generally original, often wild and grotesque, but always singularly graceful and happy, which are found in his essays, fully entitle him to the rank of a great poet, a rank to which his metrical compositions give him no claim. As an observer of life, of manners, of all the shades of human character, he stands in the first class. And what he observed he had the art of communicating in two widely different ways. He could describe virtues, vices, habits, whims, as well as Clarendon. But he could do something better. He could call human beings into existence, and make them exhibit themselves. If we wish to find anything more vivid than Addison's best portraits, we must go either to Shakspeare or to Cervantes.

But what shall we say of Addison's humour, of his sense of the ludicrous, of his power of awakening that sense in others, and of drawing mirth from incidents which occur every day, and from little peculiarities of temper and manner, such as may be found in every man? We feel the charm: we give ourselves up to it: but we strive in vain to analyse it.

Perhaps the best way of describing Addison's peculiar pleasantry is to compare it with the pleasantry of some other great satirists. The three most eminent masters of the art of ridicule, during the eighteenth century, were, we conceive, Addison, Swift and Voltaire. Which of the three had the greatest power of moving laughter may be questioned. But each of them, within his own domain, was supreme.

Voltaire is the prince of buffoons. His merriment is without disguise or restraint. He gambols; he grins; he shakes his sides; he points the finger; he turns up the nose; he shoots out the tongue. The manner of Swift is the very opposite to this. He moves laughter, but never joins in it. He appears in his works such as he appeared in society. All

the author of all the mirth, preserves an invincible gravity, and even sourness of aspect, and gives utterance to the most eccentric and ludicrous fancies, with the air of a man reading the commination service.

The manner of Addison is as remote from that of Swift as from that of Voltaire. He neither laughs out like the French wit, nor, like the Irish wit, throws a double portion of severity into his countenance while laughing inwardly; but preserves a look peculiarly his own, a look of demure serenity, disturbed only by an arch sparkle of the eye, an almost imperceptible elevation of the brow, an almost imperceptible curl of the lip. His tone is never that either of a Jack Pudding or of a Cynic. It is that of a gentleman, in whom the quickest sense of the ridiculous is constantly tempered by good nature and good breeding.

We own that the humour of Addison is, in our opinion, of a more delicious flavour than the humour of either Swift or Voltaire. Thus much, at least, is certain, that both Swift and Voltaire have been successfully mimicked, and that no man has yet been able to mimic Addison. The letter of the Abbé Coyer to Pansophe is Voltaire all over, and imposed, during a long time, on the Academicians of Paris. There are passages in Arbuthnot's satirical works which we, at least, cannot distinguish from Swift's best writing. But of the many eminent men who have made Addison their model, though several have copied his mere diction with happy effect, none has been able to catch the tone of his pleasantry. In the World, in the Connoisseur, in the Mirror, in the Lounger, there are numerous papers written in obvious imitation of his Tatlers and Spectators. Most of those papers have some merit; many are very lively and amusing; but there is not a single one which could be passed off as Addison's on a critic of the smallest perspicacity.

But that which chiefly distinguishes Addison from Swift, from Voltaire, from almost all the other great masters of ridicule, is the grace, the nobleness, the moral purity, which we find even in his merriment. Severity, gradually hardening and darkening into misanthropy, characterizes the works of Swift. The nature of Voltaire was, indeed, not inhuman: but he venerated nothing. Neither in the masterpieces of art nor in the purest examples of virtue, neither in the Great First Cause nor in the awful enigma of the grave, could he see any thing but subjects for drollery. The more solemn and august the theme, the more monkeylike was his grimacing and chat-

tering. The mirth of Swift is the mirth of Mephistophiles; the mirth of Voltaire is the mirth of Puck. If, as Soame Jenyns oddly imagined, a portion of the happiness of Seraphim and just men made perfect be derived from an exquisite perception of the ludicrous, their mirth must surely be none other than the mirth of Addison; a mirth consistent with tender compassion for all that is frail, and with profound reverence for all that is sublime. Nothing great, nothing amiable, no moral duty, no doctrine of natural or revealed religion, has ever been associated by Addison with any degrading idea. His humanity is without parallel in literary history. The highest proof of virtue is to possess boundless power without abusing it. No kind of power is more formidable than the power of making men ridiculous; and that power Addison possessed in boundless measure. How grossly that power was abused by Swift and by Voltaire is well known. But of Addison it may be confidently affirmed that he has blackened no man's character, nay, that it would be difficult, if not impossible, to find in all the volumes which he has left us a single taunt which can be called ungenerous or unkind. Yet he had detractors, whose malignity might have seemed to justify as terrible a revenge as that which men not superior to him in genius, wreaked on Bettesworth and on Franc de Pompignan. He was a politician; he was the best writer of his party; he lived in times of fierce excitement, in times when persons of high character and station stooped to scurrility such as is now practised only by the basest of mankind. Yet no provocation and no example could induce him to return railing for railing.

Of the service which his Essays rendered to morality it is difficult to speak too highly. It is true that, when the Tatler appeared, that age of outrageous profaneness and licentiousness which followed the Restoration had passed away. Jeremy Collier had shamed the theatres into something which, compared with the excesses of Etherege and Wycherley, might be called decency. Yet there still lingered in the public mind a pernicious notion that there was some connection between genius and profligacy, between the domestic virtues and the sullen formality of the Puritans. That error it is the glory of Addison to have dispelled. He taught the nation that the faith and the morality of Hale and Tillotson might be found in company with wit more sparkling than the wit of Congreve, and with humour richer than the humour of Vanbrugh. So effectually, indeed, did he retort on vice the mockery which had

recently been directed against virtue, that, since his time, the open violation of decency has always been considered among us as the mark of a fool. And this revolution, the greatest and most salutary ever effected by any satirist, he accomplished, be it remembered, without writing one personal lampoon.

In the early contributions of Addison to the Tatler his peculiar powers were not fully exhibited. Yet from the first, his superiority to all his coadjutors was evident. Some of his later Tatlers are fully equal to any thing that he ever wrote. Among the portraits, we most admire Tom Folio, Ned Softly, and the Political Upholsterer. The proceedings of the Court of Honour, the Thermometer of Zeal, the story of the Frozen Words, the Memoirs of the Shilling, are excellent specimens of that ingenious and lively species of fiction in which Addison excelled all men. There is one still better paper of the same class. But though that paper, a hundred and thirty-three years ago, was probably thought as edifying as one of Smallridge's sermons, we dare not indicate it to the squeamish readers of the nineteenth century.

During the session of Parliament which commenced in November 1709, and which the impeachment of Sacheverell has made memorable, Addison appears to have resided in London. The Tatler was now more popular than any periodical paper had ever been; and his connexion with it was generally known. It was not known, however, that almost every thing good in the Tatler was his. The truth is that the fifty or sixty numbers which we owe to him were not merely the best, but so decidedly the best that any five of them are more valuable than all the two hundred numbers in which he had no share.

He required, at this time, all the solace which he could derive from literary success. The Queen had always disliked the Whigs. She had during some years disliked the Marlborough family. But, reigning by a disputed title, she could not venture directly to oppose herself to a majority of both Houses of Parliament; and, engaged as she was in a war on the event of which her own Crown was staked, she could not venture to disgrace a great and successful general. But at length, in the year 1710, the causes which had restrained her from showing her aversion to the Low Church party ceased to operate. The trial of Sacheverell produced an outbreak of public feeling scarcely less violent than the outbreaks which we can ourselves

country clergymen, the rabble of the towns, were all, for once, on the same side. It was clear that, if a general election took place before the excitement abated, the Tories would have a majority. The services of Marlborough had been so splendid that they were no longer necessary. The Queen's throne was secure from all attack on the part of Lewis. Indeed, it seemed much more likely that the English and German armies would divide the spoils of Versailles and Marli than that a Marshal of France would bring back the Pretender to St. James's. The Queen, acting by the advice of Harley, determined to dismiss her servants. In June the change commenced. Sunderland was the first who fell. The Tories exulted over his fall. The Whigs tried, during a few weeks, to persuade themselves that her Majesty had acted only from personal dislike to the Secretary, and that she meditated no further alteration. But, early in August, Godolphin was surprised by a letter from Anne, which directed him to break his white staff. Even after this event, the irresolution or dissimulation of Harley kept up the hopes of the Whigs during another month; and then the ruin became rapid and violent. The Parliament was dissolved. The Ministers were turned out. The Tories were called to office. The tide of popularity ran violently in favour of the High Church party. That party, feeble in the late House of Commons, was now irresistible. The power which the Tories had thus suddenly acquired, they used with blind and stupid ferocity. The howl which the whole pack set up for prey and for blood appalled even him who had roused and unchained them. When, at this distance of time, we calmly review the conduct of the discarded ministers, we cannot but feel a movement of indignation at the injustice with which they were treated. No body of men had ever administered the government with more energy, ability, and moderation; and their success had been proportioned to their wisdom. They had saved Holland and Germany. They had humbled France. They had, as it seemed, all but torn Spain from the house of Bourbon. They had made England the first power in Europe. At home they had united England and Scotland. They had respected the rights of conscience and the liberty of the subject. They retired, leaving their country at the height of prosperity and glory. And yet they were pursued to their retreat by such a roar of obloquy as was never raised against the government which threw away thirteen colonies, or against the government which sent a gallant army to perish in the ditches of Walcheren.

None of the Whigs suffered more in the general wreck than Addison. He had just sustained some heavy pecuniary losses, of the nature of which we are imperfectly informed, when his Secretaryship was taken from him. He had reason to believe that he should also be deprived of the small Irish office which he held by patent. He had just resigned his Fellowship. It seems probable that he had already ventured to raise his eyes to a great lady, and that, while his political friends were in power, and while his own fortunes were rising, he had been, in the phrase of the romances which were then fashionable, permitted to hope. But Mr. Addison the ingenious writer, and Mr. Addison the chief Secretary, were, in her ladyship's opinion, two very different persons. All these calamities united, however, could not disturb the serene cheerfulness of a mind conscious of innocence, and rich in its own wealth. He told his friends, with smiling resignation, that they ought to admire his philosophy, that he had lost at once his fortune, his place, his fellowship, and his mistress, that he must think of turning tutor again, and yet that his spirits were as good as ever.

He had one consolation. Of the unpopularity which his friends had incurred, he had no share. Such was the esteem with which he was regarded that, while the most violent measures were taken for the purpose of forcing Tory members on Whig corporations, he was returned to Parliament without even a contest. Swift who was now in London, and who had already determined on quitting the Whigs, wrote to Stella in these remarkable words: "The Tories carry it among the new members six to one. Mr. Addison's election has passed easy and undisputed; and I believe if he had a mind to be king, he would hardly be refused."

The good will with which the Tories regarded Addison is the more honourable to him, because it had not been purchased by any concession on his part. During the general election he published a political Journal, entitled the Whig Examiner. Of that Journal it may be sufficient to say that Johnson, in spite of his strong political prejudices, pronounced it to be superior in wit to any of Swift's writings on the other side. When it ceased to appear, Swift, in a letter to Stella, expressed his exultation at the death of so formidable an antagonist. "He might well rejoice," says Johnson, "at the death of that which he could not have killed." "On no occasion," he adds, "was the genius of Addison more vigorously exerted, and

on none did the superiority of his powers more evidently appear."

The only use which Addison appears to have made of the favour with which he was regarded by the Tories was to save some of his friends from the general ruin of the Whig party. He felt himself to be in a situation which made it his duty to take a decided part in politics. But the case of Steele and of Ambrose Phillipps was different. For Phillipps, Addison even condescended to solicit, with what success we have not ascertained. Steele held two places. He was Gazetteer, and he was also a Commissioner of Stamps. The Gazette was taken from him. But he was suffered to retain his place in the Stamp Office, on an implied understanding that he should not be active against the new government: and he was, during more than two years, induced by Addison to observe this armistice with tolerable fidelity.

Isaac Bickerstaff accordingly became silent upon politics, and the article of news, which had once formed about one third of his paper, altogether disappeared. The Tatler had completely changed its character. It was now nothing but a series of essays on books, morals, and manners. Steele therefore resolved to bring it to a close, and to commence a new work on an improved plan. It was announced that this new work would be published daily. The undertaking was generally regarded as bold, or rather rash; but the event amply justified the confidence with which Steele relied on the fertility of Addison's genius. On the second of January 1711, appeared the last Tatler. At the beginning of March following, appeared the first of an incomparable series of papers, containing observations on life and literature by an imaginary Spectator.

The Spectator himself was conceived and drawn by Addison; and it is not easy to doubt that the portrait was meant to be in some features a likeness of the painter. The Spectator is a gentleman who, after passing a studious youth at the University, has travelled on classic ground, and has bestowed much attention on curious points of antiquity. He has, on his return, fixed his residence in London, and has observed all the forms of life which are to be found in that great city, has daily listened to the wits of Will's, has smoked with the philosophers of the Grecian, and has mingled with the parsons at Child's, and with the politicians at the St. James's. In the morning, he often listens to the hum of the Exchange; in the evening, his face is constantly to be seen in the pit of

Drury Lane theatre. But an insurmountable bashfulness prevents him from opening his mouth, except in a small circle of intimate friends.

These friends were first sketched by Steele. Four of the club, the templar, the clergyman, the soldier, and the merchant, were uninteresting figures, fit only for a background. But the other two, an old country baronet and an old town rake, though not delineated with a very delicate pencil, had some good strokes. Addison took the rude outlines into his own hands, retouched them, coloured them, and is in truth the creator of the Sir Roger de Coverley and the Will Honeycomb with whom we are all familiar.

The plan of the Spectator must be allowed to be both original and eminently happy. Every valuable essay in the series may be read with pleasure separately; yet the five or six hundred essays form a whole, and a whole which has the interest of a novel. It must be remembered, too, that at that time no novel, giving a lively and powerful picture of the common life and manners of England, had appeared. Richardson was working as a compositor. Fielding was robbing birds' nests. Smollett was not yet born. The narrative, therefore, which connects together the Spectator's Essays, gave to our ancestors their first taste of an exquisite and untried pleasure. That narrative was indeed constructed with no art or labour. The events were such events as occur every day. Sir Roger comes up to town to see Eugenio, as the worthy baronet always calls Prince Eugene, goes with the Spectator on the water to Spring Gardens, walks among the tombs in the Abbey, and is frightened by the Mohawks, but conquers his apprehension so far as to go to the theatre when the Distressed Mother is acted. The Spectator pays a visit in the summer to Coverley Hall, is charmed with the old house, the old butler, and the old chaplain, eats a jack caught by Will Wimble, rides to the assizes, and hears a point of law discussed by Tom Touchy. At last a letter from the honest butler brings to the club the news that Sir Roger is dead. Will Honeycomb marries and reforms at sixty. The club breaks up; and the Spectator resigns his functions. Such events can hardly be said to form a plot; yet they are related with such truth, such grace, such wit, such humour, such pathos, such knowledge of the human heart, such knowledge of the ways of the world, that they charm us on the hundredth perusal. We have not the least doubt that, if Addison had written a novel, on an extensive plan, it would have been

superior to any that we possess. As it is, he is entitled to be considered, not only as the greatest of the English essayists, but as the forerunner of the great English novelists.

We say this of Addison alone; for Addison is the Spectator. About three sevenths of the work are his; and it is no exaggeration to say, that his worst essay is as good as the best essay of any of his coadjutors. His best essays approach near to absolute perfection; nor is their excellence more wonderful than their variety. His invention never seems to flag; nor is he ever under the necessity of repeating himself, or of wearing out a subject. There are no dregs in his wine. He regales us after the fashion of that prodigal nabob who held that there was only one good glass in a bottle. As soon as we have tasted the first sparkling foam of a jest, it is withdrawn, and a fresh draught of nectar is at our lips. On the Monday we have an allegory as lively and ingenious as Lucian's Auction of Lives; on the Tuesday an Eastern apologue, as richly coloured as the Tales of Scherezade; on the Wednesday, a character described with the skill of Labruyere; on the Thursday, a scene from common life, equal to the best chapters in the Vicar of Wakefield; on the Friday, some sly Horatian pleasantry on fashionable follies, on hoops, patches, or puppet shows; and on the Saturday a religious meditation, which will bear a comparison with the finest passages in Massillon.

It is dangerous to select where there is so much that deserves the highest praise. We will venture, however, to say, that any person who wishes to form a just notion of the extent and variety of Addison's powers, will do well to read at one sitting the following papers, the two Visits to the Abbey, the Visit to the Exchange, the Journal of the Retired Citizen, the Vision of Mirza, the Transmigrations of Pug the Monkey, and the Death of Sir Roger De Coverley.*

The least valuable of Addison's contributions to the Spectator are, in the judgment of our age, his critical papers. Yet his critical papers are always luminous, and often ingenious. The very worst of them must be regarded as creditable to him, when the character of the school in which he had been trained is fairly considered. The best of them were much too good for his readers. In truth, he was not so far behind our generation as he was before his own. No essays in the Spectator were more censured and derided than those in which he raised his voice against the contempt with

* Nos. 26, 329, 69, 317, 159, 343, 517. These papers are all in the first seven volumes. The eighth must be considered as a separate work.

which our fine old ballads were regarded, and showed the scoffers that the same gold which, burnished and polished, gives lustre to the Æneid and the Odes of Horace, is mingled with the rude dross of Chevy Chace.

It is not strange that the success of the Spectator should have been such as no similar work has ever obtained. The number of copies daily distributed was at first three thousand. It subsequently increased, and had risen to near four thousand when the stamp tax was imposed. That tax was fatal to a crowd of journals. The Spectator, however, stood its ground, doubled its price, and, though its circulation fell off, still yielded a large revenue both to the state and to the authors. For particular papers, the demand was immense; of some, it is said, twenty thousand copies were required. But this was not all. To have the Spectator served up every morning with the bohea and rolls, was a luxury for the few. The majority were content to wait till essays enough had appeared to form a volume. Ten thousand copies of each volume were immediately taken off, and new editions were called for. It must be remembered, that the population of England was then hardly a third of what it now is. The number of Englishmen who were in the habit of reading, was probably not a sixth of what it now is. A shopkeeper or a farmer who found any pleasure in literature, was a rarity. Nay, there was doubtless more than one knight of the shire whose country seat did not contain ten books, receipt books and books on farriery included. In these circumstances, the sale of the Spectator must be considered as indicating a popularity quite as great as that of the most successful works of Sir Walter Scott and Mr. Dickens in our own time.

At the close of 1712 the Spectator ceased to appear. It was probably felt that the shortfaced gentleman and his club had been long enough before the town; and that it was time to withdraw them, and to replace them by a new set of characters. In a few weeks the first number of the Guardian was published. But the Guardian was unfortunate both in its birth and in its death. It began in dulness, and disappeared in a tempest of faction. The original plan was bad. Addison contributed nothing till sixty-six numbers had appeared; and it was then impossible to make the Guardian what the Spectator had been. Nestor Ironside and the Miss Lizards were people to whom even he could impart no

interest. He could only furnish some excellent little essays, both serious and comic; and this he did.

Why Addison gave no assistance to the Guardian, during the first two months of its existence, is a question which has puzzled the editors and biographers, but which seems to us to admit of a very easy solution. He was then engaged in bringing his Cato on the stage.

The first four acts of this drama had been lying in his desk since his return from Italy. His modest and sensitive nature shrank from the risk of a public and shameful failure; and, though all who saw the manuscript were loud in praise, some thought it possible that an audience might become impatient even of very good rhetoric, and advised Addison to print the play without hazarding a representation. At length, after many fits of apprehension, the poet yielded to the urgency of his political friends, who hoped that the public would discover some analogy between the followers of Cæsar and the Tories, between Sempronius and the apostate Whigs, between Cato, struggling to the last for the liberties of Rome, and the band of patriots who still stood firm round Halifax and Wharton.

Addison gave the play to the managers of Drury Lane theatre, without stipulating for any advantage to himself. They, therefore, thought themselves bound to spare no cost in scenery and dresses. The decorations, it is true, would not have pleased the skilful eye of Mr. Macready. Juba's waistcoat blazed with gold lace; Marcia's hoop was worthy of a Duchess on the birthday; and Cato wore a wig worth fifty guineas. The prologue was written by Pope, and is undoubtedly a dignified and spirited composition. The part of the hero was excellently played by Booth. Steele undertook to pack a house. The boxes were in a blaze with the stars of the Peers in Opposition. The pit was crowded with attentive and friendly listeners from the Inns of Court and the literary coffeehouses. Sir Gilbert Heathcote, Governor of the Bank of England, was at the head of a powerful body of auxiliaries from the city, warm men and true Whigs, but better known at Jonathan's and Garroway's than in the haunts of wits and critics.

These precautions were quite superfluous. The Tories, as a body, regarded Addison with no unkind feelings. Nor was it for their interest, professing, as they did, profound reverence for law and prescription, and abhorrence both of popular insurrections and of standing armies, to appropriate

to themselves reflections thrown on the great military chief and demagogue, who, with the support of the legions and of the common people, subverted all the ancient institutions of his country. Accordingly, every shout that was raised by the members of the Kit Cat was echoed by the High Churchmen of the October; and the curtain at length fell amidst thunders of unanimous applause.

The delight and admiration of the town were described by the Guardian in terms which we might attribute to partiality, were it not that the Examiner, the organ of the Ministry, held similar language. The Tories, indeed, found much to sneer at in the conduct of their opponents. Steele had on this, as on other occasions, shown more zeal than taste or judgment. The honest citizens who marched under the orders of Sir Gibby, as he was facetiously called, probably knew better when to buy and when to sell stock than when to clap and when to hiss at a play, and incurred some ridicule by making the hypocritical Sempronius their favourite, and by giving to his insincere rants louder plaudits than they bestowed on the temperate eloquence of Cato. Wharton, too, who had the incredible effrontery to applaud the lines about flying from prosperous vice and from the power of impious men to a private station, did not escape the sarcasms of those who justly thought that he could fly from nothing more vicious or impious than himself. The epilogue, which was written by Garth, a zealous Whig, was severely and not unreasonably censured as ignoble and out of place. But Addison was described, even by the bitterest Tory writers, as a gentleman of wit and virtue, in whose friendship many persons of both parties were happy, and whose name ought not to be mixed up with factious squabbles.

Of the jests by which the triumph of the Whig party was disturbed, the most severe and happy was Bolingbroke's. Between two acts, he sent for Booth to his box, and presented him, before the whole theatre, with a purse of fifty guineas for defending the cause of liberty so well against a perpetual Dictator. This was a pungent allusion to the attempt which Marlborough had made, not long before his fall, to obtain a patent creating him Captain General for life.

It was April; and in April, a hundred and thirty years ago, the London season was thought to be far advanced. During a whole month, however, Cato was performed to overflowing houses, and brought into the treasury of the theatre twice the gains of an ordinary spring. In the sum-

mer, the Drury Lane company went down to the Act at Oxford, and there, before an audience which retained an affectionate remembrance of Addison's accomplishments and virtues, his tragedy was acted during several days. The gownsmen began to besiege the theatre in the forenoon, and by one in the afternoon all the seats were filled.

About the merits of the piece which had so extraordinary an effect, the public, we suppose, has made up its mind. To compare it with the masterpieces of the Attic stage, with the great English dramas of the time of Elizabeth, or even with the productions of Schiller's manhood, would be absurd indeed. Yet it contains excellent dialogue and declamation, and, among plays fashioned on the French model, must be allowed to rank high; not indeed with Athalie, or Saul; but, we think, not below Cinna, and certainly above any other English tragedy of the same school, above many of the plays of Corneille, above many of the plays of Voltaire and Alfieri, and above some plays of Racine. Be this as it may, we have little doubt that Cato did as much as the Tatlers, Spectators, and Freeholders united, to raise Addison's fame among his contemporaries.

The modesty and good nature of the successful dramatist had tamed even the malignity of faction. But literary envy, it should seem, is a fiercer passion than party spirit. It was by a zealous Whig that the fiercest attack on the Whig tragedy was made. John Dennis published Remarks on Cato, which were written with some acuteness and with much coarseness and asperity. Addison neither defended himself nor retaliated. On many points he had an excellent defence; and nothing would have been easier than to retaliate; for Dennis had written bad odes, bad tragedies, bad comedies: he had, moreover, a larger share than most men of those infirmities and eccentricities which excite laughter; and Addison's power of turning either an absurd book or an absurd man into ridicule was unrivalled. Addison, however, serenely conscious of his superiority, looked with pity on his assailant, whose temper, naturally irritable and gloomy, had been soured by want, by controversy, and by literary failures.

But among the young candidates for Addison's favour there was one distinguished by talents from the rest, and distinguished, we fear, not less by malignity and insincerity. Pope was only twenty-five. But his powers had expanded to their full maturity; and his best poem, the Rape of the Lock, had recently been published. Of his genius, Addison

had always expressed high admiration. But Addison had early discerned, what might indeed have been discerned by an eye less penetrating than his, that the diminutive, crooked, sickly boy was eager to revenge himself on society for the unkindness of nature. In the Spectator, the Essay on Criticism had been praised with cordial warmth; but a gentle hint had been added, that the writer of so excellent a poem would have done well to avoid ill natured personalities. Pope, though evidently more galled by the censure than gratified by the praise, returned thanks for the admonition, and promised to profit by it. The two writers continued to exchange civilities, counsel, and small good offices. Addison publicly extolled Pope's miscellaneous pieces; and Pope furnished Addison with a prologue. This did not last long. Pope hated Dennis, whom he had injured without provocation. The appearance of the Remarks on Cato gave the irritable poet an opportunity of venting his malice under the show of friendship; and such an opportunity could not but be welcome to a nature which was implacable in enmity, and which always preferred the tortuous to the straight path. He published, accordingly, the Narrative of the Frenzy of John Dennis. But Pope had mistaken his powers. He was a great master of invective and sarcasm: he could dissect a character in terse and sonorous couplets, brilliant with antithesis: but of dramatic talent he was altogether destitute. If he had written a lampoon on Dennis, such as that on Atticus, or that on Sporus, the old grumbler would have been crushed. But Pope writing dialogue resembled—to borrow Horace's imagery and his own—a wolf which, instead of biting, should take to kicking, or a monkey which should try to sting. The Narrative is utterly contemptible. Of argument there is not even the show; and the jests are such as, if they were introduced into a farce, would call forth the hisses of the shilling gallery. Dennis raves about the drama; and the nurse thinks that he is calling for a dram. "There is," he cries, "no peripetia in the tragedy, no change of fortune, no change at all." "Pray, good Sir, be not angry," says the old woman; "I'll fetch change." This is not exactly the pleasantry of Addison.

There can be no doubt that Addison saw through this officious zeal, and felt himself deeply aggrieved by it. So foolish and spiteful a pamphlet could do him no good, and, if he were thought to have any hand in it, must do him harm. Gifted with incomparable powers of ridicule, he had never

even in self-defence, used those powers inhumanly or uncourteously; and he was not disposed to let others make his fame and his interests a pretext under which they might commit outrages from which he had himself constantly abstained. He accordingly declared that he had no concern in the narrative, that he disapproved of it, and that, if he answered the remarks, he would answer them like a gentleman; and he took care to communicate this to Dennis. Pope was bitterly mortified; and to this transaction we are inclined to ascribe the hatred with which he ever after regarded Addison.

In September 1713 the Guardian ceased to appear. Steele had gone mad about politics. A general election had just taken place: he had been chosen member for Stockbridge; and he fully expected to play a first part in Parliament. The immense success of the Tatler and Spectator had turned his head. He had been the editor of both those papers, and was not aware how entirely they owed their influence and popularity to the genius of his friend. His spirits, always violent, were now excited by vanity, ambition, and faction, to such a pitch that he every day committed some offence against good sense and good taste. All the discreet and moderate members of his own party regretted and condemned his folly. "I am in a thousand troubles," Addison wrote, "about poor Dick, and wish that his zeal for the public may not be ruinous to himself. But he has sent me word that he is determined to go on, and that any advice I may give him in this particular will have no weight with him."

Steele set up a political paper called the Englishman, which, as it was not supported by contributions from Addison, completely failed. By this work, by some other writings of the same kind, and by the airs which he gave himself at the first meeting of the new Parliament, he made the Tories so angry that they determined to expel him. The Whigs stood by him gallantly, but were unable to save him. The vote of expulsion was regarded by all dispassionate men as a tyrannical exercise of the power of the majority. But Steele's violence and folly, though they by no means justified the steps which his enemies took, had completely disgusted his friends; nor did he ever regain the place which he had held in the public estimation.

Addison about this time conceived the design of adding an eighth volume to the Spectator. In June 1714 the first number of the new series appeared, and during about six months

three papers were published weekly. Nothing can be more striking than the contrast between the Englishman and the eighth volume of the Spectator, between Steele without Addison and Addison without Steele. The Englishman is forgotten; the eighth volume of the Spectator contains, perhaps, the finest essays, both serious and playful, in the English language.

Before this volume was completed, the death of Anne produced an entire change in the administration of public affairs. The blow fell suddenly. It found the Tory party distracted by internal feuds, and unprepared for any great effort. Harley had just been disgraced. Bolingbroke, it was supposed, would be the chief minister. But the Queen was on her deathbed before the white staff had been given, and her last public act was to deliver it with a feeble hand to the Duke of Shrewsbury. The emergency produced a coalition between all sections of public men who were attached to the Protestant succession. George the First was proclaimed without opposition. A Council, in which the leading Whigs had seats, took the direction of affairs till the new King should arrive. The first act of the Lords Justices was to appoint Addison their secretary.

There is an idle tradition that he was directed to prepare a letter to the King, that he could not satisfy himself as to the style of this composition, and that the Lords Justices called in a clerk who at once did what was wanted. It is not strange that a story so flattering to mediocrity should be popular; and we are sorry to deprive dunces of their consolation. But the truth must be told. It was well observed by Sir James Mackintosh, whose knowledge of these times was unequalled, that Addison never, in any official document, affected wit or eloquence, and that his despatches are, without exception, remarkable for unpretending simplicity. Every body who knows with what ease Addison's finest essays were produced must be convinced that, if well turned phrases had been wanted, he would have had no difficulty in finding them. We are, however, inclined to believe, that the story is not absolutely without a foundation. It may well be that Addison did not know, till he had consulted experienced clerks who remembered the times when William the Third was absent on the Continent, in what form a letter from the Council of Regency to the King ought to be drawn. We think it very likely that the ablest statesmen of our time, Lord John Russell, Sir Robert Peel, Lord Palmerston, for example, would, in similar circum-

stances, be found quite as ignorant. Every office has some little mysteries which the dullest man may learn with a little attention, and which the greatest man cannot possibly know by intuition. One paper must be signed by the chief of the department; another by his deputy: to a third the royal sign manual is necessary. One communication is to be registered, and another is not. One sentence must be in black ink and another in red ink. If the ablest Secretary for Ireland were moved to the India Board, if the ablest President of the India Board were moved to the War Office, he would require instruction on points like these; and we do not doubt that Addison required such instruction when he became, for the first time, Secretary to the Lords Justices.

George the First took possession of his kingdom without opposition. A new ministry was formed, and a new Parliament favourable to the Whigs chosen. Sunderland was appointed Lord Lieutenant of Ireland; and Addison again went to Dublin as Chief Secretary.

At Dublin Swift resided; and there was much speculation about the way in which the Dean and the Secretary would behave towards each other. The relations which existed between these remarkable men form an interesting and pleasing portion of literary history. They had early attached themselves to the same political party and to the same patrons. While Anne's Whig ministry was in power, the visits of Swift to London and the official residence of Addison in Ireland had given them opportunities of knowing each other. They were the two shrewdest observers of their age. But their observations on each other had led them to favourable conclusions. Swift did full justice to the rare powers of conversation which were latent under the bashful deportment of Addison. Addison, on the other hand, discerned much good nature under the severe look and manner of Swift; and, indeed, the Swift of 1708 and the Swift of 1738 were two very different men.

But the paths of the two friends diverged widely. The Whig statesmen loaded Addison with solid benefits. They praised Swift, asked him to dinner, and did nothing more for him. His profession laid them under a difficulty. In the state they could not promote him; and they had reason to fear that, by bestowing preferment in the church on the author of the Tale of a Tub, they might give scandal to the public, which had no high opinion of their orthodoxy. He did not make fair allowance for the difficulties which prevented Halifax and Somers from serving him, thought himself an ill used

man, sacrificed honour and consistency to revenge, joined the Tories, and became their most formidable champion. He soon found, however, that his old friends were less to blame than he had supposed. The dislike with which the Queen and the heads of the Church regarded him was insurmountable; and it was with the greatest difficulty that he obtained an ecclesiastical dignity of no great value, on condition of fixing his residence in a country which he detested.

Difference of political opinion had produced, not indeed a quarrel, but a coolness between Swift and Addison. They at length ceased altogether to see each other. Yet there was between them a tacit compact like that between the hereditary guests in the Iliad.

> Ἔγχεα δ' ἀλλήλων ἀλεώμεθα καὶ δι' ὁμίλου·
> Πολλοὶ μὲν γὰρ ἐμοὶ Τρῶες κλειτοί τ' ἐπίκουροι,
> Κτείνειν, ὅν κε θεός γε πόρῃ καὶ ποσσὶ κιχείω,
> Πολλοὶ δ' αὖ σοὶ Ἀχαιοὶ, ἐναίρεμεν, ὅν κε δύνηαι.

It is not strange that Addison, who calumniated and insulted nobody, should not have calumniated or insulted Swift. But it is remarkable that Swift, to whom neither genius nor virtue was sacred, and who generally seemed to find, like most other renegades, a peculiar pleasure in attacking old friends, should have shown so much respect and tenderness to Addison.

Fortune had now changed. The accession of the House of Hanover had secured in England the liberties of the people, and in Ireland the dominion of the Protestant caste. To that caste Swift was more odious than any other man. He was hooted and even pelted in the streets of Dublin; and could not venture to ride along the strand for his health without the attendance of armed servants. Many whom he had formerly served now libelled and insulted him. At this time Addison arrived. He had been advised not to show the smallest civility to the Dean of St Patrick's. He had answered, with admirable spirit, that it might be necessary for men whose fidelity to their party was suspected to hold no intercourse with political opponents; but that one who had been a steady Whig in the worst times might venture, when the good cause was triumphant, to shake hands with an old friend who was one of the vanquished Tories. His kindness was soothing to the proud and cruelly wounded spirit of Swift; and the two great satirists resumed their habits of friendly intercourse.

Those associates of Addison whose political opinions agreed

with his shared his good fortune. He took Tickell with him to Ireland. He procured for Budgell a lucrative place in the same kingdom. Ambrose Phillipps was provided for in England. Steele had injured himself so much by his eccentricity and perverseness that he obtained but a very small part of what he thought his due. He was, however, knighted; he had a place in the household; and he subsequently received other marks of favour from the court.

Addison did not remain long in Ireland. In 1715 he quitted his secretaryship for a seat at the Board of Trade. In the same year his comedy of the Drummer was brought on the stage. The name of the author was not announced; the piece was coldly received; and some critics have expressed a doubt whether it were really Addison's. To us the evidence, both external and internal, seems decisive. It is not in Addison's best manner; but it contains numerous passages which no other writer known to us could have produced. It was again performed after Addison's death, and, being known to be his, was loudly applauded.

Towards the close of the year 1715, while the Rebellion was still raging in Scotland, Addison published the first number of a paper called the Freeholder. Among his political works the Freeholder is entitled to the first place. Even in the Spectator there are few serious papers nobler than the character of his friend Lord Somers, and certainly no satirical papers superior to those in which the Tory foxhunter is introduced. This character is the original of Squire Western, and is drawn with all Fielding's force, and with a delicacy of which Fielding was altogether destitute. As none of Addison's works exhibits stronger marks of his genius than the Freeholder, so none does more honour to his moral character. It is difficult to extol too highly the candour and humanity of a political writer, whom even the excitement of civil war cannot hurry into unseemly violence. Oxford, it is well known, was then the stronghold of Toryism. The High Street had been repeatedly lined with bayonets in order to keep down the disaffected gownsmen; and traitors pursued by the messengers of the Government had been concealed in the garrets of several colleges. Yet the admonition which, even under such circumstances, Addison addressed to the University, is singularly gentle, respectful, and even affectionate. Indeed, he could not find it in his heart to deal harshly even with imaginary persons. His foxhunter, though ignorant, stupid, and violent, is at heart a good fellow, and is at last reclaimed

by the clemency of the King. Steele was dissatisfied with his friend's moderation, and though he acknowledged that the Freeholder was excellently written, complained that the ministry played on a lute when it was necessary to blow the trumpet. He accordingly determined to execute a flourish after his own fashion, and tried to rouse the public spirit of the nation by means of a paper called the Town Talk, which is now as utterly forgotten as his Englishman, as his Crisis, as his Letter to the Bailiff of Stockbridge, as his Reader, in short, as everything that he wrote without the help of Addison.

In the same year in which the Drummer was acted, and in which the first numbers of the Freeholder appeared, the estrangement of Pope and Addison became complete. Addison had from the first seen that Pope was false and malevolent. Pope had discovered that Addison was jealous. The discovery was made in a strange manner. Pope had written the Rape of the Lock, in two cantos, without supernatural machinery. These two cantos had been loudly applauded, and by none more loudly than by Addison. Then Pope thought of the Sylphs and Gnomes, Ariel, Momentilla, Crispissa, and Umbriel, and resolved to interweave the Rosicrucian mythology with the original fabric. He asked Addison's advice. Addison said that the poem as it stood was a delicious little thing, and entreated Pope not to run the risk of marring what was so excellent in trying to mend it. Pope afterwards declared that this insidious counsel first opened his eyes to the baseness of him who gave it.

Now there can be no doubt that Pope's plan was most ingenious, and that he afterwards executed it with great skill and success. But does it necessarily follow that Addison's advice was bad? And if Addison's advice was bad, does it necessarily follow that it was given from bad motives? If a friend were to ask us whether we would advise him to risk his all in a lottery of which the chances were ten to one against him, we should do our best to dissuade him from running such a risk. Even if he were so lucky as to get the thirty thousand pound prize, we should not admit that we had counselled him ill; and we should certainly think it the height of injustice in him to accuse us of having been actuated by malice. We think Addison's advice good advice. It rested on a sound principle, the result of long and wide experience. The general rule undoubtedly is that, when a successful work of imagination has been produced, it should not be recast. We cannot

rule has been transgressed with happy effect, except the instance of the Rape of the Lock. Tasso recast his Jerusalem. Akenside recast his Pleasures of the Imagination, and his Epistle to Curio. Pope himself, emboldened no doubt by the success with which he had expanded and remodelled the Rape of the Lock, made the same experiment on the Dunciad. All these attempts failed. Who was to foresee that Pope would, once in his life, be able to do what he could not himself do twice, and what nobody else has ever done?

Addison's advice was good. But had it been bad, why should we pronounce it dishonest? Scott tells us that one of his best friends predicted the failure of Waverley. Herder adjured Goethe not to take so unpromising a subject as Faust. Hume tried to dissuade Robertson from writing the History of Charles the Fifth. Nay, Pope himself was one of those who prophesied that Cato would never succeed on the stage, and advised Addison to print it without risking a representation. But Scott, Goethe, Robertson, Addison, had the good sense and generosity to give their advisers credit for the best intentions. Pope's heart was not of the same kind with theirs.

In 1715, while he was engaged in translating the Iliad, he met Addison at a coffeehouse. Phillipps and Budgell were there; but their sovereign got rid of them, and asked Pope to dine with him alone. After dinner, Addison said that he lay under a difficulty which he wished to explain. "Tickell," he said, "translated some time ago the first book of the Iliad. I have promised to look it over and correct it. I cannot therefore ask to see yours; for that would be double dealing." Pope made a civil reply, and begged that his second book might have the advantage of Addison's revision. Addison readily agreed, looked over the second book, and sent it back with warm commendations.

Tickell's version of the first book appeared soon after this conversation. In the preface, all rivalry was earnestly disclaimed. Tickell declared that he should not go on with the Iliad. That enterprise he should leave to powers which he admitted to be superior to his own. His only view, he said, in publishing this specimen was to bespeak the favour of the public to a translation of the Odyssey, in which he had made some progress.

Addison, and Addison's devoted followers, pronounced both the versions good, but maintained that Tickell's had more of the original. The town gave a decided preference to Pope's. We do not think it worth while to settle such a question of

precedence. Neither of the rivals can be said to have translated the Iliad, unless, indeed, the word translation be used in the sense which it bears in the Midsummer Night's Dream. When Bottom makes his appearance with an ass's head instead of his own, Peter Quince exclaims, "Bless thee! Bottom, bless thee! thou art translated." In this sense, undoubtedly, the readers of either Pope or Tickell may very properly exclaim, "Bless thee! Homer; thou art translated indeed."

Our readers will, we hope, agree with us in thinking that no man in Addison's situation could have acted more fairly and kindly, both towards Pope, and towards Tickell, than he appears to have done. But an odious suspicion had sprung up in the mind of Pope. He fancied, and he soon firmly believed, that there was a deep conspiracy against his fame and his fortunes. The work on which he had staked his reputation was to be depreciated. The subscription, on which rested his hopes of a competence, was to be defeated. With this view Addison had made a rival translation: Tickell had consented to father it; and the wits of Button's had united to puff it.

Is there any external evidence to support this grave accusation? The answer is short. There is absolutely none.

Was there any internal evidence which proved Addison to be the author of this version? Was it a work which Tickell was incapable of producing? Surely not. Tickell was a Fellow of a College at Oxford, and must be supposed to have been able to construe the Iliad; and he was a better versifier than his friend. We are not aware that Pope pretended to have discovered any turns of expression peculiar to Addison. Had such turns of expression been discovered, they would be sufficiently accounted for by supposing Addison to have corrected his friend's lines, as he owned that he had done.

Is there any thing in the character of the accused persons which makes the accusation probable? We answer confidently—nothing. Tickell was long after this time described by Pope himself as a very fair and worthy man. Addison had been, during many years, before the public. Literary rivals, political opponents, had kept their eyes on him. But neither envy nor faction, in their utmost rage, had ever imputed to him a single deviation from the laws of honour and of social morality. Had he been indeed a man meanly jealous of fame, and capable of stooping to base and wicked arts for the purpose of injuring his competitors, would his vices have remained latent so long? He was a writer of tragedy: had

he ever injured Rowe? He was a writer of comedy: had he not done ample justice to Congreve, and given valuable help to Steele? He was a pamphleteer: have not his good nature and generosity been acknowledged by Swift, his rival in fame and his adversary in politics?

That Tickell should have been guilty of a villany seems to us highly improbable. That Addison should have been guilty of a villany seems to us highly improbable. But that these two men should have conspired together to commit a villany seems to us improbable in a tenfold degree. All that is known to us of their intercourse tends to prove, that it was not the intercourse of two accomplices in crime. These are some of the lines in which Tickell poured forth his sorrow over the coffin of Addison:

> "Or dost thou warn poor mortals left behind,
> A task well suited to thy gentle mind?
> Oh, if sometimes thy spotless form descend,
> To me thine aid, thou guardian genius, lend.
> When rage misguides me, or when fear alarms,
> When pain distresses, or when pleasure charms,
> In silent whisperings purer thoughts impart,
> And turn from ill a frail and feeble heart;
> Lead through the paths thy virtue trod before,
> Till bliss shall join, nor death can part us more."

In what words, we should like to know, did this guardian genius invite his pupil to join in a plan such as the Editor of the Satirist would hardly dare to propose to the Editor of the Age?

We do not accuse Pope of bringing an accusation which he knew to be false. We have not the smallest doubt that he believed it to be true; and the evidence on which he believed it he found in his own bad heart. His own life was one long series of tricks, as mean and as malicious as that of which he suspected Addison and Tickell. He was all stiletto and mask. To injure, to insult, and to save himself from the consequences of injury and insult by lying and equivocating, was the habit of his life. He published a lampoon on the Duke of Chandos; he was taxed with it; and he lied and equivocated. He published a lampoon on Aaron Hill; he was taxed with it; and he lied and equivocated. He published a still fouler lampoon on Lady Mary Wortley Montague; he was taxed with it; and he lied with more than usual effrontery and vehemence. He puffed himself and abused his enemies under feigned names. He robbed himself of his own letters, and then raised

the hue and cry after them. Besides his frauds of malignity, of fear, of interest, and of vanity, there were frauds which he seems to have committed from love of fraud alone. He had a habit of stratagem, a pleasure in outwitting all who came near him. Whatever his object might be, the indirect road to it was that which he preferred. For Bolingbroke, Pope undoubtedly felt as much love and veneration as it was in his nature to feel for any human being. Yet Pope was scarcely dead when it was discovered that, from no motive except the mere love of artifice, he had been guilty of an act of gross perfidy to Bolingbroke.

Nothing was more natural than that such a man as this should attribute to others that which he felt within himself. A plain, probable, coherent explanation is frankly given to him. He is certain that it is all a romance. A line of conduct scrupulously fair, and even friendly, is pursued towards him. He is convinced that it is merely a cover for a vile intrigue by which he is to be disgraced and ruined. It is vain to ask him for proofs. He has none, and wants none, except those which he carries in his own bosom.

Whether Pope's malignity at length provoked Addison to retaliate for the first and last time, cannot now be known with certainty. We have only Pope's story, which runs thus. A pamphlet appeared containing some reflections which stung Pope to the quick. What those reflections were, and whether they were reflections of which he had a right to complain, we have now no means of deciding. The Earl of Warwick, a foolish and vicious lad, who regarded Addison with the feelings with which such lads generally regard their best friends, told Pope, truly or falsely, that this pamphlet had been written by Addison's direction. When we consider what a tendency stories have to grow, in passing even from one honest man to another honest man, and when we consider that to the name of honest man neither Pope nor the Earl of Warwick had a claim, we are not disposed to attach much importance to this anecdote.

It is certain, however, that Pope was furious. He had already sketched the character of Atticus in prose. In his anger he turned this prose into the brilliant and energetic lines which every body knows by heart, or ought to know by heart, and sent them to Addison. One charge which Pope has enforced with great skill is probably not without foundation. Addison was, we are inclined to believe, too fond of presiding over a circle of humble friends. Of the

other imputations which these famous lines are intended to convey, scarcely one has ever been proved to be just, and some are certainly false. That Addison was not in the habit of "damning with faint praise" appears from innumerable passages in his writings, and from none more than from those in which he mentions Pope. And it is not merely unjust, but ridiculous, to describe a man who made the fortune of almost every one of his intimate friends, as "so obliging that he ne'er obliged."

That Addison felt the sting of Pope's satire keenly, we cannot doubt. That he was conscious of one of the weaknesses with which he was reproached, is highly probable. But his heart, we firmly believe, acquitted him of the gravest part of the accusation. He acted like himself. As a satirist he was, at his own weapons, more than Pope's match; and he would have been at no loss for topics. A distorted and diseased body, tenanted by a yet more distorted and diseased mind; spite and envy thinly disguised by sentiments as benevolent and noble as those which Sir Peter Teazle admired in Mr. Joseph Surface; a feeble sickly licentiousness; an odious love of filthy and noisome images; these were things which a genius less powerful than that to which we owe the Spectator could easily have held up to the mirth and hatred of mankind. Addison had, moreover, at his command other means of vengeance which a bad man would not have scrupled to use. He was powerful in the state. Pope was a Catholic; and, in those times, a minister would have found it easy to harass the most innocent Catholic by innumerable petty vexations. Pope, near twenty years later, said that, "through the lenity of the government alone he could live with comfort." "Consider," he exclaimed, "the injury that a man of high rank and credit may do to a private person, under penal laws and many other disadvantages." It is pleasing to reflect that the only revenge which Addison took was to insert in the Freeholder a warm encomium on the translation of the Iliad, and to exhort all lovers of learning to put down their names as subscribers. There could be no doubt, he said, from the specimens already published, that the masterly hand of Pope would do as much for Homer as Dryden had done for Virgil. From that time to the end of his life, he always treated Pope, by Pope's own acknowledgment, with justice. Friendship was, of course, at an end.

One reason which induced the Earl of Warwick to play the ignominious part of talebearer on this occasion, may

have been his dislike of the marriage which was about to take place between his mother and Addison. The Countess Dowager, a daughter of the old and honourable family of the Myddletons of Chirk, a family which, in any country but ours, would be called noble, resided at Holland House. Addison had, during some years, occupied at Chelsea a small dwelling, once the abode of Nell Gwynn. Chelsea is now a district of London, and Holland House may be called a town residence. But, in the days of Anne and George the First, milkmaids and sportsmen wandered between green hedges and over fields bright with daisies, from Kensington almost to the shore of the Thames. Addison and Lady Warwick were country neighbours, and became intimate friends. The great wit and scholar tried to allure the young Lord from the fashionable amusements of beating watchmen, breaking windows, and rolling women in hogsheads down Holborn Hill, to the study of letters and the practice of virtue. These well meant exertions did little good, however, either to the disciple or to the master. Lord Warwick grew up a rake; and Addison fell in love. The mature beauty of the Countess has been celebrated by poets in language which, after a very large allowance has been made for flattery, would lead us to believe that she was a fine women; and her rank doubtless heightened her attractions. The courtship was long. The hopes of the lover appear to have risen and fallen with the fortunes of his party. His attachment was at length matter of such notoriety that, when he visited Ireland for the last time, Rowe addressed some consolatory verses to the Chloe of Holland House. It strikes us as a little strange that, in these verses, Addison should be called Lycidas, a name of singularly evil omen for a swain just about to cross St. George's Channel.

At length Chloe capitulated. Addison was indeed able to treat with her on equal terms. He had reason to expect preferment even higher than that which he had attained. He had inherited the fortune of a brother who died Governor of Madras. He had purchased an estate in Warwickshire, and had been welcomed to his domain in very tolerable verse by one of the neighbouring squires, the poetical foxhunter, William Somervile. In August 1716, the newspapers announced that Joseph Addison, Esquire, famous for many excellent works both in verse and prose, had espoused the Countess Dowager of Warwick.

He now fixed his abode at Holland House, a house which

can boast of a greater number of inmates distinguished in political and literary history than any other private dwelling in England. His portrait still hangs there. The features are pleasing; the complexion is remarkably fair; but in the expression, we trace rather the gentleness of his disposition than the force and keenness of his intellect.

Not long after his marriage he reached the height of civil greatness. The Whig Government had, during some time, been torn by internal dissensions. Lord Townshend led one section of the Cabinet, Lord Sunderland the other. At length, in the spring of 1717, Sunderland triumphed. Townshend retired from office, and was accompanied by Walpole and Cowper. Sunderland proceeded to reconstruct the Ministry; and Addison was appointed Secretary of State. It is certain that the Seals were pressed upon him, and were at first declined by him. Men equally versed in official business might easily have been found; and his colleagues knew that they could not expect assistance from him in debate. He owed his elevation to his popularity, to his stainless probity, and to his literary fame.

But scarcely had Addison entered the Cabinet when his health began to fail. From one serious attack he recovered in the autumn; and his recovery was celebrated in Latin verses, worthy of his own pen, by Vincent Bourne, who was then at Trinity College, Cambridge. A relapse soon took place; and, in the following spring, Addison was prevented by a severe asthma from discharging the duties of his post. He resigned it, and was succeeded by his friend Craggs, a young man whose natural parts, though little improved by cultivation, were quick and showy, whose graceful person and winning manners had made him generally acceptable in society, and who, if he had lived, would probably have been the most formidable of all the rivals of Walpole.

As yet there was no Joseph Hume. The Ministers, therefore, were able to bestow on Addison a retiring pension of fifteen hundred pounds a-year. In what form this pension was given we are not told by the biographers, and have not time to inquire. But it is certain that Addison did not vacate his seat in the House of Commons.

Rest of mind and body seemed to have reestablished his health; and he thanked God with cheerful piety, for having set him free both from his office and from his asthma. Many years seemed to be before him, and he meditated many

the Psalms, a treatise on the evidences of Christianity. Of this last performance, a part, which we could well spare, has come down to us.

But the fatal complaint soon returned, and gradually prevailed against all the resources of medicine. It is melancholy to think that the last months of such a life should have been overclouded both by domestic and by political vexations. A tradition which began early, which has been generally received, and to which we have nothing to oppose, has represented his wife as an arrogant and imperious woman. It is said that, till his health failed him, he was glad to escape from the Countess Dowager and her magnificent dining room, blazing with the gilded devices of the House of Rich, to some tavern where he could enjoy a laugh, a talk about Virgil and Boileau, and a bottle of claret, with the friends of his happier days. All those friends, however, were not left to him. Sir Richard Steele had been gradually estranged by various causes. He considered himself as one who, in evil times, had braved martyrdom for his political principles, and demanded, when the Whig party was triumphant, a large compensation for what he had suffered when it was militant. The Whig leaders took a very different view of his claims. They thought that he had, by his own petulance and folly, brought them as well as himself into trouble, and though they did not absolutely neglect him, doled out favours to him with a sparing hand. It was natural that he should be angry with them, and especially angry with Addison. But what above all seems to have disturbed Sir Richard, was the elevation of Tickell, who, at thirty, was made by Addison Under Secretary of State; while the Editor of the Tatler and Spectator, the author of the Crisis, the member for Stockbridge who had been persecuted for firm adherence to the House of Hanover, was, at near fifty, forced, after many solicitations and complaints, to content himself with a share in the patent of Drury Lane theatre. Steele himself says in his celebrated letter to Congreve, that Addison, by his preference of Tickell, "incurred the warmest resentment of other gentlemen;" and everything seems to indicate that, of those resentful gentlemen, Steele was himself one.

While poor Sir Richard was brooding over what he considered as Addison's unkindness, a new cause of quarrel arose. The Whig party, already divided against itself, was rent by a new schism. The celebrated Bill for limiting the

number of Peers had been brought in. The proud Duke of Somerset, first in rank of all the nobles whose religion permitted them to sit in Parliament, was the ostensible author of the measure. But it was supported, and, in truth, devised by the Prime Minister.

We are satisfied that the Bill was most pernicious; and we fear that the motives which induced Sunderland to frame it were not honourable to him. But we cannot deny that it was supported by many of the best and wisest men of that age. Nor was this strange. The royal prerogative had, within the memory of the generation then in the vigour of life, been so grossly abused, that it was still regarded with a jealousy which, when the peculiar situation of the House of Brunswick is considered, may perhaps be called immoderate. The particular prerogative of creating peers had, in the opinion of the Whigs, been grossly abused by Queen Anne's last ministry; and even the Tories admitted that her Majesty, in swamping, as it has since been called, the Upper House, had done what only an extreme case could justify. The theory of the English constitution, according to many high authorities, was that three independent powers, the sovereign, the nobility, and the commons, ought constantly to act as checks on each other. If this theory were sound, it seemed to follow that to put one of these powers under the absolute control of the other two, was absurd. But if the number of peers were unlimited, it could not well be denied that the Upper House was under the absolute control of the Crown and the Commons, and was indebted only to their moderation for any power which it might be suffered to retain.

Steele took part with the Opposition, Addison with the Ministers. Steele, in a paper called the Plebeian, vehemently attacked the bill. Sunderland called for help on Addison, and Addison obeyed the call. In a paper called the Old Whig, he answered, and indeed refuted, Steele's arguments. It seems to us that the premises of both the controversialists were unsound, that, on those premises, Addison reasoned well and Steele ill, and that consequently Addison brought out a false conclusion, while Steele blundered upon the truth. In style, in wit, and in politeness, Addison maintained his superiority, though the Old Whig is by no means one of his happiest performances.

At first, both the anonymous opponents observed the laws

to throw an odious imputation on the morals of the chiefs of the administration. Addison replied with severity, but, in our opinion, with less severity than was due to so grave an offence against morality and decorum; nor did he, in his just anger, forget for a moment the laws of good taste and good breeding. One calumny which has been often repeated, and never yet contradicted, it is our duty to expose. It is asserted in the Biographia Britannica, that Addison designated Steele as "little Dicky." This assertion was repeated by Johnson, who had never seen the Old Whig, and was therefore excusable. It has also been repeated by Miss Aikin, who has seen the Old Whig, and for whom therefore there is less excuse. Now, it is true that the words "little Dicky" occur in the Old Whig, and that Steele's name was Richard. It is equally true that the words "little Isaac" occur in the Duenna, and that Newton's name was Isaac. But we confidently affirm that Addison's little Dicky had no more to do with Steele, than Sheridan's little Isaac with Newton. If we apply the words "little Dicky" to Steele, we deprive a very lively and ingenious passage, not only of all its wit, but of all its meaning. Little Dicky was the nickname of Henry Norris, an actor of remarkably small stature, but of great humour, who played the usurer Gomez, then a most popular part, in Dryden's Spanish Friar.*

The merited reproof which Steele had received, though softened by some kind and courteous expressions, galled him bitterly. He replied with little force and great acrimony; but no rejoinder appeared. Addison was fast hastening to his grave; and had, we may well suppose, little disposition to prosecute a quarrel with an old friend. His complaint had terminated in dropsy. He bore up long and manfully. But at length he abandoned all hope, dismissed his physicians, and calmly prepared himself to die.

His works he entrusted to the care of Tickell, and dedicated

* We will transcribe the whole paragraph. How it can ever have been misunderstood is unintelligible to us.

"But our author's chief concern is for the poor House of Commons, whom he represents as naked and defenceless, when the Crown, by losing this prerogative, would be less able to protect them against the power of a House of Lords. Who forbears laughing when the Spanish Friar represents little Dicky, under the person of Gomez, insulting the Colonel that was able to fright him out Gomez, says he, flew upon him like a dragon, got him down, the Devil being strong in him, and gave him bastinado on bastinado, and buffet on buffet, which the poor Colonel, being prostrate, suffered with a most Christian patience. The improbability of the fact never fails to raise mirth in the audience; and one may venture to answer for a British House of Commons, if we may guess from its conduct hitherto, that it will scarce be either so tame or so weak as our author supposes."

them a very few days before his death to Craggs, in a letter written with the sweet and graceful eloquence of a Saturday's Spectator. In this his last composition, he alluded to his approaching end in words so manly, so cheerful, and so tender, that it is difficult to read them without tears. At the same time he earnestly recommended the interests of Tickell to the care of Craggs.

Within a few hours of the time at which this dedication was written, Addison sent to beg Gay, who was then living by his wits about town, to come to Holland House. Gay went and was received with great kindness. To his amazement his forgiveness was implored by the dying man. Poor Gay, the most goodnatured and simple of mankind, could not imagine what he had to forgive. There was, however, some wrong, the remembrance of which weighed on Addison's mind, and which he declared himself anxious to repair. He was in a state of extreme exhaustion; and the parting was doubtless a friendly one on both sides. Gay supposed that some plan to serve him had been in agitation at Court, and had been frustrated by Addison's influence. Nor is this improbable. Gay had paid assiduous court to the royal family. But in the Queen's days he had been the eulogist of Bolingbroke, and was still connected with many Tories. It is not strange that Addison, while heated by conflict, should have thought himself justified in obstructing the preferment of one whom he might regard as a political enemy. Neither is it strange that when reviewing his whole life, and earnestly scrutinising all his motives, he should think that he had acted an unkind and ungenerous part, in using his power against a distressed man of letters, who was as harmless and as helpless as a child.

One inference may be drawn from this anecdote. It appears that Addison, on his deathbed, called himself to a strict account, and was not at ease till he had asked pardon for an injury which it was not even suspected that he had committed, for an injury which would have caused disquiet only to a very tender conscience. Is it not then reasonable to infer that, if he had really been guilty of forming a base conspiracy against the fame and fortunes of a rival, he would have expressed some remorse for so serious a crime? But it is unnecessary to multiply arguments and evidence for the defence, when there is neither argument nor evidence for the accusation.

The last moments of Addison were perfectly serene. His interview with his step-son is universally known. "See,"

was, in truth, of a singularly cheerful character. The feeling which predominates in all his devotional writings is gratitude. God was to him the allwise and allpowerful friend who had watched over his cradle with more than maternal tenderness; who had listened to his cries before they could form themselves in prayer; who had preserved his youth from the snares of vice; who had made his cup run over with worldly blessings; who had doubled the value of those blessings, by bestowing a thankful heart to enjoy them, and dear friends to partake them; who had rebuked the waves of the Ligurian gulf, had purified the autumnal air of the Campagna, and had restrained the avalanches of Mont Cenis. Of the Psalms, his favourite was that which represents the Ruler of all things under the endearing image of a shepherd, whose crook guides the flock safe, through gloomy and desolate glens, to meadows well watered and rich with herbage. On that goodness to which he ascribed all the happiness of his life, he relied in the hour of death with the love which casteth out fear. He died on the seventeenth of June 1719. He had just entered on his forty-eighth year,

His body lay in state in the Jerusalem Chamber, and was borne thence to the Abbey at dead of night. The choir sung a funeral hymn. Bishcp Atterbury, one of those Tories who had loved and honoured the most accomplished of the Whigs, met the corpse, and led the procession by torchlight, round the shrine of Saint Edward and the graves of the Plantagenets, to the Chapel of Henry the Seventh. On the north side of that Chapel, in the vault of the house of Albemarle, the coffin of Addison lies next to the coffin of Montague. Yet a few months, and the same mourners passed again along the same aisle. The same sad anthem was again chanted. The same vault was again opened; and the coffin of Craggs was placed close to the coffin of Addison.

Many tributes were paid to the memory of Addison: but one alone is now remembered. Tickell bewailed his friend in an elegy which would do honour to the greatest name in our literature, and which unites the energy and magnificence of Dryden to the tenderness and purity of Cowper. This fine poem was prefixed to a superb edition of Addison's works, which was published, in 1721, by subscription. The names of the subscribers proved how widely his fame had been spread. That his countrymen should be eager to possess his writings, even in a costly form, is not wonderful. But it is wonderful

continent, Spanish Grandees, Italian Prelates, Marshals of France, should be found in the list. Among the most remarkable names are those of the Queen of Sweden, of Prince Eugene, of the Grand Duke of Tuscany, of the Dukes of Parma, Modena, and Guastalla, of the Doge of Genoa, of the Regent Orleans, and of Cardinal Dubois. We ought to add that this edition, though eminently beautiful, is in some important points defective; nor, indeed, do we yet possess a complete collection of Addison's writings.

It is strange that neither his opulent and noble widow, nor any of his powerful and attached friends, should have thought of placing even a simple tablet, inscribed with his name, on the walls of the Abbey. It was not till three generations had laughed and wept over his pages that the omission was supplied by the public veneration. At length, in our own time, his image, skilfully graven, appeared in Poet's Corner. It represents him, as we can conceive him, clad in his dressing gown, and freed from his wig, stepping from his parlour at Chelsea into his trim little garden, with the account of the Everlasting Club, or the Loves of Hilpa and Shalum, just finished for the next day's Spectator, in his hand. Such a mark of national respect was due to the unsullied statesman, to the accomplished scholar, to the master of pure English eloquence, to the consummate painter of life and manners. It was due, above all, to the great satirist, who alone knew how to use ridicule without abusing it, who, without inflicting a wound, effected a great social reform, and who reconciled wit and virtue, after a long and disastrous separation, during which wit had been led astray by profligacy, and virtue by fanaticism.

BARÈRE. (April 1844.)

Mémoires de Bertrand Barère; publiés par MM. Hippolyte Carnot, Membre de la Chambre des Députés, et David d'Angers, Membre de l'Institut: précédés d'une Notice Historique par H. Carnot. 4 tomes. Paris: 1843.

This book has more than one title to our serious attention. It is an appeal, solemnly made to posterity by a man who played a conspicuous part in great events, and who represents himself as deeply aggrieved by the rash and malevolent censure of his contemporaries. To such an appeal we shall always give ready audience. We can perform no duty more useful to society, or more agreeable to our own feelings, than that of making, as far as our power extends, reparation to the slandered and persecuted benefactors of mankind. We therefore promptly took into our consideration this copious apology for the life of Bertrand Barère. We have made up our minds; and we now purpose to do him, by the blessing of God, full and signal justice.

It is to be observed that the appellant in this case does not come into court alone. He is attended to the bar of public opinion by two compurgators who occupy highly honourable stations. One of these is M. David of Angiers, member of the Institute, an eminent sculptor, and, if we have been rightly informed, a favourite pupil, though not a kinsman, of the painter who bore the same name. The other, to whom we owe the biographical preface, is M. Hippolyte Carnot, member of the Chamber of Deputies, and son of the celebrated Director. In the judgment of M. David and of M. Hippolyte Carnot, Barère was a deserving and an ill-used man, a man who, though by no means faultless, must yet, when due allowance is made for the force of circumstances and the infirmity of human nature, be considered as on the whole entitled to our esteem. It will be for the public to determine, after a full hearing, whether the editors have, by thus connecting their names with that of Barère, raised his character or

We are not conscious that, when we opened this book, we were under the influence of any feeling likely to pervert our judgment. Undoubtedly we had long entertained a most unfavourable opinion of Barère; but to this opinion we were not tied by any passion or by any interest. Our dislike was a reasonable dislike, and might have been removed by reason. Indeed our expectation was, that these Memoirs would in some measure clear Barère's fame. That he could vindicate himself from all the charges which had been brought against him, we knew to be impossible; and his editors admit that he has not done so. But we thought it highly probable that some grave accusations would be refuted, and that many offences to which he would have been forced to plead guilty would be greatly extenuated. We were not disposed to be severe. We were fully aware that temptations such as those to which the members of the Convention and of the Committee of Public Safety were exposed must try severely the strength of the firmest virtue. Indeed our inclination has always been to regard with an indulgence, which to some rigid moralists appears excessive, those faults into which gentle and noble spirits are sometimes hurried by the excitement of conflict, by the maddening influence of sympathy, and by ill-regulated zeal for a public cause.

With such feelings we read this book, and compared it with other accounts of the events in which Barère bore a part. It is now our duty to express the opinion to which this investigation has led us.

Our opinion then is this: that Barère approached nearer than any person mentioned in history or fiction, whether man or devil, to the idea of consummate and universal depravity. In him the qualities which are the proper objects of hatred, and the qualities which are the proper objects of contempt, preserve an exquisite and absolute harmony. In almost every particular sort of wickedness he has had rivals. His sensuality was immoderate; but this was a failing common to him with many great and amiable men. There have been many men as cowardly as he, some as cruel, a few as mean, a few as impudent. There may also have been as great liars, though we never met with them or read of them. But when we put every thing together, sensuality, poltroonery, baseness, effrontery, mendacity, barbarity, the result is something which in a novel we should condemn as caricature, and to which, we venture to say, no parallel can be found in history.

situated as Barère was by a severe standard. Nor have we done so. We have formed our opinion of him by comparing him, not with politicians of stainless character, not with Chancellor D'Aguesseau, or General Washington, or Mr. Wilberforce, or Earl Grey, but with his own colleagues of the Mountain. That party included a considerable number of the worst men that ever lived; but we see in it nothing like Barère. Compared with him Fouché seems honest; Billaud seems humane; Hébert seems to rise into dignity. Every other chief of a party, says M. Hippolyte Carnot, has found apologists: one set of men exalts the Girondists; another set justifies Danton; a third deifies Robespierre: but Barère has remained without a defender. We venture to suggest a very simple solution of this phenomenon. All the other chiefs of parties had some good qualities; and Barère had none. The genius, courage, patriotism, and humanity of the Girondist statesmen more than atoned for what was culpable in their conduct, and should have protected them from the insult of being compared with such a thing as Barère. Danton and Robespierre were indeed bad men; but in both of them some important parts of the mind remained sound. Danton was brave and resolute, fond of pleasure, of power, and of distinction, with vehement passions, with lax principles, but with some kind and manly feelings, capable of great crimes, but capable also of friendship and of compassion. He, therefore, naturally finds admirers among persons of bold and sanguine dispositions. Robespierre was a vain, envious, and suspicious man, with a hard heart, weak nerves, and a gloomy temper. But we cannot with truth deny that he was, in the vulgar sense of the word, disinterested, that his private life was correct, or that he was sincerely zealous for his own system of politics and morals. He, therefore, naturally finds admirers among honest but moody and bitter democrats. If no class has taken the reputation of Barère under its patronage, the reason is plain: Barère had not a single virtue, nor even the semblance of one.

It is true that he was not, as far as we are able to judge, originally of a savage disposition; but this circumstance seems to us only to aggravate his guilt. There are some unhappy men constitutionally prone to the darker passions, men all whose blood is gall, and to whom bitter words and harsh actions are as natural as snarling and biting to a ferocious dog. To come into the world with this wretched mental disease is a greater calamity than to be born blind or deaf. A

man who, having such a temper, keeps it in subjection, and constrains himself to behave habitually with justice and humanity towards those who are in his power, seems to us worthy of the highest admiration. There have been instances of this self-command; and they are among the most signal triumphs of philosophy and religion. On the other hand, a man who, having been blessed by nature with a bland disposition, gradually brings himself to inflict misery on his fellow-creatures with indifference, with satisfaction, and at length with a hideous rapture, deserves to be regarded as a portent of wickedness; and such a man was Barère. The history of his downward progress is full of instruction. Weakness, cowardice, and fickleness were born with him; the best quality which he received from nature was a good temper. These, it is true, are not very promising materials; yet, out of materials as unpromising, high sentiments of piety and of honour have sometimes made martyrs and heroes. Rigid principles often do for feeble minds what stays do for feeble bodies. But Barère had no principles at all. His character was equally destitute of natural and of acquired strength. Neither in the commerce of life, nor in books, did we ever become acquainted with any mind so unstable, so utterly destitute of tone, so incapable of independent thought and earnest preference, so ready to take impressions and so ready to lose them. He resembled those creepers which must lean on something, and which, as soon as their prop is removed, fall down in utter helplessness. He could no more stand up, erect and self-supported, in any cause, than the ivy can rear itself like the oak, or the wild vine shoot to heaven like the cedar of Lebanon. It is barely possible that, under good guidance and in favourable circumstances, such a man might have slipped through life without discredit. But the unseaworthy craft, which even in still water would have been in danger of going down from its own rottenness, was launched on a raging ocean, amidst a storm in which a whole armada of gallant ships was cast away. The weakest and most servile of human beings found himself on a sudden an actor in a Revolution which convulsed the whole civilised world. At first he fell under the influence of humane and moderate men, and talked the language of humanity and moderation. But he soon found himself surrounded by fierce and resolute spirits, scared by no danger and restrained by no scruple. He had to choose whether he would be their victim or their accomplice.

loathing: he tasted it again, and liked it well. Cruelty became with him, first a habit, then a passion, at last a madness. So complete and rapid was the degeneracy of his nature, that, within a very few months after the time when he had passed for a goodnatured man, he had brought himself to look on the despair and misery of his fellow-creatures with a glee resembling that of the fiends whom Dante saw watching the pool of seething pitch in Malebolge. He had many associates in guilt; but he distinguished himself from them all by the Bacchanalian exultation which he seemed to feel in the work of death. He was drunk with innocent and noble blood, laughed and shouted as he butchered, and howled strange songs and reeled in strange dances amidst the carnage. Then came a sudden and violent turn of fortune. The miserable man was hurled down from the height of power to hopeless ruin and infamy. The shock sobered him at once. The fumes of his horrible intoxication passed away. But he was now so irrecoverably depraved that the discipline of adversity only drove him further into wickedness. Ferocious vices, of which he had never been suspected, had been developed in him by power. Another class of vices, less hateful perhaps, but more despicable, was now developed in him by poverty and disgrace. Having appalled the whole world by great crimes perpetrated under the pretence of zeal for liberty, he became the meanest of all the tools of despotism. It is not easy to settle the order of precedence among his vices; but we are inclined to think that his baseness was, on the whole, a rarer and more marvellous thing than his cruelty.

This is the view which we have long taken of Barère's character; but, till we read these Memoirs, we held our opinion with the diffidence which becomes a judge who has only heard one side. The case seemed strong, and in parts unanswerable: yet we did not know what the accused party might have to say for himself; and not being much inclined to take our fellow-creatures either for angels of light or for angels of darkness, we could not but feel some suspicion that his offences had been exaggerated. That suspicion is now at an end. The vindication is before us. It occupies four volumes. It was the work of forty years. It would be absurd to suppose that it does not refute every serious charge which admitted of refutation. How many serious charges, then, are here refuted? Not a single one. Most of the imputations which have been thrown on Barère he does not even notice. In such cases, of course, judgment must go against him by default.

The fact is, that nothing can be more meagre and uninteresting than his account of the great public transactions in which he was engaged. He gives us hardly a word of new information respecting the proceedings of the Committee of Public Safety; and, by way of compensation, tells us long stories about things which happened before he emerged from obscurity, and after he had again sunk into it. Nor is this the worst. As soon as he ceases to write trifles, he begins to write lies; and such lies! A man who has never been within the tropics does not know what a thunderstorm means; a man who has never looked on Niagara has but a faint idea of a cataract; and he who has not read Barère's Memoirs may be said not to know what it is to lie. Among the numerous classes which make up the great genus *Mendacium*, the *Mendacium Vasconicum*, or Gascon lie, has, during some centuries, been highly esteemed as peculiarly circumstantial and peculiarly impudent; and, among the *Mendacia Vasconica*, the *Mendacium Barerianum* is, without doubt, the finest species. It is indeed a superb variety, and quite throws into the shade some *Mendacia* which we were used to regard with admiration. The *Mendacium Wraxallianum*, for example, though by no means to be despised, will not sustain the comparison for a moment. Seriously, we think that M. Hippolyte Carnot is much to blame in this matter. We can hardly suppose him to be worse read than ourselves in the history of the Convention, a history which must interest him deeply, not only as a Frenchman, but also as a son. He must, therefore, be perfectly aware that many of the most important statements which these volumes contain are falsehoods, such as Corneille's Dorante, or Molière's Scapin, or Colin d'Harleville's Monsieur de Crac would have been ashamed to utter. We are far, indeed, from holding M. Hippolyte Carnot answerable for Barère's want of veracity; but M. Hippolyte Carnot has arranged these Memoirs, has introduced them to the world by a laudatory preface, has described them as documents of great historical value, and has illustrated them by notes. We cannot but think that, by acting thus, he contracted some obligations of which he does not seem to have been at all aware; and that he ought not to have suffered any monstrous fiction to go forth under the sanction of his name, without adding a line at the foot of the page for the purpose of cautioning the reader.

We will content ourselves at present with pointing out two

his account of the death of Marie Antoinette, and his account of the death of the Girondists. His account of the death of Marie Antoinette is as follows:—"Robespierre in his turn proposed that the members of the Capet family should be banished, and that Marie Antoinette should be brought to trial before the Revolutionary Tribunal. He would have been better employed in concerting military measures which might have repaired our disasters in Belgium, and might have arrested the progress of the enemies of the Revolution in the west."—(Vol. ii. p. 312.)

Now, it is notorious that Marie Antoinette was sent before the Revolutionary Tribunal, not at Robespierre's instance, but in direct opposition to Robespierre's wishes. We will cite a single authority, which is quite decisive. Bonaparte, who had no conceivable motive to disguise the truth, who had the best opportunities of knowing the truth, and who, after his marriage with the Archduchess, naturally felt an interest in the fate of his wife's kinswoman, distinctly affirmed that Robespierre opposed the trying of the Queen.* Who, then, was the person who really did propose that the Capet family should be banished, and that Marie Antoinette should be tried? Full information will be found in the *Moniteur*.† From that valuable record it appears that, on the first of August 1793, an orator, deputed by the Committee of Public Safety, addressed the Convention in a long and elaborate discourse. He asked, in passionate language, how it happened that the enemies of the republic still continued to hope for success. "Is it," he cried, "because we have too long forgotten the crimes of the Austrian woman? Is it because we have shown so strange an indulgence to the race of our ancient tyrants? It is time that this unwise apathy should cease; it is time to extirpate from the soil of the Republic the last roots of royalty. As for the children of Louis the conspirator, they are hostages for the Republic. The charge of their maintenance shall be reduced to what is necessary for the food and keep of two individuals. The public treasure shall no longer be lavished on creatures who have too long been considered as privileged. But behind them lurks a woman who has been the cause of all the disasters of France, and whose share in every project adverse to the revolution has long been known. National justice claims its rights over her. It is to the tribunal appointed for the trial of conspirators that she ought

* O'Meara's Voice from St. Helena, ii. 170.
† Moniteur, 2nd, 7th, and 9th of August, 1793.

to be sent. It is only by striking the Austrian woman that you can make Francis and George, Charles and William, sensible of the crimes which their ministers and their armies have committed." The speaker concluded by moving that Marie Antoinette should be brought to judgment, and should, for that end, be forthwith transferred to the Conciergerie; and that all the members of the house of Capet, with the exception of those who were under the sword of the law, and of the two children of Louis, should be banished from the French territory. The motion was carried without debate.

Now, who was the person who made this speech and this motion? It was Barère himself. It is clear, then, that Barère attributed his own mean insolence and barbarity to one who, whatever his crimes may have been, was in this matter innocent. The only question remaining is, whether Barère was misled by his memory, or wrote a deliberate falsehood.

We are convinced that he wrote a deliberate falsehood. His memory is described by his editors as remarkably good, and must have been bad indeed if he could not remember such a fact as this. It is true that the number of murders in which he subsequently bore a part was so great that he might well confound one with another, that he might well forget what part of the daily hecatomb was consigned to death by himself, and what part by his colleagues. But two circumstances make it quite incredible that the share which he took in the death of Marie Antoinette should have escaped his recollection. She was one of his earliest victims. She was one of his most illustrious victims. The most hardened assassin remembers the first time that he shed blood; and the widow of Louis was no ordinary sufferer. If the question had been about some milliner, butchered for hiding in her garret her brother who had let drop a word against the Jacobin club—if the question had been about some old nun, dragged to death for having mumbled what were called fanatical words over her beads—Barère's memory might well have deceived him. It would be as unreasonable to expect him to remember all the wretches whom he slew as all the pinches of snuff that he took. But, though Barère murdered many hundreds of human beings, he murdered only one Queen. That he, a small country lawyer, who, a few years before, would have thought himself honoured by a glance or a word from the daughter of so many Cæsars, should call her the Austrian woman, should send her from jail to jail, should deliver her

over to the executioner, was surely a great event in his life. Whether he had reason to be proud of it or ashamed of it, is a question on which we may perhaps differ from his editors; but they will admit, we think, that he could not have forgotten it.

We, therefore, confidently charge Barère with having written a deliberate falsehood; and we have no hesitation in saying that we never, in the course of any historical researches that we have happened to make, fell in with a falsehood so audacious, except only the falsehood which we are about to expose.

Of the proceeding against the Girondists, Barère speaks with just severity. He calls it an atrocious injustice perpetrated against the legislators of the republic. He complains that distinguished deputies, who ought to have been readmitted to their seats in the Convention, were sent to the scaffold as conspirators. The day, he exclaims, was a day of mourning for France. It mutilated the national representation; it weakened the sacred principle, that the delegates of the people were inviolable. He protests that he had no share in the guilt. "I have had," he says, "the patience to go through the *Moniteur*, extracting all the charges brought against deputies, and all the decrees for arresting and impeaching deputies. Nowhere will you find my name. I never brought a charge against any of my colleagues, or made a report against any, or drew up an impeachment against any."*

Now, we affirm that this is a lie. We affirm that Barère himself took the lead in the proceedings of the Convention against the Girondists. We affirm that he, on the twenty-eighth of July 1793, proposed a decree for bringing nine Girondist deputies to trial, and for putting to death sixteen other Girondist deputies without any trial at all. We affirm that, when the accused deputies had been brought to trial, and when some apprehension arose that their eloquence might produce an effect even on the Revolutionary Tribunal, Barère did, on the 8th of Brumaire, second a motion for a decree authorising the tribunal to decide without hearing out the defence; and, for the truth of every one of these things so affirmed by us, we appeal to that very *Moniteur* to which Barère has dared to appeal.†

What M. Hippolyte Carnot, knowing, as he must know,

* Vol. ii. 407.

† Moniteur, 31st of July, 1793, and Nonidi, first Decade of Brumaire, in the year 2.

that this book contains such falsehoods as those which we have exposed, can have meant, when he described it as a valuable addition to our stock of historical information, passes our comprehension. When a man is not ashamed to tell lies about events which took place before hundreds of witnesses, and which are recorded in well-known and accessible books, what credit can we give to his account of things done in corners? No historian who does not wish to be laughed at will ever cite the unsupported authority of Barère as sufficient to prove any fact whatever. The only thing, as far as we can see, on which these volumes throw any light, is the exceeding baseness of the author.

So much for the veracity of the Memoirs. In a literary point of view, they are beneath criticism. They are as shallow, flippant, and affected, as Barère's oratory in the Convention. They are also, what his oratory in the Convention was not, utterly insipid. In fact, they are the mere dregs and rinsings of a bottle of which even the first froth was but of very questionable flavour.

We will now try to present our readers with a sketch of this man's life. We shall, of course, make very sparing use indeed of his own Memoirs; and never without distrust, except where they are confirmed by other evidence.

Bertrand Barère was born in the year 1755, at Tarbes in Gascony. His father was the proprietor of a small estate at Vieuzac, in the beautiful vale of Argelès. Bertrand always loved to be called Barère de Vieuzac, and flattered himself with the hope that, by the help of this feudal addition to his name, he might pass for a gentleman. He was educated for the bar at Toulouse, the seat of one of the most celebrated parliaments of the kingdom, practised as an advocate with considerable success, and wrote some small pieces, which he sent to the principal literary societies in the south of France. Among provincial towns, Toulouse seems to have been remarkably rich in indifferent versifiers and critics. It gloried especially in one venerable institution, called the Academy of the Floral Games. This body held every year a grand meeting, which was a subject of intense interest to the whole city, and at which flowers of gold and silver were given as prizes for odes, for idyls, and for something that was called eloquence. These bounties produced of course the ordinary effect of bounties, and turned people who might have been thriving attorneys and useful apothecaries into small wits and bad poets. Barère does not appear to have been so lucky as to obtain any of

these precious flowers; but one of his performances was mentioned with honour. At Montauban he was more fortunate. The Academy of that town bestowed on him several prizes, one for a panegyric on Louis the Twelfth, in which the blessings of monarchy and the loyalty of the French nation were set forth; and another for a panegyric on poor Franc de Pompignan, in which, as may easily be supposed, the philosophy of the eighteenth century was sharply assailed. Then Barère found an old stone inscribed with three Latin words, and wrote a dissertation upon it, which procured him a seat in a learned Assembly, called the Toulouse Academy of Sciences, Inscriptions, and Polite Literature. At length the doors of the Academy of the Floral Games were opened to so much merit. Barère, in his thirty-third year, took his seat as one of that illustrious brotherhood, and made an inaugural oration which was greatly admired. He apologises for recounting these triumphs of his youthful genius. We own that we cannot blame him for dwelling long on the least disgraceful portion of his existence. To send in declamations for prizes offered by provincial academies is indeed no very useful or dignified employment for a bearded man; but it would have been well if Barère had always been so employed.

In 1785 he married a young lady of considerable fortune. Whether she was in other respects qualified to make a home happy, is a point respecting which we are imperfectly informed. In a little work, entitled *Melancholy Pages*, which was written in 1797, Barère avers that his marriage was one of mere convenience, that at the altar his heart was heavy with sorrowful forebodings, that he turned pale as he pronounced the solemn "Yes," that unbidden tears rolled down his cheeks, that his mother shared his presentiment, and that the evil omen was accomplished. "My marriage," he says, "was one of the most unhappy of marriages." So romantic a tale, told by so noted a liar, did not command our belief. We were, therefore, not much surprised to discover that, in his Memoirs, he calls his wife a most amiable woman, and declares that, after he had been united to her six years, he found her as amiable as ever. He complains, indeed, that she was too much attached to royalty and to the old superstition; but he assures us that his respect for her virtues induced him to tolerate her prejudices. Now Barère, at the time of his marriage, was himself a Royalist and a Catholic. He had gained one prize by flattering the Throne, and another by defending the Church. It is hardly possible, therefore, that disputes

about politics or religion should have embittered his domestic life till some time after he became a husband. Our own guess is, that his wife was, as he says, a virtuous and amiable woman, and that she did her best to make him happy during some years. It seems clear that, when circumstances developed the latent atrocity of his character, she could no longer endure him, refused to see him, and sent back his letters unopened. Then it was, we imagine, that he invented the fable about his distress on his wedding day.

In 1788 Barère paid his first visit to Paris, attended reviews, heard Laharpe at the Lycæum, and Condorcet at the Academy of Sciences, stared at the envoys of Tippoo Saib, saw the Royal Family dine at Versailles, and kept a journal in which he noted down adventures and speculations. Some parts of this journal are printed in the first volume of the work before us, and are certainly most characteristic. The worst vices of the writer had not yet shown themselves; but the weakness which was the parent of those vices appears in every line. His levity, his inconsistency, his servility, were already what they were to the last. All his opinions, all his feelings, spin round and round like a weathercock in a whirlwind. Nay, the very impressions which he receives through his senses are not the same two days together. He sees Louis the Sixteenth, and is so much blinded by loyalty as to find his Majesty handsome. "I fixed my eyes," he says, "with a lively curiosity on his fine countenance, which I thought open and noble." The next time that the king appears, all is altered. His Majesty's eyes are without the smallest expression; he has a vulgar laugh which seems like idiocy, an ignoble figure, an awkward gait, and the look of a big boy ill brought up. It is the same with more important questions. Barère is for the parliaments on the Monday and against the parliaments on the Tuesday, for feudality in the morning and against feudality in the afternoon. One day he admires the English constitution: then he shudders to think that, in the struggles by which that constitution had been obtained, the barbarous islanders had murdered a king, and gives the preference to the constitution of Bearn. Bearn, he says, has a sublime constitution, a beautiful constitution. There the nobility and clergy meet in one house and the Commons in another. If the houses differ, the King has the casting vote. A few weeks later we find him raving against the principles of this sublime and beautiful constitution. To admit deputies of the nobility and clergy into the legislature

is, he says, neither more nor less than to admit enemies of the nation into the legislature.

In this state of mind, without one settled purpose or opinion, the slave of the last word, royalist, aristocrat, democrat, according to the prevailing sentiment of the coffee-house or drawing-room into which he had just looked, did Barère enter into public life. The States-General had been summoned. Barère went down to his own province, was there elected one of the representatives of the Third Estate, and returned to Paris in May 1789.

A great crisis, often predicted, had at last arrived. In no country, we conceive, have intellectual freedom and political servitude existed together so long as in France, during the seventy or eighty years which preceded the last convocation of the Orders. Ancient abuses and new theories flourished in equal vigour side by side. The people, having no constitutional means of checking even the most flagitious misgovernment, were indemnified for oppression by being suffered to luxuriate in anarchical speculation, and to deny or ridicule every principle on which the institutions of the state reposed. Neither those who attribute the downfall of the old French institutions to the public grievances, nor those who attribute it to the doctrines of the philosophers, appear to us to have taken into their view more than one half of the subject. Grievances as heavy have often been endured without producing a revolution; doctrines as bold have often been propounded without producing a revolution. The question, whether the French nation was alienated from its old polity by the follies and vices of the Viziers and Sultanas who pillaged and disgraced it, or by the writings of Voltaire and Rousseau, seems to us as idle as the question whether it was fire or gunpowder that blew up the mills at Hounslow. Neither cause would have sufficed alone. Tyranny may last through ages where discussion is suppressed. Discussion may safely be left free by rulers who act on popular principles. But combine a press like that of London with a government like that of St. Petersburg; and the inevitable effect will be an explosion that will shake the world. So it was in France. Despotism and License, mingling in unblessed union, engendered that mighty Revolution in which the lineaments of both parents were strangely blended. The long gestation was accomplished; and Europe saw, with mixed hopes and terror, that agonising travail and that portentous birth.

Among the crowd of legislators which at this conjuncture poured from all the provinces of France into Paris, Barère made no contemptible figure. The opinions which he for the moment professed were popular, yet not extreme. His character was fair; his personal advantages are said to have been considerable; and, from the portrait which is prefixed to these Memoirs, and which represents him as he appeared in the Convention, we should judge that his features must have been strikingly handsome, though we think that we can read in them cowardice and meanness very legibly written by the hand of God. His conversation was lively and easy; his manners remarkably good for a country lawyer. Women of rank and wit said that he was the only man who, on his first arrival from a remote province, had that indescribable air which it was supposed that Paris alone could give. His eloquence, indeed, was by no means so much admired in the capital as it had been by the ingenious academicians of Montauban and Toulouse. His style was thought very bad; and very bad, if a foreigner may venture to judge, it continued to the last. It would, however, be unjust to deny that he had some talents for speaking and writing. His rhetoric, though deformed by every imaginable fault of taste, from bombast down to buffoonery, was not wholly without force and vivacity. He had also one quality which, in active life, often gives fourth-rate men an advantage over first-rate men. Whatever he could do he could do without effort, at any moment, in any abundance, and on any side of any question. There was, indeed, a perfect harmony between his moral character and his intellectual character. His temper was that of a slave; his abilities were exactly those which qualified him to be a useful slave. Of thinking to purpose, he was utterly incapable; but he had wonderful readiness in arranging and expressing thoughts furnished by others.

In the National Assembly he had no opportunity of displaying the full extent either of his talents or of his vices. He was indeed eclipsed by much abler men. He went, as was his habit, with the stream, spoke occasionally with some success, and edited a journal called the *Point du Jour*, in which the debates of the Assembly were reported.

He at first ranked by no means among the violent reformers. He was not friendly to that new division of the French territory which was among the most important changes introduced by the Revolution, and was especially

entrusted with the task of framing Reports on the Woods and Forests. Louis was exceedingly anxious about this matter; for his majesty was a keen sportsman, and would much rather have gone without the Veto, or the prerogative of making peace and war, than without his hunting and shooting. Gentlemen of the royal household were sent to Barère, in order to intercede for the deer and pheasants. Nor was this intercession unsuccessful. The reports were so drawn that Barère was afterwards accused of having dishonestly sacrificed the interests of the public to the tastes of the court. To one of these reports he had the inconceivable folly and bad taste to prefix a punning motto from Virgil, fit only for such essays as he had been in the habit of composing for the Floral Games—

"Si canimus sylvas, sylvæ sint Consule dignæ."

This literary foppery was one of the few things in which he was consistent. Royalist or Girondist, Jacobin or Imperialist, he was always a Trissotin.

As the monarchical party became weaker and weaker, Barère gradually estranged himself more and more from it, and drew closer and closer to the republicans. It would seem that, during this transition, he was for a time closely connected with the family of Orleans. It is certain that he was entrusted with the guardianship of the celebrated Pamela, afterwards Lady Edward Fitzgerald; and it was asserted that he received during some years a pension of twelve thousand francs from the Palais Royal.

At the end of September 1791, the labours of the National Assembly terminated, and those of the first and last Legislative Assembly commenced.

It had been enacted that no member of the National Assembly should sit in the Legislative Assembly; a preposterous and mischievous regulation, to which the disasters which followed must in part be ascribed. In England, what would be thought of a Parliament which did not contain one single person who had ever sat in parliament before? Yet it may safely be affirmed that the number of Englishmen who, never having taken any share in public affairs, are yet well qualified, by knowledge and observation, to be members of the legislature is at least a hundred times as great as the number of Frenchmen who were so qualified in 1791. How, indeed, should it have been otherwise? In England, centuries of representative government have made all educated

people in some measure statesmen. In France the National Assembly had probably been composed of as good materials as were then to be found. It had undoubtedly removed a vast mass of abuses; some of its members had read and thought much about theories of government; and others had shown great oratorical talents. But that kind of skill which is required for the constructing, launching and steering of a polity was lamentably wanting; for it is a kind of skill to which practice contributes more than books. Books are indeed useful to the politician, as they are useful to the navigator and to the surgeon. But the real navigator is formed on the waves; the real surgeon is formed at bedsides; and the conflicts of free states are the real school of constitutional statesmen. The National Assembly had, however, now served an apprenticeship of two laborious and eventful years. It had, indeed, by no means finished its education; but it was no longer, as on the day when it met, altogether rude to political functions. Its later proceedings contain abundant proof that the members had profited by their experience. Beyond all doubt, there was not in France any equal number of persons possessing in an equal degree the qualities necessary for the judicious direction of public affairs; and, just at this moment, these legislators, misled by a childish wish to display their own disinterestedness, deserted the duties which they had half learned, and which nobody else had learned at all, and left their hall to a second crowd of novices, who had still to master the first rudiments of political business. When Barère wrote his Memoirs, the absurdity of this self-denying ordinance had been proved by events, and was, we believe, acknowledged by all parties. He accordingly, with his usual mendacity, speaks of it in terms implying that he had opposed it. There was, he tells us, no good citizen who did not regret this fatal vote. Nay, all wise men, he says, wished the National Assembly to continue its sittings as the first Legislative Assembly. But no attention was paid to the wishes of the enlightened friends of liberty; and the generous but fatal suicide was perpetrated. Now the fact is, that Barère, far from opposing this ill-advised measure, was one of those who most eagerly supported it; that he described it from the tribune as wise and magnanimous; that he assigned, as his reasons for taking this view, some of those phrases in which orators of his class delight, and which, on all men who have the smallest insight into politics, produce an effect very similar to that of ipecacuanha.

"Those," he said, "who have framed a constitution for their country are, so to speak, out of the pale of that social state of which they are the authors; for creative power is not in the same sphere with that which it has created."

M. Hippolyte Carnot has noticed this untruth, and attributes it to mere forgetfulness. We leave it to him to reconcile his very charitable supposition with what he elsewhere says of the remarkable excellence of Barère's memory.

Many members of the National Assembly were indemnified for the sacrifice of legislative power, by appointments in various departments of the public service. Of these fortunate persons Barère was one. A high Court of Appeal had just been instituted. This court was to sit at Paris; but its jurisdiction was to extend over the whole realm; and the departments were to choose the judges. Barère was nominated by the department of the Upper Pyrenees, and took his seat in the Palace of Justice. He asserts, and our readers may, if they choose, believe, that it was about this time in contemplation to make him Minister of the Interior, and that, in order to avoid so grave a responsibility, he obtained permission to pay a visit to his native place. It is certain that he left Paris early in the year 1792, and passed some months in the south of France.

In the meantime, it became clear that the constitution of 1791 would not work. It was, indeed, not to be expected that a constitution new both in its principles and its details would at first work easily. Had the chief magistrate enjoyed the entire confidence of the people, had he performed his part with the utmost zeal, fidelity and ability, had the representative body included all the wisest statesmen of France, the difficulties might still have been found insuperable. But, in fact, the experiment was made under every disadvantage. The King, very naturally, hated the constitution. In the Legislative Assembly were men of genius and men of good intentions, but not a single man of experience. Nevertheless, if France had been suffered to settle her own affairs without foreign interference, it is possible that the calamities which followed might have been averted. The King, who, with many good qualities, was sluggish and sensual, might have found compensation for his lost prerogatives in his immense civil list, in his palaces and hunting grounds, in soups, Perigord pies and Champagne. The people, finding themselves secure in the enjoyment of the valuable re-

its errors, effected, would not have been easily excited by demagogues to acts of atrocity; or, if acts of atrocity had been committed, those acts would probably have produced a speedy and violent reaction. Had tolerable quiet been preserved during a few years, the constitution of 1791 might perhaps have taken root, might have gradually acquired the strength which time alone can give, and might, with some modifications which were undoubtedly needed, have lasted down to the present time. The European coalition against the Revolution extinguished all hope of such a result. The deposition of Louis was, in our opinion, the necessary consequence of that coalition. The question was now no longer, whether the King should have an absolute Veto or a suspensive Veto, whether there should be one chamber or two chambers, whether the members of the representative body should be re-eligible or not; but whether France should belong to the French. The independence of the nation, the integrity of the territory, were at stake; and we must say plainly that we cordially approve of the conduct of those Frenchmen who, at that conjuncture, resolved, like our own Blake, to play the men for their country, under whatever form of government their country might fall.

It seems to us clear that the war with the Continental coalition was, on the side of France, at first a defensive war, and therefore a just war. It was not a war for small objects, or against despicable enemies. On the event were staked all the dearest interests of the French people. Foremost among the threatening powers appeared two great and martial monarchies, either of which, situated as France then was, might be regarded as a formidable assailant. It is evident that, under such circumstances, the French could not, without extreme imprudence, entrust the supreme administration of their affairs to any person whose attachment to the national cause admitted of doubt. Now, it is no reproach to the memory of Lewis to say that he was not attached to the national cause. Had he been so, he would have been something more than man. He had held absolute power, not by usurpation, but by the accident of birth and by the ancient polity of the kingdom. That power he had, on the whole, used with lenity. He had meant well by his people. He had been willing to make to them, of his own mere motion, concessions such as scarcely any other sovereign has ever made except under duress. He had paid the penalty of faults not his own, of the haughtiness and ambition of some

of his predecessors, of the dissoluteness and baseness of others. He had been vanquished, taken captive, led in triumph, put in ward. He had escaped; he had been caught; he had been dragged back like a runaway galley-slave to the oar. He was still a state prisoner. His quiet was broken by daily affronts and lampoons. Accustomed from the cradle to be treated with profound reverence, he was now forced to command his feelings, while men who, a few months before, had been hackney writers or country attorneys, sat in his presence with covered heads, and addressed him in the easy tone of equality. Conscious of fair intentions, sensible of hard usage, he doubtless detested the Revolution; and, while charged with the conduct of the war against the confederates, pined in secret for the sight of the German eagles and the sound of the German drums. We do not blame him for this. But can we blame those who, being resolved to defend the work of the National Assembly against the interference of strangers, were not disposed to have him at their head in the fearful struggle which was approaching? We have nothing to say in defence or extenuation of the insolence, injustice, and cruelty with which, after the victory of the republicans, he and his family were treated. But this we say, that the French had only one alternative, to deprive him of the powers of first magistrate, or to ground their arms and submit patiently to foreign dictation. The events of the tenth of August sprang inevitably from the league of Pilnitz. The King's palace was stormed; his guards were slaughtered. He was suspended from his regal functions; and the Legislative Assembly invited the nation to elect an extraordinary Convention, with the full powers which the conjuncture required. To this Convention the members of the National Assembly were eligible; and Barère was chosen by his own department.

The Convention met on the twenty-first of September 1792. The first proceedings were unanimous. Royalty was abolished by acclamation. No objections were made to this great change; and no reasons were assigned for it. For certainly we cannot honour with the name of reasons such apothegms, as that kings are in the moral world what monsters are in the physical world; and that the history of kings is the martyrology of nations. But, though the discussion was worthy only of a debating-club of schoolboys, the resolution to which the Convention came seems to have been that which sound policy dictated. In saying this, we do not

mean to express an opinion that a republic is, either in the abstract the best form of government, or is, under ordinary circumstances, the form of government best suited to the French people. Our own opinion is, that the best governments which have ever existed in the world have been limited monarchies; and that France, in particular, has never enjoyed so much prosperity and freedom as under a limited monarchy. Nevertheless, we approve of the vote of the Convention which abolished kingly government. The interference of foreign powers had brought on a crisis which made extraordinary measures necessary. Hereditary monarchy may be, and we believe that it is, a very useful institution in a country like France. And masts are very useful parts of a ship. But, if the ship is on her beam-ends, it may be necessary to cut the masts away. When once she has righted, she may come safe into port under jury rigging, and there be completely repaired. But, in the meantime, she must be hacked with unsparing hand, lest that which, under ordinary circumstances, is an essential part of her fabric, should, in her extreme distress, sink her to the bottom. Even so there are political emergencies in which it is necessary that governments should be mutilated of their fair proportions for a time, lest they be cast away for ever; and with such an emergency the Convention had to deal. The first object of a good Frenchman should have been to save France from the fate of Poland. The first requisite of a government was entire devotion to the national cause. That requisite was wanting in Louis; and such a want, at such a moment, could not be supplied by any public or private virtues. If the King were set aside the abolition of kingship necessarily followed. In the state in which the public mind then was, it would have been idle to think of doing what our ancestors did in 1688, and what the French Chamber of Deputies did in 1830. Such an attempt would have failed amidst universal derision and execration. It would have disgusted all zealous men of all opinions; and there were then few men who were not zealous. Parties fatigued by long conflict, and instructed by the severe discipline of that school in which alone mankind will learn, are disposed to listen to the voice of a mediator. But when they are in their first heady youth, devoid of experience, fresh for exertion, flushed with hope, burning with animosity, they agree only in spurning out of their way the daysman who strives to take his stand between them and to lay his hand upon them both. Such was in 1792 the state of

France. On one side was the great name of the heir of Hugh Capet, the thirty-third king of the third race; on the other side was the great name of the republic. There was no rallying point save these two. It was necessary to make a choice; and those, in our opinion, judged well who, waving for the moment all subordinate questions, preferred independence to subjugation, and the natal soil to the emigrant camp.

As to the abolition of royalty, and as to the vigorous prosecution of the war, the whole Convention seemed to be united as one man. But a deep and broad gulf separated the representative body into two great parties.

On one side were those statesmen who are called, from the name of the department which some of them represented, the Girondists, and, from the name of one of their most conspicuous leaders, the Brissotines. In activity and practical ability, Brissot and Gensonné were the most conspicuous among them. In parliamentary eloquence, no Frenchman of that time can be considered as equal to Vergniaud. In a foreign country, and after the lapse of half a century, some parts of his speeches are still read with mournful admiration. No man, we are inclined to believe, ever rose so rapidly to such a height of oratorical excellence. His whole public life lasted barely two years. This is a circumstance which distinguishes him from our own greatest speakers, Fox, Burke, Pitt, Sheridan, Windham, Canning. Which of these celebrated men would now be remembered as an orator, if he had died two years after he first took his seat in the House of Commons? Condorcet brought to the Girondist party a different kind of strength. The public regarded him with justice as an eminent mathematician, and, with less reason, as a great master of ethical and political science; the philosophers considered him as their chief, as the rightful heir, by intellectual descent and by solemn adoption, of their deceased sovereign D'Alembert. In the same ranks were found Gaudet, Isnard, Barbaroux, Buzot, Louvet, too well known as the author of a very ingenious and very licentious romance, and more honourably distinguished by the generosity with which he pleaded for the unfortunate, and by the intrepidity with which he defied the wicked and powerful. Two persons whose talents were not brilliant, but who enjoyed a high reputation for probity and public spirit, Pétion and Roland, lent the whole weight of their names to the Girondist connexion. The wife of Roland brought to the deliberations of her hus-

band's friends masculine courage and force of thought, tempered by womanly grace and vivacity. Nor was the splendour of a great military reputation wanting to this celebrated party. Dumourier, then victorious over the foreign invaders, and at the height of popular favour, must be reckoned among the allies of the Gironde.

The errors of the Brissotines were undoubtedly neither few nor small; but, when we fairly compare their conduct with the conduct of any other party which acted or suffered during the French Revolution, we are forced to admit their superiority in every quality except that single quality which in such times prevails over every other, decision. They were zealous for the great social reform which had been effected by the National Assembly; and they were right. For, though that reform was, in some respects, carried too far, it was a blessing well worth even the fearful price which has been paid for it. They were resolved to maintain the independence of their country against foreign invaders; and they were right. For the heaviest of all yokes is the yoke of the stranger. They thought that, if Louis remained at their head, they could not carry on with the requisite energy the conflict against the European coalition. They therefore concurred in establishing a republican government; and here, again, they were right. For, in that struggle for life and death, it would have been madness to trust a hostile or even a half-hearted leader.

Thus far they went along with the revolutionary movement. At this point they stopped; and, in our judgment, they were right in stopping, as they had been right in moving. For great ends, and under extraordinary circumstances, they had concurred in measures which, together with much good, had necessarily produced much evil; which had unsettled the public mind; which had taken away from government the sanction of prescription; which had loosened the very foundations of property and law. They thought that it was now their duty to prop what it had recently been their duty to batter. They loved liberty, but liberty associated with order, with justice, with mercy, and with civilisation. They were republicans; but they were desirous to adorn their republic with all that had given grace and dignity to the fallen monarchy. They hoped that the humanity, the courtesy, the taste, which had done much in old times to mitigate the slavery of France, would now lend additional charms to her freedom. They saw with horror crimes, exceeding in atrocity

those which had disgraced the infuriated religious factions of the sixteenth century, perpetrated in the name of reason and philanthropy. They demanded, with eloquent vehemence, that the authors of the lawless massacre, which, just before the meeting of the Convention, had been committed in the prisons of Paris, should be brought to condign punishment. They treated with just contempt the pleas which have been set up for that great crime. They admitted that the public danger was pressing; but they denied that it justified a violation of those principles of morality on which all society rests. The independence and honour of France were indeed to be vindicated, but to be vindicated by triumphs and not by murders.

Opposed to the Girondists was a party which, having been long execrated throughout the civilised world, has of late—such is the ebb and flow of opinion—found not only apologists, but even eulogists. We are not disposed to deny that some members of the Mountain were sincere and public-spirited men. But even the best of them, Carnot for example and Cambon, were far too unscrupulous as to the means which they employed for the purpose of attaining great ends. In the train of these enthusiasts followed a crowd, composed of all who, from sensual, sordid, or malignant motives, wished for a period of boundless license.

When the Convention met, the majority was with the Girondists, and Barère was with the majority. On the King's trial, indeed, he quitted the party with which he ordinarily acted, voted with the Mountain, and spoke against the prisoner with a violence such as few members even of the Mountain showed.

The conduct of the leading Girondists on that occasion was little to their honour. Of cruelty, indeed, we fully acquit them; but it is impossible to acquit them of criminal irresolution and disingenuousness. They were far, indeed, from thirsting for the blood of Louis; on the contrary, they were most desirous to protect him. But they were afraid that, if they went straightforward to their object, the sincerity of their attachment to republican institutions would be suspected. They wished to save the King's life, and yet to obtain all the credit of having been regicides. Accordingly, they traced out for themselves a crooked course, by which they hoped to attain both their objects. They first voted the King guilty. They then voted for referring the question respecting

attempt to rescue him, they reluctantly, and with ill suppressed shame and concern, voted for the capital sentence. Then they made a last attempt in his favour, and voted for respiting the execution. These zigzag politics produced the effect which any man conversant with public affairs might have foreseen. The Girondists, instead of attaining both their ends, failed of both. The Mountain justly charged them with having attempted to save the King by underhand means. Their own consciences told them, with equal justice, that their hands had been dipped in the blood of the most inoffensive and most unfortunate of men. The direct path was here, as usual, the path not only of honour but of safety. The principle on which the Girondists stood as a party was, that the season for revolutionary violence was over, and that the reign of law and order ought now to commence. But the proceeding against the King was clearly revolutionary in its nature. It was not in conformity with the laws. The only plea for it was that all ordinary rules of jurisprudence and morality were suspended by the extreme public danger. This was the very plea which the Mountain urged in defence of the massacre of September, and to which, when so urged, the Girondists refused to listen. They therefore, by voting for the death of the King, conceded to the Mountain the chief point at issue between the two parties. Had they given a manful vote against the capital sentence, the regicides would have been in a minority. It is probable that there would have been an immediate appeal to force. The Girondists might have been victorious. In the worst event, they would have fallen with unblemished honour. Thus much is certain, that their boldness and honesty could not possibly have produced a worse effect than was actually produced by their timidity and their stratagems.

Barère, as we have said, sided with the Mountain on this occasion. He voted against the appeal to the people and against the respite. His demeanour and his language also were widely different from those of the Girondists. Their hearts were heavy, and their deportment was that of men oppressed by sorrow. It was Vergniaud's duty to proclaim the result of the roll-call. His face was pale, and he trembled with emotion, as in a low and broken voice he announced that Louis was condemned to death. Barère had not, it is true, yet attained to full perfection in the art of mingling jests and conceits with words of death; but he already gave promise of his future excellence in this high department of Jacobin oratory. He concluded his speech with a sentence worthy of his

head and heart. "The tree of liberty," he said, "as an ancient author remarks, flourishes when it is watered with the blood of all classes of tyrants." M. Hyppolyte Carnot has quoted this passage in order, as we suppose, to do honour to his hero. We wish that a note had been added to inform us from what ancient author Barère quoted. In the course of our own small reading among the Greek and Latin writers, we have not happened to fall in with trees of liberty and watering-pots full of blood; nor can we, such is our ignorance of classical antiquity, even imagine an Attic or Roman orator employing imagery of that sort. In plain words, when Barère talked about an ancient author, he was lying, as he generally was when he asserted any fact, great or small. Why he lied on this occasion we cannot guess, unless indeed it was to keep his hand in.

It is not improbable that, but for one circumstance, Barère would, like most of those with whom he ordinarily acted, have voted for the appeal to the people and for the respite. But, just before the commencement of the trial, papers had been discovered which proved that, while a member of the National Assembly, he had been in communication with the Court respecting his Reports on the Woods and Forests. He was acquitted of all criminality by the Convention; but the fiercer Republicans considered him as a tool of the fallen monarch; and this reproach was long repeated in the journal of Marat, and in the speeches at the Jacobin club. It was natural that a man like Barère should, under such circumstances, try to distinguish himself among the crowd of regicides by peculiar ferocity. It was because he had been a royalist that he was one of the foremost in shedding blood.

The King was no more. The leading Girondists had, by their conduct towards him, lowered their character in the eyes both of friends and foes. They still, however, maintained the contest against the Mountain, called for vengeance on the assassins of September, and protested against the anarchical and sanguinary doctrines of Marat. For a time they seemed likely to prevail. As publicists and orators they had no rivals in the Convention. They had with them, beyond all doubt, the great majority both of the deputies and of the French nation. These advantages, it should seem, ought to have decided the event of the struggle. But the opposite party had compensating advantages of a different kind. The chiefs of the Mountain, though not eminently distinguished

determination. The Convention and France were against them; but the mob of Paris, the clubs of Paris, and the municipal government of Paris, were on their side.

The policy of the Jacobins, in this situation, was to subject France to an aristocracy infinitely worse than that aristocracy which had emigrated with the Count of Artois—to an aristocracy not of birth, not of wealth, not of education, but of mere locality. They would not hear of privileged orders; but they wished to have a privileged city. That twenty-five millions of Frenchmen should be ruled by a hundred thousand gentlemen and clergymen was insufferable; but that twenty-five millions of Frenchmen should be ruled by a hundred thousand Parisians was as it should be. The qualification of a member of the new oligarchy was simply that he should live near the hall where the Convention met, and should be able to squeeze himself daily into the gallery during a debate, and now and then to attend with a pike for the purpose of blockading the doors. It was quite agreeable to the maxims of the Mountain that a score of draymen from Santerre's brewery, or of devils from Hébert's printing-house, should be permitted to drown the voices of men commissioned to speak the sense of such cities as Marseilles, Bordeaux, and Lyons; and that a rabble of half-naked porters from the Faubourg St. Antoine should have power to annul decrees for which the representatives of fifty or sixty departments had voted. It was necessary to find some pretext for so odious and absurd a tyranny. Such a pretext was found. To the old phrases of liberty and equality were added the sonorous watchwords, unity and indivisibility. A new crime was invented, and called by the name of federalism. The object of the Girondists, it was asserted, was to break up the great nation into little independent commonwealths, bound together only by a league like that which connects the Swiss Cantons or the United States of America. The great obstacle in the way of this pernicious design was the influence of Paris. To strengthen the influence of Paris ought therefore to be the chief object of every patriot.

The accusation brought against the leaders of the Girondist party was a mere calumny. They were undoubtedly desirous to prevent the capital from domineering over the republic, and would gladly have seen the Convention removed for a time to some provincial town, or placed under the protection of a trusty guard, which might have overawed the Parisian mob; but there is not the slightest reason to suspect them of any design against the unity of the state. Barère, how-

ever, really was a federalist, and, we are inclined to believe, the only federalist in the Convention. As far as a man so unstable and servile can be said to have felt any preference for any form of government, he felt a preference for federal government. He was born under the Pyrenees; he was a Gascon of the Gascons, one of a people strongly distinguished by intellectual and moral character, by manners, by modes of speech, by accent, and by physiognomy, from the French of the Seine and of the Loire: and he had many of the peculiarities of the race to which he belonged. When he first left his own province he had attained his thirty-fourth year, and had acquired a high local reputation for eloquence and literature. He had then visited Paris for the first time. He had found himself in a new world. His feelings were those of a banished man. It is clear also that he had been by no means without his share of the small disappointments and humiliations so often experienced by men of letters who, elated by provincial applause, venture to display their powers before the fastidious critics of a capital. On the other hand, whenever he revisited the mountains among which he had been born, he found himself an object of general admiration. His dislike of Paris, and his partiality to his native district, were therefore as strong and durable as any sentiments of a mind like his could be. He long continued to maintain that the ascendency of one great city was the bane of France; that the superiority of taste and intelligence which it was the fashion to ascribe to the inhabitants of that city were wholly imaginary; and that the nation would never enjoy a really good government till the Alsatian people, the Breton people, the people of Bearn, the people of Provence, should have each an independent existence, and laws suited to its own tastes and habits. These communities he proposed to unite by a tie similar to that which binds together the grave Puritans of Connecticut and the dissolute slave-drivers of New Orleans. To Paris he was unwilling to grant even the rank which Washington holds in the United States. He thought it desirable that the congress of the French federation should have no fixed place of meeting, but should sit sometimes at Rouen, sometimes at Bordeaux, sometimes at his own Toulouse.

Animated by such feelings, he was, till the close of May 1793, a Girondist, if not an ultra-Girondist. He exclaimed against those impure and bloodthirsty men who wished to make the public danger a pretext for cruelty and rapine. "Peril," he said, "could be no excuse for crime. It is when

the wind blows hard, and the waves run high, that the anchor is most needed; it is when a revolution is raging, that the great laws of morality are most necessary to the safety of a state." Of Marat he spoke with abhorrence and contempt; of the municipal authorities of Paris with just severity. He loudly complained that there were Frenchmen who paid to the Mountain that homage which was due to the Convention alone. When the establishment of the Revolutionary Tribunal was first proposed, he joined himself to Vergniaud and Buzot, who strongly objected to that odious measure. "It cannot be," exclaimed Barère, "that men really attached to liberty will imitate the most frightful excesses of despotism!" He proved to the Convention, after his fashion, out of Sallust, that such arbitrary courts may indeed, for a time, be severe only on real criminals, but must inevitably degenerate into instruments of private cupidity and revenge. When, on the tenth of March, the worst part of the population of Paris made the first unsuccessful attempt to destroy the Girondists, Barère eagerly called for vigorous measures of repression and punishment. On the second of April, another attempt of the Jacobins of Paris to usurp supreme dominion over the republic was brought to the knowledge of the Convention; and again Barère spoke with warmth against the new tyranny which afflicted France, and declared that the people of the departments would never crouch beneath the tyranny of one ambitious city. He even proposed a resolution to the effect that the Convention would exert against the demagogues of the capital the same energy which had been exerted against the tyrant Louis. We are assured that, in private as in public, he at this time uniformly spoke with strong aversion of the Mountain.

His apparent zeal for the cause of humanity and order had its reward. Early in April came the tidings of Dumourier's defection. This was a heavy blow to the Girondists. Dumourier was their general. His victories had thrown a lustre on the whole party; his army, it had been hoped, would, in the worst event, protect the deputies of the nation against the ragged pikemen of the garrets of Paris. He was now a deserter and an exile; and those who had lately placed their chief reliance on his support were compelled to join with their deadliest enemies in execrating his treason. At this perilous

but still great and formidable. The moderate party regarding Barère as a representative of their feelings and opinions, elected him a member. In his new situation he soon began to make himself useful. He brought to the deliberations of the Committee, not indeed the knowledge or the ability of a great statesman, but a tongue and a pen which, if others would only supply ideas, never paused for want of words. His mind was a mere organ of communication between other minds. It originated nothing; it retained nothing; but it transmitted everything. The post assigned to him by his colleagues was not really of the highest importance; but it was prominent, and drew the attention of all Europe. When a great measure was to be brought forward, when an account was to be rendered of an important event, he was generally the mouthpiece of the administration. He was therefore not unnaturally considered, by persons who lived at a distance from the seat of government, and above all by foreigners who, while the war raged, knew France only from journals, as the head of that administration of which, in truth, he was only the secretary and the spokesman. The author of the History of Europe in our own Annual Registers, appears to have been completely under this delusion.

The conflict between the hostile parties was meanwhile fast approaching to a crisis. The temper of Paris grew daily fiercer and fiercer. Delegates appointed by thirty-five of the forty-eight wards of the city appeared at the bar of the Convention, and demanded that Vergniaud, Brissot, Guadet, Gensonné, Barbaroux, Buzot, Pétion, Louvet, and many other deputies, should be expelled. This demand was disapproved by at least three-fourths of the Assembly, and, when known in the departments, called forth a general cry of indignation. Bordeaux declared that it would stand by its representatives, and would, if necessary, defend them by the sword against the tyranny of Paris. Lyons and Marseilles were animated by a similar spirit. These manifestations of public opinion gave courage to the majority of the Convention. Thanks were voted to the people of Bordeaux for their patriotic declaration; and a commission consisting of twelve members was appointed for the purpose of investigating the conduct of the municipal authorities of Paris, and was empowered to place under arrest such persons as should appear to have been concerned in any plot against the authority of the Convention. This measure was adopted on the motion of Barère.

A few days of stormy excitement and profound anxiety fol-

lowed; and then came the crash. On the thirty-first of May the mob of Paris rose; the palace of the Tuileries was besieged by a vast array of pikes; the majority of the deputies, after vain struggles and remonstrances, yielded to violence, and suffered the Mountain to carry a decree for the suspension and arrest of the deputies whom the wards of the capital had accused.

During this contest, Barère had been tossed backwards and forwards between the two raging factions. His feelings, languid and unsteady as they always were, drew him to the Girondists; but he was awed by the vigour and determination of the Mountain. At one moment he held high and firm language, complained that the Convention was not free, and protested against the validity of any vote passed under coercion. At another moment he proposed to conciliate the Parisians by abolishing that commission of twelve which he had himself proposed only a few days before; and himself drew up a paper condemning the very measures which had been adopted at his own instance, and eulogising the public spirit of the insurgents. To do him justice, it was not without some symptoms of shame that he read this document from the tribune, where he had so often expressed very different sentiments. It is said that, at some passages, he was even seen to blush. It may have been so; he was still in his novitiate of infamy.

Some days later he proposed that hostages for the personal safety of the accused deputies should be sent to the departments, and offered to be himself one of those hostages. Nor do we in the least doubt that the offer was sincere. He would, we firmly believe, have thought himself far safer at Bordeaux or Marseilles than at Paris. His proposition, however, was not carried into effect; and he remained in the power of the victorious Mountain.

This was the great crisis of his life. Hitherto he had done nothing inexpiable, nothing which marked him out as a much worse man than most of his colleagues in the Convention. His voice had generally been on the side of moderate measures. Had he bravely cast in his lot with the Girondists, and suffered with them, he would, like them, have had a not dishonourable place in history. Had he like the great body of deputies who meant well, but who had not the courage to expose themselves to martyrdom, crouched quietly under the dominion of the triumphant minority, and suffered every motion of Robespierre and Billaud to pass unopposed, he would have incurred no peculiar ignominy, But it is probable

that this course was not open to him. He had been too prominent among the adversaries of the Mountain to be admitted to quarter without making some atonement. It was necessary that, if he hoped to find pardon from his new lords, he should not be merely a silent and passive slave. What passed in private between him and them cannot be accurately related; but the result was soon apparent. The Committee of Public Safety was renewed. Several of the fiercest of the dominant faction, Couthon for example, and St. Just, were substituted for more moderate politicians; but Barère was suffered to retain his seat at the Board.

The indulgence with which he was treated excited the murmurs of some stern and ardent zealots. Marat, in the very last words that he wrote, words not published till the dagger of Charlotte Corday had avenged France and mankind, complained that a man who had no principles, who was always on the side of the strongest, who had been a royalist, and who was ready, in case of a turn of fortune, to be a royalist again, should be entrusted with an important share in the administration.* But the chiefs of the Mountain judged more correctly. They knew indeed, as well as Marat, that Barère was a man utterly without faith or steadiness; that, if he could be said to have any political leaning, his leaning was not towards them; that he felt for the Girondist party that faint and wavering sort of preference of which alone his nature was susceptible; and that, if he had been at liberty to make his choice, he would rather have murdered Robespierre and Danton than Vergniaud and Gensonné. But they justly appreciated that levity which made him incapable alike of earnest love and of earnest hatred, and that meanness which made it necessary to him to have a master. In truth, what the planters of Carolina and Louisiana say of black men with flat noses and woolly hair was strictly true of Barère. The curse of Canaan was upon him. He was born a slave. Baseness was an instinct in him. The impulse which drove him from a party in adversity to a party in prosperity was as irresistible as that which drives the cuckoo and the swallow towards the sun when the dark and cold months are approaching. The law which doomed him to be the humble attendant of stronger spirits resembled the law which binds the pilot-fish to the shark. "Ken ye," said a shrewd Scotch lord, who was asked his opinion of James the First, "Ken ye

* See the Publiciste of the 14th July, 1793. Marat was stabbed on the evening of the 13th.

a John Ape? If I have Jacko by the collar, I can make him bite you; but, if you have Jacko, you can make him bite me." Just such a creature was Barère. In the hands of the Girondists he would have been eager to proscribe the Jacobins; he was just as ready, in the gripe of the Jacobins, to proscribe the Girondists. On the fidelity of such a man the heads of the Mountain could not, of course, reckon; but they valued their conquest as the very easy and not very delicate lover in Congreve's lively song valued the conquest of a prostitute of a different kind. Barère was, like Chloe, false and common; but he was, like Chloe, constant while possessed; and they asked no more. They needed a service which he was perfectly competent to perform. Destitute as he was of all the talents both of an active and of a speculative statesman, he could with great facility draw up a report, or make a speech on any subject and on any side. If other people would furnish facts and thoughts, he could always furnish phrases; and this talent was absolutely at the command of his owners for the time being. Nor had he excited any angry passion among those to whom he had hitherto been opposed. They felt no more hatred to him than they felt to the horses which dragged the cannon of the Duke of Brunswick and of the Prince of Saxe-Coburg. The horses had only done according to their kind, and would, if they fell into the hands of the French, drag with equal vigour and equal docility the guns of the republic, and therefore ought not merely to be spared, but to be well fed and curried. So was it with Barère. He was of a nature so low that it might be doubted whether he could properly be an object of the hostility of reasonable beings. He had not been an enemy; he was not now a friend. But he had been an annoyance; and he would now be a help.

But, though the heads of the Mountain pardoned this man, and admitted him into partnership with themselves, it was not without exacting pledges such as made it impossible for him, false and fickle as he was, ever again to find admission into the ranks which he had deserted. That was truly a terrible sacrament by which they admitted the apostate into their communion. They demanded of him that he should himself take the most prominent part in murdering his old friends. To refuse was as much as his life was worth. But what is life worth when it is only one long agony of remorse and shame? These, however, are feelings of which it is idle to talk, when we are considering the conduct of such a man as Barère. He

vention that the time was come for taking the stern attitude of justice, and for striking at all conspirators without distinction. He then moved that Buzot, Barbaroux, Pétion, and thirteen other deputies, should be placed out of the pale of the law, or, in other words, beheaded without a trial; and that Vergniaud, Guadet, Gensonné, and six others, should be impeached. The motion was carried without debate.

We have already seen with what effrontery Barère has denied, in these Memoirs, that he took any part against the Girondists. This denial, we think, was the only thing wanting to make his infamy complete. The most impudent of all lies was a fit companion for the foulest of all murders.

Barère, however, had not yet earned his pardon. The Jacobin party contained one gang which, even in that party, was pre-eminent in every mean and every savage vice, a gang so low-minded and so inhuman that, compared with them, Robespierre might be called magnanimous and merciful. Of these wretches Hébert was perhaps the best representative. His favourite amusement was to torment and insult the miserable remains of that great family which, having ruled France during eight hundred years, had now become an object of pity to the humblest artisan or peasant. The influence of this man, and of men like him, induced the Committee of Public Safety to determine that Marie Antoinette should be sent to the scaffold. Barère was again summoned to his duty. Only four days after he had proposed the decrees against the Girondist deputies he again mounted the tribune, in order to move that the Queen should be brought before the Revolutionary Tribunal. He was improving fast in the society of his new allies. When he asked for the heads of Vergniaud and Pétion he had spoken like a man who had some slight sense of his own guilt and degradation: he had said little; and that little had not been violent. The office of expatiating on the guilt of his old friends he had left to Saint Just. Very different was Barère's second appearance in the character of an accuser. He now cried out for blood in the eager tones of the true and burning thirst, and raved against the Austrian woman with the virulence natural to a coward who finds himself at liberty to outrage that which he has feared and envied. We have already exposed the shameless mendacity with which, in these Memoirs, he attempts to throw the blame of his own guilt on the guiltless.

On the day on which the fallen Queen was dragged, already

and some other Jacobins at a tavern. Robespierre's acceptance of the invitation caused some surprise to those who knew how long and how bitterly it was his nature to hate. "Robespierre of the party!" muttered Saint Just. "Barère is the only man whem Robespierre has forgiven." We have an account of this singular repast from one of the guests. Robespierre condemned the senseless brutality with which Hébert had conducted the proceedings against the Austrian woman, and, in talking on that subject, became so much excited that he broke his plate in the violence of his gesticu-lation. Barère exclaimed that the guillotine had cut a diplomatic knot which it might have been difficult to untie. In the intervals between the Beaune and the Champagne, between the ragout of thrushes and the partridge with truffles, he fervently preached his new political creed. "The vessel of the revolution," he said, "can float into port only on waves of blood. We must begin with the members of the National Assembly and of the Legislative Assembly. That rubbish must be swept away."

As he talked at table he talked in the Convention. His peculiar style of oratory was now formed. It was not altogether without ingenuity and liveliness. But in any other age or country it would have been thought unfit for the deliberations of a grave assembly, and still more unfit for state papers. It might, perhaps, succeed at a meeting of a Protestant Association in Exeter Hall, at a Repeal dinner in Ireland, after men had well drunk, or in an American oration on the fourth of July. No legislative body would now endure it. But in France, during the reign of the Convention, the old laws of composition were held in as much contempt as the old government or the old creed. Correct and noble diction belonged, like the etiquette of Versailles and the solemnities of Notre Dame, to an age which had passed away. Just as a swarm of ephemeral constitutions, democratic, directorial, and consular, sprang from the decay of the ancient monarchy; just as a swarm of new superstitions, the worship of the Goddess of Reason, and the fooleries of the Theophilanthropists, sprang from the decay of the ancient Church; even so, out of the decay of the ancient French eloquence sprang new fashions of eloquence, for the understanding of which new grammars and dictionaries were necessary. The same innovating spirit which altered the common phrases of salutation, which turned hundreds of Johns and Peters into Scævolas and Aristogitons, and which expelled Sunday and

Monday, January and February, Lady-day and Christmas, from the calendar, in order to substitute Decadi and Primidi, Nivose and Pluviose, Feasts of Opinion and Feasts of the Supreme Being, changed all the forms of official correspondence. For the calm, guarded, and sternly courteous language which governments had long been accustomed to employ, were substituted puns, interjections, Ossianic rants, rhetoric worthy only of a schoolboy, scurrility worthy only of a fishwife. Of the phraseology which was now thought to be peculiarly well suited to a report or a manifesto Barère had a greater command than any man of his time, and, during the short and sharp paroxysm of the revolutionary delirium, passed for a great orator. When the fit was over, he was considered as what he really was, a man of quick apprehension and fluent elocution, with no originality, with little information, and with a taste as bad as his heart. His Reports were popularly called Carmagnoles. A few months ago we should have had some difficulty in conveying to an English reader an exact notion of the state papers to which this appellation was given. Fortunately a noble and distinguished person, whom her Majesty's Ministers have thought qualified to fill the most important post in the empire, has made our task easy. Whoever has read Lord Ellenborough's proclamations is able to form a complete idea of a Carmagnole.

The effect which Barère's discourses at one time produced is not to be wholly attributed to the perversion of the national taste. The occasions on which he rose were frequently such as would have secured to the worst speaker a favourable hearing. When any military advantage had been gained, he was generally deputed by the Committee of Public Safety to announce the good news. The hall resounded with applause as he mounted the tribune, holding the despatches in his hand. Deputies and strangers listened with delight while he told them that victory was the order of the day; that the guineas of Pitt had been vainly lavished to hire machines six feet high, carrying guns; that the flight of the English leopard deserved to be celebrated by Tyrtæus; and that the saltpetre dug out of the cellars of Paris had been turned into thunder, which would crush the Titan brethren, George and Francis.

Meanwhile the trial of the accused Girondists, who were under arrest in Paris, came on. They flattered themselves with a vain hope of escape. They placed some reliance on their innocence, and some reliance on their eloquence. They

thought that shame would suffice to restrain any man, however violent and cruel, from publicly committing the flagrant iniquity of condemning them to death. The Revolutionary Tribunal was new to its functions. No member of the Convention had yet been executed; and it was probable that the boldest Jacobin would shrink from being the first to violate the sanctity which was supposed to belong to the representatives of the people.

The proceedings lasted some days. Gensonné and Brissot defended themselves with great ability and presence of mind against the vile Hébert and Chaumette, who appeared as accusers. The eloquent voice of Vergniaud was heard for the last time. He pleaded his own cause and that of his friends, with such force of reason and elevation of sentiment that a murmur of pity and admiration rose from the audience. Nay, the court itself, not yet accustomed to riot in daily carnage, showed signs of emotion. The sitting was adjourned; and a rumour went forth that there would be an acquittal. The Jacobins met, breathing vengeance. Robespierre undertook to be their organ. He rose on the following day in the Convention, and proposed a decree of such atrocity that even among the acts of that year it can hardly be paralleled. By this decree the tribunal was empowered to cut short the defence of the prisoners, to pronounce the case clear, and to pass immediate judgment. One deputy made a faint opposition. Barère instantly sprang up to support Robespierre—Barère, the federalist; Barère, the author of that Commission of Twelve which was among the chief causes of the hatred borne by Paris to the Girondists; Barère, who in these Memoirs denies that he ever took any part against the Girondists; Barère, who has the effrontery to declare that he greatly loved and esteemed Vergniaud. The decree was passed; and the tribunal, without suffering the prisoners to conclude what they had to say, pronounced them guilty.

The following day was the saddest in the sad history of the Revolution. The sufferers were so innocent, so brave, so eloquent, so accomplished, so young. Some of them were graceful and handsome youths of six or seven and twenty. Vergniaud and Gensonné were little more than thirty. They had been only a few months engaged in public affairs. In a few months the fame of their genius had filled Europe: and they were to die for no crime but this, that they had wished to combine order, justice, and mercy with freedom. Their great fault was want of courage. We mean want of political

courage—of that courage which is proof to clamour and obloquy, and which meets great emergencies by daring and decisive measures. Alas! they had but too good an opportunity of proving that they did not want courage to endure with manly cheerfulness the worst that could be inflicted by such tyrants as St. Just, and such slaves as Barère.

They were not the only victims of the noble cause. Madame Roland followed them to the scaffold with a spirit as heroic as their own. Her husband was in a safe hiding-place, but could not bear to survive her. His body was found on the high-road near Rouen. He had fallen on his sword. Condorcet swallowed opium. At Bordeaux the steel fell on the necks of the bold and quick-witted Guadet and of Barbaroux, the chief of those enthusiasts from the Rhone whose valour, in the great crisis of the tenth of August, had turned back the tide of battle from the Louvre to the Tuileries. In a field near the Garonne was found all that the wolves had left of Pétion, once honoured, greatly indeed beyond his deserts, as the model of republican virtue. We are far from regarding even the best of the Girondists with unmixed admiration; but history owes to them this honourable testimony, that, being free to choose whether they would be oppressors or victims, they deliberately and firmly resolved rather to suffer injustice than to inflict it.

And now began that strange period known by the name of the Reign of Terror. The Jacobins had prevailed. This was their hour, and the power of darkness. The Convention was subjugated and reduced to profound silence on the highest questions of state. The sovereignty passed to the Committee of Public Safety. To the edicts framed by that Committee the representative assembly did not venture to offer even the species of opposition which the ancient parliament had frequently offered to the mandates of the ancient kings. Six persons held the chief power in the small cabinet which now domineered over France—Robespierre, St. Just, Couthon, Collot, Billaud, and Barère.

To some of these men, and of those who adhered to them, it is due to say that the fanaticism which had emancipated them from the restraints of justice and compassion had emancipated them also from the dominion of vulgar cupidity and of vulgar fear; that, while hardly knowing where to find an assignat of a few francs to pay for a dinner, they expended with strict integrity the immense revenue which they collected by every art of rapine; and that they were ready, in support

of their cause, to mount the scaffold with as much indifference as they showed when they signed the death-warrants of aristocrats and priests. But no great party can be composed of such materials as these. It is the inevitable law that such zealots as we have described shall collect around them a multitude of slaves, of cowards, and of libertines, whose savage tempers and licentious appetites, withheld only by the dread of law and magistracy from the worst excesses, are called into full activity by the hope of impunity. A faction which, from whatever motive, relaxes the great laws of morality is certain to be joined by the most immoral part of the community. This has been repeatedly proved in religious wars. The war of the Holy Sepulchre, the Albigensian war, the Huguenot war, the Thirty Years' war, all originated in pious zeal. That zeal inflamed the champions of the church to such a point that they regarded all generosity to the vanquished as a sinful weakness. The infidel, the heretic, was to be run down like a mad dog. No outrage committed by the Catholic warrior on the miscreant enemy could deserve punishment. As soon as it was known that boundless license was thus given to barbarity and dissoluteness, thousands of wretches who cared nothing for the sacred cause, but who were eager to be exempted from the police of peaceful cities, and the discipline of well-governed camps, flocked to the standard of the faith. The men who had set up that standard were sincere, chaste, regardless of lucre, and, perhaps, where only themselves were concerned, not unforgiving; but round that standard were assembled such gangs of rogues, ravishers, plunderers, and ferocious bravoes, as were scarcely ever found under the flag of any state engaged in a mere temporal quarrel. In a very similar way was the Jacobin party composed. There was a small nucleus of enthusiasts; round that nucleus was gathered a vast mass of ignoble depravity; and in all that mass there was nothing so depraved and so ignoble as Barère.

Then came those days when the most barbarous of all codes was administered by the most barbarous of all tribunals; when no man could greet his neighbours, or say his prayers, or dress his hair, without danger of committing a capital crime; when spies lurked in every corner; when the guillotine was long and hard at work every morning; when the jails were filled as close as the hold of a slave-ship; when the gutters ran foaming with blood into the Seine; when it was death to be great-niece of a captain of the royal guards, or

whether assignats would not fall, to hint that the English had been victorious in the action of the First of June, to have a copy of one of Burke's pamphlets locked up in a desk, to laugh at a Jacobin for taking the name of Cassius or Timoleon, or to call the Fifth Sans-culottide by its old superstitious name of St. Matthew's Day. While the daily waggon-loads of victims were carried to their doom through the streets of Paris, the Proconsuls whom the sovereign Committee had sent forth to the departments revelled in an extravagance of cruelty unknown even in the capital. The knife of the deadly machine rose and fell too slow for their work of slaughter. Long rows of captives were mowed down with grape shot. Holes were made in the bottom of crowded barges. Lyons was turned into a desert. At Arras even the cruel mercy of a speedy death was denied to the prisoners. All down the Loire, from Saumur to the sea, great flocks of crows and kites feasted on naked corpses, twined together in hideous embraces. No mercy was shown to sex or age. The number of young lads and of girls of seventeen who were murdered by that execrable government is to be reckoned by hundreds. Babies torn from the breast were tossed from pike to pike along the Jacobin ranks. One champion of liberty had his pockets well stuffed with ears. Another swaggered about with the finger of a little child in his hat. A few months had sufficed to degrade France below the level of New Zealand.

It is absurd to say that any amount of public danger can justify a system like this, we do not say on Christian principles, we do not say on the principles of a high morality, but even on principles of Machiavellian policy. It is true that great emergencies call for activity and vigilance; it is true that they justify severity which, in ordinary times, would deserve the name of cruelty. But indiscriminate severity can never, under any circumstances, be useful. It is plain that the whole efficacy of punishment depends on the care with which the guilty are distinguished. Punishment which stikes the guilty and the innocent promiscuously operates merely like a pestilence or a great convulsion of nature, and has no more tendency to prevent offences than the cholera, or an earthquake like that of Lisbon, would have. The energy for which the Jacobin administration is praised was merely the energy of the Malay who maddens himself with opium, draws his knife, and runs a-muck through the streets, slashing right and left at friends and foes. Such has never

been the energy of truly great rulers; of Elizabeth, for example, of Oliver, or of Frederic. They were not, indeed, scrupulous. But, had they been less scrupulous than they were, the strength and amplitude of their minds would have preserved them from crimes such as those which the small men of the Committee of Public Safety took for daring strokes of policy. The great Queen who so long held her own against foreign and domestic enemies, against temporal and spiritual arms; the great Protector who governed with more than regal power, in despite both of royalists and republicans; the great King who, with a beaten army and an exhausted treasury, defended his little dominions to the last against the united efforts of Russia, Austria, and France; with what scorn would they have heard that it was impossible for them to strike a salutary terror into the disaffected without sending school-boys and school-girls to death by cart-loads and boat-loads!

The popular notion is, we believe, that the leading Terrorists were wicked men, but, at the same time, great men. We can see nothing great about them but their wickedness. That their policy was daringly original is a vulgar error. Their policy is as old as the oldest accounts which we have of human misgovernment. It seemed new in France and in the eighteenth century only because it had been long disused, for excellent reasons, by the enlightened part of mankind. But it has always prevailed, and still prevails, in savage and half savage nations, and is the chief cause which prevents such nations from making advances towards civilisation. Thousands of deys, of beys, of pachas, of rajahs, of nabobs, have shown themselves as great masters of statecraft as the members of the Committee of Public Safety. Djezzar, we imagine, was superior to any of them in their new line. In fact, there is not a petty tyrant in Asia or Africa so dull or so unlearned as not to be fully qualified for the business of Jacobin police and Jacobin finance. To behead people by scores without caring whether they are guilty or innocent; to wring money out of the rich by the help of jailers and executioners; to rob the public creditor, and to put him to death if he remonstrates; to take loaves by force out of the bakers' shops; to clothe and mount soldiers by seizing on one man's wool and linen, and on another man's horses and saddles, without compensation; is of all modes of governing the simplest and most obvious. Of its morality we at present say nothing. But surely it requires no capacity beyond that

of a barbarian or a child. By means like those which we have described, the Committee of Public Safety undoubtedly succeeded, for a short time, in enforcing profound submission, and in raising immense funds. But to enforce submission by butchery, and to raise funds by spoliation, is not statesmanship. The real statesman is he who, in troubled times, keeps down the turbulent without unnecessarily harassing the well-affected; and who, when great pecuniary resources are needed, provides for the public exigencies without violating the security of property and drying up the sources of future prosperity. Such a statesman, we are confident, might, in 1793, have preserved the independence of France without shedding a drop of innocent blood, without plundering a single warehouse. Unhappily, the Republic was subject to men who were mere demagogues and in no sense statesmen. They could declaim at a club. They could lead a rabble to mischief. But they had no skill to conduct the affairs of an empire. The want of skill they supplied for a time by atrocity and blind violence. For legislative ability, fiscal ability, military ability, diplomatic ability, they had one substitute, the guillotine. Indeed their exceeding ignorance, and the barrenness of their invention, are the best excuse for their murders and robberies. We really believe that they would not have cut so many throats, and picked so many pockets, if they had known how to govern in any other way.

That under their administration the war against the European Coalition was successfully conducted is true. But that war had been successfully conducted before their elevation, and continued to be successfully conducted after their fall. Terror was not the order of the day when Brussels opened its gates to Dumourier. Terror had ceased to be the order of the day when Piedmont and Lombardy were conquered by Bonaparte. The truth is, that France was saved, not by the Committee of Public Safety, but by the energy, patriotism, and valour of the French people. Those high qualities were victorious in spite of the incapacity of rulers whose administration was a tissue, not merely of crimes, but of blunders.

We have not time to tell how the leaders of the savage faction at length began to avenge mankind on each other; how the craven Hébert was dragged wailing and trembling to his doom; how the nobler Danton, moved by a late repentance, strove in vain to repair the evil which he had wrought, and half redeemed the great crime of September by manfully encountering death in the cause of mercy.

Our business is with Barère. In all those things he was not only consenting, but eagerly and joyously forward. Not merely was he one of the guilty administration. He was the man to whom was especially assigned the office of proposing and defending outrages on justice and humanity, and of furnishing to atrocious schemes an appropriate garb of atrocious rodomontade. Barère first proclaimed from the tribune of the Convention that terror must be the order of the day. It was by Barère that the Revolutionary Tribunal of Paris was provided with the aid of a public accuser worthy of such a court, the infamous Fouquier Tinville. It was Barère who, when one of the old members of the National Assembly had been absolved by the Revolutionary Tribunal, gave orders that a fresh jury should be summoned. "Acquit one of the National Assembly!" he cried. "The Tribunal is turning against the Revolution." It is unnecessary to say that the prisoner's head was soon in the basket. It was Barère who moved that the city of Lyons should be destroyed. "Let the plough," he cried from the tribune, "pass over her. Let her name cease to exist. The rebels are conquered; but are they all exterminated? No weakness. No mercy. Let every one be smitten. Two words will suffice to tell the whole. Lyons made war on liberty; Lyons is no more." When Toulon was taken Barère came forward to announce the event. "The conquest," said the apostate Brissotine, "won by the Mountain over the Brissotines must be commemorated by a mark set on the place where Toulon once stood. The national thunder must crush the house of every trader in the town." When Camille Desmoulins, long distinguished among the republicans by zeal and ability, dared to raise his eloquent voice against the Reign of Terror, and to point out the close analogy between the government which then oppressed France and the government of the worst of the Cæsars, Barère rose to complain of the weak compassion which tried to revive the hopes of the aristocracy. "Whoever," he said, "is nobly born is a man to be suspected. Every priest, every frequenter of the old court, every lawyer, every banker, is a man to be suspected. Every person who grumbles at the course which the Revolution takes is a man to be suspected. There are whole castes already tried and condemned. There are callings which carry their doom with them. There are relations of blood which the law regards with an evil eye. Republicans

you by gentle means to slavery. The Mountain leads you by strong measures to freedom. Oh! who can count the evils which a false compassion may produce?" When the friends of Danton mustered courage to express a wish that the Convention would at least hear him in his own defence before it sent him to certain death, the voice of Barère was the loudest in opposition to their prayer. When the crimes of Lebon, one of the worst, if not the very worst, of the vicegerents of the Committee of Public Safety, had so maddened the people of the Department of the North that they resorted to the desperate expedient of imploring the protection of the Convention, Barère pleaded the cause of the accused tyrant, and threatened the petitioners with the utmost vengeance of the government. "These charges," he said, "have been suggested by wily aristocrats. The man who crushes the enemies of the people, though he may be hurried by his zeal into some excesses, can never be a proper object of censure. The proceedings of Lebon may have been a little harsh as to form." One of the small irregularities thus gently censured was this: Lebon kept a wretched man a quarter of an hour under the knife of the guillotine, in order to torment him, by reading to him, before he was despatched, a letter, the contents of which were supposed to be such as would aggravate even the bitterness of death. "But what," proceeded Barère, "is not permitted to the hatred of a republican against aristocracy? How many generous sentiments atone for what may perhaps seem acrimonious in the prosecution of public enemies? Revolutionary measures are always to be spoken of with respect. Liberty is a virgin whose veil it is not lawful to lift."

After this, it would be idle to dwell on facts which would indeed, of themselves, suffice to render a name infamous, but which make no perceptible addition to the great infamy of Barère. It would be idle, for example, to relate how he, a man of letters, a member of an Academy of Inscriptions, was foremost in that war against learning, art, and history which disgraced the Jacobin government; how he recommended a general conflagration of libraries; how he proclaimed that all records of events anterior to the Revolution ought to be destroyed; how he laid waste the Abbey of St. Denis, pulled down monuments consecrated by the veneration of ages, and scattered on the wind the dust of ancient kings. He was, in truth, seldom so well employed as when he turned for a moment from making war on the living to make war on the dead.

Equally idle would it be to dilate on his sensual excesses. That in Barère, as in the whole breed of Neros, Caligulas, and Domitians whom he resembled, voluptuousness was mingled with cruelty; that he withdrew, twice in every decade, from the work of blood to the smiling gardens of Clichy, and there forgot public cares in the madness of wine and in the arms of courtesans, has often been repeated. M. Hippolyte Carnot does not altogether deny the truth of these stories, but justly observes that Barère's dissipation was not carried to such a point as to interfere with his industry. Nothing can be more true. Barère was by no means so much addicted to debauchery as to neglect the work of murder. It was his boast that, even during his hours of recreation, he cut out work for the Revolutionary Tribunal. To those who expressed a fear that his exertions would hurt his health, he gaily answered that he was less busy than they thought. "The guillotine," he said, "does all; the guillotine governs." For ourselves, we are much more disposed to look indulgently on the pleasures which he allowed to himself than on the pain which he inflicted on his neighbours.

> "Atque utinam his potius nugis tota illa dedisset
> Tempora sævitiæ, claras quibus abstulit urbi
> Illustresque animas, impune ac vindice nullo."

An immoderate appetite for sensual gratifications is undoubtedly a blemish on the fame of Henry the Fourth, of Lord Somers, of Mr. Fox. But the vices of honest men are the virtues of Barère.

And now Barère had become a really cruel man. It was from mere pusillanimity that he had perpetrated his first great crimes. But the whole history of our race proves that the taste for the misery of others is a taste which minds not naturally ferocious may too easily acquire, and which, when once acquired, is as strong as any of the propensities with which we are born. A very few months had sufficed to bring this man into a state of mind in which images of despair, wailing, and death had an exhilarating effect on him, and inspired him as wine and love inspire men of free and joyous natures. The cart creaking under its daily freight of victims, ancient men and lads, and fair young girls, the binding of the hands, the thrusting of the head out of the little national sash-window, the crash of the axe, the pool of blood beneath the scaffold, the heads rolling by scores in the panier—these things were to him what Lalage and a cask of Falernian

were to Horace, what Rosette and a bottle of iced champagne are to De Béranger. As soon as he began to speak of slaughter his heart seemed to be enlarged, and his fancy to become unusually fertile of conceits and gasconades. Robespierre, St. Just, and Billaud, whose barbarity was the effect of earnest and gloomy hatred, were, in his view, men who made a toil of a pleasure. Cruelty was no such melancholy business, to be gone about with an austere brow and a whining tone; it was a recreation, fitly accompanied by singing and laughing. In truth, Robespierre and Barère might be well compared to the two renowned hangmen of Louis the Eleventh. They were alike insensible of pity, alike bent on havock. But, while they murdered, one of them frowned and canted, the other grinned and joked. For our own part, we prefer *Jean qui pleure* to *Jean qui rit*.

In the midst of the funeral gloom which overhung Paris, a gaiety stranger and more ghastly than the horrors of the prison and the scaffold distinguished the dwelling of Barère. Every morning a crowd of suitors assembled to implore his protection. He came forth in his rich dressing-gown, went round the antechamber, dispensed smiles and promises among the obsequious crowd, addressed himself with peculiar animation to every handsome woman who appeared in the circle, and complimented her in the florid style of Gascony on the bloom of her cheeks and the lustre of her eyes. When he had enjoyed the fear and anxiety of his suppliants he dismissed them, and flung all their memorials unread into the fire. This was the best way, he conceived, to prevent arrears of business from accumulating. Here he was only an imitator. Cardinal Dubois had been in the habit of clearing his table of papers in the same way. Nor was this the only point in which we could point out a resemblance between the worst statesman of the monarchy and the worst statesman of the republic.

Of Barère's peculiar vein of pleasantry a notion may be formed from an anecdote which one of his intimate associates, a juror of the revolutionary tribunal, has related. A courtesan who bore a conspicuous part in the orgies of Clichy implored Barère to use his power against a head-dress which did not suit her style of face, and which a rival beauty was trying to bring into fashion. One of the magistrates of the capital was summoned and received the necessary orders. Aristocracy, Barère said, was again rearing its front. These

know that they were made out of the long fair hair of handsome aristocrats who had died by the national chopper. Every lady who adorned herself with the relics of criminals might justly be suspected of incivism. This ridiculous lie imposed on the authorities of Paris. Female citizens were solemnly warned against the obnoxious ringlets, and were left to choose between their head-dresses and their heads. Barère's delight at the success of this facetious fiction was quite extravagant: he could not tell the story without going into such convulsions of laughter as made his hearers hope that he was about to choke. There was something peculiarly tickling and exhilarating to his mind in this grotesque combination of the frivolous with the horrible, of false locks and curling-irons with spouting arteries and reeking hatchets.

But, though Barère succeeded in earning the honourable nicknames of the Witling of Terror, and the Anacreon of the Guillotine, there was one place where it was long remembered to his disadvantage that he had, for a time, talked the language of humanity and moderation. That place was the Jacobin Club. Even after he had borne the chief part in the massacre of the Girondists, in the murder of the Queen, in the destruction of Lyons, he durst not show himself within that sacred precinct. At one meeting of the society, a member complained that the committee to which the supreme direction of affairs was entrusted, after all the changes which had been made, still contained one man who was not trustworthy. Robespierre, whose influence over the Jacobins was boundless, undertook the defence of his colleague, owned there was some ground for what had been said, but spoke highly of Barère's industry and aptitude for business. This seasonable interposition silenced the accuser; but it was long before the neophyte could venture to appear at the club.

At length a masterpiece of wickedness, unique, we think, even among Barère's great achievements, obtained his full pardon even from that rigid conclave. The insupportable tyranny of the Committee of Public Safety had at length brought the minds of men, and even of women, into a fierce and hard temper, which defied or welcomed death. The life which might be any morning taken away, in consequence of the whisper of a private enemy, seemed of little value. It was something to die after smiting one of the oppressors; it was something to bequeath to the surviving tyrants a terror not inferior to that which they had themselves inspired. Human nature, hunted and worried to the utmost, now

turned furiously to bay. Fouquier Tinville was afraid to walk the streets; a pistol was snapped at Collot D'Herbois; a young girl, animated apparently by the spirit of Charlotte Corday, attempted to obtain an interview with Robespierre. Suspicions arose; she was searched; and two knives were found about her. She was questioned, and spoke of the Jacobin domination with resolute scorn and aversion. It is unnecessary to say that she was sent to the guillotine. Barère declared from the tribune that the cause of these attempts was evident. Pitt and his guineas had done the whole. The English Government had organized a vast system of murder, had armed the hand of Charlotte Corday, and had now, by similar means, attacked two of the most eminent friends of liberty in France. It is needless to say that these imputations were, not only false, but destitute of all show of truth. Nay, they were demonstrably absurd: for the assassins to whom Barère referred rushed on certain death, a sure proof that they were not hirelings. The whole wealth of England would not have bribed any sane person to do what Charlotte Corday did. But, when we consider her as an enthusiast, her conduct is perfectly natural. Even those French writers who are childish enough to believe that the English Government contrived the infernal machine and strangled the Emperor Paul have fully acquitted Mr. Pitt of all share in the death of Marat and in the attempt on Robespierre. Yet on calumnies so futile as those which we have mentioned did Barère ground a motion at which all Christendom stood aghast. He proposed a decree that no quarter should be given to any English or Hanoverian soldier.* His Carmagnole was worthy of the proposition with which it concluded. "That one Englishman should be spared, that for the slaves of George, for the human machines of York, the vocabulary of our armies should contain such a word as generosity, this is what the National Convention cannot endure. War to the

* M. Hippolyte Carnot does his best to excuse this decree. His abuse of England is merely laughable. England has managed to deal with enemies of a very different sort from either himself or his hero. One disgraceful blunder, however, we think it right to notice.

M. Hippolyte Carnot asserts that a motion similar to that of Barère was made in the English Parliament by the late Lord Fitzwilliam. This assertion is false. We defy M. Hippolyte Carnot to state the date and terms of the motion of which he speaks. We do not accuse him of intentional misrepresentation; but we confidently accuse him of extreme ignorance and temerity. Our readers will be amused to learn on what authority he has ventured to publish such a fable. He quotes, not the Journals of the Lords, not the Parliamentary Debates, but a ranting message of the Executive Directory to the Five Hundred, a message, too, the whole meaning of which he has utterly misunderstood.

death against every English soldier. If last year, at Dunkirk, quarter had been refused to them when they asked it on their knees, if our troops had exterminated them all, instead of suffering them to infest our fortresses by their presence, the English Government would not have renewed its attack on our frontiers this year. It is only the dead man who never comes back. What is this moral pestilence which has introduced into our armies false ideas of humanity? That the English were to be treated with indulgence was the philanthropic notion of the Brissotines; it was the patriotic practice of Dumourier. But humanity consists in exterminating our enemies. No mercy to the execrable Englishman. Such are the sentiments of the true Frenchman; for he knows that he belongs to a nation revolutionary as nature, powerful as freedom, ardent as the saltpetre which she has just torn from the entrails of the earth. Soldiers of liberty, when victory places Englishmen at your mercy, strike! None of them must return to the servile soil of Great Britain; none must pollute the free soil of France."

The Convention, thoroughly tamed and silenced, acquiesced in Barère's motion without debate. And now at last the doors of the Jacobin Club were thrown open to the disciple who had surpassed his masters. He was admitted a member by acclamation, and was soon selected to preside.

For a time he was not without hope that his decree would be carried into full effect. Intelligence arrived from the seat of war of a sharp contest between some French and English troops, in which the Republicans had the advantage, and in which no prisoners had been made. Such things happen occasionally in all wars. Barère, however, attributed the ferocity of this combat to his darling decree, and entertained the Convention with another Carmagnole.

"The Republicans," he said, "saw a division in red uniform at a distance. The red-coats are attacked with the bayonet. Not one of them escapes the blows of the Republicans. All the red-coats have been killed. No mercy, no indulgence, has been shown towards the villains. Not an Englishman whom the Republicans could reach is now living. How many prisoners should you guess that we have made? One single prisoner is the result of this great day."

And now this bad man's craving for blood had become insatiable. The more he quaffed, the more he thirsted. He had begun with the English; but soon he came down with a

"of the coalesced tyrants in garrison at Condé, Valenciennes, Le Quesnoy, and Landrecies, ought to be put to the sword unless they surrender at discretion in twenty-four hours. The English, of course, will be admitted to no capitulation whatever. With the English we have no treaty but death. As to the rest, surrender at discretion in twenty-four hours, or death, these are our conditions. If the slaves resist, let them feel the edge of the sword." And then he waxed facetious. "On these terms the Republic is willing to give them a lesson in the art of war." At that jest, some hearers, worthy of such a speaker, set up a laugh. Then he became serious again. "Let the enemy perish," he cried; "I have already said it from this tribune. It is only the dead man who never comes back. Kings will not conspire against us in the grave. Armies will not fight against us when they are annihilated. Let our war with them be a war of extermination. What pity is due to slaves whom the Emperor leads to war under the cane; whom the King of Prussia beats to the shambles with the flat of the sword; and whom the Duke of York makes drunk with rum and gin?" And at the rum and gin the Mountain and the galleries laughed again.

If Barère had been able to effect his purpose, it is difficult to estimate the extent of the calamity which he would have brought on the human race. No government, however averse to cruelty, could, in justice to its own subjects, have given quarter to enemies who gave none. Retaliation would have been, not merely justifiable, but a sacred duty. It would have been necessary for Howe and Nelson to make every French sailor whom they took walk the plank. England has no peculiar reason to dread the introduction of such a system. On the contrary, the operation of Barère's new law of war would have been more unfavourable to his countrymen than to ours; for we believe that, from the beginning to the end of the war, there never was a time at which the number of French prisoners in England was not greater than the number of English prisoners in France; and so, we apprehend, it will be in all wars while England retains her maritime superiority. Had the murderous decree of the Convention been in force from 1794 to 1815, we are satisfied that, for every Englishman slain by the French, at least three Frenchmen would have been put to the sword by the English. It is, therefore, not as Englishmen, but as members of the great society of mankind, that we speak with indignation

duce. The mere slaughter would have been the smallest part of the evil. The butchering of a single unarmed man in cold blood, under an act of the legislature, would have produced more evil than the carnage of ten such fields as Albuera. Public law would have been subverted from the foundations; national enmities would have been inflamed to a degree of rage which happily it is not easy for us to conceive; cordial peace would have been impossible. The moral character of the European nations would have been rapidly and deeply corrupted; for in all countries those men whose calling is to put their lives in jeopardy for the defence of the public weal enjoy high consideration, and are considered as the best arbitrators on points of honour and manly bearing. With the standard of morality established in the military profession the general standard of morality must to a great extent sink or rise. It is, therefore, a fortunate circumstance that, during a long course of years, respect for the weak and clemency towards the vanquished have been considered as qualities not less essential to the accomplished soldier than personal courage. How long would this continue to be the case, if the slaying of prisoners were a part of the daily duty of the warrior? What man of kind and generous nature would, under such a system, willingly bear arms? Who, that was compelled to bear arms, would long continue kind and generous? And is it not certain that, if barbarity towards the helpless became the characteristic of military men, the taint must rapidly spread to civil and to domestic life, and must show itself in all the dealings of the strong with the weak, of husbands with wives, of employers with workmen, of creditors with debtors?

But, thank God, Barère's decree was a mere dead letter. It was to be executed by men very different from those who, in the interior of France, were the instruments of the Committee of Public Safety, who prated at Jacobin Clubs, and ran to Fouquier Tinville with charges of incivism against women whom they could not seduce, and bankers from whom they could not extort money. The warriors who, under Hoche, had guarded the walls of Dunkirk, and who, under Kléber, had made good the defence of the wood of Monceaux, shrank with horror from an office more degrading than that of the hangman. "The Convention," said an officer to his men, "has sent orders that all the English prisoners shall be shot." "We will not shoot them," answered a stout-hearted sergeant. "Send them to the Convention. If the deputies take plea-

sure in killing a prisoner, they may kill him themselves, and eat him too, like savages as they are." This was the sentiment of the whole army. Bonaparte, who thoroughly understood war, who at Jaffa and elsewhere gave ample proof that he was not unwilling to strain the laws of war to their utmost rigour, and whose hatred of England amounted to a folly, always spoke of Barère's decree with loathing, and boasted that the army had refused to obey the Convention.

Such disobedience on the part of any other class of citizens would have been instantly punished by wholesale massacre; but the Committee of Public Safety was aware that the discipline which had tamed the unwarlike population of the fields and cities might not answer in camps. To fling people by scores out of a boat, and, when they catch hold of it, to chop off their fingers with a hatchet, is undoubtedly a very agreeable pastime for a thoroughbred Jacobin, when the sufferers are, as at Nantes, old confessors, young girls, or women with child. But such sport might prove a little dangerous if tried upon grim ranks of grenadiers, marked with the scars of Hondschoote, and singed by the smoke of Fleurus.

Barère, however, found some consolation. If he could not succeed in murdering the English and the Hanoverians, he was amply indemnified by a new and vast slaughter of his own countrymen and countrywomen. If the defence which has been set up for the members of the Committee of Public Safety had been well founded, if it had been true that they governed with extreme severity only because the republic was in extreme peril, it is clear that the severity would have diminished as the peril diminished. But the fact is, that those cruelties for which the public danger is made a plea became more and more enormous as the danger became less and less, and reached the full height when there was no longer any danger at all. In the autumn of 1793, there was undoubtedly reason to apprehend that France might be unable to maintain the struggle against the European coalition. The enemy was triumphant on the frontiers. More than half the departments disowned the authority of the Convention. But at that time eight or ten necks a day were thought an ample allowance for the guillotine of the capital. In the summer of 1794, Bordeaux, Toulon, Caen, Lyons, Marseilles, had submitted to the ascendency of Paris. The French arms were victorious under the Pyrenees and on the Sambre. Brussels had fallen. Prussia had announced her intention of withdrawing from the contest. The Republic, no longer content with defending her own independence, was

beginning to meditate conquest beyond the Alps and the Rhine. She was now more formidable to her neighbours than ever Louis the Fourteenth had been. And now the Revolutionary Tribunal of Paris was not content with forty, fifty, sixty heads in a morning. It was just after a series of victories, which destroyed the whole force of the single argument which has been urged in defence of the system of terror, that the Committee of Public Safety resolved to infuse into that system an energy hitherto unknown. It was proposed to reconstruct the Revolutionary Tribunal, and to collect in the space of two pages the whole revolutionary jurisprudence. Lists of twelve judges and fifty jurors were made out from among the fiercest Jacobins. The substantive law was simply this, that whatever the tribunal should think pernicious to the republic was a capital crime. The law of evidence was simply this, that whatever satisfied the jurors was sufficient proof. The law of procedure was of a piece with everything else. There was to be an advocate against the prisoner, and no advocate for him. It was expressly declared that, if the jurors were in any manner convinced of the guilt of the prisoner, they might convict him without hearing a single witness. The only punishment which the court could inflict was death.

Robespierre proposed this decree. When he had read it, a murmur rose from the convention. The fear which had long restrained the deputies from opposing the Committee was overcome by a stronger fear. Every man felt the knife at his throat. "The decree," said one, "is of grave importance. I move that it be printed, and that the debate be adjourned. If such a measure were adopted without time for consideration, I would blow my brains out at once." The motion for adjournment was seconded. Then Barère sprang up. "It is impossible," he said, "that there can be any difference of opinion among us as to a law like this, a law so favourable in all respects to patriots; a law which insures the speedy punishment of conspirators. If there is to be an adjournment, I must insist that it shall not be for more than three days." The opposition was overawed; the decree was passed; and, during the six weeks which followed, the havock was such as had never been known before.

And now the evil was beyond endurance. That timid majority which had for a time supported the Girondists, and which had, after their fall, contented itself with registering in silence the decrees of the Committee of Public

bold and firm character were not wanting, men such as Fouché and Tallien, who, having been long conspicuous among the chiefs of the Mountain, now found that their own lives, or lives still dearer to them than their own, were in extreme peril. Nor could it be longer kept secret that there was a schism in the despotic committee. On one side were Robespierre, St. Just, and Couthon; on the other Collot and Billaud. Barère leaned towards these last, but only leaned towards them. As was ever his fashion when a great crisis was at hand, he fawned alternately on both parties, struck alternately at both, and held himself in readiness to chant the praises or to sign the death warrant of either. In any event his Carmagnole was ready. The tree of liberty, the blood of traitors, the dagger of Brutus, the guineas of perfidious Albion, would do equally well for Billaud and for Robespierre.

The first attack which was made on Robespierre was indirect. An old woman named Catherine Théot, half maniac, half impostor, was protected by him, and exercised a strange influence over his mind; for he was naturally prone to superstition, and, having abjured the faith in which he had been brought up, was looking about for something to believe. Barère drew up a report against Catherine, which contained many facetious conceits, and ended, as might be expected, with a motion for sending her and some other wretched creatures of both sexes to the Revolutionary Tribunal, or, in other words, to death. This report, however, he did not dare to read to the convention himself. Another member, less timid, was induced to father the cruel buffoonery; and the real author enjoyed in security the dismay and vexation of Robespierre.

Barère now thought that he had done enough on one side, and that it was time to make his peace with the other. On the seventh of Thermidor, he pronounced in the Convention a panegyric on Robespierre. "That representative of the people," he said, "enjoys a reputation for patriotism, earned by five years of exertion, and by unalterable fidelity to the principles of independence and liberty." On the eighth of Thermidor, it became clear that a decisive struggle was at hand. Robespierre struck the first blow. He mounted the tribune, and uttered a long invective on his opponents. It was moved that his discourse should be printed; and Barère spoke for the printing. The sense of the Convention soon appeared to be the other way: and Barère apo-

to abstain from disputes which could be agreeable only to Pitt and York. On the next day, the ever memorable ninth of Thermidor, came the real tug of war. Tallien, bravely taking his life in his hand, led the onset. Billaud followed; and then all that infinite hatred which had long been kept down by terror burst forth, and swept every barrier before it. When at length the voice of Robespierre, drowned by the president's bell and by shouts of "Down with the tyrant!" had died away in hoarse gasping, Barère rose. He began with timid and doubtful phrases, watched the effect of every word he uttered, and, when the feeling of the Assembly had been unequivocally manifested, declared against Robespierre. But it was not till the people out of doors, and especially the gunners of Paris, had espoused the cause of the Convention that Barère felt quite at ease. Then he sprang to the tribune, poured forth a Carmagnole about Pisistratus and Catiline, and concluded by moving that the heads of Robespierre and Robespierre's accomplices should be cut off without a trial. The motion was carried. On the following morning the vanquished members of the Committee of Public Safety and their principal adherents suffered death. It was exactly one year since Barère had commenced his career of slaughter by moving the proscription of his old allies the Girondists. We greatly doubt whether any human being has ever succeeded in packing more wickedness into the space of three hundred and sixty-five days.

The ninth of Thermidor is one of the great epochs in the history of Europe. It is true that the three members of the Committee of Public Safety who triumphed were by no means better men than the three who fell. Indeed, we are inclined to think that of these six statesmen the least bad were Robespierre and Saint Just, whose cruelty was the effect of sincere fanaticism operating on narrow understandings and acrimonious tempers. The worst of the six was, beyond all doubt, Barère, who had no faith in any part of the system which he upheld by persecution; who while he sent his fellow-creatures to death for being the third cousins of royalists, had not in the least made up his mind that a republic was better than a monarchy; who, while he slew his old friends for federalism, was himself far more a federalist than any of them; who had become a murderer merely for his safety, and who continued to be a murderer merely for his pleasure.

The tendency of the vulgar is to embody everything. Some individual is selected, and often selected very injudiciously, as the representative of every great movement of the public

mind, of every great revolution in human affairs; and on this individual are concentrated all the love and all the hatred, all the admiration and all the contempt, which he ought rightfully to share with a whole party, a whole sect, a whole nation, a whole generation. Perhaps, no human being has suffered so much from this propensity of the multitude as Robespierre. He is regarded, not merely as what he was, an envious, malevolent zealot, but as the incarnation of Terror, as Jacobinism personified. The truth is, that it was not by him that the system of terror was carried to the last extreme. The most horrible days in the history of the revolutionary tribunal of Paris were those which immediately preceded the ninth of Thermidor. Robespierre had then ceased to attend the meetings of the sovereign Committee; and the direction of affairs was really in the hands of Billaud, of Collot, and of Barère.

It had never occurred to those three tyrants that, in overthrowing Robespierre, they were overthrowing that system of Terror to which they were more attached than he had ever been. Their object was to go on slaying even more mercilessly than before. But they had misunderstood the nature of the great crisis which had at last arrived. The yoke of the Committee was broken for ever. The Convention had regained its liberty, had tried its strength, had vanquished and punished its enemies. A great reaction had commenced. Twenty-four hours after Robespierre had ceased to live, it was moved and carried, amidst loud bursts of applause, that the sittings of the Revolutionary Tribunal should be suspended. Billaud was not at that moment present. He entered the hall soon after, learned with indignation what had passed, and moved that the vote should be rescinded. But loud cries of "No, no!" rose from those benches which had lately paid mute obedience to his commands. Barère came forward on the same day, and adjured the Convention not to relax the system of terror. "Beware, above all things," he cried, "of that fatal moderation which talks of peace and of clemency. Let aristocracy know, that here she will find only enemies sternly bent on vengeance, and judges who have no pity." But the day of the Carmagnoles was over: the restraint of fear had been relaxed; and the hatred with which the nation regarded the Jacobin dominion broke forth with ungovernable violence. Not more strongly did the tide of public opinion run against the old monarchy and aristocracy, at the time of the taking of the Bastile, than it now ran against the tyranny of the Mountain.

in, by hundreds. The decree which forbade the soldiers of the republic to give quarter to the English was repealed by an unanimous vote, amidst loud acclamations; nor passed as it was, disobeyed as it was, and rescinded as it was, can it be with justice considered as a blemish on the fame of the French nation. The Jacobin Club was refractory. It was suppressed without resistance. The surviving Girondist deputies, who had concealed themselves from the vengeance of their enemies in caverns and garrets, were readmitted to their seats in the Convention. No day passed without some signal reparation of injustice; no street in Paris was without some trace of the recent change. In the theatre, the bust of Marat was pulled down from its pedestal and broken in pieces, amidst the applause of the audience. His carcass was ejected from the Pantheon. The celebrated picture of his death, which had hung in the hall of the Convention, was removed. The savage inscriptions with which the walls of the city had been covered disappeared; and, in place of death and terror, humanity, the watchword of the new rulers, was everywhere to be seen. In the meantime, the gay spirit of France recently subdued by oppression, and now elated by the joy of a great deliverance, wantoned in a thousand forms. Art, taste, luxury, revived. Female beauty regained its empire—an empire strengthened by the remembrance of all the tender and all the sublime virtues which women delicately bred and reputed frivolous, had displayed during the evil days. Refined manners, chivalrous sentiments, followed in the train of love. The dawn of the Arctic summer day after the Arctic winter night, the great unsealing of the waters, the awakening of animal and vegetable life, the sudden softening of the air, the sudden blooming of the flowers, the sudden bursting of old forests into verdure, is but a feeble type of that happiest and most genial of revolutions, the revolution of the ninth of Thermidor.

But, in the midst of the revival of all kind and generous sentiments, there was one portion of the community against which mercy itself seemed to cry out for vengeance. The chiefs of the late government and their tools were now never named but as the men of blood, the drinkers of blood, the cannibals. In some parts of France, where the creatures of the Mountain had acted with peculiar barbarity, the populace took the law into its own hands and meted out justice to the Jacobins with the true Jacobin measure; but at Paris the punishments were inflicted with order and decency, and were few when compared with the number, and lenient when com-

pared with the enormity, of the crimes. Soon after the ninth of Thermidor, two of the vilest of mankind, Fouquier Tinville, whom Barère had placed at the Revolutionary Tribunal, and Lebon, whom Barère had defended in the Convention, were placed under arrest. A third miscreant soon shared their fate, Carrier, the tyrant of Nantes. The trials of these men brought to light horrors surpassing anything that Suetonius and Lampridius have related of the worst Cæsars. But it was impossible to punish subordinate agents who, bad as they were, had only acted in accordance with the spirit of the government which they served, and, at the same time, to grant impunity to the heads of the wicked administration. A cry was raised, both within and without the Convention, for justice on Collot, Billaud, and Barère.

Collot and Billaud, with all their vices, appear to have been men of resolute natures. They made no submission; but opposed to the hatred of mankind, at first a fierce resistance, and afterwards a dogged and sullen endurance. Barère, on the other hand, as soon as he began to understand the real nature of the revolution of Thermidor, attempted to abandon the Mountain, and to obtain admission among his old friends of the moderate party. He declared everywhere that he had never been in favour of severe measures; that he was a Girondist; that he had always condemned and lamented the manner in which the Brissotine deputies had been treated. He now preached mercy from that tribune from which he had recently preached extermination. "The time," he said, "has come at which our clemency may be indulged without danger. We may now safely consider temporary imprisonment as an adequate punishment for political misdemeanours." It was only a fortnight since, from the same place, he had declaimed against the moderation which dared even to talk of clemency; it was only a fortnight since he had ceased to send men and women to the guillotine of Paris, at the rate of three hundred a week. He now wished to make his peace with the moderate party at the expense of the Terrorists, as he had, a year before, made his peace with the Terrorists at the expense of the moderate party. But he was disappointed. He had left himself no retreat. His face, his voice, his rants, his jokes, had become hateful to the Convention. When he spoke he was interrupted by murmurs. Bitter reflections were daily cast on his cowardice and perfidy. On

sort of oratory which Barère had affected on similar occasions. *He was interrupted by cries of "No more Carmagnoles!" "No more of Barère's puns!"*

At length, five months after the revolution of Thermidor, the Convention resolved that a committee of twenty-one members should be appointed to examine into the conduct of Billaud, Collot, and Barère. In some weeks the report was made. From that report we learn that a paper had been discovered, signed by Barère, and containing a proposition for adding the last improvement to the system of terror. France was to be divided into circuits; itinerant revolutionary tribunals, composed of trusty Jacobins, were to move from department to department; and the guillotine was to travel in their train.

Barère, in his defence, insisted that no speech or motion which he had made in the Convention could, without a violation of the freedom of debate, be treated as a crime. He was asked how he could resort to such a mode of defence, after putting to death so many deputies on account of opinions expressed in the Convention. He had nothing to say, but that it was much to be regretted that the sound principle had ever been violated.

He arrogated to himself a large share of the merit of the revolution in Thermidor. The men who had risked their lives to effect that revolution, and who knew that, if they had failed, Barère would, in all probability, have moved the decree for beheading them without a trial, and have drawn up a proclamation announcing their guilt and their punishment to all France, were by no means disposed to acquiesce in his claims. He was reminded that, only forty-eight hours before the decisive conflict, he had, in the tribune, been profuse of adulation to Robespierre. His answer to this reproach is worthy of himself. "It was necessary," he said, "to dissemble. It was necessary to flatter Robespierre's vanity, and, by panegyric, to impel him to the attack. This was the motive which induced me to load him with those praises of which you complain. Who ever blamed Brutus for dissembling with Tarquin?"

The accused triumvirs had only one chance of escaping punishment. There was severe distress at that moment among the working people of the capital. This distress the Jacobins attributed to the reaction of Thermidor, to the lenity with which the aristocrats were now treated, and to the measures which had been adopted against the chiefs of

the late administration. Nothing is too absurd to be believed by a populace which has not breakfasted, and which does not know how it is to dine. The rabble of the Faubourg St. Antoine rose, menaced the deputies, and demanded with loud cries the liberation of the persecuted patriots. But the Convention was no longer such as it had been, when similar means were employed too successfully against the Girondists. Its spirit was roused. Its strength had been proved. Military means were at its command. The tumult was suppressed: and it was decreed that same evening that Collot, Billaud, and Barère should instantly be removed to a distant place of confinement.

The next day the order of the Convention was executed. The account which Barère has given of his journey is the most interesting and the most trustworthy part of these Memoirs. There is no witness so infamous that a court of justice will not take his word against himself; and even Barère may be believed when he tells us how much he was hated and despised.

The carriage in which he was to travel passed, surrounded by armed men, along the street of St. Honoré. A crowd soon gathered round it and increased every moment. On the long flight of steps before the church of St. Roch stood rows of eager spectators. It was with difficulty that the coach could make its way through those who hung upon it, hooting, cursing, and striving to burst the doors. Barère thought his life in danger, and was conducted at his own request to a public office, where he hoped that he might find shelter till the crowd should disperse. In the meantime, another discussion on his fate took place in the Convention. It was proposed to deal with him as he had dealt with better men, to put him out of the pale of the law, and to deliver him at once without any trial to the headsman. But the humanity which, since the ninth of Thermidor, had generally directed the public counsels restrained the deputies from taking this course.

It was now night; and the streets gradually became quiet. The clock struck twelve; and Barère, under a strong guard, again set forth on his journey. He was conducted over the river to the place where the Orleans road branches off from the southern boulevard. Two travelling carriages stood there. In one of them was Billaud, attended by two officers; in the other two more officers were waiting to receive Barère. Collot was already on the road.

At Orleans, a city which had suffered cruelly from the Jacobin tyranny, the three deputies were surrounded by a mob bent on tearing them to pieces. All the national guards of the neighbourhood were assembled; and this force was not greater then the emergency required; for the multitude pursued the carriages far on the road to Blois.

At Amboise the prisoners learned that Tours was ready to receive them. The stately bridge was occupied by a throng of people, who swore that the men under whose rule the Loire had been choked with corpses should have full personal experience of the nature of a *noyade*. In consequence of this news, the officers who had charge of the criminals made such arrangements that the carriages reached Tours at two in the morning, and drove straight to the post-house. Fresh horses were instantly ordered; and the travellers started again at full gallop. They had in truth not a moment to lose; for the alarm had been given; lights were seen in motion; and the yells of a great multitude, disappointed of its revenge, mingled with the sound of the departing wheels.

At Poitiers there was another narrow escape. As the prisoners quitted the post-house, they saw the whole population pouring in fury down the steep declivity on which the city is built. They passed near Niort, but could not venture to enter it. The inhabitants came forth with threatening aspect, and vehemently cried to the postillions to stop; but the postillions urged the horses to full speed, and soon left the town behind. Through such dangers the men of blood were brought in safety to Rochelle.

Oléron was the place of their destination, a dreary island beaten by the raging waves of the Bay of Biscay. The prisoners were confined in the castle; each had a single chamber, at the door of which a guard was placed; and each was allowed the ration of a single soldier. They were not allowed to communicate either with the garrison or with the population of the island; and soon after their arrival they were denied the indulgence of walking on the ramparts. The only place where they were suffered to take exercise was the esplanade where the troops were drilled.

They had not been long in this situation when news came that the Jacobins of Paris had made a last attempt to regain ascendency in the state, that the hall of the Convention had been forced by a furious crowd, that one of the deputies had

the President had been for a time in imminent danger, and that some members of the legislature had not been ashamed to join the rioters. But troops had arrived in time to prevent a massacre. The insurgents had been put to flight; the inhabitants of the disaffected quarters of the capital had been disarmed; the guilty deputies had suffered the just punishment of their treason; and the power of the Mountain was broken for ever. These events strengthened the aversion with which the system of Terror and the authors of that system were regarded. One member of the Convention had moved that the three prisoners of Oléron should be put to death; another, that they should be brought back to Paris, and tried by a council of war. These propositions were rejected. But something was conceded to the party which called for severity. A vessel which had been fitted out with great expedition at Rochefort touched at Oléron; and it was announced to Collot and Billaud that they must instantly go on board. They were forthwith conveyed to Guiana, where Collot soon drank himself to death with brandy. Billaud lived many years, shunning his fellow-creatures and shunned by them; and diverted his lonely hours by teaching parrots to talk. Why a distinction was made between Barère and his companions in guilt, neither he nor any other writer, as far as we know, has explained. It does not appear that the distinction was meant to be at all in his favour; for orders soon arrived from Paris, that he should be brought to trial for his crimes before the criminal court of the department of the Upper Charente. He was accordingly brought back to the continent, and confined during some months at Saintes, in an old convent which had lately been turned into a jail.

While he lingered here, the reaction which had followed the great crisis of Thermidor met with a temporary check. The friends of the house of Bourbon, presuming on the indulgence with which they had been treated after the fall of Robespierre, not only ventured to avow their opinions with little disguise, but at length took arms against the Convention, and were not put down till much blood had been shed in the streets of Paris. The vigilance of the public authorities was therefore now directed chiefly against the Royalists; and the rigour with which the Jacobins had lately been treated was somewhat relaxed. The Convention, indeed, again resolved that Barère should be sent to Guiana. But this decree was not carried into effect. The prisoner, probably with the connivance of some powerful persons, made his escape from

Saintes and fled to Bordeaux, where he remained in concealment during some years. There seems to have been a kind of understanding between him and the government, that, as long as he hid himself, he should not be found, but that, if he obtruded himself on the public eye, he must take the consequences of his rashness.

While the constitution of 1795, with its Executive Directory, its Council of Elders, and its Council of Five Hundred, was in operation, he continued to live under the ban of the law. It was in vain that he solicited, even at moments when the politics of the Mountain seemed to be again in the ascendant, a remission of the sentence pronounced by the Convention. Even his fellow-regicides, even the authors of the slaughter of Vendémiaire and of the arrests of Fructidor, were ashamed of him.

About eighteen months after his escape from prison, his name was again brought before the world. In his own province he still retained some of his early popularity. He had, indeed, never been in that province since the downfall of the monarchy. The mountaineers of Gascony were far removed from the seat of government, and were but imperfectly informed of what passed there. They knew that their countryman had played an important part, and that he had on some occasions promoted their local interests; and they stood by him in his adversity and in his disgrace with a constancy which presents a singular contrast to his own abject fickleness. All France was amazed to learn that the department of the Upper Pyrenees had chosen the proscribed tyrant a member of the Council of Five Hundred. The council, which, like our House of Commons, was the judge of the election of its own members, refused to admit him. When his name was read from the roll, a cry of indignation rose from the benches. "Which of you," exclaimed one of the members, "would sit by the side of such a monster?" "Not I, not I!" answered a crowd of voices. One deputy declared that he would vacate his seat if the hall were polluted by the presence of such a wretch. The election was declared null on the ground that the person elected was a criminal skulking from justice; and many severe reflections were thrown on the lenity which suffered him to be still at large.

He tried to make his peace with the Directory, by writing a bulky libel on England, entitled, The Liberty of the Seas. He seems to have confidently expected that this work would produce a great effect. He printed three thousand copies,

and, in order to defray the expense of publication, sold one of his farms for the sum of ten thousand francs. The book came out; but nobody bought it, in consequence, if Barère is to be believed, of the villainy of Mr. Pitt, who bribed the Directory to order the Reviewers not to notice so formidable an attack on the maritime greatness of perfidious Albion.

Barère had been about three years at Bordeaux when he received intelligence that the mob of the town designed him the honour of a visit on the ninth of Thermidor, and would probably administer to him what he had, in his defence of his friend Lebon, described as substantial justice under forms a little harsh. It was necessary for him to disguise himself in clothes such as were worn by the carpenters of the dock. In this garb, with a bundle of wood shavings under his arm, he made his escape into the vineyards which surround the city, lurked during some days in a peasant's hut, and, when the dreaded anniversary was over, stole back into the city. A few months later he was again in danger. He now thought that he should be nowhere so safe as in the neighbourhood of Paris. He quitted Bordeaux, hastened undetected through those towns where four years before his life had been in extreme danger, passed through the capital in the morning twilight, when none were in the streets except shop-boys taking down the shutters, and arrived safe at the pleasant village of St. Ouen on the Seine. Here he remained in seclusion during some months. In the meantime Bonaparte returned from Egypt, placed himself at the head of a coalition of discontented parties, covered his designs with the authority of the Elders, drove the Five Hundred out of their hall at the point of the bayonet, and became absolute monarch of France under the name of First Consul.

Barère assures us that these events almost broke his heart; that he could not bear to see France again subject to a master; and that, if the representatives had been worthy of that honourable name, they would have arrested the ambitious general who insulted them. These feelings, however, did not prevent him from soliciting the protection of the new government, and from sending to the First Consul a handsome copy of the essay on the Liberty of the Seas.

The policy of Bonaparte was to cover all the past with a general oblivion. He belonged half to the Revolution and half to the reaction. He was an upstart and a sovereign; and had therefore something in common with the Jacobin, and something in common with the Royalist. All, whether

Jacobins or Royalists, who were disposed to support his government, were readily received—all, whether Jacobins or Royalists, who showed hostility to his government, were put down and punished. Men who had borne a part in the worst crimes of the Reign of Terror, and men who had fought in the army of Condé, were to be found close together, both in his antechambers and in his dungeons. He decorated Fouché and Maury with the same cross. He sent Aréna and Georges Cadoudal to the same scaffold. From a government acting on such principles Barère easily obtained the indulgence which the Directory had constantly refused to grant. The sentence passed by the Convention was remitted; and he was allowed to reside at Paris. His pardon, it is true, was not granted in the most honourable form; and he remained, during some time, under the special supervision of the police. He hastened, however, to pay his court at the Luxemburg palace, where Bonaparte then resided, and was honoured with a few dry and careless words by the master of France.

Here begins a new chapter of Barère's history. What passed between him and the Consular government cannot, of course, be so accurately known to us as the speeches and reports which he made in the Convention. It is, however, not difficult, from notorious facts, and from the admissions scattered over these lying Memoirs, to form a tolerably accurate notion of what took place. Bonaparte wanted to buy Barère: Barère wanted to sell himself to Bonaparte. The only question was one of price; and there was an immense interval between what was offered and what was demanded.

Bonaparte, whose vehemence of will, fixedness of purpose, and reliance on his own genius were not only great but extravagant, looked with scorn on the most effeminate and dependent of human minds. He was quite capable of perpetrating crimes under the influence either of ambition or of revenge: but he had no touch of that accursed monomania, that craving for blood and tears, which raged in some of the Jacobin chiefs. To proscribe the Terrorists would have been wholly inconsistent with his policy; but, of all the classes of men whom his comprehensive system included, he liked them the least; and Barère was the worst of them. This wretch had been branded with infamy, first by the Convention, and then by the Council of Five Hundred. The inhabitants of four or five great cities had attempted to tear him limb from limb. Nor were his vices redeemed by eminent talents for

administration or legislation. It would be unwise to place in any honourable or important post a man so wicked, so odious, and so little qualified to discharge high political duties. At the same time, there was a way in which it seemed likely that he might be of use to the government. The First Consul, as he afterwards acknowledged, greatly overrated Barère's powers as a writer. The effect which the Reports of the Committee of Public Safety had produced by the camp fires of the Republican armies had been great. Napoleon himself, when a young soldier, had been delighted by those compositions, which had much in common with the rhapsodies of his favourite poet, Macpherson. The taste, indeed, of the great warrior and statesman was never very pure. His bulletins, his general orders, and his proclamations, are sometimes, it is true, masterpieces in their kind; but we too often detect, even in his best writing, traces of Fingal, and of the Carmagnoles. It is not strange, therefore, that he should have been desirous to secure the aid of Barère's pen. Nor was this the only kind of assistance which the old member of the Committee of Public Safety might render to the Consular government. He was likely to find admission into the gloomy dens in which those Jacobins whose constancy was to be overcome by no reverse, or whose crimes admitted of no expiation, hid themselves from the curses of mankind. No enterprise was too bold or too atrocious for minds crazed by fanaticism, and familiar with misery and death. The government was anxious to have information of what passed in their secret councils; and no man was better qualified to furnish such information than Barère.

For these reasons the First Consul was disposed to employ Barère as a writer and as a spy. But Barère—was it possible that he would submit to such a degradation? Bad as he was, he had played a great part. He had belonged to that class of criminals who filled the world with the renown of their crimes; he had been one of a cabinet which had ruled France with absolute power, and made war on all Europe with signal success. Nay, he had been, though not the most powerful, yet, with the single exception of Robespierre, the most conspicuous member of that cabinet. His name had been a household word at Moscow and at Philadelphia, at Edinburgh and at Cadiz. The blood of the queen of France, the blood of the greatest orators and philosophers of France, was on his hands. He had spoken; and it had been

decreed that the plough should pass over the great city of Lyons. He had spoken again; and it had been decreed that the streets of Toulon should be razed to the ground. When depravity is placed so high as his, the hatred which it inspires is mingled with awe. His place was with great tyrants, with Critias and Sylla, with Eccelino and Borgia; not with hireling scribblers and police runners.

"Virtue, I grant you, is an empty boast;
But shall the dignity of vice be lost?"

So sang Pope; and so felt Barère. When it was proposed to him to publish a journal in defence of the Consular government, rage and shame inspired him for the first and last time with something like courage. He had filled as large a space in the eyes of mankind as Mr. Pitt or General Washington; and he was coolly invited to descend at once to the level of Mr. Lewis Goldsmith. He saw, too, with agonies of envy, that a wide distinction was made between himself and the other statesmen of the Revolution who were summoned to the aid of the government. Those statesmen were required, indeed, to make large sacrifices of principle; but they were not called on to sacrifice what, in the opinion of the vulgar, constitutes personal dignity. They were made tribunes and legislators, ambassadors and counsellors of state, ministers, senators, and consuls. They might reasonably expect to rise with the rising fortunes of their master; and, in truth, many of them were destined to wear the badge of his Legion of Honour and of his order of the Iron Crown; to be arch-chancellors and arch-treasurers, counts, dukes, and princes. Barère, only six years before, had been far more powerful, far more widely renowned, than any of them; and now, while they were thought worthy to represent the majesty of France at foreign courts, while they received crowds of suitors in gilded ante-chambers, he was to pass his life in measuring paragraphs, and scolding correctors of the press. It was too much. Those lips which had never before been able to fashion themselves to a No, now murmured expostulation and refusal. "I could not"—these are his own words—"abase myself to such a point as to serve the First Consul merely in the capacity of a journalist, while so many insignificant, low, and servile people, such as the Treilhards, the Rœderers, the Lebruns, the Marets, and others, whom it is superfluous to name, held the first place in this government of upstarts."

This outbreak of spirit was of short duration. Napoleon was inexorable. It is said indeed that he was, for a moment, half inclined to admit Barère into the Council of State; but the members of that body remonstrated in the strongest terms, and declared that such a nomination would be a disgrace to them all. This plan was therefore relinquished. Thenceforth Barère's only chance of obtaining the patronage of the government was to subdue his pride, to forget that there had been a time when, with three words, he might have had the heads of the three consuls, and to betake himself, humbly and industriously, to the task of composing lampoons on England and panegyrics on Bonaparte.

It has been often asserted, we know not on what grounds, that Barère was employed by the government not only as a writer, but as a censor of the writings of other men. This imputation he vehemently denies in his Memoirs; but our readers will probably agree with us in thinking that his denial leaves the question exactly where it was.

Thus much is certain, that he was not restrained from exercising the office of censor by any scruple of conscience or honour; for he did accept an office, compared with which that of censor, odious as it is, may be called an august and beneficent magistracy. He began to have what are delicately called relations with the police. We are not sure that we have formed, or that we can convey, an exact notion of the nature of Barère's new calling. It is a calling unknown in our country. It has indeed often happened in England that a plot has been revealed to the government by one of the conspirators. The informer has sometimes been directed to carry it fair towards his accomplices, and to let the evil design come to full maturity. As soon as his work is done, he is generally snatched from the public gaze, and sent to some obscure village or to some remote colony. The use of spies, even to this extent, is in the highest degree unpopular in England; but a political spy by profession is a creature from which our island is as free as it is from wolves. In France the race is well known, and was never more numerous, more greedy, more cunning, or more savage, than under the government of Bonaparte.

Our idea of a gentleman in relations with the Consular and Imperial police may perhaps be incorrect. Such as it is, we will try to convey it to our readers. We image to ourselves a well-dressed person, with a soft voice and affable manners. His opinions are those of the society in which he

finds himself, but a little stronger. He often complains, in the language of honest indignation, that what passes in private conversation finds its way strangely to the government, and cautions his associates to take care what they say when they are not sure of their company. As for himself, he owns that he is indiscreet. He can never refrain from speaking his mind; and that is the reason that he is not prefect of a department.

In a gallery of the Palais Royal he overhears two friends talking earnestly about the king and the Count of Artois. He follows them into a coffee-house, sits at the table next to them, calls for his half-dish and his small glass of cognac, takes up a journal, and seems occupied with the news. His neighbours go on talking without restraint, and in the style of persons warmly attached to the exiled family. They depart; and he follows them half round the boulevards till he fairly tracks them to their apartments, and learns their names from the porters. From that day every letter addressed to either of them is sent from the post-office to the the police, and opened. Their correspondents become known tó the government, and are carefully watched. Six or eight honest families, in different parts of France, find themselves at once under the frown of power without being able to guess what offence they have given. One person is dismissed from a public office; another learns with dismay that his promising son has been turned out of the Polytechnic school.

Next, the indefatigable servant of the state falls in with an old republican, who has not changed with the times, who regrets the red cap and the tree of liberty, who has not unlearned the Thee and Thou, and who still subscribes his letters with "Health and Fraternity." Into the ears of this sturdy politician our friend pours forth a long series of complaints. What evil times! What a change since the days when the Mountain governed France! What is the First Consul but a king under a new name? What is this Legion of Honour but a new aristocracy? The old superstition is reviving with the old tyranny. There is a treaty with the Pope, and a provision for the clergy. Emigrant nobles are returning in crowds, and are better received at the Tuileries than the men of the 10th of August. This cannot last. What is life without liberty? What terrors has death to the true patriot? The old Jacobin catches fire, bestows and receives the fraternal hug, and hints that there will soon be great news, and that the breed of Harmodius

and Brutus is not quite extinct. The next day he is close prisoner, and all his papers are in the hands of the government.

To this vocation, a vocation compared with which the life of a beggar, of a pickpocket, of a pimp, is honourable, did Barère now descend. It was his constant practice, as often as he enrolled himself in a new party, to pay his footing with the heads of old friends. He was at first a Royalist; and he made atonement by watering the tree of liberty with the blood of Louis. He was then a Girondist; and he made atonement by murdering Vergniaud and Gensonné. He fawned on Robespierre up to the eighth of Thermidor; and he made atonement by moving, on the ninth, that Robespierre should be beheaded without a trial. He was now enlisted in the service of the new monarchy; and he proceeded to atone for his republican heresies by sending republican throats to the guillotine.

Among his most intimate associates was a Gascon named Demerville, who had been employed in an office of high trust under the Committee of Public Safety. This man was fanatically attached to the Jacobin system of politics, and, in conjunction with other enthusiasts of the same class, formed a design against the First Consul. A hint of this design escaped him in conversation with Barère. Barère carried the intelligence to Lannes, who commanded the Consular Guards. Demerville was arrested, tried, and beheaded; and among the witnesses who appeared against him was his friend Barère.

The account which Barère has given of these transactions is studiously confused and grossly dishonest. We think, however, that we can discern, through much falsehood and much artful obscurity, some truths which he labours to conceal. It is clear to us that the government suspected him of what the Italians call a double treason. It was natural that such a suspicion should attach to him. He had, in times not very remote, zealously preached the Jacobin doctrine, that he who smites a tyrant deserves higher praise than he who saves a citizen. Was it possible that the member of the Committee of Public Safety, the king-killer, the queen-killer, could in earnest mean to deliver his old confederates, his bosom friends, to the executioner, solely because they had planned an act which, if there were any truth in his own Carmagnoles, was in the highest degree virtuous and glorious? Was it not more probable that he was really concerned in the plot, and that

the information which he gave was merely intended to lull or to mislead the police? Accordingly spies were set on the spy. He was ordered to quit Paris, and not to come within twenty leagues till he received further orders. Nay, he ran no small risk of being sent, with some of his old friends, to Madagascar.

He made his peace, however, with the government so far, that he was not only permitted, during some years, to live unmolested, but was employed in the lowest sort of political drudgery. In the summer of 1803, while he was preparing to visit the south of France, he received a letter which deserves to be inserted. It was from Duroc, who is well known to have enjoyed a large share of Napoleon's confidence and favour.

"The First Consul, having been informed that Citizen Barère is about to set out for the country, desires that he will stay at Paris.

"Citizen Barère will every week draw up a report on the state of public opinion on the proceedings of the government, and generally on everything which, in his judgment, it will be interesting to the First Consul to learn.

"He may write with perfect freedom.

"He will deliver his reports under seal into General Duroc's own hand, and General Duroc will deliver them to the First Consul. But it is absolutely necessary that nobody should suspect that this species of communication takes place; and, should any such suspicion get abroad, the First Consul will cease to receive the reports of Citizen Barère.

"It will also be proper that Citizen Barère should frequently insert in the journals articles tending to animate the public mind, particularly against the English."

During some years Barère continued to discharge the functions assigned to him by his master. Secret reports, filled with the talk of coffee-houses, were carried by him every week to the Tuileries. His friends assure us that he took especial pains to do all the harm in his power to the returned emigrants. It was not his fault if Napoleon was not apprised of every murmur and every sarcasm which old marquesses who had lost their estates, and old clergymen who had lost their benefices, uttered against the imperial system. M. Hippolyte Carnot, we grieve to say, is so much blinded by party spirit that he seems to reckon this dirty wickedness among his hero's titles to public esteem.

Barère was, at the same time, an indefatigable journalist and pamphleteer. He set up a paper directed against England, and called the *Mémorial Antibritannique*. He planned

a work entitled, "France made great and illustrious by Napoleon." When the Imperial government was established, the old regicide made himself conspicuous even among the crowd of flatterers by the peculiar fulsomeness of his adulation. He translated into French a contemptible volume of Italian verses, entitled, "The Poetic Crown, composed on the glorious accession of Napoleon the First, by the Shepherds of Arcadia." He commenced a new series of Carmagnoles very different from those which had charmed the Mountain. The title of Emperor of the French, he said, was mean; Napoleon ought to be Emperor of Europe. King of Italy was too humble an appellation; Napoleon's style ought to be King of Kings.

But Barère laboured to small purpose in both his vocations. Neither as a writer nor as a spy was he of much use. He complains bitterly that his paper did not sell. While the *Journal des Débats*, then flourishing under the able management of Geoffroy, had a circulation of at least twenty thousand copies, the *Mémorial Antibritannique* never, in its most prosperous times, had more than fifteen hundred subscribers; and these subscribers were, with scarcely an exception, persons residing far from Paris, probably Gascons, among whom the name of Barère had not yet lost its influence.

A writer who cannot find readers generally attributes the public neglect to any cause rather than to the true one; and Barère was no exception to the general rule. His old hatred to Paris revived in all its fury. That city, he says, has no sympathy with France. No Parisian cares to subscribe to a journal which dwells on the real wants and interests of the country. To a Parisian nothing is so ridiculous as patriotism. The higher classes of the capital have always been devoted to England. A corporal from London is better received among them than a French general. A journal, therefore, which attacks England has no chance of their support.

A much better explanation of the failure of the *Mémorial* was given by Bonaparte at St. Helena. "Barère," said he to Barry O'Meara, "had the reputation of being a man of talent: but I did not find him so. I employed him to write; but he did not display ability, he used many flowers of rhetoric, but no solid argument; nothing but *coglionerie* wrapped up in high-sounding language."

The truth is that, though Barère was a man of quick parts, and could do with ease what he could do at all, he had never been a good writer. In the day of his power he had been in

topics. The faults of his style passed uncensured; for it was a time of literary as well as of civil lawlessness, and a patriot was licensed to violate the ordinary rules of composition as well as the ordinary rules of jurisprudence and of social morality. But there had now been a literary as well as a civil reaction. As there was again a throne and a court, a magistracy, a chivalry, and a hierarchy, so was there a revival of classical taste. Honour was again paid to the prose of Pascal and Massillon, and to the verse of Racine and La Fontaine. The oratory which had delighted the galleries of the Convention was not only as much out of date as the language of Villehardouin and Joinville, but was associated in the public mind with images of horror. All the peculiarities of the Anacreon of the guillotine, his words unknown to the Dictionary of the Academy, his conceits and his jokes, his Gascon idioms and his Gascon hyperboles, had become as odious as the cant of the Puritans was in England after the Restoration.

Bonaparte, who had never loved the men of the Reign of Terror, had now ceased to fear them. He was all-powerful and at the height of glory; they were weak and universally abhorred. He was a sovereign; and it is probable that he already meditated a matrimonial alliance with sovereigns. He was naturally unwilling, in his new position, to hold any intercourse with the worst class of Jacobins. Had Barère's literary assistance been important to the government, personal aversion might have yielded to considerations of policy; but there was no motive for keeping terms with a worthless man who had also proved a worthless writer. Bonaparte, therefore, gave loose to his feelings. Barère was not gently dropped, not sent into an honourable retirement, but spurned and scourged away like a troublesome dog. He had been in the habit of sending six copies of his journal on fine paper daily to the Tuileries. Instead of receiving the thanks and praises which he expected, he was dryly told that the great man had ordered five copies to be sent back. Still he toiled on; still he cherished a hope that at last Napoleon would relent, and that at last some share in the honours of the state would reward so much assiduity and so much obsequiousness. He was bitterly undeceived. Under the Imperial constitution the electoral colleges of the departments did not possess the right of choosing senators or deputies, but merely that of presenting candidates. From among these candidates the Emperor named members of the senate, and the senate named members of the legislative body. The inhabitants of the Upper

Pyrenees were still strangely partial to Barère. In the year 1805, they were *disposed* to present him as a candidate for the senate. On this Napoleon expressed the highest displeasure; and the president of the electoral college was directed to tell the voters, in plain terms, that such a choice would be disgraceful to the department. All thought of naming Barère a candidate for the senate was consequently dropped. But the people of Argelès ventured to name him a candidate for the legislative body. That body was altogether destitute of weight and dignity; it was not permitted to debate; its only function was to vote in silence for whatever the government proposed. It is not easy to understand how any man, who had sat in free and powerful deliberative assemblies, could condescend to bear a part in such a mummery. Barère, however, was desirous of a place even in this mock legislature; and a place even in this mock legislature was refused to him. In the whole senate he had not a single vote.

Such treatment was sufficient, it might have been thought, to move the most abject of mankind to resentment. Still, however, Barère cringed and fawned on. His Letters came weekly to the Tuileries till the year 1807. At length, while he was actually writing the two hundred and twenty-third of the series, a note was put into his hands. It was from Duroc, and was much more perspicuous than polite. Barère was requested to send no more of his Reports to the palace, as the Emperor was too busy to read them.

Contempt, says the Indian proverb, pierces even the shell of the tortoise; and the contempt of the Court was felt to the quick even by the callous heart of Barère. He had humbled himself to the dust; and he had humbled himself in vain. Having been eminent among the rulers of a great and victorious state, he had stooped to serve a master in the vilest capacities; and he had been told that, even in those capacities, he was not worthy of the pittance which had been disdainfully flung to him. He was now degraded below the level even of the hirelings whom the government employed in the most infamous offices. He stood idle in the market-place, not because he thought any office too infamous, but because none would hire him.

Yet he had reason to think himself fortunate; for, had all that is avowed in these Memoirs been known, he would have received very different tokens of the Imperial displeasure. We learn from himself that, while publishing daily columns

of calumny to the Tuileries, he was in close connexion with the agents whom the Emperor Alexander, then by no means favourably disposed towards France, employed to watch all that passed at Paris; was permitted to read their secret despatches; was consulted by them as to the temper of the public mind and the character of Napoleon; and did his best to persuade them that the government was in a tottering condition, and that the new sovereign was not, as the world supposed, a great statesman and soldier. Next, Barère, still the flatterer and talebearer of the Imperial Court, connected himself in the same manner with the Spanish envoy. He owns that with that envoy he had relations which he took the greatest pains to conceal from his own government; that they met twice a day; and that their conversation chiefly turned on the vices of Napoleon, on his designs against Spain, and on the best mode of rendering those designs abortive. In truth, Barère's baseness was unfathomable. In the lowest deeps of shame he found out lower deeps. It is bad to be a sycophant; it is bad to be a spy. But even among sycophants and spies there are degrees of meanness. The vilest sycophant is he who privily slanders the master on whom he fawns; the vilest spy is he who serves foreigners against the government of his native land.

From 1807 to 1814 Barère lived in obscurity, railing as bitterly as his craven cowardice would permit against the Imperial administration, and coming sometimes unpleasantly across the police. When the Bourbons returned, he, as might have been expected, became a royalist, and wrote a pamphlet setting forth the horrors of the system from which the Restoration had delivered France, and magnifying the wisdom and goodness which had dictated the charter. He who had voted for the death of Louis, he who had moved the decree for the trial of Marie Antoinette, he whose hatred of monarchy had led him to make war even upon the sepulchres of ancient monarchs, assures us, with great complacency, that "in this work monarchical principles and attachment to the House of Bourbon are nobly expressed." By this apostasy he got nothing, not even any additional infamy; for his character was already too black to be blackened.

During the hundred days he again emerged for a very short time into public life; he was chosen by his native district a member of the Chamber of Representatives. But, though that assembly was composed in a great measure of men who regarded the excesses of the Jacobins with indulgence, he

found himself an object of general aversion. When the President first informed the Chamber that M. Barère requested a hearing, a deep and indignant murmur ran round the benches. After the battle of Waterloo, Barère proposed that the Chamber should save France from the victorious enemy, by putting forth a proclamation about the pass of Thermopylæ and the Lacedæmonian custom of wearing flowers in times of extreme danger. Whether this composition, if it had then appeared, would have stopped the English and Prussian armies, is a question respecting which we are left to conjecture. The Chamber refused to adopt this last of the Carmagnoles.

The Emperor had abdicated. The Bourbons returned. The Chamber of Representatives, after burlesquing during a few weeks the proceedings of the National Convention, retired with the well-earned character of having been the silliest political assembly that had met in France. Those dreaming pedants and praters never for a moment comprehended their position. They could never understand that Europe must be either conciliated or vanquished; that Europe could be conciliated only by the restoration of Louis, and vanquished only by means of a dictatorial power entrusted to Napoleon. They would not hear of Louis; yet they would not hear of the only measures which could keep him out. They incurred the enmity of all foreign powers by putting Napoleon at their head; yet they shackled him, thwarted him, quarrelled with him about every trifle, abandoned him on the first reverse. They then opposed declamations and disquisitions to eight hundred thousand bayonets; played at making a constitution for their country, when it depended on the indulgence of the victor whether they should have a country; and were at last interrupted, in the midst of their babble about the rights of man and the sovereignty of the people, by the soldiers of Wellington and Blucher.

A new Chamber of Deputies was elected, so bitterly hostile to the Revolution that there was no small risk of a new reign of Terror. It is just, however, to say that the king, his ministers, and his allies exerted themselves to restrain the violence of the fanatical royalists, and that the punishments inflicted, though in our opinion unjustifiable, were few and lenient when compared with those which were demanded by M. de Labourdonnaye and M. Hyde de Neuville. We have always heard, and are inclined to believe, that the government was not disposed to treat even the regicides with severity. But on this point the feeling of the Chamber of Deputies was

so strong that it was thought necessary to make some concession. It was enacted, therefore, that whoever, having voted in January 1793 for the death of Louis the Sixteenth, had in any manner given in an adhesion to the government of Bonaparte during the hundred days should be banished for life from France. Barère fell within this description. He had voted for the death of Louis; and he had sat in the Chamber of Representatives during the hundred days.

He accordingly retired to Belgium, and resided there, forgotten by all mankind, till the year 1830. After the revolution of July he was at liberty to return to France; and he fixed his residence in his native province. But he was soon involved in a succession of lawsuits with his nearest relations —"three fatal sisters and an ungrateful brother," to use his own words. Who was in the right is a question about which we have no means of judging, and certainly shall not take Barère's word. The Courts appear to have decided some points in his favour and some against him. The natural inference is, that there were faults on all sides. The result of this litigation was that the old man was reduced to extreme poverty, and was forced to sell his paternal house.

As far as we can judge from the few facts which remain to be mentioned, Barère continued Barère to the last. After his exile he turned Jacobin again, and, when he came back to France, joined the party of the extreme left in railing at Louis Philippe, and at all Louis Philippe's ministers. M. Casimir Périer, M. de Broglie, M. Guizot, and M. Thiers, in particular, are honoured with his abuse; and the King himself is held up to execration as a hypocritical tyrant. Nevertheless Barère had no scruple about accepting a charitable donation of a thousand francs a year from the privy purse of the sovereign whom he hated and reviled. This pension, together with some small sums occasionally doled out to him by the department of the Interior, on the ground that he was a distressed man of letters, and by the department of Justice, on the ground that he had formerly held a high judicial office, saved him from the necessity of begging his bread. Having survived all his colleagues of the renowned Committee of Public Safety, and almost all his colleagues of the Convention, he died in January 1841. He had attained his eighty-sixth year.

We have now laid before our readers what we believe to be a just account of this man's life. Can it be necessary for us to add any thing for the purpose of assisting their judgment

of his character? If we were writing about any of his colleagues in the Committee of Public Safety, about Carnot, about Robespierre, or St. Just, nay, even about Couthon, Collot, or Billaud, we might feel it necessary to go into a full examination of the arguments which have been employed to vindicate or to excuse the system of Terror. We could, we think, show that France was saved from her foreign enemies, not by the system of Terror, but in spite of it; and that the perils which were made the plea of the violent policy of the Mountain were to a great extent created by that very policy. We could, we think, also show that the evils produced by the Jacobin administration did not terminate when it fell; that it bequeathed a long series of calamities to France and to Europe; that public opinion, which had during two generations been constantly becoming more and more favourable to civil and religious freedom, underwent, during the days of Terror, a change of which the traces are still to be distinctly perceived. It was natural that there should be such a change, when men saw that those who called themselves the champions of popular rights had compressed into the space of twelve months more crimes than the Kings of France, Merovingian, Carlovingian, and Capetian, had perpetrated in twelve centuries. Freedom was regarded as a great delusion. Men were willing to submit to the government of hereditary princes, of fortunate soldiers, of nobles, of priests; to any government but that of philosophers and philanthropists. Hence the imperial despotism, with its enslaved press and its silent tribune, its dungeons stronger than the old Bastile, and its tribunals more obsequious than the old parliaments. Hence the restoration of the Bourbons and of the Jesuits, the Chamber of 1815 with its categories of proscription, the revival of the feudal spirit, the encroachments of the clergy, the persecution of the Protestants, the appearance of a new breed of De Montforts and Dominics in the full light of the nineteenth century. Hence the admission of France into the Holy Alliance, and the war waged by the old soldiers of the tricolor against the liberties of Spain. Hence, too, the apprehensions with which, even at the present day, the most temperate plans for widening the narrow basis of the French representation are regarded by those who are especially interested in the security of property and the maintenance of order. Half a century has not sufficed to obliterate the stain which one year of depravity and madness has left on the noblest of causes.

Nothing is more ridiculous than the manner in which

writers like M. Hippolyte Carnot defend or excuse the Jacobin administration, while they declaim against the reaction which followed. That the reaction has produced and is still producing much evil, is perfectly true. But what produced the reaction? The spring flies up with a force proportioned to that with which it has been pressed down. The pendulum which is drawn far in one direction swings as far in the other. The joyous madness of intoxication in the evening is followed by languor and nausea on the morrow. And so, in politics, it is the sure law that every excess shall generate its opposite; nor does he deserve the name of a statesman who strikes a great blow without fully calculating the effect of the rebound. But such calculation was infinitely beyond the reach of the authors of the Reign of Terror. Violence, and more violence, blood, and more blood, made up their whole policy. In a few months these poor creatures succeeded in bringing about a reaction, of which none of them saw, and of which none of us may see, the close; and, having brought it about, they marvelled at it; they bewailed it; they execrated it; they ascribed it to everything but the real cause—their own immorality and their own profound incapacity for the conduct of great affairs.

These, however, are considerations to which, on the present occasion, it is hardly necessary for us to advert; for, be the defence which has been set up for the Jacobin policy good or bad, it is a defence which cannot avail Barère. From his own life, from his own pen, from his own mouth, we can prove that the part which he took in the work of blood is to be attributed, not even to sincere fanaticism, not even to misdirected and ill-regulated patriotism, but either to cowardice, or to delight in human misery. Will it be pretended that it was from public spirit that he murdered the Girondists? In these very Memoirs he tells us that he always regarded their death as the greatest calamity that could befall France. Will it be pretended that it was from public spirit that he raved for the head of the Austrian woman? In these very Memoirs he tells us that the time spent in attacking her was ill spent, and ought to have been employed in concerting measures of national defence. Will it be pretended that he was induced by sincere and earnest abhorrence of kingly government to butcher the living and to outrage the dead; he who invited Napoleon to take the title of King of Kings, he who assures us that after the Restoration he expressed in noble language his attachment to monarchy, and to the House of Bourbon?

Had he been less mean, something might have been said
extenuation of his cruelty. Had he been less cruel, somethi
might have been said in extenuation of his meanness. B
for him, regicide and court-spy, for him who patronised Leb
and betrayed Demerville, for him who wantoned alternate
in gasconades of Jacobinism and gasconades of servility, wh
excuse has the largest charity to offer.

We cannot conclude without saying something about tw
parts of his character, which his biographer appears to co
sider as deserving of high admiration. Barère, it is admitte
was somewhat fickle; but in two things he was consistent, i
his love of Christianity, and in his hatred to England. If th
were so, we must say that England is much more beholden
him than Christianity.

It is possible that our inclinations may bias our judg
ment; but we think that we do not flatter ourselves when w
say that Barère's aversion to our country was a sentiment a
deep and constant as his mind was capable of entertaining
The value of this compliment is indeed somewhat diminishe
by the circumstance that he knew very little about us. Hi
ignorance of our institutions, manners, and history is the les
excusable, because, according to his own account, he consorte
much, during the peace of Amiens, with Englishmen of note
such as that eminent nobleman Lord Greaten, and that no
less eminent philosopher Mr. Mackenzie Cœfhis. In spite
however, of his connexion with these well-known ornament
of our country, he was so ill-informed about us as to fancy
that our government was always laying plans to torment him.
If he was hooted at Saintes, probably by people whose rela-
tions he had murdered, it was because the cabinet of St.
James's had hired the mob. If nobody would read his bad
books, it was because the cabinet of St. James's had secured
the Reviewers. His accounts of Mr. Fox, of Mr. Pitt, of the
Duke of Wellington, of Mr. Canning, swarm with blunders
surpassing even the ordinary blunders committed by French-
men who write about England. Mr. Fox and Mr. Pitt, he
tells us, were ministers in two different reigns. Mr. Pitt's
sinking fund was instituted in order to enable England to pay
subsidies to the powers allied against the French republic.
The Duke of Wellington's house in Hyde Park was built by
the nation, which twice voted the sum of 200,000*l.* for the pur-
pose. This, however, is exclusive of the cost of the frescoes,
which were also paid for out of the public purse. Mr. Canning
was the first Englishman whose death Europe had reason to

lament; for the death of Lord Ward, a relation, we presume, of Lord Greaten and Mr. Cœfhis, had been an immense benefit to mankind.

*I*gnorant, however, as Barère was, he knew enough of us to hate us; and we persuade ourselves that, had he known us better, he would have hated us more. The nation which has combined, beyond all example and all hope, the blessings of liberty with those of order, might well be an object of aversion to one who had been false alike to the cause of order and to the cause of liberty. We have had amongst us intemperate zeal for popular rights; we have had amongst us also the intemperance of loyalty. But we have never been shocked by such a spectacle as the Barère of 1794, or as the Barère of 1804. Compared with him, our fiercest demagogues have been gentle; compared with him, our meanest courtiers have been manly. Mix together Thistlewood and Bubb Dodington; and you are still far from having Barère. The antipathy between him and us is such, that neither for the crimes of his earlier nor for those of his later life does our language, rich as it is, furnish us with adequate names. We have found it difficult to relate his history without having perpetual recourse to the French vocabulary of horror, and to the French vocabulary of baseness. It is not easy to give a notion of his conduct in the Convention, without using those emphatic terms, *guillotinade*, *noyade*, *fusillade*, *mitraillade*. It is not easy to give a notion of his conduct under the Consulate and the Empire without borrowing such words as *mouchard* and *mouton*.

We therefore like his invectives against us much better than any thing else that he has written; and dwell on them, not merely with complacency, but with a feeling akin to gratitude. It was but little that he could do to promote the honour of our country; but that little he did strenuously and constantly. Renegade, traitor, slave, coward, liar, slanderer, murderer, hack writer, police-spy—the one small service which he could render to England was to hate her: and such as he was may all who hate her be!

We cannot say that we contemplate with equal satisfaction that fervent and constant zeal for religion which, according to M. Hippolyte Carnot, distinguished Barère; for, as we think that whatever brings dishonour on religion is a serious evil, we had, we own, indulged a hope that Barère was an atheist. We now learn, however, that he was at no time even a sceptic, that he adhered to his faith through the whole Re-

divinity. One of these is a pious treatise, entitled "Of Christianity, and of its Influence." Another consists of meditations on the Psalms, which will doubtless greatly console and edify the Church.

This makes the character complete. Whatsoever things are false, whatsoever things are dishonest, whatsoever things are unjust, whatsoever things are impure, whatsoever things are hateful, whatsoever things are of evil report, if there be any vice, and if there be any infamy, all these things, we knew, were blended in Barère. But one thing was still wanting; and that M. Hippolyte Carnot has supplied. When to such an assemblage of qualities a high profession of piety is added, the effect becomes overpowering. We sink under the contemplation of such exquisite and manifold perfection; and feel, with deep humility, how presumptuous it was in us to think of composing the legend of this beatified athlete of the faith, St. Bertrand of the Carmagnoles.

Something more we had to say about him. But let him go. We did not seek him out, and will not keep him longer. If those who call themselves his friends had not forced him on our notice we should never have vouchsafed to him more than a passing word of scorn and abhorrence, such as we might fling at his brethren, Hébert and Fouquier Tinville, and Carrier and Lebon. We have no pleasure in seeing human nature thus degraded. We turn with disgust from the filthy and spiteful Yahoos of the fiction; and the filthiest and most spiteful Yahoo of the fiction was a noble creature when compared with the Barère of history. But what is no pleasure M. Hippolyte Carnot has made a duty. It is no light thing that a man in high and honourable public trust, a man who, from his connexions and position, may not unnaturally be supposed to speak the sentiments of a large class of his countrymen, should come forward to demand approbation for a life black with every sort of wickedness, and unredeemed by a single virtue. This M. Hippolyte Carnot has done. By attempting to enshrine this Jacobin carrion, he has forced us to gibbet it; and we venture to say that, from the eminence of infamy on which we have placed it, he will not easily take it down.

THE EARL OF CHATHAM. (October, 1844.)

1. *Correspondence of William Pitt, Earl of Chatham.* **4 vols. 8vo.** London: 1840.

2. *Letters of Horace Walpole, Earl of Orford, to Sir Horace Mann.* 4 vols. 8vo. London: 1843-4.

More than ten years ago we commenced a sketch of the political life of the great Lord Chatham. We then stopped at the death of George the Second, with the intention of speedily resuming our task. Circumstances, which it would be tedious to explain, long prevented us from carrying this intention into effect. Nor can we regret the delay. For the materials which were within our reach in 1834 were scanty and unsatisfactory, when compared with those which we at present possess. Even now, though we have had access to some valuable sources of information which have not yet been opened to the public, we cannot but feel that the history of the first ten years of the reign of George the Third is but imperfectly known to us. Nevertheless, we are inclined to think that we are in a condition to lay before our readers a narrative neither uninstructive nor uninteresting. We therefore return with pleasure to our long interrupted labour.

We left Pitt in the zenith of prosperity and glory, the idol of England, the terror of France, the admiration of the whole civilised world. The wind, from whatever quarter it blew, carried to England tidings of battles won, fortresses taken, provinces added to the empire. At home, factions had sunk into a lethargy, such as had never been known since the great religious schism of the sixteenth century had roused the public mind from repose.

In order that the events which we have to relate may be clearly understood, it may be desirable that we should advert to the causes which had for a time suspended the animation of both the great English parties.

If, rejecting all that is merely accidental, we look at the essential characteristics of the Whig and the Tory, we may

consider each of them as the representative of a great principle, essential to the welfare of nations. One is, in an especial manner, the guardian of liberty, and the other, of order. One is the moving power, and the other the steadying power of the state. One is the sail, without which society would make no progress, the other the ballast, without which there would be small safety in a tempest. But, during the forty-six years which followed the accession of the house of Hanover, these distinctive peculiarities seemed to be effaced. The Whig conceived that he could not better serve the cause of civil and religious freedom than by strenuously supporting the Protestant dynasty. The Tory conceived that he could not better prove his hatred of revolutions than by attacking a government to which a revolution had given birth. Both came by degrees to attach more importance to the means than to the end. Both were thrown into unnatural situations; and both, like animals transported to an uncongenial climate, languished and degenerated. The Tory, removed from the sunshine of the court, was as a camel in the snows of Lapland. The Whig, basking in the rays of royal favour, was as a reindeer in the sands of Arabia.

Dante tells us that he saw, in Malebolge, a strange encounter between a human form and a serpent. The enemies, after cruel wounds inflicted, stood for a time glaring on each other. A great cloud surrounded them, and then a wonderful metamorphosis began. Each creature was transfigured into the likeness of its antagonist. The serpent's tail divided itself into two legs; the man's legs intertwined themselves into a tail. The body of the serpent put forth arms; the arms of the man shrank into his body. At length the serpent stood up a man and spake; the man sank down a serpent, and glided hissing away. Something like this was the transformation which, during the reign of George the First, befell the two English parties. Each gradually took the shape and colour of its foe, till at length the Tory rose up erect the zealot of freedom, and the Whig crawled and licked the dust at the feet of power.

It is true that, when these degenerate politicians discussed questions merely speculative, and, above all, when they discussed questions relating to the conduct of their own grandfathers, they still seemed to differ as their grandfathers had differed. The Whig who, during three Parliaments, had never given one vote against the court, and who was ready to sell his soul for the Comptroller's staff or for the Great Wardrobe, still

professed to draw his political doctrines from Locke and Milton, still worshipped the memory of Pym and Hampden, and would still, on the thirtieth of January, take his glass, first to the man in the mask, and then to the man who would do it without a mask. The Tory, on the other hand, while he reviled the mild and temperate Walpole as a deadly enemy of liberty, could see nothing to reprobate in the iron tyranny of Strafford and Laud. But, whatever judgment the Whig or the Tory of that age might pronounce on transactions long past, there can be no doubt that, as respected the practical questions then pending, the Tory was a reformer, and indeed an intemperate and indiscreet reformer, while the Whig was conservative even to bigotry. We have ourselves seen similar effects produced in a neighbouring country by similar causes. Who would have believed, fifteen years ago, that M. Guizot and M. Villemain would have to defend property and social order against the attacks of such enemies as M. Genoude and M. de la Roche Jaquelin?

Thus the successors of the old Cavaliers had turned demagogues: the successors of the old Roundheads had turned courtiers. Yet was it long before their mutual animosity began to abate; for it is the nature of parties to retain their original enmities far more firmly than their original principles. During many years, a generation of Whigs, whom Sidney would have spurned as slaves, continued to wage deadly war with a generation of Tories whom Jeffreys would have hanged for republicans.

Through the whole reign of George the First, and through nearly half of the reign of George the Second, a Tory was regarded as an enemy of the reigning house, and was excluded from all the favours of the crown. Though most of the country gentlemen were Tories, none but Whigs were created peers and baronets. Though most of the clergy were Tories, none but Whigs were appointed deans and bishops. In every county, opulent and well descended Tory squires complained that their names were left out of the commission of the peace, while men of small estate and mean birth, who were for toleration and excise, septennial parliaments and standing armies, presided at quarter sessions, and became deputy lieutenants.

By degrees some approaches were made towards a reconciliation. While Walpole was at the head of affairs, enmity to his power induced a large and powerful body of Whigs, headed by the heir apparent of the throne, to make an alliance with

the Tories, and a truce even with the Jacobites. After Sir Robert's fall, the ban which lay on the Tory party was taken off. The chief places in the administration continued to be filled by Whigs, and, indeed, could scarcely have been filled otherwise; for the Tory nobility and gentry, though strong in numbers and in property, had among them scarcely a single man distinguished by talents, either for business or for debate. A few of them, however, were admitted to subordinate offices; and this indulgence produced a softening effect on the temper of the whole body. The first levee of George the Second after Walpole's resignation was a remarkable spectacle. Mingled with the constant supporters of the house of Brunswick, with the Russells, the Cavendishes, and the Pelhams, appeared a crowd of faces utterly unknown to the pages and gentlemen ushers, lords of rural manors, whose ale and foxhounds were renowned in the neighbourhood of the Mendip hills, or round the Wrekin, but who had never crossed the threshold of the palace since the days when Oxford, with the white staff in his hand, stood behind Queen Anne.

During the eighteen years which followed this day, both factions were gradually sinking deeper and deeper into repose. The apathy of the public mind is partly to be ascribed to the unjust violence with which the administration of Walpole had been assailed. In the body politic, as in the natural body, morbid languor generally succeeds morbid excitement. The people had been maddened by sophistry, by calumny, by rhetoric, by stimulants applied to the national pride. In the fulness of bread, they had raved as if famine had been in the land. While enjoying such a measure of civil and religious freedom as, till then, no great society had ever known, they had cried out for a Timoleon or a Brutus to stab their oppressor to the heart. They were in this frame of mind when the change of administration took place; and they soon found that there was to be no change whatever in the system of government. The natural consequences followed. To frantic zeal succeeded sullen indifference. The cant of patriotism had not merely ceased to charm the public ear, but had become as nauseous as the cant of Puritanism after the downfall of the Rump. The hot fit was over: the cold fit had begun: and it was long before seditious arts, or even real grievances, could bring back the fiery paroxysm which had run its course and reached its termination.

Two attempts were made to disturb this tranquillity. The

discontented heir of the house of Brunswick headed an opposition. Both the rebellion and the opposition came to nothing. The battle of Culloden annihilated the Jacobite party. The death of Prince Frederic dissolved the faction which, under his guidance, had feebly striven to annoy his father's government. His chief followers hastened to make their peace with the ministry; and the political torpor became complete.

Five years after the death of Prince Frederic, the public mind was for a time violently excited. But this excitement had nothing to do with the old disputes between Whigs and Tories. England was at war with France. The war had been feebly conducted. Minorca had been torn from us. Our fleet had retired before the white flag of the house of Bourbon. A bitter sense of humiliation, new to the proudest and bravest of nations, superseded every other feeling. The cry of all the counties and great towns of the realm was for a government which would retrieve the honour of the English arms. The two most powerful men in the country were the Duke of Newcastle and Pitt. Alternate victories and defeats had made them sensible that neither of them could stand alone. The interest of the state, and the interest of their own ambition impelled them to coalesce. By their coalition was formed the ministry which was in power when George the Third ascended the throne.

The more carefully the structure of this celebrated ministry is examined, the more shall we see reason to marvel at the skill or the luck which had combined in one harmonious whole such various and, as it seemed, incompatible elements of force. The influence which is derived from stainless integrity, the influence which is derived from the vilest arts of corruption, the strength of aristocratical connexion, the strength of democratical enthusiasm, all these things were for the first time found together. Newcastle brought to the coalition a vast mass of power, which had descended to him from Walpole and Pelham. The public offices, the church, the courts of law, the army, the navy, the diplomatic service, swarmed with his creatures. The boroughs, which long afterwards made up the memorable schedules A and B, were represented by his nominees. The great Whig families, which, during several generations, had been trained in the discipline of party warfare, and were accustomed to stand together in a firm phalanx, acknowledged him as their captain. Pitt, on the other hand, had what Newcastle wanted, an eloquence which stirred the passions and charmed the imagination, a high

reputation for purity, and the confidence and ardent love of millions.

The partition which the two ministers made of the powers of government was singularly happy. Each occupied a province for which he was well qualified; and neither had any inclination to intrude himself into the province of the other. Newcastle took the treasury, the civil and ecclesiastical patronage, and the disposal of that part of the secret service money which was then employed in bribing members of Parliament. Pitt was Secretary of State, with the direction of the war and of foreign affairs. Thus the filth of all the noisome and pestilential sewers of government was poured into one channel. Through the other passed only what was bright and stainless. Mean and selfish politicians, pining for commissionerships, gold sticks, and ribands, flocked to the great house at the corner of Lincoln's Inn Fields. There, at every levee, appeared eighteen or twenty pair of lawn sleeves; for there was not, it was said, a single Prelate who had not owed either his first elevation or some subsequent translation to Newcastle. There appeared those members of the House of Commons in whose silent votes the main strength of the government lay. One wanted a place in the excise for his butler. Another came about a prebend for his son. A third whispered that he had always stood by his Grace and the Protestant succession; that his last election had been very expensive; that potwallopers had now no conscience; that he had been forced to take up money on mortgage; and that he hardly knew where to turn for five hundred pounds. The Duke pressed all their hands, passed his arms round all their shoulders, patted all their backs, and sent away some with wages, and some with promises. From this traffic Pitt stood haughtily aloof. Not only was he himself incorruptible, but he shrank from the loathsome drudgery of corrupting others. He had not, however, been twenty years in Parliament, and ten in office, without discovering how the government was carried on. He was perfectly aware that bribery was practised on a large scale by his colleagues. Hating the practice, yet despairing of putting it down, and doubting whether, in those times, any ministry could stand without it, he determined to be blind to it. He would see nothing, know nothing, believe nothing. People who came to talk to him about shares in lucrative contracts, or about the means of securing a Cornish corporation, were soon put out of countenance by his arrogant humility. They did him too much honour. Such matters

were beyond his capacity. It was true that his poor advice about expeditions and treaties was listened to with indulgence by a gracious sovereign. If the question were, who should command in North America, or who should be ambassador at Berlin, his colleagues would probably condescend to take his opinion. But he had not the smallest influence with the Secretary of the Treasury, and could not venture to ask even for a tidewaiter's place.

It may be doubted whether he did not owe as much of his popularity to his ostentatious purity as to his eloquence, or to his talents for the administration of war. It was everywhere said with delight and admiration that the great Commoner, without any advantages of birth or fortune, had, in spite of the dislike of the Court and of the aristocracy, made himself the first man in England, and made England the first country in the world; that his name was mentioned with awe in every palace from Lisbon to Moscow; that his trophies were in all the four quarters of the globe; yet that he was still plain William Pitt, without title or riband, without pension or sinecure place. Whenever he should retire, after saving the state, he must sell his coach horses and his silver candlesticks. Widely as the taint of corruption had spread, his hands were clean. They had never received, they had never given, the price of infamy. Thus the coalition gathered to itself support from all the high and all the low parts of human nature, and was strong with the whole united strength of virtue and of Mammon.

Pitt and Newcastle were co-ordinate chief ministers. The subordinate places had been filled on the principle of including in the government every party and shade of party, the avowed Jacobites alone excepted, nay, every public man who, from his abilities or from his situation, seemed likely to be either useful in office or formidable in opposition.

The Whigs, according to what was then considered as their prescriptive right, held by far the largest share of power. The main support of the administration was what may be called the great Whig connexion, a connexion which, during near half a century, had generally had the chief sway in the country, and which derived an immense authority from rank, wealth, borough interest, and firm union. To this connexion, of which Newcastle was the head, belonged the houses of Cavendish, Lennox, Fitzroy, Bentinck, Manners, Conway, Wentworth, and many others of high note.

There were two other powerful Whig connexions, either

of which might have been a nucleus for a strong opposition. But room had been found in the government for both. They were known as the Grenvilles and the Bedfords.

The head of the Grenvilles was Richard Earl Temple. His talents for administration and debate were of no high order. But his great possessions, his turbulent and unscrupulous character, his restless activity, and his skill in the most ignoble tactics of faction, made him one of the most formidable enemies that a ministry could have. He was keeper of the privy seal. His brother George was treasurer of the navy. They were supposed to be on terms of close friendship with Pitt, who had married their sister, and was the most uxorious of husbands.

The Bedfords, or, as they were called by their enemies, the Bloomsbury gang, professed to be led by John Duke of Bedford, but in truth led him wherever they chose, and very often led him where he never would have gone of his own accord. He had many good qualities of head and heart, and would have been certainly a respectable, and possibly a distinguished man, if he had been less under the influence of his friends, or more fortunate in choosing them. Some of them were indeed, to do them justice, men of parts. But here, we are afraid, eulogy must end. Sandwich and Rigby were able debaters, pleasant boon companions, dexterous intriguers, masters of all the arts of jobbing and electioneering, and, both in public and private life, shamelessly immoral. Weymouth had a natural eloquence, which sometimes astonished those who knew how little he owed to study. But he was indolent and dissolute, and had early impaired a fine estate with the dice-box, and a fine constitution with the bottle. The wealth and power of the Duke, and the talents and audacity of some of his retainers, might have seriously annoyed the strongest ministry. But his assistance had been secured. He was Lord Lieutenant of Ireland. Rigby was his secretary; and the whole party dutifully supported the measures of the government.

Two men had, a short time before, been thought likely to contest with Pitt the lead of the House of Commons, William Murray and Henry Fox. But Murray had been removed to the Lords, and was Chief Justice of the King's Bench. Fox was indeed still in the Commons: but means had been found to secure, if not his strenuous support, at least his silent acquiescence. He was a poor man; he was a doting father. The office of Paymaster-General during an expensive war

was, in that age, perhaps the most lucrative situation in the gift of the government. This office was bestowed on Fox. The prospect of making a noble fortune in a few years, and of providing amply for his darling boy Charles, was irresistibly tempting. To hold a subordinate place, however profitable, after having led the House of Commons, and having been entrusted with the business of forming a ministry, was indeed a great descent. But a punctilious sense of personal dignity was no part of the character of Henry Fox.

We have not time to enumerate all the other men of weight who were, by some tie or other, attached to the government. We may mention Hardwicke, reputed the first lawyer of the age; Legge, reputed the first financier of the age; the acute and ready Oswald; the bold and humorous Nugent; Charles Townshend, the most brilliant and versatile of mankind; Elliot, Barrington, North, Pratt. Indeed, as far as we recollect, there were in the whole House of Commons only two men of distinguished abilities who were not connected with the government; and those two men stood so low in public estimation, that the only service which they could have rendered to any government would have been to oppose it. We speak of Lord George Sackville and Bubb Dodington.

Though most of the official men, and all the members of the cabinet, were reputed Whigs, the Tories were by no means excluded from employment. Pitt had gratified many of them with commands in the militia, which increased both their income and their importance in their own counties; and they were therefore in better humour than at any time since the death of Anne. Some of the party still continued to grumble over their punch at the Cocoa Tree; but in the House of Commons not a single one of the malecontents durst lift his eyes above the buckle of Pitt's shoe.

Thus there was absolutely no opposition. Nay, there was no sign from which it could be guessed in what quarter opposition was likely to arise. Several years passed during which Parliament seemed to have abdicated its chief functions. The Journals of the House of Commons, during four sessions, contain no trace of a division on a party question. The supplies, though beyond precedent great, were voted without discussion. The most animated debates of that period were on road bills and inclosure bills.

The old King was content; and it mattered little whether he were content or not. It would have been impossible for

if he had been inclined to do so. But he had no such inclination. He had once, indeed, been strongly prejudiced against Pitt, and had repeatedly been ill used by Newcastle; but the vigour and success with which the war had been waged in Germany, and the smoothness with which all public business was carried on, had produced a favourable change in the royal mind.

Such was the posture of affairs when, on the twenty-fifth of October, 1760, George the Second suddenly died, and George the Third, then twenty-two years old, became King. The situation of George the Third differed widely from that of his grandfather and that of his greatgrandfather. Many years had elapsed since a sovereign of England had been an object of affection to any part of his people. The first two Kings of the house of Hanover had neither those hereditary-rights which have often supplied the defect of merit, nor those personal qualities which have often supplied the defect of title. A prince may be popular with little virtue or capacity, if he reigns by birthright derived from a long line of illustrious predecessors. An usurper may be popular, if his genius has saved or aggrandised the nation which he governs. Perhaps no rulers have in our time had a stronger hold on the affection of subjects than the Emperor Francis, and his son in law the Emperor Napoleon. But imagine a ruler with no better title than Napoleon, and no better understanding than Francis. Richard Cromwell was such a ruler; and, as soon as an arm was lifted up against him, he fell without a struggle, amidst universal derision. George the First and George the Second were in a situation which bore some resemblance to that of Richard Cromwell. They were saved from the fate of Richard Cromwell by the strenuous and able exertions of the Whig party, and by the general conviction that the nation had no choice but between the house of Brunswick and Popery. But by no class were the Guelphs regarded with that devoted affection, of which Charles the First, Charles the Second, and James the Second, in spite of the greatest faults, and in the midst of the greatest misfortunes, received innumerable proofs. Those Whigs who stood by the new dynasty so manfully with purse and sword did so on principles independent of, and indeed almost incompatible with, the sentiment of devoted loyalty. The moderate Tories regarded the foreign dynasty as a great evil, which must be endured for fear of a greater evil. In the eyes of the high Tories, the Elector was the

was on his head; the blood of the brave and loyal was on his hands. Thus, during many years, the Kings of England were objects of strong personal aversion to many of their subjects, and of strong personal attachment to none. They found, indeed, firm and cordial support against the pretender to their throne; but this support was given, not at all for their sake, but for the sake of a religious and political system which would have been endangered by their fall. This support, too, they were compelled to purchase by perpetually sacrificing their private inclinations to the party which had set them on the throne, and which maintained them there.

At the close of the reign of George the Second, the feeling of aversion with which the house of Brunswick had long been regarded by half the nation had died away; but no feeling of affection to that house had yet sprung up. There was little, indeed, in the old King's character to inspire esteem or tenderness. He was not our countryman. He never set foot on our soil till he was more than thirty years old. His speech bewrayed his foreign origin and breeding. His love for his native land, though the most amiable part of his character, was not likely to endear him to his British subjects. He was never so happy as when he could exchange St. James's for Hernhausen. Year after year our fleets were employed to convoy him to the Continent, and the interests of his kingdom were as nothing to him when compared with the interests of his Electorate. As to the rest, he had neither the qualities which make dulness respectable, nor the qualities which make libertinism attractive. He had been a bad son and a worse father, an unfaithful husband and an ungraceful lover. Not one magnanimous or humane action is recorded of him; but many instances of meanness, and of a harshness which, but for the strong constitutional restraints under which he was placed, might have made the misery of his people.

He died; and at once a new world opened. The young King was a born Englishman. All his tastes and habits, good or bad, were English. No portion of his subjects had anything to reproach him with. Even the remaining adherents of the house of Stuart could scarcely impute to him the guilt of usurpation. He was not responsible for the Revolution, for the Act of Settlement, for the suppression of the risings of 1715 and of 1745. He was innocent of the blood of Derwentwater and Kilmarnock, of Balmerino and Cameron. Born fifty years after the old line had been expelled, fourth in descent and third in succession of the Hanoverian dynasty,

he might plead some show of hereditary right. His age, his appearance, and all that was known of his character, conciliated public favour. He was in the bloom of youth; his person and address were pleasing. Scandal imputed to him no vice; and flattery might, without any glaring absurdity, ascribe to him many princely virtues.

It is not strange, therefore, that the sentiment of loyalty, a sentiment which had lately seemed to be as much out of date as the belief in witches or the practice of pilgrimage, should, from the day of his accession have begun to revive. The Tories in particular, who had always been inclined to King-worship, and who had long felt with pain the want of an idol before whom they could bow themselves down, were as joyful as the priests of Apis, when, after a long interval, they had found a new calf to adore. It was soon clear that George the Third was regarded by a portion of the nation with a very different feeling from that which his two predecessors had inspired. They had been merely First Magistrates, Doges, Stadtholders; he was emphatically a King, the anointed of heaven, the breath of his people's nostrils. The years of the widowhood and mourning of the Tory party were over. Dido had kept faith long enough to the cold ashes of a former lord; she had at last found a comforter, and recognised the vestiges of the old flame. The golden days of Harley would return. The Somersets, the Lees, and the Wyndhams would again surround the throne. The latitudinarian prelates, who had not been ashamed to correspond with Doddridge and to shake hands with Whiston, would be succeeded by divines of the temper of South and Atterbury. The devotion which had been so signally shown to the house of Stuart, which had been proof against defeats, confiscations, and proscriptions, which perfidy, oppression, ingratitude, could not weary out, was now transferred entire to the house of Brunswick. If George the Third would but accept the homage of the Cavaliers and High Churchmen, he should be to them all that Charles the First and Charles the Second had been.

The Prince, whose accession was thus hailed by a great party long estranged from his house, had received from nature a strong will, a firmness of temper to which a harsher name might perhaps be given, and an understanding not, indeed, acute or enlarged, but such as qualified him to be a good man of business. But his character had not yet fully developed itself. He had been brought up in strict seclusion

The detractors of the Princess Dowager of Wales affirmed that she had kept her children from commerce with society, in order that she might hold an undivided empire over their minds. She gave a very different explanation of her conduct. She would gladly, she said, see her sons and daughters mix in the world, if they could do so without risk to their morals. But the profligacy of the people of quality alarmed her. The young men were all rakes; the young women made love, instead of waiting till it was made to them. She could not bear to expose those whom she loved best to the contaminating influence of such society. The moral advantages of the system of education which formed the Duke of York, the Duke of Cumberland, and the Queen of Denmark, may perhaps be questioned. George the Third was indeed no libertine; but he brought to the throne a mind only half opened, and was for some time entirely under the influence of his mother and of his Groom of the Stole, John Stuart, Earl of Bute.

The Earl of Bute was scarcely known, even by name, to the country which he was soon to govern. He had indeed, a short time after he came of age, been chosen to fill a vacancy which, in the middle of a parliament, had taken place among the Scotch representative peers. He had disobliged the Whig ministers by giving some silent votes with the Tories, had consequently lost his seat at the next dissolution, and had never been reelected. Near twenty years had elapsed since he had borne any part in politics. He had passed some of those years at his seat in one of the Hebrides, and from that retirement he had emerged as one of the household of Prince Frederic. Lord Bute, excluded from public life, had found out many ways of amusing his leisure. He was a tolerable actor in private theatricals, and was particularly successful in the part of Lothario. A handsome leg, to which both painters and satirists took care to give prominence, was among his chief qualifications for the stage. He devised quaint dresses for masquerades. He dabbled in geometry, mechanics, and botany. He paid some attention to antiquities and works of art, and was considered in his own circle as a judge of painting, architecture, and poetry. It is said that his spelling was incorrect. But though, in our time, incorrect spelling is justly considered as a proof of sordid ignorance, it would be unjust to apply the same rule to people who lived a century ago. The novel of Sir Charles Grandison was

pearance at Leicester House. Our readers may perhaps remember the account which Charlotte Grandison gives of her two lovers. One of them, a fashionable baronet who talks French and Italian fluently, cannot write a line in his own language without some sin against orthography; the other, who is represented as a most respectable specimen of the young aristocracy, and something of a virtuoso, is described as spelling pretty well for a lord. On the whole, the Earl of Bute might fairly be called a man of cultivated mind. He was also a man of undoubted honour. But his understanding was narrow, and his manners cold and haughty. His qualifications for the part of a statesman were best described by Frederic, who often indulged in the unprincely luxury of sneering at his dependents. "Bute," said his Royal Highness, "you are the very man to be envoy at some small proud German court where there is nothing to do."

Scandal represented the Groom of the Stole as the favoured lover of the Princess Dowager. He was undoubtedly her confidential friend. The influence which the two united exercised over the mind of the King was for a time unbounded. The Princess, a woman and a foreigner, was not likely to be a judicious adviser about affairs of state. The Earl could scarcely be said to have served even a noviciate in politics. His notions of government had been acquired in the society which had been in the habit of assembling round Frederic at Kew and Leicester House. That society consisted principally of Tories, who had been reconciled to the house of Hanover by the civility with which the Prince had treated them, and by the hope of obtaining high preferment when he should come to the throne. Their political creed was a peculiar modification of Toryism. It was the creed neither of the Tories of the seventeenth nor of the Tories of the nineteenth century. It was the creed, not of Filmer and Sacheverell, not of Perceval and Eldon, but of the sect of which Bolingbroke may be considered as the chief doctor. This sect deserves commendation for having pointed out and justly reprobated some great abuses which sprang up during the long domination of the Whigs. But it is far easier to point out and reprobate abuses than to propose beneficial reforms; and the reforms which Bolingbroke proposed would either have been utterly inefficient, or would have produced much more mischief than they would have removed.

The revolution had saved the nation from one class of evils, but had at the same time—such is the imperfection of all

things human—engendered or aggravated another class of evils which required new remedies. Liberty and property were secure from the attacks of prerogative. Conscience was respected. No government ventured to infringe any of the rights solemnly recognised by the instrument which had called William and Mary to the throne. But it cannot be denied that, under the new system, the public interests and the public morals were seriously endangered by corruption and faction. During the long struggle against the Stuarts, the chief object of the most enlightened statesmen had been to strengthen the House of Commons. The struggle was over; the victory was won; the House of Commons was supreme in the state; and all the vices which had till then been latent in the representative system were rapidly developed by prosperity and power. Scarcely had the executive government become really responsible to the House of Commons, when it began to appear that the House of Commons was not really responsible to the nation. Many of the constituent bodies were under the absolute control of individuals; many were notoriously at the command of the highest bidder. The debates were not published. It was very seldom known out of doors how a gentleman had voted. Thus, while the ministry was accountable to the Parliament, the majority of the Parliament was accountable to nobody. In such circumstances, nothing could be more natural than that the members should insist on being paid for their votes, should form themselves into combinations for the purpose of raising the price of their votes, and should at critical conjunctures extort large wages by threatening a strike. Thus the Whig ministers of George the First and George the Second were compelled to reduce corruption to a system, and to practise it on a gigantic scale.

If we are right as to the cause of these abuses, we can scarcely be wrong as to the remedy. The remedy was surely not to deprive the House of Commons of its weight in the state. Such a course would undoubtedly have put an end to parliamentary corruption and to parliamentary factions: for, when votes cease to be of importance, they will cease to be bought; and, when knaves can get nothing by combining, they will cease to combine. But to destroy corruption and faction by introducing despotism would have been to cure bad by worse. The proper remedy evidently was, to make the House of Commons responsible to the nation; and this was to be effected in two ways: first, by giving publicity

to parliamentary proceedings, and thus placing every member on his trial before the tribunal of public opinion; and secondly, by so reforming the constitution of the House that no man should be able to sit in it who had not been returned by a respectable and independent body of constituents.

Bolingbroke and Bolingbroke's disciples recommended a very different mode of treating the diseases of the state. Their doctrine was that a vigorous use of the prerogative by a patriot King would at once break all factious combinations, and supersede the pretended necessity of bribing members of Parliament. The King had only to resolve that he would be master, that he would not be held in thraldom by any set of men, that he would take for ministers any persons in whom he had confidence, without distinction of party, and that he would restrain his servants from influencing by immoral means either the constituent bodies or the representative body. This childish scheme proved that those who proposed it knew nothing of the nature of the evil with which they pretended to deal. The real cause of the prevalence of corruption and faction was that a House of Commons, not accountable to the people, was more powerful than the King. Bolingbroke's remedy could be applied only by a King more powerful than the House of Commons. How was the patriot Prince to govern in defiance of the body without whose consent he could not equip a sloop, keep a battalion under arms, send an embassy, or defray even the charges of his own household? Was he to dissolve the Parliament? And what was he likely to gain by appealing to Sudbury and Old Sarum against the venality of their representatives? Was he to send out privy seals? Was he to levy ship-money? If so, this boasted reform must commence in all probability by civil war, and, if consummated, must be consummated by the establishment of absolute monarchy. Or was the patriot King to carry the House of Commons with him in his upright designs? By what means? Interdicting himself from the use of corrupt influence, what motive was he to address to the Dodingtons and Winningtons? Was cupidity, strengthened by habit, to be laid asleep by a few fine sentences about virtue and union?

Absurd as this theory was, it had many admirers, particularly among men of letters. It was now to be reduced to practice; and the result was, as any man of sagacity must have foreseen, the most piteous and ridiculous of failures.

On the very day of the young King's accession, appeared

some signs which indicated the approach of a great change. The speech which he made to his council was not submitted to the cabinet. It was drawn up by Bute, and contained some expressions which might be construed into reflections on the conduct of affairs during the late reign. Pitt remonstrated, and begged that these expressions might be softened down in the printed copy; but it was not till after some hours of altercation that Bute yielded; and, even after Bute had yielded, the King affected to hold out till the following afternoon. On the same day on which this singular contest took place, Bute was not only sworn of the privy council, but introduced into the cabinet.

Soon after this, Lord Holdernesse, one of the Secretaries of State, in pursuance of a plan concerted with the court, resigned the seals. Bute was instantly appointed to the vacant place. A general election speedily followed, and the new Secretary entered parliament in the only way in which he then could enter it, as one of the sixteen representative peers of Scotland.*

Had the ministers been firmly united, it can scarcely be doubted that they would have been able to withstand the court. The parliamentary influence of the Whig aristocracy, combined with the genius, the virtue, and the fame of Pitt, would have been irresistible. But there had been in the cabinet of George the Second latent jealousies and enmities, which now began to show themselves. Pitt had been estranged from his old ally Legge, the Chancellor of the Exchequer. Some of the ministers were envious of Pitt's popularity. Others were, not altogether without cause, disgusted by his imperious and haughty demeanour. Others, again, were honestly opposed to some parts of his policy. They admitted that he had found the country in the depths of humiliation, and had raised it to the height of glory: they admitted that he had conducted the war with energy, ability, and splendid success; but they began to hint that the drain on the resources of the state was unexampled, and that the public debt was increasing with a speed at which Montague or Godolphin would have stood aghast. Some of the acquisitions made by our fleets and armies were, it was acknowledged, profitable as well as honourable; but, now that George the Second was dead, a courtier might venture to ask why

* In the reign of Anne, the House of Lords had resolved that, under the 23rd article of Union, no Scotch peer could be created a peer of Great Britain. This resolution was not annulled till the year 1782.

England was to become a party in a dispute between two German powers. What was it to her whether the house of Hapsburg or the house of Brandenburg ruled in Silesia? Why were the best English regiments fighting on the Main? Why were the Prussian battalions paid with English gold? The great minister seemed to think it beneath him to calculate the price of victory. As long as the Tower guns were fired, as the streets were illuminated, as French banners were carried in triumph through London, it was to him matter of indifference to what extent the public burdens were augmented. Nay he seemed to glory in the magnitude of those sacrifices which the people, fascinated by his eloquence and success, had too readily made, and would long and bitterly regret. There was no check on waste or embezzlement. Our commissaries returned from the camp of Prince Ferdinand to buy boroughs, to rear palaces, to rival the magnificence of the old aristocracy of the realm. Already had we borrowed, in four years of war, more than the most skilful and economical government would pay in forty years of peace. But the prospect of peace was as remote as ever. It could not be doubted that France, smarting and prostrate, would consent to fair terms of accommodation; but this was not what Pitt wanted. War had made him powerful and popular: with war, all that was brightest in his life was associated: for war, his talents were peculiarly fitted. He had at length begun to love war for its own sake, and was more disposed to quarrel with neutrals than to make peace with enemies.

Such were the views of the Duke of Bedford and of the Earl of Hardwicke; but no member of the government held these opinions so strongly as George Grenville, the treasurer of the navy. George Grenville was brother in law of Pitt, and had always been reckoned one of Pitt's personal and political friends. But it is difficult to conceive two men of talents and integrity more utterly unlike each other. Pitt, as his sister often said, knew nothing accurately except Spenser's Fairy Queen. He had never applied himself steadily to any branch of knowledge. He was a wretched financier. He never became familiar even with the rules of that House of which he was the brightest ornament. He had never studied public law as a system; and was, indeed, so ignorant of the whole subject, that George the Second, on one occasion, complained bitterly that a man who had never read Vattel should presume to undertake the direction of foreign affairs.

But these defects were more than redeemed by high and rare gifts, by a strange power of inspiring great masses of men with confidence and affection, by an eloquence which not only delighted the ear, but stirred the blood, and brought tears into the eyes, by originality in devising plans, by vigour in executing them. Grenville, on the other hand, was by nature and habit a man of details. He had been bred a lawyer; and he had brought the industry and acuteness of the Temple into official and parliamentary life. He was supposed to be intimately acquainted with the whole fiscal system of the country. He had paid especial attention to the law of Parliament, and was so learned in all things relating to the privileges and orders of the House of Commons that those who loved him least pronounced him the only person competent to succeed Onslow in the Chair. His speeches were generally instructive, and sometimes, from the gravity and earnestness with which he spoke, even impressive, but never brilliant, and generally tedious. Indeed, even when he was at the head of affairs, he sometimes found it difficult to obtain the ear of the House. In disposition as well as in intellect, he differed widely from his brother in law. Pitt was utterly regardless of money. He would scarcely stretch out his hand to take it; and, when it came, he threw it away with childish profusion. Grenville, though strictly upright, was grasping and parsimonious. Pitt was a man of excitable nerves, sanguine in hope, easily elated by success and popularity, keenly sensible of injury, but prompt to forgive; Grenville's character was stern, melancholy, and pertinacious. Nothing was more remarkable in him than his inclination always to look on the dark side of things. He was the raven of the House of Commons, always croaking defeat in the midst of triumphs, and bankruptcy with an overflowing exchequer. Burke, with general applause, compared him, in a time of quiet and plenty, to the evil spirit whom Ovid described looking down on the stately temples and wealthy haven of Athens, and scarce able to refrain from weeping because she could find nothing at which to weep. Such a man was not likely to be popular. But to unpopularity Grenville opposed a dogged determination, which sometimes forced even those who hated him to respect him.

It was natural that Pitt and Grenville, being such as they were, should take very different views of the situation of affairs. Pitt could see nothing but the trophies; Grenville could see nothing but the bill. Pitt boasted that England

was victorious at once in America, in India, and in Germany, the umpire of the Continent, the mistress of the sea. Grenville cast up the subsidies, sighed over the army extraordinaries, and groaned in spirit to think that the nation had borrowed eight millions in one year.

With a ministry thus divided it was not difficult for Bute to deal. Legge was the first who fell. He had given offence to the young King in the late reign, by refusing to support a creature of Bute at a Hampshire election. He was now not only turned out, but in the closet, when he delivered up his seal of office, was treated with gross incivility.

Pitt, who did not love Legge, saw this event with indifference. But the danger was now fast approaching himself. Charles the Third of Spain had early conceived a deadly hatred of England. Twenty years before, when he was King of the Two Sicilies, he had been eager to join the coalition against Maria Theresa. But an English fleet had suddenly appeared in the Bay of Naples. An English captain had landed, had proceeded to the palace, had laid a watch on the table, and had told his majesty that, within an hour, a treaty of neutrality must be signed, or a bombardment would commence. The treaty was signed; the squadron sailed out of the bay twenty-four hours after it had sailed in; and from that day the ruling passion of the humbled Prince was aversion to the English name. He was at length in a situation in which he might hope to gratify that passion. He had recently become King of Spain and the Indies. He saw, with envy and apprehension, the triumphs of our navy, and the rapid extension of our colonial Empire. He was a Bourbon, and sympathized with the distress of the house from which he sprang. He was a Spaniard; and no Spaniard could bear to see Gibraltar and Minorca in the possession of a foreign power. Impelled by such feelings, Charles concluded a secret treaty with France. By this treaty, known as the Family Compact, the two powers bound themselves, not in express words, but by the clearest implication, to make war on England in common. Spain postponed the declaration of hostilities only till her fleet, laden with the treasures of America, should have arrived.

The existence of the treaty could not be kept a secret from Pitt. He acted as a man of his capacity and energy might be expected to act. He at once proposed to declare war against Spain, and to intercept the American fleet. He had

determined, it is said, to attack without delay both Havanna and the Philippines.

His wise and resolute counsel was rejected. Bute was foremost in opposing it, and was supported by almost the whole cabinet. Some of the ministers doubted, or affected to doubt, the correctness of Pitt's intelligence; some shrank from the responsibility of advising a course so bold and decided as that which he proposed; some were weary of his ascendency, and were glad to be rid of him on any pretext. One only of his colleagues agreed with him, his brother in law, Earl Temple.

Pitt and Temple resigned their offices. To Pitt the young King behaved at parting in the most gracious manner. Pitt, who, proud and fiery every where else, was always meek and humble in the closet, was moved even to tears. The King and the favourite urged him to accept some substantial mark of royal gratitude. Would he like to be appointed governor of Canada? A salary of five thousand pounds a year should be annexed to the office. Residence would not be required. It was true that the governor of Canada, as the law then stood, could not be a member of the House of Commons. But a bill should be brought in, authorising Pitt to hold his government together with a seat in Parliament, and in the preamble should be set forth his claims to the gratitude of his country. Pitt answered, with all delicacy, that his anxieties were rather for his wife and family than for himself, and that nothing would be so acceptable to him as a mark of royal goodness which might be beneficial to those who were dearest to him. The hint was taken. The same Gazette which announced the retirement of the Secretary of State announced also that, in consideration of his great public services, his wife had been created a peeress in her own right, and that a pension of three thousand pounds a year, for three lives, had been bestowed on himself. It was doubtless thought that the rewards and honours conferred on the great minister would have a conciliatory effect on the public mind. Perhaps, too, it was thought that his popularity, which had partly arisen from the contempt which he had always shown for money, would be damaged by a pension; and, indeed, a crowd of libels instantly appeared, in which he was accused of having sold his country. Many of his true friends thought that he would have best consulted the dignity of his character by refusing to accept any pecuniary reward from the court. Nevertheless, the general

opinion of his talents, virtues, and services, remained unaltered. Addresses were presented to him from several large towns. London showed its admiration and affection in a still more marked manner. Soon after his resignation came the Lord Mayor's day. The King and the royal family dined at Guildhall. Pitt was one of the guests. The young Sovereign, seated by his bride in his state coach, received a remarkable lesson. He was scarcely noticed. All eyes were fixed on the fallen minister; all acclamations directed to him. The streets, the balconies, the chimney tops, burst into a roar of delight as his chariot passed by. The ladies waved their handkerchiefs from the windows. The common people clung to the wheels, shook hands with the footmen, and even kissed the horses. Cries of "No Bute!" "No Newcastle salmon!" were mingled with the shouts of "Pitt for ever!" When Pitt entered Guildhall, he was welcomed by loud huzzas and clapping of hands, in which the very magistrates of the city joined. Lord Bute, in the meantime, was hooted and pelted through Cheapside, and would, it was thought, have been in some danger, if he had not taken the precaution of surrounding his carriage with a strong body guard of boxers. Many persons blamed the conduct of Pitt on this occasion as disrespectful to the King. Indeed, Pitt himself afterwards owned that he had done wrong. He was led into this error, as he was afterwards led into more serious errors, by the influence of his turbulent and mischievous brother in law, Temple.

The events which immediately followed Pitt's retirement raised his fame higher than ever. War with Spain proved to be, as he had predicted, inevitable. News came from the West Indies that Martinique had been taken by an expedition which he had sent forth. Havanna fell; and it was known that he had planned an attack on Havanna. Manilla capitulated; and it was believed that he had meditated a blow against Manilla. The American fleet, which he had proposed to intercept, had unloaded an immense cargo of bullion in the haven of Cadiz, before Bute could be convinced that the court of Madrid really entertained hostile intentions.

The session of Parliament which followed Pitt's retirement passed over without any violent storm. Lord Bute took on himself the most prominent part in the House of Lords. He had become Secretary of State, and indeed prime minister, without having once opened his lips in public except as an actor. There was, therefore, no small curiosity to know how

he would acquit himself. Members of the House of Commons crowded the bar of the Lords, and covered the steps of the throne. It was generally expected that the orator would break down; but his most malicious hearers were forced to own that he had made a better figure than they expected. They, indeed, ridiculed his action as theatrical, and his style as tumid. They were especially amused by the long pauses which, not from hesitation, but from affectation, he made at all the emphatic words, and Charles Townshend cried out "Minute guns!" The general opinion however was, that, if Bute had been early practised in debate, he might have become an impressive speaker.

In the Commons, George Grenville had been entrusted with the lead. The task was not, as yet, a very difficult one: for Pitt did not think fit to raise the standard of opposition. His speeches at this time were distinguished, not only by that eloquence in which he excelled all his rivals, but also by a temperance and a modesty which had too often been wanting to his character. When war was declared against Spain, he justly laid claim to the merit of having foreseen what had at length become manifest to all, but he carefully abstained from arrogant and acrimonious expressions; and this abstinence was the more honourable to him, because his temper, never very placid, was now severely tried, both by gout and by calumny. The courtiers had adopted a mode of warfare, which was soon turned with far more formidable effect against themselves. Half the inhabitants of the Grub Street garrets paid their milk scores, and got their shirts out of pawn, by abusing Pitt. His German war, his subsidies, his pension, his wife's peerage, were shin of beef and gin, blankets and baskets of small coal, to the starving poetasters of the Fleet. Even in the House of Commons, he was, on one occasion during this session, assailed with an insolence and malice which called forth the indignation of men of all parties; but he endured the outrage with majestic patience. In his younger days he had been but too prompt to retaliate on those who attacked him; but now, conscious of his great services, and of the space which he filled in the eyes of all mankind, he would not stoop to personal squabbles. "This is no season," he said, in the debate on the Spanish war, "for altercation and recrimination. A day has arrived when every Englishman should stand forth for his country. Arm the whole; be one people; forget every thing but the public. I set you the example. Harassed by slanderers, sinking under

pain and disease, for the public I forget both my wrongs and my infirmities!" On a general review of his life, we are inclined to think that his genius and virtue never shone with so pure an effulgence as during the session of 1762.

The session drew towards the close; and Bute, emboldened by the acquiescence of the Houses, resolved to strike another great blow, and to become first minister in name as well as in reality. That coalition, which a few months before had seemed all powerful, had been dissolved. The retreat of Pitt had deprived the government of popularity. Newcastle had exulted in the fall of the illustrious colleague whom he envied and dreaded, and had not foreseen that his own doom was at hand. He still tried to flatter himself that he was at the head of the government; but insults heaped on insults at length undeceived him. Places which had always been considered as in his gift, were bestowed without any reference to him. His expostulations only called forth significant hints that it was time for him to retire. One day he pressed on Bute the claims of a Whig Prelate to the archbishopric of York. "If your grace thinks so highly of him," answered Bute, "I wonder that you did not promote him when you had the power." Still the old man clung with a desperate grasp to the wreck. Seldom, indeed, have Christian meekness and Christian humility equalled the meekness and humility of his patient and abject ambition. At length he was forced to understand that all was over. He quitted that court where he had held high office during forty-five years, and hid his shame and regret among the cedars of Claremont. Bute became first lord of the treasury.

The favourite had undoubtedly committed a great error. It is impossible to imagine a tool better suited to his purposes than that which he thus threw away, or rather put into the hands of his enemies. If Newcastle had been suffered to play at being first minister, Bute might securely and quietly have enjoyed the substance of power. The gradual introduction of Tories into all the departments of the government might have been effected without any violent clamour, if the chief of the great Whig connexion had been ostensibly at the head of affairs. This was strongly represented to Bute by Lord Mansfield, a man who may justly be called the father of modern Toryism, of Toryism modified to suit an order of things under which the House of Commons is the most powerful body in the state. The theories which had dazzled Bute could not impose on the fine intellect of Mansfield. The temerity with which Bute

provoked the hostility of powerful and deeply rooted interests, was displeasing to Mansfield's cold and timid nature. Expostulation, however, was vain. Bute was impatient of advice, drunk with success, eager to be, in show as well as in reality, the head of the government. He had engaged in an undertaking in which a screen was absolutely necessary to his success, and even to his safety. He found an excellent screen ready in the very place where it was most needed; and he rudely pushed it away.

And now the new system of government came into full operation. For the first time since the accession of the house of Hanover, the Tory party was in the ascendant. The prime minister himself was a Tory. Lord Egremont, who had succeeded Pitt as Secretary of State, was a Tory, and the son of a Tory. Sir Francis Dashwood, a man of slender parts, of small experience, and of notoriously immoral character, was made Chancellor of the Exchequer, for no reason that could be imagined, except that he was a Tory, and had been a Jacobite. The royal household was filled with men whose favourite toast, a few years before, had been the King over the water. The relative position of the two great national seats of learning was suddenly changed. The University of Oxford had long been the chief seat of disaffection. In troubled times, the High Street had been lined with bayonets; the colleges had been searched by the King's messengers. Grave doctors were in the habit of talking very Ciceronian treason in the theatre; and the undergraduates drank bumpers to Jacobite toasts, and chanted Jacobite airs. Of four successive Chancellors of the University, one had notoriously been in the Pretender's service; the other three were fully believed to be in secret correspondence with the exiled family. Cambridge had therefore been especially favoured by the Hanoverian Princes, and had shown herself grateful for their patronage. George the First had enriched her library; George the Second had contributed munificently to her Senate House. Bishoprics and deaneries were showered on her children. Her Chancellor was Newcastle, the chief of the Whig aristocracy; her High Steward was Hardwicke, the Whig head of the law. Both her burgesses had held office under the Whig ministry. Times had now changed. The University of Cambridge was received at St. James's with comparative coldness. The answers to the addresses of Oxford were all graciousness and warmth.

The watchwords of the new government were prerogative and purity. The sovereign was no longer to be a puppet in

the hands of any subject, or of any combination of subjects. George the Third would not be forced to take ministers whom he disliked, as his grandfather had been forced to take Pitt. George the Third would not be forced to part with any whom he delighted to honour, as his grandfather had been forced to part with Carteret. At the same time, the system of bribery which had grown up during the late reigns was to cease. It was ostentatiously proclaimed that, since the accession of the young King, neither constituents nor representatives had been bought with the secret service money. To free Britain from corruption and oligarchical cabals, to detach her from continental connexions, to bring the bloody and expensive war with France and Spain to a close, such were the specious objects which Bute professed to procure.

Some of these objects he attained. England withdrew, at the cost of a deep stain on her faith, from her German connexions. The war with France and Spain was terminated by a peace, honourable indeed and advantageous to our country, yet less honourable and less advantageous than might have been expected from a long and almost unbroken series of victories, by land and sea, in every part of the world. But the only effect of Bute's domestic administration was to make faction wilder, and corruption fouler than ever.

The mutual animosity of the Whig and Tory parties had begun to languish after the fall of Walpole, and had seemed to be almost extinct at the close of the reign of George the Second. It now revived in all its force. Many Whigs, it is true, were still in office. The Duke of Bedford had signed the treaty with France. The Duke of Devonshire, though much out of humour, still continued to be Lord Chamberlain. Grenville, who led the House of Commons, and Fox, who still enjoyed in silence the immense gains of the Pay Office, had always been regarded as strong Whigs. But the bulk of the party throughout the country regarded the new minister with abhorrence. There was, indeed, no want of popular themes for invective against his character. He was a favourite; and favourites have always been odious in this country. No mere favourite had been at the head of the government since the dagger of Felton had reached the heart of the Duke of Buckingham. After that event, the most arbitrary and the most frivolous of the Stuarts had felt the necessity of confiding the chief direction of affairs to men who had given some proof of parliamentary or official talent. Strafford, Falkland, Clarendon, Clifford, Shaftesbury, Lauderdale, Danby, Temple, Hali-

fax, Rochester, Sunderland, whatever their faults might be, were all men of acknowledged ability. They did not owe their eminence merely to the favour of the sovereign. On the contrary, they owed the favour of the sovereign to their eminence Most of them, indeed, had first attracted the notice of the court by the capacity and vigour which they had shown in opposition. The Revolution seemed to have for ever secured the state against the domination of a Carr or a Villiers. Now, however, the personal regard of the King had at once raised a man who had seen nothing of public business, who had never opened his lips in Parliament, over the heads of a crowd of eminent orators, financiers, diplomatists. From a private gentleman, this fortunate minion had at once been turned into a Secretary of State. He had made his maiden speech when at the head of the administration. The vulgar resorted to a simple explanation of the phenomenon, and the coarsest ribaldry against the Princess Mother was scrawled on every wall and sung in every alley.

This was not all. The spirit of party, roused by impolitic provocation from its long sleep, roused in turn a still fiercer and more malignant Fury, the spirit of national animosity. The grudge of Whig against Tory was mingled with the grudge of Englishman against Scot. The two sections of the great British people had not yet been indissolubly blended together. The events of 1715 and of 1745 had left painful and enduring traces. The tradesmen of Cornhill had been in dread of seeing their tills and warehouses plundered by barelegged mountaineers from the Grampians. They still recollected that Black Friday, when the news came that the rebels were at Derby, when all the shops in the city were closed, and when the Bank of England began to pay in sixpences. The Scots, on the other hand, remembered with natural resentment, the severity with which the insurgents had been chastised, the military outrages, the humiliating laws, the heads fixed on Temple Bar, the fires and quartering blocks on Kennington Common. The favourite did not suffer the English to forget from what part of the island he came. The cry of all the south was that the public offices, the army, the navy, were filled with high-cheeked Drummonds and Erskines, Macdonalds and Macgillivrays, who could not talk a Christian tongue, and some of whom had but lately begun to wear Christian breeches. All the old jokes on hills without trees, girls without stockings, men eating the food of

against these lucky adventurers. To the honour of the Scots it must be said, that their prudence and their pride restrained them from retaliation. Like the princess in the Arabian tale, they stopped their ears tight, and, unmoved by the shrillest notes of abuse, walked on, without once looking round, straight towards the Golden Fountain.

Bute, who had always been considered as a man of taste and reading, affected, from the moment of his elevation, the character of a Mæcenas. If he expected to conciliate the public by encouraging literature and art, he was grievously mistaken. Indeed, none of the objects of his munificence, with the single exception of Johnson, can be said to have been well selected; and the public, not unnaturally, ascribed the selection of Johnson rather to the Doctor's political prejudices than to his literary merits: for a wretched scribbler named Shebbeare, who had nothing in common with Johnson except violent Jacobitism, and who had stood in the pillory for a libel on the Revolution, was honoured with a mark of royal approbation, similar to that which was bestowed on the author of the English Dictionary, and of the Vanity of Human Wishes. It was remarked that Adam, a Scotchman, was the court architect, and that Ramsay, a Scotchman, was the court painter, and was preferred to Reynolds. Mallet, a Scotchman, of no high literary fame, and of infamous character, partook largely of the liberality of the government. John Home, a Scotchman, was rewarded for the tragedy of Douglas, both with a pension and with a sinecure place. But, when the author of the Bard, and of the Elegy in a Country Churchyard, ventured to ask for a Professorship, the emoluments of which he much needed, and for the duties of which he was, in many respects, better qualified than any man living, he was refused; and the post was bestowed on the pedagogue under whose care the favourite's son in law, Sir James Lowther, had made such signal proficiency in the graces and in the humane virtues.

Thus, the first lord of the treasury was detested by many as a Tory, by many as a favourite, and by many as a Scot. All the hatred which flowed from these various sources soon mingled, and was directed in one torrent of obloquy against the treaty of peace. The Duke of Bedford, who had negotiated that treaty, was hooted through the streets. Bute was attacked in his chair, and was with difficulty rescued by a troop of the guards. He could hardly walk the streets in safety without disguising himself. A gentleman who died

not many years ago used to say that he once recognised the favourite Earl in the piazza of Covent Garden, muffled in a large coat, and with a hat and wig drawn down over his brows. His lordship's established type with the mob was a jack boot, a wretched pun on his Christian name and title. A jack boot, generally accompanied by a petticoat, was sometimes fastened on a gallows, and sometimes committed to the flames. Libels on the court, exceeding in audacity and rancour any that had been published for many years, now appeared daily both in prose and verse. Wilkes, with lively insolence, compared the mother of George the Third to the mother of Edward the Third, and the Scotch minister to the gentle Mortimer. Churchill, with all the energy of hatred, deplored the fate of his country, invaded by a new race of savages, more cruel and ravenous than the Picts or the Danes, the poor, proud children of Leprosy and Hunger. It is a slight circumstance, but deserves to be recorded, that in this year pamphleteers first ventured to print at length the names of the great men whom they lampooned. George the Second had always been the K——. His ministers had been Sir R—— W——, Mr. P——, and the Duke of N——. But the libellers of George the Third, of the Princess Mother, and of Lord Bute did not give quarter to a single vowel.

It was supposed that Lord Temple secretly encouraged the most scurrilous assailants of the government. In truth, those who knew his habits tracked him as men track a mole. It was his nature to grub underground. Whenever a heap of dirt was flung up, it might well be suspected that he was at work in some foul crooked labyrinth below. Pitt turned away from the filthy work of opposition, with the same scorn with which he had turned away from the filthy work of government. He had the magnanimity to proclaim everywhere the disgust which he felt at the insults offered by his own adherents to the Scottish nation, and missed no opportunity of extolling the courage and fidelity which the Highland regiments had displayed through the whole war. But, though he disdained to use any but lawful and honourable weapons, it was well known that his fair blows were likely to be far more formidable than the privy thrusts of his brother in law's stiletto.

Bute's heart began to fail him. The Houses were about to meet. The treaty would instantly be the subject of discussion. It was probable that Pitt, the great Whig connection, and the multitude, would all be on the same side. The

favourite had professed to hold in abhorrence those means by which preceding ministers had kept the House of Commons in good humour. He now began to think that he had been too scrupulous. His Utopian visions were at an end. It was necessary, not only to bribe, but to bribe more shamelessly and flagitiously than his predecessors, in order to make up for lost time. A majority must be secured, no matter by what means. Could Grenville do this? Would he do it? His firmness and ability had not yet been tried in any perilous crisis. He had been generally regarded as a humble follower of his brother Temple, and of his brother in law Pitt, and was supposed, though with little reason, to be still favourably inclined towards them. Other aid must be called in. And where was other aid to be found?

There was one man, whose sharp and manly logic had often in debate been found a match for the lofty and impassioned rhetoric of Pitt, whose talents for jobbing were not inferior to his talents for debate, whose dauntless spirit shrank from no difficulty or danger, and who was as little troubled with scruples as with fears. Henry Fox, or nobody, could weather the storm which was about to burst. Yet was he a person to whom the court, even in that extremity, was unwilling to have recourse. He had always been regarded as a Whig of the Whigs. He had been the friend and disciple of Walpole. He had long been connected by close ties with William Duke of Cumberland. By the Tories he was more hated than any man living. So strong was their aversion to him that when, in the late reign, he had attempted to form a party against the Duke of Newcastle, they had thrown all their weight into Newcastle's scale. By the Scots, Fox was abhorred as the confidential friend of the conqueror of Culloden. He was, on personal grounds, most obnoxious to the Princess Mother. For he had, immediately after her husband's death, advised the late King to take the education of her son, the heir apparent, entirely out of her hands. He had recently given, if possible, still deeper offence; for he had indulged, not without some ground, the ambitious hope that his beautiful sister in law, the Lady Sarah Lennox, might be Queen of England. It had been observed that the King at one time rode every morning by the grounds of Holland House, and that, on such occasions, Lady Sarah, dressed like a shepherdess at a masquerade, was making hay close to the road, which was then separated by no wall from the lawn. On account of the part

only member of the Privy Council who was not summoned to the meeting at which his Majesty announced his intended marriage with the Princess of Mecklenburg. Of all the statesmen of the age, therefore, it seemed that Fox was the last with whom Bute, the Tory, the Scot, the favourite of the Princess Mother, could, under any circumstances, act. Yet to Fox Bute was now compelled to apply.

Fox had many noble and amiable qualities, which in private life shone forth in full lustre, and made him dear to his children, to his dependents, and to his friends; but as a public man he had no title to esteem. In him the vices which were common to the whole school of Walpole appeared, not perhaps in their worst, but certainly in their most prominent form; for his parliamentary and official talents made all his faults conspicuous. His courage, his vehement temper, his contempt for appearances, led him to display much that others, quite as unscrupulous as himself, covered with a decent veil. He was the most unpopular of the statesmen of his time, not because he sinned more than many of them, but because he canted less.

He felt his unpopularity; but he felt it after the fashion of strong minds. He became, not cautious, but reckless, and faced the rage of the whole nation with a scowl of inflexible defiance. He was born with a sweet and generous temper; but he had been goaded and baited into a savageness which was not natural to him, and which amazed and shocked those who knew him best. Such was the man to whom Bute, in extreme need, applied for succour.

That succour Fox was not unwilling to afford. Though by no means of an envious temper, he had undoubtedly contemplated the success and popularity of Pitt with bitter mortification. He thought himself Pitt's match as a debater, and Pitt's superior as a man of business. They had long been regarded as well paired rivals. They had started fair in the career of ambition. They had long run side by side. At length Fox had taken the lead, and Pitt had fallen behind. Then had come a sudden turn of fortune, like that in Virgil's foot-race. Fox had stumbled in the mire, and had not only been defeated, but befouled. Pitt had reached the goal, and received the prize. The emoluments of the Pay Office might induce the defeated statesman to submit in silence to the ascendency of his competitor, but could not satisfy a mind conscious of great powers, and sore from great vexations. As soon, therefore, as a party arose adverse to the war and to

the supremacy of the great war minister, the hopes of Fox began to revive. His feuds with the Princess Mother, with the Scots, with the Tories, he was ready to forget, if, by the help of his old enemies, he could now regain the importance which he had lost, and confront Pitt on equal terms.

The alliance was, therefore, soon concluded. Fox was assured that, if he would pilot the government out of its embarrassing situation, he should be rewarded with a peerage, of which he had long been desirous. He undertook on his side to obtain, by fair or foul means, a vote in favour of the peace. In consequence of this arrangement, he became leader of the House of Commons; and Grenville, stifling his vexation as well as he could, sullenly acquiesced in the change.

Fox had expected that his influence would secure to the court the cordial support of some eminent Whigs who were his personal friends, particularly of the Duke of Cumberland and of the Duke of Devonshire. He was disappointed, and soon found that, in addition to all his other difficulties, he must reckon on the opposition of the ablest prince of the blood, and of the great house of Cavendish.

But he had pledged himself to win the battle; and he was not a man to go back. It was no time for squeamishness. Bute was made to comprehend that the ministry could be saved only by practising the tactics of Walpole to an extent at which Walpole himself would have stared. The Pay Office was turned into a mart for votes. Hundreds of members were closeted there with Fox, and, as there is too much reason to believe, departed carrying with them the wages of infamy. It was affirmed by persons who had the best opportunities of obtaining information, that twenty-five thousand pounds were thus paid away in a single morning. The lowest bribe given, it was said, was a bank-note for two hundred pounds.

Intimidation was joined with corruption. All ranks, from the highest to the lowest, were to be taught that the King would be obeyed. The Lords Lieutenants of several counties were dismissed. The Duke of Devonshire was especially singled out as the victim by whose fate the magnates of England were to take warning. His wealth, rank, and influence, his stainless private character, and the constant attachment, of his family to the house of Hanover, did not secure him from gross personal indignity. It was known that he disapproved of the course which the government had taken; and it was accordingly determined to humble the Prince of the

Whigs, as he had been nicknamed by the Princess Mother. He went to the palace to pay his duty. "Tell him," said the King to a page, "that I will not see him." The page hesitated. "Go to him," said the King, "and tell him those very words." The message was delivered. The Duke tore off his gold key, and went away boiling with anger. His relations who were in office instantly resigned. A few days later, the King called for the list of Privy Councillors, and with his own hand struck out the Duke's name.

In this step there was at least courage, though little wisdom or goodnature. But, as nothing was too high for the revenge of the court, so also was nothing too low. A persecution, such as had never been known before and has never been known since, raged in every public department. Great numbers of humble and laborious clerks were deprived of their bread, not because they had neglected their duties, not because they had taken an active part against the ministry, but merely because they had owed their situations to the recommendation of some nobleman or gentleman who was against the peace. The proscription extended to tidewaiters, to gaugers, to doorkeepers. One poor man to whom a pension had been given for his gallantry in a fight with smugglers, was deprived of it because he had been befriended by the Duke of Grafton. An aged widow, who, on account of her husband's services in the navy, had, many years before, been made housekeeper to a public office, was dismissed from her situation, because it was imagined that she was distantly connected by marriage with the Cavendish family. The public clamour, as may well be supposed, grew daily louder and louder. But the louder it grew, the more resolutely did Fox go on with the work which he had begun. His old friends could not conceive what had possessed him. "I could forgive," said the Duke of Cumberland, "Fox's political vagaries; but I am quite confounded by his inhumanity. Surely he used to be the best natured of men."

At last Fox went so far as to take a legal opinion on the question, whether the patents granted by George the Second were binding on George the Third. It is said that, if his colleagues had not flinched, he would at once have turned out the Tellers of the Exchequer and Justices in Eyre.

Meanwhile the Parliament met. The ministers, more hated by the people than ever, were secure of a majority, and they had also reason to hope that they would have the advantage in the debates as well as in the divisions; for Pitt

was confined to his chamber by a severe attack of gout. His friends moved to defer the consideration of the treaty till he should be able to attend: but the motion was rejected. The great day arrived. The discussion had lasted some time, when a loud huzza was heard in Palace Yard. The noise came nearer and nearer, up the stairs, through the lobby. The door opened, and from the midst of a shouting multitude came forth Pitt, borne in the arms of his attendants. His face was thin and ghastly, his limbs swathed in flannel, his crutch in his hand. The bearers set him down within the bar. His friends instantly surrounded him, and with their help he crawled to his seat near the table. In this condition he spoke three hours and a half against the peace. During that time he was repeatedly forced to sit down and to use cordials. It may well be supposed that his voice was faint, that his action was languid, and that his speech, though occasionally brilliant and impressive, was feeble when compared with his best oratorical performances. But those who remembered what he had done, and who saw what he suffered, listened to him with emotion stronger than any that mere eloquence can produce. He was unable to stay for the division, and was carried away from the House amidst shouts as loud as those which had announced his arrival.

A large majority approved the peace. The exultation of the court was boundless. "Now," exclaimed the Princess Mother, "my son is really King." The young sovereign spoke of himself as freed from the bondage in which his grandfather had been held. On one point, it was announced, his mind was unalterably made up. Under no circumstances whatever should those Whig grandees, who had enslaved his predecessors and endeavoured to enslave himself, be restored to power.

This vaunting was premature. The real strength of the favourite was by no means proportioned to the number of votes which he had, on one particular division, been able to command. He was soon again in difficulties. The most important part of his budget was a tax on cider. This measure was opposed, not only by those who were generally hostile to his administration, but also by many of his supporters. The name of excise had always been hateful to the Tories. One of the chief crimes of Walpole, in their eyes, had been his partiality for this mode of raising money. The Tory Johnson had in his Dictionary given so scurrilous a definition of the word Excise, that the Commissioners of Excise

had seriously thought of prosecuting him. The counties which the new impost particularly affected had always been Tory counties. It was the boast of John Philips, the poet of the English vintage, that the Cider-land had ever been faithful to the throne, and that all the pruning-hooks of her thousand orchards had been beaten into swords for the service of the ill-fated Stuarts. The effect of Bute's fiscal scheme was to produce an union between the gentry and yeomanry of the Cider-land and the Whigs of the capital. Herefordshire and Worcestershire were in a flame. The city of London, though not so directly interested, was, if possible, still more excited. The debates on this question irreparably damaged the government. Dashwood's financial statement had been confused and absurd beyond belief, and had been received by the House with roars of laughter. He had sense enough to be conscious of his unfitness for the high situation which he held, and exclaimed in a comical fit of despair, "What shall I do? The boys will point at me in the street, and cry, 'There goes the worst Chancellor of the Exchequer that ever was.'" George Grenville came to the rescue, and spoke strongly on his favourite theme, the profusion with which the late war had been carried on. That profusion, he said, had made taxes necessary. He called on the gentlemen opposite to him to say where they would have a tax laid, and dwelt on this topic with his usual prolixity. "Let them tell me where," he repeated in a monotonous and somewhat fretful tone. "I say, sir, let them tell me where. I repeat it, sir; I am entitled to say to them, Tell me where." Unluckily for him, Pitt had come down to the House that night, and had been bitterly provoked by the reflections thrown on the war. He revenged himself by murmuring, in a whine resembling Grenville's, a line of a well known song, "Gentle shepherd, tell me where." "If," cried Grenville, "gentlemen are to be treated in this way"——. Pitt, as was his fashion, when he meant to mark extreme contempt, rose deliberately, made his bow, and walked out of the House, leaving his brother-in-law in convulsions of rage, and everybody else in convulsions of laughter. It was long before Grenville lost the nickname of the Gentle Shepherd.

But the ministry had vexations still more serious to endure. The hatred which the Tories and Scots bore to Fox was implacable. In a moment of extreme peril, they had consented to put themselves under his guidance. But the aversion with which they regarded him broke forth as soon as the crisis

seemed to be over. Some of them attacked him about the accounts of the Pay Office. Some of them rudely interrupted him when speaking, by laughter and ironical cheers. He was naturally desirous to escape from so disagreeable a situation, and demanded the peerage which had been promised as the reward of his services.

It was clear that there must be some change in the composition of the ministry. But scarcely any, even of those who, from their situation, might be supposed to be in all the secrets of the government, anticipated what really took place. To the amazement of the Parliament and the nation, it was suddenly announced that Bute had resigned.

Twenty different explanations of this strange step were suggested. Some attributed it to profound design, and some to sudden panic. Some said that the lampoons of the opposition had driven the Earl from the field; some that he had taken office only in order to bring the war to a close, and had always meant to retire when that object had been accomplished. He publicly assigned ill health as his reason for quitting business, and privately complained that he was not cordially seconded by his colleagues, and that Lord Mansfield, in particular, whom he had himself brought into the cabinet, gave him no support in the House of Peers. Mansfield was, indeed, far too sagacious not to perceive that Bute's situation was one of great peril, and far too timorous to thrust himself into peril for the sake of another. The probability, however, is that Bute's conduct on this occasion, like the conduct of most men on most occasions, was determined by mixed motives. We suspect that he was sick of office; for this is a feeling much more common among ministers than persons who see public life from a distance are disposed to believe; and nothing could be more natural than that this feeling should take possession of the mind of Bute. In general, a statesman climbs by slow degrees. Many laborious years elapse before he reaches the topmost pinnacle of preferment. In the earlier part of his career, therefore, he is constantly lured on by seeing something above him. During his ascent he gradually becomes inured to the annoyances which belong to a life of ambition. By the time that he has attained the highest point, he has become patient of labour and callous to abuse. He is kept constant to his vocation, in spite of all its discomforts, at first by hope, and at last by habit. It was not so with Bute. His whole public life lasted little more than two years. On the day on which he became a politician

he became a cabinet minister. In a few months he was, both in name and in show, chief of the administration. Greater than he had been he could not be. If what he already possessed was vanity and vexation of spirit, no delusion remained to entice him onward. He had been cloyed with the pleasures of ambition before he had been seasoned to its pains. His habits had not been such as were likely to fortify his mind against obloquy and public hatred. He had reached his forty-eighth year in dignified ease, without knowing, by personal experience, what it was to be ridiculed and slandered. All at once, without any previous initiation, he had found himself exposed to such a storm of invective and satire as had never burst on the head of any statesman. The emoluments of office were now nothing to him; for he had just succeeded to a princely property by the death of his father in law. All the honours which could be bestowed on him he had already secured. He had obtained the Garter for himself, and a British peerage for his son. He seems also to have imagined that by quitting the treasury he should escape from danger and abuse without really resigning power, and should still be able to exercise in private supreme influence over the royal mind.

Whatever may have been his motives, he retired. Fox at the same time took refuge in the House of Lords; and George Grenville became first Lord of the Treasury and Chancellor of the Exchequer.

We believe that those who made this arrangement fully intended that Grenville should be a mere puppet in the hands of Bute; for Grenville was as yet very imperfectly known even to those who had observed him long. He passed for a mere official drudge; and he had all the industry, the minute accuracy, the formality, the tediousness, which belong to the character. But he had other qualities which had not yet shown themselves, devouring ambition, dauntless courage, selfconfidence amounting to presumption, and a temper which could not endure opposition. He was not disposed to be any body's tool; and he had no attachment, political or personal, to Bute. The two men had, indeed, nothing in common, except a strong propensity towards harsh and unpopular courses. Their principles were fundamentally different. Bute was a Tory. Grenville would have been very angry with any person who should have denied his claim to be a Whig. He was more prone to tyrannical measures than Bute; but he loved tyranny only when disguised under the forms of constitutional

liberty. He mixed up, after a fashion then not very unusual, the theories of the republicans of the seventeenth century with the technical maxims of English law, and thus succeeded in combining anarchical speculation with arbitrary practice. The voice of the people was the voice of God; but the only legitimate organ through which the voice of the people could be uttered was the Parliament. All power was from the people; but to the Parliament the whole power of the people had been delegated. No Oxonian divine had ever, even in the years which immediately followed the Restoration, demanded for the king so abject, so unreasoning a homage, as Grenville, on what he considered as the purest Whig principles, demanded for the Parliament. As he wished to see the Parliament despotic over the nation, so he wished to see it also despotic over the court. In his view the prime minister, possessed of the confidence of the House of Commons, ought to be Mayor of the Palace. The King was a mere Childeric or Chilperic, who might well think himself lucky in being permitted to enjoy such handsome apartments at Saint James's, and so fine a park at Windsor.

Thus the opinions of Bute and those of Grenville were diametrically opposed. Nor was there any private friendship between the two statesmen. Grenville's nature was not forgiving; and he well remembered how, a few months before, he had been compelled to yield the lead of the House of Commons to Fox.

We are inclined to think, on the whole, that the worst administration which has governed England since the Revolution was that of George Grenville. His public acts may be classed under two heads, outrages on the liberty of the people, and outrages on the dignity of the crown.

He began by making war on the press. John Wilkes, member of parliament for Aylesbury, was singled out for persecution. Wilkes had, till very lately, been known chiefly as one of the most profane, licentious, and agreeable rakes about town. He was a man of taste, reading, and engaging manners. His sprightly conversation was the delight of green rooms and taverns, and pleased even grave hearers when he was sufficiently under restraint to abstain from detailing the particulars of his amours, and from breaking jests on the New Testament. His expensive debaucheries forced him to have recourse to the Jews. He was soon a ruined man, and determined to try his chance as a political adventurer. In parlia-

feeble, and by no means interested his hearers so much as to make them forget his face, which was so hideous that the caricaturists were forced, in their own despite, to flatter him. As a writer, he made a better figure. He set up a weekly paper, called the North Briton. This journal, written with some pleasantry, and great audacity and impudence, had a considerable number of readers. Forty-four numbers had been published when Bute resigned; and, though almost every number had contained matter grossly libellous, no prosecution had been instituted. The forty-fifth number was innocent when compared with the majority of those which had preceded it, and indeed contained nothing so strong as may in our time be found daily in the leading articles of the Times and Morning Chronicle. But Grenville was now at the head of affairs. A new spirit had been infused into the administration. Authority was to be upheld. The government was no longer to be braved with impunity. Wilkes was arrested under a general warrant, conveyed to the Tower, and confined there with circumstances of unusual severity. His papers were seized, and carried to the Secretary of State. These harsh and illegal measures produced a violent outbreak of popular rage, which was soon changed to delight and exultation. The arrest was pronounced unlawful by the Court of Common Pleas, in which Chief Justice Pratt presided, and the prisoner was discharged. This victory over the government was celebrated with enthusiasm both in London and in the cider counties.

While the ministers were daily becoming more odious to the nation, they were doing their best to make themselves also odious to the court. They gave the King plainly to understand that they were determined not to be Lord Bute's creatures, and exacted a promise that no secret adviser should have access to the royal ear. They soon found reason to suspect that this promise had not been observed. They remonstrated in terms less respectful than their master had been accustomed to hear, and gave him a fortnight to make his choice between his favourite and his cabinet.

George the Third was greatly disturbed. He had but a few weeks before exulted in his deliverance from the yoke of the great Whig connexion. He had even declared that his honour would not permit him ever again to admit the members of that connexion into his service. He now found that he had only exchanged one set of masters for another set still harsher and more imperious. In his distress he thought on

Pitt. From Pitt it was possible that better terms might be obtained than either from Grenville, or from the party of which Newcastle was the head.

Grenville, on his return from an excursion into the country, repaired to Buckingham House. He was astonished to find at the entrance a chair, the shape of which was well known to him, and indeed to all London. It was distinguished by a large boot, made for the purpose of accommodating the great Commoner's gouty leg. Grenville guessed the whole. His brother in law was closeted with the King. Bute, provoked by what he considered as the unfriendly and ungrateful conduct of his successors, had himself proposed that Pitt should be summoned to the palace.

Pitt had two audiences on two successive days. What passed at the first interview led him to expect that the negotiation would be brought to a satisfactory close; but on the morrow he found the King less complying. The best account, indeed the only trustworthy account of the conference, is that which was taken from Pitt's own mouth by Lord Hardwicke. It appears that Pitt strongly represented the importance of conciliating those chiefs of the Whig party who had been so unhappy as to incur the royal displeasure. They had, he said, been the most constant friends of the house of Hanover. Their power was great; they had been long versed in public business. If they were to be under sentence of exclusion, a solid administration could not be formed. His Majesty could not bear to think of putting himself into the hands of those whom he had recently chased from his court with the strongest marks of anger. "I am sorry, Mr. Pitt," he said, "but I see this will not do. My honour is concerned. I must support my honour." How his Majesty succeeded in supporting his honour we shall soon see.

Pitt retired, and the King was reduced to request the ministers, whom he had been on the point of discarding, to remain in office. During the two years which followed, Grenville, now closely leagued with the Bedfords, was the master of the court; and a hard master he proved. He knew that he was kept in place only because there was no choice except between himself and the Whigs. That under any circumstances the Whigs would be forgiven, he thought impossible. The late attempt to get rid of him had roused his resentment; the failure of that attempt had liberated him from all fear. He had never been very courtly. He now began to hold a language, to which, since the days of Cornet

Joyce and President Bradshaw, no English King had been compelled to listen.

In one matter, indeed, Grenville, at the expense of justice and liberty, gratified the passions of the court while gratifying his own. The persecution of Wilkes was eagerly pressed. He had written a parody on Pope's Essay on Man, entitled the Essay on Woman, and had appended to it notes, in ridicule of Warburton's famous Commentary. This composition was exceedingly profligate, but not more so, we think, than some of Pope's own works, the imitation of the second satire of the first book of Horace, for example; and, to do Wilkes justice, he had not, like Pope, given his ribaldry to the world. He had merely printed at a private press a very small number of copies, which he meant to present to some of his boon companions, whose morals were in no more danger of being corrupted by a loose book than a negro of being tanned by a warm sun. A tool of the government, by giving a bribe to the printer, procured a copy of this trash, and placed it in the hands of the ministers. The ministers resolved to visit Wilkes's offence against decorum with the utmost rigour of the law. What share piety and respect for morals had in dictating this resolution, our readers may judge from the fact that no person was more eager for bringing the libertine poet to punishment than Lord March, afterwards Duke of Queensberry. On the first day of the session of Parliament, the book, thus disgracefully obtained, was laid on the table of the Lords by the Earl of Sandwich, whom the Duke of Bedford's interest had made Secretary of State. The unfortunate author had not the slightest suspicion that his licentious poem had ever been seen, except by his printer and by a few of his dissipated companions, till it was produced in full Parliament. Though he was a man of easy temper, averse from danger, and not very susceptible of shame, the surprise, the disgrace, the prospect of utter ruin, put him beside himself. He picked a quarrel with one of Lord Bute's dependents, fought a duel, was seriously wounded, and, when half recovered, fled to France. His enemies had now their own way both in the Parliament and in the King's Bench. He was censured, expelled from the House of Commons, outlawed. His works were ordered to be burned by the common hangman. Yet was the multitude still true to him. In the minds even of many moral and religious men, his crime seemed light when compared with the crime of his accusers. The conduct of Sandwich, in particular, excited

universal disgust. His own vices were notorious; and, only a fortnight before he laid the Essay on Woman before the House of Lords, he had been drinking and singing loose catches with Wilkes at one of the most dissolute clubs in London. Shortly after the meeting of Parliament, the Beggar's Opera was acted at Covent Garden theatre. When Macheath uttered the words—"That Jemmy Twitcher should peach me I own surprised me,"—pit, boxes, and galleries, burst into a roar which seemed likely to bring the roof down. From that day Sandwich was universally known by the nickname of Jemmy Twitcher. The ceremony of burning the North Briton was interrupted by a riot. The constables were beaten; the paper was rescued; and, instead of it, a jackboot and a petticoat were committed to the flames. Wilkes had instituted an action for the seizure of his papers, against the Undersecretary of State. The jury gave a thousand pounds damages. But neither these nor any other indications of public feeling had power to move Grenville. He had the Parliament with him: and, according to his political creed, the sense of the nation was to be collected from the Parliament alone.

Soon, however, he found reason to fear that even the Parliament might fail him. On the question of the legality of general warrants, the opposition, having on its side all sound principles, all constitutional authorities, and the voice of the whole nation, mustered in great force, and was joined by many who did not ordinarily vote against the government. On one occasion the ministry, in a very full house, had a majority of only fourteen votes. The storm, however, blew over. The spirit of the opposition, from whatever cause, began to flag at the moment when success seemed almost certain. The session ended without any change. Pitt, whose eloquence had shone with its usual lustre in all the principal debates, and whose popularity was greater than ever, was still a private man. Grenville, detested alike by the court and by the people, was still minister.

As soon as the Houses had risen, Grenville took a step which proved, even more signally than any of his past acts, how despotic, how acrimonious, and how fearless his nature was. Among the gentlemen not ordinarily opposed to the government, who, on the great constitutional question of general warrants, had voted with the minority, was Henry Conway, brother of the Earl of Hertford, a brave soldier, a tolerable speaker, and a well-meaning, though not a wise or

vigorous politician. He was now deprived of his regiment, the merited reward of faithful and gallant service in two wars. It was confidently asserted that in this violent measure the King heartily concurred.

But whatever pleasure the persecution of Wilkes, or the dismissal of Conway, may have given to the royal mind, it is certain that his Majesty's aversion to his ministers increased day by day. Grenville was as frugal of the public money as of his own, and morosely refused to accede to the King's request, that a few thousand pounds might be expended in buying some open fields to the west of the gardens of Buckingham House. In consequence of this refusal, the fields were soon covered with buildings, and the King and Queen were overlooked in their most private walks by the upper windows of a hundred houses. Nor was this the worst. Grenville was as liberal of words as he was sparing of guineas. Instead of explaining himself in that clear, concise, and lively manner, which alone could win the attention of a young mind new to business, he spoke in the closet just as he spoke in the House of Commons. When he had harangued two hours, he looked at his watch, as he had been in the habit of looking at the clock opposite the Speaker's chair, apologised for the length of his discourse, and then went on for an hour more. The members of the House of Commons can cough an orator down, or can walk away to dinner; and they were by no means sparing in the use of these privileges when Grenville was on his legs. But the poor young King had to endure all this eloquence with mournful civility. To the end of his life he continued to talk with horror of Grenville's orations.

About this time took place one of the most singular events in Pitt's life. There was a certain Sir William Pynsent, a Somersetshire baronet of Whig politics, who had been a Member of the House of Commons in the days of Queen Anne, and had retired to rural privacy when the Tory party, towards the end of her reign, obtained the ascendency in her councils. His manners were eccentric. His morals lay under very odious imputations. But his fidelity to his political opinions was unalterable. During fifty years of seclusion he continued to brood over the circumstances which had driven him from public life, the dismissal of the Whigs, the peace of Utrecht, the desertion of our allies. He now thought that he perceived a close analogy between the well remembered events of his youth and the events which he had witnessed in extreme old age; between the disgrace of Marlborough and the disgrace

of Pitt; between the elevation of Harley and the elevation of Bute; between the treaty negotiated by St. John and the treaty negotiated by Bedford; between the wrongs of the house of Austria in 1712 and the wrongs of the house of Brandenburg in 1762. This fancy took such possession of the old man's mind that he determined to leave his whole property to Pitt. In this way Pitt unexpectedly came into possession of near three thousand pounds a year. Nor could all the malice of his enemies find any ground for reproach in the transaction. Nobody could call him a legacy hunter. Nobody could accuse him of seizing that to which others had a better claim. For he had never in his life seen Sir William; and Sir William had left no relation so near as to be entitled to form any expectations respecting the estate.

The fortunes of Pitt seemed to flourish; but his health was worse than ever. We cannot find that, during the session which began in January 1765, he once appeared in parliament. He remained some months in profound retirement at Hayes, his favourite villa, scarcely moving except from his armchair to his bed, and from his bed to his armchair, and often employing his wife as his amanuensis in his most confidential correspondence. Some of his detractors whispered that his invisibility was to be ascribed quite as much to affectation as to gout. In truth his character, high and splendid as it was, wanted simplicity. With genius which did not need the aid of stage tricks, and with a spirit which should have been far above them, he had yet been, through life, in the habit of practising them. It was, therefore, now surmised that, having acquired all the consideration which could be derived from eloquence and from great services to the state, he had determined not to make himself cheap by often appearing in public, but, under the pretext of ill health, to surround himself with mystery, to emerge only at long intervals and on momentous occasions, and at other times to deliver his oracles only to a few favoured votaries, who were suffered to make pilgrimages to his shrine. If such were his object, it was for a time fully attained. Never was the magic of his name so powerful, never was he regarded by his country with such superstitious veneration, as during this year of silence and seclusion.

While Pitt was thus absent from parliament, Grenville proposed a measure destined to produce a great revolution, the effects of which will long be felt by the whole human race. We speak of the act for imposing stamp duties on the North American colonies. The plan was eminently characteristic of

its author. Every feature of the parent was found in the child. A timid statesman would have shrunk from a step, of which Walpole, at a time when the colonies were far less powerful, had said—"He who shall propose it will be a much bolder man than I." But the nature of Grenville was insensible to fear. A statesman of large views would have felt that to lay taxes at Westminster on New England and New York, was a course opposed, not indeed to the letter of the Statute Book, or to any decision contained in the Term Reports, but to the principles of good government, and to the spirit of the constitution. A statesman of large views would also have felt that ten times the estimated produce of the American stamps would have been dearly purchased by even a transient quarrel between the mother country and the colonies. But Grenville knew of no spirit of the constitution distinct from the letter of the law, and of no national interests except those which are expressed by pounds, shillings, and pence. That his policy might give birth to deep discontents in all the provinces, from the shore of the Great Lakes to the Mexican sea; that France and Spain might seize the opportunity of revenge; that the empire might be dismembered; that the debt, that debt with the amount of which he perpetually reproached Pitt, might, in consequence of his own policy, be doubled; these were possibilities which never occurred to that small, sharp mind.

The Stamp Act will be remembered as long as the globe lasts. But, at the time, it attracted much less notice in this country than another Act which is now almost utterly forgotten. The King fell ill, and was thought to be in a dangerous state. His complaint, we believe, was the same which, at a later period, repeatedly incapacitated him for the performance of his regal functions. The heir apparent was only two years old. It was clearly proper to make provision for the administration of the government, in case of a minority. The discussions on this point brought the quarrel between the court and the ministry to a crisis. The King wished to be entrusted with the power of naming a regent by will. The ministers feared, or affected to fear, that, if this power were conceded to him, he would name the Princess Mother, nay, possibly the Earl of Bute. They, therefore, insisted on introducing into the bill words confining the King's choice to the royal family. Having thus excluded Bute, they urged the King to let them, in the most marked manner, exclude the Princess Dowager also. They assured him that the House of Commons would undoubtedly strike her name out, and by

this threat they wrung from him a reluctant assent. In a few days, it appeared that the representations by which they had induced the King to put this gross and public affront on his mother were unfounded. The friends of the Princess in the House of Commons moved that her name should be inserted. The ministers could not decently attack the parent of their master. They hoped that the opposition would come to their help, and put on them a force to which they would gladly have yielded. But the majority of the opposition, though hating the Princess, hated Grenville more, beheld his embarrassment with delight, and would do nothing to extricate him from it. The Princess's name was accordingly placed in the list of persons qualified to hold the regency.

The King's resentment was now at the height. The present evil seemed to him more intolerable than any other. Even the junta of Whig grandees could not treat him worse than he had been treated by his present ministers. In his distress he poured out his whole heart to his uncle, the Duke of Cumberland. The Duke was not a man to be loved; but he was eminently a man to be trusted. He had an intrepid temper, a strong understanding, and a high sense of honour and duty. As a general, he belonged to a remarkable class of captains, captains, we mean, whose fate it has been to lose almost all the battles which they have fought, and yet to be reputed stout and skilful soldiers. Such captains were Coligni and William the Third. We might, perhaps, add Marshal Soult to the list. The bravery of the Duke of Cumberland was such as distinguished him even among the princes of his brave house. The indifference with which he rode about amidst musket balls and cannon balls was not the highest proof of his fortitude. Hopeless maladies, horrible surgical operations, far from unmanning him, did not even discompose him. With courage, he had the virtues which are akin to courage. He spoke the truth, was open in enmity and friendship, and upright in all his dealings. But his nature was hard; and what seemed to him justice was rarely tempered with mercy. He was, therefore, during many years one of the most unpopular men in England. The severity with which he had treated the rebels after the battle of Culloden, had gained for him the name of the Butcher. His attempts to introduce into the army of England, then in a most disorderly state, the rigorous discipline of Potsdam, had excited still stronger disgust. Nothing was too bad to be believed of him. Many honest people were so absurd as to fancy that, if he were left

Regent during the minority of his nephews, there would be another smothering in the Tower. These feelings, however, had passed away. The Duke had been living, during some years, in retirement. The English, full of animosity against the Scots, now blamed his Royal Highness only for having left so many Camerons and Macphersons to be made gaugers and customhouse officers. He was, therefore, at present a favourite with his countrymen, and especially with the inhabitants of London.

He had little reason to love the King, and had shown clearly, though not obtrusively, his dislike of the system which had lately been pursued. But he had high and almost romantic notions of the duty which, as a prince of the blood, he owed to the head of his house. He determined to extricate his nephew from bondage, and to effect a reconciliation between the Whig party and the throne, on terms honourable to both.

In this mind he set off for Hayes, and was admitted to Pitt's sick room; for Pitt would not leave his chamber, and would not communicate with any messenger of inferior dignity. And now began a long series of errors on the part of the illustrious statesman, errors which involved his country in difficulties and distresses more serious even than those from which his genius had formerly rescued her. His language was haughty, unreasonable, almost unintelligible. The only thing which could be discerned, through a cloud of vague and not very gracious phrases, was that he would not at that moment take office. The truth, we believe, was this. Lord Temple, who was Pitt's evil genius, had just formed a new scheme of politics. Hatred of Bute and of the Princess had, it should seem, taken entire possession of Temple's soul. He had quarrelled with his brother George, because George had been connected with Bute and the Princess. Now that George appeared to be the enemy of Bute and of the Princess, Temple was eager to bring about a general family reconciliation. The three brothers, as Temple, Grenville, and Pitt, were popularly called, might make a ministry, without leaning for aid either on Bute or on the Whig connexion. With such views, Temple used all his influence to dissuade Pitt from acceding to the propositions of the Duke of Cumberland. Pitt was not convinced. But Temple had an influence over him such as no other person had ever possessed. They were very old friends, very near relations. If Pitt's talents and fame had been useful to Temple, Temple's purse

had formerly, in times of great need, been useful to Pitt. They had never been parted in politics. Twice they had come into the cabinet together; twice they had left it together. Pitt could not bear to think of taking office without his chief ally. Yet he felt that he was doing wrong, that he was throwing away a great opportunity of serving his country. The obscure and unconciliatory style of the answers which he returned to the overtures of the Duke of Cumberland, may be ascribed to the embarrassment and vexation of a mind not at peace with itself. It is said that he mournfully explained to Temple,

> "Extinxti te meque, soror, populumque, patresque
> Sidonios, urbemque tuam."

The prediction was but too just.

Finding Pitt impracticable, the Duke of Cumberland advised the King to submit to necessity, and to keep Grenville and the Bedfords. It was, indeed, not a time at which offices could safely be left vacant. The unsettled state of the government had produced a general relaxation through all the departments of the public service. Meetings, which at another time would have been harmless, now turned to riots, and rapidly rose almost to the dignity of rebellions. The Houses of Parliament were blockaded by the Spitalfields weavers. Bedford House was assailed on all sides by a furious rabble, and was strongly garrisoned with horse and foot. Some people attributed these disturbances to the friends of Bute, and some to the friends of Wilkes. But, whatever might be the cause, the effect was general insecurity. Under such circumstances the King had no choice. With bitter feelings of mortification, he informed the ministers that he meant to retain them.

They answered by demanding from him a promise on his royal word never more to consult Lord Bute. The promise was given. They then demanded something more. Lord Bute's brother, Mr. Mackenzie, held a lucrative office in Scotland. Mr. Mackenzie must be dismissed. The King replied that the office had been given under very peculiar circumstances, and that he had promised never to take it away while he lived. Grenville was obstinate; and the King, with a very bad grace, yielded.

The session of Parliament was over. The triumph of the ministers was complete. The King was almost as much a prisoner as Charles the First had been, when in the Isle of

Wight. Such were the fruits of the policy which, only a few months before, was represented as having for ever secured the throne against the dictation of insolent subjects.

His Majesty's natural resentment showed itself in every look and word. In his extremity, he looked wistfully towards that Whig connexion, once the object of his dread and hatred. The Duke of Devonshire, who had been treated with such unjustifiable harshness, had lately died, and had been succeeded by his son, who was still a boy. The King condescended to express his regret for what had passed, and to invite the young Duke to court. The noble youth came, attended by his uncles, and was received with marked graciousness.

This and many other symptoms of the same kind irritated the ministers. They had still in store for their sovereign an insult which would have provoked his grandfather to kick them out of the room. Grenville and Bedford demanded an audience of him, and read him a remonstrance of many pages, which they had drawn up with great care. His Majesty was accused of breaking his word, and of treating his advisers with gross unfairness. The Princess was mentioned in language by no means eulogistic. Hints were thrown out that Bute's head was in danger. The King was plainly told that he must not continue to show, as he had done, that he disliked the situation in which he was placed, that he must frown upon the opposition, that he must carry it fair towards his ministers in public. He several times interrupted the reading, by declaring that he had ceased to hold any communication with Bute. But the ministers, disregarding his denial, went on; and the King listened in silence, almost choked by rage. When they ceased to read, he merely made a gesture expressive of his wish to be left alone. He afterwards owned that he thought he should have gone into a fit.

Driven to despair, he again had recourse to the Duke of Cumberland; and the Duke of Cumberland again had recourse to Pitt. Pitt was really desirous to undertake the direction of affairs, and owned, with many dutiful expressions, that the terms offered by the King were all that any subject could desire. But Temple was impracticable; and Pitt, with great regret, declared that he could not, without the concurrence of his brother in law, undertake the administration.

The Duke now saw only one way of delivering his nephew. An administration must be formed of the Whigs in opposi-

tion, without Pitt's help. The difficulties seemed almost insuperable. Death and desertion had grievously thinned the ranks of the party lately supreme in the state. Those among whom the Duke's choice lay might be divided into two classes, men too old for important offices, and men who had never been in any important office before. The cabinet must be composed of broken invalids or of raw recruits.

This was an evil, yet not an unmixed evil. If the new Whig statesmen had little experience in business and debate, they were, on the other hand, pure from the taint of that political immorality which had deeply infected their predecessors. Long prosperity had corrupted that great party which had expelled the Stuarts, limited the prerogatives of the Crown, and curbed the intolerance of the Hierarchy. Adversity had already produced a salutary effect. On the day of the accession of George the Third, the ascendency of the Whig party terminated; and on that day the purification of the Whig party began. The rising chiefs of that party were men of a very different sort from Sandys and Winnington, from Sir William Yonge and Henry Fox. They were men worthy to have charged by the side of Hampden at Chalgrove, or to have exchanged the last embrace with Russell on the scaffold in Lincoln's Inn Fields. They carried into politics the same high principles of virtue which regulated their private dealings, nor would they stoop to promote even the noblest and most salutary ends by means which honour and probity condemn. Such men were Lord John Cavendish, Sir George Savile, and others whom we hold in honour as the second founders of the Whig party, as the restorers of its pristine health and energy after half a century of degeneracy.

The chief of this respectable band was the Marquess of Rockingham, a man of splendid fortune, excellent sense, and stainless character. He was indeed nervous to such a degree that, to the very close of his life, he never rose without great reluctance and embarrassment to address the House of Lords. But, though not a great orator, he had in a high degree some of the qualities of a statesman. He chose his friends well; and he had, in an extraordinary degree, the art of attaching them to him by ties of the most honourable kind. The cheerful fidelity with which they adhered to him through many years of almost hopeless opposition was less admirable than the disinterestedness and delicacy which they showed when he rose to power.

We are inclined to think that the use and the abuse of party cannot be better illustrated than by a parallel between two powerful connexions of that time, the Rockinghams and the Bedfords. The Rockingham party was, in our view, exactly what a party should be. It consisted of men bound together by common opinions, by common public objects, by mutual esteem. That they desired to obtain, by honest and constitutional means, the direction of affairs they openly avowed. But, though often invited to accept the honours and emoluments of office, they steadily refused to do so on any conditions inconsistent with their principles. The Bedford party, as a party, had, as far as we can discover, no principle whatever. Rigby and Sandwich wanted public money, and thought that they should fetch a higher price jointly than singly. They therefore acted in concert, and prevailed on a much more important and a much better man than themselves to act with them.

It was to Rockingham that the Duke of Cumberland now had recourse. The Marquess consented to take the treasury. Newcastle, so long the recognised chief of the Whigs, could not well be excluded from the ministry. He was appointed keeper of the privy seal. A very honest clear-headed country gentleman, of the name of Dowdeswell, became Chancellor of the Exchequer. General Conway, who had served under the Duke of Cumberland, and was strongly attached to his royal highness, was made Secretary of State, with the lead in the House of Commons. A great Whig nobleman, in the prime of manhood, from whom much was at that time expected, Augustus Duke of Grafton, was the other Secretary.

The oldest man living could remember no government so weak in oratorical talents and in official experience. The general opinion was, that the ministers might hold office during the recess, but that the first day of debate in Parliament would be the last day of their power. Charles Townshend was asked what he thought of the new administration. "It is," said he, "mere lutestring; pretty summer wear. It will never do for the winter."

At this conjuncture Lord Rockingham had the wisdom to discern the value, and secure the aid, of an ally, who, to eloquence surpassing the eloquence of Pitt, and to industry which shamed the industry of Grenville, united an amplitude of comprehension to which neither Pitt nor Grenville could lay claim. A young Irishman had, some time before, come

for the booksellers; but he was best known by a little treatise, in which the style and reasoning of Bolingbroke were mimicked with exquisite skill, and by a theory, of more ingenuity than soundness, touching the pleasures which we receive from the objects of taste. He had also attained a high reputation as a talker, and was regarded by the men of letters who supped together at the Turk's Head as the only match in conversation for Dr. Johnson. He now became private secretary to Lord Rockingham, and was brought into Parliament by his patron's influence. These arrangements, indeed, were not made without some difficulty. The Duke of Newcastle, who was always meddling and chattering, adjured the first lord of the treasury to be on his guard against this adventurer, whose real name was O'Bourke, and whom his Grace knew to be a wild Irishman, a Jacobite, a Papist, a concealed Jesuit. Lord Rockingham treated the calumny as it deserved; and the Whig party was strengthened and adorned by the accession of Edmund Burke.

The party, indeed, stood in need of accessions; for it sustained about this time an almost irreparable loss. The Duke of Cumberland had formed the government, and was its main support. His exalted rank and great name in some degree balanced the fame of Pitt. As mediator between the Whigs and the Court, he held a place which no other person could fill. The strength of his character supplied that which was the chief defect of the new ministry. Conway, in particular, who, with excellent intentions and respectable talents, was the most dependent and irresolute of human beings, drew from the counsels of that masculine mind a determination not his own. Before the meeting of Parliament the Duke suddenly died. His death was generally regarded as the signal of great troubles, and on this account, as well as from respect for his personal qualities, was greatly lamented. It was remarked that the mourning in London was the most general ever known, and was both deeper and longer than the Gazette had prescribed.

In the meantime, every mail from America brought alarming tidings. The crop which Grenville had sown his successors had now to reap. The colonies were in a state bordering on rebellion. The stamps were burned. The revenue officers were tarred and feathered. All traffic between the discontented provinces and the mother country was interrupted. The Exchange of London was in dismay. Half the firms of Bristol and Liverpool were threatened with

bankruptcy. In Leeds, Manchester, Nottingham it was said that three artisans out of every ten had been turned adrift. Civil war seemed to be at hand; and it could not be doubted that, if once the British nation were divided against itself, France and Spain would soon take part in the quarrel.

Three courses were open to the ministers. The first was to enforce the Stamp Act by the sword. This was the course on which the King, and Grenville, whom the King hated beyond all living men, were alike bent. The natures of both were arbitrary and stubborn. They resembled each other so much that they could never be friends; but they resembled each other also so much that they saw almost all important practical questions in the same point of view. Neither of them would bear to be governed by the other; but they were perfectly agreed as to the best way of governing the people.

Another course was that which Pitt recommended. He held that the British Parliament was not constitutionally competent to pass a law for taxing the colonies. He therefore considered the Stamp Act as a nullity, as a document of no more validity than Charles's writ of shipmoney, or James's proclamation dispensing with the penal laws. This doctrine seems to us, we must own, to be altogether untenable.

Between these extreme courses lay a third way. The opinion of the most judicious and temperate statesmen of those times was that the British constitution had set no limit whatever to the legislative power of the British King, Lords, and Commons, over the whole British Empire. Parliament, they held, was legally competent to tax America, as Parliament was legally competent to commit any other act of folly or wickedness, to confiscate the property of all the merchants in Lombard Street, or to attaint any man in the kingdom of high treason, without examining witnesses against him, or hearing him in his own defence. The most atrocious act of confiscation or of attainder is just as valid an act as the Toleration Act or the Habeas Corpus Act. But from acts of confiscation and acts of attainder lawgivers are bound, by every obligation of morality, systematically to refrain. In the same manner ought the British legislature to refrain from taxing the American colonies. The Stamp Act was indefensible, not because it was beyond the constitutional competence of Parliament, but because it was unjust and impolitic, sterile of revenue, and fertile of discontents. These sound doctrines were adopted by Lord Rockingham and his colleagues, and were, during a long course of years, inculcated

by Burke, in orations, some of which will last as long as the English language.

The winter came; the Parliament met; and the state of the colonies instantly became the subject of fierce contention. Pitt, whose health had been somewhat restored by the waters of Bath, reappeared in the House of Commons, and, with ardent and pathetic eloquence, not only condemned the Stamp Act, but applauded the resistance of Massachusetts and Virginia, and vehemently maintained, in defiance, we must say, of all reason and of all authority, that, according to the British constitution, the supreme legislative power does not include the power to tax. The language of Grenville, on the other hand, was such as Strafford might have used at the council table of Charles the First, when news came of the resistance to the liturgy at Edinburgh. The colonists were traitors; those who excused them were little better. Frigates, mortars, bayonets, sabres, were the proper remedies for such distempers.

The ministers occupied an intermediate position; they proposed to declare that the legislative authority of the British Parliament over the whole Empire was in all cases supreme; and they proposed, at the same time, to repeal the Stamp Act. To the former measure Pitt objected; but it was carried with scarcely a dissentient voice. The repeal of the Stamp Act Pitt strongly supported; but against the government was arrayed a formidable assemblage of opponents. Grenville and the Bedfords were furious. Temple, who had now allied himself closely with his brother, and separated himself from Pitt, was no despicable enemy. This, however, was not the worst. The ministry was without its natural strength. It had to struggle, not only against its avowed enemies, but against the insidious hostility of the King, and of a set of persons who, about this time, began to be designated as the King's friends.

The character of this faction has been drawn by Burke with even more than his usual force and vivacity. Those who know how strongly, through his whole life, his judgment was biassed by his passions, may not unnaturally suspect that he has left us rather a caricature than a likeness; and yet there is scarcely, in the whole portrait, a single touch of which the fidelity is not proved by facts of unquestionable authenticity.

The public generally regarded the King's friends as a body of which Bute was the directing soul. It was to no purpose that the Earl professed to have done with politics, that he absented himself year after year from the levee and the draw-

ing-room, that he went to the north, that he went to Rome. The notion, that, in some inexplicable manner, he dictated all the measures of the court, was fixed in the minds, not only of the multitude, but of some who had good opportunities of obtaining information, and who ought to have been superior to vulgar prejudices. Our own belief is that these suspicions were unfounded, and that he ceased to have any communication with the King on political matters some time before the dismissal of George Grenville. The supposition of Bute's influence is, indeed, by no means necessary to explain the phenomena. The King, in 1765, was no longer the ignorant and inexperienced boy who had, in 1760, been managed by his mother and his Groom of the Stole. He had, during several years, observed the struggles of parties, and conferred daily on high questions of state with able and experienced politicians. His way of life had developed his understanding and character. He was now no longer a puppet, but had very decided opinions both of men and things. Nothing could be more natural than that he should have high notions of his own prerogatives, should be impatient of opposition, and should wish all public men to be detached from each other and dependent on himself alone; nor could any thing be more natural than that, in the state in which the political world then was, he should find instruments fit for his purposes.

Thus sprang into existence and into note a reptile species of politicians never before and never since known in our country. These men disclaimed all political ties, except those which bound them to the throne. They were willing to coalesce with any party, to abandon any party, to undermine any party, to assault any party, at a moment's notice. To them all administrations, and all oppositions were the same. They regarded Bute, Grenville, Rockingham, Pitt, without one sentiment either of predilection or of aversion. They were the King's friends. It is to be observed that this friendship implied no personal intimacy. These people had never lived with their master, as Dodington at one time lived with his father, or as Sheridan afterwards lived with his son. They never hunted with him in the morning, or played cards with him in the evening, never shared his mutton or walked with him among his turnips. Only one or two of them ever saw his face except on public days. The whole band, however, always had early and accurate information as to his personal inclinations. These people were never high in the administration. They were generally to be found in places of much

emolument, little labour, and no responsibility; and these places they continued to occupy securely while the cabinet was six or seven times reconstructed. Their peculiar business was not to support the ministry against the opposition, but to support the King against the ministry. Whenever his Majesty was induced to give a reluctant assent to the introduction of some bill which his constitutional advisers regarded as necessary, his friends in the House of Commons were sure to speak against it, to vote against it, to throw in its way every obstruction compatible with the forms of Parliament. If his Majesty found it necessary to admit into his closet a Secretary of State or a First Lord of the Treasury whom he disliked, his friends were sure to miss no opportunity of thwarting and humbling the obnoxious minister. In return for these services, the King covered them with his protection. It was to no purpose that his responsible servants complained to him that they were daily betrayed and impeded by men who were eating the bread of the government. He sometimes justified the offenders, sometimes excused them, sometimes owned that they were to blame, but said that he must take time to consider whether he could part with them. He never would turn them out; and, while every thing else in the state was constantly changing, these sycophants seemed to have a life estate in their offices.

It was well known to the King's friends that, though his Majesty had consented to the repeal of the Stamp Act, he had consented with a very bad grace, and that, though he had eagerly welcomed the Whigs, when, in his extreme need and at his earnest entreaty, they had undertaken to free him from an insupportable yoke, he had by no means got over his early prejudices against his deliverers. The ministers soon found that, while they were encountered in front by the whole force of a strong opposition, their rear was assailed by a large body of those whom they had regarded as auxiliaries.

Nevertheless, Lord Rockingham and his adherents went on resolutely with the bill for repealing the Stamp Act. They had on their side all the manufacturing and commercial interests of the realm. In the debates the government was powerfully supported. Two great orators and statesmen, belonging to two different generations, repeatedly put forth all their powers in defence of the bill. The House of Commons heard Pitt for the last time, and Burke for the first time, and was

assigned. It was indeed a splendid sunset and a splendid dawn.

For a time the event seemed doubtful. In several divisions the ministers were hard pressed. On one occasion not less than twelve of the King's friends, all men in office, voted against the government. It was to no purpose that Lord Rockingham remonstrated with the King. His Majesty confessed that there was ground for complaint, but hoped that gentle means would bring the mutineers to a better mind. If they persisted in their misconduct, he would dismiss them.

At length the decisive day arrived. The gallery, the lobby, the Court of Requests, the staircases, were crowded with merchants from all the great ports of the island. The debate lasted till long after midnight. On the division, the ministers had a great majority. The dread of civil war, and the outcry of all the trading towns of the kingdom, had been too strong for the combined strength of the court and the opposition.

It was in the first dim twilight of a February morning that the doors were thrown open, and that the chiefs of the hostile parties showed themselves to the multitude. Conway was received with loud applause. But, when Pitt appeared, all eyes were fixed on him alone. All hats were in the air. Loud and long huzzas accompanied him to his chair, and a train of admirers escorted him all the way to his home. Then came forth Grenville. As soon as he was recognised, a storm of hisses and curses broke forth. He turned fiercely on the crowd, and caught one man by the throat. The bystanders were in great alarm. If a scuffle began, none could say how it might end. Fortunately the person who had been collared only said, "If I may not hiss, sir, I hope I may laugh," and laughed in Grenville's face.

The majority had been so decisive, that all the opponents of the ministry, save one, were disposed to let the bill pass without any further contention. But solicitation and expostulation were thrown away on Grenville. His indomitable spirit rose up stronger and stronger under the load of public hatred. He fought out the battle obstinately to the end. On the last reading he had a sharp altercation with his brother in law, the last of their many sharp altercations. Pitt thundered in his loftiest tones against the man who had wished to dip the ermine of a British King in the blood of the British people. Grenville replied with his wonted intrepidity and asperity. "If the tax," he said, "were still to be laid on, I

cuser is answerable. His profusion made it necessary. His declarations against the constitutional powers of King, Lords, and Commons, have made it doubly necessary. I do not envy him the huzza. I glory in the hiss. If it were to be done again, I would do it."

The repeal of the Stamp Act was the chief measure of Lord Rockingham's government. But that government is entitled to the praise of having put a stop to two oppressive practices, which, in Wilkes's case, had attracted the notice and excited the just indignation of the public. The House of Commons was induced by the ministers to pass a resolution condemning the use of general warrants, and another resolution, condemning the seizure of papers in cases of libel.

It must be added, to the lasting honour of Lord Rockingham, that his administration was the first which, during a long course of years, had the courage and the virtue to refrain from bribing members of Parliament. His enemies accused him and his friends of weakness, of haughtiness, of party spirit; but calumny itself never dared to couple his name with corruption.

Unhappily his government, though one of the best that has ever existed in our country, was also one of the weakest. The King's friends assailed and obstructed the ministers at every turn. To appeal to the King was only to draw forth new promises and new evasions. His Majesty was sure that there must be some misunderstanding. Lord Rockingham had better speak to the gentlemen. They should be dismissed on the next fault. The next fault was soon committed, and his Majesty still continued to shuffle. It was too bad. It was quite abominable; but it mattered less as the prorogation was at hand. He would give the delinquents one more chance. If they did not alter their conduct next session, he should not have one word to say for them. He had already resolved that, long before the commencement of the next session, Lord Rockingham should cease to be minister.

We have now come to a part of our story which, admiring as we do the genius and the many noble qualities of Pitt, we cannot relate without much pain. We believe that, at this conjuncture, he had it in his power to give the victory either to the Whigs or to the King's friends. If he had allied himself closely with Lord Rockingham, what could the court have done? There would have been only one alternative, the Whigs or Grenville; and there could be no doubt what the King's choice would be. He still remembered, as well he

might, with the utmost bitterness, the thraldom from which his uncle had freed him, and said about this time, with great vehemence, that he would sooner see the Devil come into his closet than Grenville.

And what was there to prevent Pitt from allying himself with Lord Rockingham? On all the most important questions their views were the same. They had agreed in condemning the peace, the Stamp Act, the general warrants, the seizure of papers. The points on which they differed were few and unimportant. In integrity, in disinterestedness, in hatred of corruption, they resembled each other. Their personal interests could not clash. They sat in different Houses, and Pitt had always declared that nothing should induce him to be first lord of the treasury.

If the opportunity of forming a coalition beneficial to the state, and honourable to all concerned, was suffered to escape, the fault was not with the Whig ministers. They behaved towards Pitt with an obsequiousness which, had it not been the effect of sincere admiration and of anxiety for the public interests, might have been justly called servile. They repeatedly gave him to understand that, if he chose to join their ranks, they were ready to receive him, not as an associate, but as a leader. They had proved their respect for him by bestowing a peerage on the person who, at that time, enjoyed the largest share of his confidence, Chief Justice Pratt. What then was there to divide Pitt from the Whigs? What, on the other hand, was there in common between him and the King's friends, that he should lend himself to their purposes, he who had never owed any thing to flattery or intrigue, he whose eloquence and independent spirit had overawed two generations of slaves and jobbers, he who had twice been forced by the enthusiasm of an admiring nation on a reluctant Prince?

Unhappily the court had gained Pitt, not, it is true, by those ignoble means which were employed when such men as Rigby and Wedderburn were to be won, but by allurements suited to a nature noble even in its aberrations. The King set himself to seduce the one man who could turn the Whigs out without letting Grenville in. Praise, caresses, promises, were lavished on the idol of the nation. He, and he alone, could put an end to faction, could bid defiance to all the powerful connexions in the land united, Whigs and Tories, Rockinghams, Bedfords, and Grenvilles. These blandish-

high and manly, though his eloquence was often exerted with formidable effect against the court, and though his theory of government had been learned in the school of Locke and Sidney, he had always regarded the person of the sovereign with profound veneration. As soon as he was brought face to face with royalty, his imagination and sensibility were too strong for his principles. His Whiggism thawed and disappeared; and he became, for the time, a Tory of the old Ormond pattern. Nor was he by any means unwilling to assist in the work of dissolving all political connexions. His own weight in the state was wholly independent of such connexions. He was therefore inclined to look on them with dislike, and made far too little distinction between gangs of knaves associated for the mere purpose of robbing the public, and confederacies of honourable men for the promotion of great public objects. Nor had he the sagacity to perceive that the strenuous efforts which he made to annihilate all parties tended only to establish the ascendency of one party, and that the basest and most hateful of all.

It may be doubted whether he would have been thus misled, if his mind had been in full health and vigour. But the truth is that he had for some time been in an unnatural state of excitement. No suspicion of this sort had yet got abroad. His eloquence had never shone with more splendour than during the recent debates. But people afterwards called to mind many things which ought to have roused their apprehensions. His habits were gradually becoming more and more eccentric. A horror of all loud sounds, such as is said to have been one of the many oddities of Wallenstein, grew upon him. Though the most affectionate of fathers, he could not at this time bear to hear the voices of his own children, and laid out great sums at Hayes in buying up houses contiguous to his own, merely that he might have no neighbours to disturb him with their noise. He then sold Hayes, and took possession of a villa at Hampstead, where he again began to purchase houses to right and left. In expense, indeed, he vied, during this part of his life, with the wealthiest of the conquerors of Bengal and Tanjore. At Burton Pynsent, he ordered a great extent of ground to be planted with cedars. Cedars enough for the purpose were not to be found in Somersetshire. They were therefore collected in London, and sent down by land carriage. Relays of labourers were hired; and the work went on all night by torchlight. No man could be more abstemious

to epicures. Several dinners were always dressing; for his appetite was capricious and fanciful; and at whatever moment he felt inclined to eat, he expected a meal to be instantly on the table. Other circumstances might be mentioned, such as separately are of little moment, but such as, when taken together, and when viewed in connexion with the strange events which followed, justify us in believing that his mind was already in a morbid state.

Soon after the close of the session of Parliament, Lord Rockingham received his dismissal. He retired, accompanied by a firm body of friends, whose consistency and uprightness enmity itself was forced to admit. None of them had asked or obtained any pension or any sinecure, either in possession or in reversion. Such disinterestedness was then rare among politicians. Their chief, though not a man of brilliant talents, had won for himself an honourable fame, which he kept pure to the last. He had, in spite of difficulties which seemed almost insurmountable, removed great abuses and averted a civil war. Sixteen years later, in a dark and terrible day, he was again called upon to save the state, brought to the very brink of ruin by the same perfidy and obstinacy which had embarrassed, and at length overthrown, his first administration.

Pitt was planting in Somersetshire when he was summoned to court by a letter written by the royal hand. He instantly hastened to London. The irritability of his mind and body were increased by the rapidity with which he travelled; and when he reached his journey's end he was suffering from fever. Ill as he was, he saw the King at Richmond, and undertook to form an administration.

Pitt was scarcely in the state in which a man should be who has to conduct delicate and arduous negotiations. In his letters to his wife, he complained that the conferences in which it was necessary for him to bear a part heated his blood and accelerated his pulse. From other sources of information we learn, that his language even to those whose cooperation he wished to engage, was strangely peremptory and despotic. Some of his notes written at this time have been preserved, and are in a style which Lewis the Fourteenth would have been too well bred to employ in addressing any French gentleman.

In the attempt to dissolve all parties, Pitt met with some difficulties. Some Whigs, whom the court would gladly have

Bedfords were perfectly willing to break with Grenville; but Pitt would not come up to their terms. Temple, whom Pitt at first meant to place at the head of the treasury, proved intractable. A coldness indeed had, during some months, been fast growing between the brothers in law, so long and so closely allied in politics. Pitt was angry with Temple for opposing the repeal of the Stamp Act. Temple was angry with Pitt for refusing to accede to that family league which was now the favourite plan at Stowe. At length the Earl proposed an equal partition of power and patronage, and offered, on this condition, to give up his brother George. Pitt thought the demand exorbitant, and positively refused compliance. A bitter quarrel followed. Each of the kinsmen was true to his character. Temple's soul festered with spite, and Pitt's swelled into contempt. Temple represented Pitt as the most odious of hypocrites and traitors. Pitt held a different, and perhaps a more provoking tone. Temple was a good sort of man enough, whose single title to distinction was, that he had a large garden, with a large piece of water, and a great many pavilions and summerhouses. To his fortunate connexion with a great orator and statesman he was indebted for an importance in the state which his own talents could never have gained for him. That importance had turned his head. He had begun to fancy that he could form administrations, and govern empires. It was piteous to see a well meaning man under such a delusion.

In spite of all these difficulties, a ministry was made such as the King wished to see, a ministry in which all his Majesty's friends were comfortably accommodated, and which, with the exception of his Majesty's friends, contained no four persons who had ever in their lives been in the habit of acting together. Men who had never concurred in a single vote found themselves seated at the same board. The office of paymaster was divided between two persons who had never exchanged a word. Most of the chief posts were filled either by personal adherents of Pitt, or by members of the late ministry, who had been induced to remain in place after the dismissal of Lord Rockingham. To the former class belonged Pratt, now Lord Camden, who accepted the great seal, and Lord Shelburne, who was made one of the Secretaries of State. To the latter class belonged the Duke of Grafton, who became First Lord of the Treasury, and Conway, who kept his old position both in the government and in the House of Commons. Charles Townshend, who had belonged

to every party, and cared for none, was Chancellor of the Exchequer. Pitt himself was declared prime minister, but refused to take any laborious office. He was created Earl of Chatham, and the privy seal was delivered to him.

It is scarcely necessary to say, that the failure, the complete and disgraceful failure, of this arrangement, is not to be ascribed to any want of capacity in the persons whom we have named. None of them was deficient in abilities; and four of them, Pitt himself, Shelburne, Camden, and Townshend, were men of high intellectual eminence. The fault was not in the materials, but in the principle on which the materials were put together. Pitt had mixed up these conflicting elements, in the full confidence that he should be able to keep them all in perfect subordination to himself, and in perfect harmony with each other. We shall soon see how the experiment succeeded.

On the very day on which the new prime minister kissed hands, three fourths of that popularity which he had long enjoyed without a rival, and to which he owed the greater part of his authority, departed from him. A violent outcry was raised, not against that part of his conduct which really deserved severe condemnation, but against a step in which we can see nothing to censure. His acceptance of a peerage produced a general burst of indignation. Yet surely no peerage had ever been better earned; nor was there ever a statesman who more needed the repose of the Upper House. Pitt was now growing old. He was much older in constitution than in years. It was with imminent risk to his life that he had, on some important occasions, attended his duty in Parliament. During the session of 1764, he had not been able to take part in a single debate. It was impossible that he should go through the nightly labour of conducting the business of the government in the House of Commons. His wish to be transferred, under such circumstances, to a less busy and a less turbulent assembly, was natural and reasonable. The nation, however, overlooked all these considerations. Those who had most loved and honoured the great Commoner were loudest in invective against the new made lord. London had hitherto been true to him through every vicissitude. When the citizens learned that he had been sent for from Somersetshire, that he had been closeted with the King at Richmond, and that he was to be first minister, they had been in transports of joy. Preparations were made for a

lamps had actually been placed round the Monument, when the Gazette announced that the object of all this enthusiasm was an Earl. Instantly the feast was countermanded. The lamps were taken down. The newspapers raised the roar of obloquy. Pamphlets, made up of calumny and scurrility, filled the shops of all the booksellers; and of those pamphlets, the most galling were written under the direction of the malignant Temple. It was now the fashion to compare the two Williams, William Pulteney and William Pitt. Both, it was said, had, by eloquence and simulated patriotism, acquired a great ascendency in the House of Commons and in the country. Both had been entrusted with the office of reforming the government. Both had, when at the height of power and popularity, been seduced by the splendour of the coronet. Both had been made earls, and both had at once become objects of aversion and scorn to the nation which a few hours before had regarded them with affection and veneration.

The clamour against Pitt appears to have had a serious effect on the foreign relations of the country. His name had till now acted like a spell at Versailles and Saint Ildefonso. English travellers on the Continent had remarked that nothing more was necessary to silence a whole room full of boasting Frenchmen than to drop a hint of the probability that Mr. Pitt would return to power. In an instant there was deep silence: all shoulders rose, and all faces were lengthened. Now, unhappily, every foreign court, in learning that he was recalled to office, learned also that he no longer possessed the hearts of his countrymen. Ceasing to be loved at home, he ceased to be feared abroad. The name of Pitt had been a charmed name. Our envoys tried in vain to conjure with the name of Chatham.

The difficulties which beset Chatham were daily increased by the despotic manner in which he treated all around him. Lord Rockingham had, at the time of the change of ministry, acted with great moderation, had expressed a hope that the new government would act on the principles of the late government, and had even interfered to prevent many of his friends from quitting office. Thus Saunders and Keppel, two naval commanders of great eminence, had been induced to remain at the Admiralty, where their services were much needed. The Duke of Portland was still Lord Chamberlain, and Lord Besborough Postmaster. But within a quarter of a year, Lord Chatham had so deeply affronted these men,

that they all retired in disgust. In truth, his tone, submissive in the closet, was at this time insupportably tyrannical in the cabinet. His colleagues were merely his clerks for naval, financial, and diplomatic business. Conway, meek as he was, was on one occasion provoked into declaring that such language as Lord Chatham's had never been heard west of Constantinople, and was with difficulty prevented by Horace Walpole from resigning, and rejoining the standard of Lord Rockingham.

The breach which had been made in the government by the defection of so many of the Rockinghams, Chatham hoped to supply by the help of the Bedfords. But with the Bedfords he could not deal as he had dealt with other parties. It was to no purpose that he bade high for one or two members of the faction, in the hope of detaching them from the rest. They were to be had; but they were to be had only in the lot. There was indeed for a moment some wavering and some disputing among them. But at length the counsels of the shrewd and resolute Rigby prevailed. They determined to stand firmly together, and plainly intimated to Chatham that he must take them all, or that he should get none of them. The event proved that they were wiser in their generation than any other connexion in the state. In a few months they were able to dictate their own terms.

The most important public measure of Lord Chatham's administration was his celebrated interference with the corn trade. The harvest had been bad; the price of food was high; and he thought it necessary to take on himself the responsibility of laying an embargo on the exportation of grain. When Parliament met, this proceeding was attacked by the opposition as unconstitutional, and defended by the ministers as indispensably necessary. At last an act was passed to indemnify all who had been concerned in the embargo.

The first words uttered by Chatham, in the House of Lords, were in defence of his conduct on this occasion. He spoke with a calmness, sobriety, and dignity, well suited to the audience which he was addressing. A subsequent speech which he made on the same subject was less successful. He bade defiance to aristocratical connexions, with a superciliousness to which the Peers were not accustomed, and with tones and gestures better suited to a large and stormy assembly than to the body of which he was now a member.

that he should not be suffered to browbeat the old nobility of England.

It gradually became clearer and clearer that he was in a distempered state of mind. His attention had been drawn to the territorial acquisitions of the East India Company, and he determined to bring the whole of that great subject before Parliament. He would not, however, confer on the subject with any of his colleagues. It was in vain that Conway, who was charged with the conduct of business in the House of Commons, and Charles Townshend, who was responsible for the direction of the finances, begged for some glimpse of light as to what was in contemplation. Chatham's answers were sullen and mysterious. He must decline any discussion with them; he did not want their assistance; he had fixed on a person to take charge of his measure in the House of Commons. This person was a member who was not connected with the government, and who neither had, nor deserved to have, the ear of the House, a noisy, purse-proud, illiterate demagogue, whose Cockney English and scraps of mispronounced Latin were the jest of the newspapers, Alderman Beckford. It may well be supposed that these strange proceedings produced a ferment through the whole political world. The city was in commotion. The East India Company invoked the faith of charters. Burke thundered against the ministers. The ministers looked at each other and knew not what to say. In the midst of the confusion, Lord Chatham proclaimed himself gouty, and retired to Bath. It was announced, after some time, that he was better, that he would shortly return, that he would soon put every thing in order. A day was fixed for his arrival in London. But when he reached the Castle inn at Marlborough, he stopped, shut himself up in his room, and remained there some weeks. Every body who travelled that road was amazed by the number of his attendants. Footmen and grooms, dressed in his family livery, filled the whole inn, though one of the largest in England, and swarmed in the streets of the little town. The truth was that the invalid had insisted that, during his stay, all the waiters and stable-boys of the Castle should wear his livery.

His colleagues were in despair. The Duke of Grafton proposed to go down to Marlborough in order to consult the oracle. But he was informed that Lord Chatham must decline all conversation on business. In the meantime, all the parties which were out of office, Bedfords, Grenvilles, and

Rockinghams, joined to oppose the distracted government on the vote for the land tax. They were reinforced by almost all the county members, and had a considerable majority. This was the first time that a ministry had been beaten on an important division in the House of Commons since the fall of Sir Robert Walpole. The administration, thus furiously assailed from without, was torn by internal dissensions. It had been formed on no principle whatever. From the very first, nothing but Chatham's authority had prevented the hostile contingents which made up his ranks from going to blows with each other. That authority was now withdrawn, and everything was in commotion. Conway, a brave soldier, but in civil affairs the most timid and irresolute of men, afraid of disobliging the King, afraid of being abused in the newspapers, afraid of being thought factious if he went out, afraid of being thought interested if he stayed in, afraid of every thing, and afraid of being known to be afraid of any thing, was beaten backwards and forwards like a shuttlecock between Horace Walpole who wished to make him prime minister, and Lord John Cavendish who wished to draw him into opposition. Charles Townshend, a man of splendid eloquence, of lax principles, and of boundless vanity and presumption, would submit to no control. The full extent of his parts, of his ambition, and of his arrogance, had not yet been made manifest; for he had always quailed before the genius and the lofty character of Pitt. But now that Pitt had quitted the House of Commons, and seemed to have abdicated the part of chief minister, Townshend broke loose from all restraint.

While things were in this state, Chatham at length returned to London. He might as well have remained at Marlborough. He would see nobody. He would give no opinion on any public matter. The Duke of Grafton begged piteously for an interview, for an hour, for half an hour, for five minutes. The answer was, that it was impossible. The King himself repeatedly condescended to expostulate and implore. "Your duty," he wrote, "your own honour, require you to make an effort." The answers to these appeals were commonly written in Lady Chatham's hand, from her lord's dictation; for he had not energy even to use a pen. He flings himself at the King's feet. He is penetrated by the royal goodness, so signally shown to the most unhappy of men. He implores a little more indulgence. He cannot as yet transact business. He cannot see his colleagues. Least

of all can he bear the excitement of an interview with majesty.

Some were half inclined to suspect that he was, to use a military phrase, malingering. He had made, they said, a great blunder, and had found it out. His immense popularity, his high reputation for statesmanship, were gone for ever. Intoxicated by pride, he had undertaken a task beyond his abilities. He now saw nothing before him but distresses and humiliations; and he had therefore simulated illness, in order to escape from vexations which he had not fortitude to meet. This suspicion, though it derived some colour from that weakness which was the most striking blemish of his character, was certainly unfounded. His mind, before he became first minister, had been, as we have said, in an unsound state; and physical and moral causes now concurred to make the derangement of his faculties complete. The gout, which had been the torment of his whole life, had been suppressed by strong remedies. For the first time since he was a boy at Oxford, he had passed several months without a twinge. But his hand and foot had been relieved at the expense of his nerves. He became melancholy, fanciful, irritable. The embarrassing state of public affairs, the grave responsibility which lay on him, the consciousness of his errors, the disputes of his colleagues, the savage clamours raised by his detractors, bewildered his enfeebled mind. One thing alone, he said, could save him. He must repurchase Hayes. The unwilling consent of the new occupant was extorted by Lady Chatham's entreaties and tears; and her lord was somewhat easier. But if business were mentioned to him, he, once the proudest and boldest of mankind, behaved like a hysterical girl, trembled from head to foot, and burst into a flood of tears.

His colleagues for a time continued to entertain the expectation that his health would soon be restored, and that he would emerge from his retirement. But month followed month, and still he remained hidden in mysterious seclusion, and sunk, as far as they could learn, in the deepest dejection of spirits. They at length ceased to hope or to fear anything from him; and, though he was still nominally Prime Minister, took without scruple steps which they knew to be diametrically opposed to all his opinions and feelings, allied themselves with those whom he had proscribed, disgraced those whom he most esteemed, and laid taxes on the colonies, in the face of the strong declarations which he had recently made.

When he had passed about a year and three quarters in gloomy privacy, the King received a few lines in Lady Chatham's hand. They contained a request, dictated by her lord, that he might be permitted to resign the Privy Seal. After some civil show of reluctance, the resignation was accepted. Indeed Chatham was, by this time, almost as much forgotten as if he had already been lying in Westminster Abbey.

At length the clouds which had gathered over his mind broke and passed away. His gout returned, and freed him from a more cruel malady. His nerves were newly braced. His spirits became buoyant. He woke as from a sickly dream. It was a strange recovery. Men had been in the habit of talking of him as of one dead, and, when he first showed himself at the King's levee, started as if they had seen a ghost. It was more than two years and a half since he had appeared in public.

He, too, had cause for wonder. The world which he now entered was not the world which he had quitted. The administration which he had formed had never been, at any one moment, entirely changed. But there had been so many losses and so many accessions, that he could scarcely recognise his own work. Charles Townshend was dead. Lord Shelburne had been dismissed. Conway had sunk into utter insignificance. The Duke of Grafton had fallen into the hands of the Bedfords. The Bedfords had deserted Grenville, had made their peace with the King and the King's friends, and had been admitted to office. Lord North was Chancellor of the Exchequer, and was rising fast in importance. Corsica had been given up to France without a struggle. The disputes with the American colonies had been revived. A general election had taken place. Wilkes had returned from exile, and outlaw as he was, had been chosen knight of the shire for Middlesex. The multitude was on his side. The court was obstinately bent on ruining him, and was prepared to shake the very foundations of the constitution for the sake of a paltry revenge. The House of Commons, assuming to itself an authority which of right belongs only to the whole legislature, had declared Wilkes incapable of sitting in Parliament. Nor had it been thought sufficient to keep him out. Another must be brought in. Since the freeholders of Middlesex had obstinately refused to choose a member acceptable to the Court, the House had chosen a member for them. This was not the only instance, perhaps not the most disgraceful instance, of the inveterate malignity of the Court. Exasperated

by the steady opposition of the Rockingham party, the King's friends had tried to rob a distinguished Whig nobleman of his private estate, and had persisted in their mean wickedness till their own servile majority had revolted from mere disgust and shame. Discontent had spread throughout the nation, and was kept up by stimulants such as had rarely been applied to the public mind. Junius had taken the field, had trampled Sir William Draper in the dust, had well nigh broken the heart of Blackstone, and had so mangled the reputation of the Duke of Grafton that his grace had become sick of office, and was beginning to look wistfully towards the shades of Euston. Every principle of foreign, domestic, and colonial policy which was dear to the heart of Chatham had, during the eclipse of his genius, been violated by the government which he had formed.

The remaining years of his life were spent in vainly struggling against that fatal policy which, at the moment when he might have given it a death blow, he had been induced to take under his protection. His exertions redeemed his own fame, but they effected little for his country.

He found two parties arrayed against the government, the party of his own brothers in law, the Grenvilles, and the party of Lord Rockingham. On the question of the Middlesex election these parties were agreed. But on many other important questions they differed widely; and they were, in truth, not less hostile to each other than to the court. The Grenvilles had, during several years, annoyed the Rockinghams with a succession of acrimonious pamphlets. It was long before the Rockinghams could be induced to retaliate. But an ill natured tract, written under Grenville's direction, and entitled a State of the Nation, was too much for their patience. Burke undertook to defend and avenge his friends, and executed the task with admirable skill and vigour. On every point he was victorious, and nowhere more completely victorious than when he joined issue on those dry and minute questions of statistical and financial detail in which the main strength of Grenville lay. The official drudge, even on his own chosen ground, was utterly unable to maintain the fight against the great orator and philosopher. When Chatham reappeared, Grenville was still writhing with the recent shame and smart of this well merited chastisement. Cordial cooperation between the two sections of the opposition was impossible. Nor could Chatham easily connect himself with either. His feelings, in spite of many affronts given and received, drew

him towards the Grenvilles. For he had strong domestic affections; and his nature, which, though haughty, was by no means obdurate, had been softened by affliction. But from his kinsmen he was separated by a wide difference of opinion on the question of colonial taxation. A reconciliation, however, took place. He visited Stowe: he shook hands with George Grenville; and the Whig freeholders of Buckinghamshire, at their public dinners, drank many bumpers to the union of the three brothers.

In opinions, Chatham was much nearer to the Rockinghams than to his own relatives. But between him and the Rockinghams there was a gulf not easily to be passed. He had deeply injured them, and in injuring them, had deeply injured his country. When the balance was trembling between them and the Court, he had thrown the whole weight of his genius, of his renown, of his popularity, into the scale of misgovernment. It must be added, that many eminent members of the party still retained a bitter recollection of the asperity and disdain with which they had been treated by him at the time when he assumed the direction of affairs. It is clear from Burke's pamphlets and speeches, and still more clear from his private letters, and from the language which he held in conversation, that he regarded Chatham with a feeling not far removed from dislike. Chatham was undoubtedly conscious of his error, and desirous to atone for it. But his overtures of friendship, though made with earnestness, and even with unwonted humility, were at first received by Lord Rockingham with cold and austere reserve. Gradually the intercourse of the two statesmen became courteous and even amicable. But the past was never wholly forgotten.

Chatham did not, however, stand alone. Round him gathered a party, small in number, but strong in great and various talents. Lord Camden, Lord Shelburne, Colonel Barré, and Dunning, afterwards Lord Ashburton, were the principal members of this connexion.

There is no reason to believe that, from this time till within a few weeks of Chatham's death, his intellect suffered any decay. His eloquence was almost to the last heard with delight. But it was not exactly the eloquence of the House of Lords. That lofty and passionate, but somewhat desultory declamation, in which he excelled all men, and which was set off by looks, tones, and gestures, worthy of Garrick or Talma, was out of place in a small apartment where the audience often consisted of three or four drowsy prelates, three or four old

judges, accustomed during many years to disregard rhetoric, and to look only at facts and arguments, and three or four listless and supercilious men of fashion, whom anything like enthusiasm moved to a sneer. In the House of Commons, a flash of his eye, a wave of his arm, had sometimes cowed Murray. But, in the House of Peers, his utmost vehemence and pathos produced less effect than the moderation, the reasonableness, the luminous order, and the serene dignity, which characterised the speeches of Lord Mansfield.

On the question of the Middlesex election, all the three divisions of the opposition acted in concert. No orator in either House defended what is now universally admitted to have been the constitutional cause with more ardour or eloquence than Chatham. Before this subject had ceased to occupy the public mind, George Grenville died. His party rapidly melted away; and in a short time most of his adherents appeared on the ministerial benches.

Had George Grenville lived many months longer, the friendly ties which after years of estrangement and hostility, had been renewed between him and his brother in law, would, in all probability, have been a second time violently dissolved. For now the quarrel between England and the North American colonies took a gloomy and terrible aspect. Oppression provoked resistance; resistance was made the pretext for fresh oppression. The warnings of all the greatest statesmen of the age were lost on an imperious court and a deluded nation. Soon a colonial senate confronted the British Parliament. Then the colonial militia crossed bayonets with the British regiments. At length the commonwealth was torn asunder. Two millions of Englishmen who, fifteen years before, had been as loyal to their prince and as proud of their country as the people of Kent or Yorkshire, separated themselves by a solemn act from the Empire. For a time it seemed that the insurgents would struggle to small purpose against the vast financial and military means of the mother country. But disasters, following one another in rapid succession, rapidly dispelled the illusions of national vanity. At length a great British force, exhausted, famished, harassed on every side by a hostile peasantry, was compelled to deliver up its arms. Those governments which England had, in the late war, so signally humbled, and which had during many years been sullenly brooding over the recollections of Quebec, of Minden, and of the Moro, now saw with exultation that the day of revenge was at hand. France recognised the in-

dependence of the United States; and there could be little doubt that the example would soon be followed by Spain.

Chatham and Rockingham had cordially concurred in opposing every part of the fatal policy which had brought the state into this dangerous situation. But their paths now diverged Lord Rockingham thought, and, as the event proved, thought most justly, that the revolted colonies were separated from the Empire for ever, and that the only effect of prolonging the war on the American continent would be to divide resources which it was desirable to concentrate. If the hopeless attempt to subjugate Pennsylvania and Virginia were abandoned war against the house of Bourbon might possibly be avoided, or, if inevitable, might be carried on with success and glory. We might even indemnify ourselves for part of what we had lost, at the expense of those foreign enemies who had hoped to profit by our domestic dissensions. Lord Rockingham, therefore, and those who acted with him, conceived that the wisest course now open to England was to acknowledge the independence of the United States, and to turn her whole force against her European enemies.

Chatham, it should seem, ought to have taken the same side. Before France had taken any part in our quarrel with the colonies, he had repeatedly, and with great energy of language, declared that it was impossible to conquer America; and he could not without absurdity maintain that it was easier to conquer France and America together than America alone. But his passions overpowered his judgment, and made him blind to his own inconsistency. The very circumstances which made the separation of the colonies inevitable made it to him altogether insupportable. The dismemberment of the Empire seemed to him less ruinous and humiliating, when produced by domestic dissensions, than when produced by foreign interference. His blood boiled at the degradation of his country. Whatever lowered her among the nations of the earth, he felt as a personal outrage to himself. And the feeling was natural. He had made her so great. He had been so proud of her: and she had been so proud of him. He remembered how, more than twenty years before, in a day of gloom and dismay, when her possessions were torn from her, when her flag was dishonoured, she had called on him to save her. He remembered the sudden and glorious change which his energy had wrought, the long series of triumphs, the days

who advised that the independence of the colonies should be acknowledged. That he was in error will scarcely, we think, be disputed by his warmest admirers. Indeed, the treaty, by which, a few years later, the republic of the United States was recognised, was the work of his most attached adherents and of his favourite son.

The Duke of Richmond had given notice of an address to the throne, against the further prosecution of hostilities with America. Chatham had, during some time, absented himself from Parliament, in consequence of his growing infirmities. He determined to appear in his place on this occasion, and to declare that his opinions were decidedly at variance with those of the Rockingham party. He was in a state of great excitement. His medical attendants were uneasy, and strongly advised him to calm himself, and to remain at home. But he was not to be controlled. His son William, and his son in law Lord Mahon, accompanied him to Westminster. He rested himself in the Chancellor's room till the debate commenced, and then, leaning on his two young relations, limped to his seat. The slightest particulars of that day were remembered, and have been carefully recorded. He bowed, it was remarked, with great courtliness to those peers who rose to make way for him and his supporters. His crutch was in his hand. He wore, as was his fashion, a rich velvet coat. His legs were swathed in flannel. His wig was so large, and his face so emaciated, that none of his features could be discerned, except the high curve of his nose, and his eyes, which still retained a gleam of the old fire.

When the Duke of Richmond had spoken, Chatham rose. For some time his voice was inaudible. At length his tones became distinct and his action animated. Here and there his hearers caught a thought or an expression which reminded them of William Pitt. But it was clear that he was not himself. He lost the thread of his discourse, hesitated, repeated the same words several times, and was so confused that, in speaking of the Act of Settlement, he could not recall the name of the Electress Sophia. The House listened in solemn silence, and with the aspect of profound respect and compassion. The stillness was so deep that the dropping of a handkerchief would have been heard. The Duke of Richmond replied with great tenderness and courtesy; but, while he spoke, the old man was observed to be restless and irritable. The Duke sat down. Chatham stood up again,

plectic fit. Three or four lords who sat near him caught him in his fall. The House broke up in confusion. The dying man was carried to the residence of one of the officers of Parliament, and was so far restored as to be able to bear a journey to Hayes. At Hayes, after lingering a few weeks, he expired in his seventieth year. His bed was watched to the last, with anxious tenderness, by his wife and children; and he well deserved their care. Too often haughty and wayward to others, to them he had been almost effeminately kind. He had through life been dreaded by his political opponents, and regarded with more awe than love even by his political associates. But no fear seems to have mingled with the affection which his fondness, constantly overflowing in a thousand endearing forms, had inspired in the little circle at Hayes.

Chatham, at the time of his decease, had not, in both Houses of Parliament, ten personal adherents. Half the public men of the age had been estranged from him by his errors, and the other half by the exertions which he had made to repair his errors. His last speech had been an attack at once on the policy pursued by the government, and on the policy recommended by the opposition. But death restored him to his old place in the affection of his country. Who could hear unmoved of the fall of that which had been so great, and which had stood so long? The circumstances, too, seemed rather to belong to the tragic stage than to real life. A great statesman, full of years and honours, led forth to the Senate House by a son of rare hopes, and stricken down in full council while straining his feeble voice to rouse the drooping spirit of his country, could not but be remembered with peculiar veneration and tenderness. The few detractors who ventured to murmur were silenced by the indignant clamours of a nation which remembered only the lofty genius, the unsullied probity, the undisputed services, of him who was no more. For once, the chiefs of all parties were agreed. A public funeral, a public monument, were eagerly voted. The debts of the deceased were paid. A provision was made for his family. The City of London requested that the remains of the great man whom she had so long loved and honoured might rest under the dome of her magnificent cathedral. But the petition came too late. Every thing was already prepared for the interment in Westminster Abbey.

Though men of all parties had concurred in decreeing posthumous honours to Chatham, his corpse was attended to the grave almost exclusively by opponents of the government.

The banner of the lordship of Chatham was borne by Colonel Barré, attended by the Duke of Richmond and Lord Rockingham. Burke, Savile, and Dunning upheld the pall. Lord Camden was conspicuous in the procession. The chief mourner was young William Pitt. After the lapse of more than twenty-seven years, in a season as dark and perilous, his own shattered frame and broken heart were laid, with the same pomp, in the same consecrated mould.

Chatham sleeps near the northern door of the Church, in a spot which has ever since been appropriated to statesmen, as the other end of the same transept has long been to poets; Mansfield rests there, and the second William Pitt, and Fox, and Grattan, and Canning, and Wilberforce. In no other cemetery do so many great citizens lie within so narrow a space. High over those venerable graves towers the stately monument of Chatham, and from above, his effigy, graven by a cunning hand, seems still, with eagle face and outstretched arm, to bid England be of good cheer, and to hurl defiance at her foes. The generation which reared that memorial of him has disappeared. The time has come when the rash and indiscriminate judgments which his contemporaries passed on his character may be calmly revised by history. And history, while, for the warning of vehement, high, and daring natures, she notes his many errors, will yet deliberately pronounce, that, among the eminent men whose bones lie near his, scarcely one has left a more stainless, and none a more splendid name.

BIOGRAPHIES.

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FRANCIS ATTERBURY. (December 1853.)

Francis Atterbury, a man who holds a conspicuous place in the political, ecclesiastical, and literary history of England, was born in the year 1662, at Middleton in Buckinghamshire, a parish of which his father was rector. Francis was educated at Westminster School, and carried thence to Christ Church a stock of learning which, though really scanty, he through life exhibited with such judicious ostentation, that superficial observers believed his attainments to be immense. At Oxford, his parts, his taste, and his bold, contemptuous, and imperious spirit, soon made him conspicuous. Here he published, at twenty, his first work, a translation of the noble poem of Absalom and Achitophel into Latin verse. Neither the style nor the versification of the young scholar was that of the Augustan age. In English composition he succeeded much better. In 1687 he distinguished himself among many able men who wrote in defence of the Church of England, then persecuted by James II., and calumniated by apostates who had for lucre quitted her communion. Among these apostates none was more active or malignant than Obadiah Walker, who was master of University College, and who had set up there, under the royal patronage, a press for printing tracts against the established religion. In one of these tracts, written apparently by Walker himself, many aspersions were thrown on Martin Luther. Atterbury undertook to defend the great Saxon Reformer, and performed that task in a manner singularly characteristic. Whoever examines his reply to Walker will be struck by the contrast between the feebleness of those parts which are argumentative and defensive, and the vigour of those parts which are rhetorical and aggressive. The Papists were so much galled by the

sarcasms and invectives of the young polemic that they raised a cry of treason, and accused him of having, by implication, called King James a Judas.

After the Revolution, Atterbury, though bred in the doctrines of non-resistance and passive obedience, readily swore fealty to the new government. In no long time he took holy orders. He occasionally preached in London with an eloquence which raised his reputation, and soon had the honour of being appointed one of the royal chaplains. But he ordinarily resided at Oxford, where he took an active part in academical business, directed the classical studies of the under-graduates of his college, and was the chief adviser and assistant of Dean Aldrich, a divine now chiefly remembered by his catches, but renowned among his contemporaries as a scholar, a Tory, and a high-churchman. It was the practice, not a very judicious practice, of Aldrich to employ the most promising youths of his college in editing Greek and Latin books. Among the studious and well-disposed lads who were, unfortunately for themselves, induced to become teachers of philology when they should have been content to be learners, was Charles Boyle, son of the Earl of Orrery, and nephew of Robert Boyle, the great experimental philosopher. The task assigned to Charles Boyle was to prepare a new edition of one of the most worthless books in existence. It was a fashion, among those Greeks and Romans who cultivated rhetoric as an art, to compose epistles and harangues in the names of eminent men. Some of these counterfeits are fabricated with such exquisite taste and skill that it is the highest achievement of criticism to distinguish them from originals. Others are so feebly and rudely executed that they can hardly impose on an intelligent schoolboy. The best specimen which has come down to us is perhaps the oration for Marcellus, such an imitation of Tully's eloquence as Tully would himself have read with wonder and delight. The worst specimen is perhaps a collection of letters purporting to have been written by that Phalaris who governed Agrigentum more than 500 years before the Christian era. The evidence, both internal and external, against the genuineness of these letters is overwhelming. When, in the fifteenth century, they emerged, in company with much that was far more valuable, from their obscurity, they were pronounced spurious by Politian, the greatest scholar of Italy, and by Erasmus, the greatest scholar on our side of the Alps. In truth, it would be as easy to persuade an educated English-

man that one of Johnson's Ramblers was the work of William Wallace as to persuade a man like Erasmus that a pedantic exercise, composed in the trim and artificial Attic of the time of Julian, was a despatch written by a crafty and ferocious Dorian, who roasted people alive many years before there existed a volume of prose in the Greek language. But, though Christ Church could boast of many good Latinists, of many good English writers, and of a greater number of clever and fashionable men of the world than belonged to any other academic body, there was not then in the college a single man capable of distinguishing between the infancy and the dotage of Greek literature. So superficial indeed was the learning of the rulers of this celebrated society that they were charmed by an essay which Sir William Temple published in praise of the ancient writers. It now seems strange that even the eminent public services, the deserved popularity, and the graceful style of Temple should have saved so silly a performance from universal contempt. Of the books which he most vehemently eulogised his eulogies proved that he knew nothing. In fact, he could not read a line of the language in which they were written. Among many other foolish things, he said that the letters of Phalaris were the oldest letters and also the best in the world. Whatever Temple wrote attracted notice. People who had never heard of the Epistles of Phalaris, began to inquire about them. Aldrich, who knew very little Greek, took the word of Temple who knew none, and desired Boyle to prepare a new edition of these admirable compositions which, having long slept in obscurity, had become on a sudden objects of general interest.

The edition was prepared with the help of Atterbury, who was Boyle's tutor, and of some other members of the college. It was an edition such as might be expected from people who would stoop to edite such a book. The notes were worthy of the text; the Latin version worthy of the Greek original. The volume would have been forgotten in a month, had not a misunderstanding about a manuscript arisen between the young editor and the greatest scholar that had appeared in Europe since the revival of letters, Richard Bentley. The manuscript was in Bentley's keeping. Boyle wished it to be collated. A mischief-making bookseller informed him that Bentley had refused to lend it, which was false, and also that Bentley had spoken contemptuously of the letters attributed to Phalaris, and of the critics who were taken in by such counterfeits, which was perfectly true. Boyle, much

provoked, paid, in his preface, a bitterly ironical compliment to Bentley's courtesy. Bentley revenged himself by a short dissertation, in which he proved that the epistles were spurious, and the new edition of them worthless: but he treated Boyle personally with civility as a young gentleman of great hopes, whose love of learning was highly commendable, and who deserved to have had better instructors.

Few things in literary history are more extraordinary than the storm which this little dissertation raised. Bentley had treated Boyle with forbearance; but he had treated Christ Church with contempt; and the Christ Church men, wherever dispersed, were as much attached to their college as a Scotchman to his country, or a Jesuit to his order. Their influence was great. They were dominant at Oxford, powerful in the Inns of Court and in the College of Physicians, conspicuous in Parliament and in the literary and fashionable circles of London. Their unanimous cry was, that the honour of the college must be vindicated, that the insolent Cambridge pedant must be put down. Poor Boyle was unequal to the task, and disinclined to it. It was, therefore, assigned to his tutor Atterbury.

The answer to Bentley, which bears the name of Boyle, but which was, in truth, no more the work of Boyle than the letters to which the controversy related were the work of Phalaris, is now read only by the curious, and will in all probability never be reprinted again. But it had its day of noisy popularity. It was to be found, not only in the studies of men of letters, but on the tables of the most brilliant drawing-rooms of Soho Square and Covent Garden. Even the beaus and coquettes of that age, the Wildairs and the Lady Lurewells, the Mirabells and the Millamants, congratulated each other on the way in which the gay young gentleman, whose erudition sate so easily upon him, and who wrote with so much pleasantry and good breeding about the Attic dialect and the anapæstic measure, Sicilian talents and Thericlean cups, had bantered the queer prig of a doctor. Nor was the applause of the multitude undeserved. The book is, indeed, Atterbury's masterpiece, and gives a higher notion of his powers than any of those works to which he put his name. That he was altogether in the wrong on the main question, and on all the collateral questions springing out of it, that his knowledge of the language, the literature, and the history of Greece was not equal to what many freshmen now bring up every year to Cambridge and Oxford, and that some

futation, is true; and therefore it is that his performance is, in the highest degree, interesting and valuable to a judicious reader. It is good by reason of its exceeding badness. It is the most extraordinary instance that exists of the art of making much show with little substance. There is no difficulty, says the steward of Molière's miser, in giving a fine dinner with plenty of money: the really great cook is he who can set out a banquet with no money at all. That Bentley should have written excellently on ancient chronology and geography, on the development of the Greek language, and the origin of the Greek drama, is not strange. But that Atterbury should, during some years, have been thought to have treated these subjects much better than Bentley is strange indeed. It is true that the champion of Christ Church had all the help which the most celebrated members of that society could give him. Smalridge contributed some very good wit; Friend and others some very bad archæology and philology. But the greater part of the volume was entirely Atterbury's: what was not his own was revised and retouched by him; and the whole bears the mark of his mind, a mind inexhaustibly rich in all the resources of controversy, and familiar with all the artifices which make falsehood look like truth, and ignorance like knowledge. He had little gold; but he beat that little out to the very thinnest leaf, and spread it over so vast a surface that to those who judged by a glance, and who did not resort to balances and tests, the glittering heap of worthless matter which he produced seemed to be an inestimable treasure of massy bullion. Such arguments as he had he placed in the clearest light. Where he had no arguments, he resorted to personalities, sometimes serious, generally ludicrous, always clever and cutting. But, whether he was grave or merry, whether he reasoned or sneered, his style was always pure, polished, and easy.

Party spirit then ran high; yet, though Bentley ranked among Whigs, and Christ Church was a stronghold of Toryism, Whigs joined with Tories in applauding Atterbury's volume. Garth insulted Bentley, and extolled Boyle in lines which are now never quoted except to be laughed at. Swift, in his "Battle of the Books," introduced with much pleasantry Boyle, clad in armour, the gift of all the gods, and directed by Apollo in the form of a human friend, for whose name a blank is left which may easily be filled up. The youth, so accoutred, and so assisted, gains an easy victory

meanwhile, was supported by the consciousness of an immeasurable superiority, and encouraged by the voices of the few who were really competent to judge of the combat. "No man," he said, justly and nobly, "was ever written down but by himself." He spent two years in preparing a reply, which will never cease to be read and prized while the literature of ancient Greece is studied in any part of the world. This reply proved, not only that the letters ascribed to Phalaris were spurious, but that Atterbury, with all his wit, his eloquence, his skill in controversial fence, was the most audacious pretender that ever wrote about what he did not understand. But to Atterbury this exposure was matter of indifference. He was now engaged in a dispute about matters far more important and exciting than the laws of Zaleucus and the laws of Charondas. The rage of religious factions was extreme. High-church and Low-church divided the nation. The great majority of the clergy were on the high-church side; the majority of King William's bishops were inclined to latitudinarianism. A dispute arose between the two parties touching the extent of the powers of the Lower House of Convocation. Atterbury thrust himself eagerly into the front rank of the high-churchmen. Those who take a comprehensive and impartial view of his whole career will not be disposed to give him credit for religious zeal. But it was his nature to be vehement and pugnacious in the cause of every fraternity of which he was a member. He had defended the genuineness of a spurious book simply because Christ Church had put forth an edition of that book; he now stood up for the clergy against the civil power, simply because he was a clergyman, and for the priests against the episcopal order, simply because he was as yet only a priest. He asserted the pretensions of the class to which he belonged in several treatises written with much wit, ingenuity, audacity, and acrimony. In this, as in his first controversy, he was opposed to antagonists whose knowledge of the subject in dispute was far superior to his; but in this, as in his first controversy, he imposed on the multitude by bold assertion, by sarcasm, by declamation, and, above all, by his peculiar knack of exhibiting a little erudition in such a manner as to make it look like a great deal. Having passed himself off on the world as a greater master of classical learning than Bentley, he now passed himself off as a greater master of ecclesiastical learning than Wake or Gibson. By the great body of the clergy he was regarded as the ablest and most

the oligarchy of prelates. The Lower House of Convocation voted him thanks for his services; the University of Oxford created him a doctor of divinity; and soon after the accession of Anne, while the Tories still had the chief weight in the government, he was promoted to the deanery of Carlisle.

Soon after he had obtained this preferment, the Whig party rose to ascendency in the state. From that party he could expect no favour. Six years elapsed before a change of fortune took place. At length, in the year 1710, the prosecution of Sacheverell produced a formidable explosion of high-church fanaticism. At such a moment Atterbury could not fail to be conspicuous. His inordinate zeal for the body to which he belonged, his turbulent and aspiring temper, his rare talents for agitation and for controversy, were again signally displayed. He bore a chief part in framing that artful and eloquent speech which the accused divine pronounced at the bar of the Lords, and which presents a singular contrast to the absurd and scurrilous sermon which had very unwisely been honoured with impeachment. During the troubled and anxious months which followed the trial, Atterbury was among the most active of those pamphleteers who inflamed the nation against the Whig ministry and the Whig parliament. When the ministry had been changed and the parliament dissolved, rewards were showered upon him. The Lower House of Convocation elected him prolocutor. The Queen appointed him Dean of Christ Church on the death of his old friend and patron Aldrich. The college would have preferred a gentler ruler. Nevertheless, the new head was received with every mark of honour. A congratulatory oration in Latin was addressed to him in the magnificent vestibule of the hall; and he in reply professed the warmest attachment to the venerable house in which he had been educated, and paid many gracious compliments to those over whom he was to preside. But it was not in his nature to be a mild or an equitable governor. He had left the chapter of Carlisle distracted by quarrels. He found Christ Church at peace; but in three months his despotic and contentious temper did at Christ Church what it had done at Carlisle. He was succeeded in both his deaneries by the humane and accomplished Smalridge, who gently complained of the state in which both had been left. "Atterbury goes before, and sets everything on fire. I come after him with a bucket of water." It was said by Atterbury's enemies that he was made a bishop because he was so bad a dean. Under his

administration Christ Church was in confusion, scandalous altercations took place, opprobrious words were exchanged; and there was reason to fear that the great Tory college would be ruined by the tyranny of the great Tory doctor. He was soon removed to the bishopric of Rochester, which was then always united with the deanery of Westminster. Still higher dignities seemed to be before him. For, though there were many able men on the episcopal bench, there was none who equalled or approached him in parliamentary talents. Had his party continued in power, it is not improbable that he would have been raised to the archbishopric of Canterbury. The more splendid his prospects, the more reason he had to dread the accession of a family which was well known to be partial to the Whigs. There is every reason to believe that he was one of those politicians who hoped that they might be able, during the life of Anne, to prepare matters in such a way that at her decease there might be little difficulty in setting aside the Act of Settlement and placing the Pretender on the throne. Her sudden death confounded the projects of these conspirators. Atterbury, who wanted no kind of courage, implored his confederates to proclaim James III., and offered to accompany the heralds in lawn sleeves. But he found even the bravest soldiers of his party irresolute, and exclaimed, not, it is said, without interjections which ill became the mouth of a father of the church, that the best of all causes, and the most precious of all moments had been pusillanimously thrown away. He acquiesced in what he could not prevent, took the oaths to the House of Hanover, and at the coronation officiated with the outward show of zeal, and did his best to ingratiate himself with the royal family. But his servility was requited with cold contempt. No creature is so revengeful as a proud man who has humbled himself in vain. Atterbury became the most factious and pertinacious of all the opponents of the government. In the House of Lords his oratory, lucid, pointed, lively, and set off with every grace of pronunciation and of gesture, extorted the attention and admiration even of a hostile majority. Some of the most remarkable protests which appear in the journals of the peers were drawn up by him; and, in some of the bitterest of those pamphlets which called on the English to stand up for their country against the aliens who had come from beyond the seas to oppress and plunder her, critics easily detected his style. When the rebellion of 1715 broke out, he refused to sign the paper in

their attachment to the Protestant succession. He busied himself in electioneering, especially at Westminster, where, as dean, he possessed great influence; and was, indeed, strongly suspected of having once set on a riotous mob to prevent his Whig fellow-citizens from polling.

After having been long in indirect communication with the exiled family, he, in 1717, began to correspond directly with the Pretender. The first letter of the correspondence is extant. In that letter Atterbury boasts of having, during many years past, neglected no opportunity of serving the Jacobite cause. "My daily prayer," he says, "is that you may have success. May I live to see that day, and live no longer than I do what is in my power to forward it." It is to be remembered that he who wrote thus was a man bound to set to the church of which he was overseer an example of strict probity; that he had repeatedly sworn allegiance to the House of Brunswick; that he had assisted in placing the crown on the head of George I.; and that he had abjured James III., "without equivocation or mental reservation, on the true faith of a Christian."

It is agreeable to turn from his public to his private life. His turbulent spirit, wearied with faction and treason, now and then required repose, and found it in domestic endearments, and in the society of the most illustrious of the living and of the dead. Of his wife little is known: but between him and his daughter there was an affection singularly close and tender. The gentleness of his manners when he was in the company of a few friends was such as seemed hardly credible to those who knew him only by his writings and speeches. The charm of his "softer hour" has been commemorated by one of those friends in imperishable verse. Though Atterbury's classical attainments were not great, his taste in English literature was excellent; and his admiration of genius was so strong that it overpowered even his political and religious antipathies. His fondness for Milton, the mortal enemy of the Stuarts and of the church, was such as to many Tories seemed a crime. On the sad night on which Addison was laid in the chapel of Henry VII., the Westminster boys remarked that Atterbury read the funeral service with a peculiar tenderness and solemnity. The favourite companions, however, of the great Tory prelate were, as might have been expected, men whose politics had at least a tinge of Toryism. He lived on friendly terms with Swift,

which some misunderstanding about public affairs at last dissolved. Pope found in Atterbury, not only a warm admirer, but a most faithful, fearless, and judicious adviser. The poet was a frequent guest at the episcopal palace among the elms of Bromley, and entertained not the slightest suspicion that his host, now declining in years, confined to an easy chair by gout, and apparently devoted to literature, was deeply concerned in criminal and perilous designs against the government.

The spirit of the Jacobites had been cowed by the events of 1715. It revived in 1721. The failure of the South Sea project, the panic in the money market, the downfall of great commercial houses, the distress from which no part of the kingdom was exempt, had produced general discontent. It seemed not improbable that at such a moment an insurrection might be successful. An insurrection was planned. The streets of London were to be barricaded; the Tower and the Bank were to be surprised; King George, his family, and his chief captains and councillors, were to be arrested; and King James was to be proclaimed. The design became known to the Duke of Orleans, regent of France, who was on terms of friendship with the House of Hanover. He put the English government on its guard. Some of the chief malcontents were committed to prison; and among them was Atterbury. No bishop of the Church of England had been taken into custody since that memorable day when the applauses and prayers of all London had followed the seven bishops to the gate of the Tower. The Opposition entertained some hope that it might be possible to excite among the people an enthusiasm resembling that of their fathers, who rushed into the waters of the Thames to implore the blessing of Sancroft. Pictures of the heroic confessor in his cell were exhibited at the shop windows. Verses in his praise were sung about the streets. The restraints by which he was prevented from communicating with his accomplices were represented as cruelties worthy of the dungeons of the Inquisition. Strong appeals were made to the priesthood. Would they tamely permit so gross an insult to be offered to their cloth? Would they suffer the ablest, the most eloquent member of their profession, the man who had so often stood up for their rights against the civil power, to be treated like the vilest of mankind? There was considerable excitement; but it was allayed by a temperate and artful letter to the clergy, the work, in all probability, of Bishop Gibson, who

stood high in the favour of Walpole, and shortly after became minister for ecclesiastical affairs.

Atterbury remained in close confinement during some months. He had carried on his correspondence with the exiled family so cautiously that the circumstantial proofs of his guilt, though sufficient to produce entire moral conviction, were not sufficient to justify legal conviction. He could be reached only by a bill of pains and penalties. Such a bill the Whig party, then decidedly predominant in both houses, was quite prepared to support. Many hot-headed members of that party were eager to follow the precedent which had been set in the case of Sir John Fenwick, and to pass an act for cutting off the bishop's head. Cadogan, who commanded the army, a brave soldier, but a headstrong politician, is said to have exclaimed with great vehemence: "Fling him to the lions in the Tower." But the wiser and more humane Walpole was always unwilling to shed blood; and his influence prevailed. When parliament met, the evidence against the bishop was laid before committees of both houses. Those committees reported that his guilt was proved. In the Commons a resolution, pronouncing him a traitor, was carried by nearly two to one. A bill was then introduced which provided that he should be deprived of his spiritual dignities, that he should be banished for life, and that no British subject should hold any intercourse with him except by the royal permission.

This bill passed the Commons with little difficulty. For the bishop, though invited to defend himself, chose to reserve his defence for the assembly of which he was a member. In the Lords the contest was sharp. The young Duke of Wharton, distinguished by his parts, his dissoluteness, and his versatility, spoke for Atterbury with great effect; and Atterbury's own voice was heard for the last time by that unfriendly audience which had so often listened to him with mingled aversion and delight. He produced few witnesses; nor did those witnesses say much that could be of service to him. Among them was Pope. He was called to prove that, while he was an inmate of the palace at Bromley, the bishop's time was completely occupied by literary and domestic matters, and that no leisure was left for plotting. But Pope, who was quite unaccustomed to speak in public, lost his head, and, as he afterwards owned, though he had only ten words to say, made two or three blunders.

The bill finally passed the Lords by eighty-three votes to

forty-three. The bishops, with a single exception, were in the majority. Their conduct drew on them a sharp taunt from Lord Bathurst, a warm friend of Atterbury and a zealous Tory. "The wild Indians," he said, "give no quarter, because they believe that they shall inherit the skill and prowess of every adversary whom they destroy. Perhaps the animosity of the right reverend prelates to their brother may be explained in the same way."

Atterbury took leave of those whom he loved with a dignity and tenderness worthy of a better man. Three fine lines of his favourite poet were often in his mouth :—

> "Some natural tears he dropped, but wiped them soon :
> The world was all before him, where to chuse
> His place of rest, and Providence his guide."

At parting he presented Pope with a Bible, and said, with a disingenuousness of which no man who had studied the Bible to much purpose would have been guilty : "If ever you learn that I have any dealings with the Pretender, I give you leave to say that my punishment is just." Pope at this time really believed the bishop to be an injured man. Arbuthnot seems to have been of the same opinion. Swift, a few months later, ridiculed with great bitterness, in the "Voyage to Laputa," the evidence which had satisfied the two Houses of Parliament. Soon, however, the most partial friends of the banished prelate ceased to assert his innocence, and contented themselves with lamenting and excusing what they could not defend. After a short stay at Brussels, he had taken up his abode at Paris, and had become the leading man among the Jacobite refugees who were assembled there. He was invited to Rome by the Pretender, who then held his mock court under the immediate protection of the Pope. But Atterbury felt that a bishop of the Church of England would be strangely out of place at the Vatican, and declined the invitation. During some months, however, he might flatter himself that he stood high in the good graces of James. The correspondence between the master and the servant was constant. Atterbury's merits were warmly acknowledged ; his advice was respectfully received ; and he was, as Bolingbroke had been before him, the prime minister of a king without a kingdom. But the new favourite found, as Bolingbroke had found before him, that it was quite as hard to keep the shadow of power under a vagrant and mendicant prince as to keep the reality of power at Westminster. Though James had neither

faction and more intrigue among his courtiers than among those of his successful rival. Atterbury soon perceived that his counsels were disregarded, if not distrusted. His proud spirit was deeply wounded. He quitted Paris, fixed his residence at Montpellier, gave up politics, and devoted himself entirely to letters. In the sixth year of his exile he had so severe an illness that his daughter, herself in very delicate health, determined to run all risk that she might see him once more. Having obtained a license from the English Government, she went by sea to Bordeaux, but landed there in such a state that she could travel only by boat or in a litter. Her father, in spite of his infirmities, set out from Montpellier to meet her; and she, with the impatience which is often the sign of approaching death, hastened towards him. Those who were about her in vain implored her to travel slowly. She said that every hour was precious, that she only wished to see her papa and to die. She met him at Toulouse, embraced him, received from his hand the sacred bread and wine, and thanked God that they had passed one day in each other's society before they parted for ever. She died that night.

It was some time before even the strong mind of Atterbury recovered from this cruel blow. As soon as he was himself again he became eager for action and conflict; for grief, which disposes gentle natures to retirement, to inaction, and to meditation, only makes restless spirits more restless. The Pretender, dull and bigoted as he was, had found out that he had not acted wisely in parting with one who, though a heretic, was, in abilities and accomplishments, the foremost man of the Jacobite party. The bishop was courted back, and was without much difficulty induced to return to Paris and to become once more the phantom minister of a phantom monarchy. But his long and troubled life was drawing to a close. To the last, however, his intellect retained all its keenness and vigour. He learned, in the ninth year of his banishment, that he had been accused by Oldmixon, as dishonest and malignant a scribbler as any that has been saved from oblivion by the Dunciad, of having, in concert with other Christ Church men, garbled Clarendon's History of the Rebellion. The charge, as respected Atterbury, had not the slightest foundation: for he was not one of the editors of the History, and never saw it till it was printed. He published a short vindication of himself, which is a model in its kind, luminous, temperate, and dignified. A copy of this little work he sent

ful. It was impossible, the old man said, that he should write anything on such a subject without being reminded of the resemblance between his own fate and that of Clarendon. They were the only two English subjects that had ever been banished from their country and debarred from all communication with their friends by act of parliament. But here the resemblance ended. One of the exiles had been so happy as to bear a chief part in the restoration of the Royal house. All that the other could now do was to die asserting the rights of that house to the last. A few weeks after this letter was written Atterbury died. He had just completed his seventieth year.

His body was brought to England, and laid, with great privacy, under the nave of Westminster Abbey. Only three mourners followed the coffin. No inscription marks the grave. That the epitaph with which Pope honoured the memory of his friend does not appear on the walls of the great national cemetery is no subject of regret: for nothing worse was ever written by Colley Cibber.

Those who wish for more complete information about Atterbury may easily collect it from his sermons and his controversial writings, from the report of the parliamentary proceedings against him, which will be found in the State Trials, from the five volumes of his correspondence, edited by Mr. Nichols, and from the first volume of the Stuart papers, edited by Mr. Glover. A very indulgent but a very interesting account of the bishop's political career will be found in Lord Mahon's valuable History of England.

JOHN BUNYAN. (MAY 1854.)

JOHN BUNYAN, the most popular religious writer in the English language, was born at Elstow, about a mile from Bedford, in the year 1628. He may be said to have been born a tinker. The tinkers then formed an hereditary caste, which was held in no high estimation. They were generally vagrants and pilferers, and were often confounded with the gipsies, whom in truth they nearly resembled. Bunyan's father was more respectable than most of the tribe. He had a fixed residence, and was able to send his son to a village school where reading and writing were taught.

The years of John's boyhood were those during which the puritan spirit was in the highest vigour all over England; and nowhere had that spirit more influence than in Bedfordshire. It is not wonderful, therefore, that a lad to whom nature had given a powerful imagination, and sensibility which amounted to a disease, should have been early haunted by religious terrors. Before he was ten, his sports were interrupted by fits of remorse and despair; and his sleep was disturbed by dreams of fiends trying to fly away with him. As he grew older, his mental conflicts became still more violent. The strong language in which he described them has strangely misled all his biographers except Mr. Southey. It has long been an ordinary practice with pious writers to cite Bunyan as an instance of the supernatural power of divine grace to rescue the human soul from the lowest depths of wickedness. He is called in one book the most notorious of profligates; in another, the brand plucked from the burning. He is designated in Mr. Ivimey's History of the Baptists as the depraved Bunyan, the wicked tinker of Elstow. Mr. Ryland, a man once of great note among the Dissenters, breaks out into the following rhapsody:—"No man of common sense and common integrity can deny that Bunyan was a practical atheist, a worthless contemptible infidel, a vile rebel to God and goodness, a common profligate, a soul-despising, a soul-murdering, a soul-damning, thoughtless wretch as could exist

on the face of the earth. Now be astonished, O heavens, to eternity! and wonder, O earth and hell! while time endures. Behold this very man become a miracle of mercy, a mirror of wisdom, goodness, holiness, truth, and love." But whoever takes the trouble to examine the evidence will find that the good men who wrote this had been deceived by a phraseology which, as they had been hearing it and using it all their lives, they ought to have understood better. There cannot be a greater mistake than to infer, from the strong expressions in which a devout man bemoans his exceeding sinfulness, that he has led a worse life than his neighbours. Many excellent persons, whose moral character from boyhood to old age has been free from any stain discernible to their fellow creatures, have, in their autobiographies and diaries, applied to themselves, and doubtless with sincerity, epithets as severe as could be applied to Titus Oates or Mrs. Brownrigg. It is quite certain that Bunyan was, at eighteen, what, in any but the most austerely puritanical circles, would have been considered as a young man of singular gravity and innocence. Indeed, it may be remarked that he, like many other penitents who, in general terms, acknowledge themselves to have been the worst of mankind, fired up and stood vigorously on his defence, whenever any particular charge was brought against him by others. He declares, it is true, that he had let loose the reins on the neck of his lusts, that he had delighted in all transgressions against the divine law, and that he had been the ringleader of the youth of Elstow in all manner of vice. But, when those who wished him ill accused him of licentious amours, he called on God and the angels to attest his purity. No woman, he said, in heaven, earth, or hell, could charge him with having ever made any improper advances to her. Not only had he been strictly faithful to his wife; but he had, even before his marriage, been perfectly spotless. It does not appear from his own confessions, or from the railings of his enemies, that he ever was drunk in his life. One bad habit he contracted, that of using profane language; but he tells us that a single reproof cured him so effectually that he never offended again. The worst that can be laid to the charge of this poor youth, whom it has been the fashion to represent as the most desperate of reprobates, as a village Rochester, is that he had a great liking for some diversions, quite harmless in themselves, but condemned by the rigid precisians among whom he lived, and for whose opinion he had a great respect. The four chief sins of which he was guilty were dancing, ring-

ing the bells of the parish church, playing at tipcat, and reading the History of Sir Bevis of Southampton. A rector of the school of Laud would have held such a young man up to the whole parish as a model. But Bunyan's notions of good and evil had been learned in a very different school; and he was made miserable by the conflict between his tastes and his scruples.

When he was about seventeen, the ordinary course of his life was interrupted by an event which gave a lasting colour to his thoughts. He enlisted in the parliamentary army, and served during the decisive campaign of 1645. All that we know of his military career is that, at the siege of Leicester, one of his comrades, who had taken his post, was killed by a shot from the town. Bunyan ever after considered himself as having been saved from death by the special interference of Providence. It may be observed that his imagination was strongly impressed by the glimpse which he had caught of the pomp of war. To the last he loved to draw his illustrations of sacred things from camps and fortresses, from guns, drums, trumpets, flags of truce, and regiments arrayed, each under its own banner. His Greatheart, his Captain Boanerges, and his Captain Credence, are evidently portraits, of which the originals were among those martial saints who fought and expounded in Fairfax's army.

In a few months Bunyan returned home and married. His wife had some pious relations, and brought him as her only portion some pious books. And now his mind, excitable by nature, very imperfectly disciplined by education, and exposed, without any protection, to the infectious virulence of the enthusiasm which was then epidemic in England, began to be fearfully disordered. In outward things he soon became a strict Pharisee. He was constant in attendance at prayers and sermons. His favourite amusements were one after another relinquished, though not without many painful struggles. In the middle of a game at tipcat he paused, and stood staring wildly upwards with his stick in his hand. He had heard a voice asking him whether he would leave his sins and go to heaven, or keep his sins and go hell; and he had seen an awful countenance frowning on him from the sky. The odious vice of bell-ringing he renounced; but he still for a time ventured to go to the church tower and look on while others pulled the ropes. But soon the thought struck him that, if he persisted in such wickedness, the steeple would fall on his

up dancing on the village green was still harder; and some months elapsed before he had the fortitude to part with this darling sin. When this last sacrifice had been made, he was, even when tried by the maxims of that austere time, faultless. All Elstow talked of him as an eminently pious youth. But his own mind was more unquiet than ever. Having nothing more to do in the way of visible reformation, yet finding in religion no pleasures to supply the place of the juvenile amusements which he had relinquished, he began to apprehend that he lay under some special malediction; and he was tormented by a succession of fantasies which seemed likely to drive him to suicide or to Bedlam.

At one time he took it into his head that all persons of Israelite blood would be saved, and tried to make out that he partook of that blood; but his hopes were speedily destroyed by his father, who seems to have had no ambition to be regarded as a Jew.

At another time Bunyan was disturbed by a strange dilemma: "If I have not faith, I am lost; if I have faith, I can work miracles." He was tempted to cry to the puddles between Elstow and Bedford, "Be ye dry," and to stake his eternal hopes on the event.

Then he took up a notion that the day of grace for Bedford and the neighbouring villages was past; that all who were to be saved in that part of England were already converted; and that he had begun to pray and strive some months too late.

Then he was harassed by doubts whether the Turks were not in the right, and the Christians in the wrong. Then he was troubled by a maniacal impulse which prompted him to pray to the trees, to a broomstick, to the parish bull. As yet, however, he was only entering the Valley of the Shadow of Death. Soon the darkness grew thicker. Hideous forms floated before him. Sounds of cursing and wailing were in his ears. His way ran through stench and fire, close to the mouth of the bottomless pit. He began to be haunted by a strange curiosity about the unpardonable sin, and by a morbid longing to commit it. But the most frightful of all the forms which his disease took was a propensity to utter blasphemy, and especially to renounce his share in the benefits of the redemption. Night and day, in bed, at table, at work, evil spirits, as he imagined, were repeating close to his ear the words, "Sell him, sell him." He struck at the hobgoblins; he pushed them from him; but still they were ever at

his side. He cried out in answer to them, hour after hour: "Never, never; not for thousands of worlds; not for thousands." At length, worn out by this long agony, he suffered the fatal words to escape him, "Let him go, if he will." Then his misery became more fearful than ever. He had done what could not be forgiven. He had forfeited his part of the great sacrifice. Like Esau, he had sold his birthright; and there was no longer any place for repentance. "None," he afterwards wrote, "knows the terrors of those days but myself." He has described his sufferings with singular energy, simplicity, and pathos. He envied the brutes; he envied the very stones in the street, and the tiles on the houses. The sun seemed to withhold its light and warmth from him. His body, though cast in a sturdy mould, and though still in the highest vigour of youth, trembled whole days together with the fear of death and judgment. He fancied that this trembling was the sign set on the worst reprobates, the sign which God had put on Cain. The unhappy man's emotion destroyed his power of digestion. He had such pains that he expected to burst asunder like Judas, whom he regarded as his prototype.

Neither the books which Bunyan read, nor the advisers whom he consulted, were likely to do much good in a case like his. His small library had received a most unseasonable addition, the account of the lamentable end of Francis Spira. One ancient man of high repute for piety, whom the sufferer consulted, gave an opinion which might well have produced fatal consequences. "I am afraid," said Bunyan "that I have committed the sin against the Holy Ghost." "Indeed," said the old fanatic, "I am afraid that you have."

At length the clouds broke; the light became clearer and clearer; and the enthusiast, who had imagined that he was branded with the mark of the first murderer, and destined to the end of the arch traitor, enjoyed peace and a cheerful confidence in the mercy of God. Years elapsed, however, before his nerves, which had been so perilously overstrained, recovered their tone. When he had joined a Baptist society at Bedford, and was for the first time admitted to partake of the Eucharist, it was with difficulty that he could refrain from imprecating destruction on his brethren while the cup was passing from hand to hand. After he had been some time a member of the congregation, he began to preach; and his sermons produced a powerful effect. He was indeed illiterate; but he spoke to illiterate men. The severe train-

ing through which he had passed had given him such an experimental knowledge of all the modes of religious melancholy as he could never have gathered from books; and his vigorous genius, animated by a fervent spirit of devotion, enabled him, not only to exercise a great influence over the vulgar, but even to extort the half contemptuous admiration of scholars. Yet it was long before he ceased to be tormented by an impulse which urged him to utter words of horrible impiety in the pulpit.

Counter-irritants are of as great use in moral as in physical diseases. It should seem that Bunyan was finally relieved from the internal sufferings which had embittered his life by sharp persecution from without. He had been five years a preacher, when the Restoration put it in the power of the Cavalier gentlemen and clergymen all over the country to oppress the Dissenters; and, of all the Dissenters whose history is known to us, he was perhaps the most hardly treated. In November 1660, he was flung into Bedford gaol; and there he remained, with some intervals of partial and precarious liberty, during twelve years. His persecutors tried to extort from him a promise that he would abstain from preaching; but he was convinced that he was divinely set apart and commissioned to be a teacher of righteousness; and he was fully determined to obey God rather than man. He was brought before several tribunals, laughed at, caressed, reviled, menaced, but in vain. He was facetiously told that he was quite right in thinking that he ought not to hide his gift; but that his real gift was skill in repairing old kettles. He was compared to Alexander the coppersmith. He was told that, if he would give up preaching, he should be instantly liberated. He was warned that, if he persisted in disobeying the law, he would be liable to banishment, and that, if he were found in England after a certain time, his neck would be stretched. His answer was, "If you let me out to-day, I will preach again to-morrow." Year after year he lay patiently in a dungeon, compared with which the worst prison now to be found in the island is a palace. His fortitude is the more extraordinary, because his domestic feelings were unusually strong. Indeed he was considered by his stern brethren as somewhat too fond and indulgent a parent. He had several small children, and among them a daughter who was blind, and whom he loved with peculiar tenderness. He could not, he said, bear even to let the wind blow on her; and now she must suffer cold and hunger; she must beg;

she must be beaten; "yet," he added, "I must, I must do it." While he lay in prison he could do nothing in the way of his old trade for the support of his family. He determined, therefore, to take up a new trade. He learned to make long tagged thread laces; and many thousands of these articles were furnished by him to the hawkers. While his hands were thus busied, he had other employment for his mind and his lips. He gave religious instruction to his fellow-captives, and formed from among them a little flock, of which he was himself the pastor. He studied indefatigably the few books which he possessed. His two chief companions were the Bible and Fox's Book of Martyrs. His knowledge of the Bible was such that he might have been called a living concordance; and on the margin of his copy of the Book of Martyrs are still legible the ill spelt lines of doggrel in which he expressed his reverence for the brave sufferers, and his implacable enmity to the mystical Babylon.

At length he began to write; and, though it was some time before he discovered where his strength lay, his writings were not unsuccessful. They were coarse, indeed; but they showed a keen mother wit, a great command of the homely mother tongue, an intimate knowledge of the English Bible, and a vast and dearly bought spiritual experience. They therefore, when the corrector of the press had improved the syntax and the spelling, were well received by the humbler class of Dissenters.

Much of Bunyan's time was spent in controversy. He wrote sharply against the Quakers, whom he seems always to have held in utter abhorrence. It is, however, a remarkable fact that he adopted one of their peculiar fashions; his practice was to write, not November or December, but eleventh month and twelfth month.

He wrote against the liturgy of the Church of England. No two things, according to him, had less affinity than the form of prayer and the spirit of prayer. Those, he said with much point, who have most of the spirit of prayer are all to be found in gaol; and those who have most zeal for the form of prayer are all to be found at the alehouse. The doctrinal articles, on the other hand, he warmly praised, and defended against some Arminian clergymen who had signed them. The most acrimonious of all his works is his answer to Edward Fowler, afterwards Bishop of Gloucester, an excellent man, but not free from the taint of Pelagianism.

sect to which he belonged. He doubtless held with perfect sincerity the distinguishing tenet of that sect; but he did not consider that tenet as one of high importance, and willingly joined in communion with quiet Presbyterians and Independents. The sterner Baptists, therefore, loudly pronounced him a false brother. A controversy arose which long survived the original combatants. In our own time the cause which Bunyan had defended with rude logic and rhetoric against Kiffin and Danvers was pleaded by Robert Hall with an ingenuity and eloquence such as no polemical writer has ever surpassed.

During the years which immediately followed the Restoration, Bunyan's confinement seems to have been strict. But, as the passions of 1660 cooled, as the hatred with which the Puritans had been regarded while their reign was recent gave place to pity, he was less and less harshly treated. The distress of his family, and his own patience, courage, and piety softened the hearts of his persecutors. Like his own Christian in the cage, he found protectors even among the crowd of Vanity Fair. The bishop of the diocese, Dr. Barlow, is said to have interceded for him. At length the prisoner was suffered to pass most of his time beyond the walls of the gaol, on condition, as it should seem, that he remained within the town of Bedford.

He owed his complete liberation to one of the worst acts of one of the worst governments that England has ever seen. In 1671 the Cabal was in power. Charles II. had concluded the treaty by which he bound himself to set up the Roman Catholic religion in England. The first step which he took towards that end was to annul, by an unconstitutional exercise of his prerogative, all the penal statutes against the Roman Catholics; and, in order to disguise his real design, he annulled at the same time the penal statutes against Protestant nonconformists. Bunyan was consequently set at large. In the first warmth of his gratitude he published a tract in which he compared Charles to that humane and generous Persian king who, though not himself blessed with the light of the true religion, favoured the chosen people, and permitted them, after years of captivity, to rebuild their beloved temple. To candid men, who consider how much Bunyan had suffered, and how little he could guess the secret designs of the court, the unsuspicious thankfulness with which he accepted the precious boon of freedom will not appear to require any

Before he left his prison he had begun the book which has made his name immortal. The history of that book is remarkable. The author was, as he tells us, writing a treatise, in which he had occasion to speak of the stages of the Christian progress. He compared that progress, as many others had compared it, to a pilgrimage. Soon his quick wit discovered innumerable points of similarity which had escaped his predecessors. Images came crowding on his mind faster than he could put them into words, quagmires and pits, steep hills, dark and horrible glens, soft vales, sunny pastures, a gloomy castle of which the courtyard was strewn with the skulls and bones of murdered prisoners, a town all bustle and splendour, like London on the Lord Mayor's Day, and the narrow path, straight as a rule could make it, running on up hill and down hill, through city and through wilderness, to the Black River and the Shining Gate. He had found out, as most people would have said, by accident, as he would doubtless have said, by the guidance of Providence, where his powers lay. He had no suspicion, indeed, that he was producing a masterpiece. He could not guess what place his allegory would occupy in English literature; for of English literature he knew nothing. Those who suppose him to have studied the Fairy Queen might easily be confuted, if this were the proper place for a detailed examination of the passages in which the two allegories have been thought to resemble each other. The only work of fiction, in all probability, with which he could compare his Pilgrim, was his old favourite, the legend of Sir Bevis of Southampton. He would have thought it a sin to borrow any time from the serious business of his life, from his expositions, his controversies, and his lace tags, for the purpose of amusing himself with what he considered merely as a trifle. It was only, he assures us, at spare moments that he returned to the House Beautiful, the Delectable Mountains, and the Enchanted Ground. He had no assistance. Nobody but himself saw a line till the whole was complete. He then consulted his pious friends. Some were pleased. Others were much scandalised. It was a vain story, a mere romance, about giants, and lions, and goblins, and warriors, sometimes fighting with monsters and sometimes regaled by fair ladies in stately palaces. The loose atheistical wits at Will's might write such stuff to divert the painted Jezebels of the court: but did it become a minister of the gospel to copy

the cant of such fools would have made Bunyan miserable. But that time was passed; and his mind was now in a firm and healthy state. He saw that, in employing fiction to make truth clear and goodness attractive, he was only following the example which every Christian ought to propose to himself; and he determined to print.

The *Pilgrim's Progress* stole silently into the world. Not a single copy of the first edition is known to be in existence. The year of publication has not been ascertained. It is probable that, during some months, the little volume circulated only among poor and obscure sectaries. But soon the irresistible charm of a book which gratified the imagination of the reader with all the action and scenery of a fairy tale, which exercised his ingenuity by setting him to discover a multitude of curious analogies, which interested his feelings for human beings, frail like himself, and struggling with temptations from within and from without, which every moment drew a smile from him by some stroke of quaint yet simple pleasantry, and nevertheless left on his mind a sentiment of reverence for God and of sympathy for man, began to produce its effect. In puritanical circles, from which plays and novels were strictly excluded, that effect was such as no work of genius, though it were superior to the Iliad, to Don Quixote, or to Othello, can ever produce on a mind accustomed to indulge in literary luxury. In 1678 came forth a second edition with additions; and then the demand became immense. In the four following years the book was reprinted six times. The eighth edition, which contains the last improvements made by the author, was published in 1682, the ninth in 1684, the tenth in 1685. The help of the engraver had early been called in; and tens of thousands of children looked with terror and delight on execrable copper-plates, which represented Christian thrusting his sword into Apollyon, or writhing in the grasp of Giant Despair. In Scotland, and in some of the colonies, the Pilgrim was even more popular than in his native country. Bunyan has told us, with very pardonable vanity, that in New England his dream was the daily subject of the conversation of thousands, and was thought worthy to appear in the most superb binding. He had numerous admirers in Holland, and among the Huguenots of France. With the pleasures, however, he experienced some of the pains of eminence. Knavish booksellers put forth volumes of trash under his name; and envious scribblers maintained it to be impossible that the

poor ignorant tinker should really be the author of the book which was called his.

He took the best way to confound both those who counterfeited him and those who slandered him. He continued to work the gold-field which he had discovered, and to draw from it new treasures, not indeed with quite such ease and in quite such abundance as when the precious soil was still virgin, but yet with success which left all competition far behind. In 1684 appeared the second part of the "Pilgrim's Progress." It was soon followed by the "Holy War," which, if the "Pilgrim's Progress" did not exist, would be the best allegory that ever was written.

Bunyan's place in society was now very different from what it had been. There had been a time when many Dissenting ministers, who could talk Latin and read Greek, had affected to treat him with scorn. But his fame and influence now far exceeded theirs. He had so great an authority among the Baptists that he was popularly called Bishop Bunyan. His episcopal visitations were annual. From Bedford he rode every year to London, and preached there to large and attentive congregations. From London he went his circuit through the country, animating the zeal of his brethren, collecting and distributing alms, and making up quarrels. The magistrates seem in general to have given him little trouble. But there is reason to believe that, in the year 1685, he was in some danger of again occupying his old quarters in Bedford gaol. In that year the rash and wicked enterprise of Monmouth gave the Government a pretext for prosecuting the Nonconformists; and scarcely one eminent divine of the Presbyterian, Independent, or Baptist persuasion remained unmolested. Baxter was in prison: Howe was driven into exile: Henry was arrested. Two eminent Baptists, with whom Bunyan had been engaged in controversy, were in great peril and distress. Danvers was in danger of being hanged; and Kiffin's grandsons were actually hanged. The tradition is that, during those evil days, Bunyan was forced to disguise himself as a waggoner, and that he preached to his congregation at Bedford in a smock-frock, with a cart-whip in his hand. But soon a great change took place. James the Second was at open war with the church, and found it necessary to court the Dissenters. Some of the creatures of the government tried to secure the aid of Bunyan. They probably knew that he

fore hoped that he might be equally pleased with the indulgence of 1687. But fifteen years of thought, observation, and commerce with the world had made him wiser. Nor were the cases exactly parallel. Charles was a professed Protestant: James was a professed Papist. The object of Charles's indulgence was disguised: the object of James's indulgence was patent. Bunyan was not deceived. He exhorted his hearers to prepare themselves by fasting and prayer for the danger which menaced their civil and religious liberties, and refused even to speak to the courtier who came down to remodel the corporation of Bedford, and who, as was supposed, had it in charge to offer some municipal dignity to the Bishop of the Baptists.

Bunyan did not live to see the Revolution. In the summer of 1688 he undertook to plead the cause of a son with an angry father, and at length prevailed on the old man not to disinherit the young one. This good work cost the benevolent intercessor his life. He had to ride through heavy rain. He came drenched to his lodgings on Snow Hill, was seized with a violent fever, and died in a few days. He was buried in Bunhill Fields; and the spot where he lies is still regarded by the Nonconformists with a feeling which seems scarcely in harmony with the stern spirit of their theology. Many puritans, to whom the respect paid by Roman Catholics to the reliques and tombs of saints seemed childish or sinful, are said to have begged with their dying breath that their coffins might be placed as near as possible to the coffin of the author of the "Pilgrim's Progress."

The fame of Bunyan during his life, and during the century which followed his death, was indeed great, but was almost entirely confined to religious families of the middle and lower classes. Very seldom was he during that time mentioned with respect by any writer of great literary eminence. Young coupled his prose with the poetry of the wretched D'Urfey. In the Spiritual Quixote, the adventures of Christian are ranked with those of Jack the Giant-Killer and John Hickathrift. Cowper ventured to praise the great allegorist, but did not venture to name him. It is a significant circumstance that, till a recent period, all the numerous editions of the "Pilgrim's Progress" were evidently meant for the cottage and the servants' hall. The paper, the printing, the plates, were all of the meanest description. In general, when the educated minority and

opinion of the educated minority finally prevails. The "Pilgrim's Progress" is perhaps the only book about which, after the lapse of a hundred years, the educated minority has come over to the opinion of the common people.

The attempts which have been made to improve and to imitate this book are not to be numbered. It has been done into verse: it has been done into modern English. "The Pilgrimage of Tender Conscience," the "Pilgrimage of Good Intent," "The Pilgrimage of Seek Truth," "The Pilgrimage of Theophilus," "The Infant Pilgrim," "The Hindoo Pilgrim," are among the many feeble copies of the great original. But the peculiar glory of Bunyan is that those who most hated his doctrines have tried to borrow the help of his genius. A Catholic version of his parable may be seen with the head of the Virgin in the title page. On the other hand, those Antinomians for whom his Calvinism is not strong enough may study the pilgrimage of Hephzibah, in which nothing will be found which can be construed into an admission of free agency and universal redemption. But the most extraordinary of all the acts of Vandalism by which a fine work of art was ever defaced was committed so late as the year 1853. It was determined to transform the "Pilgrim's Progress" into a Tractarian book. The task was not easy; for it was necessary to make the two sacraments the most prominent objects in the allegory; and of all Christian theologians, avowed Quakers excepted, Bunyan was the one in whose system the sacraments held the least prominent place. However, the Wicket Gate became a type of Baptism, and the House Beautiful of the Eucharist. The effect of this change is such as assuredly the ingenious person who made it never contemplated. For, as not a single pilgrim passes through the Wicket Gate in infancy, and as Faithful hurries past the House Beautiful without stopping, the lesson, which the fable in its altered shape teaches, is that none but adults ought to be baptized, and that the Eucharist may safely be neglected. Nobody would have discovered from the original "Pilgrim's Progress" that the author was not a Pædobaptist. To turn his book into a book against Pædobaptism was an achievement reserved for an Anglo-Catholic divine. Such blunders must necessarily be committed by every man who mutilates parts of a great work, without taking a comprehensive view of the whole.

OLIVER GOLDSMITH. (FEBRUARY 1856.)

OLIVER GOLDSMITH, one of the most pleasing English writers of the eighteenth century. He was of a Protestant and Saxon family which had been long settled in Ireland, and which had, like most other Protestant and Saxon families, been, in troubled times, harassed and put in fear by the native population. His father, Charles Goldsmith, studied in the reign of Queen Anne at the diocesan school of Elphin, became attached to the daughter of the schoolmaster, married her, took orders, and settled at a place called Pallas in the county of Longford. There he with difficulty supported his wife and children on what he could earn, partly as a curate and partly as a farmer.

At Pallas Oliver Goldsmith was born in November 1728. That spot was then, for all practical purposes, almost as remote from the busy and splendid capital in which his later years were passed, as any clearing in Upper Canada or any sheep-walk in Australasia now is. Even at this day those enthusiasts who venture to make a pilgrimage to the birthplace of the poet are forced to perform the latter part of their journey on foot. The hamlet lies far from any high road, on a dreary plain which, in wet weather, is often a lake. The lanes would break any jaunting car to pieces; and there are ruts and sloughs through which the most strongly built wheels cannot be dragged.

While Oliver was still a child, his father was presented to a living worth about 200*l.* a year, in the county of Westmeath. The family accordingly quitted their cottage in the wilderness for a spacious house on a frequented road, near the village of Lissoy. Here the boy was taught his letters by a maid-servant, and was sent in his seventh year to a village school kept by an old quarter-master on half-pay, who professed to teach nothing but reading, writing and arithmetic, but who had an inexhaustible fund of stories about ghosts, banshees and fairies, about the great Rapparee chiefs, Baldearg

Peterborough and Stanhope, the surprise of Monjuich, and the glorious disaster of Brihuega. This man must have been of the Protestant religion; but he was of the aboriginal race, and not only spoke the Irish language, but could pour forth unpremeditated Irish verses. Oliver early became, and through life continued to be, a passionate admirer of the Irish music, and especially of the compositions of Carolan, some of the last notes of whose harp he heard. It ought to be added that Oliver, though by birth one of the Englishry, and though connected by numerous ties with the Established Church, never showed the least sign of that contemptuous antipathy with which, in his days, the ruling minority in Ireland too generally regarded the subject majority. So far indeed was he from sharing in the opinions and feelings of the caste to which he belonged, that he conceived an aversion to the Glorious and Immortal Memory, and, even when George the Third was on the throne, maintained that nothing but the restoration of the banished dynasty could save the country.

From the humble academy kept by the old soldier Goldsmith was removed in his ninth year. He went to several grammar-schools, and acquired some knowledge of the ancient languages. His life at this time seems to have been far from happy. He had, as appears from the admirable portrait of him at Knowle, features harsh even to ugliness. The small-pox had set its mark on him with more than usual severity. His stature was small, and his limbs ill put together. Among boys little tenderness is shown to personal defects; and the ridicule excited by poor Oliver's appearance was heightened by a peculiar simplicity and a disposition to blunder which he retained to the last. He became the common butt of boys and masters, was pointed at as a fright in the play-ground, and flogged as a dunce in the school-room. When he had risen to eminence, those who had once derided him ransacked their memory for the events of his early years, and recited repartees and couplets which had dropped from him, and which, though little noticed at the time, were supposed, a quarter of a century later, to indicate the powers which produced the "Vicar of Wakefield" and the "Deserted Village."

In his seventeenth year Oliver went up to Trinity College, Dublin, as a sizar. The sizars paid nothing for food and tuition, and very little for lodging; but they had to perform some menial services from which they have long been relieved. They swept the court: they carried up the dinner to the fellows' table, and changed the plates and poured out the ale of

the rulers of the society. Goldsmith was quartered, not alone, in a garret, on the window of which his name, scrawled by himself, is still read with interest.* From such garrets many men of less parts than his have made their way to the woolsack or to the episcopal bench. But Goldsmith, while he suffered all the humiliations, threw away all the advantages, of his situation. He neglected the studies of the place, stood low at the examinations, was turned down to the bottom of his class for playing the buffoon in the lecture room, was severely reprimanded for pumping on a constable, and was caned by a brutal tutor for giving a ball in the attic story of the college to some gay youths and damsels from the city.

While Oliver was leading at Dublin a life divided between squalid distress and squalid dissipation, his father died, leaving a mere pittance. The youth obtained his bachelor's degree, and left the University. During some time the humble dwelling to which his widowed mother had retired was his home. He was now in his twenty-first year; it was necessary that he should do something; and his education seemed to have fitted him to do nothing but to dress himself in gaudy colours, of which he was as fond as a magpie, to take a hand at cards, to sing Irish airs, to play the flute, to angle in summer, and to tell ghost stories by the fire in winter. He tried five or six professions in turn without success. He applied for ordination; but, as he applied in scarlet clothes, he was speedily turned out of the episcopal palace. He then became tutor in an opulent family, but soon quitted his situation in consequence of a dispute about play. Then he determined to emigrate to America. His relations, with much satisfaction, saw him set out for Cork on a good horse, with thirty pounds in his pocket. But in six weeks he came back on a miserable hack, without a penny, and informed his mother that the ship in which he had taken his passage, having got a fair wind while he was at a party of pleasure, had sailed without him. Then he resolved to study the law. A generous kinsman advanced fifty pounds. With this sum Goldsmith went to Dublin, was enticed into a gaming house, and lost every shilling. He then thought of medicine. A small purse was made up: and in his twenty-fourth year he was sent to Edinburgh. At Edinburgh he passed eighteen months in no-

* The glass on which the name is written has, as we are informed by a writer in *Notes and Queries* (2nd S. ix. p. 91), been inclosed in a frame and deposited in the Manuscript Room of the College Library, where it is still to be seen.

minal attendance on lectures, and picked up some superficial information about chemistry and natural history. Thence he went to Leyden, still pretending to study physic. He left that celebrated university, the third university at which he had resided, in his twenty-seventh year, without a degree, with the merest smattering of medical knowledge, and with no property but his clothes and his flute. His flute, however, proved a useful friend. He rambled on foot through Flanders, France, and Switzerland, playing tunes which everywhere set the peasantry dancing, and which often procured for him a supper and a bed. He wandered as far as Italy. His musical performances, indeed, were not to the taste of the Italians; but he contrived to live on the alms which he obtained at the gates of convents. It should, however, be observed that the stories which he told about this part of his life ought to be received with great caution; for strict veracity was never one of his virtues; and a man who is ordinarily inaccurate in narration is likely to be be more than ordinarily inaccurate when he talks about his own travels. Goldsmith, indeed, was so regardless of truth as to assert in print that he was present at a most interesting conversation between Voltaire and Fontenelle, and that this conversation took place at Paris. Now it is certain that Voltaire never was within a hundred leagues of Paris during the whole time which Goldsmith passed on the Continent.

In 1756 the wanderer landed at Dover, without a shilling, without a friend, and without a calling. He had, indeed, if his own unsupported evidence may be trusted, obtained from the University of Padua a doctor's degree; but this dignity proved utterly useless to him. In England his flute was not in request: there were no convents; and he was forced to have recourse to a series of desperate expedients. He turned strolling player; but his face and figure were ill suited to the boards even of the humblest theatre. He pounded drugs and ran about London with phials for charitable chemists. He joined a swarm of beggars, which made its nest in Axe Yard. He was for a time usher of a school, and felt the miseries and humiliations of this situation so keenly that he thought it a promotion to be permitted to earn his bread as a bookseller's hack; but he soon found the new yoke more galling than the old one, and was glad to become an usher again. He obtained a medical appointment in the service of the East India Company; but the appointment was speedily revoked. Why it was revoked we are not told. The subject was one on which

he never liked to talk. It is probable that he was incompetent to perform the duties of the place. Then he presented himself at Surgeons' Hall for examination, as mate to a naval hospital. Even to so humble a post he was found unequal. By this time the schoolmaster whom he had served for a morsel of food and the third part of a bed was no more. Nothing remained but to return to the lowest drudgery of literature. Goldsmith took a garret in a miserable court, to which he had to climb from the brink of Fleet Ditch by a dizzy ladder of flagstones called Breakneck Steps. The Court and the ascent have long disappeared; but old Londoners will remember both. Here, at thirty, the unlucky adventurer sat down to toil like a galley slave.

In the succeeding six years he sent to the press some things which have survived and many which have perished. He produced articles for reviews, magazines, and newspapers; children's books which, bound in gilt paper and adorned with hideous woodcuts, appeared in the window of the once far-famed shop at the corner of Saint Paul's Churchyard; "An Inquiry into the State of Polite Learning in Europe," which, though of little or no value, is still reprinted among his works; a "Life of Beau Nash," which is not reprinted, though it well deserves to be so; a superficial and incorrect, but very readable, "History of England," in a series of letters purporting to be addressed by a nobleman to his son; and some very lively and amusing "Sketches of London Society," in a series of letters purporting to be addressed by a Chinese traveller to his friends. All these works were anonymous; but some of them were well known to be Goldsmith's; and he gradually rose in the estimation of the booksellers for whom he drudged. He was, indeed, emphatically a popular writer. For accurate research or grave disquisition he was not well qualified by nature or by education. He knew nothing accurately: his reading had been desultory; nor had he meditated deeply on what he had read. He had seen much of the world; but he had noticed and retained little more of what he had seen than some grotesque incidents and characters which had happened to strike his fancy. But, though his mind was very scantily stored with materials, he used what materials he had in such a way as to produce a wonderful effect. There have been many greater writers; but perhaps no writer was ever more uniformly agreeable. His style was always pure and easy, and, on proper occasions, pointed and energetic.

His narratives were always amusing, his descriptions always picturesque, his humour rich and joyous, yet not without an occasional tinge of amiable sadness. About everything that he wrote, serious or sportive, there was a certain natural grace and decorum, hardly to be expected from a man a great part of whose life had been passed among thieves and beggars, street-walkers and merry andrews, in those squalid dens which are the reproach of great capitals.

As his name gradually became known, the circle of his acquaintance widened. He was introduced to Johnson, who was then considered as the first of living English writers; to Reynolds, the first of English painters; and to Burke, who had not yet entered parliament, but had distinguished himself greatly by his writings and by the eloquence of his conversation. With these eminent men Goldsmith became intimate. In 1763 he was one of the nine original members of that celebrated fraternity which has sometimes been called the Literary Club, but which has always disclaimed that epithet, and still glories in the simple name of The Club.

By this time Goldsmith had quitted his miserable dwelling at the top of Breakneck Steps, and had taken chambers in the more civilised region of the Inns of Court. But he was still often reduced to pitiable shifts. Towards the close of 1764 his rent was so long in arrear that his landlady one morning called in the help of a sheriff's officer. The debtor, in great perplexity, despatched a messenger to Johnson; and Johnson, always friendly, though often surly, sent back the messenger with a guinea, and promised to follow speedily. He came, and found that Goldsmith had changed the guinea, and was railing at the landlady over a bottle of Madeira. Johnson put the cork into the bottle, and entreated his friend to consider calmly how money was to be procured. Goldsmith said that he had a novel ready for the press. Johnson glanced at the manuscript, saw that there were good things in it, took it to a bookseller, sold it for 60*l*., and soon returned with the money. The rent was paid; and the sheriff's officer withdrew. According to one story, Goldsmith gave his landlady a sharp reprimand for her treatment of him; according to another, he insisted on her joining him in a bowl of punch. Both stories are probably true. The novel which was thus ushered into the world was the "Vicar of Wakefield."

But, before the "Vicar of Wakefield" appeared in print,

Christmas week, 1764, he published a poem, entitled the "Traveller." It was the first work to which he had put his name; and it at once raised him to the rank of a legitimate English classic. The opinion of the most skilful critics was, that nothing finer had appeared in verse since the fourth book of the "Dunciad." In one respect the "Traveller" differs from all Goldsmith's other writings. In general his designs were bad, and his execution good. In the "Traveller," the execution, though deserving of much praise, is far inferior to the design. No philosophical poem, ancient or modern, has a plan so noble, and at the same time so simple. An English wanderer, seated on a crag among the Alps, near the point where three great countries meet, looks down on the boundless prospect, reviews his long pilgrimage, recalls the varieties of scenery, of climate, of government, of religion, of national character, which he has observed, and comes to the conclusion, just or unjust, that our happiness depends little on political institutions, and much on the temper and regulation of our own minds.

While the fourth edition of the "Traveller" was on the counters of the booksellers, the "Vicar of Wakefield" appeared, and rapidly obtained a popularity which has lasted down to our own time, and which is likely to last as long as our language. The fable is indeed one of the worst that ever was constructed. It wants, not merely that probability which ought to be found in a tale of common English life, but that consistency which ought to be found even in the wildest fiction about witches, giants, and fairies. But the earlier chapters have all the sweetness of pastoral poetry, together with all the vivacity of comedy. Moses and his spectacles, the vicar and his monogamy, the sharper and his cosmogony, the squire proving from Aristotle that relatives are related, Olivia preparing herself for the arduous task of converting a rakish lover by studying the controversy between Robinson Crusoe and Friday, the great ladies with their scandal about Sir Tomkyn's amours and Dr. Burdock's verses, and Mr. Burchell with his "Fudge," have caused as much harmless mirth as has ever been caused by matter packed into so small a number of pages. The latter part of the tale is unworthy of the beginning. As we approach the catastrophe, the absurdities lie thicker and thicker; and the gleams of pleasantry become rarer and rarer.

emboldened him to try his fortune as a dramatist. He wrote the "Goodnatured Man," a piece which had a worse fate than it deserved. Garrick refused to produce it at Drury Lane. It was acted at Covent Garden in 1768, but was coldly received. The author, however, cleared by his benefit nights, and by the sale of the copyright, no less than 500*l*., five times as much as he had made by the "Traveller" and the "Vicar of Wakefield" together. The plot of the "Goodnatured Man" is, like almost all Goldsmith's plots, very ill constructed. But some passages are exquisitely ludicrous; much more ludicrous, indeed, than suited the taste of the town at that time. A canting, mawkish play, entitled "False Delicacy," had just had an immense run. Sentimentality was all the mode. During some years, more tears were shed at comedies than at tragedies; and a pleasantry which moved the audience to anything more than a grave smile was reprobated as low. It is not strange, therefore, that the very best scene in the "Goodnatured Man," that in which Miss Richland finds her lover attended by the bailiff and the bailiff's follower in full court dresses, should have been mercilessly hissed, and should have been omitted after the first night.

In 1770 appeared the "Deserted Village." In mere diction and versification this celebrated poem is fully equal, perhaps superior, to the "Traveller;" and it is generally preferred to the "Traveller" by that large class of readers who think, with Bayes in the "Rehearsal," that the only use of a plan is to bring in fine things. More discerning judges, however, while they admire the beauty of the details, are shocked by one unpardonable fault which pervades the whole. The fault we mean is not that theory about wealth and luxury which has so often been censured by political economists. The theory is indeed false; but the poem, considered merely as a poem, is not necessarily the worse on that account. The finest poem in the Latin language, indeed the finest didactic poem in any language, was written in defence of the silliest and meanest of all systems of natural and moral philosophy. A poet may easily be pardoned for reasoning ill; but he cannot be pardoned for describing ill, for observing the world in which he lives so carelessly that his portraits bear no resemblance to the originals, for exhibiting as copies from real life monstrous combinations of things which never were and never could be found together. What would be thought of a painter who should mix August and January in one land-

scape, who should introduce a frozen river into a harvest scene? Would it be a sufficient defence of such a picture to say that every part was exquisitely coloured, that the green hedges, the apple-trees loaded with fruit, the waggons reeling under the yellow sheaves, and the sun-burned reapers wiping their foreheads, were very fine, and that the ice and the boys sliding were also very fine? To such a picture the "Deserted Village" bears a great resemblance. It is made up of incongruous parts. The village in its happy days is a true English village. The village in its decay is an Irish village. The felicity and the misery which Goldsmith has brought close together belong to two different countries, and to two different stages in the progress of society. He had assuredly never seen in his native island such a rural paradise, such a seat of plenty, content, and tranquillity, as his "Auburn." He had assuredly never seen in England all the inhabitants of such a paradise turned out of their homes in one day and forced to emigrate in a body to America. The hamlet he had probably seen in Kent; the ejectment he had probably seen in Munster; but, by joining the two, he has produced something which never was and never will be seen in any part of the world.

In 1773 Goldsmith tried his chance at Covent Garden with a second play, "She Stoops to Conquer." The manager was not without great difficulty induced to bring this piece out. The sentimental comedy still reigned; and Goldsmith's comedies were not sentimental. The "Goodnatured Man" had been too funny to succeed; yet the mirth of the "Goodnatured Man" was sober when compared with the rich drollery of "She Stoops to Conquer," which is, in truth, an incomparable farce in five acts. On this occasion, however. genius triumphed. Pit, boxes, and galleries, were in a constant roar of laughter. If any bigoted admirer of Kelly and Cumberland ventured to hiss or groan, he was speedily silenced by a general cry of "turn him out," or "throw him over." Two generations have since confirmed the verdict which was pronounced on that night.

While Goldsmith was writing the "Deserted Village" and "She Stoops to Conquer," he was employed on works of a very different kind, works from which he derived little reputation but much profit. He compiled for the use of schools a "History of Rome," by which he made 300*l*., a "History of England," by which he made 600*l*., a "History of Greece," for which he received 250*l*., a "Natural History," for which

the booksellers covenanted to pay him 800 guineas. These works he produced without any elaborate research, by merely selecting, abridging, and translating into his own clear, pure, and flowing language what he found in books well known to the world, but too bulky or too dry for boys and girls. He committed some strange blunders; for he knew nothing with accuracy. Thus in his "History of England" he tells us that Naseby is in Yorkshire; nor did he correct this mistake when the book was reprinted. He was very nearly hoaxed into putting into the "History of Greece" an account of a battle between Alexander the Great and Montezuma. In his "Animated Nature" he relates, with faith and with perfect gravity, all the most absurd lies which he could find in books of travels about gigantic Patagonians, monkeys that preach sermons, nightingales that repeat long conversations. "If he can tell a horse from a cow," said Johnson, "that is the extent of his knowledge of zoology." How little Goldsmith was qualified to write about the physical sciences is sufficiently proved by two anecdotes. He on one occasion denied that the sun is longer in the northern than in the southern signs. It was vain to cite the authority of Maupertuis. "Maupertuis!" he cried, "I understand those matters better than Maupertuis." On another occasion he, in defiance of the evidence of his own senses, maintained obstinately, and even angrily, that he chewed his dinner by moving his upper jaw.

Yet, ignorant as Goldsmith was, few writers have done more to make the first steps in the laborious road to knowledge easy and pleasant. His compilations are widely distinguished from the compilations of ordinary bookmakers. He was a great, perhaps an unequalled, master of the arts of selection and condensation. In these respects his histories of Rome and of England, and still more his own abridgments of these histories, well deserve to be studied. In general nothing is less attractive than an epitome: but the epitomes of Goldsmith, even when most concise, are always amusing; and to read them is considered by intelligent children, not as a task, but as a pleasure.

Goldsmith might now be considered as a prosperous man. He had the means of living in comfort, and even in what to one who had so often slept in barns and on bulks must have been luxury. His fame was great and was constantly rising. He lived in what was intellectually far the best society of the kingdom, in a society in which no talent or accomplishment

was wanting, and in which the art of conversation was cultivated with splendid success. There probably were never four talkers more admirable in four different ways than Johnson, Burke, Beauclerk, and Garrick; and Goldsmith was on terms of intimacy with all the four. He aspired to share in their colloquial renown; but never was ambition more unfortunate. It may seem strange that a man who wrote with so much perspicuity, vivacity, and grace, should have been, whenever he took a part in conversation, an empty, noisy, blundering rattle. But on this point the evidence is overwhelming. So extraordinary was the contrast between Goldsmith's published works and the silly things which he said, that Horace Walpole described him as an inspired idiot. "Noll," said Garrick, "wrote like an angel, and talked like poor Pol." Chamier declared that it was a hard exercise of faith to believe that so foolish a chatterer could have really written the "Traveller." Even Boswell could say, with contemptuous compassion, that he liked very well to hear honest Goldsmith run on. "Yes, sir," said Johnson; "but he should not like to hear himself." Minds differ as rivers differ. There are transparent and sparkling rivers from which it is delightful to drink as they flow; to such rivers the minds of such men as Burke and Johnson may be compared. But there are rivers of which the water when first drawn is turbid and noisome, but becomes pellucid as crystal, and delicious to the taste, if it be suffered to stand till it has deposited a sediment; and such a river is a type of the mind of Goldsmith. His first thoughts on every subject were confused even to absurdity; but they required only a little time to work themselves clear. When he wrote they had that time; and therefore his readers pronounced him a man of genius: but when he talked he talked nonsense, and made himself the laughing-stock of his hearers. He was painfully sensible of his inferiority in conversation; he felt every failure keenly; yet he had not sufficient judgment and self-command to hold his tongue. His animal spirits and vanity were always impelling him to try to do the one thing which he could not do. After every attempt he felt that he had exposed himself, and writhed with shame and vexation; yet the next moment he began again.

His associates seem to have regarded him with kindness, which, in spite of their admiration of his writings, was not unmixed with contempt. In truth, there was in his character much to love, but very little to respect. His heart was soft,

even to weakness: he was so generous that he quite forgot to be just; he forgave injuries so readily that he might be said to invite them; and was so liberal to beggars that he had nothing left for his tailor and his butcher. He was vain, sensual, frivolous, profuse, improvident. One vice of a darker shade was imputed to him, envy. But there is not the least reason to believe that this bad passion, though it sometimes made him wince and utter fretful exclamations, ever impelled him to injure by wicked arts the reputation of any of his rivals. The truth probably is, that he was not more envious, but merely less prudent, than his neighbours. His heart was on his lips. All those small jealousies, which are but too common among men of letters, but which a man of letters who is also a man of the world does his best to conceal, Goldsmith avowed with the simplicity of a child. When he was envious, instead of affecting indifference, instead of damning with faint praise, instead of doing injuries slily and in the dark, he told everybody that he was envious. "Do not, pray, do not talk of Johnson in such terms," he said to Boswell; "you harrow up my very soul." George Steevens and Cumberland were men far too cunning to say such a thing. They would have echoed the praises of the man whom they envied, and then have sent to the newspapers anonymous libels upon him. Both what was good and what was bad in Goldsmith's character was to his associates a perfect security that he would never commit such villany. He was neither ill-natured enough, nor long-headed enough, to be guilty of any malicious act which required contrivance and disguise.

Goldsmith has sometimes been represented as a man of genius, cruelly treated by the world, and doomed to struggle with difficulties which at last broke his heart. But no representation can be more remote from the truth. He did, indeed, go through much sharp misery before he had done anything considerable in literature. But, after his name had appeared on the title-page of the "Traveller," he had none but himself to blame for his distresses. His average income, during the last seven years of his life, certainly exceeded 400*l.* a year; and 400*l.* a year ranked, among the incomes of that day, at least as high as 800*l.* a year would rank at present. A single man living in the Temple with 400*l.* a year might then be called opulent. Not one in ten of the young gentlemen of good families who were studying the law there had so much. But all the wealth which Lord Clive had brought from Bengal, and Sir Lawrence Dundas from Ger-

many, joined together, would not have sufficed for Goldsmith. He spent twice as much as he had. He wore fine clothes, gave dinners of several courses, paid court to venal beauties. He had also, it should be remembered, to the honour of his heart, though not of his head, a guinea, or five, or ten, according to the state of his purse, ready for any tale of distress, true or false. But it was not in dress or feasting, in promiscuous amours or promiscuous charities, that his chief expense lay. He had been from boyhood a gambler, and at once the most sanguine and the most unskilful of gamblers. For a time he put off the day of inevitable ruin by temporary expedients. He obtained advances from booksellers, by promising to execute works which he never began. But at length this source of supply failed. He owed more than 2000*l.*; and he saw no hope of extrication from his embarrassments. His spirits and health gave way. He was attacked by a nervous fever, which he thought himself competent to treat. It would have been happy for him if his medical skill had been appreciated as justly by himself as by others. Notwithstanding the degree which he pretended to have received at Padua, he could procure no patients. "I do not practise," he once said; "I make it a rule to prescribe only for my friends." "Pray, dear Doctor," said Beauclerk, "alter your rule; and prescribe only for your enemies." Goldsmith now, in spite of this excellent advice, prescribed for himself. The remedy aggravated the malady. The sick man was induced to call in real physicians; and they at one time imagined that they had cured the disease. Still his weakness and restlessness continued. He could get no sleep. He could take no food. "You are worse," said one of his medical attendants, "than you should be from the degree of fever which you have. Is your mind at ease?" "No, it is not," were the last recorded words of Oliver Goldsmith. He died on the third of April 1774, in his forty-sixth year. He was laid in the churchyard of the Temple; but the spot was not marked by any inscription, and is now forgotten. The coffin was followed by Burke and Reynolds. Both these great men were sincere mourners. Burke, when he heard of Goldsmith's death, had burst into a flood of tears. Reynolds had been so much moved by the news that he had flung aside his brush and palette for the day.

A short time after Goldsmith's death, a little poem appeared, which will, as long as our language lasts, associate

already been mentioned that he sometimes felt keenly the sarcasm which his wild blundering talk brought upon him. He was, not long before his last illness, provoked into retaliating. He wisely betook himself to his pen; and at that weapon he proved himself a match for all his assailants together. Within a small compass he drew with a singularly easy and vigorous pencil the characters of nine or ten of his intimate associates. Though this little work did not receive his last touches, it must always be regarded as a masterpiece. It is impossible, however, not to wish that four or five likenesses which have no interest for posterity were wanting to that noble gallery, and that their places were supplied by sketches of Johnson and Gibbon, as happy and vivid as the sketches of Burke and Garrick.

Some of Goldsmith's friends and admirers honoured him with a cenotaph in Westminster Abbey. Nollekens was the sculptor; and Johnson wrote the inscription. It is much to be lamented that Johnson did not leave to posterity a more durable and a more valuable memorial of his friend. A life of Goldsmith would have been an inestimable addition to the Lives of the Poets. No man appreciated Goldsmith's writings more justly than Johnson: no man was better acquainted with Goldsmith's character and habits; and no man was more competent to delineate with truth and spirit the peculiarities of a mind in which great powers were found in company with great weaknesses. But the list of poets to whose works Johnson was requested by the booksellers to furnish prefaces ended with Lyttleton, who died in 1773. The line seems to have been drawn expressly for the purpose of excluding the person whose portrait would have most fitly closed the series. Goldsmith, however, has been fortunate in his biographers. Within a few years his life has been written by Mr. Prior, by Mr. Washington Irving, and by Mr. Foster. The diligence of Mr. Prior deserves great praise; the style of Mr. Washington Irving is always pleasing; but the highest place must, in justice, be assigned to the eminently interesting work of Mr. Foster.

SAMUEL JOHNSON. (DECEMBER 1856.)

SAMUEL JOHNSON, one of the most eminent English writers of the eighteenth century, was the son of Michael Johnson, who was, at the beginning of that century, a magistrate of Lichfield, and a bookseller of great note in the midland counties. Michael's abilities and attainments seem to have been considerable. He was so well acquainted with the contents of the volumes which he exposed to sale, that the country rectors of Staffordshire and Worcestershire thought him an oracle on points of learning. Between him and the clergy, indeed, there was a strong religious and political sympathy. He was a zealous churchman, and, though he had qualified himself for municipal office by taking the oaths to the sovereigns in possession, was to the last a Jacobite in heart. At his house, a house which is still pointed out to every traveller who visits Lichfield, Samuel was born on the 18th of September 1709. In the child, the physical, intellectual, and moral peculiarities which afterwards distinguished the man were plainly discernible; great muscular strength accompanied by much awkwardness and many infirmities; great quickness of parts, with a morbid propensity to sloth and procrastination; a kind and generous heart, with a gloomy and irritable temper. He had inherited from his ancestors a scrofulous taint, which it was beyond the power of medicine to remove. His parents were weak enough to believe that the royal touch was a specific for this malady. In his third year he was taken up to London, inspected by the court surgeon, prayed over by the court chaplains, and stroked and presented with a piece of gold by Queen Anne. One of his earliest recollections was that of a stately lady in a diamond stomacher and a long black hood. Her hand was applied in vain. The boy's features, which were originally noble and not irregular, were distorted by his malady. His cheeks were deeply scared. He lost for a time the sight of one eye; and he saw but very imperfectly

pediment. Indolent as he was, he acquired knowledge with such ease and rapidity that at every school to which he was sent he was soon the best scholar. From sixteen to eighteen he resided at home, and was left to his own devices. He learned much at this time, though his studies were without guidance and without plan. He ransacked his father's shelves, dipped into a multitude of books, read what was interesting, and passed over what was dull. An ordinary lad would have acquired little or no useful knowledge in such a way: but much that was dull to ordinary lads was interesting to Samuel. He read little Greek; for his proficiency in that language was not such that he could take much pleasure in the masters of Attic poetry and eloquence. But he had left school a good Latinist; and he soon acquired, in the large and miscellaneous library of which he now had the command, an extensive knowledge of Latin literature. That Augustan delicacy of taste which is the boast of the great public schools of England he never possessed. But he was early familiar with some classical writers who were quite unknown to the best scholars in the sixth form at Eton. He was peculiarly attracted by the works of the great restorers of learning. Once, while searching for some apples, he found a huge folio volume of Petrarch's works. The name excited his curiosity; and he eagerly devoured hundreds of pages. Indeed, the diction and versification of his own Latin compositions show that he had paid at least as much attention to modern copies from the antique as to the original models.

While he was thus irregularly educating himself, his family was sinking into hopeless poverty. Old Michael Johnson was much better qualified to pore upon books, and to talk about them, than to trade in them. His business declined; his debts increased; it was with difficulty that the daily expenses of his household were defrayed. It was out of his power to support his son at either university: but a wealthy neighbour offered assistance; and, in reliance on promises which proved to be of very little value, Samuel was entered at Pembroke College, Oxford. When the young scholar presented himself to the rulers of that society, they were amazed not more by his ungainly figure and eccentric manners than by the quantity of extensive and curious information which he had picked up during many months of desultory but not unprofitable study. On the first day of his residence he surprised his teachers by quoting Macrobius;

and one of the most learned among them declared that he had never known a freshman of equal attainments.

At Oxford, Johnson resided during about three years. He was poor, even to raggedness; and his appearance excited a mirth and a pity which were equally intolerable to his haughty spirit. He was driven from the quadrangle of Christ Church by the sneering looks which the members of that aristocratical society cast at the holes in his shoes. Some charitable person placed a new pair at his door; but he spurned them away in a fury. Distress made him, not servile, but reckless and ungovernable. No opulent gentleman commoner, panting for one-and-twenty, could have treated the academical authorities with more gross disrespect. The needy scholar was generally to be seen under the gate of Pembroke, a gate now adorned with his effigy, haranguing a circle of lads, over whom, in spite of his tattered gown and dirty linen, his wit and audacity gave him an undisputed ascendency. In every mutiny against the discipline of the college he was the ringleader. Much was pardoned, however, to a youth so highly distinguished by abilities and acquirements. He had early made himself known by turning Pope's Messiah into Latin verse. The style and rhythm, indeed, were not exactly Virgilian; but the translation found many admirers, and was read with pleasure by Pope himself.

The time drew near at which Johnson would, in the ordinary course of things, have become a Bachelor of Arts: but he was at the end of his resources. Those promises of support on which he had relied had not been kept. His family could do nothing for him. His debts to Oxford tradesmen were small indeed, yet larger than he could pay. In the autumn of 1731, he was under the necessity of quitting the university without a degree. In the following winter his father died. The old man left but a pittance; and of that pittance almost the whole was appropriated to the support of his widow. The property to which Samuel succeeded amounted to no more than twenty pounds.

His life, during the thirty years which followed, was one hard struggle with poverty. The misery of that struggle needed no aggravation, but was aggravated by the sufferings of an unsound body and an unsound mind. Before the young man left the university, his hereditary malady had broken forth in a singularly cruel form. He had become an incurable hypochondriac. He said long after that he had been mad all his life, or at least not perfectly sane; and, in truth,

eccentricities less strange than his have often been thought grounds sufficient for absolving felons, and for setting aside wills. His grimaces, his gestures, his mutterings, sometimes diverted and sometimes terrified people who did not know him. At a dinner table he would, in a fit of absence, stoop down and twitch off a lady's shoe. He would amaze a drawing room by suddenly ejaculating a clause of the Lord's Prayer. He would conceive an unintelligible aversion to a particular alley, and perform a great circuit rather than see the hateful place. He would set his heart on touching every post in the streets through which he walked. If by any chance he missed a post, he would go back a hundred yards and repair the omission. Under the influence of his disease, his senses became morbidly torpid, and his imagination morbidly active. At one time he would stand poring on the town clock without being able to tell the hour. At another, he would distinctly hear his mother, who was many miles off, calling him by his name. But this was not the worst. A deep melancholy took possession of him, and gave a dark tinge to all his views of human nature and of human destiny. Such wretchedness as he endured has driven many men to shoot themselves or drown themselves. But he was under no temptation to commit suicide. He was sick of life; but he was afraid of death; and he shuddered at every sight or sound which reminded him of the inevitable hour. In religion he found but little comfort during his long and frequent fits of dejection; for his religion partook of his own character. The light from heaven shone on him indeed, but not in a direct line, or with its own pure splendour. The rays had to struggle through a disturbing medium; they reached him refracted, dulled and discoloured by the thick gloom which had settled on his soul; and, though they might be sufficiently clear to guide him, were too dim to cheer him.

With such infirmities of body and of mind, this celebrated man was left, at two-and-twenty, to fight his way through the world. He remained during about five years in the midland counties. At Lichfield, his birth-place and his early home, he had inherited some friends and acquired others. He was kindly noticed by Henry Hervey, a gay officer of noble family, who happened to be quartered there. Gilbert Walmesley, registrar of the ecclesiastical court of the diocese, a man of distinguished parts, learning, and knowledge of the world, did himself honour by patronising the young adventurer, whose repulsive person, unpolished manners and squalid

garb moved many of the petty aristocracy of the neighbourhood to laughter or to disgust. At Lichfield, however, Johnson could find no way of earning a livelihood. He became usher of a grammar school in Leicestershire; he resided as a humble companion in the house of a country gentleman; but a life of dependence was insupportable to his haughty spirit. He repaired to Birmingham, and there earned a few guineas by literary drudgery. In that town he printed a translation, little noticed at the time, and long forgotten, of a Latin book about Abyssinia. He then put forth proposals for publishing by subscription the poems of Politian, with notes containing a history of modern Latin verse: but subscriptions did not come in; and the volume never appeared.

While leading this vagrant and miserable life, Johnson fell in love. The object of his passion was Mrs. Elizabeth Porter, a widow who had children as old as himself. To ordinary spectators, the lady appeared to be a short, fat, coarse woman, painted half an inch thick, dressed in gaudy colours, and fond of exhibiting provincial airs and graces which were not exactly those of the Queensberrys and Lepels. To Johnson, however, whose passions were strong, whose eyesight was too weak to distinguish ceruse from natural bloom, and who had seldom or never been in the same room with a woman of real fashion, his Titty, as he called her, was the most beautiful, graceful and accomplished of her sex. That his admiration was unfeigned cannot be doubted; for she was as poor as himself. She accepted, with a readiness which did her little honour, the addresses of a suitor who might have been her son. The marriage, however, in spite of occasional wranglings, proved happier than might have been expected. The lover continued to be under the illusions of the wedding-day till the lady died in her sixty-fourth year. On her monument he placed an inscription extolling the charms of her person and of her manners; and, when, long after her decease, he had occasion to mention her, he exclaimed, with a tenderness half ludicrous, half pathetic, "Pretty creature!"

His marriage made it necessary for him to exert himself more strenuously than he had hitherto done. He took a house in the neighbourhood of his native town, and advertised for pupils. But eighteen months passed away; and only three pupils came to his academy. Indeed, his appearance was so strange, and his temper so violent, that his schoolroom must have resembled an ogre's den. Nor was the tawdry painted grandmother whom he called his Titty well

qualified to make provision for the comfort of young gentlemen. David Garrick, who was one of the pupils, used, many years later, to throw the best company of London into convulsions of laughter by mimicking the endearments of this extraordinary pair.

At length Johnson, in the twenty-eighth year of his age, determined to seek his fortune in the capital as a literary adventurer. He set out with a few guineas, three acts of the tragedy of Irene in manuscript, and two or three letters of introduction from his friend Walmesley.

Never, since literature became a calling in England, had it been a less gainful calling than at the time when Johnson took up his residence in London. In the preceding generation a writer of eminent merit was sure to be munificently rewarded by the government. The least that he could expect was a pension or a sinecure place; and, if he showed any aptitude for politics, he might hope to be a member of parliament, a lord of the treasury, an ambassador, a secretary of state. It would be easy, on the other hand, to name several writers of the nineteenth century of whom the least successful has received forty thousand pounds from the booksellers. But Johnson entered on his vocation in the most dreary part of the dreary interval which separated two ages of prosperity. Literature had ceased to flourish under the patronage of the great, and had not begun to flourish under the patronage of the public. One man of letters, indeed, Pope, had acquired by his pen what was then considered as a handsome fortune, and lived on a footing of equality with nobles and ministers of state. But this was a solitary exception. Even an author whose reputation was established, and whose works were popular, such an author as Thomson, whose Seasons were in every library, such an author as Fielding, whose Pasquin had had a greater run than any drama since The Beggar's Opera, was sometimes glad to obtain, by pawning his best coat, the means of dining on tripe at a cookshop underground, where he could wipe his hands, after his greasy meal, on the back of a Newfoundland dog. It is easy, therefore, to imagine what humiliations and privations must have awaited the novice who had still to earn a name. One of the publishers to whom Johnson applied for employment measured with a scornful eye that athletic though uncouth frame, and exclaimed, "You had better get a porter's knot, and carry trunks." Nor was the advice bad; for a porter was likely to be as plentifully fed, and as comfortably lodged, as a poet.

Some time appears to have elapsed before Johnson was able to form any literary connexion from which he could expect more than bread for the day which was passing over him. He never forgot the generosity with which Hervey, who was now residing in London, relieved his wants during this time of trial. "Harry Hervey," said the old philosopher many years later, "was a vicious man; but he was very kind to me. If you call a dog Hervey I shall love him." At Hervey's table Johnson sometimes enjoyed feasts which were made more agreeable by contrast. But in general he dined, and thought that he dined well, on sixpenny worth of meat, and a pennyworth of bread, at an alehouse near Drury Lane.

The effect of the privations and sufferings which he endured at this time was discernible to the last in his temper and his deportment. His manners had never been courtly. They now became almost savage. Being frequently under the necessity of wearing shabby coats and dirty shirts, he became a confirmed sloven. Being often very hungry when he sat down to his meals, he contracted a habit of eating with ravenous greediness. Even to the end of his life, and even at the tables of the great, the sight of food affected him as it affects wild beasts and birds of prey. His taste in cookery, formed in subterranean ordinaries and alamode beefshops, was far from delicate. Whenever he was so fortunate as to have near him a hare that had been kept too long, or a meat pie made with rancid butter, he gorged himself with such violence that his veins swelled, and the moisture broke out on his forehead. The affronts which his poverty emboldened stupid and low-minded men to offer to him would have broken a mean spirit into sycophancy, but made him rude even to ferocity. Unhappily the insolence which, while it was defensive, was pardonable, and in some sense respectable, accompanied him into societies where he was treated with courtesy and kindness. He was repeatedly provoked into striking those who had taken liberties with him. All the sufferers, however, were wise enough to abstain from talking about their beatings, except Osborne, the most rapacious and brutal of booksellers, who proclaimed everywhere that he had been knocked down by the huge fellow whom he had hired to puff the Harleian Library.

About a year after Johnson had begun to reside in London, he was fortunate enough to obtain regular employment from Cave, an enterprising and intelligent bookseller, who was pro-

journal, just entering on the ninth year of its long existence, was the only periodical work in the kingdom which then had what would now be called a large circulation. It was, indeed, the chief source of parliamentary intelligence. It was not then safe, even during a recess, to publish an account of the proceedings of either House without some disguise. Cave, however, ventured to entertain his readers with what he called "Reports of the Debates of the Senate of Lilliput." France was Blefuscu: London was Mildendo: pounds were sprugs: the Duke of Newcastle was the Nardac secretary of State: Lord Hardwicke was the Hurgo Hickrad; and William Pulteney was Wingul Pulnub. To write the speeches was, during several years, the business of Johnson. He was generally furnished with notes, meagre indeed, and inaccurate, of what had been said; but sometimes he had to find arguments and eloquence both for the ministry and for the opposition. He was himself a Tory, not from rational conviction—for his serious opinion was that one form of government was just as good or as bad as another—but from mere passion, such as inflamed the Capulets against the Montagues, or the Blues of the Roman circus against the Greens. In his infancy he had heard so much talk about the villanies of the Whigs, and the dangers of the Church, that he had become a furious partisan when he could scarcely speak. Before he was three he had insisted on being taken to hear Sacheverell preach at Lichfield Cathedral, and had listened to the sermon with as much respect, and probably with as much intelligence, as any Staffordshire squire in the congregation. The work which had been begun in the nursery had been completed by the university. Oxford, when Johnson resided there, was the most Jacobitical place in England; and Pembroke was one of the most Jacobitical colleges in Oxford. The prejudices which he brought up to London were scarcely less absurd than those of his own Tom Tempest. Charles II. and James II. were two of the best kings that ever reigned. Laud, a poor creature who never did, said, or wrote anything indicating more than the ordinary capacity of an old woman, was a prodigy of parts and learning over whose tomb Art and Genius still continued to weep. Hampden deserved no more honourable name than that of "the zealot of rebellion." Even the ship money, condemned not less decidedly by Falkland and Clarendon than by the bitterest Roundheads, Johnson would not pronounce to have been an unconstitutional impost. Under a government, the mildest that had ever been

known in the world—under a government which allowed to the people an unprecedented liberty of speech and action—he fancied that he was a slave; he assailed the ministry with obloquy which refuted itself, and regretted the lost freedom and happiness of those golden days in which a writer who had taken but one-tenth part of the license allowed to him would have been pilloried, mangled with the shears, whipped at the cart's tail, and flung into a noisome dungeon to die. He hated dissenters and stock-jobbers, the excise and the army, septennial parliaments, and continental connexions. He long had an aversion to the Scotch, an aversion of which he could not remember the commencement, but which, he owned, had probably originated in his abhorrence of the conduct of the nation during the Great Rebellion. It is easy to guess in what manner debates on great party questions were likely to be reported by a man whose judgment was so much disordered by party spirit. A show of fairness was indeed necessary to the prosperity of the Magazine. But Johnson long afterwards owned that, though he had saved appearances, he had taken care that the Whig dogs should not have the best of it; and, in fact, every passage which has lived, every passage which bears the marks of his higher faculties, is put into the mouth of some member of the opposition.

A few weeks after Johnson had entered on these obscure labours, he published a work which at once placed him high among the writers of his age. It is probable that what he had suffered during his first year in London had often reminded him of some parts of that noble poem in which Juvenal had described the misery and degradation of a needy man of letters, lodged among the pigeons' nests in the tottering garrets which overhung the streets of Rome. Pope's admirable imitations of Horace's Satires and Epistles had recently appeared, were in every hand, and were by many readers thought superior to the originals. What Pope had done for Horace, Johnson aspired to do for Juvenal. The enterprise was bold, and yet judicious. For between Johnson and Juvenal there was much in common, much more certainly than between Pope and Horace.

Johnson's London appeared without his name in May 1738. He received only ten guineas for this stately and vigorous poem: but the sale was rapid, and the success complete. A second edition was required within a week. Those small critics who are always desirous to lower established reputations ran about proclaiming that the anonymous satirist was

superior to Pope in Pope's own peculiar department of literature. It ought to be remembered, to the honour of Pope, that he joined heartily in the applause with which the appearance of a rival genius was welcomed. He made inquiries about the author of London. Such a man, he said, could not long be concealed. The name was soon discovered; and Pope, with great kindness, exerted himself to obtain an academical degree and the mastership of a grammar school for the poor young poet. The attempt failed; and Johnson remained a bookseller's hack.

It does not appear that these two men, the most eminent writer of the generation which was going out, and the most eminent writer of the generation which was coming in, ever saw each other. They lived in very different circles, one surrounded by dukes and earls, the other by starving pamphleteers and indexmakers. Among Johnson's associates at this time may be mentioned Boyse, who, when his shirts were pledged, scrawled Latin verses sitting up in bed with his arms through two holes in his blanket; who composed very respectable sacred poetry when he was sober; and who was at last run over by a hackney coach when he was drunk: Hoole, surnamed the metaphysical tailor, who, instead of attending to his measures, used to trace geometrical diagrams on the board where he sate cross-legged: and the penitent impostor, George Psalmanazar, who, after poring all day, in a humble lodging, on the folios of Jewish rabbis and Christian fathers, indulged himself at night with literary and theological conversation at an alehouse in the city. But the most remarkable of the persons with whom at this time Johnson consorted was Richard Savage, an earl's son, a shoemaker's apprentice, who had seen life in all its forms, who had feasted among blue ribands in Saint James's Square, and had lain with fifty pounds' weight of irons on his legs in the condemned ward of Newgate. This man had, after many vicissitudes of fortune, sunk at last into abject and hopeless poverty. His pen had failed him. His patrons had been taken away by death, or estranged by the riotous profusion with which he squandered their bounty, and the ungrateful insolence with which he rejected their advice. He now lived by begging. He dined on venison and champagne whenever he had been so fortunate as to borrow a guinea. If his questing had been unsuccessful, he appeased the rage of hunger with some scraps of broken meat, and lay down to rest under the Piazza of Covent Garden in warm weather.

and, in cold weather, as near as he could get to the furnace of a glass house. Yet, in his misery, he was still an agreeable companion. He had an inexhaustible store of anecdotes about that gay and brilliant world from which he was now an outcast. He had observed the great men of both parties in hours of careless relaxation, had seen the leaders of opposition without the mask of patriotism, and had heard the prime minister roar with laughter and tell stories not over decent. During some months Savage lived in the closest familiarity with Johnson; and then the friends parted, not without tears. Johnson remained in London to drudge for Cave. Savage went to the West of England, lived there as he had lived everywhere, and, in 1743, died, penniless and heart-broken, in Bristol gaol.

Soon after his death, while the public curiosity was strongly excited about his extraordinary character, and his not less extraordinary adventures, a life of him appeared widely different from the catchpenny lives of eminent men which were then a staple article of manufacture in Grub Street. The style was indeed deficient in ease and variety; and the writer was evidently too partial to the Latin element of our language. But the little work, with all its faults, was a masterpiece. No finer specimen of literary biography existed in any language, living or dead; and a discerning critic might have confidently predicted that the author was destined to be the founder of a new school of English eloquence.

The Life of Savage was anonymous; but it was well known in literary circles that Johnson was the writer. During the three years which followed, he produced no important work; but he was not, and indeed could not be, idle. The fame of his abilities and learning continued to grow. Warburton pronounced him a man of parts and genius; and the praise of Warburton was then no light thing. Such was Johnson's reputation that, in 1747, several eminent booksellers combined to employ him in the arduous work of preparing a Dictionary of the English Language, in two folio volumes. The sum which they agreed to pay him was only fifteen hundred guineas; and out of this sum he had to pay several poor men of letters who assisted him in the humbler parts of his task.

The prospectus of the Dictionary he addressed to the Earl of Chesterfield. Chesterfield had long been celebrated for the politeness of his manners, the brilliancy of his wit, and the delicacy of his taste. He was acknowledged to be the finest speaker in the House of Lords. He had recently governed Ireland, at a momentous conjuncture, with eminent

firmness, wisdom, and humanity; and he had since become Secretary of State. He received Johnson's homage with the most winning affability, and requited it with a few guineas, bestowed doubtless in a very graceful manner, but was by no means desirous to see all his carpets blackened with the London mud, and his soups and wines thrown to right and left over the gowns of fine ladies and the waistcoats of fine gentlemen, by an absent, awkward scholar, who gave strange *starts and uttered strange growls, who dressed like a scare-*crow, and ate like a cormorant. During some time Johnson continued to call on his patron, but, after being repeatedly told by the porter that his lordship was not at home, took the hint, and ceased to present himself at the inhospitable door.

Johnson had flattered himself that he should have completed his Dictionary by the end of 1750; but it was not till 1755 that he at length gave his huge volumes to the world. During the seven years which he passed in the drudgery of penning definitions and marking quotations for transcription, he sought for relaxation in literary labour of a more agreeable kind. In 1749 he published the Vanity of Human Wishes, an excellent imitation of the Tenth Satire of Juvenal. It is in truth not easy to say whether the palm belongs to the ancient or to the modern poet. The couplets in which the fall of Wolsey is described, though lofty and sonorous, are feeble when compared with the wonderful lines which bring before us all Rome in tumult on the day of the fall of Sejanus, the laurels on the doorposts, the white bull stalking towards the Capitol, the statues rolling down from their pedestals, the flatterers of the disgraced minister running to see him dragged with a hook through the streets, and to have a kick at his carcase before it is hurled into the Tiber. It must be owned too that in the concluding passage the Christian moralist has not made the most of his advantages, and has fallen decidedly short of the sublimity of his Pagan model. On the other hand, Juvenal's Hannibal must yield to Johnson's Charles; and Johnson's vigorous and pathetic enumeration of the miseries of a literary life must be allowed to be superior to Juvenal's lamentation over the fate of Demosthenes and Cicero.

For the copyright of the Vanity of Human Wishes Johnson received only fifteen guineas.

A few days after the publication of this poem, his tragedy, begun many years before, was brought on the stage. His pupil, David Garrick, had, in 1741, made his appearance on

a humble stage in Goodman's Fields, had at once risen to the first place among actors, and was now, after several years of almost uninterrupted success, manager of Drury Lane Theatre. The relation between him and his old preceptor was of a very singular kind. They repelled each other strongly, and yet attracted each other strongly. Nature had made them of very different clay; and circumstances had fully brought out the natural peculiarities of both. Sudden prosperity had turned Garrick's head. Continued adversity had soured Johnson's temper. Johnson saw with more envy than became so great a man, the villa, the plate, the china, the Brussels carpet, which the little mimic had got by repeating, with grimaces and gesticulations, what wiser men had written; and the exquisitely sensitive vanity of Garrick was galled by the thought that, while all the rest of the world was applauding him, he could obtain from one morose cynic, whose opinion it was impossible to despise, scarcely any compliment not acidulated with scorn. Yet the two Lichfield men had so many early recollections in common, and sympathised with each other on so many points on which they sympathised with nobody else in the vast population of the capital, that, though the master was often provoked by the monkey-like impertinence of the pupil, and the pupil by the bearish rudeness of the master, they remained friends till they were parted by death. Garrick now brought Irene out, with alterations sufficient to displease the author, yet not sufficient to make the piece pleasing to the audience. The public, however, listened with little emotion, but with much civility, to five acts of monotonous declamation. After nine representations the play was withdrawn. It is, indeed, altogether unsuited to the stage, and, even when perused in the closet, will be found hardly worthy of the author. He had not the slightest notion of what blank verse should be. A change in the last syllable of every other line would make the versification of the Vanity of Human Wishes closely resemble the versification of Irene. The poet, however, cleared by his benefit nights, and by the sale of the copyright of his tragedy, about three hundred pounds, then a great sum in his estimation.

About a year after the representation of Irene, he began to publish a series of short essays on morals, manners, and literature. This species of composition had been brought into fashion by the success of the Tatler, and by the still more brilliant success of the Spectator. A crowd of small writers had vainly attempted to rival Addison. The Lay Monastery,

the Censor, the Freethinker, the Plain Dealer, the Champion, and other works of the same kind, had had their short day. None of them had obtained a permanent place in our literature; and they are now to be found only in the libraries of the curious. At length Johnson undertook the adventure in which so many aspirants had failed. In the thirty-sixth year after the appearance of the last number of the Spectator appeared the first number of the Rambler. From March 1750 to March 1752, this paper continued to come out every Tuesday and Saturday.

From the first the Rambler was enthusiastically admired by a few eminent men. Richardson, when only five numbers had appeared, pronounced it equal, if not superior, to the Spectator. Young and Hartley expressed their approbation not less warmly. Bubb Dodington, among whose many faults indifference to the claims of genius and learning cannot be reckoned, solicited the acquaintance of the writer. In consequence probably of the good offices of Dodington, who was then the confidential adviser of Prince Frederic, two of his Royal Highness's gentlemen carried a gracious message to the printing office, and ordered seven copies for Leicester House. But these overtures seem to have been very coldly received. Johnson had had enough of the patronage of the great to last him all his life, and was not disposed to haunt any other door as he had haunted the door of Chesterfield.

By the public the Rambler was at first very coldly received. Though the price of a number was only twopence, the sale did not amount to five hundred. The profits were therefore very small. But as soon as the flying leaves were collected and reprinted they became popular. The author lived to see thirteen thousand copies spread over England alone. Separate editions were published for the Scotch and Irish markets. A large party pronounced the style perfect, so absolutely perfect that in some essays it would be impossible for the writer himself to alter a single word for the better. Another party, not less numerous, vehemently accused him of having corrupted the purity of the English tongue. The best critics admitted that his diction was too monotonous, too obviously artificial, and now and then turgid even to absurdity. But they did justice to the acuteness of his observations on morals and manners, to the constant precision and frequent brilliancy of his language, to the weighty and magnificent eloquence of many serious passages, and to the solemn yet pleasing humour of some of the lighter papers. On the question of

precedence between Addison and Johnson, a question which, seventy years ago, was much disputed, posterity has pronounced a decision from which there is no appeal. Sir Roger, his chaplain and his butler, Will Wimble and Will Honeycomb, the Vision of Mirza, the Journal of the Retired Citizen, the Everlasting Club, the Dunmow Flitch, the Loves of Hilpah and Shalum, the Visit to the Exchange, and the Visit to the Abbey, are known to everybody. But many men and women, even of highly cultivated minds, are unacquainted with Squire Bluster and Mrs. Busy, Quisquilius and Venustulus, the Allegory of Wit and Learning, the Chronicle of the Revolutions of a Garret, and the sad fate of Aningait and Ajut.

The last Rambler was written in a sad and gloomy hour. Mrs. Johnson had been given over by the physicians. Three days later she died. She left her husband almost broken-hearted. Many people had been surprised to see a man of his genius and learning stooping to every drudgery, and denying himself almost every comfort, for the purpose of supplying a silly, affected old woman with superfluities, which she accepted with but little gratitude. But all his affection had been concentrated on her. He had neither brother nor sister, neither son nor daughter. To him she was beautiful as the Gunnings, and witty as Lady Mary. Her opinion of his writings was more important to him than the voice of the pit of Drury Lane Theatre or the judgment of the Monthly Review. The chief support which had sustained him through the most arduous labour of his life was the hope that she would enjoy the fame and the profit which he anticipated from his Dictionary. She was gone; and in that vast labyrinth of streets, peopled by eight hundred thousand human beings, he was alone. Yet it was necessary for him to set himself, as he expressed it, doggedly to work. After three more laborious years, the Dictionary was at length complete.

It had been generally supposed that this great work would be dedicated to the eloquent and accomplished nobleman to whom the prospectus had been addressed. He well knew the value of such a compliment; and therefore, when the day of publication drew near, he exerted himself to soothe, by a show of zealous and at the same time of delicate and judicious kindness, the pride which he had so cruelly wounded. Since the Ramblers had ceased to appear, the town had been entertained by a journal called The World, to which many men of high rank and fashion contributed. In two successive

numbers of The World the Dictionary was, to use the modern phrase, puffed with wonderful skill. The writings of Johnson were warmly praised. It was proposed that he should be invested with the authority of a Dictator, nay, of a Pope, over our language, and that his decisions about the meaning and the spelling of words should be received as final. His two folios, it was said, would of course be bought by everybody who could afford to buy them. It was soon known that these papers were written by Chesterfield. But the just resentment of Johnson was not to be so appeased. In a letter written with singular energy and dignity of thought and language, he repelled the tardy advances of his patron. The Dictionary came forth without a dedication. In the preface the author truly declared that he owed nothing to the great, and described the difficulties with which he had been left to struggle so forcibly and pathetically that the ablest and most malevolent of all the enemies of his fame, Horne Tooke, never could read that passage without tears.

The public, on this occasion, did Johnson full justice, and something more than justice. The best lexicographer may well be content if his productions are received by the world with cold esteem. But Johnson's Dictionary was hailed with an enthusiasm such as no similar work has ever excited. It was indeed the first dictionary which could be read with pleasure. The definitions show so much acuteness of thought and command of language, and the passages quoted from poets, divines and philosophers are so skilfully selected, that a leisure hour may always be very agreeably spent in turning over the pages. The faults of the book resolve themselves, for the most part, into one great fault. Johnson was a wretched etymologist. He knew little or nothing of any Teutonic language except English, which indeed, as he wrote it, was scarcely a Teutonic language; and thus he was absolutely at the mercy of Junius and Skinner.

The Dictionary, though it raised Johnson's fame, added nothing to his pecuniary means. The fifteen hundred guineas which the booksellers had agreed to pay him had been advanced and spent before the last sheets issued from the press. It is painful to relate that, twice in the course of the year which followed the publication of this great work, he was arrested and carried to spunging-houses, and that he was twice indebted for his liberty to his excellent friend Richardson. It was still necessary for the man who had been formally saluted by the highest authority as Dictator of the English

language to supply his wants by constant toil. He abridged his Dictionary. He proposed to bring out an edition of Shakspeare by subscription; and many subscribers sent in their names, and laid down their money; but he soon found the task so little to his taste that he turned to more attractive employments. He contributed many papers to a new monthly journal, which was called the Literary Magazine. Few of these papers have much interest; but among them was the very best thing that he ever wrote, a masterpiece both of reasoning and of satirical pleasantry, the review of Jenyns's Inquiry into the Nature and Origin of Evil.

In the spring of 1758 Johnson put forth the first of a series of essays, entitled The Idler. During two years these essays continued to appear weekly. They were eagerly read, widely circulated, and, indeed, impudently pirated, while they were still in the original form, and had a large sale when collected into volumes. The Idler may be described as a second part of the Rambler, somewhat livelier and somewhat weaker than the first part.

While Johnson was busied with his Idlers, his mother, who had accomplished her ninetieth year, died at Lichfield. It was long since he had seen her; but he had not failed to contribute largely, out of his small means, to her comfort. In order to defray the charges of her funeral, and to pay some debts which she had left, he wrote a little book in a single week, and sent off the sheets to the press without reading them over. A hundred pounds were paid him for the copyright; and the purchasers had great cause to be pleased with their bargain; for the book was Rasselas.

The success of Rasselas was great, though such ladies as Miss Lydia Languish must have been grievously disappointed when they found that the new volume from the circulating library was little more than a dissertation on the author's favourite theme, the Vanity of Human Wishes; that the Prince of Abyssinia was without a mistress, and the Princess without a lover; and that the story set the hero and the heroine down exactly where it had taken them up. The style was the subject of much eager controversy. The Monthly Review and the Critical Review took different sides. Many readers pronounced the writer a pompous pedant, who would never use a word of two syllables where it was possible to use a word of six, and who could not make a waiting woman relate her adventures without balancing every noun with another

not less zealous, cited with delight numerous passages in which weighty meaning was expressed with accuracy and illustrated with splendour. And both the censure and the praise were merited.

About the plan of Rasselas little was said by the critics; and yet the faults of the plan might seem to invite severe criticism. Johnson has frequently blamed Shakspeare for neglecting the proprieties of time and place, and for ascribing to one age or nation the manners and opinions of another. Yet Shakspeare has not sinned in this way more grievously than Johnson. Rasselas and Imlac, Nekayah and Pekuah, are evidently meant to be Abyssinians of the eighteenth century: for the Europe which Imlac describes is the Europe of the eighteenth century; and the inmates of the Happy Valley talk familiarly of that law of gravitation which Newton discovered, and which was not fully received even at Cambridge till the eighteenth century. What a real company of Abyssinians would have been may be learned from Bruce's Travels. But Johnson, not content with turning filthy savages, ignorant of their letters, and gorged with raw steaks cut from living cows, into philosophers as eloquent and enlightened as himself or his friend Burke, and into ladies as highly accomplished as Mrs. Lennox or Mrs. Sheridan, transferred the whole domestic system of England to Egypt. Into a land of harems, a land of polygamy, a land where women are married without ever being seen, he introduced the flirtations and jealousies of our ball-rooms. In a land where there is boundless liberty of divorce, wedlock is described as the indissoluble compact. "A youth and maiden meeting by chance, or brought together by artifice, exchange glances, reciprocate civilities, go home, and dream of each other. Such," says Rasselas, "is the common process of marriage." Such it may have been, and may still be, in London, but assuredly not at Cairo. A writer who was guilty of such improprieties had little right to blame the poet who made Hector quote Aristotle, and represented Julio Romano as flourishing in the days of the oracle of Delphi.

By such exertions as have been described, Johnson supported himself till the year 1762. In that year a great change in his circumstances took place. He had from a child been an enemy of the reigning dynasty. His Jacobite prejudices had been exhibited with little disguise both in his works and in his conversation. Even in his massy and elaborate Dictionary, he had, with a strange want of taste and judgment, inserted

bitter and contumelious reflections on the Whig party. The excise which was a favourite resource of Whig financiers, he had designated as a hateful tax. He had railed against the commissioners of excise in language so coarse that they had seriously thought of prosecuting him. He had with difficulty been prevented from holding up the Lord Privy Seal by name as an example of the meaning of the word "renegade." A pension he had defined as pay given to a state hireling to betray his country; a pensioner as a slave of state hired by a stipend to obey a master. It seemed unlikely that the author of these definitions would himself be pensioned. But that was a time of wonders. George the Third had ascended the throne; and had, in the course of a few months, disgusted many of the old friends and conciliated many of the old enemies of his house. The city was becoming mutinous. Oxford was becoming loyal. Cavendishes and Bentincks were murmuring. Somersets and Wyndhams were hastening to kiss hands. The head of the treasury was now Lord Bute, who was a Tory, and could have no objection to Johnson's Toryism. Bute wished to be thought a patron of men of letters; and Johnson was one of the most eminent and one of the most needy men of letters in Europe. A pension of three hundred a year was graciously offered, and with very little hesitation accepted.

This event produced a change in Johnson's whole way of life. For the first time since his boyhood he no longer felt the daily goad urging him to the daily toil. He was at liberty, after thirty years of anxiety and drudgery, to indulge his constitutional indolence, to lie in bed till two in the afternoon, and to sit up talking till four in the morning, without fearing either the printer's devil or the sheriff's officer.

One laborious task indeed he had bound himself to perform. He had received large subscriptions for his promised edition of Shakspeare; he had lived on those subscriptions during some years; and he could not without disgrace omit to perform his part of the contract. His friends repeatedly exhorted him to make an effort; and he repeatedly resolved to do so. But, notwithstanding their exhortations and his resolutions, month followed month, year followed year, and nothing was done. He prayed fervently against his idleness; he determined, as often as he received the sacrament, that he would no longer doze away and trifle away his time; but the spell under which he lay resisted prayer and sacrament. His private notes at this time are made up of self-re-

proaches. "My indolence," he wrote on Easter eve in 1764, "has sunk into grosser sluggishness. A kind of strange oblivion has overspread me, so that I know not what has become of the last year." Easter 1765 came, and found him still in the same state, "My time," he wrote, "has been unprofitably spent, and seems as a dream that has left nothing behind. My memory grows confused, and I know not how the days pass over me." Happily for his honour, the charm which held him captive was at length broken by no gentle or friendly hand. He had been weak enough to pay serious attention to a story about a ghost which haunted a house in Cock Lane, and had actually gone himself, with some of his friends, at one in the morning, to St. John's Church, Clerkenwell, in the hope of receiving a communication from the perturbed spirit. But the spirit, though adjured with all solemnity, remained obstinately silent; and it soon appeared that a naughty girl of eleven had been amusing herself by making fools of so many philosophers. Churchill, who, confident in his powers, drunk with popularity, and burning with party spirit, was looking for some man of established fame and Tory politics to insult, celebrated the Cock Lane Ghost in three cantos, nicknamed Johnson Pomposo, asked where the book was which had been so long promised and so liberally paid for, and directly accused the great moralist of cheating. This terrible word proved effectual; and in October 1765 appeared, after a delay of nine years, the new edition of Shakspeare.

This publication saved Johnson's character for honesty, but added nothing to the fame of his abilities and learning. The preface, though it contains some good passages, is not in his best manner. The most valuable notes are those in which he had an opportunity of showing how attentively he had during many years observed human life and human nature. The best specimen is the note on the character of Polonius. Nothing so good is to be found even in Wilhelm Meister's admirable examination of Hamlet. But here praise must end. It would be difficult to name a more slovenly, a more worthless, edition of any great classic. The reader may turn over play after play without finding one happy conjectural emendation, or one ingenious and satisfactory explanation of a passage which had baffled preceding commentators. Johnson had, in his prospectus, told the world that he was peculiarly fitted for the task which he had undertaken, because he had, as a lexicographer, been under the necessity of taking a wider

-view of the English language than any of his predecessors. That his knowledge of our literature was extensive is indisputable. But, unfortunately, he had altogether neglected that very part of our literature with which it is especially desirable that an editor of Shakspeare should be conversant. It is dangerous to assert a negative. Yet little will be risked by the assertion, that in the two folio volumes of the English Dictionary there is not a single passage quoted from any dramatist of the Elizabethan age, except Shakspeare and Ben. Even from Ben the quotations are few. Johnson might easily, in a few months, have made himself well acquainted with every old play that was extant. But it never seems to have occurred to him that this was a necessary preparation for the work which he had undertaken. He would doubtless have admitted that it would be the height of absurdity in a man who was not familiar with the works of Æschylus and Euripides to publish an edition of Sophocles. Yet he ventured to publish an edition of Shakspeare, without having ever in his life, as far as can be discovered, read a single scene of Massinger, Ford, Decker, Webster, Marlow, Beaumont, or Fletcher. His detractors were noisy and scurrilous. Those who most loved and honoured him had little to say in praise of the manner in which he had discharged the duty of a commentator. He had, however, acquitted himself of a debt which had long lain heavy on his conscience; and he sank back into the repose from which the sting of satire had roused him. He long continued to live upon the fame which he had already won. He was honoured by the University of Oxford with a Doctor's degree, by the Royal Academy with a professorship, and by the King with an interview, in which his Majesty most graciously expressed a hope that so excellent a writer would not cease to write. In the interval, however, between 1765 and 1775 Johnson published only two or three political tracts, the longest of which he could have produced in forty-eight hours, if he had worked as he worked on the Life of Savage and on Rasselas.

But, though his pen was now idle, his tongue was active. The influence exercised by his conversation, directly upon those with whom he lived, and indirectly on the whole literary world, was altogether without a parallel. His colloquial talents were indeed of the highest order. He had strong sense, quick discernment, wit, humour, immense knowledge of literature and of life, and an infinite store of curious anec-

Every sentence which dropped from his lips was as correct in structure as the most nicely balanced period of the Rambler. But in his talk there were no pompous triads, and little more than a fair proportion of words in *osity* and *ation*. All was simplicity, ease, and vigour. He uttered his short, weighty, and pointed sentences with a power of voice, and a justness and energy of emphasis, of which the effect was rather increased than diminished by the rollings of his huge form, and by the asthmatic gaspings and puffings in which the peals of his eloquence generally ended. Nor did the laziness which made him unwilling to sit down to his desk prevent him from giving instruction or entertainment orally. To discuss questions of taste, of learning, of casuistry, in language so exact and so forcible that it might have been printed without the alteration of a word, was to him no exertion, but a pleasure. He loved, as he said, to fold his legs and have his talk out. He was ready to bestow the overflowings of his full mind on anybody who would start a subject, on a fellow-passenger in a stage coach, or on the person who sate at the same table with him in an eating house. But his conversation was nowhere so brilliant and striking as when he was surrounded by a few friends, whose abilities and knowledge enabled them, as he once expressed it, to send him back every ball that he threw. Some of these, in 1764, formed themselves into a club, which gradually became a formidable power in the commonwealth of letters. The verdicts pronounced by this conclave on new books were speedily known over all London, and were sufficient to sell off a whole edition in a day, or to condemn the sheets to the service of the trunk-maker and the pastry-cook. Nor shall we think this strange when we consider what great and various talents and acquirements met in the little fraternity. Goldsmith was the representative of poetry and light literature, Reynolds of the arts, Burke of political eloquence and political philosophy. There, too, were Gibbon, the greatest historian, and Jones, the greatest linguist, of the age. Garrick brought to the meetings his inexhaustible pleasantry, his incomparable mimicry, and his consummate knowledge of stage effect. Among the most constant attendants were two high-born and high-bred gentlemen, closely bound together by friendship, but of widely different characters and habits; Bennet Langton, distinguished by his skill in Greek literature, by the orthodoxy of his opinions, and by the sanctity of his life; and Topham Beauclerk, renowned for his amours, his knowledge of the gay world, his fastidious taste,

and his sarcastic wit. To predominate over such a society was not easy. Yet even over such a society Johnson predominated. Burke might indeed have disputed the supremacy to which others were under the necessity of submitting. But Burke, though not generally a very patient listener, was content to take the second part when Johnson was present; and the club itself, consisting of so many eminent men, is to this day popularly designated as Johnson's Club.

Among the members of this celebrated body was one to whom it has owed the greater part of its celebrity, yet who was regarded with little respect by his brethren, and had not without difficulty obtained a seat among them. This was James Boswell, a young Scotch lawyer, heir to an honourable name and a fair estate. That he was a coxcomb, and a bore, weak, vain, pushing, curious, garrulous, was obvious to all who were acquainted with him. That he could not reason, that he had no wit, no humour, no eloquence, is apparent from his writings. And yet his writings are read beyond the Mississippi, and under the Southern Cross, and are likely to be read as long as the English exists, either as a living or as a dead language. Nature had made him a slave and an idolater. His mind resembled those creepers which the botanists call parasites, and which can subsist only by clinging round the stems and imbibing the juices of stronger plants. He must have fastened himself on somebody. He might have fastened himself on Wilkes, and have become the fiercest patriot in the Bill of Rights Society. He might have fastened himself on Whitfield, and have become the loudest field preacher among the Calvinistic Methodists. In a happy hour he fastened himself on Johnson. The pair might seem ill matched. For Johnson had early been prejudiced against Boswell's country. To a man of Johnson's strong understanding and irritable temper, the silly egotism and adulation of Boswell must have been as teasing as the constant buzz of a fly. Johnson hated to be questioned; and Boswell was eternally catechising him on all kinds of subjects, and sometimes propounded such questions as "What would you do, sir, if you were locked up in a tower with a baby?" Johnson was a water-drinker; and Boswell was a wine-bibber, and indeed little better than a habitual sot. It was impossible that there should be perfect harmony between two such companions. Indeed, the great man was sometimes provoked into fits of passion in which he said things which the small

however, was soon made up. During twenty years the disciple continued to worship the master: the master continued to scold the disciple, to sneer at him, and to love him. The two friends ordinarily resided at a great distance from each other. Boswell practised in the Parliament House of Edinburgh, and could pay only occasional visits to London. During those visits his chief business was to watch Johnson, to discover all Johnson's habits, to turn the conversation to subjects about which Johnson was likely to say something remarkable, and to fill quarto note books with minutes of what Johnson had said. In this way were gathered the materials out of which was afterwards constructed the most interesting biographical work in the world.

Soon after the club began to exist, Johnson formed a connexion less important indeed to his fame, but much more important to his happiness, than his connexion with Boswell. Henry Thrale, one of the most opulent brewers in the kingdom, a man of sound and cultivated understanding, rigid principles, and liberal spirit, was married to one of those clever, kind-hearted, engaging, vain, pert young women, who are perpetually doing or saying what is not exactly right, but who, do or say what they may, are always agreeable. In 1765 the Thrales became acquainted with Johnson; and the acquaintance ripened fast into friendship. They were astonished and delighted by the brilliancy of his conversation. They were flattered by finding that a man so widely celebrated preferred their house to any other in London. Even the peculiarities which seemed to unfit him for civilised society, his gesticulations, his rollings, his puffings, his mutterings, the strange way in which he put on his clothes, the ravenous eagerness with which he devoured his dinner, his fits of melancholy, his fits of anger, his frequent rudeness, his occasional ferocity, increased the interest which his new associates took in him. For these things were the cruel marks left behind by a life which had been one long conflict with disease and with adversity. In a vulgar hack writer such oddities would have excited only disgust. But in a man of genius, learning, and virtue their effect was to add pity to admiration and esteem. Johnson soon had an apartment at the brewery in Southwark, and a still more pleasant apartment at the villa of his friends on Streatham Common. A large part of every year he passed in those abodes, abodes which must have seemed magnificent and luxurious indeed, when compared with the dens in which he had generally been lodged.

But his chief pleasures were derived from what the astronomer of his Abyssinian tale called "the endearing elegance of female friendship." Mrs. Thrale rallied him, soothed him, coaxed him, and, if she sometimes provoked him by her flippancy, made ample amends by listening to his reproofs with angelic sweetness of temper. When he was diseased in body and in mind, she was the most tender of nurses. No comfort that wealth could purchase, no contrivance that womanly ingenuity, set to work by womanly compassion, could devise, was wanting to his sick room. He requited her kindness by an affection pure as the affection of a father, yet delicately tinged with a gallantry, which, though awkward, must have been more flattering than the attentions of a crowd of the fools who gloried in the names, now obsolete, of Buck and Maccaroni. It should seem that a full half of Johnson's life, during about sixteen years, was passed under the roof of the Thrales. He accompanied the family sometimes to Bath, and sometimes to Brighton, once to Wales, and once to Paris. But he had at the same time a house in one of the narrow and gloomy courts on the north of Fleet Street. In the garrets was his library, a large and miscellaneous collection of books, falling to pieces and begrimed with dust. On a lower floor he sometimes, but very rarely, regaled a friend with a plain dinner, a veal pie, or a leg of lamb and spinage, and a rice pudding. Nor was the dwelling uninhabited during his long absences. It was the home of the most extraordinary assemblage of inmates that ever was brought together. At the head of the establishment Johnson had placed an old lady named Williams, whose chief recommendations were her blindness and her poverty. But, in spite of her murmurs and reproaches, he gave an asylum to another lady who was as poor as herself, Mrs. Desmoulins, whose family he had known many years before in Staffordshire. Room was found for the daughter of Mrs. Desmoulins, and for another destitute damsel, who was generally addressed as Miss Carmichael, but whom her generous host called Polly. An old quack doctor named Levett, who bled and dosed coal-heavers and hackney coachmen, and received for fees crusts of bread, bits of bacon, glasses of gin, and sometimes a little copper, completed this strange menagerie. All these poor creatures were at constant war with each other, and with Johnson's negro servant Frank. Sometimes, indeed, they transferred their hostilities from the servant to the master, complained that a better table was not kept for them, and railed or maundered till their benefactor was glad to make his

escape to Streatham, or to the Mitre Tavern. And yet he, who was generally the haughtiest and most irritable of mankind, who was but too prompt to resent anything which looked like a slight on the part of a purse-proud bookseller, or of a noble and powerful patron, bore patiently from mendicants, who, but for his bounty, must have gone to the workhouse, insults more provoking than those for which he had knocked down Osborne and bidden defiance to Chesterfield. Year after year Mrs. Williams and Mrs. Desmoulins, Polly and Levett, continued to torment him and to live upon him.

The course of life which has been described was interrupted in Johnson's sixty-fourth year by an important event. He had early read an account of the Hebrides, and had been much interested by learning that there was so near him a land peopled by a race which was still as rude and simple as in the middle ages. A wish to become intimately acquainted with a state of society so utterly unlike all that he had ever seen frequently crossed his mind. But it is not probable that his curiosity would have overcome his habitual sluggishness, and his love of the smoke, the mud, and the cries of London, had not Boswell importuned him to attempt the adventure, and offered to be his squire. At length, in August 1773, Johnson crossed the Highland line, and plunged courageously into what was then considered, by most Englishmen, as a dreary and perilous wilderness. After wandering about two months through the Celtic region, sometimes in rude boats which did not protect him from the rain, and sometimes on small shaggy ponies which could hardly bear his weight, he returned to his old haunts with a mind full of new images and new theories. During the following year he employed himself in recording his adventures. About the beginning of 1775, his Journey to the Hebrides was published, and was, during some weeks, the chief subject of conversation in all circles in which any attention was paid to literature. The book is still read with pleasure. The narrative is entertaining; the speculations, whether sound or unsound, are always ingenious; and the style, though too stiff and pompous, is somewhat easier and more graceful than that of his early writings. His prejudice against the Scotch had at length become little more than matter of jest; and whatever remained of the old feeling had been effectually removed by the kind and respectful hospitality with which he had been received in every part of Scotland. It was, of course, not to be expected that an Oxonian Tory should praise the Presbyterian polity and ritual, or

that an eye accustomed to the hedgerows and parks of England should not be struck by the bareness of Berwickshire and East Lothian. But even in censure Johnson's tone is not unfriendly. The most enlightened Scotchmen, with Lord Mansfield at their head, were well pleased. But some foolish and ignorant Scotchmen were moved to anger by a little unpalatable truth which was mingled with much eulogy, and assailed him whom they chose to consider as the enemy of their country with libels much more dishonourable to their country than anything that he had ever said or written. They published paragraphs in the newspapers, articles in the magazines, sixpenny pamphlets, five shilling books. One scribbler abused Johnson for being blear-eyed; another for being a pensioner; a third informed the world that one of the Doctor's uncles had been convicted of felony in Scotland, and had found that there was in that country one tree capable of supporting the weight of an Englishman. Macpherson, whose Fingal had been proved in the Journey to be an impudent forgery, threatened to take vengeance with a cane. The only effect of this threat was that Johnson reiterated the charge of forgery in the most contemptuous terms, and walked about, during some time, with a cudgel, which, if the impostor had not been too wise to encounter it, would assuredly have descended upon him, to borrow the sublime language of his own epic poem, "like a hammer on the red son of the furnace."

Of other assailants Johnson took no notice whatever. He had early resolved never to be drawn into controversy; and he adhered to his resolution with a steadfastness which is the more extraordinary, because he was, both intellectually and morally, of the stuff of which controversialists are made. In conversation, he was a singularly eager, acute, and pertinacious disputant. When at a loss for good reasons, he had recourse to sophistry; and, when heated by altercation, he made unsparing use of sarcasm and invective. But, when he took his pen in his hand, his whole character seemed to be changed. A hundred bad writers misrepresented him and reviled him; but not one of the hundred could boast of having been thought by him worthy of a refutation, or even of a retort. The Kenricks, Campbells, MacNicols, and Hendersons, did their best to annoy him, in the hope that he would give them importance by answering them. But the reader will in vain search his works for any allusion to Kenrick or Campbell, to MacNicol or Henderson. One Scotchman, bent on vindicat-

ing the fame of Scotch learning, defied him to the combat in a detestable Latin hexameter.

'Maxime, si tu vis, cupio contendere tecum."

But Johnson took no notice of the challenge. He had learned, both from his own observation and from literary history, in which he was deeply read, that the place of books in the public estimation is fixed, not by what is written about them, but by what is written in them; and that an author whose works are likely to live is very unwise if he stoops to wrangle with detractors whose works are certain to die. He always maintained that fame was a shuttlecock which could be kept up only by being beaten back, as well as beaten forward, and which would soon fall if there were only one battledore. No saying was oftener in his mouth than that fine apophthegm of Bentley, that no man was ever written down but by himself.

Unhappily, a few months after the appearance of the journey to the Hebrides, Johnson did what none of his envious assailants could have done, and to a certain extent succeeded in writing himself down. The disputes between England and her American colonies had reached a point at which no amicable adjustment was possible. Civil war was evidently impending; and the ministers seem to have thought that the eloquence of Johnson might with advantage be employed to inflame the nation against the opposition here, and against the rebels beyond the Atlantic. He had already written two or three tracts in defence of the foreign and domestic policy of the government; and those tracts, though hardly worthy of him, were much superior to the crowd of pamphlets which lay on the counters of Almon and Stockdale. But his Taxation No Tyranny was a pitiable failure. The very title was a silly phrase, which can have been recommended to his choice by nothing but a jingling alliteration which he ought to have despised. The arguments were such as boys use in debating societies. The pleasantry was as awkward as the gambols of a hippopotamus. Even Boswell was forced to own that, in this unfortunate piece, he could detect no trace of his master's powers. The general opinion was that the strong faculties which had produced the Dictionary and the Rambler were beginning to feel the effect of time and of disease, and that the old man would best consult his credit by writing no more.

But this was a great mistake. Johnson had failed, not, because his mind was less vigorous than when he wrote Ras-

selas in the evenings of a week, but because he had foolishly chosen, or suffered others to choose for him, a subject such as he would at no time have been competent to treat. He was in no sense a statesman. He never willingly read or thought or talked about affairs of state. He loved biography, literary history, the history of manners; but political history was positively distasteful to him. The question at issue between the colonies and the mother country was a question about which he had really nothing to say. He failed, therefore, as the greatest men must fail when they attempt to do that for which they are unfit; as Burke would have failed if Burke had tried to write comedies like those of Sheridan; as Reynolds would have failed if Reynolds had tried to paint landscapes like those of Wilson. Happily, Johnson soon had an opportunity of proving most signally that his failure was not to be ascribed to intellectual decay.

On Easter Eve 1777, some persons, deputed by a meeting which consisted of forty of the first booksellers in London, called upon him. Though he had some scruples about doing business at that season, he received his visitors with much civility. They came to inform him that a new edition of the English poets, from Cowley downwards, was in contemplation, and to ask him to furnish short biographical prefaces. He readily undertook the task, a task for which he was pre-eminently qualified. His knowledge of the literary history of England since the Restoration was unrivalled. That knowledge he had derived partly from books, and partly from sources which had long been closed; from old Grub Street traditions; from the talk of forgotten poetasters and pamphleteers who had long been lying in parish vaults; from the recollections of such men as Gilbert Walmesley, who had conversed with the wits of Button; Cibber, who had mutilated the plays of two generations of dramatists; Orrery, who had been admitted to the society of Swift; and Savage, who had rendered services of no very honourable kind to Pope. The biographer therefore sate down to his task with a mind full of matter. He had at first intended to give only a paragraph to every minor poet, and only four or five pages to the greatest name. But the flood of anecdote and criticism overflowed the narrow channel. The work, which was originally meant to consist only of a few sheets, swelled into ten volumes, small volumes, it is true, and not closely printed. The first four appeared in 1779, the remaining six in 1781.

The Lives of the Poets are, on the whole, the best of John-

son's works. The narratives are as entertaining as any novel. The remarks on life and on human nature are eminently shrewd and profound. The criticisms are often excellent, and, even when grossly and provokingly unjust, well deserve to be studied. For, however erroneous they may be, they are never silly. They are the judgments of a mind trammelled by prejudice and deficient in sensibility, but vigorous and acute. They therefore generally contain a portion of valuable truth which deserves to be separated from the alloy; and, at the very worst, they mean something, a praise to which much of what is called criticism in our time has no pretensions.

Savage's Life Johnson reprinted nearly as it had appeared in 1744. Whoever, after reading that life, will turn to the other lives will be struck by the difference of style. Since Johnson had been at ease in his circumstances he had written little and had talked much. When, therefore, he, after the lapse of years, resumed his pen, the mannerism which he had contracted while he was in the constant habit of elaborate composition was less perceptible than formerly; and his diction frequently had a colloquial ease which it had formerly wanted. The improvement may be discerned by a skilful critic in the Journey to the Hebrides, and in the Lives of the Poets is so obvious that it cannot escape the notice of the most careless reader.

Among the lives the best are perhaps those of Cowley, Dryden, and Pope. The very worst is, beyond all doubt, that of Gray.

This great work at once became popular. There was, indeed, much just and much unjust censure: but even those who were loudest in blame were attracted by the book in spite of themselves. Malone computed the gains of the publishers at five or six thousand pounds. But the writer was very poorly remunerated. Intending at first to write very short prefaces, he had stipulated for only two hundred guineas. The booksellers, when they saw how far his performance had surpassed his promise, added only another hundred. Indeed, Johnson, though he did not despise, or affect to despise, money, and though his strong sense and long experience ought to have qualified him to protect his own interests, seems to have been singularly unskilful and unlucky in his literary bargains. He was generally reputed the first English writer of his time. Yet several writers of his time sold their copyrights for sums such as he never ventured to ask. To give a single instance, Robertson received four thousand five hun-

dred pounds for the History of Charles V.; and it is no disrespect to the memory of Robertson to say that the History of Charles V. is both a less valuable and a less amusing book than the Lives of the Poets.

Johnson was now in his seventy-second year. The infirmities of age were coming fast upon him. That inevitable event of which he never thought without horror was brought near to him; and his whole life was darkened by the shadow of death. He had often to pay the cruel price of longevity. Every year he lost what could never be replaced. The strange dependents to whom he had given shelter, and to whom, in spite of their faults, he was strongly attached by habit, dropped off one by one; and, in the silence of his home, he regretted even the noise of their scolding matches. The kind and generous Thrale was no more; and it would have been well if his wife had been laid beside him. But she survived to be the laughing-stock of those who had envied her, and to draw from the eyes of the old man who had loved her beyond anything in the world tears far more bitter than he would have shed over her grave. With some estimable and many agreeable qualities, she was not made to be independent. The control of a mind more steadfast than her own was necessary to her respectability. While she was restrained by her husband, a man of sense and firmness, indulgent to her taste in trifles, but always the undisputed master of his house, her worst offences had been impertinent jokes, white lies, and short fits of pettishness ending in sunny good humour. But he was gone; and she was left an opulent widow of forty, with strong sensibility, volatile fancy, and slender judgment. She soon fell in love with a music-master from Brescia, in whom nobody but herself could discover anything to admire. Her pride, and perhaps some better feelings, struggled hard against this degrading passion. But the struggle irritated her nerves, soured her temper, and at length endangered her health. Conscious that her choice was one which Johnson could not approve, she became desirous to escape from his inspection. Her manner towards him changed. She was sometimes cold and sometimes petulant. She did not conceal her joy when he left Streatham; she never pressed him to return; and, if he came unbidden, she received him in a manner which convinced him that he was no longer a welcome guest. He took the very intelligible hints which she gave. He read, for the last time, a chapter of the Greek Testament in the libra-

which had been formed by himself. In a solemn and tender prayer he commended the house and its inmates to the Divine protection, and, with emotions which choked his voice and convulsed his powerful frame, left for ever that beloved home for the gloomy and desolate house behind Fleet Street, where the few and evil days which still remained to him were to run out. Here, in June 1783, he had a paralytic stroke, from which, however, he recovered, and which does not appear to have at all impaired his intellectual faculties. But other maladies came thick upon him. His asthma tormented him day and night. Dropsical symptoms made their appearance. While sinking under a complication of diseases, he heard that the woman whose friendship had been the chief happiness of sixteen years of his life had married an Italian fiddler; that all London was crying shame upon her; and that the newspapers and magazines were filled with allusions to the Ephesian matron, and the two pictures in Hamlet. He vehemently said that he would try to forget her existence. He never uttered her name. Every memorial of her which met his eye he flung into the fire. She meanwhile fled from the laughter and hisses of her countrymen and countrywomen to a land where she was unknown, hastened across Mount Cenis, and learned, while passing a merry Christmas of concerts and lemonade parties at Milan, that the great man with whose name hers is inseparably associated had ceased to exist.

He had, in spite of much mental and much bodily affliction, clung vehemently to life. The feeling described in that fine but gloomy paper which closes the series of his Idlers seemed to grow stronger in him as his last hour drew near. He fancied that he should be able to draw his breath more easily in a southern climate, and would probably have set out for Rome and Naples, but for his fear of the expense of the journey. That expense, indeed, he had the means of defraying; for he had laid up about two thousand pounds, the fruit of labours which had made the fortune of several publishers. But he was unwilling to break in upon this hoard; and he seems to have wished even to keep its existence a secret. Some of his friends hoped that the government might be induced to increase his pension to six hundred pounds a year: but this hope was disappointed; and he resolved to stand one English winter more. That winter was his last. His legs grew weaker; his breath grew shorter; the fatal water gathered fast, in spite of incisions which he, courageous against pain, but timid against death, urged his

surgeons to make deeper and deeper. Though the tender care which had mitigated his sufferings during months of sickness at Streatham was withdrawn, he was not left desolate. The ablest physicians and surgeons attended him, and refused to accept fees from him. Burke parted from him with deep emotion. Windham sate much in the sick-room, arranged the pillows, and sent his own servant to watch a night by the bed. Frances Burney, whom the old man had cherished with fatherly kindness, stood weeping at the door; while Langton, whose piety eminently qualified him to be an adviser and comforter at such a time, received the last pressure of his friend's hand within. When at length the moment, dreaded through so many years, came close, the dark cloud passed away from Johnson's mind. His temper became unusually patient and gentle; he ceased to think with terror of death, and of that which lies beyond death; and he spoke much of the mercy of God, and of the propitiation of Christ. In this serene frame of mind he died on the 13th of December, 1784. He was laid, a week later, in Westminster Abbey, among the eminent men of whom he had been the historian,—Cowley and Denham, Dryden and Congreve, Gay, Prior, and Addison.

Since his death the popularity of his works—the Lives of the Poets, and, perhaps, the Vanity of Human Wishes, excepted—has greatly diminished. His Dictionary has been altered by editors till it can scarcely be called his. An allusion to his Rambler or his Idler is not readily apprehended in literary circles. The fame even of Rasselas has grown somewhat dim. But, though the celebrity of the writings may have declined, the celebrity of the writer, strange to say, is as great as ever. Boswell's book has done for him more than the best of his own books could do. The memory of other authors is kept alive by their works. But the memory of Johnson keeps many of his works alive. The old philosopher is still among us in the brown coat with the metal buttons and the shirt which ought to be at wash, blinking, puffing, rolling his head, drumming with his fingers, tearing his meat like a tiger, and swallowing his tea in oceans. No human being who has been more than seventy years in the grave is so well known to us. And it is but just to say that our intimate acquaintance with what he would himself have called the anfractuosities of his intellect and of his temper serves only to strengthen our conviction that he was both a great and a good man.

WILLIAM PITT. (JANUARY 1859.)

WILLIAM PITT, the second son of William Pitt, Earl of Chatham, and of Lady Hester Grenville, daughter of Hester, Countess Temple, was born on the 28th of May, 1759. The child inherited a name which, at the time of his birth, was the most illustrious in the civilised world, and was pronounced by every Englishman with pride, and by every enemy of England with mingled admiration and terror. During the first year of his life, every month had its illuminations and bonfires, and every wind brought some messenger charged with joyful tidings and hostile standards. In Westphalia the English infantry won a great battle which arrested the armies of Louis the Fifteenth in the midst of a career of conquest; Boscawen defeated one French fleet on the coast of Portugal; Hawke put to flight another in the Bay of Biscay; Johnson took Niagara; Amherst took Ticonderoga; Wolfe died by the most enviable of deaths under the walls of Quebec; Clive destroyed a Dutch armament in the Hooghly, and established the English supremacy in Bengal; Coote routed Lally at Wandewash, and established the English supremacy in the Carnatic. The nation, while loudly applauding the successful warriors, considered them all, on sea and on land, in Europe, in America, and in Asia, merely as instruments which received their direction from one superior mind. It was the great William Pitt, the great commoner, who had vanquished French marshals in Germany, and French admirals on the Atlantic; who had conquered for his country one great empire on the frozen shores of Ontario, and another under the tropical sun near the mouths of the Ganges. It was not in the nature of things that popularity such as he at this time enjoyed should be permanent. That popularity had lost its gloss before his children were old enough to understand that their father was a great man. He was at length placed in situations in which neither his talents for administration nor his talents for debate appeared to the best advantage. The energy and decision which had eminently fitted him for the direction of war were not

quence which had made him supreme in the House of Commons often fell dead on the House of Lords. A cruel malady racked his joints, and left his joints only to fall on his nerves and on his brain. During the closing years of his life, he was odious to the court, and yet was not on cordial terms with the great body of the opposition. Chatham was only the ruin of Pitt, but an awful and majestic ruin, not to be contemplated by any man of sense and feeling without emotions resembling those which are excited by the remains of the Parthenon and of the Coliseum. In one respect the old statesman was eminently happy. Whatever might be the vicissitudes of his public life, he never failed to find peace and love by his own hearth. He loved all his children, and was loved by them; and, of all his children, the one of whom he was fondest and proudest was his second son.

The child's genius and ambition displayed themselves with a rare and almost unnatural precocity. At seven, the interest which he took in grave subjects, the ardour with which he pursued his studies, and the sense and vivacity of his remarks on books and on events, amazed his parents and instructors. One of his sayings of this date was reported to his mother by his tutor. In August, 1766, when the world was agitated by the news that Mr. Pitt had become Earl of Chatham, little William exclaimed: "I am glad that I am not the eldest son. I want to speak in the House of Commons like papa." A letter is extant in which Lady Chatham, a woman of considerable abilities, remarked to her lord, that their younger son at twelve had left far behind him his elder brother, who was fifteen. "The fineness," she wrote, "of William's mind makes him enjoy with the greatest pleasure what would be above the reach of any other creature of his small age." At fourteen the lad was in intellect a man. Hayley, who met him at Lyme in the summer of 1773, was astonished, delighted, and somewhat overawed, by hearing wit and wisdom from so young a mouth. The poet, indeed, was afterwards sorry that his shyness had prevented him from submitting the plan of an extensive literary work, which he was then meditating, to the judgment of this extraordinary boy. The boy, indeed, had already written a tragedy, bad of course, but not worse than the tragedies of his friend. This piece is still preserved at Chevening, and is in some respects highly curious. There is no love. The whole plot is political; and it is remarkable that the interest, such as it is, turns on a contest about a regency. On one side is a faithful servant of the Crown, on

the other an ambitious and unprincipled conspirator. At length the King, who had been missing, reappears, resumes his power, and rewards the faithful defender of his rights. A reader who should judge only by internal evidence would have no hesitation in pronouncing that the play was written by some Pittite poetaster at the time of the rejoicings for the recovery of George the Third in 1789.

The pleasure with which William's parents observed the rapid development of his intellectual powers was alloyed by apprehensions about his health. He shot up alarmingly fast; he was often ill, and always weak; and it was feared that it would be impossible to rear a stripling so tall, so slender, and so feeble.* Port wine was prescribed by his medical advisers: and it is said that he was, at fourteen, accustomed to take this agreeable physic in quantities which would, in our abstemious age, be thought much more than sufficient for any full-grown man. This regimen, though it would probably have killed ninety-nine boys out of a hundred, seems to have been well suited to the peculiarities of William's constitution; for at fifteen he ceased to be molested by disease, and, though never a strong man, continued, during many years of labour and anxiety, of nights passed in debate and of summers passed in London, to be a tolerably healthy one. It was probably on account of the delicacy of his frame that he was not educated like other boys of the same rank. Almost all the eminent English statesmen and orators to whom he was afterwards opposed or allied, North, Fox, Shelburne, Windham, Grey, Wellesley, Grenville, Sheridan, Canning, went through the training of great public schools. Lord Chatham had himself been a distinguished Etonian; and it is seldom that a distinguished Etonian forgets his obligations to Eton. But William's infirmities required a vigilance and tenderness such as could be found only at home. He was therefore bred under the paternal roof. His studies were superintended by a clergyman named Wilson; and those studies, though often interrupted by illness, were prosecuted with extraordinary success. Before the lad had completed his fifteenth year, his knowledge both of the ancient languages and of mathematics was such as very few men of eighteen then carried up to college. He was therefore sent, towards the close of the year 1773, to Pembroke Hall, in the university of Cambridge. So young a student required much more than the ordinary care which a college tutor bestows on undergraduates. The governor, to whom the direction of William's academical life was confided, was a bachelor

of arts named Pretyman, who had been senior wrangler in the preceding year, and who, though not a man of prepossessing appearance or brilliant parts, was eminently acute and laborious, a sound scholar, and an excellent geometrician. At Cambridge, Pretyman was, during more than two years, the inseparable companion, and indeed almost the only companion, of his pupil. A close and lasting friendship sprang up between the pair. The disciple was able, before he completed his twenty-eighth year, to make his preceptor Bishop of Lincoln and Dean of St. Paul's; and the preceptor showed his gratitude by writing a life of the disciple, which enjoys the distinction of being the worst biographical work of its size in the world.

Pitt, till he graduated, had scarcely one acquaintance, attended chapel regularly morning and evening, dined every day in hall, and never went to a single evening party. At seventeen, he was admitted, after the bad fashion of those times, by right of birth, without any examination, to the degree of Master of Arts. But he continued during some years to reside at college, and to apply himself vigorously, under Pretyman's direction, to the studies of the place, while mixing freely in the best academic society.

The stock of learning which Pitt laid in during this part of his life was certainly very extraordinary. In fact, it was all that he ever possessed; for he very early became too busy to have any spare time for books. The work in which he took the greatest delight was Newton's Principia. His liking for mathematics, indeed, amounted to a passion, which, in the opinion of his instructors, themselves distinguished mathematicians, required to be checked rather than encouraged. The acuteness and readiness with which he solved problems was pronounced by one of the ablest of the moderators, who in those days presided over the disputations in the schools, and conducted the examinations of the Senate House, to be unrivalled in the university. Nor was the youth's proficiency in classical learning less remarkable. In one respect, indeed, he appeared to disadvantage when compared with even second-rate and third-rate men from public schools. He had never, while under Wilson's care, been in the habit of composing in the ancient languages; and he therefore never acquired that knack of versification which is sometimes possessed by clever boys whose knowledge of the language and literature of Greece and Rome is very superficial. It would have been

lines as those in which Wellesley bade farewell to Eton, or such Virgilian hexameters as those in which Canning described the pilgrimage to Mecca. But it may be doubted whether any scholar has ever, at twenty, had a more solid and profound knowledge of the two great tongues of the old civilised world. The facility with which he penetrated the meaning of the most intricate sentences in the Attic writers astonished veteran critics. He had set his heart on being intimately acquainted with all the extant poetry of Greece, and was not satisfied till he had mastered Lycophron's Cassandra, the most obscure work in the whole range of ancient literature. This strange rhapsody, the difficulties of which have perplexed and repelled many excellent scholars, "he read," says his preceptor, "with an ease at first sight, which, if I had not witnessed it, I should have thought beyond the compass of human intellect."

To modern literature Pitt paid comparatively little attention. He knew no living language except French; and French he knew very imperfectly. With a few of the best English writers he was intimate, particularly with Shakspeare and Milton. The debate in Pandemonium was, as it well deserved to be, one of his favourite passages; and his early friends used to talk, long after his death, of the just emphasis and the melodious cadence with which they had heard him recite the incomparable speech of Belial. He had indeed been carefully trained from infancy in the art of managing his voice, a voice naturally clear and deep-toned. His father, whose oratory owed no small part of its effect to that art, had been a most skilful and judicious instructor. At a later period, the wits of Brookes's, irritated by observing, night after night, how powerfully Pitt's sonorous elocution fascinated the rows of country gentlemen, reproached him with having been "taught by his dad on a stool."

His education, indeed, was well adapted to form a great parliamentary speaker. One argument often urged against those classical studies which occupy so large a part of the early life of every gentleman bred in the south of our island is, that they prevent him from acquiring a command of his mother tongue, and that it is not unusual to meet with a youth of excellent parts, who writes Ciceronian Latin prose and Horatian Latin Alcaics, but who would find it impossible to express his thoughts in pure, perspicuous, and forcible English. There may perhaps be some truth in this observa-

tion. But the classical studies of Pitt were carried on in a peculiar manner, and had the effect of enriching his English vocabulary, and of making him wonderfully expert in the art of constructing correct English sentences. His practice was to look over a page or two of a Greek or Latin author, to make himself master of the meaning, and then to read the passage straightforward into his own language. This practice, begun under his first teacher Wilson, was continued under Pretyman. It is not strange that a young man of great abilities, who had been exercised daily in this way during ten years, should have acquired an almost unrivalled power of putting his thoughts, without premeditation, into words well selected and well arranged.

Of all the remains of antiquity, the orations were those on which he bestowed the most minute examination. His favourite employment was to compare harangues on opposite sides of the same question, to analyse them, and to observe which of the arguments of the first speaker were refuted by the second, which were evaded, and which were left untouched. Nor was it only in books that he at this time studied the art of parliamentary fencing. When he was at home, he had frequent opportunities of hearing important debates at Westminster; and he heard them, not only with interest and enjoyment, but with a close scientific attention resembling that with which a diligent pupil at Guy's Hospital watches every turn of the hand of a great surgeon through a difficult operation. On one of these occasions, Pitt, a youth whose abilities were as yet known only to his own family and to a small knot of college friends, was introduced on the steps of the throne in the House of Lords to Fox, who was his senior by eleven years, and who was already the greatest debater, and one of the greatest orators, that had appeared in England. Fox used afterwards to relate that, as the discussion proceeded, Pitt repeatedly turned to him, and said, "But surely, Mr. Fox, that might be met thus;" or, "Yes; but he lays himself open to this retort." What the particular criticisms were Fox had forgotten; but he said that he was much struck at the time by the precocity of a lad who, through the whole sitting, seemed to be thinking only how all the speeches on both sides could be answered.

One of the young man's visits to the House of Lords was a sad and memorable era in his life. He had not quite completed his nineteenth year, when, on the 7th of April, 1778, he attended his father to Westminster. A great debate was

expected. It was known that France had recognised the independence of the United States. The Duke of Richmond was about to declare his opinion that all thought of subjugating those states ought to be relinquished. Chatham had always maintained that the resistance of the colonies to the mother country was justifiable. But he conceived, very erroneously, that on the day on which their independence should be acknowledged the greatness of England would be at an end. Though sinking under the weight of years and infirmities, he determined, in spite of the entreaties of his family, to be in his place. His son supported him to a seat. The excitement and exertion were too much for the old man. In the very act of addressing the peers, he fell back in convulsions. A few weeks later his corpse was borne, with gloomy pomp, from the Painted Chamber to the Abbey. The favourite child and namesake of the deceased statesman followed the coffin as chief mourner, and saw it deposited in the transept where his own was destined to lie.

His elder brother, now Earl of Chatham, had means sufficient, and barely sufficient, to support the dignity of the peerage. The other members of the family were poorly provided for. William had little more than three hundred a year. It was necessary for him to follow a profession. He had already begun to eat his terms. In the spring of 1780 he came of age. He then quitted Cambridge, was called to the bar, took chambers in Lincoln's Inn, and joined the western circuit. In the autumn of that year a general election took place; and he offered himself as a candidate for the university; but he was at the bottom of the poll. It is said that the grave doctors, who then sate, robed in scarlet, on the benches of Golgotha, thought it great presumption in so young a man to solicit so high a distinction. He was, however, at the request of a hereditary friend, the Duke of Rutland, brought into Parliament by Sir James Lowther for the borough of Appleby.

The dangers of the country were at that time such as might well have disturbed even a constant mind. Army after army had been sent in vain against the rebellious colonists of North America. On pitched fields of battle the advantage had been with the disciplined troops of the mother country. But it was not on pitched fields of battle that the event of such a contest could be decided. An armed nation, with hunger and the Atlantic for auxiliaries, was not to be subjugated. Meanwhile the House of Bourbon, humbled to the dust a few

years before by the genius and vigour of Chatham, had seized the opportunity of revenge. France and Spain were united against us, and had recently been joined by Holland. The command of the Mediterranean had been for a time lost. The British flag had been scarcely able to maintain itself in the British Channel. The northern powers professed neutrality; but their neutrality had a menacing aspect. In the East, Hyder had descended on the Carnatic, had destroyed the little army of Baillie, and had spread terror even to the ramparts of Fort Saint George. The discontents of Ireland threatened nothing less than civil war. In England the authority of the government had sunk to the lowest point. The King and the House of Commons were alike unpopular. The cry for parliamentary reform was scarcely less loud and vehement than in the autumn of 1830. Formidable associations, headed, not by ordinary demagogues, but by men of high rank, stainless character, and distinguished ability, demanded a revision of the representative system. The populace, emboldened by the impotence and irresolution of the government, had recently broken loose from all restraint, besieged the chambers of the legislature, hustled peers, hunted bishops, attacked the residences of ambassadors, opened prisons, burned and pulled down houses. London had presented during some days the aspect of a city taken by storm; and it had been necessary to form a camp among the trees of Saint James's Park.

In spite of dangers and difficulties abroad and at home, George the Third, with a firmness which had little affinity with virtue or with wisdom, persisted in his determination to put down the American rebels by force of arms; and his ministers submitted their judgment to his. Some of them were probably actuated merely by selfish cupidity; but their chief, Lord North, a man of high honour, amiable temper, winning manners, lively wit, and excellent talents both for business and for debate, must be acquitted of all sordid motives. He remained at a post from which he had long wished and had repeatedly tried to escape, only because he had not sufficient fortitude to resist the entreaties and reproaches of the King, who silenced all arguments by passionately asking whether any gentleman, any man of spirit, could have the heart to desert a kind master in the hour of extremity.

The opposition consisted of two parties which had once been hostile to each other, which had lately been united

and, as it soon appeared, very imperfectly reconciled, but which at this conjuncture seemed to act together with cordiality. The larger of these parties consisted of the great body of the Whig aristocracy. Its head was Charles, Marquess of Rockingham, a man of sense and virtue, and in wealth and parliamentary interest equalled by very few of the English nobles, but afflicted with a nervous timidity which prevented him from taking a prominent part in debate. In the House of Commons, the adherents of Rockingham were led by Fox, whose dissipated habits and ruined fortunes were the talk of the whole town, but whose commanding genius, and whose sweet, generous, and affectionate disposition, extorted the admiration and love of those who most lamented the errors of his private life. Burke, superior to Fox in largeness of comprehension, in extent of knowledge, and in splendour of imagination, but less skilled in that kind of logic and in that kind of rhetoric which convince and persuade great assemblies, was willing to be the lieutenant of a young chief who might have been his son.

A smaller section of the opposition was composed of the old followers of Chatham. At their head was William, Earl of Shelburne, distinguished both as a statesman and as a lover of science and letters. With him were leagued Lord Camden, who had formerly held the Great Seal, and whose integrity, ability, and constitutional knowledge commanded the public respect; Barré, an eloquent and acrimonious declaimer; and Dunning, who had long held the first place at the English bar. It was to this party that Pitt was naturally attracted.

On the 26th of February 1781 he made his first speech, in favour of Burke's plan of economical reform. Fox stood up at the same moment, but instantly gave way. The lofty yet animated deportment of the young member, his perfect self-possession, the readiness with which he replied to the orators who had preceded him, the silver tones of his voice, the perfect structure of his unpremeditated sentences, astonished and delighted his hearers. Burke, moved even to tears, exclaimed, "It is not a chip of the old block; it is the old block itself." "Pitt will be one of the first men in Parliament," said a member of the opposition to Fox. "He is so already," answered Fox, in whose nature envy had no place. It is a curious fact, well remembered by some who were very recently living, that soon after this debate Pitt's

On two subsequent occasions during that session Pitt addressed the House, and on both fully sustained the reputation which he had acquired on his first appearance. In the summer, after the prorogation, he again went the western circuit. held several briefs, and acquitted himself in such a manner that he was highly complimented by Buller from the bench, and by Dunning at the bar.

On the 27th of November the Parliament reassembled. Only forty-eight hours before had arrived tidings of the surrender of Cornwallis and his army; and it had consequently been necessary to rewrite the royal speech. Every man in the kingdom, except the King, was now convinced that it was mere madness to think of conquering the United States. In the debate on the report of the address, Pitt spoke with even more energy and brilliancy than on any former occasion. He was warmly applauded by his allies; but it was remarked that no person on his own side of the house was so loud in eulogy as Henry Dundas, the Lord Advocate of Scotland, who spoke from the ministerial ranks. That able and versatile politician distinctly foresaw the approaching downfall of the government with which he was connected, and was preparing to make his own escape from the ruin. From that night dates his connexion with Pitt, a connexion which soon became a close intimacy, and which lasted till it was dissolved by death.

About a fortnight later, Pitt spoke in the committee of supply on the army estimates. Symptoms of dissension had begun to appear on the Treasury bench. Lord George Germaine, the Secretary of State who was especially charged with the direction of the war in America, had held language not easily to be reconciled with declarations made by the First Lord of the Treasury. Pitt noticed the discrepancy with much force and keenness. Lord George and Lord North began to whisper together; and Welbore Ellis, an ancient placeman who had been drawing salary almost every quarter since the days of Henry Pelham, bent down between them to put in a word. Such interruptions sometimes discompose veteran speakers. Pitt stopped, and, looking at the group, said, with admirable readiness, "I shall wait till Nestor has composed the dispute between Agamemnon and Achilles."

After several defeats, or victories hardly to be distinguished from defeats, the ministry resigned. The King, reluctantly and ungraciously, consented to accept Rockingham as first minister. Fox and Shelburne became Secretaries of State.

Lord John Cavendish, one of the most upright and honourable of men, was made Chancellor of the Exchequer. Thurlow, whose abilities and force of character had made him the dictator of the House of Lords, continued to hold the great seal.

To Pitt was offered, through Shelburne, the Vice-Treasurership of Ireland, one of the easiest and most highly paid places in the gift of the Crown; but the offer was, without hesitation, declined. The young statesman had resolved to accept no post which did not entitle him to a seat in the cabinet: and, a few days later, he announced that resolution in the House of Commons. It must be remembered that the cabinet was then a much smaller and more select body than at present. We have seen cabinets of sixteen. In the time of our grandfathers a cabinet of ten or eleven was thought inconveniently large. Seven was an usual number. Even Burke, who had taken the lucrative office of paymaster, was not in the cabinet. Many therefore thought Pitt's declaration indecent. He himself was sorry that he had made it. The words, he said in private, had escaped him in the heat of speaking; and he had no sooner uttered them than he would have given the world to recall them. They, however, did him no harm with the public. The second William Pitt, it was said, had shown that he had inherited the spirit, as well as the genius, of the first. In the son, as in the father, there might perhaps be too much pride; but there was nothing low or sordid. It might be called arrogance in a young barrister, living in chambers on three hundred a year, to refuse a salary of five thousand a year, merely because he did not choose to bind himself to speak or vote for plans which he had no share in framing; but surely such arrogance was not very far removed from virtue.

Pitt gave a general support to the administration of Rockingham, but omitted, in the meantime, no opportunity of courting that Ultra-Whig party which the persecution of Wilkes and the Middlesex election had called into existence, and which the disastrous events of the war, and the triumph of republican principles in America, had made formidable both in numbers and in temper. He supported a motion for shortening the duration of Parliaments. He made a motion for a committee to examine into the state of the representation, and, in the speech by which that motion was introduced, avowed himself the enemy of the close boroughs, the strongholds of that corruption to which he attributed all the

calamities of the nation, and which, as he phrased it in one of those exact and sonorous sentences of which he had a boundless command, had grown with the growth of England and strengthened with her strength, but had not diminished with her diminution or decayed with her decay. On this occasion he was supported by Fox. The motion was lost by only twenty votes in a house of more than three hundred members. The reformers never again had so good a division till the year 1831.

The new administration was strong in abilities, and was more popular than any administration which had held office since the first year of George the Third, but was hated by the King, hesitatingly supported by the Parliament, and torn by internal dissensions. The Chancellor was disliked and distrusted by almost all his colleagues. The two Secretaries of State regarded each other with no friendly feeling. The line between their departments had not been traced with precision; and there were consequently jealousies, encroachments, and complaints. It was all that Rockingham could do to keep the peace in his cabinet; and, before the cabinet had existed three months, Rockingham died.

In an instant all was confusion. The adherents of the deceased statesman looked on the Duke of Portland as their chief. The King placed Shelburne at the head of the Treasury. Fox, Lord John Cavendish, and Burke, immediately resigned their offices; and the new prime minister was left to constitute a government out of very defective materials. His own parliamentary talents were great; but he could not be in the place where parliamentary talents were most needed. It was necessary to find some member of the House of Commons who could confront the great orators of the opposition; and Pitt alone had the eloquence and the courage which were required. He was offered the great place of Chancellor of the Exchequer; and he accepted it. He had scarcely completed his twenty-third year.

The Parliament was speedily prorogued. During the recess, a negotiation for peace which had been commenced under Rockingham was brought to a successful termination. England acknowledged the independence of her revolted colonies; and she ceded to her European enemies some places in the Mediterranean and in the Gulf of Mexico. But the terms which she obtained were quite as advantageous and honourable as the events of the war entitled her to expect.

against immense odds. All her vital parts, all the real sources of her power, remained uninjured. She preserved even her dignity; for she ceded to the House of Bourbon only part of what she had won from that House in previous wars. She retained her Indian empire undiminished; and, in spite of the mightiest efforts of two great monarchies, her flag still waved on the rock of Gibraltar. There is not the slightest reason to believe that Fox, if he had remained in office, would have hesitated one moment about concluding a treaty on such conditions. Unhappily that great and most amiable man was, at this crisis, hurried by his passions into an error which made his genius and his virtues, during a long course of years, almost useless to his country.

He saw that the great body of the House of Commons was divided into three parties, his own, that of North, and that of Shelburne; that none of those three parties was large enough to stand alone; that, therefore, unless two of them united, there must be a miserably feeble administration, or, more probably, a rapid succession of miserably feeble administrations, and this at a time when a strong government was essential to the prosperity and respectability of the nation. It was then necessary and right that there should be a coalition. To every possible coalition there were objections. But, of all possible coalitions, that to which there were the fewest objections was undoubtedly a coalition between Shelburne and Fox. It would have been generally applauded by the followers of both. It might have been made without any sacrifice of public principle on the part of either. Unhappily, recent bickerings had left in the mind of Fox a profound dislike and distrust of Shelburne. Pitt attempted to mediate, and was authorised to invite Fox to return to the service of the Crown. "Is Lord Shelburne," said Fox, "to remain prime minister?" Pitt answered in the affirmative. "It is impossible that I can act under him," said Fox. "Then negotiation is at an end," said Pitt; "for I cannot betray him." Thus the two statesmen parted. They were never again in a private room together.

As Fox and his friends would not treat with Shelburne, nothing remained to them but to treat with North. That fatal coalition which is emphatically called "The Coalition" was formed. Not three quarters of a year had elapsed since Fox and Burke had threatened North with impeachment, and had described him, night after night, as the most arbitrary, the most corrupt, the most incapable of ministers. They

now allied themselves with him for the purpose of driving from office a statesman with whom they cannot be said to have differed as to any important question. Nor had they even the prudence and the patience to wait for some occasion on which they might, without inconsistency, have combined with their old enemies in opposition to the government. That nothing might be wanting to the scandal, the great orators, who had, during seven years, thundered against the war, determined to join with the authors of that war in passing a vote of censure on the peace.

The Parliament met before Christmas 1782. But it was not till January 1783 that the preliminary treaties were signed. On the 17th of February they were taken into consideration by the House of Commons. There had been, during some days, floating rumours that Fox and North had coalesced; and the debate indicated but too clearly that those rumours were not unfounded. Pitt was suffering from indisposition: he did not rise till his own strength and that of his hearers were exhausted: and he was consequently less successful than on any former occasion. His admirers owned that his speech was feeble and petulant. He so far forgot himself as to advise Sheridan to confine himself to amusing theatrical audiences. This ignoble sarcasm gave Sheridan an opportunity of retorting with great felicity. "After what I have seen and heard to-night," he said, "I really feel strongly tempted to venture on a competition with so great an artist as Ben Jonson, and to bring on the stage a second Angry Boy." On a division, the address proposed by the supporters of the government was rejected by a majority of sixteen.

But Pitt was not a man to be disheartened by a single failure, or to be put down by the most lively repartee. When, a few days later, the opposition proposed a resolution directly censuring the treaties, he spoke with an eloquence, energy, and dignity, which raised his fame and popularity higher than ever. To the coalition of Fox and North he alluded in language which drew forth tumultuous applause from his followers. "If," he said, "this ill-omened and unnatural marriage be not yet consummated, I know of a just and lawful impediment; and, in the name of the public weal, I forbid the banns."

The ministers were again left in a minority; and Shelburne consequently tendered his resignation. It was accepted; but the King struggled long and hard before he

submitted to the terms dictated by Fox, whose faults he detested, and whose high spirit and powerful intellect he detested still more. The first place at the board of Treasury was repeatedly offered to Pitt; but the offer, though tempting, was steadfastly declined. The young man, whose judgment was as precocious as his eloquence, saw that his time was coming, but was not come, and was deaf to royal importunities and reproaches. His Majesty, bitterly complaining of Pitt's faintheartedness, tried to break the coalition. Every art of seduction was practised on North, but in vain. During several weeks the country remained without a government. It was not till all devices had failed, and till the aspect of the House of Commons became threatening, that the King gave way. The Duke of Portland was declared First Lord of the Treasury. Thurlow was dismissed. Fox and North became Secretaries of State, with power ostensibly equal. But Fox was the real prime minister.

The year was far advanced before the new arrangements were completed; and nothing very important was done during the remainder of the session. Pitt, now seated on the opposition bench, brought the question of parliamentary reform a second time under the consideration of the Commons. He proposed to add to the House at once a hundred county members and several members for metropolitan districts, and to enact that every borough of which an election committee should report that the majority of voters appeared to be corrupt should lose the franchise. The motion was rejected by 293 votes to 149.

After the prorogation, Pitt visited the Continent for the first and last time. His travelling companion was one of his most intimate friends, a young man of his own age, who had already distinguished himself in Parliament by an engaging natural eloquence, set off by the sweetest and most exquisitely modulated of human voices, and whose affectionate heart, caressing manners, and brilliant wit, made him the most delightful of companions, William Wilberforce. That was the time of Anglomania in France; and at Paris the son of the great Chatham was absolutely hunted by men of letters and women of fashion, and forced, much against his will, into political disputation. One remarkable saying which dropped from him during this tour has been preserved. A French gentleman expressed some surprise at the immense influence which Fox, a man of pleasure, ruined by the dice-box and the turf, exercised over the English nation. "You

have not," said Pitt, "been under the wand of the magician."

In November 1783 the Parliament met again. The government had irresistible strength in the House of Commons, and seemed to be scarcely less strong in the House of Lords, but was, in truth, surrounded on every side by dangers. The King was impatiently waiting for the moment at which he could emancipate himself from a yoke which galled him so severely that he had more than once seriously thought of retiring to Hanover; and the King was scarcely more eager for a change than the nation. Fox and North had committed a fatal error. They ought to have known that coalitions between parties which have long been hostile can succeed only when the wish for coalition pervades the lower ranks of both. If the leaders unite before there is any disposition to union among the followers, the probability is that there will be a mutiny in both camps, and that the two revolted armies will make a truce with each other, in order to be revenged on those by whom they think that they have been betrayed. Thus it was in 1783. At the beginning of that eventful year, North had been the recognised head of the old Tory party, which, though for a moment prostrated by the disastrous issue of the American war, was still a great power in the state. To him the clergy, the universities, and that large body of country gentlemen whose rallying cry was "Church and King," had long looked up with respect and confidence. Fox had, on the other hand, been the idol of the Whigs, and of the whole body of Protestant dissenters. The coalition at once alienated the most zealous Tories from North, and the most zealous Whigs from Fox. The University of Oxford, which had marked its approbation of North's orthodoxy by electing him chancellor, the city of London, which had been during two and twenty years at war with the Court, were equally disgusted. Squires and rectors, who had inherited the principles of the cavaliers of the preceding century, could not forgive their old leader for combining with disloyal subjects in order to put a force on the sovereign. The members of the Bill of Rights Society and of the Reform Associations were enraged by learning that their favourite orator now called the great champion of tyranny and corruption his noble friend. Two great multitudes were at once left without any head, and both at once turned their eyes on Pitt. One party saw in him the only man who could rescue the King; the other saw in him the only man who

could purify the Parliament. He was supported on one side by Archbishop Markham, the preacher of divine right, and by Jenkinson, the captain of the Prætorian band of the King's friends; on the other side by Jebb and Priestley, Sawbridge and Cartwright, Jack Wilkes and Horne Tooke. On the benches of the House of Commons, however, the ranks of the ministerial majority were unbroken; and that any statesman would venture to brave such a majority was thought impossible. No prince of the Hanoverian line had ever, under any provocation, ventured to appeal from the representative body to the constituent body. The ministers, therefore, notwithstanding the sullen looks and muttered words of displeasure with which their suggestions were received in the closet, notwithstanding the roar of obloquy which was rising louder and louder every day from every corner of the island, thought themselves secure.

Such was their confidence in their strength that, as soon as the Parliament had met, they brought forward a singularly bold and original plan for the government of the British territories in India. What was proposed was that the whole authority, which till that time had been exercised over those territories by the East India Company, should be transferred to seven Commissioners who were to be named by Parliament, and were not to be removable at the pleasure of the Crown. Earl Fitzwilliam, the most intimate personal friend of Fox, was to be chairman of this board; and the eldest son of North was to be one of the members.

As soon as the outlines of the scheme were known, all the hatred which the coalition had excited burst forth with an astounding explosion. The question which ought undoubtedly to have been considered as paramount to every other was, whether the proposed change was likely to be beneficial or injurious to the thirty millions of people who were subject to the Company. But that question cannot be said to have been even seriously discussed. Burke, who, whether right or wrong in the conclusions to which he came, had at least the merit of looking at the subject in the right point of view, vainly reminded his hearers of that mighty population whose daily rice might depend on a vote of the British Parliament. He spoke, with even more than his wonted power of thought and language, about the desolation of Rohilcund, about the spoliation of Benares, about the evil policy which had suffered the tanks of the Carnatic to go to ruin; but he could scarcely

must be said, would listen to none but English topics. Out of doors the cry against the ministry was almost universal. Town and country were united. Corporations exclaimed against the violation of the charter of the greatest corporation in the realm. Tories and democrats joined in pronouncing the proposed board an unconstitutional body. It was to consist of Fox's nominees. The effect of his bill was to give, not to the Crown, but to him personally, whether in office or in opposition, an enormous power, a patronage sufficient to counterbalance the patronage of the Treasury and of the Admiralty, and to decide the elections for fifty boroughs. He knew, it was said, that he was hateful alike to King and people; and he had devised a plan which would make him independent of both. Some nicknamed him Cromwell, and some Carlo Khan. Wilberforce, with his usual felicity of expression, and with very unusual bitterness of feeling, described the scheme as the genuine offspring of the coalition, as marked with the features of both its parents, the corruption of one and the violence of the other. In spite of all opposition, however, the bill was supported in every stage by great majorities, was rapidly passed, and was sent up to the Lords. To the general astonishment, when the second reading was moved in the Upper House, the opposition proposed an adjournment, and carried it by eighty-seven votes to seventy-nine. The cause of this strange turn of fortune was soon known. Pitt's cousin, Earl Temple, had been in the royal closet, and had there been authorised to let it be known that His Majesty would consider all who voted for the bill as his enemies. The ignominious commission was performed; *and instantly* a troop of Lords of the Bedchamber, of Bishops who wished to be translated, and of Scotch peers who wished to be re-elected, made haste to change sides. On a later day the Lords rejected the bill. Fox and North were immediately directed to send their seals to the palace by their Under Secretaries; and Pitt was appointed First Lord of the Treasury and Chancellor of the Exchequer.

The general opinion was, that there would be an immediate dissolution. But Pitt wisely determined to give the public *feeling* time to gather strength. On this point he differed from his kinsman Temple. The consequence was, that Temple, who had been appointed one of the Secretaries of State, resigned his office forty-eight hours after he had accepted it, and thus relieved the new government from a great load of unpopularity; for all men of sense and honesty

however strong might be their dislike of the India Bill, disapproved of the manner in which that bill had been thrown out. Temple carried away with him the scandal which the best friends of the new government could not but lament. The fame of the young prime minister preserved its whiteness. He could declare with perfect truth that, if unconstitutional machinations had been employed, he had been no party to them.

He was, however, surrounded by difficulties and dangers. In the House of Lords, indeed, he had a majority, nor could any orator of the opposition in that assembly be considered as a match for Thurlow, who was now again Chancellor, or for Camden, who cordially supported the son of his old friend Chatham. But in the other House there was not a single eminent speaker among the official men who sate round Pitt. His most useful assistant was Dundas, who, though he had not eloquence, had sense, knowledge, readiness, and boldness. On the opposite benches was a powerful majority, led by Fox, who was supported by Burke, North, and Sheridan. The heart of the young minister, stout as it was, almost died within him. He could not once close his eyes on the night which followed Temple's resignation, But, whatever his internal emotions might be, his language and deportment indicated nothing but unconquerable firmness and haughty confidence in his own powers. His contest against the House of Commons lasted from the 17th of December, 1783, to the 8th of March, 1784. In sixteen divisions the opposition triumphed. Again and again the King was requested to dismiss his ministers. But he was determined to go to Germany rather than yield. Pitt's resolution never wavered. The cry of the nation in his favour became vehement and almost furious. Addresses assuring him of public support came up daily from every part of the kingdom. The freedom of the city of London was presented to him in a gold box. He went in state to receive this mark of distinction. He was sumptuously feasted in Grocers' Hall; and the shopkeepers of the Strand and Fleet Street illuminated their houses in his honour. These things could not but produce an effect within the walls of Parliament. The ranks of the majority began to waver; a few passed over to the enemy; some skulked away; many were for capitulating while it was still possible to capitulate with the honours of war. Negotiations were opened with the view of forming an administration on a wide basis; but they had scarcely been opened when they were closed. The oppo-

sition demanded, as a preliminary article of the treaty, that Pitt should resign the Treasury; and with this demand Pitt steadfastly refused to comply. While the contest was raging, the Clerkship of the Pells, a sinecure place for life, worth three thousand a year, and tenable with a seat in the House of Commons, became vacant. The appointment was with the Chancellor of the Exchequer: nobody doubted that he would appoint himself; and nobody could have blamed him if he had done so: for such sinecure offices had always been defended on the ground that they enabled a few men of eminent abilities and small incomes to live without any profession, and to devote themselves to the service of the state. Pitt, in spite of the remonstrances of his friends, gave the Pells to his father's old adherent, Colonel Barré, a man distinguished by talent and eloquence, but poor and afflicted with blindness. By this arrangement a pension which the Rockingham administration had granted to Barré was saved to the public. Never was there a happier stroke of policy. About treaties, wars, expeditions, tariffs, budgets, there will always be room for dispute. The policy which is applauded by half the nation may be condemned by the other half. But pecuniary disinterestedness everybody comprehends. It is a great thing for a man who has only three hundred a year to be able to show that he considers three thousand a year as mere dirt beneath his feet, when compared with the public interest and the public esteem. Pitt had his reward. No minister was ever more rancorously libelled; but, even when he was known to be overwhelmed with debt, when millions were passing through his hands, when the wealthiest magnates of the realm were soliciting him for marquisates and garters, his bitterest enemies did not dare to accuse him of touching unlawful gain.

At length the hard fought fight ended. A final remonstrance, drawn up by Burke with admirable skill, was carried on the 8th of March by a single vote in a full House. Had the experiment been repeated, the supporters of the coalition would probably have been in a minority. But the supplies had been voted; the Mutiny Bill had been passed; and the Parliament was dissolved.

The popular constituent bodies all over the country were in general enthusiastic on the side of the new government. A hundred and sixty of the supporters of the coalition lost their seats. The First Lord of the Treasury himself came in at the head of the poll for the University of Cambridge. His

young friend, Wilberforce, was elected knight of the great shire of York in opposition to the whole influence of the Fitzwilliams, Cavendishes, Dundases, and Saviles. In the midst of such triumphs Pitt completed his twenty-fifth year. He was now the greatest subject that England had seen during many generations. He domineered absolutely over the cabinet, and was the favourite at once of the Sovereign, of the Parliament, and of the nation. His father had never been so powerful, nor Walpole, nor Marlborough.

This narrative has now reached a point, beyond which a full history of the life of Pitt would be a history of England, or rather of the whole civilised world; and for such a history this is not the proper place. Here a very slight sketch must suffice; and in that sketch prominence will be given to such points as may enable a reader who is already acquainted with the general course of events to form a just notion of the character of the man on whom so much depended.

If we wish to arrive at a correct judgment of Pitt's merits and defects, we must never forget that he belonged to a peculiar class of statesmen, and that he must be tried by a peculiar standard. It is not easy to compare him fairly with such men as Ximenes and Sully, Richelieu and Oxenstiern, John de Witt and Warren Hastings. The means by which those politicians governed great communities were of quite a different kind from those which Pitt was under the necessity of employing. Some talents, which they never had any opportunity of showing that they possessed, were developed in him to an extraordinary degree. In some qualities, on the other hand, to which they owe a large part of their fame, he was decidedly their inferior. They transacted business in their closets, or at boards where a few confidential councillors sate. It was his lot to be born in an age and in a country in which parliamentary government was completely established; his whole training from infancy was such as fitted him to bear a part in parliamentary government; and, from the prime of his manhood to his death, all the powers of his vigorous mind were almost constantly exerted in the work of parliamentary government. He accordingly became the greatest master of the whole art of parliamentary government that has ever existed, a greater than Montague or Walpole, a greater than his father Chatham or his rival Fox, a greater than either of his illustrious successors Canning and Peel.

Parliamentary government, like every other contrivance of man, has its advantages and its disadvantages. On the ad-

vantages there is no need to dilate. The history of England during the hundred and seventy years which have elapsed since the House of Commons became the most powerful body in the state, her immense and still growing prosperity, her freedom, her tranquillity, her greatness in arts, in sciences, and in arms, her maritime ascendency, the marvels of her public credit, her American, her African, her Australian, her Asiatic empires, sufficiently prove the excellence of her institutions. But those institutions, though excellent, are assuredly not perfect. Parliamentary government is government by speaking. In such a government, the power of speaking is the most highly prized of all the qualities which a politician can possess; and that power may exist, in the highest degree, without judgment, without fortitude, without skill in reading the characters of men or the signs of the times, without any knowledge of the principles of legislation or of political economy, and without any skill in diplomacy or in the administration of war. Nay, it may well happen that those very intellectual qualities which give a peculiar charm to the speeches of a public man may be incompatible with the qualities which would fit him to meet a pressing emergency with promptitude and firmness. It was thus with Charles Townshend. It was thus with Windham. It was a privilege to listen to those accomplished and ingenious orators. But in a perilous crisis they would have been found far inferior in all the qualities of rulers to such a man as Oliver Cromwell, who talked nonsense, or as William the Silent, who did not talk at all. When parliamentary government is established, a Charles Townshend or a Windham will almost always exercise much greater influence than such men as the great Protector of England, or as the founder of the Batavian commonwealth. In such a government, parliamentary talent, though quite distinct from the talents of a good executive or judicial officer, will be a chief qualification for executive and judicial office. From the Book of Dignities a curious list might be made out of Chancellors ignorant of the principles of equity, and First Lords of the Admiralty ignorant of the principles of navigation, of Colonial ministers who could not repeat the names of the Colonies, of Lords of the Treasury who did not know the difference between funded and unfunded debt, and of Secretaries of the India Board who did not know whether the Mahrattas were Mahometans or Hindoos. On these grounds, some persons, incapable of see-

mentary government a positive evil, and have maintained that the administration would be greatly improved if the power, now exercised by a large assembly, were transferred to a single person. Men of sense will probably think the remedy very much worse than the disease, and will be of opinion that there would be small gain in exchanging Charles Townshend and Windham for the Prince of the Peace, or the poor slave and dog Steenie.

Pitt was emphatically the man of parliamentary government, the type of his class, the minion, the child, the spoiled child, of the House of Commons. For the House of Commons he had a hereditary, an infantine love. Through his whole boyhood, the House of Commons was never out of his thoughts, or out of the thoughts of his instructors. Reciting at his father's knee, reading Thucydides and Cicero into English, analysing the great Attic speeches on the Embassy and on the Crown, he was constantly in training for the conflicts of the House of Commons. He was a distinguished member of the House of Commons at twenty-one. The ability which he had displayed in the House of Commons made him the most powerful subject in Europe before he was twenty-five. It would have been happy for himself and for his country if his elevation had been deferred. Eight or ten years, during which he would have had leisure and opportunity for reading and reflection, for foreign travel, for social intercourse and free exchange of thought on equal terms with a great variety of companions, would have supplied what, without any fault on his part, was wanting to his powerful intellect. He had all the knowledge that he could be expected to have; that is to say, all the knowledge that a man can acquire while he is a student at Cambridge, and all the knowledge that a man can acquire when he is First Lord of the Treasury and Chancellor of the Exchequer. But the stock of general information which he brought from college, extraordinary for a boy, was far inferior to what Fox possessed, and beggarly when compared with the massy, the splendid, the various treasures laid up in the large mind of Burke. After Pitt became minister, he had no leisure to learn more than was necessary for the purposes of the day which was passing over him. What was necessary for those purposes such a man could learn with little difficulty. He was surrounded by experienced and able public servants. He could at any moment command their best assistance. From the stores which they produced, his vigorous mind rapidly

collected the materials for a good parliamentary case: and that was enough. Legislation and administration were with him secondary matters. To the work of framing statutes, of negotiating treaties, of organising fleets and armies, of sending forth expeditions, he gave only the leavings of his time and the dregs of his fine intellect. The strength and sap of his mind were all drawn in a different direction. It was when the House of Commons was to be convinced and persuaded that he put forth all his powers.

Of those powers we must form our estimate chiefly from tradition; for of all the eminent speakers of the last age Pitt has suffered most from the reporters. Even while he was still living, critics remarked that his eloquence could not be preserved, that he must be heard to be appreciated. They more than once applied to him the sentence in which Tacitus describes the fate of a senator whose rhetoric was admired in the Augustan age: "Haterii canorum illud et profluens cum ipso simul exstinctum est." There is, however, abundant evidence that nature had bestowed on Pitt the talents of a great orator; and those talents had been developed in a very peculiar manner, first by his education, and secondly by the high official position to which he rose early, and in which he passed the greater part of his public life.

At his first appearance in Parliament he showed himself superior to all his contemporaries in command of language. He could pour forth a long succession of round and stately periods, without premeditation, without ever pausing for a word, without ever repeating a word, in a voice of silver clearness, and with a pronunciation so articulate that not a letter was slurred over. He had less amplitude of mind and less richness of imagination than Burke, less ingenuity than Windham, less wit than Sheridan, less perfect mastery of dialectical fence, and less of that highest sort of eloquence which consists of reason and passion fused together, than Fox. Yet the almost unanimous judgment of those who were in the habit of listening to that remarkable race of men placed Pitt, as a speaker, above Burke, above Windham, above Sheridan, and not below Fox. His declamation was copious, polished, and splendid. In power of sarcasm he was probably not surpassed by any speaker, ancient or modern; and of this formidable weapon he made merciless use. In two parts of the oratorical art which are of the highest value to a minister of state he was singularly expert. No man knew better how

understood, he never failed to make himself understood. He could with ease present to his audience, not perhaps an exact or profound, but a clear, popular, and plausible view of the most extensive and complicated subject. Nothing was out of place; nothing was forgotten; minute details, dates, sums of money, were all faithfully preserved in his memory. Even intricate questions of finance, when explained by him, seemed clear to the plainest man among his hearers. On the other hand, when he did not wish to be explicit,—and no man who is at the head of affairs always wishes to be explicit,—he had a marvellous power of saying nothing in language which left on his audience the impression that he had said a great deal. He was at once the only man who could open a budget without notes, and the only man who, as Windham said, could speak that most elaborately evasive and unmeaning of human compositions, a King's speech, without premeditation.

The effect of oratory will always to a great extent depend on the character of the orator. There perhaps never were two speakers whose eloquence had more of what may be called the race, more of the flavour imparted by moral qualities, than Fox and Pitt. The speeches of Fox owe a great part of their charm to that warmth and softness of heart, that sympathy with human suffering, that admiration for everything great and beautiful, and that hatred of cruelty and injustice, which interest and delight us even in the most defective reports. No person, on the other hand, could hear Pitt without perceiving him to be a man of high, intrepid, and commanding spirit, proudly conscious of his own rectitude and of his own intellectual superiority, incapable of the low vices of fear and envy, but too prone to feel and to show disdain. Pride, indeed, pervaded the whole man, was written in the harsh, rigid lines of his face, was marked by the way in which he walked, in which he sate, in which he stood, and, above all, in which he bowed. Such pride, of course, inflicted many wounds. It may confidently be affirmed that there cannot be found, in all the ten thousand invectives written against Fox, a word indicating that his demeanour had ever made a single personal enemy. On the other hand, several men of note who had been partial to Pitt, and who to the last continued to approve his public conduct and to support his administration, Cumberland, for example, Boswell, and Matthias, were so much irritated by the contempt with which he treated them, that they complained in print of their wrongs. But his pride, though it made him bitterly disliked by individuals, inspired

the great body of his followers in Parliament and throughout the country with respect and confidence. They took him at his own valuation. They saw that his self-esteem was not that of an upstart, who was drunk with good luck and with applause, and who, if fortune turned, would sink from arrogance into abject humility. It was that of the magnanimous man so finely described by Aristotle in the Ethics, of the man who thinks himself worthy of great things, being in truth worthy. It sprang from a consciousness of great powers and great virtues, and was never so conspicuously displayed as in the midst of difficulties and dangers which would have unnerved and bowed down any ordinary mind. It was closely connected, too, with an ambition which had no mixture of low cupidity. There was something noble in the cynical disdain with which the mighty minister scattered riches and titles to right and left among those who valued them, while he spurned them out of his own way. Poor himself, he was surrounded by friends on whom he had bestowed three thousand, six thousand, ten thousand a year. Plain Mister himself, he had made more lords than any three ministers that had preceded him. The garter, for which the first dukes in the kingdom were contending, was repeatedly offered to him, and offered in vain.

The correctness of his private life added much to the dignity of his public character. In the relations of son, brother, uncle, master, friend, his conduct was exemplary. In the small circle of his intimate associates, he was amiable, affectionate, even playful. They loved him sincerely; they regretted him long; and they would hardly admit that he who was so kind and gentle with them could be stern and haughty with others. He indulged, indeed, somewhat too freely in wine, which he had early been directed to take as a medicine, and which use had made a necessary of life to him. But it was very seldom that any indication of undue excess could be detected in his tones or gestures; and, in truth, two bottles of port were little more to him than two dishes of tea. He had, when he was first introduced into the clubs of Saint James's Street, shown a strong taste for play; but he had the prudence and the resolution to stop before this taste had acquired the strength of habit. From the passion which generally exercises the most tyrannical dominion over the young he possessed an immunity, which is probably to be ascribed partly to his temperament and partly to his situation. His constitution was feeble; he was very shy; and he was very busy. The strictness of his morals furnished such buffoons as Peter Pindar and Captain

Morris with an inexhaustible theme for merriment of no very delicate kind. But the great body of the middle class of Englishmen could not see the joke. They warmly praised the young statesman for commanding his passions, and for covering his frailties, if he had frailties, with decorous obscurity, and would have been very far indeed from thinking better of him if he had vindicated himself from the taunts of his enemies by taking under his protection a Nancy Parsons or a Marianne Clark.

No part of the immense popularity which Pitt long enjoyed is to be attributed to the eulogies of wits and poets. It might have been naturally expected that a man of genius, of learning, of taste, an orator whose diction was often compared to that of Tully, the representative, too, of a great university, would have taken a peculiar pleasure in befriending eminent writers, to whatever political party they might have belonged. The love of literature had induced Augustus to heap benefits on Pompeians, Somers to be the protector of nonjurors, Harley to make the fortunes of Whigs. But it could not move Pitt to show any favour even to Pittites. He was doubtless right in thinking that, in general, poetry, history and philosophy ought to be suffered, like calico and cutlery, to find their proper price in the market, and that to teach men of letters to look habitually to the state for their recompense is bad for the state and bad for letters. Assuredly nothing can be more absurd or mischievous than to waste the public money in bounties for the purpose of inducing people who ought to be weighing out grocery or measuring out drapery to write bad or middling books. But, though the sound rule is that authors should be left to be remunerated by their readers, there will, in every generation, be a few exceptions to this rule. To distinguish these special cases from the mass is an employment well worthy of the faculties of a great and accomplished ruler; and Pitt would assuredly have had little difficulty in finding such cases. While he was in power, the greatest philologist of the age, his own contemporary at Cambridge, was reduced to earn a livelihood by the lowest literary drudgery, and to spend in writing squibs for the *Morning Chronicle* years to which we might have owed an all but perfect text of the whole tragic and comic drama of Athens. The greatest historian of the age, forced by poverty to leave his country, completed his immortal work on the shores of Lake Leman. The political

may perhaps be pleaded in defence of the minister by whom those eminent men were neglected. But there were other cases in which no such excuse could be set up. Scarcely had Pitt obtained possession of unbounded power when an aged writer of the highest eminence, who had made very little by his writings, and who was sinking into the grave under a load of infirmities and sorrows, wanted five or six hundred pounds to enable him, during the winter or two which might still remain to him, to draw his breath more easily in the soft climate of Italy. Not a farthing was to be obtained; and before Christmas the author of the English Dictionary and of the Lives of the Poets had gasped his last in the river fog and coal smoke of Fleet Street. A few months after the death of Johnson appeared the Task, incomparably the best poem that any Englishman then living had produced—a poem, too, which could hardly fail to excite in a well constituted mind a feeling of esteem and compassion for the poet, a man of genius and virtue, whose means were scanty, and whom the most cruel of all the calamities incident to humanity had made incapable of supporting himself by vigorous and sustained exertion. Nowhere had Chatham been praised with more enthusiasm, or in verse more worthy of the subject, than in the Task. The son of Chatham, however, contented himself with reading and admiring the book, and left the author to starve. The pension which, long after, enabled poor Cowper to close his melancholy life, unmolested by duns and bailiffs, was obtained for him by the strenuous kindness of Lord Spencer. What a contrast between the way in which Pitt acted towards Johnson and the way in which Lord Grey acted towards his political enemy Scott, when Scott, worn out by misfortune and disease, was advised to try the effect of the Italian air! What a contrast between the way in which Pitt acted towards Cowper and the way in which Burke, a poor man and out of place, acted towards Crabbe! Even Dundas, who made no pretensions to literary taste, and was content to be considered as a hard-headed and somewhat coarse man of business, was, when compared with his eloquent and classically educated friend, a Mæcenas or a Leo. Dundas made Burns an exciseman, with seventy pounds a year; and this was more than Pitt, during his long tenure of power, did for the encouragement of letters. Even those who may think that it is, in general, no part of the duty of a government to reward literary merit will hardly deny that a government, which has much lucrative church preferment in

its gift, is bound, in distributing that preferment, not to overlook divines whose writings have rendered great service to the cause of religion. But it seems never to have occurred to Pitt that he lay under any such obligation. All the theological works of all the numerous bishops whom he made and translated are not, when put together, worth fifty pages of the Horæ Paulinæ, of the Natural Theology, or of the View of the Evidences of Christianity. But on Paley the all-powerful minister never bestowed the smallest benefice. Artists Pitt treated as contemptuously as writers. For painting he did simply nothing. Sculptors, who had been selected to execute monuments voted by Parliament, had to haunt the ante-chambers of the Treasury during many years before they could obtain a farthing from him. One of them, after vainly soliciting the minister for payment during fourteen years, had the courage to present a memorial to the King, and thus obtained tardy and ungracious justice. Architects it was absolutely necessary to employ; and the worst that could be found seem to have been employed. Not a single fine public building of any kind or in any style was erected during his long administration. It may be confidently affirmed that no ruler whose abilities and attainments would bear any comparison with his has ever shown such cold disdain for what is excellent in arts and letters.

His first administration lasted seventeen years. That long period is divided by a strongly marked line into two almost exactly equal parts. The first part ended and the second began in the autumn of 1792. Throughout both parts Pitt displayed in the highest degree the talents of a parliamentary leader. During the first part he was a fortunate and, in many respects, a skilful administrator. With the difficulties which he had to encounter during the second part he was altogether incapable of contending: but his eloquence and his perfect mastery of the tactics of the House of Commons concealed his incapacity from the multitude.

The eight years which followed the general election of 1784 were as tranquil and prosperous as any eight years in the whole history of England. Neighbouring nations which had lately been in arms against her, and which had flattered themselves that, in losing her American colonies, she had lost a chief source of her wealth and of her power, saw, with wonder and vexation, that she was more wealthy and more powerful than ever. Her trade increased. Her manufactures

idle apprehensions were generally entertained, that the public debt, though much less than a third of the debt which we now bear with ease, would be found too heavy for the strength of the nation. Those apprehensions might not perhaps have been easily quieted by reason. But Pitt quieted them by a juggle. He succeeded in persuading first himself, and then the whole nation, his opponents included, that a new sinking fund, which, so far as it differed from former sinking funds, differed for the worse, would, by virtue of some mysterious power of propagation belonging to money, put into the pocket of the public creditor great sums not taken out of the pocket of the taxpayer. The country, terrified by a danger which was no danger, hailed with delight and boundless confidence a remedy which was no remedy. The minister was almost universally extolled as the greatest of financiers. Meanwhile both the branches of the House of Bourbon found that England was as formidable an antagonist as she had ever been. France had formed a plan for reducing Holland to vassalage. But England interposed; and France receded. Spain interrupted by violence the trade of our merchants with the regions near the Oregon. But England armed; and Spain receded. Within the island there was profound tranquillity. The King was, for the first time, popular. During the twenty-three years which had followed his accession he had not been loved by his subjects. His domestic virtues were acknowledged. But it was generally thought that the good qualities by which he was distinguished in private life were wanting to his political character. As a Sovereign, he was resentful, unforgiving, stubborn, cunning. Under his rule the country had sustained cruel disgraces and disasters; and every one of those disgraces and disasters was imputed to his strong antipathies, and to his perverse obstinacy in the wrong. One statesman after another complained that he had been induced by royal caresses, entreaties, and promises, to undertake the direction of affairs at a difficult conjuncture, and that, as soon as he had, not without sullying his fame and alienating his best friends, served the turn for which he was wanted, his ungrateful master began to intrigue against him, and to canvass against him. Grenville, Rockingham, Chatham, men of widely different characters, but all three upright and high-spirited, agreed in thinking that the Prince under whom they had successively held the highest place in the government was one of the most insincere of mankind. His confidence

counsellors to whom he had delivered the seals of office, but in secret advisers who stole up the back stairs into his closet. In Parliament, his ministers, while defending themselves against the attacks of the opposition in front, were perpetually, at his instigation, assailed on the flank or in the rear by a vile band of mercenaries who called themselves his friends. These men constantly, while in possession of lucrative places in his service, spoke and voted against bills which he had authorised the First Lord of the Treasury or the Secretary of State to bring in. But from the day on which Pitt was placed at the head of affairs there was an end of secret influence. His haughty and aspiring spirit was not to be satisfied with the mere show of power. Any attempt to undermine him at Court, any mutinous movement among his followers in the House of Commons, was certain to be at once put down. He had only to tender his resignation; and he could dictate his own terms. For he, and he alone, stood between the King and the Coalition. He was therefore little less than Mayor of the Palace. The nation loudly applauded the King for having the wisdom to repose entire confidence in so excellent a minister. His Majesty's private virtues now began to produce their full effect. He was generally regarded as the model of a respectable country gentleman, honest, good-natured, sober, religious. He rose early: he dined temperately: he was strictly faithful to his wife: he never missed church; and at church he never missed a response. His people heartily prayed that he might long reign over them; and they prayed the more heartily because his virtues were set off to the best advantage by the vices and follies of the Prince of Wales, who lived in close intimacy with the chiefs of the opposition.

How strong this feeling was in the public mind appeared singularly on one great occasion. In the autumn of 1788 the King became insane. The opposition, eager for office, committed the great indiscretion of asserting that the heir apparent had, by the fundamental laws of England, a right to be Regent with the full powers of royalty. Pitt, on the other hand, maintained it to be the constitutional doctrine that, when a Sovereign is, by reason of infancy, disease, or absence, incapable of exercising the regal functions, it belongs to the estates of the realm to determine who shall be the vicegerent, and with what portion of the executive authority such vicegerent shall be entrusted. A long and violent contest followed, in

with as much enthusiasm as during the first months of his administration. Tories with one voice applauded him for defending the sick-bed of a virtuous and unhappy Sovereign against a disloyal faction and an undutiful son. Not a few Whigs applauded him for asserting the authority of Parliaments and the principles of the Revolution, in opposition to a doctrine which seemed to have too much affinity with the servile theory of indefeasible hereditary right. The middle class, always zealous on the side of decency and the domestic virtues, looked forward with dismay to a reign resembling that of Charles II. The palace, which had now been, during thirty years, the pattern of an English home, would be a public nuisance, a school of profligacy. To the good King's repast of mutton and lemonade, despatched at three o'clock, would succeed midnight banquets, from which the guests would be carried home speechless. To the backgammon board at which the good King played for a little silver with his equerries, would succeed faro tables from which young patricians who had sate down rich would rise up beggars. The drawing-room, from which the frown of the Queen had repelled a whole generation of frail beauties, would now be again what it had been in the days of Barbara Palmer and Louisa de Querouaille. Nay, severely as the public reprobated the Prince's many illicit attachments, his one virtuous attachment was reprobated more severely still. Even in grave and pious circles his Protestant mistresses gave less scandal than his Popish wife. That he must be Regent nobody ventured to deny. But he and his friends were so unpopular that Pitt could, with general approbation, propose to limit the powers of the Regent by restrictions to which it would have been impossible to subject a Prince beloved and trusted by the country. Some interested men, fully expecting a change of administration, went over to the opposition. But the majority, purified by these desertions, closed its ranks, and presented a more firm array than ever to the enemy. In every division Pitt was victorious. When at length, after a stormy interregnum of three months, it was announced, on the very eve of the inauguration of the Regent, that the King was himself again, the nation was wild with delight. On the evening of the day on which His Majesty resumed his functions, a spontaneous illumination, the most general that had ever been seen in England, brightened the whole vast space from Highgate to Tooting, and from Hammersmith to Greenwich. On the day on which he returned thanks in the cathedral of

his capital, all the horses and carriages within a hundred miles of London were too few for the multitudes which flocked to see him pass through the streets. A second illumination followed, which was even superior to the first in magnificence. Pitt with difficulty escaped from the tumultuous kindness of an innumerable multitude which insisted on drawing his coach from Saint Paul's Churchyard to Downing Street. This was the moment at which his fame and fortune may be said to have reached the zenith. His influence in the closet was as great as that of Carr or Villiers had been. His dominion over the Parliament was more absolute than that of Walpole or Pelham had been. He was at the same time as high in the favour of the populace as ever Wilkes or Sacheverell had been. Nothing did more to raise his character than his noble poverty. It was well known that, if he had been dismissed from office after more than five years of boundless power, he would hardly have carried out with him a sum sufficient to furnish the set of chambers in which, as he cheerfully declared, he meant to resume the practice of the law. His admirers, however, were by no means disposed to suffer him to depend on daily toil for his daily bread. The voluntary contributions which were awaiting his acceptance in the city of London alone would have sufficed to make him a rich man. But it may be doubted whether his haughty spirit would have stooped to accept a provision so honourably earned and so honourably bestowed.

To such a height of power and glory had this extraordinary man risen at twenty-nine years of age. And now the tide was on the turn. Only ten days after the triumphant procession to Saint Paul's, the States-General of France, after an interval of a hundred and seventy-four years, met at Versailles.

The nature of the great Revolution which followed was long very imperfectly understood in this country. Burke saw much further than any of his contemporaries: but whatever his sagacity descried was refracted and discoloured by his passions and his imagination. More than three years elapsed before the principles of the English administration underwent any material change. Nothing could as yet be milder or more strictly constitutional than the minister's domestic policy. Not a single act indicating an arbitrary temper or a jealousy of the people could be imputed to him. He had never applied to Parliament for any extraordinary powers. He had never used with harshness the ordinary powers en-

trusted by the constitution to the executive government. Not a single state prosecution which would even now be called oppressive had been instituted by him. Indeed, the only oppressive state prosecution instituted during the first eight years of his administration was that of Stockdale, which is to be attributed, not to the government, but to the chiefs of the opposition. In office, Pitt had redeemed the pledges which he had, at his entrance into public life, given to the supporters of parliamentary reform. He had, in 1785, brought forward a judicious plan for the improvement of the representative system, and had prevailed on the King, not only to refrain from talking against that plan, but to recommend it to the Houses in a speech from the throne.* This attempt failed; but there can be little doubt that, if the French Revolution had not produced a violent reaction of public feeling, Pitt would have performed, with little difficulty and no danger, that great work which, at a later period, Lord Grey could accomplish only by means which for a time loosened the very foundations of the commonwealth. When the atrocities of the slave trade were first brought under the consideration of Parliament, no abolitionist was more zealous than Pitt. When sickness prevented Wilberforce from appearing in public, his place was most efficiently supplied by his friend the minister. A humane bill, which mitigated the horrors of the middle passage, was, in 1788, carried by the eloquence and determined spirit of Pitt, in spite of the opposition of some of his own colleagues; and it ought always to be remembered to his honour that, in order to carry that bill, he kept the Houses sitting, in spite of many murmurs, long after the business of the government had been done, and the Appropriation Act passed. In 1791 he cordially concurred with Fox in maintaining the sound constitutional doctrine, that an impeachment is not terminated by a dissolution. In the course of the same year the two great rivals contended side by side in a far more important cause. They are fairly entitled to divide the high honour of having added to our statute-book the inestimable law which places the liberty of the press under the protection of juries. On one occasion, and one alone, Pitt, during the first half of his long administration, acted in a manner unworthy of an enlightened Whig. In the debate on the Test Act, he stooped to gratify the master whom he served,

* The speech with which the King opened the session of 1785, concluded with an assurance that His Majesty would heartily concur in every measure which could tend to secure the true principles of the constitution. These words were at the time understood to refer to Pitt's Reform Bill.

the university which he represented, and the great body of clergymen and country gentlemen on whose support he rested, by talking, with little heartiness, indeed, and with no asperity, the language of a Tory. With this single exception, his conduct from the end of 1783 to the middle of 1792 was that of an honest friend of civil and religious liberty.

Nor did anything, during that period, indicate that he loved war, or harboured any malevolent feeling against any neighbouring nation. Those French writers who have represented him as a Hannibal sworn in childhood by his father to bear eternal hatred to France, as having, by mysterious intrigues and lavish bribes, instigated the leading Jacobins to commit those excesses which dishonoured the Revolution, as having been the real author of the first coalition, know nothing of his character or of his history. So far was he from being a deadly enemy to France, that his laudable attempts to bring about a closer connexion with that country by means of a wise and liberal treaty of commerce brought on him the severe censure of the opposition. He was told in the House of Commons that he was a degenerate son, and that his partiality for the hereditary foes of our island was enough to make his great father's bones stir under the pavement of the Abbey.

And this man, whose name, if he had been so fortunate as to die in 1792, would now have been associated with peace, with freedom, with philanthropy, with temperate reform, with mild and constitutional administration, lived to associate his name with arbitrary government, with harsh laws harshly executed, with alien bills, with gagging bills, with suspensions of the Habeas Corpus Act, with cruel punishments inflicted on some political agitators, with unjustifiable prosecutions instituted against others, and with the most costly and most sanguinary wars of modern times. He lived to be held up to obloquy as the stern oppressor of England, and the indefatigable disturber of Europe. Poets, contrasting his earlier with his later years, likened him sometimes to the apostle who kissed in order to betray, and sometimes to the evil angels who kept not their first estate. A satirist of great genius introduced the fiends of Famine, Slaughter, and Fire, proclaiming that they had received their commission from One whose name was formed of four letters, and promising to give their employer ample proofs of gratitude. Famine would gnaw the multitude till they should rise up against him in madness. The demon of Slaughter would impel them to tear him limb

from limb. But Fire boasted that she alone could reward him as he deserved, and that she would cling round him to all eternity. By the French press and the French tribune every crime that disgraced and every calamity that afflicted France was ascribed to the monster Pitt and his guineas. While the Jacobins were dominant, it was he who had corrupted the Gironde, who had raised Lyons and Bordeaux against the Convention, who had suborned Paris to assassinate Lepelletier, and Cecilia Regnault to assassinate Robespierre. When the Thermidorian reaction came, all the atrocities of the Reign of Terror were imputed to him. Collot D'Herbois and Fouquier Tinville had been his pensioners. It was he who had hired the murderers of September, who had dictated the pamphlets of Marat and the Carmagnoles of Barère, who had paid Lebon to deluge Arras with blood, and Carrier to choke the Loire with corpses.

The truth is, that he liked neither war nor arbitrary government. He was a lover of peace and freedom, driven, by a stress against which it was hardly possible for any will or any intellect to struggle, out of the course to which his inclinations pointed, and for which his abilities and acquirements fitted him, and forced into a policy repugnant to his feelings and unsuited to his talents.

The charge of apostasy is grossly unjust. A man ought no more to be called an apostate because his opinions alter with the opinions of the great body of his contemporaries than he ought to be called an oriental traveller because he is always going round from west to east with the globe and everything that is upon it. Between the spring of 1789 and the close of 1792, the public mind of England underwent a great change. If the change of Pitt's sentiments attracted peculiar notice, it was not because he changed more than his neighbours; for in fact he changed less than most of them; but because his position was far more conspicuous than theirs, because he was, till Bonaparte appeared, the individual who filled the greatest space in the eyes of the inhabitants of the civilised world. During a short time the nation, and Pitt, as one of the nation, looked with interest and approbation on the French Revolution. But soon vast confiscations, the violent sweeping away of ancient institutions, the domination of clubs, the barbarities of mobs maddened by famine and hatred, produced a reaction here. The court, the nobility, the gentry, the clergy, the manufacturers, the merchants, in short, nineteen twentieths of those who had good roofs over

their heads and good coats on their backs, became eager and intolerant Antijacobins. This feeling was at least as strong among the minister's adversaries as among his supporters. Fox in vain attempted to restrain his followers. All his genius, all his vast personal influence, could not prevent them from rising up against him in general mutiny. Burke set the example of revolt; and Burke was in no long time joined by Portland, Spencer, Fitzwilliam, Loughborough, Carlisle, Malmesbury, Windham, Elliot. In the House of Commons, the followers of the great Whig statesman and orator diminished from about a hundred and sixty to fifty. In the House of Lords he had but ten or twelve adherents left. There can be no doubt that there would have been a similar mutiny on the ministerial benches if Pitt had obstinately resisted the general wish. Pressed at once by his master and by his colleagues, by old friends and by old opponents, he abandoned, slowly and reluctantly, the policy which was dear to his heart. He laboured hard to avert the European war. When the European war broke out, he still flattered himself that it would not be necessary for this country to take either side. In the spring of 1792 he congratulated the Parliament on the prospect of long and profound peace, and proved his sincerity by proposing large remissions of taxation. Down to the end of that year he continued to cherish the hope that England might be able to preserve neutrality. But the passions which raged on both sides of the Channel were not to be restrained. The republicans who ruled France were inflamed by a fanaticism resembling that of the Mussulmans who, with the Koran in one hand and the sword in the other, went forth, conquering and converting, eastward to the Bay of Bengal, and westward to the Pillars of Hercules. The higher and middle classes of England were animated by zeal not less fiery than that of the Crusaders who raised the cry of *Deus vult* at Clermont. The impulse which drove the two nations to a collision was not to be arrested by the abilities or by the authority of any single man. As Pitt was in front of his fellows, and towered high above them, he seemed to lead them. But in fact he was violently pushed on by them, and, had he held back but a little more than he did, would have been thrust out of their way or trampled under their feet.

He yielded to the current: and from that day his misfortunes began. The truth is that there were only two consistent courses before him. Since he did not choose to

oppose himself, side by side with Fox, to the public feeling, he should have taken the advice of Burke, and should have availed himself of that feeling to the full extent. If it was impossible to preserve peace, he should have adopted the only policy which could lead to victory. He should have proclaimed a Holy War for religion, morality, property, order, public law, and should have thus opposed to the Jacobins an energy equal to their own. Unhappily he tried to find a middle path; and he found one which united all that was worst in both extremes. He went to war: but he would not understand the peculiar character of that war. He was obstinately blind to the plain fact, that he was contending against a state which was also a sect, and that the new quarrel between England and France was of quite a different kind from the old quarrels about colonies in America and fortresses in the Netherlands. He had to combat frantic enthusiasm, boundless ambition, restless activity, the wildest and most audacious spirit of innovation; and he acted as if he had to deal with the harlots and fops of the old Court of Versailles, with Madame de Pompadour and the Abbé de Bernis. It was pitiable to hear him, year after year, proving to an admiring audience that the wicked Republic was exhausted, that she could not hold out, that her credit was gone, and her assignats were not worth more than the paper of which they were made; as if credit was necessary to a government of which the principle was rapine, as if Alboin could not turn Italy into a desert till he had negotiated a loan at five per cent., as if the exchequer bills of Attila had been at par. It was impossible that a man who so completely mistook the nature of a contest could carry on that contest successfully. Great as Pitt's abilities were, his military administration was that of a driveller. He was at the head of a nation engaged in a struggle for life and death, of a nation eminently distinguished by all the physical and all the moral qualities which make excellent soldiers. The resources at his command were unlimited. The Parliament was even more ready to grant him men and money than he was to ask for them. In such an emergency, and with such means, such a statesman as Richelieu, as Louvois, as Chatham, as Wellesley, would have created in a few months one of the finest armies in the world, and would soon have discovered and brought forward generals worthy to command such an army. Germany might have been saved by another Blenheim; Flanders recovered by another Ramilies; another Poitiers

might have delivered the Royalist and Catholic provinces of France from a yoke which they abhorred, and might have spread terror even to the barriers of Paris. But the fact is, that, after eight years of war, after a vast destruction of life, after an expenditure of wealth far exceeding the expenditure of the American war, of the Seven Years' War, of the war of the Austrian Succession, and of the war of the Spanish Succession, united, the English army, under Pitt, was the laughing-stock of all Europe. It could not boast of one single brilliant exploit. It had never shown itself on the Continent but to be beaten, chased, forced to re-embark, or forced to capitulate. To take some sugar island in the West Indies, to scatter some mob of half-naked Irish peasants, such were the most splendid victories won by the British troops under Pitt's auspices.

The English navy no mismanagement could ruin. But during a long period whatever mismanagement could do was done. The Earl of Chatham, without a single qualification for high public trust, was made, by fraternal partiality, First Lord of the Admiralty, and was kept in that great post during two years of a war in which the very existence of the state depended on the efficiency of the fleet. He continued to doze away and trifle away the time which ought to have been devoted to the public service, till the whole mercantile body, though generally disposed to support the government, complained bitterly that our flag gave no protection to our trade. Fortunately he was succeeded by George Earl Spencer, one of those chiefs of the Whig party who, in the great schism caused by the French Revolution, had followed Burke. Lord Spencer, though inferior to many of his colleagues as an orator, was decidedly the best administrator among them. To him it was owing that a long and gloomy succession of days of fasting, and, most emphatically, of humiliation, was interrupted, twice in the short space of eleven months, by days of thanksgiving for great victories.

It may seem paradoxical to say that the incapacity which Pitt showed in all that related to the conduct of the war is, in some sense, the most decisive proof that he was a man of very extraordinary abilities. Yet this is the simple truth. For assuredly one-tenth part of his errors and disasters would have been fatal to the power and influence of any minister who had not possessed, in the highest degree, the talents of a parliamentary leader. While his schemes were confounded, while his predictions were falsified, while the

coalitions which he had laboured to form were falling to pieces, while the expeditions which he had sent forth at enormous cost were ending in rout and disgrace, while the enemy against whom he was feebly contending was subjugating Flanders and Brabant, the Electorate of Mentz, and the Electorate of Treves, Holland, Piedmont, Liguria, Lombardy, his authority over the House of Commons was constantly becoming more and more absolute. There was his empire. There were his victories, his Lodi and his Arcola, his Rivoli and his Marengo. If some great misfortune, a pitched battle lost by the allies, the annexation of a new department to the French Republic, a sanguinary insurrection in Ireland, a mutiny in the fleet, a panic in the city, a run on the bank, had spread dismay through the ranks of his majority, that dismay lasted only till he rose from the Treasury bench, drew up his haughty head, stretched his arm with commanding gesture, and poured forth, in deep and sonorous tones, the lofty language of inextinguishable hope and inflexible resolution. Thus, through a long and calamitous period, every disaster that happened without the walls of Parliament was regularly followed by a triumph within them. At length he had no longer an opposition to encounter. Of the great party which had contended against him during the first eight years of his administration more than one half now marched under his standard, with his old competitor the Duke of Portland at their head; and the rest had, after many vain struggles, quitted the field in despair. Fox had retired to the shades of St. Anne's Hill, and had there found, in the society of friends whom no vicissitude could estrange from him, of a woman whom he tenderly loved, and of the illustrious dead of Athens, of Rome, and of Florence, ample compensation for all the misfortunes of his public life. Session followed session with scarcely a single division. In the eventful year 1799, the largest minority that could be mustered against the government was twenty-five.

In Pitt's domestic policy there was at this time assuredly no want of vigour. While he offered to French Jacobinism a resistance so feeble that it only encouraged the evil which he wished to suppress, he put down English Jacobinism with a strong hand. The Habeas Corpus Act was repeatedly suspended. Public meetings were placed under severe restraints. The government obtained from Parliament power to send out of the country aliens who were suspected

of evil designs; and that power was not suffered to be idle. Writers who propounded doctrines adverse to monarchy and aristocracy were proscribed and punished without mercy. It was hardly safe for a republican to avow his political creed over his beefsteak and his bottle of port at a chop-house. The old laws of Scotland against sedition, laws which were considered by Englishmen as barbarous, and which a succession of governments had suffered to rust, were now furbished up and sharpened anew. Men of cultivated minds and polished manners were, for offences which at Westminster would have been treated as mere misdemeanours, sent to herd with felons at Botany Bay. Some reformers, whose opinions were extravagant, and whose language was intemperate, but who had never dreamed of subverting the government by physical force, were indicted for high treason, and were saved from the gallows only by the righteous verdicts of juries. This severity was at the time loudly applauded by alarmists whom fear had made cruel, but will be seen in a very different light by posterity. The truth is, that the Englishmen who wished for a revolution were, even in number, not formidable, and, in everything but number, a faction utterly contemptible, without arms, or funds, or plans, or organization, or leader. There can be no doubt that Pitt, strong as he was in the support of the great body of the nation, might easily have repressed the turbulence of the discontented minority by firmly yet temperately enforcing the ordinary law. Whatever vigour he showed during this unfortunate part of his life was vigour out of place and season. He was all feebleness and languor in his conflict with the foreign enemy who was really to be dreaded, and reserved all his energy and resolution for the domestic enemy who might safely have been despised.

One part only of Pitt's conduct during the last eight years of the eighteenth century deserves high praise. He was the first English minister who formed great designs for the benefit of Ireland. The manner in which the Roman Catholic population of that unfortunate country had been kept down during many generations seemed to him unjust and cruel; and it was scarcely possible for a man of his abilities not to perceive that, in a contest against the Jacobins, the Roman Catholics were his natural allies. Had he been able to do all that he wished, it is probable that a wise and liberal policy would have averted the rebellion of 1798. But the difficulties which he encountered were great, per-

haps insurmountable; and the Roman Catholics were, rather by his misfortune than by his fault, thrown into the hands of the Jacobins. There was a third great rising of the Irishry against the Englishry, a rising not less formidable than the risings of 1641 and 1689. The Englishry remained victorious; and it was necessary for Pitt, as it had been necessary for Oliver Cromwell and William of Orange before him, *to consider* how the victory should be used. It is only just to his memory to say that he formed a scheme of policy, so grand and so simple, so righteous and so humane, that it would alone entitle him to a high place among statesmen. He determined to make Ireland one kingdom with England, and, at the same time, to relieve the Roman Catholic laity from civil disabilities, and to grant a public maintenance to the Roman Catholic clergy. Had he been able to carry these noble designs into effect, the Union would have been an Union indeed. It would have been inseparably associated in the minds of the great majority of Irishmen with civil and religious freedom; and the old Parliament in College Green would have been regretted only by a small knot of discarded jobbers and oppressors, and would have been remembered by the body of the nation with the loathing and contempt due to the most tyrannical and the most corrupt assembly that had ever sate in Europe. But Pitt could execute only one half of what he had projected. He succeeded in obtaining the consent of the Parliaments of both kingdoms to the Union; but that reconciliation of races and sects, without which the Union could exist only in name, was not accomplished. He was well aware that he was likely to find difficulties in the closet. But he flattered himself that, by cautious and dexterous management, those difficulties might be overcome. Unhappily, there were traitors and sycophants in high place who did not suffer him to take his own time and his own way, but prematurely disclosed his scheme to the King, and disclosed it in the manner most likely to irritate and alarm a weak and diseased mind. His Majesty absurdly imagined that his Coronation oath bound him to refuse his assent to any bill for relieving Roman Catholics from civil disabilities. To argue with him was impossible. Dundas tried to explain the matter, but was told to keep his Scotch metaphysics to himself. Pitt, and Pitt's ablest colleagues, resigned their offices. It was necessary that the King should make a new arrangement. But by this time his anger and distress had brought back

the malady which had, many years before, incapacitated him for the discharge of his functions. He actually assembled his family, read the Coronation oath to them, and told them that, if he broke it, the Crown would immediately pass to the House of Savoy. It was not until after an interregnum of several weeks that he regained the full use of his small faculties, and that a ministry after his own heart was at length formed.

The materials out of which he had to construct a government were neither solid nor splendid. To that party, weak in numbers, but strong in every kind of talent, which was hostile to the domestic and foreign policy of his late advisers, he could not have recourse. For that party, while it differed from his late advisers on every point on which they had been honoured with his approbation, cordially agreed with them as to the single matter which had brought on them his displeasure. All that was left to him was to call up the rear ranks of the old ministry to form the front rank of a new ministry. In an age pre-eminently fruitful of parliamentary talents, a cabinet was formed containing hardly a single man who, in parliamentary talents, could be considered as even of the second rate. The most important offices in the state were bestowed on decorous and laborious mediocrity. Henry Addington was at the head of the Treasury. He had been an early, indeed a hereditary, friend of Pitt, and had by Pitt's influence been placed, while still a young man, in the chair of the House of Commons. He was universally admitted to have been the best speaker that had sate in that chair since the retirement of Onslow. But nature had not bestowed on him very vigorous faculties; and the highly respectable situation which he had long occupied with honour had rather unfitted than fitted him for the discharge of his new duties. His business had been to bear himself evenly between contending factions. He had taken no part in the war of words; and he had always been addressed with marked deference by the great orators who thundered against each other from his right and from his left. It was not strange that, when, for the first time, he had to encounter keen and vigorous antagonists, who dealt hard blows without the smallest ceremony, he should have been awkward and unready, or that the air of dignity and authority which he had acquired in his former post, and of which he had not divested himself, should have made his helplessness laughable and pitiable. Nevertheless, during many months, his power seemed to stand firm. He

was a favourite with the King, whom he resembled in narowness of mind, and to whom he was more obsequious than Pitt had ever been. The nation was put into high good humour by a peace with France. The enthusiasm with which the upper and middle classes had rushed into the war had spent itself. Jacobinism was no longer formidable. Everywhere there was a strong reaction against what was called the atheistical and anarchical philosophy of the eighteenth century. Bonaparte, now First Consul, was busied in constructing out of the ruins of old institutions a new ecclesiastical establishment and a new order of knighthood. That nothing less than the dominion of the whole civilised world would satisfy his selfish ambition was not yet suspected; nor did even wise men see any reason to doubt that he might be as safe a neighbour as any prince of the House of Bourbon had been. The treaty of Amiens was therefore hailed by the great body of the English people with extravagant joy. The popularity of the minister was for the moment immense. His want of parliamentary ability was, as yet, of little consequence; for he had scarcely any adversary to encounter. The old opposition, delighted by the peace, regarded him with favour. A new opposition had indeed been formed by some of the late ministers, and was led by Grenville in the House of Lords, and by Windham in the House of Commons. But the new opposition could scarcely muster ten votes, and was regarded with no favour by the country. On Pitt the ministers relied as on their firmest support. He had not, like some of his colleagues, retired in anger. He had expressed the greatest respect for the conscientious scruple which had taken possession of the royal mind; and he had promised his successors all the help in his power. In private his advice was at their service. In Parliament he took his seat on the bench behind them; and, in more than one debate, defended them with powers far superior to their own. The King perfectly understood the value of such assistance. On one occasion, at the palace, he took the old minister and the new minister aside. "If we three," he said, "keep together, all will go well."

But it was hardly possible, human nature being what it is, and, more especially, Pitt and Addington being what they were, that this union should be durable. Pitt, conscious of superior powers, imagined that the place which he had quitted was now occupied by a mere puppet which he had set up, which he was to govern while he suffered it to remain, and which he was to fling aside as soon as he wished to resume

his old position. Nor was it long before he began to pine for the power which he had relinquished. He had been so early raised to supreme authority in the state, and had enjoyed that authority so long, that it had become necessary to him. In retirement his days passed heavily. He could not, like Fox, forget the pleasures and cares of ambition in the company of Euripides or Herodotus. Pride restrained him from intimating, even to his dearest friends, that he wished to be again minister. But he thought it strange, almost ungrateful, that his wish had not been divined, that it had not been anticipated, by one whom he regarded as his deputy.

Addington, on the other hand, was by no means inclined to descend from his high position. He was, indeed, under a delusion much resembling that of Abon Hassan in the Arabian tale. His brain was turned by his short and unreal Caliphate. He took his elevation quite seriously, attributed it to his own merit, and considered himself as one of the great triumvirate of English statesmen, as worthy to make a third with Pitt and Fox.

Such being the feelings of the late minister and of the pre sent minister, a rupture was inevitable; and there was no want of persons bent on making that rupture speedy and violent. Some of these persons wounded Addington's pride by representing him as a lacquey, sent to keep a place on the Treasury bench till his master should find it convenient to come. Others took every opportunity of praising him at Pitt's expense. Pitt had waged a long, a bloody, a costly, an unsuccessful war. Addington had made peace. Pitt had suspended the constitutional liberties of Englishmen. Under Addington those liberties were again enjoyed. Pitt had wasted the public resources. Addington was carefully nursing them. It was sometimes but too evident that these compliments were not unpleasing to Addington. Pitt became cold and reserved. During many months he remained at a distance from London. Meanwhile his most intimate friends, in spite of his declarations that he made no complaint, and that he had no wish for office, exerted themselves to effect a change of ministry. His favourite disciple, George Canning, young, ardent, ambitious, with great powers and great virtues, but with a temper too restless and a wit too satirical for his own happiness, was indefatigable. He spoke; he wrote; he intrigued; he tried to induce a large number of the supporters of the government to sign a round robin desiring a change: he made game of

Addington and of Addington's relations in a succession of lively pasquinades. The minister's partisans retorted with equal acrimony, if not with equal vivacity. Pitt could keep out of the affray only by keeping out of politics altogether; and this it soon became impossible for him to do. Had Napoleon, content with the first place among the sovereigns of the Continent, and with a military reputation surpassing that of Marlborough or of Turenne, devoted himself to the noble task of making France happy by mild administration and wise legislation, our country might have long continued to tolerate a government of fair intentions and feeble abilities. Unhappily, the treaty of Amiens had scarcely been signed, when the restless ambition and the insupportable insolence of the First Consul convinced the great body of the English people that the peace, so eagerly welcomed, was only a precarious armistice. As it became clearer and clearer that a war for the dignity, the independence, the very existence of the nation was at hand, men looked with increasing uneasiness on the weak and languid cabinet which would have to contend against an enemy who united more than the power of Lewis the Great to more than the genius of Frederic the Great. It is true that Addington might easily have been a better war minister than Pitt, and could not possibly have been a worse. But Pitt had cast a spell on the public mind. The eloquence, the judgment, the calm and disdainful firmness, which he had, during many years, displayed in Parliament, deluded the world into the belief that he must be eminently qualified to superintend every department of politics; and they imagined, even after the miserable failures of Dunkirk, of Quiberon, and of the Helder, that he was the only statesman who could cope with Bonaparte. This feeling was nowhere stronger than among Addington's own colleagues. The pressure put on him was so strong that he could not help yielding to it; yet, even in yielding, he showed how far he was from knowing his own place. His first proposition was, that some insignificant nobleman should be First Lord of the Treasury and nominal head of the administration, and that the real power should be divided between Pitt and himself, who were to be secretaries of state. Pitt, as might have been expected, refused even to discuss such a scheme, and talked of it with bitter mirth. "Which secretaryship was offered to you?" his friend Wilberforce asked. "Really," said Pitt, "I had not the curiosity to inquire." Addington

was frightened into bidding higher. He offered to resign the Treasury to Pitt, on condition that there should be no extensive change in the government. But Pitt would listen to no such terms. Then came a dispute such as often arises after negotiations orally conducted, even when the negotiators are men of strict honour. Pitt gave one account of what had passed; Addington gave another: and, though the discrepancies were not such as necessarily implied any intentional violation of truth on either side, both were greatly exasperated.

Meanwhile the quarrel with the First Consul had come to a crisis. On the 16th of May, 1803, the King sent a message calling on the House of Commons to support him in withstanding the ambitious and encroaching policy of France; and, on the 22nd, the House took the message into consideration.

Pitt had now been living many months in retirement. There had been a general election since he had spoken in Parliament; and there were two hundred members who had never heard him. It was known that on this occasion he would be in his place; and curiosity was wound up to the highest point. Unfortunately, the short-hand writers were, in consequence of some mistake, shut out on that day from the gallery, so that the newspapers contained only a very meagre report of the proceedings. But several accounts of what passed are extant; and of those accounts the most interesting is contained in an unpublished letter, written by a very young member, John William Ward, afterwards Earl of Dudley. When Pitt rose, he was received with loud cheering. At every pause in his speech there was a burst of applause. The peroration is said to have been one of the most animated and magnificent ever heard in Parliament. "Pitt's speech," Fox wrote a few days later, "was admired very much, and very justly. I think it was the best he ever made in that style." The debate was adjourned; and on the second night Fox replied in an oration which, as the most zealous Pittites were forced to acknowledge, left the palm of eloquence doubtful. Addington made a pitiable appearance between the two great rivals; and it was observed that Pitt, while exhorting the Commons to stand resolutely by the executive government against France, said not a word indicating esteem or friendship for the Prime Minister.

War was speedily declared. The First Consul threatened to invade England at the head of the conquerors of Belgium

and Italy, and formed a great camp near the Straits of Dover. On the other side of those Straits the whole population of our island was ready to rise up as one man in defence of the soil. At this conjuncture, as at some other great conjunctures in our history, the conjuncture of 1660, for example, and the conjuncture of 1688, there was a general disposition among honest and patriotic men to forget old quarrels, and to regard as a friend every person who was ready, in the existing emergency, to do his part towards the saving of the state. A coalition of all the first men in the country would, at that moment, have been as popular as the coalition of 1783 had been unpopular. Alone in the kingdom the King looked with perfect complacency on a cabinet in which no man superior to himself in genius was to be found, and was so far from being willing to admit all his ablest subjects to office that he was bent on excluding them all.

A few months passed before the different parties which agreed in regarding the government with dislike and contempt came to an understanding with each other. But in the spring of 1804 it became evident that the weakest of ministries would have to defend itself against the strongest of oppositions, an opposition made up of three oppositions, each of which would, separately, have been formidable from ability, and which, when united, were also formidable from number. The party which had opposed the peace, headed by Grenville and Windham, and the party which had opposed the renewal of the war, headed by Fox, concurred in thinking that the men now in power were incapable of either making a good peace or waging a vigorous war. Pitt had, in 1802, spoken for peace against the party of Grenville, and had, in 1803, spoken for war against the party of Fox. But of the capacity of the cabinet, and especially of its chief, for the conduct of great affairs, he thought as meanly as either Fox or Grenville. Questions were easily found on which all the enemies of the government could act cordially together. The unfortunate First Lord of the Treasury, who had, during the earlier months of his administration, been supported by Pitt on one side, and by Fox on the other, now had to answer Pitt, and to be answered by Fox. Two sharp debates, followed by close divisions, made him weary of his post. It was known, too, that the Upper House was even more hostile to him than the Lower, that the Scotch representative peers wavered, that there were signs of mutiny among the bishops.

In the cabinet itself there was discord, and, worse than discord, treachery. It was necessary to give way: the ministry was dissolved; and the task of forming a government was entrusted to Pitt.

Pitt was of opinion that there was now an opportunity, such as had never before offered itself, and such as might never offer itself again, of uniting in the public service, on honourable terms, all the eminent talents of the kingdom. The passions to which the French Revolution had given birth were extinct. The madness of the innovator and the madness of the alarmist had alike had their day. Jacobinism and Anti-Jacobinism had gone out of fashion together. The most liberal statesman did not think that season propitious for schemes of parliamentary reform; and the most conservative statesman could not pretend that there was any occasion for gagging bills and suspensions of the Habeas Corpus Act. The great struggle for independence and national honour occupied all minds; and those who were agreed as to the duty of maintaining that struggle with vigour might well postpone to a more convenient time all disputes about matters comparatively unimportant. Strongly impressed by these considerations, Pitt wished to form a ministry including all the first men in the country. The Treasury he reserved for himself; and to Fox he proposed to assign a share of power little inferior to his own.

The plan was excellent; but the king would not hear of it. Dull, obstinate, unforgiving, and, at that time, half mad, he positively refused to admit Fox into his service. Anybody else, even men who had gone as far as Fox, or further than Fox, in what his Majesty considered as Jacobinism, Sheridan, Grey, Erskine, should be graciously received; but Fox never. During several hours Pitt laboured in vain to reason down this senseless antipathy. That he was perfectly sincere there can be no doubt: but it was not enough to be sincere; he should have been resolute. Had he declared himself determined not to take office without Fox, the royal obstinacy would have given way, as it gave way, a few months later, when opposed to the immutable resolution of Lord Grenville. In an evil hour Pitt yielded. He flattered himself with the hope that, though he consented to forego the aid of his illustrious rival, there would still remain ample materials for the formation of an efficient ministry. That hope was cruelly disappointed. Fox entreated his friends to leave personal considerations

out of the question, and declared that he would support, with the utmost cordiality, an efficient and patriotic ministry from which he should be himself excluded. Not only his friends, however, but Grenville, and Grenville's adherents, answered, with one voice, that the question was not personal, that a great constitutional principle was at stake, and that they would not take office while a man eminently qualified to render service to the commonwealth was placed under a ban merely because he was disliked at Court. All that was left to Pitt was to construct a government out of the wreck of Addington's feeble administration. The small circle of his personal retainers furnished him with a very few useful assistants, particularly Dundas, who had been created Viscount Melville, Lord Harrowby, and Canning.

Such was the inauspicious manner in which Pitt entered on his second administration. The whole history of that administration was of a piece with the commencement. Almost every month brought some new disaster or disgrace. To the war with France was soon added a war with Spain. The opponents of the minister were numerous, able, and active. His most useful coadjutors were soon lost. Sickness deprived him of the help of Lord Harrowby. It was discovered that Lord Melville had been guilty of highly culpable laxity in transactions relating to public money. He was censured by the House of Commons, driven from office, ejected from the Privy Council, and impeached of high crimes and misdemeanours. The blow fell heavy on Pitt. It gave him, he said in Parliament, a deep pang; and, as he uttered the word pang, his lip quivered, his voice shook, he paused, and his hearers thought that he was about to burst into tears. Such tears shed by Eldon would have moved nothing but laughter. Shed by the warm-hearted and open-hearted Fox, they would have moved sympathy, but would have caused no surprise. But a tear from Pitt would have been something portentous. He suppressed his emotion, however, and proceeded with his usual majestic self-possession.

His difficulties compelled him to resort to various expedients. At one time Addington was persuaded to accept office with a peerage; but he brought no additional strength to the government. Though he went through the form of reconciliation, it was impossible for him to forget the past. While he remained in place he was jealous and punctilious, and he soon retired again. At another time Pitt renewed

his efforts to overcome his master's aversion to Fox; and it was rumoured that the King's obstinacy was gradually giving way. But, meanwhile, it was impossible for the minister to conceal from the public eye the decay of his health, and the constant anxiety which gnawed at his heart. His sleep was broken. His food ceased to nourish him. All who passed him in the Park, all who had interviews with him in Downing Street, saw misery written in his face. The peculiar look which he wore during the last months of his life was often pathetically described by Wilberforce, who used to call it the Austerlitz look.

Still the vigour of Pitt's intellectual faculties, and the intrepid haughtiness of his spirit remained unaltered. He had staked everything on a great venture. He had succeeded in forming another mighty coalition against the French ascendency. The united forces of Austria, Russia, and England might, he hoped, oppose an insurmountable barrier to the ambition of the common enemy. But the genius and energy of Napoleon prevailed. While the English troops were preparing to embark for Germany, while the Russian troops were slowly coming up from Poland, he, with rapidity unprecedented in modern war, moved a hundred thousand men from the shores of the Ocean to the Black Forest, and compelled a great Austrian army to surrender at Ulm. To the first faint rumours of this calamity Pitt would give no credit. He was irritated by the alarms of those around him. "Do not believe a word of it," he said: "it is all a fiction." The next day he received a Dutch newspaper containing the capitulation. He knew no Dutch. It was Sunday; and the public offices were shut. He carried the paper to Lord Malmesbury, who had been minister in Holland; and Lord Malmesbury translated it. Pitt tried to bear up; but the shock was too great; and he went away with death in his face.

The news of the battle of Trafalgar arrived four days later, and seemed for a moment to revive him. Forty-eight hours after that most glorious and most mournful of victories had been announced to the country came the Lord Mayor's day; and Pitt dined at Guildhall. His popularity had declined. But on this occasion the multitude, greatly excited by the recent tidings, welcomed him enthusiastically, took off his horses in Cheapside, and drew his carriage up King Street. When his health was drunk, he returned thanks in two or three of those stately sentences of which he had a boundless

command. Several of those who heard him laid up his words in their hearts; for they were the last words that he ever uttered in public: "Let us hope that England, having saved herself by her energy, may save Europe by her example."

This was but a momentary rally. Austerlitz soon completed what Ulm had begun. Early in December Pitt had retired to Bath, in the hope that he might there gather strength for the approaching session. While he was languishing there on his sofa arrived the news that a decisive battle had been fought and lost in Moravia, that the coalition was dissolved, that the Continent was at the feet of France. He sank down under the blow. Ten days later he was so emaciated that his most intimate friends hardly knew him. He came up from Bath by slow journeys, and on the 11th of January, 1806, reached his villa at Putney. Parliament was to meet on the 21st. On the 20th was to be the parliamentary dinner at the house of the First Lord of the Treasury in Downing Street; and the cards were already issued. But the days of the great minister were numbered. The only chance for his life, and that a very slight chance, was, that he should resign his office, and pass some months in profound repose. His colleagues paid him very short visits, and carefully avoided political conversation. But his spirit, long accustomed to dominion, could not, even in that extremity, relinquish hopes, which everybody but himself perceived to be vain. On the day on which he was carried into his bedroom at Putney, the Marquess Wellesley, whom he had long loved, whom he had sent to govern India, and whose administration had been eminently able, energetic, and successful, arrived in London after an absence of eight years. The friends saw each other once more. There was an affectionate meeting and a last parting. That it was a last parting Pitt did not seem to be aware. He fancied himself to be recovering, talked on various subjects cheerfully, and with an unclouded mind, and pronounced a warm and discerning eulogium on the Marquess's brother Arthur. "I never," he said, "met with any military man with whom it was so satisfactory to converse." The excitement and exertion of this interview were too much for the sick man. He fainted away; and Lord Wellesley left the house, convinced that the close was fast approaching.

And now members of Parliament were fast coming up to London. The chiefs of the opposition met for the purpose

of considering the course to be taken on the first day of the session. It was easy to guess what would be the language of the King's speech, and of the address which would be moved in answer to that speech. An amendment condemning the policy of the government had been prepared, and was to have been proposed in the House of Commons by Lord Henry Petty, a young nobleman who had already won for himself that place in the esteem of his country which, after the lapse of more than half a century, he still retains. He was unwilling, however, to come forward as the accuser of one who was incapable of defending himself. Lord Grenville, who had been informed of Pitt's state by Lord Wellesley, and had been deeply affected by it, earnestly recommended forbearance; and Fox, with characteristic generosity and good nature, gave his voice against attacking his now helpless rival. "Sunt lacrymæ rerum," he said, "et mentem mortalia tangunt." On the first day, therefore, there was no debate. It was rumoured that evening that Pitt was better. But on the following morning his physicians pronounced that there were no hopes. The commanding faculties of which he had been too proud were beginning to fail. His old tutor and friend, the Bishop of Lincoln, informed him of his danger, and gave such religious advice and consolation as a confused and obscured mind could receive. Stories were told of devout sentiments fervently uttered by the dying man. But these stories found no credit with anybody who knew him. Wilberforce pronounced it impossible that they could be true. "Pitt," he added, "was a man who always said less than he thought on such topics." It was asserted in many after-dinner speeches, Grub Street elegies, and academic prize poems and prize declamations, that the great minister died exclaiming, "Oh my country!" This is a fable; but it is true that the last words which he uttered, while he knew what he said, were broken exclamations about the alarming state of public affairs. He ceased to breathe on the morning of the 23rd of January, 1806, the twenty-fifth anniversary of the day on which he first took his seat in Parliament. He was in his forty-seventh year, and had been, during near nineteen years, First Lord of the Treasury, and undisputed chief of the administration. Since parliamentary government was established in England, no English statesman has held supreme power so long. Walpole, it is true, was First Lord of the Treasury during more than

twenty years: but it was not till Walpole had been some time First Lord of the Treasury that he could be properly called Prime Minister.

It was moved in the House of Commons that Pitt should be honoured with a public funeral and a monument. The motion was opposed by Fox in a speech which deserves to be studied as a model of good taste and good feeling. The task was the most invidious that ever an orator undertook: but it was performed with a humanity and delicacy which were warmly acknowledged by the mourning friends of him who was gone. The motion was carried by 288 votes to 89.

The 22nd of February was fixed for the funeral. The corpse, having lain in state during two days in the Painted Chamber, was borne with great pomp to the northern transept of the Abbey. A splendid train of princes, nobles, bishops, and privy councillors followed. The grave of Pitt had been made near to the spot where his great father lay, near also to the spot where his great rival was soon to lie. The sadness of the assistants was beyond that of ordinary mourners. For he whom they were committing to the dust had died of sorrows and anxieties of which none of the survivors could be altogether without a share. Wilberforce, who carried the banner before the hearse, described the awful ceremony with deep feeling. As the coffin descended into the earth, he said, the eagle face of Chatham from above seemed to look down with consternation into the dark house which was receiving all that remained of so much power and glory.

All parties in the House of Commons readily concurred in voting forty thousand pounds to satisfy the demands of Pitt's creditors. Some of his admirers seemed to consider the magnitude of his embarrassments as a circumstance highly honourable to him; but men of sense will probably be of a different opinion. It is far better, no doubt, that a great minister should carry his contempt of money to excess than that he should contaminate his hands with unlawful gain. But it is neither right nor becoming in a man to whom the public has given an income more than sufficient for his comfort and dignity to bequeath to that public a great debt, the effect of mere negligence and profusion. As First Lord of the Treasury and Chancellor of the Exchequer, Pitt never had less than six thousand a year, besides an excellent house. In 1792 he was forced by his royal master's friendly importunity to accept for life the office of Warden of the Cinque

Ports, with near four thousand a year more. He had neither wife nor child: he had no needy relations: he had no expensive tastes: he had no long election bills. Had he given but a quarter of an hour a week to the regulation of his household, he would have kept his expenditure within bounds. Or, if he could not spare even a quarter of an hour a week for that purpose, he had numerous friends, excellent men of business, who would have been proud to act as his stewards. One of those friends, the chief of a great commercial house in the city, made an attempt to put the establishment in Downing Street to rights; but in vain. He found that the waste of the servants' hall was almost fabulous. The quantity of butcher's meat charged in the bills was nine hundred weight a week. The consumption of poultry, of fish, and of tea was in proportion. The character of Pitt would have stood higher if, with the disinterestedness of Pericles and of De Witt, he had united their dignified frugality.

The memory of Pitt has been assailed, times innumerable, often justly, often unjustly; but it has suffered much less from his assailants than from his eulogists. For, during many years, his name was the rallying cry of a class of men with whom, at one of those terrible conjunctures which confound all ordinary distinctions, he was accidentally and temporarily connected, but to whom, on almost all great questions of principle, he was diametrically opposed. The haters of parliamentary reform called themselves Pittites, not choosing to remember that Pitt made three motions for parliamentary reform, and that, though he thought that such a reform could not safely be made while the passions excited by the French revolution were raging, he never uttered a word indicating that he should not be prepared at a more convenient season to bring the question forward a fourth time. The toast of Protestant ascendency was drunk on Pitt's birthday by a set of Pittites who could not but be aware that Pitt had resigned his office because he could not carry Catholic emancipation. The defenders of the Test Act called themselves Pittites, though they could not be ignorant that Pitt had laid before George the Third unanswerable reasons for abolishing the Test Act. The enemies of free trade called themselves Pittites, though Pitt was far more deeply imbued with the doctrines of Adam Smith than either Fox or Grey. The very negro-drivers invoked the name of Pitt, whose eloquence was never more conspicuously dis-

played than when he spoke of the wrongs of the negro. This mythical Pitt, who resembles the genuine Pitt as little as the Charlemagne of Ariosto resembles the Charlemagne of Eginhard, has had his day. History will vindicate the real man from calumny disguised under the semblance of adulation, and will exhibit him as what he was, a minister of great talents, honest intentions, and liberal opinions, pre-eminently qualified, intellectually and morally, for the part of a parliamentary leader, and capable of administering, with prudence and moderation, the government of a prosperous and tranquil country, but unequal to surprising and terrible emergencies, and liable, in such emergencies, to err grievously both on the side of weakness and on the side of violence.

INTRODUCTORY REPORT

UPON THE

INDIAN PENAL CODE.

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TO THE RIGHT HONOURABLE GEORGE LORD AUCKLAND, C.G.C.B.,
GOVERNOR-GENERAL OF INDIA IN COUNCIL

My Lord,

The Penal Code which, according to the orders of Government of the 15th of June 1835, we had the honour to lay before your Lordship in Council on the 2nd of May last, has now been printed under our superintendence, and has, as well as the Notes, been carefully revised and corrected by us while in the press.

The time which has been employed in framing this body of law will not be thought long by any person who is acquainted with the nature of the labour which such works require, and with the history of other works of the same kind. We should, however, have been able to lay it before your Lordship in Council many months earlier, but for a succession of unfortunate circumstances against which it was impossible to provide. During a great part of the year 1836, the Commission was rendered almost entirely inefficient by the ill-health of a majority of the members; and we were altogether deprived of the valuable services of our colleague Mr. Cameron, at the very time when those services were most needed.

It is hardly necessary for us to entreat your Lordship in Council to examine with candour the work which we now submit to you. To the ignorant and inexperienced the task in which we have been engaged may appear easy and simple. But the members of the Indian Government are doubtless well aware that it is among the most difficult tasks in which the human mind can be employed; that persons placed in circumstances far more favourable than ours have attempted it with

very doubtful success; that the best codes extant, if malignantly criticised, will be found to furnish matter for censure in every page; that the most copious and precise of human languages furnish but a very imperfect machinery to the legislator; that, in a work so extensive and complicated as that on which we have been employed, there will inevitably be, in spite of the most anxious care, some omissions and some inconsistencies; and that we have done as much as could reasonably be expected from us if we have furnished the Government with that which may, by suggestions from experienced and judicious persons, be improved into a good code.

Your Lordship in Council will be prepared to find in this performance those defects which must necessarily be found in the first portion of a code. Such is the relation which exists between the different parts of the law, that no part can be brought to perfection while the other parts remain rude. The penal code cannot be clear and explicit while the substantive civil law and the law of procedure are dark and confused. While the rights of individuals and the powers of public functionaries are uncertain, it cannot always be certain whether those rights have been attacked, or those powers exceeded.

Your Lordship in Council will perceive that the system of penal law which we propose is not a digest of any existing system, and that no existing system has furnished us even with a groundwork. We trust that your Lordship in Council will not hence infer that we have neglected to inquire, as we are commanded to do by Parliament, into the present state of that part of the law, or that in other parts of our labours we are likely to recommend unsparing innovation, and the entire sweeping away of ancient usages. We are perfectly aware of the value of that sanction which long prescription and national feeling give to institutions. We are perfectly aware that lawgivers ought not to disregard even the unreasonable prejudices of those for whom they legislate. So sensible are we of the importance of these considerations, that, though there are not the same objections to innovation in penal legislation as to innovation affecting vested rights of property, yet, if we had found India in possession of a system of criminal law which the people regarded with partiality, we should have been inclined rather to ascertain it, to digest it, and moderately to correct it, than to propose a system fundamentally different.

But it appears to us that none of the systems of penal law

except what it may derive from its own intrinsic excellence. All those systems are foreign. All were introduced by conquerors differing in race, manners, language and religion from the great mass of the people. The criminal law of the Hindoos was long ago superseded, through the greater part of the territories now subject to the Company, by that of the Mahomedans, and is certainly the last system of criminal law which an enlightened and humane Government would be disposed to revive. The Mahomedan criminal law has in its turn been superseded, to a great extent, by the British Regulations. Indeed, in the territories subject to the Presidency of Bombay, the criminal law of the Mahomedans, as well as that of the Hindoos, has been altogether discarded, except in one particular class of cases; and even in such cases, it is not imperative on the judge to pay any attention to it. The British Regulations, having been made by three different legislatures, contain, as might be expected, very different provisions. Thus in Bengal serious forgeries are punishable with imprisonment for a term double of the term fixed for perjury:* in the Bombay Presidency, on the contrary, perjury is punishable with imprisonment for a term double of the term fixed for the most aggravated forgeries:† in the Madras Presidency, the two offences are exactly on the same footing.‡ In the Bombay Presidency the escape of a convict is punished with imprisonment for a term double of the term assigned to that offence in the two other Presidencies;§ while a coiner is punished with little more than half the imprisonment assigned to his offence in the other two Presidencies.‖ In Bengal the purchasing of regimental necessaries from soldiers is not punishable except at Calcutta, and is there punishable with a fine of only fifty rupees.¶ In the Madras Presidency it is punishable with a fine of forty rupees.** In the Bombay Presidency it is punishable with imprisonment for four years.†† In Bengal the vending of stamps without a license is punishable with a moderate fine; and the purchasing of

* Bengal Regulation XVII. of 1817, section IX.

† Bombay Regulation XIV. of 1827, sections XVI. and XVII.

‡ Madras Regulation VI. of 1811, section III.

§ Bombay Regulation XIV. of 1827, section XXIV., and Regulation V. of 1831, section I. Bengal Regulation XII. of 1818, section V. clause 1. Madras Regulation VI. of 1822, section V. clause 2.

‖ Bombay Regulation XIV. of 1827, section XVIII. Bengal Regulation XVII. of 1817, section IX. Madras Regulation II. of 1822, section V.

¶ Calcutta Rule, Ordinance and Regulation, passed 21st August, registered 13th Nov. 1821.

** Madras Regulation XIV. of 1832, section II. clause 1.

†† Bombay Regulation XXII. of 1827, section XIX.

stamps from a person not licensed to sell them is not punished at all.* In the Madras Presidency the vendor is punished with a short imprisonment; but there also the purchaser is not punished at all.† In the Bombay Presidency, both the vendor and the purchaser are liable to imprisonment for five years, and to flogging.‡

Thus widely do the systems of penal law now established in British India differ from each other: nor can we recommend any one of the three systems as furnishing even the rudiments of a good code. The penal law of Bengal and of the Madras Presidency is, in fact, Mahomedan law, which has gradually been distorted to such an extent as to deprive it of all title to the religious veneration of Mahomedans, yet which retains enough of its original peculiarities to perplex and encumber the administration of justice. In substance it now differs at least as widely from the Mahomedan penal law, as the penal law of England differs from the penal law of France. Yet technical terms and nice distinctions borrowed from the Mahomedan law are still retained. Nothing is more usual than for the Courts to ask the law officers what punishment the Mahomedan law prescribes in a hypothetical case, and then to inflict that punishment on a person who is not within that hypothetical case, and who by the Mahomedan law would be liable either to a different punishment, or to no punishment. We by no means presume to condemn the policy which led the British Government to retain, and gradually to modify, the system of criminal jurisprudence which it found established in these provinces. But it is evident that a body of law thus formed must, considered merely as a body of law, be defective and inconvenient.

The penal law of the Bombay Presidency is all contained in the Regulations; and is almost all to be found in one extensive Regulation.§ The Government of that Presidency appears to have been fully sensible of the great advantage which must arise from placing the whole law in a written form before those who are to administer and those who are to obey it; and, whatever may be the imperfections of the execution, high praise is due to the design. The course which we recommend to the Government, and which some persons may perhaps consider as too daring, has already been tried at Bombay, and has not produced any of those effects which

* Bengal Regulation X. of 1829, section IX. clause 2.

† Madras Regulation XIII. of 1816, section IX. clause 2.

‡ Bombay Regulation XVIII. of 1827, section IX. clause 1.

§ Bombay Regulation XIV. of 1827.

timid minds are disposed to anticipate even from the most reasonable and useful innovations. Throughout a large territory, inhabited to a great extent by a newly-conquered population, all the ancient systems of penal law were at once superseded by a code, and this without the smallest sign of discontent among the people.

It would have given us great pleasure to have found that code such as we could with propriety have taken as the groundwork of a code for all India. But we regret to say that the penal law of the Bombay Presidency has over the penal law of the other Presidencies no superiority, except that of being digested. In framing it, the principles according to which crimes ought to be classified and punishments apportioned have been less regarded than in the legislation of Bengal and Madras. The secret destroying of any property, though it may not be worth a single rupee, is punishable with imprisonment for five years.* Unlawful confinement, though it may last only for a quarter of an hour, is punishable with imprisonment for five years.† Every conspiracy to injure or impoverish any person is punishable with imprisonment for ten years;‡ so that a man who engages in a design as atrocious as the Gunpowder Plot, and one who is party to a scheme for putting off an unsound horse on a purchaser, are classed together, and are liable to exactly the same punishment. Under this law, if two men concert a petty theft, and afterwards repent of their purpose and abandon it, each of them is liable to twenty times the punishment of the actual theft.§ All assaults which cause a severe shock to the mental feelings of the sufferer are classed with the atrocious crime of rape, and are liable to the punishment of rape, that is, if the Courts shall think fit, to imprisonment for fourteen years.‖ The breaking of the window of a house, the dashing to pieces a china cup within a house, the riding over a field of grain in hunting, are classed with the crime of arson, and are punishable, incredible as it may appear, with death. The following is the law on the subject: "Any person who shall wilfully and wrongfully set fire to or otherwise damage or destroy any part of a dwelling-house or building appertaining thereto, or property contained in a dwelling house, or building or inclosure appertaining thereto, or crops

* Regulation XIV. of 1827, section XLII. clause 2.

† Regulation XIV. of 1827, section XXXIII. clause 1.

‡ Regulation XVII. of 1828.

§ Regulation XIV. of 1837, section XXXIX.

‖ Regulation XIV. of 1827, section XXIX. clause 1.

standing or reaped in the field, shall be liable to any of the punishments specified in Section III. of this Regulation."* The section to which reference is made contains a list of the punishments authorised by the Bombay code, and at the head of that list stands "Death."

But these errors, the effects probably of inadvertence, are not, in our opinion, the most serious faults of the penal code of Bombay. That code contains enactments which it is impossible to excuse on the ground of inadvertence—enactments the language of which shows that when they were framed their whole effect was fully understood, and which appear to us to be directly opposed to the first principles of penal law. One of the first principles of penal law is this, that a person who merely conceals a crime after it has been committed ought not to be punished as if he had himself committed it. By the Bombay code, the concealment after the fact of murder is punishable as murder; the concealment after the fact of gang-robbery is punishable as gang-robbery;†—and this, though the concealment after the fact of the most cruel mutilations, and of the most atrocious robberies committed by not more than four persons, is not punished at all.

If there be any distinction which more than any other it behoves the legislator to bear constantly in mind, it is the distinction between harm voluntarily caused and harm involuntarily caused. Negligence, indeed, often causes mischief, and often deserves punishment. But to punish a man whose negligence has produced some evil which he never contemplated, as if he had produced the same evil knowingly and with deliberate malice, is a course which, as far as we are aware, no jurist has ever recommended in theory, and which we are confident that no society would tolerate in practice. It is, however, provided by the Bombay code that the "unintentional commission of any act punishable by that code shall be punished according to the Court's judgment of the culpable disregard of injury to others evinced by the person committing the said act, but the punishment for such unintentional commission shall not exceed that prescribed for the offence committed."‡

We have said enough to show that it is owing not at all to the law, but solely to the discretion and humanity of the judges, that great cruelty and injustice is not daily perpetrated in the Criminal Courts of the Bombay Presidency.

Many important classes of offences are altogether unnoticed by the Bombay code; and this omission appears to us to be very ill supplied by one sweeping clause, which arms the Courts with almost unlimited power to punish as they think fit offences against morality, or against the peace and good order of society, if those offences are penal by the religious law of the offender.* This clause does not apply to people who profess a religion with which a system of penal jurisprudence is not inseparably connected. And from this state of the law some singular consequences follow. For example, a Mahomedan is punishable for adultery: a Christian is at liberty to commit adultery with impunity.

Such is the state of the penal law in the Mofussil. In the meantime the population which lives within the local jurisdiction of the Courts established by the Royal Charters is subject to the English Criminal Law, that is to say, to a very artificial and complicated system,—to a foreign system,—to a system which was framed without the smallest reference to India,—to a system which even in the country for which it was framed is generally considered as requiring extensive reform, —to a system finally which has just been pronounced by a Commission composed of able and learned English lawyers to be so defective that it can be reformed only by being entirely taken to pieces and reconstructed.†

Under these circumstances we have not thought it desirable to take as the groundwork of the code any of the systems of law now in force in any part of India. We have, indeed, to the best of our ability, compared the code with all those systems, and we have taken suggestions from all; but we have not adopted a single provision merely because it formed a part of any of those systems. We have also compared our work with the most celebrated systems of Western jurisprudence, as far as the very scanty means of information which were accessible to us in this country enabled us to do so. We have derived much valuable assistance from the French code, and from the decisions of the French Courts of Justice on questions touching the construction of that code. We have derived assistance still more valuable from the code of Louisiana, prepared by the late Mr. Livingston. We are the more desirous to acknowledge our obligations to that eminent jurist, because we have found ourselves under the

* Regulation XIV. of 1827, section I. clause 1.

† Letter to Lord John Russell from the Commissioners appointed to inquire into the state of the Criminal Law dated 19th January 1837.

necessity of combatting his opinions on some important questions.

The reasons for those provisions which appear to us to require explanation or defence will be found appended to the Code in the form of Notes. Should your Lordship in Council wish for fuller information as to the considerations by which we have been guided in framing any part of the law, we shall be ready to afford it.

One peculiarity in the manner in which this code is framed will immediately strike your Lordship in Council,—we mean the copious use of illustrations. These illustrations will, we trust, greatly facilitate the understanding of the law, and will at the same time often serve as a defence of the law. In our definitions we have repeatedly found ourselves under the necessity of sacrificing neatness and perspicuity to precision, and of using harsh expressions because we could find no other expressions which would convey our whole meaning, and no more than our whole meaning. Such definitions standing by themselves might repel and perplex the reader, and would perhaps be fully comprehended only by a few students after long application. Yet such definitions are found, and must be found, in every system of law which aims at accuracy. A legislator may, if he thinks fit, avoid such definitions, and by avoiding them he will give a smoother and more attractive appearance to his workmanship; but in that case he flinches from a duty which he ought to perform, and which somebody must perform. If this necessary but most disagreeable work be not performed by the lawgiver once for all, it must be constantly performed in a rude and imperfect manner by every judge in the empire, and will probably be performed by no two judges in the same way. We have therefore thought it right not to shrink from the task of framing these unpleasing but indispensable parts of a code. And we hope that when each of these definitions is followed by a collection of cases falling under it, and of cases which, though at first sight they appear to fall under it, do not really fall under it, the definition and the reasons which led to the adoption of it will be readily understood. The illustrations will lead the mind of the student through the same steps by which the minds of those who framed the law proceeded, and may sometimes show him that a phrase which may have struck him as uncouth, or a distinction which he may have thought idle, was deliberately adopted for the purpose of including or excluding a large class of important cases. In the study of geometry

it is constantly found that a theorem which, read by itself, conveyed no distinct meaning to the mind, becomes perfectly clear as soon as the reader casts his eye over the statement of the individual case taken for the purpose of demonstration. Our illustrations, we trust, will in a similar manner facilitate the study of the law.

There are two things which a legislator should always have in view while he is framing laws; the one is, that they should be as far as possible precise: the other, that they should be easily understood. To unite precision and simplicity in definitions intended to include large classes of things, and to exclude others very similar to many of those which are included, will often be utterly impossible. Under such circumstances it is not easy to say what is the best course. That a law, and especially a penal law, should be drawn in words which convey no meaning to the people who are to obey it is an evil. On the other hand, a loosely-worded law is no law, and to whatever extent a legislature uses vague expressions, to that extent it abdicates its functions, and resigns the power of making law to the Courts of Justice.

On the whole, we are inclined to think that the best course is that which we have adopted. We have, in framing our definitions, thought principally of making them precise, and have not shrunk from rugged or intricate phraseology when such phraseology appeared to us to be necessary to precision. If it appeared to us that our language was likely to perplex an ordinary reader, we added as many illustrations as we thought necessary for the purpose of explaining it. The definitions and enacting clauses contain the whole law. The illustrations make nothing law which would not be law without them. They only exhibit the law in full action, and show what its effects will be on the events of common life.

Thus the code will be at once a statute book and a collection of decided cases. The decided cases in the code will differ from the decided cases in the English law books in two most important points. In the first place, our illustrations are never intended to supply any omission in the written law, nor do they ever, in our opinion, put a strain on the written law. They are merely instances of the practical application of the written law to the affairs of mankind. Secondly, they are cases decided not by the judges but by the legislature, by those who make the law, and who must know more certainly than any judge can know what the law is which they mean to make.

The power of construing the law in cases in which there is any real reason to doubt what the law is amounts to the power of making the law. On this ground the Roman jurists maintained that the office of interpreting the law in doubtful matters necessarily belonged to the legislature. The contrary opinion was censured by them with great force of reason, though in language perhaps too bitter and sarcastic for the gravity of a code. "Eorum vanam subtilitatem tam risimus quam corrigendam esse censuimus. Si enim in præsenti leges condere soli imperatori concessum est, et leges interpretari solo dignum imperio esse oportet. Quis legum ænigmata solvere et omnibus aperire idoneus esse videbitur nisi is cui legislatorem esse concessum est? Explosis itaque his ridiculosis ambiguitatibus tam conditor quam interpres legum solus imperator juste existimabitur." *

The decisions on particular cases which we have annexed to the provisions of the code resemble the imperial rescripts in this, that they proceed from the same authority from which the provisions themselves proceed. They differ from the imperial rescripts in this most important circumstance, that they are not made *ex post facto*, that they cannot therefore be made to serve any particular turn, that the persons condemned or absolved by them are purely imaginary persons, and that, therefore, whatever may be thought of the wisdom of any judgment which we have passed, there can be no doubt of its impartiality.

The publication of this collection of cases decided by legislative authority will, we hope, greatly limit the power which the Courts of Justice possess of putting their own sense on the laws. But we are sensible that neither this collection nor any other can be sufficiently extensive to settle every question which may be raised as to the construction of the code. Such questions will certainly arise, and, unless proper precautions be taken, the decisions on such questions will accumulate till they form a body of law of far greater bulk than that which has been adopted by the legislature. Nor is this the worst. While the judicial system of British India continues to be what it now is, these decisions will render the law not only bulky, but uncertain and contradictory. There are at present eight chief Courts subject to the legislative power of your Lordship in Council, four established by Royal

* Cod. Just., Lib. I., Tit. XIV. 12.

Charter, and four which derive their authority from the Company. Every one of these tribunals is perfectly independent of the others. Every one of them is at liberty to put its own construction on the law; and it is not to be expected that they will always adopt the same construction. Under so inconvenient a system there will inevitably be, in the course of a few years, a large collection of decisions diametrically opposed to each other, and all of equal authority.

How the powers and mutual relations of these Courts may be placed on a better footing, and whether it be possible or desirable to have in India a single tribunal empowered to expound the code in the last resort, are questions which must shortly engage the attention of the Law Commission. But whether the present judicial organization be retained or not, it is most desirable that measures should be taken to prevent the written law from being overlaid by an immense weight of comments and decisions. We conceive that it is proper for us, at the time at which we lay before your Lordship in Council the first part of the Indian code, to offer such suggestions as have occurred to us on this important subject.

We do not think it desirable that the Indian legislature should, like the Roman emperors, decide doubtful points of law which have actually been mooted in cases pending before the tribunals. In criminal cases, with which we are now more immediately concerned, we think that the accused party ought always to have the advantage of a doubt on a point of law, if that doubt be entertained after mature consideration by the highest judicial authority, as well as of a doubt on a matter of fact. In civil suits which are actually pending, we think it on the whole desirable to leave to the Courts the office of deciding doubtful questions of law which have actually arisen in the course of litigation. But every case in which the construction put by a judge on any part of the code is set aside by any of those tribunals from which at present there is no appeal in India, and every case in which there is a difference of opinion in a Court composed of several judges as to the construction of any part of the code, ought to be forthwith reported to the legislature. Every judge of every rank whose duty it is to administer the law as contained in the code should be enjoined to report to his official superiors every doubt which he may entertain as to any question of construction which may have arisen in his Court. Of these doubts, all which are not obviously unreasonable ought to be periodically reported by the highest judicial authorities to

the legislature. All the questions thus reported to the Government might with advantage be referred for examination to the Law Commission, if that Commission should be a permanent body. In some cases it will be found that the law is already sufficiently clear, and that any misconstruction which may have taken place is to be attributed to weakness, carelessness, wrongheadedness or corruption on the part of an individual, and is not likely to occur again. In such cases it will be unnecessary to make any change in the code. Sometimes it will be found that a case has arisen respecting which the code is silent. In such a case it will be proper to supply the omission. Sometimes it may be found that the code is inconsistent with itself. If so, the inconsistency ought to be removed. Sometimes it will be found that the words of the law are not sufficiently precise. In such a case it will be proper to substitute others. Sometimes it will be found that the language of the law, though it is as precise as the subject admits, is not so clear that a person of ordinary intelligence can see its whole meaning. In these cases it will generally be expedient to add illustrations, such as may distinctly show in what sense the legislature intends the law to be understood, and may render it impossible that the same question, or any similar question, should ever again occasion difference of opinion. In this manner every successive edition of the code will solve all the important questions as to the construction of the code which have arisen since the appearance of the edition immediately preceding. Important questions, particularly questions about which Courts of the highest rank have pronounced opposite decisions, ought to be settled without delay; and no point of law ought to continue to be a doubtful point more than three or four years after it has been mooted in a Court of Justice. An addition of a very few pages to the code will stand in the place of several volumes of reports, and will be of far more value than such reports, inasmuch as the additions to the code will proceed from the legislature, and will be of unquestionable authority; whereas the reports would only give the opinions of the judges, which other judges might venture to set aside.

It appears to us also highly desirable that, if the code shall be adopted, all those penal laws which the Indian legislature may from time to time find it necessary to pass should be framed in such a manner as to fit into the code. Their language ought to be that of the code. No word ought to be

code. The very part of the code in which the new law is to be inserted ought to be indicated. If the new law rescinds or modifies any provision of the code, that provision ought to be indicated. In fact the new law ought, from the day on which it is passed, to be part of the code, and to affect all the other provisions of the code, and to be affected by them as if it were actually a clause of the original code. In the next edition of the code, the new law ought to appear in its proper place.

For reasons which have been fully stated to your Lordship in Council in another communication, we have not inserted in the code any clause declaring to what places and to what classes of persons it shall apply.

Your Lordship in Council will see that we have not proposed to except from the operation of this code any of the ancient sovereign houses of India residing within the Company's territories. Whether any such exception ought to be made is a question which, without a more accurate knowledge than we possess of existing treaties, of the sense in which those treaties have been understood, of the history of negotiations, of the temper and of the power of particular families, and of the feeling of the body of the people towards those families, we could not venture to decide. We will only beg permission most respectfully to observe that every such exception is an evil; that it is an evil that any man should be above the law; that it is a still greater evil that the public should be taught to regard as a high and enviable distinction the privilege of being above the law; that the longer such privileges are suffered to last, the more difficult it is to take them away; that there can scarcely ever be a fairer opportunity for taking them away than at the time when the Government promulgates a new code binding alike on persons of different races and religions; and that we greatly doubt whether any consideration, except that of public faith solemnly pledged, deserves to be weighed against the advantages of equal justice.

The peculiar state of public feeling in this country may render it advisable to frame the law of procedure in such a manner that families of high rank may be dispensed, as far as possible, from the necessity of performing acts which are here regarded, however unreasonably, as humiliating. But though it may be proper to make wide distinctions as respects form, there ought in our opinion to be, as respects substance, no distinctions except those which the Government is bound by express engagements to make. That a man of rank should be

examined with particular ceremonies or in a particular place may, in the present state of Indian society, be highly expedient. But that a man of any rank should be allowed to commit crimes with impunity must in every state of society be most pernicious.

The provisions of the code will be applicable to offences committed by soldiers, as well as to offences committed by other members of the community. But for those purely military offences which soldiers only can commit, we have made no provision. It appears to us desirable that this part of the law should be taken up separately, and we have been given to understand that your Lordship in Council has determined that it shall be so taken up. But we have, as your Lordship in Council will perceive, made provision for punishing persons who, not being themselves subject to martial law, abet soldiers in the breach of military discipline.

Your Lordship in Council will observe that in many parts of the penal code we have referred to the code of procedure, which as yet is not in existence ; and hence it may possibly be supposed to be our opinion that, till the code of procedure is framed, the penal code cannot come into operation. Such, however, is not our meaning. We conceive that almost the whole of the penal code, such as we now lay it before your Lordship, might be made law, at least in the Mofussil, without any considerable change in the existing rules of procedure. Should your Lordship in Council agree with us in this opinion, we shall be prepared to suggest those changes which it would be necessary immediately to make.

In conclusion, we beg respectfully to suggest that, if your Lordship in Council is disposed to adopt the code which we have framed, it is most desirable that the native population should, with as little delay as possible, be furnished with good versions of it in their own languages. Such versions, in our opinion, can be produced only by the combined labours of enlightened Europeans and natives ; and it is not probable that men competent to execute all the translations which will be required would be found in any single province of India. We are sensible that the difficulty of procuring good translations will be great ; but we believe that the means at the disposal of your Lordship in Council are sufficient to overcome every difficulty ; and we are confident that your Lordship in Council will not grudge any thing that may be necessary for the purpose of enabling the people who are

placed under your care to know what that law is according to which they are required to live.

We have the honour to be,
My Lord,
Your Lordship's most obedient humble Servants,
T. B. Macaulay,
J. M. Macleod,
G. W. Anderson,
F. Millett.

Indian Law Commission,
October 14, 1837.

NOTES.

NOTE (A).

ON THE CHAPTER OF PUNISHMENTS.

FIRST among the punishments provided for offences by this code stands death. No argument that has been brought to our notice has satisfied us that it would be desirable wholly to dispense with this punishment. But we are convinced that it ought to be very sparingly inflicted, and we propose to employ it only in cases where either murder or the highest offence against the State has been committed.

We are not apprehensive that we shall be thought by many persons to have resorted too frequently to capital punishment; but we think it probable that many, even of those who condemn the English statute book as sanguinary, may think that our code errs on the other side. They may be of opinion that gang-robbery, the cruel mutilation of the person, and possibly rape, ought to be punished with death. These are doubtless offences which, if we looked only at their enormity, at the evil which they produce, at the terror which they spread through society, at the depravity which they indicate, we might be inclined to punish capitally. But atrocious as they are, they cannot, as it appears to us, be placed in the same class with murder. To the great majority of mankind nothing is so dear as life. And we are of

the same footing with murderers, is an arrangement which diminishes the security of life.

There is in practice a close connexion between murder and most of those offences which come nearest to murder in enormity. Those offences are almost always committed under such circumstances that the offender has it in his power to add murder to his guilt. They are often committed under such circumstances that the offender has a temptation to add murder to his guilt. The same opportunities, the same superiority of force, which enabled a man to rob, to mangle or to ravish, will enable him to go further, and to despatch his victim. As he has almost always the power to murder, he will often have a strong motive to murder, inasmuch as by murder he may often hope to remove the only witness of the crime which he has already committed. If the punishment of the crime which he has already committed be exactly the same with the punishment of murder, he will have no restraining motive. A law which imprisons for rape and robbery, and hangs for murder, holds out to ravishers and robbers a strong inducement to spare the lives of those whom they have injured. A law which hangs for rape and robbery, and which only hangs for murder, holds out, indeed, if it be rigorously carried into effect, a strong motive to deter men from rape and robbery, but as soon as a man has ravished or robbed, it holds out to him a strong motive to follow up his crime with a murder.

If murder were punished with something more than simple death; if the murderer were broken on the wheel or burned alive, there would not be the same objection to punishing with death those crimes which in atrocity approach nearest to murder. But such a system would be open to other objections so obvious that it is unnecessary to point them out. The highest punishment which we propose is the simple privation of life; and the highest punishment, be it what it may, ought not, for the reason which we have given, to be assigned to any crime against the person which stops short of murder. And it is hardly necessary to point out to his Lordship in Council how great a shock would be given to public feeling if, while we propose to exempt from the punishment of death the most atrocious personal outrages which stopped short of murder, we were to inflict that punishment even in the worst cases of theft, cheating, or mischief.

It will be seen that, throughout the code, wherever we

have made any offence punishable by transportation, we have provided that the transportation shall be for life. The consideration which has chiefly determined us to retain that mode of punishment is our persuasion that it is regarded by the natives of India, particularly by those who live at a distance from the sea, with peculiar fear. The pain which is caused by punishment is unmixed evil. It is by the terror which it inspires that it produces good; and perhaps no punishment inspires so much terror in proportion to the actual pain which it causes as the punishment of transportation in this country. Prolonged imprisonment may be more painful in the actual endurance; but it is not so much dreaded beforehand; nor does a sentence of imprisonment strike either the offender or the bystanders with so much horror as a sentence of exile beyond what they call the Black Water. This feeling, we believe, arises chiefly from the mystery which overhangs the fate of the transported convict. The separation resembles that which takes place at the moment of death. The criminal is taken for ever from the society of all who are acquainted with him, and conveyed by means of which the natives have but an indistinct notion over an element which they regard with extreme awe, to a distant country of which they know nothing, and from which he is never to return. It is natural that his fate should impress them with a deep feeling of terror. It is on this feeling that the efficacy of the punishment depends, and this feeling would be greatly weakened if transported convicts should frequently return, after an exile of seven or fourteen years, to the scene of their offences, and to the society of their former friends.

We may observe that the rule which we propose to lay down is already in force in almost every part of British India. The Courts established by the Royal Charters and Courts Martial are at present the only Courts which sentence offenders to transportation for any term short of life. In the case of European offenders who are condemned to long terms of imprisonment, we allow the Government to commute imprisonment for transportation not perpetual. But in that case we are of opinion that in general the transported criminal ought not, after the expiration of the term for which he is transported, to be allowed to return to India. This rule and the reasons for it will be considered hereafter.

Of imprisonment we propose to institute two grades, rigorous imprisonment and simple imprisonment. But we

do not think the penal code the proper place for describing with minuteness the nature of either kind of punishment.

We entertain a confident hope that it will shortly be found practicable greatly to reduce the terms of imprisonment which we propose. Where a good system of prison discipline exists, where the criminal, without being subject to any cruel severities, is strictly restrained, regularly employed in labour not of an attractive kind, and deprived of every indulgence not necessary to his health, a year's confinement will generally prove as efficacious as confinement for two years in a gaol where the superintendence is lax, where the work exacted is light, and where the convicts find means of enjoying as many luxuries as if they were at liberty. As the intensity of the punishment is increased, its length may safely be diminished. As members of the committee which is now employed in investigating the system followed in the gaols of this country, we have had access to information which enables us to say with confidence that, in this department of the administration, extensive reforms are greatly needed, and may easily be made. The researches of that committee will, we hope, enable the Law Commission hereafter to prepare such a code of prison discipline as, without shocking the humane feelings of the community, may yet be a terror to the most hardened wrong-doers. Whenever such a code shall come into operation, we conceive that it will be advisable greatly to shorten many of the terms of imprisonment which we have proposed.

It will be seen that we have given to the Government a power of commuting sentences in certain cases without the consent of the offender. Some of the rules which we have laid down on this subject will be universally allowed to be proper. It is evidently fit that the Government should be empowered to commute the sentence of death for any other punishment provided by the code. It seems to us also very desirable that the Government should have the power of commuting perpetual transportation for perpetual imprisonment. Many circumstances of which the executive authorities ought to be accurately informed, but which must often be unknown to the ablest judge, may, at particular times, render it highly inconvenient to carry a sentence of transportation into effect. The state of those remote provinces of the empire in which convict settlements are established, and the way in which the interest of those provinces may be affected by any addition to the convict population, are matters which lie altogether out of the cognizance of the

tribunals by which those sentences are passed, and which the Government only is competent to decide.

The provisions contained in clauses 43 and 44 are more likely to cause difference of opinion. We are satisfied that both humanity and policy require that those provisions, or provisions very similar to them, should be adopted.

The physical difference which exists between the European and the native of India renders it impossible to subject them to the same system of prison discipline. It is most desirable, indeed, that in the treatment of offenders convicted of the same crime and sentenced to the same punishment there should be no apparent inequality. But it is still more desirable that there should be no real inequality, and there must be real inequality unless there be apparent inequality. It would be cruel to subject an European for a long period to a severe prison discipline, in a country in which existence is almost constant misery to an European who has not many indulgences at his command. If not cruel, it would be impolitic. It is unnecessary to point out to his Lordship in Council how desirable it is that our national character should stand high in the estimation of the inhabitants of India, and how much that character would be lowered by the frequent exhibition of Englishmen of the worst description, placed in the most degrading situations, stigmatized by the courts of justice, and engaged in the ignominious labour of a gaol.

As there are strong reasons for not punishing Europeans with imprisonment of the same description with which we propose to punish natives, so there are reasons equally strong for not suffering Europeans who have been convicted of serious crimes to remain in this country. As we are satisfied that nothing can add more strength to the Government, or can be more beneficial to the people, than the free admission of honest, industrious and intelligent Englishmen, so we are satisfied that no greater calamity could befall either the Government or the people than the influx of Englishmen of lawless habits and blasted character. Such men are of the same race and colour with the rulers of the country, they speak the same language, they wear the same garb. In all these things they differ from the great body of the population. It is natural and inevitable that in the minds of a people accustomed to be governed by Englishmen, the idea of an Englishman should be associated with the idea of Government. Every Englishman participates in the power of Government, though he holds no office. His vices reflect

disgrace on the Government, though the Government gives him no countenance.

It was probably on these grounds that Parliament, at the same time at which it threw open a large part of India to British-born subjects of the King, directed the local legislature to provide against those dangers which might be expected from an influx of such settlers. No regulation can, in our opinion, promote more effectually, or in a more unexceptionable manner, the end which Parliament had in view than that which we now propose.

We recommend that, whenever a person, not both of Asiatic birth and of Asiatic blood, commits an offence so serious that he is sentenced to two years of simple imprisonment, or to one year of rigorous imprisonment, it shall be competent to the Government to commute that punishment for banishment from the territories of the East India Company.

If a person of unmixed European blood should commit an offence so heinous as to be visited with a sentence of imprisonment for seven years or more, we would give to the Government the power of substituting an equal term of transportation for that term of imprisonment, and of excluding the offender, after the expiration of the term of transportation, from the territories of the East India Company. The Government would, doubtless, make arrangements for transporting such offenders to some British colony situated in a temperate climate.

In the great majority of cases we believe that this commutation of punishment would be most welcome to an European offender. But however this may be, we are satisfied that it is for the interest both of the British Government and of the Indian people that the executive authorities should possess the power which we propose to confide to them.

The forfeiture of property is a punishment which we propose to inflict only on persons guilty of high political offences. The territorial possessions of such persons often enable them to disturb the public peace, and to make head against the Government; and it seems reasonable that they should be deprived of so dangerous a power.

Fine is one of the most common punishments in every part of the world, and it is a punishment the advantages of which are so great and obvious, that we propose to authorize the Courts to inflict it in every case, except where forfeiture of all property is necessarily part of the punishment. Yet the punishment of fine is open to some objections. Death, im-

prisonment, transportation, banishment, solitude, compelled labour, are not, indeed, equally disagreeable to all men. But they are so disagreeable to all men that the legislature, in assigning these punishments to offences, may safely neglect the differences produced by temper and situation. With fine, the case is different. In imposing a fine, it is always necessary to have as much regard to the pecuniary circumstances of the offender as to the character and magnitude of the offence. The mulct which is ruinous to a labourer is easily borne by a tradesman, and is absolutely unfelt by a rich zemindar.

It is impossible to fix any limit to the amount of a fine which will not either be so high as to be ruinous to the poor, or so low as to be no object of terror to the rich. There are many millions in India who would be utterly unable to pay a fine of fifty rupees; there are hundreds of thousands from whom such a fine might be levied, but whom it would reduce to extreme distress; there are thousands to whom it would give very little uneasiness; there are hundreds to whom it would be a matter of perfect indifference, and who would not cross a room to avoid it. The number of the poor in every country exceeds in a very great ratio the number of the rich. The number of poor criminals exceeds the number of rich criminals in a still greater ratio. And to the poor criminal it is a matter of absolute indifference whether the fine to which he is liable be limited or not, unless it be so limited as to render it quite inefficient as a mode of punishing the rich. To a man who has no capital, who has laid by nothing, whose monthly wages are just sufficient to provide himself and his family with their monthly rice, it matters not whether the fine for assault be left to be settled by the discretion of the Courts, or whether a hundred rupees be fixed as the maximum. There are no degrees in impossibility. He is no more able to pay a hundred rupees than to pay a lac. A just and wise judge, even if entrusted with a boundless discretion, will not, under ordinary circumstances, sentence such an offender to a fine of a hundred rupees. And the limit of a hundred rupees would leave it quite in the power of an unjust or inconsiderate judge to inflict on such an offender all the evil which can be inflicted on him by means of fine.

If, in imitation of Mr. Livingston, we provide that no fine shall exceed one-fourth of the amount of the offender's property, no serious fine will ever be imposed in this country without a long and often a most unsatisfactory investigation,

in which it would be necessary to decide many obscure questions of right purposely darkened by every artifice of chicanery. And even if this great practical difficulty did not exist, we should see strong objections to such a provision in a very large class of cases. Take the case of a corrupt judge who has accumulated a lac of rupees by his illicit practices. A fine which should deprive such a man of the whole of his fortune would not appear to us excessive: and certainly we should think it most undesirable that he should be allowed to retain 75,000 rupees of his ill-gotten gains. Again, take the case of a man who has been suborned to commit perjury, and has received a great bribe for doing so. Such a man may have little or no property, except what he has received as a bribe: yet it is evidently desirable that he should be compelled to disgorge the whole. No man ought ever to gain by breaking the law; and if Mr. Livingston's rule were adopted in this country, many would gain by breaking the law. To punish a man for a crime, and yet to leave in his possession three-fourths of the consideration which tempted him to commit the crime, is to hold out at once punishments for crime, and inducements to crime. It appears to us that the punishment of fine is a peculiarly appropriate punishment for all offences to which men are prompted by cupidity; for it is a punishment which operates directly on the very feeling which impels men to such offences. A man who has been guilty of great offences arising from cupidity, of forging a bill of exchange, for example, of keeping a receptacle for stolen goods, or of extensive embezzlement, ought, we conceive, to be so fined as to reduce him to poverty. That such a man should, when his imprisonment is over, return to the enjoyment of three-fourths of his property, a property which may be very large, and which may have been accumulated by his offences, appears to us highly objectionable. Those persons who are most likely to commit such offences would often be less deterred by knowing that the offender had passed several years in imprisonment, than encouraged by seeing him, after his liberation, enjoying the far larger part of his wealth.

We have never seen any general rule for the limiting of fine, which we are disposed to adopt. The difficulty of framing a rule has evidently been felt by many eminent men. The authors of the Bill of Rights, with many instances of gross abuse fresh in their recollection, could devise no other rule than that excessive fines should not be imposed. And

the authors of the Constitution of the United States, after the experience of another century, contented themselves with repeating the words of the Bill of Rights.

It will be seen that in cases which are not very heinous we propose to limit the amount of fine which the Courts may impose. But in serious cases we have left the amount of fine absolutely to their discretion; and we feel, as we have said, that, even in the cases where we have proposed a limit, such a limit will be no protection to the poor, who in every community are also the many. We feel that the extent of the discretion which we have thus left to the Courts is an evil, and that no sagacity and no rectitude of intention can secure a judge from occasional error. We conceive, however, that if fine is to be employed as a punishment,—and no judicious person, we are persuaded, would propose to dispense with it,—this evil must be endured. We shall attempt in the code of procedure to establish such a system of appeal as may prevent gross or frequent injustice from taking place.

The next question which it became our duty to consider was this:—when a fine has been imposed, what measures shall be adopted in default of payment? And here two modes of proceeding, with both of which we were familiar, naturally occurred to us. The offender may be imprisoned till the fine is paid, or he may be imprisoned for a certain term, such imprisonment being considered as standing in place of the fine. In the former case, the imprisonment is used in order to compel him to part with his money; in the latter case, the imprisonment is a punishment substituted for another punishment. Both modes of proceeding appear to us to be open to strong objections. To keep an offender in imprisonment till his fine is paid is, if the fine be beyond his means, to keep him in imprisonment all his life; and it is impossible for the best judge to be certain that he may not sometimes impose a fine which shall be beyond the means of an offender. Nothing could make such a system tolerable except the constant interference of some authority empowered to remit sentences; and such constant interference we should consider as in itself an evil. On the other hand, to sentence an offender to fine and to a certain fixed term of imprisonment in default of payment, and then to leave it to himself to determine whether he will part with his money or lie in gaol, appears to us to be a very objectionable course. The high authority of Mr. Livingston is here against us. He allows the criminal, if sentenced to

judge to commute the excess for imprisonment at the rate of one day of imprisonment for every two dollars of fine, and he adds, that such imprisonment must in no case exceed ninety days. We regret that we cannot agree with him. The object of the penal law is to deter from offences, and this can only be done by means of inflictions disagreeable to offenders. The law ought not to inflict punishments unnecessarily severe; but it ought not, on the other hand, to call the offender into council with his judges, and to allow him an option between two punishments. In general, the circumstance that he prefers one punishment raises a strong presumption that he ought to suffer the other. The circumstance that the love of money is a stronger passion in his mind than the love of personal liberty is, as far as it goes, a reason for our availing ourselves rather of his love of money than of his love of personal liberty for the purpose of restraining him from crime. To look out systematically for the most sensitive part of a man's mind, in order that we may not direct our penal sanctions towards that part of his mind, seems an injudicious policy.

We are far from thinking that the course which we propose is unexceptionable; but it appears to us to be less open to exception than any other which has occurred to us. We propose that, at the time of imposing a fine, the Court shall also fix a certain term of imprisonment which the offender shall undergo in default of payment. In fixing this term the Court will in no case be suffered to exceed a certain maximum, which will vary according to the nature of the offence. If the offence be one which is punishable with imprisonment as well as fine, the term of imprisonment in default of payment will not exceed one-fourth of the longest term of imprisonment fixed by the code for the offence. If the offence be one which by the code is punishable only with fine, the term of imprisonment for default of payment will in no case exceed seven days.

But we do not mean that this imprisonment shall be taken in full satisfaction of the fine. We cannot consent to permit the offender to choose whether he will suffer in his person or in his property. To adopt such a course would be to grant exemption from the punishment of fine to those very persons on whom it is peculiarly desirable that the punishment of fine should be inflicted, to those very persons who dislike that punishment most, and whom the apprehension of that punish-

that the imprisonment which an offender has undergone shall not release him from the pecuniary obligation under which he lies. His person will, indeed, cease to be answerable for the fine; but his property will for a time continue to be so. What we recommend is, that at any time during a certain limited period the fine may be levied on his effects by distress. If the fine is paid or levied while he is imprisoned for default of payment, his imprisonment will immediately terminate, and if a portion of the fine be paid during the imprisonment, a proportional abatement of the imprisonment will take place.

It may perhaps appear to some persons harsh to imprison a man for non-payment of a fine, and, after he has endured his imprisonment, to take his property by distress in order to realize the fine. But this harshness is rather apparent than real. If the offender, having the means of paying the fine, chooses rather to lie in prison than to part with his money, his case is the very case in which it is most desirable that the fine should be levied, and he is the very convict who has least claim to indulgence. The confinement which he has undergone may be regarded as no more than a reasonable punishment for his obstinate resistance to the due execution of his sentence. If the offender has not the means of paying the fine while he continues liable to it, he will be quit for his imprisonment. There remains another case; that of an offender who, being really unable to pay his fine, lies in prison for a term, and within six years after his sentence acquires property. This case is the only case in which it can, with any plausibility, be maintained that the law, as we have framed it, would operate harshly. Even in this case, it is evident that our law will operate far less harshly than a law which should provide that an offender sentenced to a fine should be imprisoned till the fine should be paid. Under both laws imprisonment is inflicted, under both a fine is exacted. But the one law liberates the offender on payment of the fine, and also fixes a limit beyond which he cannot be detained in gaol, whether the fine be paid or no. The other law keeps him in confinement till the money is actually paid. It is, therefore, at least as severe as ours on his property, and is immeasurably more severe on his person.

In fact, we treat an offender who has been sentenced to fine more leniently than the law now treats a debtor either in England or in this country. By the English law, an insolvent not in trade is kept in confinement till he has sur-

rendered all his property, till he has answered interrogatories respecting it, till the Court is satisfied that he has paid all that he can pay. Even when his person is liberated, his *future* acquisitions still continue to be liable to the claims of his creditors. The law throughout British India is in principle the same with the law of England. The offender who has been sentenced to fine must be considered as a debtor, and, as a debtor, not entitled to any peculiar lenity. It will be difficult to show on what principles a creditor ought to be allowed to employ, for the purpose of recovering a debt from a person who is perhaps only unfortunate, a more stringent mode of procedure than that which the State employs for the purpose of realizing a fine from the property of a criminal. If a temporary imprisonment for debt ought not to cancel the claim of the private creditor, neither ought a temporary imprisonment in default of payment of a fine to cancel the claims of public justice.

It is undoubtedly easy to put cases in which this part of the law will operate more severely than we could wish; and so it is easy to put cases in which every penal clause in the code would operate more severely than we could wish. This is an evil inseparable from all legislation. General rules must be framed; and it is absolutely impossible to frame general rules which shall suit all particular cases. It is sufficient if the rule be, on the whole, more beneficial than any other general rule which can be suggested. Those particular cases in which a rule generally beneficial may operate too harshly must be left to the merciful consideration of the Executive Government. We are satisfied that the punishment of fine would, under the arrangement which we propose, be found to be a most efficacious punishment in a large class of cases. We are satisfied that if offenders are allowed to choose between imprisonment and fine, fine will lose almost its whole efficacy, and will never be inflicted on those who dread it most.

Closely connected with these questions respecting the punishment of fine is another question of the highest importance, which indeed belongs rather to the law of civil rights and to the law of procedure than to the penal law, but respecting which we are desirous to place on record the opinion which we have formed, after much reflection and discussion.

In a very large proportion of criminal cases there is good ground for a civil as well as for a penal proceeding. The

English law, most erroneously in our opinion, allows no civil claim for reparation in cases where injury has been caused by an offence amounting to felony. Thus a person is entitled to reparation for what he has lost by petty fraud, but to none if he has been cheated by means of a forged bill of exchange. He is entitled to reparation if his coat has been torn, but to none if his house has been maliciously burned down. He is entitled to reparation for a slap on the face, but to none for having his nose maliciously slit, or his ears cut off. A woman is entitled to reparation for a breach of promise of marriage, but to none for a rape. To us it appears that of two sufferers, he who has suffered the greater harm has, *cæteris paribus*, the stronger claim to compensation; and that of two offences, that which produces the greater harm ought, *cæteris paribus*, to be visited with the heavier punishment. Hence it follows that in general the strongest claims to compensations will be the claims of persons who have been injured by highly penal acts; and that to refuse reparation to all sufferers who have been injured by highly penal acts is to refuse reparation to that very class of sufferers who have the strongest claim to it.

We are decidedly of opinion that every person who is injured by an offence ought to be legally entitled to a compensation for the injury. That the offence is a very serious one, far from being a reason for thinking that he ought to have no compensation, is *primâ facie* a reason for thinking that the compensation ought to be very large.

Entertaining this opinion, we are desirous that the law of criminal procedure should be framed in such a manner as to facilitate the obtaining of reparation by the sufferer. We are inclined to think that an arrangement might be adopted under which one trial would do the work of two. We conceive that, in every case in which fine is part of the punishment of an offence, it ought to be competent to the tribunal which has tried the offender, acting under proper checks, to award the whole or part of the fine to the sufferer, provided that the sufferer signifies his willingness to receive what is so awarded in full satisfaction of his civil claim for reparation. If the Criminal Court shall not make such an award, or if the sufferer shall not be satisfied with such an award, he must be left to his civil action. But if, in such an action, he recovers damages, the fine ought, in our opinion, to be employed, as far as the fine will go, in satisfying those damages.

The plan we propose would not be open to the strong and indeed unanswerable objections which Mr. Livingston has urged against the plan of blending a civil and criminal trial together. Yet we think it likely that our plan would in a great majority of cases render a civil proceeding unnecessary. We are happy to be able to quote the high authority of Mr. Livingston in favour of the doctrine that every fine imposed for an offence ought to be expended, as far as it will go, in paying any damages which may be due in consequence of injury caused by that offence.

This course seems to be the only course consistent with justice to either party. It is most unjust to the man who has been disabled by a wound, or ruined by a forgery, that the Government should take, under the name of fine, so large a portion of the offender's property as to leave nothing to the sufferer. In general, the greater the injury the greater ought to be the fine. On the other hand, the greater the injury the greater ought to be the compensation. If, therefore, the Government keeps whatever it can raise in the way of fine, it follows that the sufferer who has the greatest claim to compensation will be least likely to obtain it. By empowering the Courts to grant damages out of the fine, and by making the fine after it has reached the treasury of the Government answerable for the damages which the sufferer may recover in a Civil Court, we avoid this injustice.

Nor is this arrangement required only by justice to the sufferer. It is also required by justice to the offender. However atrocious his crime may have been, he ought not to be subjected to any punishment beyond what the public interest demands. And we depart from this principle if, when a single payment would effect all that is required both in the way of punishment and in the way of reparation, we impose two distinct payments, the one by way of punishment, and the other by way of reparation.

The principles on which a Court proceeds in imposing a fine are quite different from those on which it proceeds in assessing damages. A fine is meant to be painful to the person paying it. But civil damages are not meant to cause pain to the person who pays them. They are meant solely to compensate the plaintiff for evil suffered. They cause pain undoubtedly to the person who has to pay them. But this pain is merely incidental; nor ought the amount of damages at all to depend on the degree of depravity which the wrongdoer has shown, except in so far as that depravity may have

increased the evil endured by the sufferer. If A., by mere inadvertence, drives the pole of his carriage against Z.'s valuable horse, and thus kills the horse, A. has committed an action infinitely less reprehensible than if he kills the horse by laying poison secretly in its food. The former act would probably not fall at all under the cognizance of the Criminal Courts. The latter act would be severely punished. But the payment to which Z. has a civil claim is in both cases exactly the same, the value of the horse, and a compensation for any expense and inconvenience which the loss of the horse may have occasioned. That A. has committed no offence is no reason for giving Z. less than his full damages; that A. has committed a most wicked and malignant offence is no reason for giving Z. more than his full damages. If a mere inadvertence cause a great loss, the damages ought to be high. If the most atrocious crime cause a small loss, the damages ought to be low. They are fixed on a principle quite different from that according to which penal laws are framed and administered.

Here then are two payments required from one person on account of one transaction. The object of the one payment is to give him pain, and the amount of that payment must be supposed to be sufficient to give him as much pain as it is desirable to inflict on him in that form. The object of the other payment is not at all to give pain to the payer, but solely to save another person from loss. It does, indeed, incidentally give pain to the payer; but it is not imposed for that end, nor is it proportioned to the degree in which it may be fit that the payer should suffer pain. Surely under such circumstances justice to the payer requires that the former payment should, as far as it will go, serve both purposes, and that if in the very act of enduring punishment he can make reparation, he should be permitted to do so.

We have now said all that we at present think it necessary to say respecting the punishments provided in the code. It may be fit that we should explain why some others are omitted.

We have thought it unnecessary to place incapacitation for office, or dismissal from office, in the list of punishments. It will always be in the power of the Government to dismiss from office and to exclude from office even persons against whom there is no legal evidence of guilt. It will always be in the power of the Government, by an act of grace, to admit to office even those who may have been dismissed. We there-

fore propose that the power of inflicting this penalty shall be left in form, as it must be left in reality, to the Government.

We also considered whether it would be advisable to place in the list of punishments the degrading public exhibition of an offender on a pillory, after the English fashion, or on an ass, in the manner usual in this country. We are decidedly of opinion that it is not advisable to inflict that species of punishment.

Of all punishments this is evidently the most unequal. It may be more severe than any punishment in the code. It may be no punishment at all. If inflicted on a man who has quick sensibility, it is generally more terrible than death itself. If inflicted on a hardened and impudent delinquent, who has often stood at the bar, and who has no character to lose, it is a punishment less serious than an hour of the treadmill. It derives all its terrors from the higher and better parts of the character of the sufferer; its severity is therefore in inverse proportion to the necessity for severity. An offender who, though he has been drawn into crime by temptation, has not yet wholly given himself up to wickedness and discarded all regard for reputation, is an offender with whom it is generally desirable to deal gently. He may still be reclaimed. He may still become a valuable member of society. On the other hand, the criminal for whom disgrace has no terrors, who dreads nothing but physical suffering, restraint and privation, and who laughs at infamy, is the very criminal against whom the whole rigour of the law ought to be put forth. To employ a punishment which is more bitter than the bitterness of death to the man who has still some remains of virtuous and honourable feeling, and which is mere matter of jest to the utterly abandoned villain, appears to us most unreasonable.

If it were possible to devise a punishment which should give pain proportioned to the degree in which the offender was shameless, hard-hearted, and abandoned to vice, such a punishment would be the most effectual means of protecting society. On the other hand, of all punishments the most absurd is that which produces pain proportioned to the degree in which the offender retains the sentiments of an honest man.

This argument proceeds on the supposition that the public exposure of the criminal has no other terrors than those which it derives from his sensibility to shame. The English pillory, indeed, had terrors of a very different kind. The

any protection to the utmost ferocity of the mob. Such a mode of punishment is, indeed, free from one objection which we have urged against simple exposure; for it is an object of terror to the most hardened criminal. But it is open tc other objections so obvious, that it is unnecessary to bring them to the notice of his Lordship in Council. That the amount of punishment should be determined, not by the law or by the tribunals, but by a throng of people accidentally congregated, among whom the most ignorant and brutal would always on such an occasion be the most forward, would be a disgrace to an age and country pretending to civilisation. We take it for granted that the punishment which we are considering, if inflicted in any part of India subject to the British Government, would consist in degrading exposure, and nothing more. That punishment, we repeat, while it would be a mere subject of mockery to shameless and abandoned delinquents, would, when inflicted on men who have filled respectable stations and borne respectable characters, be so cruel that it would become justly more odious to the public than the very offences which it was intended to repress.

We have not thought it desirable to place flogging in the list of punishments. If inflicted for atrocious crimes with a severity proportioned to the magnitude of those crimes, that punishment is open to the very serious objections which may be urged against all cruel punishments, and which are so well known that it is unnecessary for us to recapitulate them. When inflicted on men of mature age, particularly if they be of decent stations in life, it is a punishment of which the severity consists, to a great extent, in the disgrace which it causes; and to that extent the arguments which we have used against public exposure apply to flogging.

It has been represented to us by some functionaries in Bengal, that the best mode of stimulating the lower officers of police to the active discharge of their duties is by flogging, and that since the abolition of that punishment in this presidency, the magistrates of the lower provinces have found great difficulty in managing that class of persons.

This difficulty has not been experienced in any other part of India. We, therefore, cannot, without much stronger evidence than is now before us, believe that it is impracticable to make the police officers of the lower provinces efficient without resorting to corporal punishment. The objections to the old system are obvious. To inflict on a public servant,

who ought to respect himself and to be respected by others, an ignominious punishment, which leaves an indelible mark, and to suffer him still to remain a public servant, to place a stigma on him which renders him an object of contempt to the mass of the population, and to continue to entrust him with any portion, however small, of the powers of Government, appears to us to be a course which nothing but the strongest necessity can justify.

The moderate flogging of young offenders for some petty offences is not open, at least in any serious degree, to the objections which we have stated. Flogging does not inflict on a boy that sort of ignominy which it causes to a grown man. Up to a certain age, boys, even of the higher classes, are often corrected with stripes by their parents and guardians: and this circumstance takes away a considerable part of the disgrace of stripes inflicted on a boy by order of a magistrate. In countries where a bad system of prison discipline exists, the punishment of flogging has in such cases one great advantage over that of imprisonment. The young offender is not exposed even for a day to the contaminating influence of an ill-regulated gaol. It is our hope and belief, however, that the reforms which are now under consideration will prevent the gaols of India from exercising any such contaminating influence; and, if that should be the case, we are inclined to think that the effect of a few days passed in solitude or in hard and monotonous labour would be more salutary than that of stripes.

Being satisfied, therefore, that the punishment of flogging can be proper only in a few cases, and not being satisfied that it is necessary in any, we are unwilling to advise the Government to retrace its steps, and to re-establish throughout the British territories a practice which, by a policy unquestionably humane and by no means proved to have been injudicious, has recently been abolished through a large part of those territories.

The only remaining point connected with this chapter, to which we wish to call the attention of his Lordship in Council, is the provision contained in clause 61. This provision is intended to prevent an offender whose guilt is fully established from eluding punishment, on the ground that the evidence does not enable the tribunals to pronounce with certainty under what penal provision his case falls.

Where the doubt is merely between an aggravated and mitigated form of the same offence, the difficulty will not be

great. In such cases the offender ought always to be convicted of the minor offence. But the doubt may be between two offences, neither of which is a mitigated form of the other. The doubt, for example, may lie between murder and the aiding of murder. It may be certain, for example, that either A. or B. murdered Z., and that whichever was the murderer was aided by the other in the commission of the murder; but which committed the murder, and which aided the commission, it may be impossible to ascertain. To suffer both to go unpunished, though it is certain that both are guilty of capital crimes, merely because it is doubtful under what clause each of them is punishable, would be most unreasonable. It appears to us that a conviction in the alternative has this recommendation, that it is altogether free from fiction, that it is exactly consonant to the truth of the facts. If the Court find both A. and B. guilty of murder, or of aiding murder, the Court affirms that which is not literally true; and on all occasions, but especially in judicial proceedings, there is a strong presumption in favour of literal truth. If the Court finds that A. has either murdered Z. or aided B. to murder Z., and that B. has either murdered Z. or aided A. to murder Z., the Court finds that which is the literal truth; nor will there, under the rule which we have laid down, be the smallest difficulty in prescribing the punishment.

It is chiefly in cases where property has been fraudulently appropriated that the necessity for such a provision as that which we are considering will be felt. It will often be certain that there has been a fraudulent appropriation of property; and the only doubt will be, whether this fraudulent appropriation was a theft or a criminal breach of trust. To allow the offender to escape unpunished on account of such a doubt would be absurd. To subject him to the punishment of theft, which is the higher of the two crimes between which the doubt lies, would be grossly unjust. The punishment to which he ought to be liable is evidently that of criminal breach of trust. But that a Court should convict an offender of a criminal breach of trust, when the opinion of the Court perhaps is, that it is an even chance, or more than an even chance, that no trust was ever reposed in him, seems to us an objectionable mode of proceeding. We will not, in this stage of our labours, venture to lay it down as an unbending rule that the tribunals ought never to employ phrases which, though literally false, are conventionally true. Yet we are fully satisfied that the presumption is always strongly in

favour of that form of expression which accurately sets forth the real state of the facts. In the case which we have supposed, the real state of the facts is, that the offender has certainly committed either theft or criminal breach of trust, and that the Court does not know which. This ought, therefore, in our opinion, to be the form of the judgment.

The details of the law on this subject must, of course, be reserved for the code of procedure. But the provision which directs the manner in which the punishment is to be calculated appears properly to belong to the penal code.

NOTE (B).

ON THE CHAPTER OF GENERAL EXCEPTIONS.

THIS chapter has been framed in order to obviate the necessity of repeating in every penal clause a considerable number of limitations.

Some limitations relate only to a single provision, or to a very small class of provisions. Thus the exception in favour of true imputations on character (clause 470) is an exception which belongs wholly to the law of defamation, and does not affect any other part of the code. The exception in favour of the conjugal rights of the husband (clause 359) is an exception which belongs wholly to the law of rape, and does not affect any other part of the code. Every such exception evidently ought to be appended to the rule which it is intended to modify.

But there are other exceptions which are common to all the penal clauses of the code, or to a great variety of clauses dispersed over many chapters. Such are the exceptions in favour of infants, lunatics, idiots, persons under the influence of delirium; the exceptions in favour of acts done by the direction of the law, of acts done in the exercise of the right of self-defence, of acts done by the consent of the party harmed by them. It would obviously be inconvenient to repeat these exceptions several times in every page. We have, therefore, placed them in a separate chapter, and we have provided that every definition of an offence, every penal provision, and every illustration of a definition or penal provision, shall be construed subject to the provisions contained in that chapter. Most of those explanations appear to us to require no explanation or defence. But the meaning and the ground of the rules laid down in clause 69 and in the three following clauses

may not be obvious at first sight. On these, therefore, we wish to make a few observations.

We conceive the general rule to be, that nothing ought to be an offence by reason of any harm which it may cause to a person of ripe age who, undeceived, has given a free and intelligent consent to suffer that harm or to take the risk of that harm. The restrictions by which the rule is limited affect only cases where human life is concerned. Both the general rule and the restrictions may, we think, be easily vindicated.

If Z., a grown man, in possession of all his faculties, directs that his valuable furniture shall be burned, that his pictures shall be cut to rags, that his fine house shall be pulled down, that the best horses in his stable shall be shot, that his plate shall be thrown into the sea, those who obey his orders, however capricious those orders may be, however deeply Z. may afterwards regret that he gave them, ought not, as it seems to us, to be punished for injuring his property. Again, if Z. chooses to sell his teeth to a dentist, and permits the dentist to pull them out, the dentist ought not to be punished for injuring Z.'s person. So if Z. embraces the Mahomedan religion, and consents to undergo the painful rite which is the initiation into that religion, those who perform the rite ought not to be punished for injuring Z.'s person.

The reason on which the general rule which we have mentioned rests is this, that it is impossible to restrain men of mature age and sound understanding from destroying their own property, their own health, their own comfort, without restraining them from an infinite number of salutary or innocent actions. It is by no means true that men always judge rightly of their own interest. But it is true that, in the vast majority of cases, they judge better of their own interest than any lawgiver, or any tribunal, which must necessarily proceed on general principles, and which cannot have within its contemplation the circumstances of particular cases and the tempers of particular individuals, can judge for them. It is difficult to conceive any law which should be effectual to prevent men from wasting their substance on the most chimerical speculations, and yet which should not prevent the construction of such works as the Duke of Bridgewater's canals. It is difficult to conceive any law which should prevent a man from capriciously destroying his property, and yet which should not prevent a philosopher, in a course of chemical experiments, from dissolving a diamond, or an artist from taking ancient pictures to pieces, as Sir Joshua Reynolds did,

in order to learn the secret of the colouring. It is difficult to conceive any law which should prevent a man from capriciously injuring his own health, and yet which should not prevent an artisan from employing himself in callings which are useful and indeed necessary to society, but which tend to impair the constitutions of those who follow them, or a public-spirited physician from inoculating himself with the virus of a dangerous disease. It is chiefly, we conceive, for this reason, that almost all Governments have thought it sufficient to restrain men from harming others, and have left them at liberty to harm themselves.

But though in general we would not punish an act on account of any harm which it might cause to a person who had consented to suffer that harm, we think that there are exceptions to this rule, and that the case in which death is intentionally inflicted is an exception.

It appears to us that the reasons which render it highly inexpedient to inflict punishment in ordinary cases of harm done by consent of the person harmed do not exist here. The thing prohibited is not, like the destruction of property, or like the mutilation of the person, a thing which is sometimes pernicious, sometimes innocent, sometimes highly useful. It is always, and under all circumstances, a thing which a wise lawgiver would desire to prevent, if it were only for the purpose of making human life more sacred to the multitude. We cannot prohibit men from destroying the most valuable effects, or from disfiguring the person of one who has given his unextorted and intelligent consent to such destruction or such disfiguration, without prohibiting at the same time gainful speculations, innocent luxuries, manly exercises, healing operations. But by prohibiting a man from intentionally causing the death of another, we prohibit nothing which we think it desirable to tolerate.

It seems to us clear, therefore, that no consent ought to be a justification of the intentional causing of death. Whether such intentional causing of death ought or ought not to be punished as murder is a distinct question, and will be considered elsewhere.

The next point which we have here to consider is how far consent ought to be a justification of the causing of death, when that causing of death is, in our nomenclature, voluntary, yet not intentional, that is to say, when the person who caused the death did not mean to cause it, but knew that he was likely to cause it.

In general we have made no distinction between cases in

which a man causes an effect designedly, and cases in which he causes it with a knowledge that he is likely to cause it. If, for example, he sets fire to a house in a town at night, with no other object than that of facilitating a theft, but being perfectly aware that he is likely to cause people to be burned in their beds, and thus causes the loss of life, we punish him as a murderer. But there is, as it appears to us, a class of cases in which it is absolutely necessary to make a distinction. It is often the wisest thing that a man can do to expose his life to great hazard. It is often the greatest service that can be rendered to him to do what may very probably cause his death. He may labour under a cruel and wasting malady which is certain to shorten his life, and which renders his life, while it lasts, useless to others and a torment to himself. Suppose that under these circumstances he, undeceived, gives his free and intelligent consent to take the risk of an operation which in a large proportion of cases has proved fatal, but which is the only method by which his disease can possibly be cured, and which, if it succeeds, will restore him to health and vigour. We do not conceive that it would be expedient to punish the surgeon who should perform the operation, though by performing it he might cause death, not intending to cause death, but knowing himself to be likely to cause it. Again; if a person attacked by a wild beast should call out to his friends to fire, though with imminent hazard to himself, and they were to obey the call, we do not conceive that it would be expedient to punish them, though they might by firing cause his death, and though when they fired they knew themselves to be likely to cause his death.

We propose, therefore, that it shall be no offence to do even what the doer knows to be likely to cause death if the sufferer being of ripe age has, undeceived, given a free and intelligent consent to stand the risk, and if the doer did not intend to cause death, but on the contrary, intended in good faith the benefit of the sufferer.

We have now explained the provisions contained in clauses 69 and 70. The cases to which the two next clauses relate bear a close affinity to those which we have just considered.

A lunatic may be in a state which makes it proper that he should be put into a strait waistcoat. A child may meet with an accident which may render the amputation of a limb necessary. But to put a strait waistcoat on a man without his consent is, under our definition, to commit an assault. To amputate a limb is, by our definition, voluntarily to cause

grievous hurt, and, as sharp instruments are used, is a very highly penal offence. We have, therefore provided, by clause 71, that the consent of the guardian of a sufferer who is an infant or who is of unsound mind shall, to a great extent, have the effect which the consent of the sufferer himself would have, if the sufferer were of ripe age and sound mind.

That there should be some provision of this sort is evidently necessary. On the other hand, we feel that there is a considerable danger in allowing people to assume the office of judging for others in such cases. Every man always intends in good faith his own benefit, and has a deeper interest in knowing what is for his own benefit than any body else can have. That he gives a free and intelligent consent to suffer pain or loss, creates a strong presumption that it is good for him on the whole to suffer that pain or loss. But we cannot safely confide to him the interest of his neighbours in the same unreserved manner in which we confide to him his own, even when he sincerely intends to benefit his neighbours. Even parents have been known to deliver their children up to slavery in a foreign country, to inflict the most cruel mutilations on their male children, to sacrifice the chastity of their female children, and to do all this declaring, and perhaps with truth, that their object was something which they considered as advantageous to the children. We have therefore not thought it sufficient to require that on such occasions the guardian should act in good faith for the benefit of the ward. We have imposed several additional restrictions which, we conceive, carry their defence with them.

There yet remains a kindred class of cases which are by no means of rare occurrence. For example, a person falls down in an apoplectic fit. Bleeding alone can save him, and he is unable to signify his consent to be bled. The surgeon who bleeds him commits an act falling under the definition of an offence. The surgeon is not the patient's guardian, and has no authority from any such guardian; yet it is evident that the surgeon ought not to be punished. Again, a house is on fire. A person snatches up a child too young to understand the danger, and flings it from the house-top, with a faint hope that it may be caught in a blanket below, but with the knowledge that it is highly probable that it will be dashed to pieces. Here, though the child may be killed by the fall, though the person who threw it down knew that it would very probably be killed, and though he was not the child's parent or guardian, he ought not to be punished.

In these examples there is what may be called a temporary guardianship justified by the exigency of the case and by the humanity of the motive. This temporary guardianship bears a considerable analogy to that temporary magistracy with which the law invests every person who is present when a great crime is committed, or when the public peace is concerned. To acts done in the exercise of this temporary guardianship, we extend by clause 72 a protection very similar to that which we have given to the acts of regular guardians.

Clause 73 is intended to provide for those cases which, though, from the imperfections of language, they fall within the letter of the penal law, are yet not within its spirit, and are all over the world considered by the public, and for the most part dealt with by the tribunals, as innocent. As our definitions are framed, it is theft to dip a pen in another man's ink, mischief to crumble one of his wafers, an assault to cover him with a cloud of dust by riding past him, hurt to incommode him by pressing against him in getting into a carriage. There are innumerable acts without performing which men cannot live together in society, acts which all men constantly do and suffer in turn, and which it is desirable that they should do and suffer in turn, yet which differ only in degree from crimes. That these acts ought not to be treated as crimes is evident, and we think it far better expressly to except them from the penal clauses of the code than to leave it to the judges to except them in practice; for if the code is silent on the subject, the judges can except these cases only by resorting to one of two practices which we consider as most pernicious, by making law, or by wresting the language of the law from its plain meaning.

We propose (clauses 74 to 84) to except from the operation of the penal clauses of the code large classes of acts done in good faith for the purpose of repelling unlawful aggressions. In this part of the chapter we have attempted to define, with as much exactness as the subject appears to us to admit, the limits of the right of private defence. It may be thought that we have allowed too great a latitude to the exercise of this right; and we are ourselves of opinion that if we had been framing laws for a bold and high-spirited people, accustomed to take the law into their own hand, and to go beyond the line of moderation in repelling injury, it would have been fit to provide additional restrictions. In this country the danger is on the other side; the people are too little disposed

to help themselves; the patience with which they submit to the cruel depredations of gang-robbers and to trespass and mischief committed in the most outrageous manner by bands of ruffians, is one of the most remarkable, and at the same time one of the most discouraging symptoms which the state of society in India presents to us. Under these circumstances we are desirous rather to rouse and encourage a manly spirit among the people than to multiply restrictions on the exercise of the right of self-defence. We are of opinion that all the evil which is likely to arise from the abuse of that right is far less serious than the evil which would arise from the execution of one person for overstepping what might appear to the Courts to be the exact line of moderation in resisting a body of dacoits.

We think it right, however, to say that there is no part of the code with which we feel less satisfied than this. We cannot accuse ourselves of any want of diligence or care. No portion of our work has cost us more anxious thought or has been more frequently re-written. Yet we are compelled to own that we leave it still in a very imperfect state; and though we do not doubt that it may be far better executed than it has been by us, we are inclined to think that it must always be one of the least exact parts of every system of criminal law.

We have now made such observations as appear to us to be required on the general exceptions which we propose. It is proper that we should next explain why we have not proposed any exception in favour of some classes of acts which, as some persons may think, are entitled to indulgence.

We long considered whether it would be advisable to except from the operation of the penal clauses of the code acts committed in good faith from the desire of self-preservation; and we have determined not to except them.

We admit, indeed, that many acts falling under the definition of offences ought not to be punished when committed from the desire of self-preservation; and for this reason, that, as the penal code itself appeals solely to the fears of men, it never can furnish them with motives for braving dangers greater than the dangers with which it threatens them. Its utmost severity will be inefficacious for the purpose of preventing the mass of mankind from yielding to a certain amount of temptation. It can, indeed, make those who have yielded to the temptation miserable afterwards. But misery which has no tendency to prevent crime is so much clear evil. It is vain to rely on the dread of a remote and contingent

evil as sufficient to overcome the dread of instant death, or the sense of actual torture. An eminently virtuous man indeed will prefer death to crime; but it is not to our virtue that the penal law addresses itself; nor would the world stand in need of penal laws if men were virtuous. A man who refuses to commit a bad action, when he sees preparations made for killing or torturing him unless he complies, is a man who does not require the fear of punishment to restrain him. A man, on the other hand, who is withheld from committing crimes solely or chiefly by the fear of punishment, will never be withheld by that fear when a pistol is held to his forehead or a lighted torch applied to his fingers for the purpose of forcing him to commit a crime.

It would, we think, be mere useless cruelty to hang a man for voluntarily causing the death of others by jumping from a sinking ship into an overloaded boat. The suffering caused by the punishment is, considered by itself, an evil, and ought to be inflicted only for the sake of some preponderating good. But no preponderating good, indeed no good whatever, would be obtained by hanging a man for such an act. We cannot expect that the next man who feels the ship in which he is left descending into the waves, and sees a crowded boat putting off from it, will submit to instant and certain death from fear of a remote and contingent death. There are men, indeed, who in such circumstances would sacrifice their own lives rather than risk the lives of others. But such men act from the influence of principles and feelings which no penal laws can produce, and which, if they were general, would render penal laws unnecessary. Again, a gang of dacoits, finding a house strongly secured, seize a smith, and by torture and threats of death induce him to take his tools and to force the door for them; here, it appears to us, that to punish the smith as a housebreaker would be to inflict gratuitous pain. We cannot trust to the deterring effect of such punishment. The next smith who may find himself in the same situation will rather take his chance of being, at a distant time, arrested, convicted and sentenced to imprisonment, than incur certain and immediate death.

In the cases which we have put, some persons may perhaps doubt whether there ought to be impunity; but those very persons would generally admit that the extreme danger was a mitigating circumstance to be considered in apportioning the punishment. It might, however, with no small plausibility be contended that if any punishment at all is inflicted

in such cases, that punishment ought to be not merely death, but death with torture; for the dread of being put to death by torture might possibly be sufficient to prevent a man from saving his own life by a crime; but it is quite certain, as we have said, that the mere fear of capital punishment which is remote, and which may never be inflicted at all, will never prevent him from saving his life. And *à fortiori*, the dread of a milder punishment will not prevent him from saving his life. Laws directed against offences to which men are prompted by cupidity, ought always to take from offenders more than those offenders expect to gain by crime. It would obviously be absurd to provide that a thief or a swindler should be punished with a fine not exceeding half the sum which he had acquired by theft or swindling; in the same manner, laws directed against offences to which men are prompted by fear ought always to be framed in such a way as *to be* more terrible than the dangers which they require men to brave. It is on this ground, we apprehend, that a soldier who runs away in action is punished with a rigour altogether unproportioned to the moral depravity which his offence indicates. Such a soldier may be an honest and benevolent man, and irreproachable in all the relations of civil life; yet he is punished as severely as a deliberate assassin, and more severely than a robber or a kidnapper. Why is this? Evidently because, as his offence arises from fear, it must be punished in such a manner that timid men may dread the punishment more than they dread the fire of the enemy.

If all cases in which acts falling under the definition of offences are done from the desire of self-preservation were as clear as the cases which we have put of the man who jumps from a sinking ship into a boat, and of the smith who is compelled by dacoits to force a door for them, we should, without hesitation, propose to exempt this class of acts from punishment. But it is to be observed, that in both these cases the person in danger is supposed to have been brought into danger, without the smallest fault on his own part, by mere accident, or by the depravity of others. If a captain of a merchantman were to run his ship on shore in order to cheat the insurers, and then to sacrifice the lives of others in order to save himself from a danger created by his own villany; if a person who had joined himself to a gang of dacoits with no other intention than that of robbing, were at the command of his leader, accompanied with threats of instant death in case of disobedience, to commit murder,

though unwillingly, the case would be widely different, and our former reasoning would cease to apply; for it is evident that punishment which is inefficacious to prevent a man from yielding to a certain temptation may often be efficacious to prevent him from exposing himself to that temptation. We cannot count on the fear which a man may entertain of being brought to the gallows at some distant time as sufficient to overcome the fear of instant death; but the fear of remote punishment may often overcome the motives which induce a man to league himself with lawless companions, in whose society no person who shrinks from any atrocity that they may command can be certain of his life. Nothing is more usual than for pirates, gang-robbers and rioters to excuse their crimes by declaring that they were in dread of their associates, and durst not act otherwise. Nor is it by any means improbable that this may often be true. Nay, it is not improbable that crews of pirates and gangs of robbers may have committed crimes which every one among them was unwilling to commit, under the influence of mutual fear; but we think it clear that this circumstance ought not to exempt them from the full severity of the law.

Again, nothing is more usual than for thieves to urge distress and hunger as excuses for their thefts. It is certain, indeed, that many thefts are committed from the pressure of distress so severe as to be more terrible than the punishment of theft, and than the disgrace which that punishment brings with it to the mass of mankind. It is equally certain that, when the distress from which a man can relieve himself by theft is more terrible than the evil consequences of theft, those consequences will not keep him from committing theft; yet it by no means follows that it is irrational to punish him for theft; for though the fear of punishment is not likely to keep any man from theft when he is actually starving, it is very likely to keep him from being in a starving state. It is of no effect to counteract the irresistible motive which immediately prompts to theft; but it is of great effect to counteract the motives to that idleness and that profusion which end in bringing a man into a condition in which no law will keep him from committing theft. We can hardly conceive a law more injurious to society than one which should provide that as soon as a man who had neglected his work, or who had squandered his wages in stimulating drugs, or gambled them away, had been thirty-six hours without food, and felt the sharp impulse of hunger, he might, with impunity, steal food from his neighbours.

We should therefore think it in the highest degree pernicious to enact that no act done under the fear even of instant death should be an offence. It would *à fortiori* be absurd to enact that no act under the fear of any other evil should be an offence.

There are, as we have said, cases in which it would be useless cruelty to punish acts done under the fear of death, or even of evils less than death. But it appears to us impossible precisely to define these cases. We have, therefore, left them to the Government, which, in the exercise of its clemency, will doubtless be guided in a great measure by the advice of the Courts.

We considered whether it would be desirable to make any distinction between offences committed against freemen and offences committed against slaves. We certainly entered on the consideration of this important question with a strong leaning to the opinion that no such distinction ought to be made. We thought it our duty, however, not to come to a decision without obtaining information and advice from those who were best qualified to give it. We have collected information on the subject from every part of India, and we have now in our office a large collection of documents containing much that is curious, and that in future stages of the work in which we are engaged will be useful. At present we have only to consider the subject with reference to the penal code.

These documents have satisfied us that there is at present no law whatever defining the extent of the power of a master over his slaves; that every thing depends on the disposition of the particular functionary who happens to be in charge of a district, and that functionaries who are in charge of contiguous districts, or who have at different times been in charge of the same district, hold diametrically opposite opinions as to what their official duty requires. Nor is this discrepancy found only in the proceedings of subordinate Courts. The Court of Nizamut Adawlut at Fort William lay down the law thus: "A master would not be punished, the Court opine, for inflicting a slight correction on his legal slave, such as a tutor would be justified in inflicting on a scholar, or a father on a child." The Court of Nizamut Adawlut at Allahabad take a quite different view of the law: "Although," they say, "the Mahomedan law permits the master to correct his slave with moderation, the code by which the magistrates and other criminal authorities are

bound to regulate their proceedings does not recognize any such power, and as the regulations of the Government draw no distinction between the slave and the freeman in criminal matters, but place them both on a level, it is the practice of the Courts, following the principles of equal justice, to treat them both alike." The Court of Foujdarry Adawlut at Madras state, that it is not the practice of the Courts to make any distinction whatever in cases which come before them; that a circular order of the Foujdarry Adawlut recognizes the right of a master to inflict corrections in certain cases, but that in practice no such distinction is made. We own that we entertain some doubts whether the practice be universally such as is supposed by the Foujdarry Adawlut. We perceive that two magistrates in the western division of the Madras Presidency differ from each other in opinion on this subject. The magistrate of Canara says, that "the right of the master to inflict punishment has been allowed, but only to a very small extent." The magistrate of Malabar states, that "the relation of a master and slave has never been recognized as justifying acts which would otherwise be punishable, or as constituting a ground for mitigation of punishment." The Court of Foujdarry Adawlut at Bombay has given no opinion on the point, and there is a great difference of opinion among the subordinate authorities in the Bombay Presidency. One gentleman conceives that the imposing of personal restraint is the only act otherwise punishable which the Courts would allow a master to commit when a slave might be concerned. Another conceives that a master has a power of correction similar to that of a father. A third goes further, and is of opinion, that "all but cases of very aggravated nature would be considered as entitled to exemption from or mitigation of punishment on this account." On the other hand, several gentlemen are of opinion that the relation of master and slave would not be considered by the Courts as a plea for any act which would be an offence if committed against a freeman.

It is clear, therefore, that we find the law in a state of utter uncertainty. It is equally clear that we cannot leave it in that state. We must either withdraw from a large class of slaves a protection to which the Courts under the jurisdiction of which they live now think them entitled, or we must extend to a large class a protection greater than what they actually enjoy.

We have not the smallest hesitation in recommending to

his Lordship in Council that the law throughout all British India should be conformable to what, in the opinion of the Court of Nizamut Adawlut at Allahabad, is now actually the law in the Presidency of Fort William, and to what, in the opinion of the Court of Foujdarry Adawlut at Fort St. George, is now actually the practice in the Madras Presidency. That is to say, we recommend that no act falling under the definition of an offence should be exempted from punishment because it is committed by a master against his slave.

The distinction which, in the opinion of many respectable functionaries, the law now makes between acts committed against a freeman and acts committed against a slave is in itself an evil, and an evil so great, that nothing but the strongest necessity, proved by the strongest evidence, could justify any Government in maintaining it. We conceive that the circumstances which we have already stated are sufficient to show that no such necessity exists. By removing all doubt on the subject, we shall not deprive the master of a power the right to which has never been questioned, but of a power which is and has for some time been, to say the least, of disputable legality, and which has been held by a very precarious tenure.

To leave the question undecided is impossible. To decide the question by putting any class of slaves in a worse situation than that in which they now are is a course which we cannot think of recommending, and which we are certain that the Government will not adopt. The inference seems to be, that the question ought to be decided by declaring that whatever is an offence when committed against a freeman shall be also an offence when committed against a slave.

It may perhaps be thought that, by framing the law in this manner, we do, in fact, virtually abolish slavery in British India; and undoubtedly, if the law as we have framed it should be really carried into full effect, it will at once deprive slavery of those evils which are its essence, and will insure the speedy and natural extinction of the whole system. The essence of slavery, the circumstance which makes slavery the worst of all social evils, is not in our opinion this, that the master has a legal right to certain services from the slave, but this, that the master has a legal right to enforce the performance of those services without having recourse to the tribunals. He is a judge in his own cause. He is armed with the powers of a magistrate for the protection of his own pri-

vate interest against the person who owes him service. Every other judge quits the bench as soon as his own cause is called on. The judicial authority of the master begins and ends with cases in which he has a direct stake. The moment that a master is really deprived of this authority, the moment that his right to service really becomes, like his right to money which he has lent, a mere civil right, which he can enforce only by a civil action, the peculiarly odious and malignant evils of slavery disappear at once. The name of slavery may be retained, but the thing is no longer the same. It is evidently impossible that any master can really obtain efficient service from unwilling labourers by means of prosecution before the civil tribunals. Nor is there any instance of any country in which the relation of master and servant is maintained by means of such actions. In some states of society the labourer works because the master inflicts instant correction whenever there is any disobedience or slackness. In a different state of society, the people labour for a master because the master makes it worth their while. Practically, we believe it will be found that there is no third way. A labourer who has neither the motive of the freeman nor that of the slave, who is actuated neither by the hope of wages nor by the dread of stripes, will not work at all. The master may indeed, if he chooses, go before the tribunals and obtain a decree. But scarcely any master would think it worth while to do so, and scarcely any labourer would be spurred to constant and vigorous exertion by the dread of such a legal proceeding. In fact, we are not even able to form to ourselves the idea of a society in which the working classes should have no other motives to industry than the dread of prosecution. We understand how the planter of Mauritius formerly induced his negroes to work. He applied the lash if they loitered. We understand how our grooms and bearers are induced to work at Calcutta. They are gainers by working, and by obtaining a good character; they are losers by being turned away. But in what other way servants can be induced to work we do not understand.

It appears to us, therefore, that if we can really prevent the master from exacting service by the use of any violence or restraint, or by the infliction of any bodily hurt, one of two effects will inevitably follow: either the master will obtain no service at all, or he will find himself under the necessity of obtaining it by making it a source of advantage to the 'abourer as well as to himself. A labourer who knows that

if he idles, his master will not dare to strike him; that if he absconds, his master will not dare to confine him; that his master can enforce a claim to service only by taking more trouble, losing more time and spending more money than the service is worth, will not work for fear. It follows that if the master wishes the labourer to work at all, the master must have recourse to different motives, to the motives of a freeman, to the hope of reward, to the sense of reciprocal benefit. Names are of no consequence. It matters nothing whether the labourer be or be not called a slave. All that is of real moment is that he should work from the motives and feelings of the freeman.

This effect, we are satisfied, would follow if outrages offered to slaves were really punished exactly as outrages offered to freemen are punished. But we are far indeed from thinking that, by merely framing the law as we have framed it, we shall produce this effect. It is quite certain that slaves are at present often oppressed by their masters in districts where the magistrates and judges conceive that the law now is what we propose that it shall henceforth be. It is therefore evident that they may continue to be oppressed by their masters when the law has been made perfectly clear. To an ignorant labourer, accustomed from his birth to obey a superior for daily food, to submit without resistance to the cruelty and tyranny of that superior, perhaps to be transferred, like a horse or a sheep, from one superior to another, neither the law which we now propose, nor any other law, will of itself give freedom. It is of little use to direct the judge to punish unless we can teach the sufferer to complain.

We have thought it right to state this, lest we should mislead his Lordship in Council into an opinion that the law, framed as we propose to frame it, will really remove all the evils of slavery, and that nothing more will remain to be done. So far are we from thinking that the law, as we propose to frame it, will of itself effect a great practical change, that we greatly doubt whether even a law abolishing slavery would of itself effect any great practical change. Our belief is that even if slavery were expressly abolished, it might, and would, in some parts of India, still continue to exist in practice. We trust, therefore, that his Lordship in Council will not consider the measure which we now recommend as of itself sufficient to accomplish the benevolent ends of the British Legislature, and to relieve the Indian Government from its obligation to watch over the interests of the slave population.

NOTE (C).

ON THE CHAPTER OF OFFENCES AGAINST THE STATE.

His Lordship in Council will perceive that, in this chapter, we have provided only for offences against the Government of India, and that we have made no mention of offences against the General Government of the British Empire. We have done so because it appears to us doubtful to what extent his Lordship in Council is competent to legislate respecting such offences. The Act of Parliament which defines the legislative power of the Council of India especially prohibits that body from making any law "which shall in any way affect any prerogative of the Crown or the authority of Parliament, or any part of the unwritten laws, or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend, in any degree, the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories."

It might be argued that these words relate only to laws affecting the rights of the Crown and of Parliament, and not to laws affecting the penal sanctions of those rights, and that, therefore, though the Governor-general in Council has no power to absolve the King's subjects from their allegiance, he has power to fix the punishment to which they shall be liable for violating their allegiance. It seems to us, however, that there is the closest connexion in this case between the right and the penal sanction; that a power to alter the sanction amounts to a power to abolish the right; and that Parliament, which withheld from the Indian Legislature one of those powers, cannot be supposed to have intended to grant the other.

If the Governor-general in Council has the legal power to fix the punishment of a subject who should, in the territories of the East India Company, conspire the death of the King, or levy war against the King, then the Governor-general in Council has the legal power to fix that punishment at a fine of one anna; and it is plain that a law which should fix such a fine as the only punishment of regicide and rebellion would be a law virtually absolving all subjects within the territories of the East India Company from their allegiance.

This part of the penal law, therefore, we have not ventured

to touch. We leave it to the Imperial Legislature. But we trust that we may be permitted to suggest to his Lordship in Council that the early attention of the Home authorities should be called to this subject.

There is no doubt that the criminal statute law of England is not binding generally on a native of India in the Mofussil. Whether the statute law relating to treason be binding on such a native is a question with respect to which we do not venture to give a decided opinion. It seems to us exceedingly doubtful whether that part of the statute law be binding on such a native. It is quite certain that no Court has ever enforced it against such a native; and that, in the opinion of many respectable and intelligent judicial officers in the service of the Company, it could not legally be enforced against such a native. Nor are the Company's judicial officers, by whom alone such a native can legally be tried, likely to be accurately acquainted with the statute law of England on the subject of treason, or with the mass of constructions and precedents by which that law has been overlaid. If such a native be not punishable under the English statute law of treason, it is difficult to say under what law he could be punished for that crime. The regulations contain nothing on the subject. The Council of India, we conceive, is not competent to legislate respecting it. The Mahomedan law might possibly be so violently strained as to reach it in Bengal and in the Madras Presidency; and in the Bombay Presidency it might possibly be brought within that clause which arms the Courts with an enormous discretion in cases in which they conceive that morality and social order require protection. But there are, in our opinion, strong reasons against retaining either the Mahomedan penal law, or the sweeping clause of the Bombay Regulations, to which we have referred.

It may be added that the provision of the Bombay Regulations, to which we have referred, applies only to persons who profess a religion with which a system of penal law is inseparably connected. Unless, therefore, the English statute law on the subject of treason applies to natives in the Mofussil, a point respecting which we entertain great doubt, a native Christian who should, at Surat, assist the levying of war, not against the Company's Government, but against the British Crown, would be liable to no punishment whatever.

This anomalous state of things may be, in some degree, explained by the singular manner in which the British Empire grew up in India. The East India Company was, during

a long course of years, in theory at least, under two masters. It was subject to the King of England; it was subject also to the great Mogul. It derived its corporate existence from the British Parliament. It held its territorial possessions by a grant from the Durbar of Delhi. The situation of the native subjects of the Company bore some analogy to that of the inhabitants of Mindelheim, while that fief of the empire was held by the Duke of Marlborough. The inhabitants of Mindelheim were subjects of the Duke of Marlborough, but they owed no allegiance to the English Crown, though their sovereign was subject to that Crown. It was in this way that the British Empire in India originated. It was long considered as a wise policy to disguise the real power of the English under the forms of vassalage, and to leave to the Mogul and his Viceroys the empty honours of a sovereignty which was really held by the Company. This policy was abandoned slowly and by imperceptible degrees. The recognition of the supremacy of the King of Delhi appeared on the seal of the British Government down to a late period, and on its coin down to a still later period. A great change has indeed taken place since the grant of the Dewannee of the lower provinces to the Company, but it has taken place so gradually, that, though it would be absurd to deny that the natives of British India are now subjects of his Majesty, it would be impossible to point out the particular time when they became so.

To these circumstances we attribute most of the anomalies which are to be found in the legal relation subsisting between the natives of British India and the General Government of the empire. It seems highly desirable that the Imperial Legislature should do what cannot be done by the Local Legislature, and should pass a law of high treason for the territories of the East India Company. As far, indeed, as respects the royal person, the present state of the law, though in theory unseemly, is not likely to cause any practical evil. It is highly improbable that any English King will visit his Indian dominions, or that any plot, having for its object the death of an English King, will ever extend its ramifications to India. But it is by no means improbable that persons residing in the territories of the East India Company may be parties to the levying of war against the British Crown, without violating any local regulation. If any insurrection were to take place in any of the British dominions in the Eastern Seas, in Ceylon, for example, or in Mauritius, it is

by no means improbable that persons residing within the Company's territories might furnish information and stores to the rebels. And if this were done by a person not subject to the jurisdiction of the Courts established by Royal Charter, we are satisfied that there would be the most serious difficulty in bringing the criminal to legal punishment.

We have, his Lordship in Council will perceive, made the abetting of hostilities against the Government, in certain cases, a separate offence, instead of leaving it to the operation of the general law laid down in the chapter on abetment. We have done so for two reasons. In the first place, war may be waged against the Government by persons in whom it is no offence to wage such war, by foreign princes and their subjects. Our general rules on the subject of abetment would apply to the case of a person residing in the British territories, who should abet a subject of the British Government in waging war against that Government; but they would not reach the case of a person who, while residing in the British territories, should abet the waging of war by any foreign prince against the British Government. In the second place, we agree with the great body of legislators in thinking, that though in general a person who has been a party to a criminal design which has not been carried into effect, ought not to be punished so severely as if that design had been carried into effect, yet an exception to this rule must be made with respect to high offences against the state; for state-crimes, and especially the most heinous and formidable state-crimes, have this peculiarity, that if they are successfully committed, the criminal is almost always secure from punishment. The murderer is in greater danger after his victim is despatched than before. The thief is in greater danger after the purse is taken than before. But the rebel is out of danger as soon as he has subverted the Government. As the penal law is impotent against a successful rebel, it is consequently necessary that it should be made strong and sharp against the first beginnings of rebellion, against treasonable designs which have been carried no further than plots and preparations. We have therefore not thought it expedient to leave such plots and preparations to the ordinary law of abetment. That law is framed on principles which, though they appear to us to be quite sound, as respects the great majority of offences, would be inapplicable here. Under that general law, a conspiracy for the subversion of the Government would not be punished at all if the conspirators were detected before they

interchange promises of fidelity. A conspiracy for the subversion of the Government, which should be carried as far as the gunpowder treason or the assassination plot against William the Third, would be punished very much less severely than the counterfeiting of a rupee, or the presenting of a forged check. We have, therefore, thought it absolutely necessary to make separate provision for the previous abetting of great state offences. The subsequent abetting of such offences may, we think, without inconvenience, be left to be dealt with according to the general law.

NOTE (D).

ON THE CHAPTER OF OFFENCES RELATING TO THE ARMY AND NAVY.

A FEW words will explain the necessity of having some provisions of the nature of those which are contained in this chapter.

It is obvious that a person who, not being himself subject to military law, exhorts or assists those who are subject to military law to commit gross breaches of discipline, is a proper subject of punishment. But the general law respecting the abetting of offences will not reach such a person; nor, framed as it is, would it be desirable that it should reach him. It would not reach him, because the military delinquency which he has abetted is not punishable by this code, and therefore is not, in our legal nomenclature, an offence. Nor is it desirable that the punishment of a person not military, who has abetted a breach of military discipline, should be fixed according to the principles on which we have proceeded in framing the law of abetment. We have provided that the punishment of the abettor of an offence shall be equal or proportional to the punishment of the person who commits that offence; and this seems to us a sound principle when applied only to the punishments provided by this code. But the military penal law is, and must necessarily be, far more severe than that under which the body of the people live. The severity of the military penal law can be justified only by reasons drawn from the peculiar habits and duties of soldiers, and from the peculiar relation in which they stand to the Government. The extension of such severity to persons not members of the military profession appears to us alto-

gether unwarrantable. If a person, not military, who abets a breach of military discipline, should be made liable to a punishment regulated, according to our general rules, by the punishment to which such a breach of discipline renders a soldier liable, the whole symmetry of the penal law would be destroyed. He who should induce a soldier to disobey any order of a commanding officer would be liable to be punished more severely than a dacoit, a professional thug, an incendiary, a ravisher, or a kidnapper. We have attempted in this chapter to provide, in a manner more consistent with the general character of the code, for the punishment of persons who, not being military, abet military crimes.

NOTE (E).

ON THE CHAPTER OF THE ABUSE OF THE POWERS OF PUBLIC SERVANTS.

THIS chapter is intended to reach offences which are committed by public servants, and which are of such a description that they can be committed by public servants alone.

We have found considerable difficulty in drawing the line between public servants and the great mass of the community. We hope that the description which we have given in clause 14 will be found to comprehend all those whom it is desirable to bring under this part of the law, and we trust that, when the code of procedure is completed, this description may be made both more accurate and more concise.

Those offences which are common between public servants and other members of the community, we leave to the general provisions of the code. If a public servant embezzles public money, we leave him to the ordinary law of criminal breach of trust. If he falsely pretends to have disbursed money for the public, and by this deception induces the Government to allow it in his accounts, we leave him to the ordinary law of cheating. If he produces forged vouchers to back his statement, we leave him to the ordinary law of forgery. We see no reason for punishing these offences more severely when the Government suffers by them than when private people suffer. A Government, indeed, which does not consider the sufferings of private individuals as its own, is not only selfish but short-sighted in its selfishness. The revenue is drawn from the

wealth of individuals, and every act of dishonest spoliation which tends to render individuals insecure in the enjoyment of their wealth is really an injury to the revenue. On every account, therefore, we think it desirable that the property of the state should, in general, be protected by exactly the same laws which are considered as sufficient for the protection of the property of the subject.

We are not without apprehension that we may be thought to have treated the transgressions of public servants too favourably, to have passed by without notice some malpractices which deserve punishment, and where we have provided punishments, to have seldom made those punishments sufficiently severe.

It is true that we have altogether omitted to provide any punishment for some kinds of misconduct on the part of public servants. It is true, also, that the punishments which we propose in this chapter are not generally proportioned either to the evil which the abuse of power produces, or to the depravity of a man who, having been entrusted with power for the public benefit, employs that power to gratify his own cupidity or revenge.

But it is to be remembered that there is a marked distinction between the penal clauses contained in this chapter and the other penal clauses of the code. In general a penal clause sets forth the whole punishment which can be inflicted on an offender by any public authority. The penalty of theft, of breach of trust, of cheating, of extortion, of assault, of defamation, has been fixed on the supposition that it is the whole penalty which the criminal is to suffer, and that no power in the state can make any addition to it. But the penalty of an offence committed by a public functionary in the exercise of his public functions has been fixed on the supposition that it will often be only a part, and a small part, of the penalty which he will suffer. It is in the power of the Government to punish him for many acts which the law has not made punishable. It is in the power of the Government to add to any sentence pronounced by the Courts another sentence which will often be even more terrible. To a man whose subsistence is derived from official emoluments, whose habits are formed to official business, and whose whole ambition is fixed on official promotion, degradation to a lower post is a punishment; dismissal from the public service is a punishment sufficient even for a serious offence. The mere knowledge that his character has suffered in the opinion of

those superiors on whom his advancement depends probably gives him as much pain as a heavy fine.

This is to a great degree the case in every country, and assuredly not less in India than in any other country. Indeed, those servants of the Company by whom all the higher offices in the Indian Government are filled entertain a feeling about their situations very different from that which is found among political men in England. It is natural that they should entertain such a feeling. They are set apart at an early age as persons destined to hold offices in India. Their education is conducted at home with that view. They are transferred when just entering on manhood to the country which they are to govern. They pass the best years of their lives in acquiring knowledge which is most important to men who are to fill high situations in India, but which in any other walk of life would bring little profit and little distinction, in mastering languages which, when they quit this country, are useless to them, in studying a vast and complicated system of revenue which is altogether peculiar to the East, in becoming intimately acquainted with the interests, the resources and the projects of potentates whose very existence is unknown even to educated men in Europe. To such a man, dismissal from the service of the Indian Government is generally a very great calamity. His life has been thrown away. It has been passed in acquiring information and experience which, in any pursuit to which he may now betake himself, will be of little or no service to him. There are therefore few covenanted servants of the Company who, even if they were men destitute of all honourable feeling, would not look on dismissal from the service as a most severe punishment. But the covenanted servants of the Company are English gentlemen, that is to say, they are persons to whom the ruin of their fortunes is less terrible than the ruin of their characters. There are few of them, we believe, to whom an intimation that their integrity was suspected by the Government would not give more pain than a sentence of six months' imprisonment for an offence not of a disgraceful kind, and to many of them death itself would appear less dreadful than ignominious expulsion from the body of which they are members.

Thus dismissal from the public service is a punishment exceedingly dreaded by public functionaries, and most dreaded in this country by the highest class of public functionaries. Nor is this all. It is not merely a severe punishment, but it is also a punishment which is far more likely to be inflicted

than many punishments which are less severe. Those who are legally competent to inflict it are bound by no rules, except those which their own discretion may impose on them. For what kind and degree of delinquency they shall inflict it, by what evidence that delinquency shall be established, by what tribunals the inquiry shall be conducted; nay, whether there shall be any delinquency, any evidence, any tribunal, is absolutely in their breasts. They may inflict this punishment, and may be justified in inflicting it for transgressions which are not susceptible of precise definition, and which have not been substantiated by decisive proof. They may be justified in inflicting it, because many petty circumstances, each of which separately would be too trivial for notice, have, when taken together, satisfied them that a functionary is unfit for any public employment. They may be justified in inflicting it, because they strongly suspect him of guilt which they cannot bring home to him by evidence to which a Zillah judge would pay any attention. Most of what we have said of the punishment of dismissal from office applies, though not in the same degree, to the slighter punishments of censure, suspension and removal from a higher to a lower post.

We have shown that public functionaries are liable not only to the punishments provided by this code, but also to other peculiar punishments of great severity. It seems therefore to follow, that if those who possess the power of inflicting these peculiar punishments can be trusted, some mal-practices of public functionaries may be safely left unnoticed in this code, and that other mal-practices need not be visited with legal punishment so rigorous as their enormity might seem to merit. The Executive Government, in our opinion, deserves to be trusted. At all events it must be trusted; for it is quite certain that no laws will prevent corruption and oppression on the part of the servants of the Indian Government, if that Government is inclined to screen the offenders. The Government, to say nothing of the vast influence which it can indirectly exert, appoints, promotes and removes judges at its discretion. It can remit any sentence pronounced by the Courts. It can, therefore, if it be not honestly disposed to correct official abuses, render any penal clauses directed against such abuses almost wholly inoperative. And if it be honestly disposed, as we firmly believe that it is, to correct official abuses, it will use for that purpose its power of rewarding and punishing its servants.

It will be seen that we propose, under clause 138, to punish

with imprisonment for a term not exceeding three years, or with fine, or both, the corruption of public functionaries. The punishment of fine will, we think, be found very efficacious in cases of this description, if the judges exercise the power given them as they ought to do, and compel the delinquent to deliver up the whole of his ill-gotten wealth.

The mere taking of presents by a public functionary, when it cannot be proved that such presents were corruptly taken, we have made penal only in one particular case, to which we shall hereafter call the attention of his Lordship in Council. We have not made the taking of presents by public functionaries generally penal; because, though we think that it is a practice which ought to be carefully watched and often severely punished, we are not satisfied that it is possible to frame any law on the subject which would not be rendered inoperative either by its extreme severity or by its extreme laxity. Absolutely to prohibit all public functionaries from taking presents would be to prohibit a son from contributing to the support of a father, a father from giving a portion with a daughter, a brother from extricating a brother from pecuniary difficulties. No government would wish to prevent persons intimately connected by blood, by marriage or by friendship, from rendering services to each other; and no tribunals would enforce a law which should make the rendering of such services a crime. Where no such close connexion exists, the receiving of large presents by a public functionary is generally a very suspicious proceeding. But a lime, a wreath of flowers, a slice of betel nut, a drop of atar of roses poured on his handkerchief, are presents which it would in this country be held churlish to refuse, and which cannot possibly corrupt the most mercenary of mankind. Other presents of more value than these may, on account of their peculiar nature, be accepted, without affording any ground for suspicion. Luxuries socially consumed according to the usages of hospitality are presents of this description. It would be unreasonable to treat a man in office as a criminal for drinking many rupees-worth of champagne in a year at the table of an acquaintance; though if he were to suffer one of his subordinates to accept even a single rupee in specie, he might deserve exemplary punishment.

It appears to us, therefore, that the taking of presents where a corrupt motive cannot be proved, ought not in general to be a crime cognizable by the Courts. Whether in any particular case it ought to be punished or not will depend on

innumerable circumstances, which it is impossible accurately to define, on the amount of the present, on the nature of the present, on the relation in which the giver and receiver stand to each other. Suppose that a wealthy English agent, who is interested in a young civil servant of the Company, were to pay the debts of that civil servant; or, suppose that a resident were to furnish money to enable his invalid assistant to proceed to the Cape. In these transactions there might be nothing which the most scrupulous could disapprove; but the case would be widely different if a wealthy native Zemindar were to pay the debts of a Collector of his district, or if any of the officers at the residency were to receive money from the minister of a foreign power. In such a case, though it might be impossible to prove a corrupt motive, we think that the Government would be inexcusable if it suffered the delinquent to remain in the public service.

We have hitherto put only extreme cases, cases in which it is clear that the taking of presents ought not to be punished, or cases in which it is clear that the taking of presents ought to be severely punished. But between the extremes lie an immense variety of cases, some of which call for severe punishment, some for milder punishment, some for censure, some for gentle admonition, while some ought to be tolerated. We have said that if a Collector were to accept a large present of money from a wealthy native Zemindar, he would deserve to be turned out of the service. But if the Collector were to accept such a present from an English Indigo planter, the case would be different. The Indigo planter might be his uncle, his brother, his father-in-law, his brother-in-law. In that case there might be no impropriety in the transaction. Again, if a native in the public service were to accept a present from a Zemindar who was connected with him by blood, marriage or friendship, there might be no impropriety in the transaction.

By the Act of Parliament to which the mal-practices of the first British conquerors of India gave occasion, the servants of the Company were forbidden to receive presents from Asiatics, but were left at liberty to receive presents from Europeans. The legislators of that time appear to have proceeded on the supposition that the servants of the Company would all be Englishmen, and that no Englishman would ever have any such connexion with any native as would render the receiving of presents from that native unobjectionable.

Natives are now declared by law to be competent to hold

any post in the Company's service. It would evidently be improper to interdict an Asiatic in the service of the Company from receiving pecuniary assistance from his Asiatic father, or from receiving a portion with an Asiatic bride. It seems to us therefore that the rule laid down by Parliament, though it will still be in many cases an excellent rule of evidence, ought not, under the altered circumstances of India, to continue to be a rule of law.

Again, it ought to be remembered that the European and native races are not at present divided from each other by so strong a line of separation as at the time when the British Parliament laid down the rule which we are considering. The interval is still wide, but it by no means appears to us as it appeared to the legislators of the last generation, to be impassable. It is evident, therefore, that the rule formerly laid down by Parliament is constantly becoming less and less applicable to the state of India. On these grounds we have thought it advisable to leave this matter to the Executive Government, which will doubtless promulgate from time to time such rules as it may deem proper, and will enforce submission to those rules by visiting its disobedient servants with censure, with degradation, or with dismissal from the public service, according to the circumstances of every case.

We have thought it desirable to make one exception. We propose that a judge who accepts any valuable thing by way of gift from one whom he knows to be a plaintiff or a defendant in any cause pending in his Court shall be severely punished. This rule is not to extend to the taking of food in the interchange of ordinary civilities. It appears to us that the objections which we have made to a general law prohibiting the receipt of presents by public functionaries do not apply to this clause. The rule is clear and definite. The practice against which it is directed is not a practice which ought sometimes to be encouraged, and sometimes to be tolerated. It ought always, and under all circumstances, to be discouraged. It therefore appears to unite all the characteristics which mark out a practice as a fit object of penal legislation.

The only other penal provision of this chapter to which we think it necessary to call the attention of his Lordship in Council is that which is contained in clause 149.

We are of opinion that the preceding clauses, and the power which the Government possesses of suspending, degrading and dismissing public functionaries, will be found

sufficient to prevent gross abuses. But there will remain a crowd of petty offences with which it is very difficult to deal, offences which separately are too slight to be brought before the criminal tribunals, which will sometimes be committed by good public servants, and which therefore it would be inexpedient to punish by removal from office, yet which will be very often committed if they can be committed with impunity, and which, if often committed, would impair the efficiency of all departments of the administration, and would produce infinite vexation to the body of the people.

By the existing laws of all the presidencies, a summary judicial power is given in certain cases to certain official superiors for the purpose of restraining their subordinates. We are inclined to believe that this is a wholesome power, and that it has, in the great majority of cases, been honestly employed for the protection of the public. We propose therefore to adopt the principle, and to make the system uniform through all the provinces of the empire, and through all the departments of the public service. We propose that a public functionary who is guilty of neglect of duty, who treats his superiors with disrespect, or who disobeys the lawful orders given by them for his guidance, shall be liable to a fine not exceeding the official pay which he receives in three months. In default of payment he will be liable (see clause 54) to seven days' imprisonment.

In the code of procedure we think that it will be proper to provide that the power of awarding this penalty shall be given, not to the ordinary tribunals, but to the official superiors of the offender. Thus, if a subordinate officer employed in the collection of revenue should incur this penalty, it will be imposed by the collector, and the appeal will probably be to the Board of Revenue. If an officer employed to execute the process of a Zillah Court should neglect his duty, the fine will be imposed by the Zillah judge, and the appeal will probably be to the Sudder Court. If the offence should be committed by a Tide-waiter, the Collector of Customs for the port will probably impose the penalty, and the appeal will be to the Board of Customs. These instances we give merely as illustrations of what, at present, appears to us desirable. The details of this part of the law of procedure cannot be arranged without much consideration and inquiry.

One important question still remains to be considered. We are of opinion that we have provided sufficient punishment for the public servant who receives a bribe. But it

may be doubted whether we have provided sufficient punishment for the person who offers it. The person who, without any demand express or implied on the part of a public servant, volunteers an offer of a bribe, and induces that public servant to accept it, will be punishable under the general rule contained in clause 88 as an instigator. But the person who complies with a demand, however signified, on the part of a public servant, cannot be considered as guilty of instigating that public servant to receive a bribe. We do not propose that such a person shall be liable to any punishment, and, as this omission may possibly appear censurable to many persons, we are desirous to explain our reasons.

In all states of society the receiving of a bribe is a bad action, and may properly be made punishable. But whether the giving of a bribe ought or ought not to be punished, is a question which does not admit of a short and general answer. There are countries in which the giver of a bribe ought to be more severely punished than the receiver. There are countries, on the other hand, in which the giving of a bribe may be what it is not desirable to visit with any punishment. In a country situated like England, the giver of a bribe is generally far more deserving of punishment than the receiver. The giver is generally the tempter, the receiver is the tempted. The giver is generally rich, powerful, well educated; the receiver, needy and ignorant. The giver is under no apprehension of suffering any injury if he refuses to give. It is not by fear, but by ambition, that he is generally induced to part with his money. Such a person is a proper subject of punishment. But there are countries where the case is widely different; where men give bribes to magistrates from exactly the same feeling which leads them to give their purses to robbers or to pay ransom to pirates; where men give bribes because no man can, without a bribe, obtain common justice. In such countries we think that the giving of bribes is not a proper subject of punishment. It would be as absurd, in such a state of society, to reproach the giver of a bribe with corrupting the virtue of public servants, as it would be to say that the traveller who delivers his money when a pistol is held to his breast corrupts the virtue of the highwayman.

We would by no means be understood to say that India, under the British Government, is in a state answering to this last description. Still we fear it is undeniable that corruption does prevail to a great extent among the lower

class of public functionaries; that the power which those functionaries possess renders them formidable to the body of the people; that in the great majority of cases the receiver of the bribe is really the tempter, and that the giver of the bribe is really acting in self-defence.

Under these circumstances, we are strongly of opinion that it would be unjust and cruel to punish the giving of a bribe in any case in which it could not be proved that the giver had really by his instigations corrupted the virtue of a public servant, who, unless temptation had been put in his way, would have acted uprightly.

NOTE (F).

ON THE CHAPTER OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

WE were at first disposed to have one chapter for contempts of the lawful authority of Courts of Justice, another for contempts of the lawful authority of Officers of Revenue, and a third for contempts of the lawful authority of Officers of Police. But we soon found that these three chapters would be almost the same, word for word. It appeared to us also that, in the existing state of the civil administration of India, the separation which we were at first inclined to make would produce nothing but perplexity. The functions of Magistrate and Collector are very frequently united in the same person; and that person is perpetually called upon, both as Magistrate and Collector, to perform acts which are judicial in their nature, to try offenders, and to decide litigated questions of civil right. While the division of labour between the different departments of the public service is so imperfect, it would be idle to make nice distinctions between those departments in the penal code.

In order to frame this chapter, we went carefully through the existing regulations of the three Presidencies, and extracted the numerous penal provisions which are intended to enforce obedience to the lawful authority of different classes of public servants. Having collected these provisions, and discarded a very few which we thought obviously unreasonable or superfluous, we proceeded to analyse the rest.

It is possible that our analysis may be imperfect; and it is highly probable that the punishments which we propose may require some modification. It will be seen that we propose the same punishment for all the offences which fall, in our analysis, under the same head. For example; one head is the omitting to obey the lawful summons of a public servant. For this offence we have only one punishment; and this punishment will be applicable alike to the witness who omits to obey the lawful summons of the Court of Sudder Dewanny Adawlut, to the witness who omits to obey the lawful summons of a Moonsiff, to the putwarree who in Bengal omits to obey the lawful summons of the Collector, to the ryot who in the Madras Presidency omits to obey the lawful summons of the Collector, to the trader who in the same presidency omits to attend a meeting lawfully convened for the distribution of the Vizabuddy. In the same manner we propose one punishment for the captain of a ship in the Hoogly who illegally refuses to admit a custom-house officer on board, for a landholder who refuses to admit a surveyor lawfully commissioned by the Collector to measure land, for a distiller who refuses to admit the proper officer to examine his distillery. Again, we propose the same punishment for the person who resists the taking of goods in execution under a decree of a Court of Justice, for the person who resists the taking of property by way of distress for arrears of revenue, for the person who resists the seizure of salt by lawful authority, for the person who resists the seizure of a boat in default of toll by lawful authority, for the person who resists the seizure of smuggled goods by lawful authority.

We are sensible that there may be reasons which have escaped us for making distinctions in punishment between offences which in our classification fall under the same head. But it is impossible to find in any single person, or in any small body of persons, so extensive and minute a knowledge of every province of India, and of every department of the public service, as would be a security against errors of this description. We have no doubt that if his Lordship in Council directs the code to be published for general information, valuable suggestions will be received from servants of the Company in different parts of India, and that those suggestions will enable the Government to modify the provisions which we propose, by introducing proper aggravations and mitigations.

The only provision which appears to us to require any further explanation is that which is contained in clause 182.

We have, to the best of our ability, framed laws against acts which ought to be repressed at all times and places, or at times and places which it is in our power to define. But there are acts which at one time and place are perfectly innocent, and which at another time or place are proper subjects of punishment; nor is it always possible for the legislator to say at what time or at what place such acts ought to be punishable.

Thus it may happen that a religious procession which is in itself perfectly legal, and which, while it passes through many quarters of a town, is perfectly harmless, cannot without great risk of tumult and outrage be suffered to turn down a particular street inhabited by persons who hold the ceremony in abhorrence, and whose passions are excited by being forced to witness it. Again, there are many Hindoo rites which in Hindoo temples and religious assemblies the law tolerates, but which could not with propriety be exhibited in a place which English gentlemen and ladies were in the habit of frequenting for purposes of exercise. Again, at a particular season hydrophobia may be common among the dogs at a particular place, and it may be highly advisable that all people at that place should keep their dogs strictly confined. Again, there may be a particular place in a town which the people are in the habit of using as a receptacle for filth. In general this practice may do no harm, but an unhealthy season may arrive when it may be dangerous to the health of the population, and under such circumstances it is evidently desirable that no person should be allowed to add to the nuisance. It is evident that it is utterly impossible for the legislature to mark out the route of all the religious processions in India, to specify all the public walks frequented by English ladies and gentlemen, to foresee in what months and in what places hydrophobia will be common among dogs, or when a particular dunghill may become dangerous to the health of a town. It is equally evident that it would be unjust to punish a person who cannot be proved to have acted with bad intentions for doing to-day what yesterday was a perfectly innocent act, or for doing in one street what it would be perfectly innocent to do in another street, without giving him some notice.

What we propose, therefore, is to empower the local authorities to forbid acts which these authorities consider as

dangerous to the public tranquillity, health, safety or convenience, and to make it an offence in a person to do anything which that person knows to be so forbidden, and which may endanger the public tranquillity, health, safety or convenience. It will be observed that we do not give to the local authorities the power of arbitrarily making anything an offence; for unless the Court before which the person who disobeys the order is tried shall be of opinion that he has done something tending to endanger the public tranquillity, health, safety or convenience, he will be liable to no punishment. The effect of the order of the local authority will be merely to deprive the person who knowingly disobeys the order of the plea that he had no bad intentions. He will not be permitted to allege that if he has caused harm, or risk of harm, it was without his knowledge.

Thus, if in a town where no order for the chaining up of dogs has been made, A. suffers his dog to run about loose, A. will be liable to no punishment for any mischief which the animal may do, unless it can be shown that A. knew the animal to be dangerous. But if an order for confining dogs has been issued, and if A. knew of that order, it will be no defence for him to allege, and even to prove, that he believed his dog to be perfectly harmless. If the Court think that A.'s disobedience has caused harm, or risk of harm, A. will be liable to punishment. On the other hand, if the Court think that there was no danger, and that the local order was a foolish one, A. will not be liable to punishment.

We see some objections to the way in which we have framed this part of the law; but we are unable to frame it better. On the one hand, it is, as we have shown, absolutely necessary to have some local rules which shall not require the sanction of the legislature. On the other hand, we are sensible that there is the greatest reason to apprehend much petty tyranny and vexation from such rules; and this although the framers of those rules may be very excellent and able men. There is scarcely any disposition in a ruler more prejudicial to the happiness of the people than a meddling disposition. Yet, experience shows us that it is a disposition which is often found in company with the best intentions, with great activity and energy, and with a sincere regard for the interest of the community. A public servant of more than ordinary zeal and industry, unless he have very much more than ordinary judgment, is the very man who is likely

to harass the people under his care with needless restrictions. We have, therefore, thought it necessary to provide that no person should be punished merely for disobeying a local order, unless it be made to appear that the disobedience has been attended with evil, or risk of evil. Thus no person will be punished for disobeying an idle and vexatious order.

The mode of promulgating these orders belongs to the code of procedure, which will of course contain such provisions as may be required for the purpose of enabling the Government to exercise a constant and efficient control over its local officers.

NOTE (G).

ON THE CHAPTER OF OFFENCES RELATING TO PUBLIC JUSTICE.

MANY offences which interfere with the administration of justice are sufficiently provided for in other chapters, particularly in the chapter relating to contempts of the lawful authority of public servants. There still remain, however, some offences of that description for which the present chapter is intended to provide.

The rules which we propose touching the offence of attempting to impose on a Court of Justice by false evidence differ from those of the English law, and of the codes which we have had an opportunity of consulting.

It appears to us, in the first place, that the offence which we have designated as the fabricating of false evidence is not punished with adequate severity under any of the systems to which we refer. This may perhaps be because the offence, in its aggravated forms, is not one of very frequent occurrence in western countries. It is notorious, however, that in this country the practice is exceedingly common, and for obvious reasons. The mere assertion of a witness commands far less respect in India than in Europe, or in the United States of America. In countries in which the standard of morality is high, direct evidence is generally considered as the best evidence. In England assuredly it is so considered, and its value, as compared with the value of circumstantial evidence, is perhaps overrated by the great majority of the population. But in India we have reason to believe that the case is different. A judge, after he has heard a transaction related in the same manner by several persons who declare themselves to be eye-

witnesses of it, and of whom he knows no harm, often feels a considerable doubt whether the whole, from beginning to end, be not a fiction, and is glad to meet with some circumstance, however slight, which supports the story, and which is not likely to have been devised for the purpose of supporting the story.

Hence, in England, a person who wishes to impose on a Court of Justice knows that he is likely to succeed best by perjury, or subornation of perjury. But in India, where a judge is generally on his guard against direct false evidence, a more artful mode of imposition is frequently employed. A lie is often conveyed to a Court, not by means of witnesses, but by means of circumstances, precisely because circumstances are less likely to lie than witnesses. These two modes of imposing on the tribunals appear to us to be equally wicked, and equally mischievous. It will indeed be harder to bring home to an offender the fabricating of false evidence than the giving of false evidence. But wherever the former offence is brought home, we would punish it as severely as the latter. If A. puts a purse in Z.'s bag, with the intention of causing Z. to be convicted as a thief, we would deal with A. as if he had sworn that he saw Z. take a purse. If A. conceals in Z.'s house a paper written in imitation of Z.'s hand, and purporting to be a plan of a treasonable conspiracy, we would deal with A. as if he had sworn that he was present at a meeting of conspirators at which Z. presided.

The exception in clause 190 is in strict conformity with this principle. We propose to treat the giving of false evidence and the fabricating of false evidence in exactly the same way. We have no punishment for false evidence given by a person when on his trial for an offence, though we conceive that such a person ought to be interrogated. The grounds on which this part of the law is founded will shortly be submitted to Government in our report on the law of evidence. As we do not propose to punish a prisoner for lying at the bar in order to escape punishment, so we do not propose to punish him for fabricating evidence with the view of escaping punishment, unless he also contemplated some injury to others as likely to be produced by the evidence so fabricated. If A. stabs Z., and afterwards on his trial denies that he stabbed Z., we do not propose to punish A. as a giver of false evidence. And on the same principle, if A., after having stabbed Z., in order to escape detection, disposes Z.'s body in such a manner as is likely to lead a jury to think the death accidental, we do not propose to punish A. as the fabricator of false evidence.

It appears to us that the offence of attempting to impose on a Court of Justice by false evidence is an offence of which there are numerous grades, some of which may be easily defined. The authors of the French code have not overlooked these circumstances, though they have not, in our opinion, marked the gradations very successfully. The English law makes no distinction whatever between the man who has attempted to take away his neighbour's life by false swearing, and the man who has strained his conscience to give an undeserved good character to a boy accused of a petty theft. The former is punished far too leniently; the latter perhaps too severely.

The giving of false evidence must always be a grave offence. But few points in penal legislation seem to us clearer than that the law ought to make a distinction between that kind of false evidence which produces great evils, and that kind of false evidence which produces comparatively slight evils.

As the ordinary punishment of false evidence, we propose imprisonment for a term of not more than seven years, nor less than one year. If the false evidence is given or fabricated with intent to cause a person to be convicted of a grave offence not capital, we propose that the person who gives or fabricates such evidence may be punished with the punishment of the offence which he has attempted to fix on another. If the false evidence be given or fabricated with the intention of causing death, we propose to punish it in the same manner in which we propose to punish the worst attempts to murder. If such false evidence actually causes death, the person who has given or fabricated it falls under the definition of murder, and is liable to capital punishment. In this last point, the law, as we have framed it, agrees with the old law of England, which, though in our opinion just and reasonable, has become obsolete.

We think this the proper place to notice an offence which bears a close affinity to that of giving false evidence, and which we leave for the present unpunished, only on account of the defective state of the existing law of procedure,—we mean the crime of deliberately and knowingly asserting falsehoods in pleading. Our opinions on this subject may startle persons accustomed to that boundless license which the English law allows to mendacity in suitors. On what principle that license is allowed we must confess ourselves unable to discover. A. lends Z. money; Z. repays it. A. brings an action against Z. for the money, and affirms in his declaration

that he lent the money, and has never been repaid. On the trial A.'s receipt is produced. It is not doubted. A. himself cannot deny that he asserted a falsehood in his declaration. Ought A. to enjoy impunity? Again: Z. brings an action against A. for a debt which is really due. A.'s plea is a positive averment that he owes Z. nothing. The case comes to trial; and it is proved by overwhelming evidence that the debt is a just debt. A. does not even attempt a defence. Ought A. in this case to enjoy impunity? If, in either of the cases which we have stated, A. were to suborn witnesses to support the lie which he has put on the pleadings, every one of these witnesses, as well as A. himself, would be liable to severe punishment. But false evidence in the vast majority of cases springs out of false pleading, and would be almost entirely banished from the Courts if false pleading could be prevented.

It appears to us that all the marks which indicate that an act is a proper subject for legal punishment meet in the act of false pleading. That false pleading always does some harm is plain. Even when it is not followed up by false evidence it always delays justice. That false pleading produces any compensating good to atone for this harm has never, as far as we know, been even alleged. That false pleading will be more common if it is unpunished than if it is punished appears as certain as that rape, theft, embezzlement, would, if unpunished, be more common than they now are. It is evident also that there will be no more difficulty in trying a charge of false pleading than in trying a charge of false evidence. The fact that a statement has been made in pleading will generally be more clearly proved than the fact that a statement has been made in evidence. The falsehood of a statement made in pleading will be proved in exactly the same manner in which the falsehood of a statement made in evidence is proved. Whether the accused person knew that he was pleading falsely, the Courts will determine on the same evidence on which they now determine whether a witness knew that he was giving false testimony.

We have as yet spoken only of the direct injury produced to honest litigants by false pleading. But this injury appears to us to be only a part, and perhaps not the greatest part, of the evil engendered by the practice. If there be any place where truth ought to be held in peculiar honour, from which falsehood ought to be driven with peculiar severity, in which exaggerations, which elsewhere would be applauded as the innocent sport of the fancy, or pardoned as the natural effect

of excited passion, ought to be discouraged, that place is a Court of Justice. We object, therefore, to the use of legal fictions, even when the meaning of those fictions is generally understood, and we have done our best to exclude them from this code. But that a person should come before a Court, should tell that Court premeditated and circumstantial lies for the purpose of preventing or postponing the settlement of a just demand, and that by so doing he should incur no punishment whatever, seems to us to be a state of things to which nothing but habit could reconcile wise and honest men. Public opinion is vitiated by the vicious state of the law. Men who, in any other circumstances, would shrink from falsehood, have no scruple about setting up false pleas against just demands. There is one place, and only one, where deliberate untruths, told with the intent to injure, are not considered as discreditable, and that place is a Court of Justice. Thus the authority of the tribunals operates to lower the standard of morality, and to diminish the esteem in which veracity is held; and the very place which ought to be kept sacred from misrepresentations, such as would elsewhere be venial, becomes the only place where it is considered as idle scrupulosity to shrink from deliberate falsehood.

We consider a law for punishing false pleading as indispensably necessary to the expeditious and satisfactory administration of justice, and we trust that the passing of such a law will speedily follow the appearance of the code of procedure. We do not, as we have stated, at present propose such a law, because, while the system of pleading remains unaltered in the Courts of this country, and particularly in the Courts established by Royal Charter, it will be difficult, or to speak more properly, impossible to enforce such a law. We have, therefore, gone no further than to provide a punishment for the frivolous and vexatious instituting of civil suits, a practice which, even while the existing systems of procedure remain unaltered, may, without any inconvenience, be made an offence. The law on the subject of false evidence will, as it appears to us, render unnecessary any law for punishing the frivolous and vexatious preferring of criminal charges.

No other part of this chapter appears to require comment.

Note (H).

ON OFFENCES RELATING TO THE REVENUE.

In order to frame this chapter, we took a course similar to that which we took with the chapter relating to contempts of the lawful authority of public servants. We went carefully through the revenue laws of the three presidencies, extracted the penal clauses, analysed them, and reduced them to a small number of general heads.

His Lordship in Council will perceive that we have not thought it proper to insert in the code any provision for the confiscation of property on the ground of a breach of the revenue laws, and that we leave the existing rules on that subject untouched. We have done so, because it does not appear to us that such confiscation is in strictness a punishment. It has indeed much in common with punishment; but it appears to us that there is a marked distinction, and that confiscation of the sort which is authorised in many parts of the regulations of the three presidencies would, considered in the light of a punishment, be anomalous and indefensible. It is a proceeding directed, not against the person who has broken the law, but against the thing with respect to which the law has been broken. It is not necessary that any misconduct should be proved, that any accusation should be brought, that any particular individual should be in the contemplation of the authority which directs the confiscation. Nay, the revenue laws authorise confiscation, not only in cases where misconduct is not proved, but in cases where it is proved that there has been no misconduct in any quarter; and, where there has been misconduct, those laws authorise the confiscation of the property of a person who is proved to have had no share in the misconduct.

To give a single example: if tobacco be found in the island of Bombay after the time at which it ought to be exported thence, it is confiscated, together with the receptacles which contain it, the substances in which it is packed, and the carriages and animals which are employed to convey it. This, which is a fair specimen of revenue laws respecting confiscation, is evidently objectionable, considered as a penal law. The carriages, the animals, the vessels, the tobacco itself, may all be the property of persons who are not in the least

to blame. Indeed, we know that under this law the boxes of gentlemen have repeatedly been seized, because the servants who packed them had concealed tobacco in the baggage. Such a law, put into the form of a penal provision, would be too grotesque to be a subject of serious argument. It would, in the phraseology of our code, run thus: "If any person places contraband tobacco in the baggage of any other person, the person in whose baggage such contraband tobacco is placed shall be punished with the confiscation of such baggage." And the following illustration would make the law, if possible, still more ridiculous: "Contraband tobacco is hidden in A.'s baggage, by A.'s servant, without A.'s knowledge, and contrary to A.'s express command. A. has committed the offence defined in this clause."

It is evident, therefore, that this law, and many other laws of the same kind, must be defended on principles quite different from those on which penal legislation ought to be conducted. They must be defended, not as being penal laws directed against the guilty, but rather as being sharp and stringent laws of civil procedure which are intended to enable the Government to obtain its due with speed and certainty, at the cost whether of the guilty or of the innocent. Viewing them in this light, and knowing as we know that they are greatly mitigated in practice by the lenity of the Executive Government, we consider them as justifiable; but we are decidedly of opinion that they would be out of place in a penal code.

NOTE (I).

ON THE CHAPTER OF OFFENCES RELATING TO COIN.

MOST of the provisions in this chapter appear sufficiently intelligible without any explanation.

We have proposed that the Government of India should follow the general practice of Governments in punishing more severely the counterfeiting of its own coin than the counterfeiting of foreign coin. It appears to us peculiarly advisable, under the present circumstances of India, to make this distinction. It is much to be wished that the Company's currency may supersede the numerous coinages which are issued from a crowd of mints in the dominions of the petty princes of India. It has appeared to us that this object may be in

some degree promoted by the law as we have framed it. That coinage, the purity of which is guarded by the most rigorous penalties, is likely to be the most pure; and that coinage which is likely to be the most pure will be the most readily taken in the course of business.

It is not very probable that any person in this country will employ himself in making counterfeit sovereigns or shillings; but should so improbable an event occur, we think that the King's coin should have the same protection which is given to the coin of the local Government. It may perhaps be thought that in proposing laws for the protection of the King's coin, we have departed from the principle which we laid down in our note on the law of offences against the State, and that we should have acted more consistently in leaving the British currency to the care of the British Legislature. It appears to us, however, that the offence of coining, though, in an arbitrary classification, it may be called by the technical name of treason, is in substance an offence against property and trade, that it is an offence of very nearly the same kind with the forging of a bank note, and that it would be an offence of exactly the same kind if the bank note, like the notes of the Bank of England formerly, were in all cases legal tender, or if the coin, like the Company's gold mohur at present, were not legal tender. We do not therefore conceive that in proposing a law for punishing the counterfeiting of the King's coin, we are proposing a law which can reasonably be said to affect any of the royal prerogatives.

The distinction which we propose to make (see clauses 241 and 242) between two different classes of utterers is marked in the French code; and it is so obviously agreeable to reason and justice that we are surprised that, having been marked in that code, it should not have been adopted by Mr. Livingston. We are glad to perceive that the code of Bombay makes this distinction.

An utterer by profession, an utterer who is the agent employed by the coiner to bring counterfeit coin into circulation, is guilty of a very high offence. Such an utterer stands to the coiner in a relation not very different from that in which a habitual receiver of stolen goods stands to a thief. He makes coining a far less perilous and a far more lucrative pursuit than it would otherwise be. He passes his life in the systematic violation of the law, and in the systematic practice of fraud in one of its most pernicious forms. He is one of the most mischievous, and is likely to be one of the most depraved

of criminals. But a casual utterer, an utterer who is not an agent for bringing counterfeit coin into circulation, but who, having heedlessly received a bad rupee in the course of his business, takes advantage of the heedlessness of the next person with whom he deals to pay that bad rupee away, is an offender of a very different class. He is undoubtedly guilty of a dishonest act, but of one of the most venial of dishonest acts. It is an act which proceeds not from greediness for unlawful gain, but from a wish to avoid, by unlawful means it is true, what to a poor man may be a severe loss. It is an act which has no tendency to facilitate or encourage the operations of the coiner. It is an occasional act, an act which does not imply that the person who commits it is a person of lawless habits. We think, therefore, that the offence of a casual utterer is perhaps the least heinous of all the offences into which fraud enters.

We considered whether it would be advisable to make it an offence in a person to have in his possession at one time a certain number of counterfeit coins, without being able to explain satisfactorily how he came by them. It did not, after much discussion, appear to us advisable to recommend this or any similar provision. We entertain strong objections to the practice of making circumstances which are in truth only evidence of an offence part of the definition of an offence; nor do we see any reason for departing in this case from our general rule.

Whether a person who is possessed of bad money knows the money to be bad, and whether, knowing it to be bad, he intends to put it in circulation, are questions to be decided by the tribunals according to the circumstances of the case, circumstances of which the mere number of the pieces is only one and may be one of the least important. A few bad rupees which should evidently be fresh from the stamp would be stronger evidence than a greater number of bad rupees which appeared to have been in circulation for years. A few bad rupees, all obviously coined with the same die, would be stronger evidence than a greater number obviously coined with different dies. A few bad rupees placed by themselves, and unmixed with good ones, would be far stronger evidence than a much larger number which might be detected in a large mass of treasure.

Note (J).

ON THE CHAPTER OF OFFENCES RELATING TO RELIGION AND CASTE.

The principle on which this chapter has been framed is a principle on which it would be desirable that all Governments should act, but from which the British Government in India cannot depart without risking the dissolution of society; it is this, that every man should be suffered to profess his own religion, and that no man should be suffered to insult the religion of another.

The question whether insults offered to a religion ought to be visited with punishment does not appear to us at all to depend on the question whether that religion be true or false. The religion may be false, but the pain which such insults give to the professors of that religion is real. It is often, as the most superficial observation may convince us, as real a pain and as acute a pain as is caused by almost any offence against the person, against property or against character. Nor is there any compensating good whatsoever to be set off against this pain. Discussion, indeed, tends to elicit truth. But insults have no such tendency. They can be employed just as easily against the purest faith as against the most monstrous superstition. It is easier to argue against falsehood than against truth. But it is as easy to pull down or defile the temples of truth as those of falsehood. It is as easy to molest with ribaldry and clamour men assembled for purposes of pious and rational worship, as men engaged in the most absurd ceremonies. Such insults, when directed against erroneous opinions, seldom have any other effect than to fix those opinions deeper, and to give a character of peculiar ferocity to theological dissension. Instead of eliciting truth they only inflame fanaticism.

All these considerations apply with peculiar force to India. There is perhaps no country in which the Government has so much to apprehend from religious excitement among the people. The Christians are numerically a very small minority of the population, and in possession of all the highest posts in the Government, in the tribunals, and in the army. Under their rule are placed millions of Mahomedans, of differing sects, but all strongly attached to the fundamental articles of

the Mahomedan creed, and tens of millions of Hindoos, strongly attached to doctrines and rites which Christians and Mahomedans join in reprobating. Such a state of things is pregnant with dangers which can only be averted by a firm adherence to the true principles of toleration. On those principles the British Government has hitherto acted with eminent judgment, and with no less eminent success; and on those principles we propose to frame this part of the penal code.

We have provided a punishment of great severity for the intentional destroying or defiling of places of worship, or of objects held sacred by any class of persons. No offence in the whole code is so likely to lead to tumult, to sanguinary outrage, and even to armed insurrection. The slaughter of a cow in a sacred place at Benares in 1809 caused violent tumult, attended with considerable loss of life. The pollution of a mosque at Bangalore was attended with consequences still more lamentable and alarming. We have therefore empowered the Courts, in cases of this description, to pass a very severe sentence on the offender.

The provisions which we have made for the purpose of protecting assemblies held for religious worship, and of guarding from intentional insult the rites of sepulture and the remains of the dead, do not appear to require any explanation or defence.

The intentional depriving a Hindoo of his caste by assault or by deception is not at present an offence in any part of India, though it may be a ground for a civil action. It appears to us, however, that an injury so wanton, an injury which indicates so bad a feeling in the person who causes it, and which gives so much pain and excites so much resentment in the sufferer, is as proper a subject for penal legislation as most of the acts which are made punishable by this code. We have, therefore, made it an offence. The rendering the food of a Hindoo useless to him by causing it to be in what he considers as a polluted state is an injury of the same kind, though comparatively venial. We propose to make it an offence, but not to deal with it severely, unless it should be repeatedly committed by the same person.

In framing clause 282, we had two objects in view. We wish to allow all fair latitude to religious discussion, and at the same time to prevent the professors of any religion from offering, under the pretext of such discussion, intentional insults to what is held sacred by others. We do not conceive

that any person can be justified in wounding with deliberate intention the religious feelings of his neighbours by words, gesture or exhibitions. A warm expression dropped in the heat of controversy, or an argument urged by a person, not for the purpose of insulting and annoying the professors of a different creed, but in good faith for the purpose of vindicating his own, will not fall under the definition contained in this clause.

Clause 283 is intended to prevent such practices as those known among the natives by the names of Dhurna and Traga. Such acts are now punishable by law, and it is unnecessary to adduce any argument for the purpose of showing that they ought to be so.

NOTE (K).

ON THE CHAPTER OF ILLICIT ENTRANCE INTO AND ILLICIT RESIDENCE IN THE TERRITORIES OF THE EAST INDIA COMPANY.

THE Indian Legislature is required by the Act of Parliament 3 and 4 Wm. IV. cap. 85, section 84, "as soon as conveniently may be, to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorised to enter or reside therein."

We have, therefore, thought it our duty to insert in the penal code provisions for the purpose of carrying the intentions of Parliament into effect.

NOTE (L).

ON OFFENCES RELATING TO THE PRESS.

THE penal provisions contained in this chapter are taken from the Act of the Governor-General of India in Council, No. 11, of 1835.

Sufficient provision appears to us to have been made in other parts of the code, particularly by clause 195, for the punishment of the offence mentioned in the last section of the Act to which we have referred.

NOTE (M).

ON OFFENCES AGAINST THE BODY.

THE first class of offences against the body consists of those offences which affect human life; and highest in this first class stand those offences which fall under the definition of voluntary culpable homicide.

This important part of the law appears to us to require fuller explanation than almost any other.

The first point to which we wish to call the attention of his Lordship in Council is the expression "omits what he is legally bound to do" in the definition of voluntary culpable homicide. These words, or other words tantamount in effect, frequently recur in the code. We think this the most convenient place for explaining the reason which has led us so often to employ them; for if that reason shall appear to be sufficient in cases in which human life is concerned, it will *à fortiori* be sufficient in other cases.

Early in the progress of the code it became necessary for us to consider the following question: When acts are made punishable on the ground that those acts produce, or are intended to produce, or are known to be likely to produce, certain evil effects, to what extent ought omissions which produce, which are intended to produce, or which are known to be likely to produce, the same evil effects to be made punishable?

Two things we take to be evident; first, that some of these omissions ought to be punished in exactly the same manner in which acts are punished; secondly, that all these omissions ought not to be punished. It will hardly be disputed that a jaoler who voluntarily causes the death of a prisoner by omitting to supply that prisoner with food, or a nurse who voluntarily causes the death of an infant entrusted to her care by omitting to take it out of a tub of water into which it has fallen, ought to be treated as guilty of murder. On the other hand, it will hardly be maintained that a man should be punished as a murderer because he omitted to relieve a beggar, even though there might be the clearest proof that the death of the beggar was the effect of this omission, and that the man who omitted to give the alms knew that the death of the beggar was likely to be the effect of the omission. It will

hardly be maintained that a surgeon ought to be treated as a murderer for refusing to go from Calcutta to Meerut to perform an operation, although it should be absolutely certain that this surgeon was the only person in India who could perform it, and that if it were not performed, the person who required it would die. It is difficult to say whether a penal code which should put no omissions on the same footing with acts, or a penal code which should put all omissions on the same footing with acts, would produce consequences more absurd and revolting. There is no country in which either of these principles is adopted. Indeed, it is hard to conceive how, if either were adopted, society could be held together.

It is plain, therefore, that a middle course must be taken; but it is not easy to determine what that middle course ought to be. The absurdity of the two extremes is obvious. But there are innumerable intermediate points; and wherever the line of demarcation may be drawn, it will, we fear, include some cases which we might wish to exempt, and will exempt some which we might wish to include.

Mr. Livingston's code provides, that a person shall be considered as guilty of homicide who omits to save life, which he could save "without personal danger or pecuniary loss." This rule appears to us to be open to serious objection. There may be extreme inconvenience without the smallest personal danger, or the smallest risk of pecuniary loss, as in the case which we lately put of a surgeon summoned from Calcutta to Meerut to perform an operation. He may be offered such a fee that he would be a gainer by going. He may have no ground to apprehend that he should run any greater personal risk by journeying to the Upper Provinces than by continuing to reside in Bengal. But he is about to proceed to Europe immediately, or he expects some members of his family by the next ship, and wishes to be at the presidency to receive them. He, therefore, refuses to go. Surely, he ought not, for so refusing, to be treated as a murderer. It would be somewhat inconsistent to punish one man for not staying three months in India to save the life of another, and to leave wholly unpunished a man who, enjoying ample wealth, should refuse to disburse an anna to save the life of another. Again, it appears to us that it may be fit to punish a person as a murderer for causing death by omitting an act which cannot be performed without personal danger or pecuniary loss. A parent may be unable to procure food for an infant without money. Yet the parent, if he has the means, is bound to furnish the infant

with food, and if, by omitting to do so, he voluntarily causes its death, he may with propriety be treated as a murderer. A nurse hired to attend a person suffering from an infectious disease cannot perform her duty without running some risk of infection. Yet if she deserts the sick person, and thus voluntarily causes his death, we should be disposed to treat her as a murderer.

We pronounce with confidence, therefore, that the line ought not to be drawn where Mr. Livingston has drawn it. But it is with great diffidence that we bring forward our own proposition. It is open to objections: cases may be put in which it will operate too severely, and cases in which it will operate too leniently; but we are unable to devise a better.

What we propose is this, that where acts are made punishable on the ground that they have caused, or have been intended to cause, or have been known to be likely to cause, a certain evil effect, omissions which have caused, which have been intended to cause, or which have been known to be likely to cause the same effect, shall be punishable in the same manner, provided that such omissions were, on other grounds, illegal. An omission is illegal (see clause 28) if it be an offence, if it be a breach of some direction of law, or if it be such a wrong as would be a good ground for a civil action.

We cannot defend this rule better than by giving a few illustrations of the way in which it will operate. A. omits to give Z. food, and by that omission voluntarily causes Z.'s death. Is this murder? Under our rule it is murder if A. was Z.'s gaoler, directed by the law to furnish Z. with food. It is murder if Z. was the infant child of A., and had therefore a legal right to sustenance, which right a Civil Court would enforce against A. It is murder if Z was a bedridden invalid, and A. a nurse hired to feed Z. It is murder if A. was detaining Z. in unlawful confinement, and had thus contracted (see clause 338) a legal obligation to furnish Z., during the continuance of the confinement, with necessaries. It is not murder if Z. is a beggar, who has no other claim on A. than that of humanity.

A. omits to tell Z. that a river is swollen so high that Z. cannot safely attempt to ford it, and by this omission voluntarily causes Z.'s death. This is murder, if A. is a peon stationed by authority to warn travellers from attempting to ford the river. It is murder if A. is a guide who had contracted to conduct Z. It is not murder if A. is a person on whom Z. has no other claim than that of humanity.

A savage dog fastens on Z. A. omits to call off the dog, knowing that if the dog be not called off, it is likely that Z. will be killed. Z. is killed. This is murder in A., if the dog belonged to A., inasmuch as his omission to take proper order with the dog is illegal. (Clause 273.) But if A. be a mere passer-by, it is not murder.

We are sensible that in some of the cases which we have put, our rule may appear too lenient; but we do not think that it can be made more severe without disturbing the whole order of society. It is true that the man who, having abundance of wealth, suffers a fellow creature to die of hunger at his feet is a bad man, a worse man, probably, than many of those for whom we have provided very severe punishment. But we are unable to see where, if we make such a man legally punishable, we can draw the line. If the rich man who refuses to save a beggar's life at the cost of a little copper is a murderer, is the poor man just one degree above beggary also to be a murderer if he omits to invite the beggar to partake his hard-earned rice? Again, if the rich man is a murderer for refusing to save the beggar's life at the cost of a little copper, is he also to be a murderer if he refuses to save the beggar's life at the cost of a thousand rupees? Suppose A. to be fully convinced that nothing can save Z.'s life unless Z. leave Bengal and reside a year at the Cape; is A., however wealthy he may be, to be punished as a murderer because he will not, at his own expense, send Z. to the Cape? Surely not. Yet it will be difficult to say on what principle we can punish A. for not spending an anna to save Z.'s life, and leave him unpunished for not spending a thousand rupees to save Z.'s life. The distinction between a legal and an illegal omission is perfectly plain and intelligible; but the distinction between a large and a small sum of money is very far from being so, not to say that a sum which is small to one man is large to another.

The same argument holds good in the case of the ford. It is true that none but a very depraved man would suffer another to be drowned when he might prevent it by a word. But if we punish such a man, where are we to stop? How much exertion are we to require? Is a person to be a murderer if he does not go fifty yards through the sun of Bengal at noon in May in order to caution a traveller against a swollen river? Is he to be a murderer if he does not go a hundred yards?—if he does not go a mile?—if he does not go ten? What is the precise amount of trouble and inconvenience which he is to endure? The distinction between the guide who is bound

to conduct the traveller as safely as he can, and a mere stranger, is a clear distinction. But the distinction between a stranger who will not give a halloo to save a man's life, and a stranger who will not run a mile to save a man's life, is very far from being equally clear.

It is, indeed, most highly desirable that men should not merely abstain from doing harm to their neighbours, but should render active services to their neighbours. In general, however, the penal law must content itself with keeping men from doing positive harm, and must leave to public opinion, and to the teachers of morality and religion, the office of furnishing men with motives for doing positive good. It is evident that to attempt to punish men by law for not rendering to others all the service which it is their duty to render to others would be preposterous. We must grant impunity to the vast majority of those omissions which a benevolent morality would pronounce reprehensible, and must content ourselves with punishing such omissions only when they are distinguished from the rest by some circumstance which marks them out as peculiarly fit objects of penal legislation. Now, no circumstance appears to us so well fitted to be the mark as the circumstance which we have selected. It will generally be found in the most atrocious cases of omission; it will scarcely ever be found in a venial case of omission; and it is more clear and certain than any other mark that has occurred to us. That there are objections to the line which we propose to draw, we have admitted. But there are objections to every line which can be drawn, and some line must be drawn.

The next point to which we wish to call the attention of his Lordship in Council is the unqualified use of the words "to cause death" in the definition of voluntary culpable homicide.

We long considered whether it would be advisable to except from this definition any description of acts or illegal omissions, on the ground that such acts or illegal omissions do not ordinarily cause death, or that they cause death very remotely. We have determined, however, to leave the clause in its present simple and comprehensive form.

There is undoubtedly a great difference between acts which cause death immediately, and acts which cause death remotely; between acts which are almost certain to cause death, and acts which cause death only under very extraordinary circumstances. But that difference, we conceive, is a matter to be considered by the tribunals when estimating the effect of

the evidence in a particular case, not by the legislature in framing the general law. It will require strong evidence to prove that an act of a kind which very seldom causes death, or an act which has caused death very remotely, has actually caused death in a particular case. It will require still stronger evidence to prove that such an act was contemplated by the person who did it as likely to cause death. But if it be proved by satisfactory evidence that death has been so caused, and has been caused voluntarily, we see no reason for exempting the person who caused it from the punishment of voluntary culpable homicide.

Mr. Livingston, we observe, excepts from the definition of homicide cases in which death is produced by the effect of words on the imagination or the passions. The reasoning of that distinguished jurist has by no means convinced us that the distinction which he makes is well founded. Indeed, there are few parts of his code which appear to us to have been less happily executed than this. His words are these: "The destruction must be by the act of another; therefore self-destruction is excluded from the definition. It must be operated by some act; therefore death, although produced by the operation of words on the imagination or the passions, is not homicide. But if words are used which are calculated to produce and do produce some act which is the immediate cause of death, it is homicide. A blind man or a stranger in the dark, directed by words only to a precipice, where he falls and is killed; a direction verbally given to take a drug that it is known will prove fatal, and which has that effect, are instances of this modification of the rule."

This appears to us altogether incoherent. A. verbally directs Z. to swallow a poisonous drug; Z. swallows it, and dies; and this, says Mr. Livingston, is homicide in A. It certainly ought to be so considered. But how, on Mr. Livingston's principles, it can be so considered we do not understand. "Homicide," he says, "must be operated by an act." Where then is the act in this case? Is it the speaking of A.? Clearly not, for Mr. Livingston lays down the doctrine that speaking is not an act. Is it the swallowing by Z.? Clearly not, for the destruction of life, according to Mr. Livingston, is not homicide unless it be by the act of another, and this swallowing is an act performed by Z. himself.

The reasonable course, in our opinion, is to consider speaking as an act, and to treat A. as guilty of voluntary culpable homicide, if by speaking he has voluntarily caused Z.'s death,

whether his words operated circuitously by inducing Z. to swallow poison or directly by throwing Z. into convulsions.

There will indeed be few homicides of this latter sort. It appears to us that a conviction, or even a trial, in such a case would be an event of extremely rare occurrence. There would probably not be one such trial in a century. It would be most difficult to prove to the conviction of any Court that death had really been the effect of excitement produced by words. It would be still more difficult to prove that the person who spoke the words anticipated from them an effect which, except under very peculiar circumstances, and on very peculiar constitutions, no words would produce. Still it seems to us that both these points might be made out by overwhelming evidence; and, supposing them to be so made out, we are unable to perceive any distinction between the case of him who voluntarily causes death in this manner, and the case of him who voluntarily causes death by means of a pistol or a sword. Suppose it to be proved to the entire conviction of a Criminal Court that Z., the deceased, was in a very critical state of health; that A., the heir to Z.'s property, had been informed by Z.'s physicians that Z.'s recovery absolutely depended on his being kept quiet in mind, and that the smallest mental excitement would endanger his life; that A. immediately broke into Z.'s sick room, and told him a dreadful piece of intelligence, which was a pure invention; that Z. went into fits and died on the spot; that A. had afterwards boasted of having cleared the way for himself to a good property by this artifice. These things being fully proved, no judge could doubt that A. had voluntarily caused the death of Z.; nor do we perceive any reason for not punishing A. in the same manner in which he would have been punished if he had mixed arsenic in Z.'s medicine.

Again, Mr. Livingston excepts from the definition of homicide the case of a person who dies of a slight wound, which, from neglect or from the application of improper remedies, has proved mortal. We see no reason for excepting such cases from the simple general rule which we propose. It will, indeed, be in general more difficult to prove that death has been caused by a scratch than by a stab which has reached the heart; and it will, in a still greater degree, be more difficult to prove that a scratch was intended to cause death than that a stab was intended to cause death; yet both these points might be fully established. Suppose such a case as the following:—It is proved that A. inflicted a slight wound on Z.,

a child who stood between him and a large property. It is proved that the ignorant and superstitious servants about Z. applied the most absurd remedies to the wound. It is proved that under their treatment the wound mortified, and the child died. Letters from A. to a confidant are produced. In those letters, A. congratulates himself on his skill, remarks that he could not have inflicted a more severe wound without exposing himself to be punished as a murderer, relates with exultation the mode of treatment followed by the people who have charge of Z., and boasts that he always foresaw that they would turn the slightest incision into a mortal wound. It appears to us, that if such evidence were produced, A. ought to be punished as a murderer.

Again, suppose that A. makes a deliberate attempt to commit assassination. In the presence of numbers he aims a knife at the heart of Z. But the knife glances aside, and inflicts only a slight wound. This happened in the case of Jean Chatel, of Damien, of Guiscard, and of many other assassins of the most desperate character. In such cases there is no doubt whatever as to the intention. Suppose that the person who received the wound is under the necessity of exposing himself to a moist atmosphere immediately afterwards, and that, in consequence, he is attacked with tetanus and dies. Here again, however slight the wound may have been, we are unable to perceive any good reason for not punishing A. as a murderer.

We will only add that this provision of the Code of Louisiana appears to us peculiarly ill-suited to a country in which, we have reason to fear, neglect and bad treatment are far more common than good medical treatment.

The general rule, therefore, which we propose is, that the question whether a person has by an act or illegal omission voluntarily caused death shall be left a question of evidence to be decided by the Courts, according to the circumstances of every case.

We propose that all voluntary culpable homicide shall be designated as murder, unless it fall under one of three heads. We are desirous to call the particular attention of his Lordship in Council to the law respecting the three mitigated forms of voluntary culpable homicide; and first to the law of manslaughter.

We agree with the great mass of mankind, and with the majority of jurists, ancient and modern, in thinking that homicide committed in the sudden heat of passion, on great

provocation, ought to be punished; but that in general it ought not to be punished so severely as murder. It ought to be punished in order to teach men to entertain a peculiar respect for human life; it ought to be punished in order to give men a motive for accustoming themselves to govern their passions; and in some few cases for which we have made provision, we conceive that it ought to be punished with the utmost rigour.

In general, however, we would not visit homicide committed in violent passion, which had been suddenly provoked, with the highest penalties of the law. We think that to treat a person guilty of such homicide as we should treat a murderer would be a highly inexpedient course,—a course which would shock the universal feeling of mankind, and would engage the public sympathy on the side of the delinquent against the law.

His Lordship in Council will remark one important distinction between the law as we have framed it and some other systems. Neither the English law nor the French code extends any indulgence to homicide which is the effect of anger excited by words alone. Mr. Livingston goes still further. "No words whatever," says the code of Louisiana, "are an adequate cause, no gestures merely showing derision or contempt, no assault or battery so slight as to show that the intent was not to inflict great bodily harm."

We greatly doubt whether any good reason can be assigned for this distinction. It is an indisputable fact that gross insults by word or gesture have as great a tendency to move many persons to violent passion as dangerous or painful bodily injuries. Nor does it appear to us that passion excited by insult is entitled to less indulgence than passion excited by pain. On the contrary, the circumstance that a man resents an insult more than a wound is anything but a proof that he is a man of a peculiarly bad heart. It would be a fortunate thing for mankind if every person felt an outrage which left a stain upon his honour more acutely than an outrage which had fractured one of his limbs. If so, why should we treat an offence produced by the blamable excess of a feeling which all wise legislators desire to encourage, more severely than we treat the blamable excess of feelings certainly not more respectable?

One outrage which wounds only the honour and the affections is admitted by Mr. Livingston to be an adequate provocation. "A discovery of the wife of the accused in the

act of adultery with the person killed is an adequate cause." The law of France, the law of England and the Mahomedan law are also indulgent to homicide committed under such circumstances. We must own that we can see no reason for making a distinction between this provocation and many other provocations of the same kind. We cannot consent to lay it down as an universal rule that in all cases this provocation shall be considered as an adequate provocation. Circumstances may easily be conceived which would satisfy a Court that a husband had in such a case acted from no feeling of wounded honour or affection, but from mere brutality of nature, or from disappointed cupidity. On the other hand, we conceive that there are many cases in which as much indulgence is due to the excited feelings of a father or a brother as to those of a husband. That a worthless, unfaithful and tyrannical husband should be guilty only of manslaughter for killing the paramour of his wife, and that an affectionate and high-spirited brother should be guilty of murder for killing, in a paroxysm of rage, the seducer of his sister, appears to us inconsistent and unreasonable.

There is another class of provocations which Mr. Livingston does not allow to be adequate in law, but which have been, and while human nature remains unaltered, will be, adequate in fact to produce the most tremendous effects. Suppose a person to take indecent liberties with a modest female, in the presence of her father, her brother, her husband or her lover. Such an assault might have no tendency to cause pain or danger; yet history tells us what effects have followed from such assaults. Such an assault produced the Sicilian Vespers. Such an assault called forth the memorable blow of Wat Tyler. It is difficult to conceive any class of cases in which the intemperance of anger ought to be treated with greater lenity. So far, indeed, should we be from ranking a man who acted like Tyler with murderers, that we conceive that a judge would exercise a sound discretion in sentencing such a man to the lowest punishment fixed by the law for manslaughter.

We think it right to add that, though in our remarks on this part of the law we have used illustrations drawn from the history and manners of Europe, the arguments which we have employed apply as strongly to the state of society in India as to the state of society in any part of the globe. There is perhaps no country in which more cruel suffering

is inflicted, and more deadly resentment called forth, by injuries which affect only the mental feelings.

A person who should offer a gross insult to the Mahomedan religion in the presence of a zealous professor of that religion; who should deprive some high-born Rajpoot of his caste; who should rudely thrust his head into the covered palanquin of a woman of rank, would probably move those whom he insulted to more violent anger than if he had caused them some severe bodily hurt. That on these subjects our notions and usages differ from theirs is nothing to the purpose. We are legislating for them, and though we may wish that their opinions and feelings may undergo a considerable change, it is our duty, while their opinions and feelings remain unchanged, to pay as much respect to those opinions and feelings as if we partook of them. We are legislating for a country where many men, and those by no means the worst men, prefer death to the loss of caste; where many women, and those by no means the worst women, would consider themselves as dishonoured by exposure to the gaze of strangers: and to legislate for such a country, as if the loss of caste or the exposure of a female face were not provocations of the highest order, would, in our opinion, be unjust and unreasonable.

The second mitigated form of voluntary culpable homicide is that to which we have given the name of voluntary culpable homicide by consent. It appears to us that this description of homicide ought to be punished, but that it ought not to be punished so severely as murder. We have elsewhere given our reasons for thinking that this description of homicide ought to be punished.*

Our reasons for not punishing it so severely as murder are these. In the first place, the motives which prompt men to the commission of this offence are generally far more respectable than those which prompt men to the commission of murder. Sometimes it is the effect of a strong sense of religious duty, sometimes of a strong sense of honour, not unfrequently of humanity. The soldier, who, at the entreaty of a wounded comrade, puts that comrade out of pain, the friend who supplies laudanum to a person suffering the torment of a lingering disease, the freedman who in ancient times held out the sword that his master might fall on it, the high-born native of India who stabs the females of his

* See Note (B).

family at their own entreaty in order to save them from the licentiousness of a band of marauders, would, except in Christian societies, scarcely be thought culpable, and even in Christian societies would not be regarded by the public, and ought not to be treated by the law as assassins.

Again, this crime is by no means productive of so much evil to the community as murder. One evil ingredient of the utmost importance is altogether wanting to the offence of voluntary culpable homicide by consent. It does not produce general insecurity. It does not spread terror through society. When we punish murder with such signal severity, we have two ends in view. One end is, that people may not be murdered. Another end is, that people may not live in constant dread of being murdered. This second end is perhaps the more important of the two. For if assassination were left unpunished, the number of persons assassinated would probably bear a very small proportion to the whole population; but the life of every human being would be passed in constant anxiety and alarm. This property of the offence of murder is not found in the offence of voluntary culpable homicide by consent. Every man who has not given his consent to be put to death is perfectly certain that this latter offence cannot at present be committed on him, and that it never will be committed unless he shall first be convinced that it is his interest to consent to it. We know that two or three midnight assassinations are sufficient to keep a city of a million of inhabitants in a state of consternation during several weeks, and to cause every private family to lay in arms and watchmen's rattles. No number of suicides, or of homicides committed with the unextorted consent of the person killed, could possibly produce such alarm among the survivors.

The distinction between murder and voluntary culpable homicide by consent has never, as far as we are aware, been recognised by any code in the distinct manner in which we propose to recognise it; but it may be traced in the laws of many countries, and often, when neglected by those who have framed the laws, it has had a great effect on the decisions of the tribunals, and particularly on the decisions of tribunals popularly composed. It may be proper to observe that the burning of a Hindoo widow by her own consent, though it is now, as it ought to be, an offence by the regulations of every Presidency, is in no Presidency punished as murder.

The third mitigated form of voluntary culpable homicide

is that which we have designated as voluntary culpable homicide in defence.

We have been forced to leave the law on the subject of private defence, as we have elsewhere said, in an unsatisfactory state; and, though we hope and believe that it may be greatly improved, we fear that it must always continue to be one of the least precise parts of every system of jurisprudence. That portion of the law of homicide which we are now considering is closely connected with the law of private defence, and must necessarily partake of the imperfections of the law of private defence. But wherever the limits of the right of private defence may be placed, and with whatever degree of accuracy they may be marked, we are inclined to think that it will always be expedient to make a separation between murder and what we have designated as voluntary culpable homicide in defence.

The chief reason for making this separation is that the law itself invites men to the very verge of the crime which we have designated as voluntary culpable homicide in defence. It prohibits such homicide indeed; but it authorises acts which lie very near to such homicide; and this circumstance, we think, greatly mitigates the guilt of such homicide.

That a man who deliberately kills another in order to prevent that other from pulling his nose should be allowed to go absolutely unpunished, would be most dangerous. The law punishes and ought to punish such killing. But we cannot think that the law ought to punish such killing as murder. For the law itself has encouraged the slayer to inflict on the assailant any harm short of death which may be necessary for the purpose of repelling the outrage,—to give the assailant a cut with a knife across the fingers which may render his right hand useless to him for life, or to hurl him down stairs with such force as to break his leg; and it seems difficult to conceive that circumstances which would be a full justification of any violence short of homicide should not be a mitigation of the guilt of homicide. That a man should be merely exercising a right by fracturing the skull and knocking out the eye of an assailant, and should be guilty of the highest crime in the code if he kills the same assailant; that there should be only a single step between perfect innocence and murder, between perfect impunity and liability to capital punishment, seems unreasonable. In a case in which the law itself empowers an individual to inflict any harm short

of death, it ought hardly, we think, to visit him with the highest punishment if he inflicts death.

It is to be considered also that the line between those aggressions which it is lawful to repel by killing, and those which it is not lawful so to repel, is in our code, and must be in every code, to a great extent an arbitrary line, and that many individual cases will fall on one side of that line which, if we had framed the law with a view to those cases alone, we should place on the other. Thus we allow a man to kill if he has no other means of preventing an incendiary from burning a house; and we do not allow him to kill for the purpose of preventing the commission of a simple theft. But a house may be a wretched heap of mats and thatch, propped by a few bamboos, and not worth altogether twenty rupees. A simple theft may deprive a man of a pocket-book which contains bills to a great amount, the savings of a long and laborious life, the sole dependence of a large family. That in these cases the man who kills the incendiary should be pronounced guiltless of any offence, and that the man who kills the thief should be sentenced to the gallows, or, if he is treated with the utmost lenity which the Courts can show, to perpetual transportation or imprisonment, would be generally condemned as a shocking injustice. We are, therefore, clearly of opinion that the offence which we have designated as voluntary culpable homicide in defence ought to be distinguished from murder in such a manner that the Courts may have it in their power to inflict a slight or a merely nominal punishment on acts which, though not within the letter of the law which authorises killing in self defence, are yet within the reason of that law.

We have hitherto been considering the law of voluntary culpable homicide. But homicide may be culpable, yet not voluntary. There will probably be little difference of opinion as to the expediency of providing a punishment for the rash and negligent causing of death. But it may be thought that we have dealt too leniently by the offender who, while committing a crime, causes death which he did not intend to cause or know himself to be likely to cause.

The law, as we have framed it, differs widely from the English law. "If," says Sir William Blackstone, "one intends to do another felony, and undesignedly kills a man, this is murder;" and he gives the following illustration of the rule: "If one gives a woman with child a medicine to

produce abortion, and it operates so violently as to kill the woman, this is murder in the person who gave it."

Under the provisions of our code, this case would be very differently dealt with according to circumstances. If A. kills Z. by administering abortives to her, with the knowledge that those abortives are likely to cause her death, he is guilty of voluntary culpable homicide, which will be voluntary culpable homicide by consent, if Z. agreed to run the risk, and murder if Z. did not so agree. If A. causes miscarriage to Z., not intending to cause Z.'s death, nor thinking it likely that he shall cause Z.'s death, but so rashly or negligently as to cause her death, A. is guilty of culpable homicide not voluntary, and will be liable to the punishment provided for the causing of miscarriage, increased by imprisonment for a term not exceeding two years. Lastly, if A. took such precautions that there was no reasonable probability that Z.'s death would be caused, and if the medicine were rendered deadly by some accident which no human sagacity could have foreseen, or by some peculiarity in Z.'s constitution such as there was no ground whatever to expect, A. will be liable to no punishment whatever on account of her death, but will of course be liable to the punishment provided for causing miscarriage.

It may be proper for us to offer some arguments in defence of this part of the code.

It will be admitted that when an act is in itself innocent, to punish the person who does it because bad consequences, which no human wisdom could have foreseen, have followed from it, would be in the highest degree barbarous and absurd.

A pilot is navigating the Hooghly with the utmost care and skill: he directs the vessel against a sand-bank which has been recently formed, and of which the existence was altogether unknown till this disaster. Several of his passengers are consequently drowned. To hang the pilot as a murderer on account of this misfortune would be universally allowed to be an act of atrocious injustice. But if the voyage of the pilot be itself a high offence, ought that circumstance alone to turn his misfortune into a murder? Suppose that he is engaged in conveying an offender beyond the reach of justice; that he has kidnapped some natives, and is carrying them to a ship which is to convey them to some foreign slave-colony; that he is violating the laws of quarantine at a time when it is of the highest importance that those laws should

be strictly observed; that he is carrying supplies, deserters and intelligence to the enemies of the state. The offence of such a pilot ought, undoubtedly, to be severely punished. But to pronounce him guilty of one offence because a misfortune befel him while he was committing another offence,—to pronounce him the murderer of people whose lives he never meant to endanger, whom he was doing his best to carry safe to their destination, and whose death has been purely accidental,—is surely to confound all the boundaries of crime.

Again, A. heaps fuel on a fire, not in an imprudent manner, but in such a manner that the chance of harm is not worth considering. Unhappily the flame bursts out more violently than there was reason to expect. At the same moment a sudden puff of wind blows Z.'s light dress towards the hearth. The dress catches fire, and Z. is burned to death. To punish A. as a murderer on account of such an unhappy event would be senseless cruelty. But suppose that the fuel which caused the flame to burst forth was a will, which A. was fraudulently destroying: ought this circumstance to make A. the murderer of Z.? We think not. For the fraudulent destroying of wills, we have provided, in other parts of the code, punishments which we think sufficient. If not sufficient, they ought to be made so. But we cannot admit that Z.'s death has, in the smallest degree, aggravated A.'s offence, or ought to be considered in apportioning A.'s punishment.

To punish as a murderer every man who, while committing a heinous offence, causes death by pure misadventure, is a course which evidently adds nothing to the security of human life. No man can so conduct himself as to make it absolutely certain that he shall not be so unfortunate as to cause the death of a fellow-creature. The utmost that he can do is to abstain from every thing which is at all likely to cause death. No fear of punishment can make him do more than this; and, therefore, to punish a man who has done this can add nothing to the security of human life. The only good effect which such punishment can produce will be to deter people from committing any of those offences which turn into murders what are in themselves mere accidents. It is in fact an addition to the punishment of those offences, and it is an addition made in the very worst way. For example, hundreds of persons in some great cities are in the habit of picking pockets. They know that they are guilty of a great offence; but it has never occurred to one of them, nor would

it occur to any rational man, that they are guilty of an offence which endangers life. Unhappily one of these hundreds attempts to take the purse of a gentleman who has a loaded pistol in his pocket. The thief touches the trigger, the pistol goes off, the gentleman is shot dead. To treat the case of this pickpocket differently from that of the numerous pickpockets who steal under exactly the same circumstances, with exactly the same intentions, with no less risk of causing death, with no greater care to avoid causing death; to send them to the house of correction as thieves, and him to the gallows as a murderer, appears to us an unreasonable course. If the punishment for stealing from the person be too light, let it be increased, and let the increase fall alike on all the offenders. Surely the worst mode of increasing the punishment of an offence is to provide that, besides the ordinary punishment, every offender shall run an exceedingly small risk of being hanged. The more nearly the amount of punishment can be reduced to a certainty the better; but if chance is to be admitted, there are better ways of admitting it. It would be a less capricious, and therefore a more salutary course, to provide that every fiftieth or every hundredth thief selected by lot should be hanged, than to provide that every thief should be hanged who, while engaged in stealing, should meet with an unforeseen misfortune, such as might have befallen the most virtuous man while performing the most virtuous action.

We trust that his Lordship in Council will think that we have judged correctly in proposing that when a person engaged in the commission of an offence causes death by pure accident, he shall suffer only the punishment of his offence, without any addition on account of such accidental death.

When a person engaged in the commission of an offence causes death by rashness or negligence, but without either intending to cause death, or thinking it likely that he shall cause death, we propose that he shall be liable to the punishment of the offence which he was engaged in committing, superadded to the ordinary punishment of involuntary culpable homicide.

The arguments and illustrations which we have employed for the purpose of showing that the involuntary causing of death, without either rashness or negligence, ought, under no circumstances, to be punished at all, will, with some modifications, which will readily suggest themselves, serve to show

that the involuntary causing of death by rashness or negligence, though always punishable, ought under no circumstances to be punished as murder.

It gives us great pleasure to observe, that Mr. Livingston's provisions on this subject, though in details they differ widely from ours, are framed on the principles which we have here defended.

We wish next to call the attention of his Lordship in Council to clauses 308 and 309.

These clauses appear to us absolutely necessary to the completeness of the code. We have provided, under the head of bodily hurt, for cases in which hurt is inflicted in an attempt to murder; under the head of assault, for assaults committed in attempting to murder; under the head of criminal trespass, for some criminal trespasses committed in order to murder. But there will still remain many atrocious and deliberate attempts to murder which are not trespasses, which are not assaults, and which cause no hurt. A., for example, digs a pit in his garden, and conceals the mouth of it, intending that Z. may fall in and perish there. Here A. has committed no trespass, for the ground is his own; and no assault, for he has applied no force to Z. He may not have caused bodily hurt, for Z. may have received a timely caution, or may not have gone near the pit. But A.'s crime is evidently one which ought to be punished as severely as if he had laid hands on Z. with the intention of cutting his throat.

Again, A. sets poisoned food before Z. Here A. may have committed no trespass, for the food may be his own; and if so, he violates no right of property by mixing arsenic with it. He commits no assault, for he means the taking of the food to be Z.'s voluntary act. If Z. does not swallow enough of the poisoned food to disorder him, A. causes no bodily hurt. Yet it is plain that A. has been guilty of a crime of a most atrocious description.

Similar attempts may be made to commit voluntary culpable homicide in any of the three mitigated forms. A., for example, is excited to violent passion by Z., and fires a pistol intending to kill Z. If the shot proves fatal, A. will be guilty of manslaughter; and he surely ought not to be exempted from all punishment if the ball only grazes the intended victim.

It is to meet cases of this description that clauses 308 and 309 are intended.

With respect to the law on the subject of abortion, we think it necessary to say only that we entertain strong apprehensions that this or any other law on that subject may, in this country, be abused to the vilest purposes. The charge of abortion is one which, even where it is not substantiated, often leaves a stain on the honour of families. The power of bringing a false accusation of this description is therefore a formidable engine in the hands of unprincipled men. This part of the law will, unless great care be taken, produce few convictions, but much misery and terror to respectable families, and a large harvest of profit to the vilest pests of society. We trust that it may be in our power in the code of procedure to lay down rules which may prevent such an abuse. Should we not be able to do so, we are inclined to think that it would be our duty to advise his Lordship in Council rather to suffer abortion, where the mother is a party to the offence, to remain wholly unpunished, than to repress it by provisions which would occasion more suffering to the innocent than to the guilty.

Every one of those offences against the human body which remain to be considered falls under some one or more of the following heads: Hurt, Restraint, Assault, Kidnapping, Rape, Unnatural crimes.

Many of the offences which fall under the head of Hurt will also fall under the head of assault. A stab, a blow which fractures a limb, the flinging of boiling water over a person, are assaults, and are also acts which cause bodily hurt. But bodily hurt may be caused by many acts which are not assaults. A person, for example, who mixes a deleterious potion, and places it on the table of another; a person who conceals a scythe in the grass on which another is in the habit of walking; a person who digs a pit in a public path, intending that another may fall into it, may cause serious hurt, and may be justly punished for causing such hurt; but they cannot, without extreme violence to language, be said to have committed assaults.

We propose to designate all pain, disease and infirmity by the name of hurt.

We have found it very difficult to draw a line between those bodily hurts which are serious and those which are slight. To draw such a line with perfect accuracy is, indeed, absolutely impossible; but it is far better that such a line should be drawn, though rudely, than that offences some of which approach in enormity to murder, while others are little

more than frolics which a good-natured man would hardly resent, should be classed together.

We have, therefore, designated certain kinds of hurt as *grievous*.

We have given this name to emasculation,—to the loss of the sight of either eye,—to the loss of the hearing of either ear,—to the loss of any member or joint,—to the permanent loss of the perfect use of any member or joint,—to the permanent disfiguration of the head or face,—to the fracture and to the dislocation of bones. Thus far we proceed on sure ground. But a more difficult task remains. Some hurts which are not, like those kinds of hurt which we have just mentioned, distinguished by a broad and obvious line from slight hurts, may nevertheless be most serious. A wound, for example, which neither emasculates the sufferer, nor blinds him, nor destroys his hearing, nor deprives him of a member or a joint, nor permanently deprives him of the use of a member or a joint, nor disfigures his countenance, nor breaks his bones, nor dislocates them, may yet cause intense pain, prolonged disease, lasting injury to the constitution. It is evidently desirable that the law should make a distinction between such a wound, and a scratch which is healed with a little sticking plaster, A beating, again, which does not maim the sufferer or break his bones, may be so cruel as to bring him to the point of death. Such a beating, it is clear, ought not to be confounded with a bruise, which requires only to be bathed with vinegar, and of which the traces disappear in a day.

After long consideration we have determined to give the name of grievous bodily hurt to all hurt which causes the sufferer to be in pain, diseased or unable to pursue his ordinary avocations, during the space of twenty days.

This provision was suggested to us by article 309 of the French Penal Code. That article runs thus: "Sera puni de la peine de la réclusion, tout individu qui aura fait des blessures ou porté des coups, s'il est resulté de ces actes de violence une maladie ou incapacité de travail personnel pendant plus de vingt jours." *Réclusion*, it is to be observed, signifies imprisonment and hard labour for a term of not less than five nor more than ten years.

This law appears, from the *procès verbal* of Napoleon's council of state, to have been adopted without calling forth a single* observation; but it has since been severely criticised

* Locré, Legislation de France. Vol. 30. page 362.

by French jurists, and has been mitigated by the French legislature. Indeed, it ought to have been completely recast, for it is undoubtedly one of the most exceptionable laws in the code.

A man who means only to inflict a slight hurt may, without intending or expecting to do so, cause a hurt which is exceedingly serious. A push which to a man in health is a trifle may, if it happens to be directed against a diseased part of an infirm person, occasion consequences which the offender never contemplated as possible. A blow designed to inflict only the pain of a moment may cause the person struck to lose his footing, to fall from a considerable height, and to break a limb. In such cases, to punish the assailant with five years of strict imprisonment would be in the highest degree unjust and cruel. It is said, and we can easily believe it,* that, in such cases, the French juries have frequently refused, in spite of the clearest evidence, to pronounce a decision which would have subjected the accused to a punishment so obviously disproportioned to his offence.

We have attempted to preserve and to extend what is good in this article of the French code, and to avoid the evils which we have noticed. It appears to us that the length of time during which a sufferer is in pain, diseased or incapacitated from pursuing his ordinary avocations, though a defective criterion of the severity of a hurt, is still the best criterion that has ever been devised. It is a criterion which may, we think, with propriety be employed not merely in cases where violence has been used, but in cases where hurt has been caused without any assault, as by the administration of drugs, the setting of traps, the digging of pit-falls, the placing of ropes across a road. But though we have borrowed from the French code this test of the severity of bodily injuries, we have framed our penal provisions on a principle quite different from that by which the authors of the French code appear to have been guided. In apportioning the punishment, we take into consideration both the extent of the hurt and the intention of the offender.

What we propose is, that the voluntary infliction of simple bodily hurt shall be punished with imprisonment of either description, which may extend to one year, or fine, or both; the voluntary infliction of grievous bodily hurt with imprisonment of either description for a term which may extend

* Baillet, Manuel de Droit Français. Note on clause 309 of the Penal Code.

to ten years and must not be less than six months, to which fine may be added.

These are the ordinary punishments; but there are certain aggravating and mitigating circumstances which make a considerable difference.

Where bodily hurt is voluntarily inflicted in an attempt to murder the person hurt, we propose to punish the offender with transportation for life, or with imprisonment for a term which may extend to life, and cannot be less than seven years. It does not appear to us that, where the murderous intention is made out, the severity of the hurt inflicted is a circumstance which ought to be considered in apportioning the punishment. It is undoubtedly a circumstance which will be important as evidence. A Court will generally be more easily satisfied of the murderous intention of an assailant who has fractured a man's skull, than of one who has only caused a slight contusion. But the proof might be complete. To take examples which are universally known:—Harley was laid up more than twenty days by the wound which he received from Guiscard; the scratch which Damien gave to Louis the Fifteenth was so slight that it was followed by no feverish symptoms. Yet it will be allowed that it would be absurd to make a distinction between the two assassins on this ground.

We propose that when bodily hurt is inflicted by way of torture, the punishment shall be very severe. In England, happily, such a provision would be unnecessary. But the execrable cruelties which are committed by robbers in this country for the purpose of extorting property, or information relating to property, render it absolutely necessary here. We propose that in such cases, if the hurt inflicted be what we have designated as *grievous*, the offender shall be punished with transportation for life, or with imprisonment for a term which may extend to life, and which shall not be less than seven years. Where the hurt is not grievous, we propose that the imprisonment shall be for a term of not more than fourteen years, nor less than one year.

Bodily hurt may be inflicted by means the use of which generally indicates great malignity. A blow with the fist may cause as much pain, and produce as lasting injury, as laceration with a knife, or branding with a hot iron. But it will scarcely be disputed that, in the vast majority of cases, the offender who has used a knife or a hot iron for the purpose of wreaking his hatred is a far worse and more dan-

gerous member of society than he who has only used his fist. It appears to us that many hurts which would not, according to our classification, be designated as grievous, ought yet, on account of the mode in which they are inflicted, to be punished more severely than many grievous hurts. We propose, therefore, that where bodily hurt is voluntarily caused by means of any sharp instrument, of fire, of any heated substance, of any corrosive substance, of any explosive substance, of any poison internal or external, or of any animal, the maximum of imprisonment may be increased, in cases of grievous bodily hurt, to fourteen years, in other cases to three years.

In cases where bodily hurt is voluntarily caused on grave and sudden provocation, we propose to mitigate the punishment. This mitigation is common to cases of hurt and of grievous hurt. But the voluntary causing of grievous hurt on great and sudden provocation will still be punishable more severely than the voluntary causing of hurt not grievous on grave and sudden provocation. The provisions which we propose on this subject are framed on the same principles on which we have framed the law of manslaughter, and may be defended by the same arguments by which the law of manslaughter is defended.

Hitherto we have been considering cases in which hurt has been caused voluntarily. But hurt may be caused involuntarily, yet culpably. There may have been no design to cause hurt, no expectation that hurt would be caused. Yet there may have been a want of due care not to cause hurt. For these cases of the involuntary yet culpable infliction of bodily hurt, we have provided rules which bear a close analogy to those which we have provided for cases of involuntary culpable homicide.

The provision contained in clause 329 bears, it will be seen, a close analogy to those contained in clauses 308 and 309. We have provided, under the head of assault, for cases in which an assault is committed in an attempt to cause grievous bodily hurt. But there may be most malignant and atrocious attempts to cause grievous bodily hurt without any assault. For example, Z. is directed to use a lotion for his eyes. A. substitutes for that lotion a corrosive substance, intending that it may destroy Z.'s eyesight. Again; A. makes up a letter addressed to Z., and sends it to the post-office, having placed a strongly explosive substance under the seal, intending that the explosion may seriously injure Z.

These are not assaults; yet they are evidently acts which deserve severe punishment, and that punishment is provided by clause 329.

By wrongful restraint, we mean the keeping a man out of a place where he wishes to be, and has a right to be. Wrongful confinement, which is a form of wrongful restraint, is the keeping a man within limits out of which he wishes to go, and has a right to go.

The offence of wrongful restraint, when it does not amount to wrongful confinement, and when it is not accompanied with violence, or with the causing of bodily hurt, is seldom a serious offence, and we propose, therefore, to visit it with a light punishment.

The offence of wrongful confinement may be also a slight offence; but, when attended by aggravating circumstances, it may be one of the most serious that can be committed.

One aggravating circumstance is the duration of the confinement. Confinement for a quarter of an hour may sometimes be a mere frolic, which would deserve only a nominal punishment, which, indeed, might be so harmless as not to amount to an offence. (See clause 73.) But wrongful confinement continued during many days will always be a most serious offence. We have attempted to frame the law on this subject in such a manner as to give the offender a strong motive for abridging the detention of his prisoner. Another aggravating circumstance is the circumstance that the offender persists in wrongfully confining a person notwithstanding an order issued by a competent authority for the liberation or production of that person. The mode in which these orders are to be issued will be set forth in the code of procedure. A third aggravating circumstance is the circumstance that the offender uses criminal confinement for purposes of extortion. For all these aggravated forms of wrongful confinement we have provided severe punishments.

We have also provided a separate punishment for a person who, while detaining another in wrongful confinement, omits to supply his prisoner with every thing necessary to health, ease and comfort. The effect of this provision is, that a person who wrongfully confines another will be answerable for any bodily hurt which he may cause by wrongfully omitting so to supply his prisoner.

We have found great difficulty in giving a definition of assault, and are by no means satisfied with that which we now offer. As, however, it at present appears to us to include all

that we mean to include, and to exclude all that we mean to exclude, we have adopted it in spite of the objections which we feel to its harsh and quaint phraseology. We have adopted it with the less scruple, because we trust that the illustrations will render every part of it intelligible to an attentive reader.

A large proportion of the acts which we have designated as assaults will be offences falling under the heads of hurt and restraint. Thus, a stab with a knife is an offence falling under the head of hurt, and it is also an assault. The seizing a man by the collar, and thus preventing him from proceeding on his way, is unlawful restraint, and is also an assault. But there will be many assaults which it is absolutely necessary to punish, yet which cause neither bodily hurt nor unlawful restraint. A man who impertinently puts his arm round a lady's waist, who aims a severe stroke at a person with a horsewhip, who maliciously throws a stone at a person, squirts dirty water over a person, or sets a dog at a person, may cause no hurt and no restraint, yet it is evident that such acts ought to be prevented.

The ordinary punishment which we propose for assault is slight. But we propose to punish assaults which are committed in attempting murder with transportation for life, or with imprisonment for a term which may extend to life, and which cannot be less than seven years. We have also provided severe punishments for assault, when it is committed in an attempt to commit any grave offence against the person, when it is committed with the intention of dishonouring the sufferer, or when it is an outrage offered to female modesty.

The offence of kidnapping is sometimes committed by means of assault, and is sometimes attended with restraint. But this will not always be the case. A child, for example, who is decoyed from its guardians, who soon forgets its home, and who consents to remain with the kidnapper, cannot be said to have been assaulted or restrained. A labourer who has been induced to embark on board of a ship by false assurances that he shall be taken to a country where he shall have good wages, but whom the captain of the ship intends to sell for a slave, has not, as yet, been either assaulted or restrained.

The crime of kidnapping consists, according to our definition of it, in conveying a person without his consent, or the consent of some person legally authorized to consent on his

behalf, or with such consent obtained by deception, out of the protection of the law, or of those whom the law has appointed his guardians.

This offence may be committed on a child by removing that child out of the keeping of its lawful guardian or guardians. On a grown man it can only be committed by conveying him beyond the limits of the Company's territories, or by receiving him on board of a ship for that purpose.

The carrying of a grown-up person by force from one place within the Company's territories to another, and the enslaving him within the Company's territories, are offences sufficiently provided for under the heads of restraint and confinement.

The enticing a grown-up person by false promises to go from one place in the Company's territories to another place also within those territories, may be a subject for a civil action, and, under certain circumstances, for a criminal prosecution; but it does not appear to us to come properly under the head of kidnapping.

We propose to make the punishment of kidnapping peculiarly severe when it is committed with murderous intentions, as in the case of those subjects of the Company who were lately carried into the Jynteah country for purposes of human sacrifice.

We also propose to enhance the punishment of kidnapping in cases in which it is committed with the intention of inflicting grievous bodily harm on the person kidnapped, or of reducing that person to slavery, and when it is committed for purposes of rape or of unnatural lust.

We have placed under this head a provision for punishing persons who export labourers by sea from the Company's territories, in contravention of the Act recently passed by Government on that subject.

The provisions which we propose on the subject of rape do not appear to require any remark.

Clauses 361 and 362 relate to an odious class of offences respecting which it is desirable that as little as possible should be said. We leave, without comment, to the judgment of his Lordship in Council the two clauses which we have provided for these offences. We are unwilling to insert, either in the text or in the notes, any thing which could give rise to public discussion on this revolting subject; as we are decidedly of opinion that the injury which would be done to the morals of the community by such discussion would far more than compensate for any benefits which might be derived from legislative measures framed with the greatest precision.

NOTE (N).

ON THE CHAPTER OF OFFENCES AGAINST PROPERTY.

THERE is such a mutual relation between the different parts of the law that those parts must all attain perfection together. That portion, be it what it may, which is selected to be first put into the form of a code, with whatever clearness and precision it may be expressed and arranged, must necessarily partake to a considerable extent of the uncertainty and obscurity in which other portions are still left.

This observation applies with peculiar force to that important portion of the penal code which we now propose to consider. The offences defined in this chapter are made punishable on the ground that they are violations of the right of property; but the right of property is itself the creature of the law. It is evident, therefore, that if the substantive civil law touching this right be imperfect or obscure, the penal law which is auxiliary to that substantive law, and of which the object is to add a sanction to that substantive law, must partake of the imperfection or obscurity. It is impossible for us to be certain that we have made proper penal provisions for violations of civil rights till we have a complete knowledge of all civil rights; and this we cannot have while the law respecting those rights is either obscure or unsettled. As the present state of the civil law causes perplexity to the legislator in framing the penal code, so it will occasionally cause perplexity to the judges in administering that code. If it be matter of doubt what things are the subjects of a certain right, in whom that right resides, and to what that right extends, it must also be matter of doubt whether that right has or has not been violated.

For example, A., without Z.'s permission, shoots snipes on Z.'s ground, and carries them away: here, if the law of civil rights grants the property in such birds to any person who can catch them, A. has not, by killing them and carrying them away, invaded Z.'s right of property. If, on the other hand, the law of civil right declares such birds the property of the person on whose lands they are, A. has invaded Z.'s right of property. If it be matter of doubt what the state of the civil law on the subject actually is, it must also be matter of doubt whether A. has wronged Z. or not.

By the English law,* pigeons, while they frequent a dove-cote, are the property of the owner of the dove-cote. By the Roman law† they were not so. By the French law‡ they are his property at one time of the year, and not his property at another. Here it is evident that the taking of such a pigeon, which would in England be a violation of the right of property, would be none in a country governed by the Roman law, and that, in France, it would depend on the time of the year whether it were so, or not.

A. lends a horse to B. B. sells the horse to Z., who buys it, believing in good faith that B. has a right to sell it. A. sees the horse feeding. He mounts it and rides away with it. Here, if the law of civil rights provides that a thing sold by one who has no right to sell it shall nevertheless be the property of a *bonâ fide* purchaser, A. has invaded Z.'s right of property. If, on the other hand, A.'s right is not affected by what has passed between B. and Z., A. does not commit an infraction of Z.'s right of property. If it be doubtful whether the right to the horse be in A. or in Z., it must also be doubtful whether A. has or has not committed an infraction of Z.'s right.

A path running across a field which belongs to Z. has, during three years, been used as a public way. A., in spite of a prohibition from Z., uses it as such. Here, if by the civil law, an usage of three years is sufficient to create a right of way, A. has committed no infraction of Z.'s right. But if a prescription of more than three years, or an express grant, be necessary to create a right of way, A. has committed an infraction of Z.'s right of property.

A. discovers a mine on land occupied by him. Here, if the civil law assigns all minerals to the occupier of the land, A. violates no right of property by appropriating the minerals. But if the civil law assigns all minerals to the Government, A. violates the right of property by such appropriation.

The sea recedes, and leaves dry land in the immediate neighbourhood of Z.'s property. Z. cultivates the land. A. turns cattle on the land, and destroys Z.'s crops. Here, if the civil law assigns alluvial additions to the occupier of the nearest land, A. is a wrong-doer. If it declares alluvial additions common, A. is not a wrong-doer. If it assigns alluvial additions to the Government, both A. and Z. are wrong-

* Blackstone, Book II. Chap. 25.

† Columbarum fera natura est, nec ad rem pertinet, quod ex consuetudine evolare et revolare solent.—Inst. Lib. II. Tit. I.

‡ Paillet, Manuel de Droit Français.

doers. If it be uncertain to whom the law assigns alluvial additions, it must be also uncertain who is the wrong-doer, and whether there be any wrong-doer.

The substantive civil law, in the instances which we have given, is different in different countries, and in the same country at different times. As the substantive civil law varies, the penal law, which is added as a guard to the substantive civil law, must vary also. And while many important questions of substantive civil right are undetermined, the Courts must occasionally feel doubtful whether the provisions of the penal code do or do not apply to a particular case.

It would evidently be impossible for us to determine in the penal code all the momentous questions of civil right which, in the unsettled state of Indian jurisprudence, will admit of dispute. We have, indeed, ventured to take for granted in our illustrations many things which properly belong to the domain of the civil law, because, without doing so, it would have been impossible for us to explain our meaning; but we have, to the best of our judgment, avoided questions respecting which, even in the present state of Indian jurisprudence, much doubt could exist. And in the text of the law we have, as closely as was possible, confined ourselves to what is in strictness the duty of persons engaged in framing a penal code. We have provided punishments for the infraction of rights, without determining in whom those rights vest, or to what those rights extend. We are inclined to hope that, even if the penal code should come into operation before the code of civil rights has been framed, the number of cases in which the want of a code of civil rights would occasion perplexity to the criminal tribunals will bear but a very small proportion to those in which no such perplexity will exist.

All the violations of the rights of property which we propose to make punishable by this chapter fall under one or more of the following heads:

1. Theft.
2. Extortion.
3. Robbery.
4. The criminal misappropriation of property not in possession.
5. Criminal breach of trust.
6. The receiving of stolen property.
7. Cheating.

8. Fraudulent bankruptcy.
9. Mischief.
10. Criminal trespass.

All these offences resemble each other in this, that they cause, or have some tendency, directly or indirectly, to cause some party not to have such a dominion over property as that party is entitled by law to have.

The first great line which divides these offences may be easily traced. Some of them merely prevent or disturb the enjoyment of property by one who has a right to it. Others transfer property to one who has no right to it. Some merely cause injury to the sufferer. Others, by means of wrongful loss to the sufferer, cause wrongful gain to some other party. The latter class of offences are designated in this code as fraudulent. (See clause 16.)

Every offence against property may be fraudulently committed; but theft, extortion, robbery, the criminal misappropriation of property not in possession, criminal breach of trust, the receiving of stolen property, fraudulent bankruptcy and cheating, must be in all cases fraudulently committed. Fraud enters into the definition of every one of these offences; but fraud does not enter into the definition of mischief or of criminal trespass.

Theft, the criminal misappropriation of property not in possession, and criminal breach of trust, are in the great majority of cases easily distinguishable. But the distinction becomes fainter and fainter as we approach the line of demarcation, and at length the offences fade imperceptibly into each other. This indistinctness may be greatly increased by unskilful legislation; but it has its origin in the nature of things, and in the imperfection of language, and must still remain in spite of all that legislation can effect.

We believe it to be impossible to mark with precision, by any words, the circumstances which constitute possession. It is easy to put cases about which no doubt whatever exists, and about which the language of lawyers and of the multitude would be the same. It will hardly be doubted, for example, that a gentleman's watch lying on a table in his room is in his possession, though it is not in his hand, and though he may not know whether it is on his writing-table or on his dressing-table. As little will it be doubted that a watch which a gentleman lost a year ago on a journey, and which he has never heard of since, is not in his possession. It will

forks, while in the hands of his guests, are still in his possession; and it will be as little doubted that his silver forks are not in his possession when he has deposited them with a pawnbroker as a pledge. But between these extreme cases lie many cases in which it is difficult to pronounce, with confidence, either that property is or that it is not in a person's possession.

This difficulty, sufficiently great in itself, would, we conceive, be increased by laws which should pronounce that in a set of cases arbitrarily selected from the mass, property is in the possession of some party in whose possession, according to the understanding of all mankind, it is not. The rule of English law respecting what is called breaking bulk is an instance of what we mean. A person who has entrusted a hamper of wine to another to carry to a great distance is not in possession of that hamper of wine. But if the person in trust opens the hamper and takes out a bottle, the possession, according to the English law books, forthwith flies back to the distant owner. Mr. Livingston has laid down a rule of a similar kind, the effect of which, if we understand it rightly, is to annul the whole law of theft as he has framed it, and indeed to render it impossible that theft can be committed in Louisiana. Theft is defined by him to be "the fraudulently taking of corporal personal property having some assignable value, and belonging to another, from his possession and without his assent." But in a subsequent clause he says that "neither the ownership nor the legal possession of property is changed by theft alone, without the circumstances required in such case by the civil code, in order to produce a change of property; therefore, stolen goods, if fraudulently taken from the thief, are stolen from the original proprietor." But if stolen by the second thief from the original proprietor, they must, according to Mr. Livingston's definition of theft, be taken by the second thief out of the possession of the original proprietor; therefore, the first thief has left them in the possession of the original proprietor; that is to say, the first thief has not committed theft.

It will not be imagined that we refer to this inconsistency in the code of Louisiana, for the purpose of throwing any censure on the distinguished author of that code. To do so would be unjust, and in us especially most ungrateful, and also most imprudent; for we are by no means confident that inconsistencies quite as remarkable will not be detected in the code which we now submit to Government. We note this

error of Mr. Livingston for the purpose of showing how dangerous it is for a legislator to attempt to escape from a difficulty by giving a technical sense to an expression which he nevertheless continues to use in a popular sense.

For the purpose of preventing any difference of opinion from arising in cases likely to occur very often, we have laid down a few rules (see clauses 17, 18, 19,) which we believe to be in accordance with the general sense of mankind as to what shall be held to constitute possession. But, in general, we leave it to the tribunals, without any direction, to determine whether particular property is at a particular time in the possession of a particular person or not.

Much uncertainty will still remain. This we cannot prevent. But we can, as it appears to us, prevent the uncertainty from producing any practical evil. The provision contained in clause 61 will, we think, obviate all the inconveniences which might arise from doubts as to the exact limits which separate theft from misappropriation and from breach of trust.

The effect of that clause will be to prevent the judges from wasting their time and ingenuity in devising nice distinctions. If a case which is plainly theft comes before them, the offender will be punished as a thief. If a case which is plainly breach of trust comes before them, the offender will be punished as guilty of breach of trust. If they have to try a case which lies on the frontier, one of those thefts which are hardly distinguishable from breaches of trust, or one of those breaches of trust which are hardly distinguishable from theft, they will not trouble themselves with subtle distinctions, but, leaving it undetermined by which name the offence should be called, will proceed to determine what is infinitely of greater importance, what shall be the punishment.

In theft, as we have defined it, the object of the offender always is to take property which is in the possession of a person out of that person's possession; nor have we admitted a single exception to this rule. In the great majority of cases, our classification will coincide with the popular classification. But there are a few aggravated cases of what we designate as misappropriation and breach of trust, which bear such an affinity to theft that it may seem idle to distinguish them from thefts; and it certainly would be idle to distinguish such cases from thefts if the distinction were made with a view to those cases alone. But, as we have a line of distinction which we think it desirable to maintain in the

great majority of cases, we think it desirable also to maintain that line in a few cases in which it may separate things which are of a very similar description.

One offence which it may be thought that we ought to have placed among thefts is the pillaging of property during the interval which elapses between the time when the possessor of the property dies, and the time when it comes into the possession of some person authorized to take charge of it. This crime, in our classification, falls under the head, not of theft, but of misappropriation of property not in possession.

The ancient Roman jurists viewed it in the same light. The property taken under such circumstances, they argued, being in no person's possession, could not be taken out of any person's possession. The taking, therefore, was not *furtum*, but belonged to a separate head, called the *crimen expilatæ hæreditatis*.* The French lawyers, however, long ago found out a legal fiction by means of which this offence was treated as theft in those parts of France where the Roman law was in force.† Mr. Livingston's definition of theft appears to us to exclude this species of offence, nor indeed do we think that it could be reached by any provision of his code. That it ought to be punished with severity under some name or other is indisputable. By what name it should be designated may admit of some dispute. If we call it theft, we speak the popular language. If we call it misappropriation of property not in possession, we avoid an anomaly, and maintain a line which, in the great majority of cases, is reasonable and convenient. On the whole, we are inclined to maintain this line.

Again, a carrier who opens a letter entrusted to his charge, and takes thence a bank note, would be commonly called a thief. It is certain that his offence is not morally distinguishable from theft. Here, however, as before, we think it expedient to maintain our general rule; and we therefore designate the offence of the carrier not as theft, but as criminal breach of trust.

The illustrations which we have appended to the provisions respecting theft, the misappropriation of property not in possession, and breach of trust, will, we hope, sufficiently explain to his Lordship in Council the reasons for most of those provisions.

It may possibly be remarked, that we have not, like Mr.

* Justinian, Dig. Lib. XLVII. Tit. 19. † Domat. Sup. III.

Livingston, made it part of our definition of theft, that the property should be of some assignable value. We would, therefore, observe that we have not done so only because we conceive that the law, as framed by us, obtains the same end by a different road. By one of the general exceptions which we have proposed (clause 73), it is provided, that nothing shall be an offence by reason of any harm which it may cause, or be intended to cause, or be known to be likely to cause, if the whole of that harm is so slight that no person of ordinary sense and temper would complain of such harm. This provision will prevent the law of theft from being abused for the purpose of punishing those venial violations of the right of property which the common sense of mankind readily distinguishes from crimes, such as the act of a traveller who tears a twig from a hedge, of a boy who takes stones from another person's ground to throw at birds, of a servant who dips his pen in his master's ink. It does not appear to us that any further rule on this subject is necessary.

The offence of extortion is distinguished from the three offences which we have been considering by this obvious circumstance, that it is committed by the wrongful obtaining of a consent. In one single class of cases, theft and extortion are in practice confounded together so inextricably, that no judge, however sagacious, could discriminate between them. This class of cases therefore has, in all systems of jurisprudence with which we are acquainted, been treated as a perfectly distinct class; and we think that this arrangement, though somewhat anomalous, is strongly recommended by convenience. We have therefore made robbery a separate crime.

There can be no case of robbery which does not fall within the definition either of theft or of extortion; but in practice it will perpetually be matter of doubt whether a particular act of robbery was a theft or an extortion. A large proportion of robberies will be half theft, half extortion. A. seizes Z., threatens to murder him, unless he delivers all his property, and begins to pull off Z.'s ornaments. Z. in terror begs that A. will take all he has, and spare his life, assists in taking off his ornaments, and delivers them to A. Here, such ornaments as A. took without Z.'s consent are taken by theft. Those which Z. delivered up from fear of death are acquired by extortion. It is by no means improbable that Z.'s right-arm bracelet may have been obtained by theft, and left-arm bracelet by extortion; that the rupees in Z.'s girdle may

have been obtained by theft, and those in his turban by extortion. Probably in nine-tenths of the robberies which are committed, something like this actually takes place, and it is probable that a few minutes later neither the robber nor the person robbed would be able to recollect in what proportions theft and extortion were mixed in the crime; nor is it at all necessary for the ends of justice that this should be ascertained. For though, in general, the consent of a sufferer is a circumstance which very materially modifies the character of the offence, and which ought, therefore, to be made known to the Courts, yet the consent which a person gives to the taking of his property by a ruffian who holds a pistol to his breast is a circumstance altogether immaterial.

His Lordship in Council will perceive that we have provided punishment of exemplary severity for that atrocious crime which is designated in the Regulations of Bengal and Madras by the name of Dacoity. This name we have thought it convenient to retain, for the purpose of denoting, not only actual gang-robbery, but the attempting to rob when such an attempt is made or aided by a gang.

The law relating to the offence of receiving stolen goods appears to require no comment.

The offence of cheating must, like that of extortion, be committed by the wrongful obtaining of a consent. The difference is, that the extortioner obtains the consent by intimidation, and a cheat by deception. There is no offence in the code with which we have found it so difficult to deal as that of cheating. It is evident that the practising of intentional deceit for purposes of gain ought sometimes to be punished. It is equally evident that it ought not always to be punished. It will hardly be disputed that a person who defrauds a banker by presenting a forged check, or who sells ornaments of paste as diamonds, may with propriety be made liable to severe penalties. On the other hand, to punish every defendant who obtains pecuniary favours by false professions of attachment to a patron; every legacy hunter who obtains a bequest by cajoling a rich testator; every debtor who moves the compassion of his creditors by overcharged pictures of his misery; every petitioner who, in his appeals to the charitable, represents his distresses as wholly unmerited, when he knows that he has brought them on himself by intemperance and profusion, would be highly inexpedient. In fact, if all the misrepresentations and exaggerations in which men indulge for the purpose of gaining at the expense of

others were made crimes, not a day would pass in which many thousands of buyers and sellers would not incur the penalties of the law. It happens hourly that an article which is worth ten rupees is affirmed by the seller to be cheap at twelve rupees and by the buyer to be dear at eight rupees. The seller comes down to eleven rupees, and declares that to be his last word; the buyer rises to nine, and says that he will go no higher; the seller falsely pretends that the article is unusually good of its kind, the buyer that it is unusually bad of its kind; the seller that the price is likely soon to rise, the buyer that it is likely soon to fall. Here we have deceptions practised for the sake of gain, yet no judicious legislator would punish these deceptions. A very large part of the ordinary business of life is conducted all over the world, and nowhere more than in India, by means of a conflict of skill, in the course of which deception to a certain extent perpetually takes place. The moralist may regret this; but the legislator sees that the result of the attempts of the buyer and seller to gain an unfair advantage over each other is that, in the vast majority of cases, articles are sold for the prices which it is desirable that they should fetch; and therefore he does not think it necessary to interfere. It is enough for him to know that all this great mass of falsehood practically produces the same effect which would be produced by truth; and that any law directed against such falsehood would in all probability be a dead letter, and would, if carried into rigorous execution, do more mischief in a month than all the lies which are told in the making of bargains throughout all the bazaars of India produce in a century.

If, then, it be admitted that many deceptions committed for the sake of gain ought to be punished, and that many such deceptions ought not to be punished, where ought the line to run?

It appears to us that the line which we have drawn is correct in theory; that it is not more inconvenient in practice than any other line must be which can be drawn while the civil law of India remains in its present state, and that it will be unexceptionable whenever the civil law of India shall be ascertained, digested and corrected.

We propose to make it cheating to obtain property by deception in all cases where the property is fraudulently obtained; that is to say, in all cases where the intention of the person who has by deceit obtained the property was to

cause a distribution of property which the law pronounces to be a wrongful distribution, and in no other case whatever. However immoral a deception may be, we do not consider it as an offence against the rights of property if its object is only to cause a distribution of property which the law recognizes as rightful. A few examples will show the way in which this principle will operate.

A. intentionally deceives Z. into a belief that he is strongly attached to Z. A. thus induces Z. to make a will, by which a large legacy is left to A. Here A.'s conduct is immoral and scandalous. But still A. has a legal right on Z.'s death to receive the legacy. Even if the clearest proofs of A.'s insincerity are laid before a tribunal, even if A. in open court avows his insincerity, the will cannot, on that account, be set aside. The gain, therefore, which A. obtains under Z.'s will is not, in the legal sense of the expression, wrongful gain. He has practised deception. He has thus caused gain to himself and loss to others. But that gain is a gain to which the civil law declares him entitled, and which the civil law will assist him to recover if it be withheld from him. That loss is a loss with which the civil law declares that the losers must put up. A. therefore has not committed the offence of cheating under our definition.

But suppose that the civil law should contain, as we think that it ought to contain, a provision declaring null a will made in favour of strangers by a testator who erroneously believed his children to be dead; and suppose that A. intentionally deceives Z. into a belief that Z.'s only son has been lost at sea, and by this deception induces Z. to make a will by which every thing is left to A. Here the case will be different. The will being null, any property which A. could obtain under that will would be property which he had no legal right so to obtain, and to which another person had a legal right. The object of A. has therefore been wrongful gain to himself, attended with wrongful loss to another party. A. has, therefore, under our definition, been guilty of cheating.

Again, take the case which we before put, of a buyer and a seller. They have told each other many untruths, but none of those untruths was such as, after the article had been delivered and the price paid, would be held by a civil court to be a ground for pronouncing that either of them possessed what he had no right to possess. Though the buyer has falsely depreciated the article, yet when he takes it and pays for it, the legal right to it is transferred to him, as well as

the possession. Though the seller has falsely extolled the article, yet when he receives the price and delivers the article, the legal right to the price passes with the possession. However censurable, in a moral point of view, the deceptions practised by both may have been, yet those deceptions were intended to produce a distribution of property strictly legal. Neither the buyer nor the seller, therefore, has been guilty of cheating. But if the seller has produced a sample of the article, and has falsely assured the buyer that the article corresponds to that sample, the case is different. If the article does not correspond to the sample, the buyer is entitled to have the purchase-money back. The seller has taken and kept the purchase-money without having a legal right to take or keep it, and it may be recovered from him by a legal proceeding. His gain is therefore wrongful, and is attended with wrongful loss to the buyer. He is therefore guilty ot cheating under the definition.

So if the seller passes off ornaments of paste on the buyer for diamonds, the price which the seller receives is a price to which he has no right, and which the buyer may recover from him by an action. Here, therefore, the object of the seller has been wrongful gain attended with wrongful loss to the buyer. The seller is therefore guilty of cheating.

So if the buyer, intending to acquire possession of the goods without paying for them, induces the seller by deception to take a note which the buyer knows will be dishonoured, the buyer is guilty of cheating. His object is to retain in his own possession money which he is legally bound to pay to the seller. The gain which he makes by retaining the money is wrongful gain, and is attended with wrongful loss to the seller. He is, therefore, within the definition.

Whether the principle on which this part of the law is framed be a sound principle, is a question which will be best determined by examining, first, whether our definition excludes any thing that ought to be included, and, secondly, whether it includes any thing that ought to be excluded.

It can scarcely, we think, be contended that our definition excludes any thing that ought to be included. For surely it would be unreasonable to punish, as an offence against the right of property, an act which has caused, and was intended to cause, a distribution of property which the law declares to be right, and refuses to disturb. If such an act be an offence, it must be an offence on some ground distinct from the effect which it produces on the state of property. Thus,

if a person to whom a debt is due, thinking that he shall obtain payment more easily if he assumes the appearance of being in the public service, wears a badge of office which he has no right to wear when he goes to make his demand, he is guilty of the offence defined in clause 150; but if he gains only what he has a legal right to possess, if he deprives the debtor only of that which the debtor has no legal right to retain, he is not a wrong-doer as respects property, inasmuch as he has only rectified a wrong distribution of property.

Indeed, it appears to us that there is the strongest objection to punishing a man for a deception, and yet allowing him to retain what he has gained by that deception. What the civil law ought to say may be doubtful. But there can be no doubt that the civil and criminal law ought to say the same thing; that the one ought not to invite while the other repels; that the code ought not to be divided against itself. To send a person to prison for obtaining a sum of money, and yet to suffer him to keep that sum of money, is to hold out at once motives to deter and motives to incite. Humanity requires that punishment should be the last resource, a resource only employed when no other means can be found of producing the desired effect. Penal laws clearly ought not to be made for the preventing of deception, if deception could be prevented by means of the civil code. To tempt men, therefore, to deceive by means of the civil code, and then to punish them for deceiving, is contrary to every sound principle.

We are, therefore, not apprehensive that we shall be thought to have granted impunity to any deception which ought to be punished as cheating.

But it is possible that our definition may be thought to include much that ought to be excluded. It certainly includes many acts which are not punishable by the law of England or of France. We propose to punish as guilty of cheating a man who, by false representations, obtains a loan of money, not meaning to repay it; a man who, by false representations, obtains an advance of money, not meaning to perform the service or to deliver the article for which the advance is given; a man who, by falsely pretending to have performed work for which he was hired, obtains pay to which he is not entitled.

In all these cases there is deception. In all, the deceiver's object is fraudulent. He intends in all these cases to acquire or retain wrongful possession of that to which some other

person has a better claim, and which that other person is entitled to recover by law. In all these cases, therefore, the object has been wrongful gain, attended with wrongful loss. In all, therefore, there has, according to our definition, been cheating. We cannot see why such acts as these should be treated as mere civil injuries,—why they should be classed with the mere non-payment of a debt, and the mere non-performance of a contract. They are infractions of a legal right effected by deliberate dishonesty. They are more pernicious than most of the acts which will be punishable under our code. They indicate more depravity, more want of principle, more want of shame than most of the acts which will be punishable under our code. We punish the man who gives another an angry push. We punish the man who locks another up for a morning. We punish the man who makes a sarcastic epigram on another. We punish the man who merely threatens another with outrage. And surely the man who, by premeditated deceit, enriches himself to the wrongful loss, perhaps to the utter ruin, of another is not less deserving of punishment.

That some deceptions of this sort ought to be punished is admitted. But almost every argument which can be urged for punishing any is an argument for punishing all. The line between wilful fraudulent deception and good faith is a plain line. If there is any difficulty in applying it, that difficulty will arise, not from any defect in the line, but from the want of evidence in particular cases. But we are unable to find any reason for distinguishing one sort of fraudulent deception from another sort. The French courts apply a test which appears to us to be very objectionable. They have decided that it is not *escroquerie* to cheat by false promises, or by exciting chimerical hopes, unless the sufferer had reasons of weight for believing that the promises were sincere, and the hopes well grounded.* This rule seems to us to be a license for deception granted to cunning against simplicity. A weak and credulous person is more easily imposed on than a judicious and discerning person. And just so an infant is poisoned with a dose of laudanum which would hardly put a grown person to sleep; yet the poisoner is a murderer: a pregnant woman is grievously hurt by a blow which would make no impression on a boxer; yet the person who gives such a blow is punished with exemplary severity. The law in such cases inquires only whether the harm has been

voluntarily caused or no. And why should the violation by deceit of the right of property be treated differently? The deceiver proportions his artifices to the mental strength of those whom he has to deal with, just as the poisoner proportions his drugs to their bodily strength; and we see no more reason for exempting the deceiver from punishment, because he has effected his purpose by a gross fiction which could have duped only a weak person, than for exempting the poisoner from punishment because he has effected his purpose with a few drops of laudanum, which could have been fatal only to a young child.

Some persons may be startled at our proposing to punish as a cheat every man who obtains a loan by making promises of payment which he does not mean to keep. But let it be considered that a debtor, though he may have contracted his debts honestly, though it may be from absolute inability that he does not pay them, though his misfortunes may be the effect of no want of industry or caution on his part, is now actually liable to imprisonment. Surely it is unreasonable to detain in prison the man who, by mere misfortune, has involuntarily violated the rights of property, and to leave unpunished the man who has voluntarily, and by wilful deceit, attacked those rights, if only he is lucky enough to have money to satisfy the demands on him.

For example: A. and B. both borrow money from Z. A. obtains it by boasting falsely of his great means, of the large remittances which he looks for from England, of his expectations from rich relations, of the promises of preferment which he has received from the Government. Having obtained it, he secretly embarks on board of a ship, intending to abscond without repaying what he has borrowed. B., on the other hand, has obtained a loan without the smallest misrepresentation, and fully purposes to repay it. The failure of an agency house in which all his funds were placed renders it impossible for him to meet his engagements. Can it be doubted which of these two debtors ought rather to be sent to prison? Can it be doubted that A. is a proper subject of punishment, and that B. is not so? Yet at present A., if he is arrested before the ship sails, and lays down the money, enjoys entire impunity, while B. may pass years in a gaol. It would be improper for us here to discuss at length the question of imprisonment for debt. But it seems clear that whether it be or be not proper that a debtor, as such, should be imprisoned, a distinction ought to be made between the

honest and dishonest debtor. We are inclined to believe that the indiscriminate imprisonment of all debtors would be found to be unnecessary if this distinction were made. But while they are all put on the same footing, the law must be formed upon a rough calculation of the chances of dishonesty. All must be treated worse than honest debtors ought to be treated, because none are treated so severely as dishonest debtors ought to be treated. A respectable man must be imprisoned for a storm, a bad season, or a fire, because his dishonest neighbour is not liable to criminal proceedings for cheating. We are satisfied that the only way to get rid of imprisonment for debt, as debt, is to extend the penal law on the subject of cheating in a manner similar to that in which we propose to extend it.

The provisions which we have framed on the subject of fraudulent bankruptcy are necessarily imperfect, and must remain so, until the whole of that important part of the law has undergone an entire revision.

The provisions which we propose on the subject of mischief do not appear to us to require any explanation.

We have given the name of trespass to every usurpation, however slight, of dominion over property. We do not propose to make trespass, as such, an offence, except when it is committed in order to the commission of some offence injurious to some person interested in the property on which the trespass is committed, or for the purpose of causing annoyance to such a person. Even then we propose to visit it with a light punishment, unless it be attended with aggravating circumstances.

These aggravating circumstances are of two sorts. Criminal trespass may be aggravated by the way in which it is committed. It may also be aggravated by the end for which it is committed.

There is no sort of property which it is so desirable to guard against unlawful intrusion as the habitations in which men reside, and the buildings in which they keep their goods. The offence of trespassing on these places we designate as house-trespass, and we treat it as an aggravated form of criminal trespass.

House-trespass, again, may be aggravated by being committed in a surreptitious or in a violent manner. The former aggravated form of house-trespass we designate as lurking house-trespass; the latter we designate as house-breaking. Again, house-trespass, in every form, may be aggravated by

the time at which it is committed. Trespass of this sort has, for obvious reasons, always been considered as a more serious offence when committed by night than when committed by day. Thus we have four aggravated forms of that sort of criminal trespass which we designate as house-trespass, lurking house-trespass, house-breaking, lurking house-trespass by night, and house-breaking by night.

These are aggravations arising from the way in which the criminal trespass is committed. But criminal trespass may also be aggravated by the end for which it is committed. It may be committed for a frolic. It may be committed in order to a murder. It may also often happen that a criminal trespass which is venial, as respects the mode, may be of the greatest enormity as respects the end; and that a criminal trespass committed in the most reprehensible mode, may be committed for an end of no great atrocity. Thus A. may commit house-breaking by night for the purpose of playing some idle trick on the inmates of a dwelling. B. may commit simple criminal trespass by merely entering another's field for the purpose of murder or gang-robbery. Here A. commits trespass in the worst way. B. commits trespass with the worst object. In our provisions we have endeavoured to combine the aggravating circumstances in such a way that each may have its due effect in settling the punishment.

NOTE (O).

ON THE CHAPTER OF THE ILLEGAL PURSUIT OF LEGAL RIGHTS.

THIS chapter is intended to prevent the enforcing of just claims by means which are so liable to be abused that, even when used for an honest end, they ought not to be tolerated. A creditor, for example, who has repeatedly in vain urged his debtor to pay him, finds that he has no chance of recovering his money without a troublesome and expensive lawsuit. He accordingly seizes on property belonging to the debtor, sells it, keeps only just as much as will satisfy the debt, and sends back the surplus to the debtor. This act is distinguished from theft by one of the broadest lines of demarcation which can be found in the code. It is not a fraudulent act. It is

intended to correct a wrongful distribution of property, to do what the courts of law, if recourse were had to them, would order to be done. Public feeling would be shocked if such a creditor were called by the ignominious name of a thief.

At the same time, it cannot be doubted that it would be most dangerous to allow men to pronounce judgment, however honestly, in their own favour, and to proceed to take property in execution for the purpose of satisfying that judgment. A specific thing, indeed, which a man has a right to possess, it is no offence in him to take wherever he finds it. He may commit other offences in order to take it. But the mere taking is no crime at all. If Z. has borrowed A.'s horse, and illegally refuses to return it, it is no offence at all in A. to take the horse if he sees it feeding by the roadside. If A. enters Z.'s stable in order to take it, he may commit house-trespass, but he commits no theft. If A. knocks Z. down in order to take it, he may be guilty of assault, or of voluntarily causing bodily hurt, but he commits no robbery. This license, as it appears to us, must be confined to cases in which specific things are taken. In such cases the chance of abuse is very small. But where one thing is due, and another is taken, where a man seizes on another's furniture in satisfaction of a promissory note, or drives away another's cattle by way of paying himself for a suit of clothes, the case is very different. Honest men so often think themselves entitled to more than a court of justice would award to them, that it will be difficult to say, in cases in which the taker really has a plausible claim, and in which the value of what has been taken is not out of all proportion to the value of what is claimed, that the taker has acted dishonestly. In such cases, therefore, we think it absolutely necessary to provide a punishment for the illegal pursuit of legal rights. We observe that the French courts have decided that the taking of property by a creditor in good faith, for the purpose of paying himself, is not theft; and this decision seems to us, as we have said, to be well grounded. But it does not appear to us that such an act is punishable under any clause of the French code; and this we consider as a serious omission.

NOTE (P).

ON THE CHAPTER OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

WE agree with the great body of jurists in thinking that in general a mere breach of contract ought not to be an offence, but only to be the subject of a civil action.

To this general rule there are, however, some exceptions. Some breaches of contract are very likely to cause evil such as no damages or only very high damages can repair, and are also very likely to be committed by persons from whom it is exceedingly improbable that any damages can be obtained. Such breaches of contract are, we conceive, proper subjects for penal legislation.

In England it would be unnecessary to provide a punishment for a stage-coachman who should, however maliciously or dishonestly, drive on, leaving behind a passenger whom he is bound to carry. The evil inflicted is seldom very serious. The country is everywhere well inhabited. The roads are secure. The means of conveyance can easily be obtained, and damages sufficient to compensate for any inconvenience or expense which may have been suffered can easily be recovered from the coach proprietors. But the mode of performing journeys and the state of society in this country are widely different. It is often necessary for travellers of the upper classes, even for English ladies, ignorant perhaps of the native languages, and with young children at their breasts, to perform journeys of many miles over uninhabited wastes, and through jungles in which it is dangerous to linger for a moment, in palanquins borne by persons of the lowest class. If, as sometimes happens, these persons should, in a solitary place, set down the palanquin and run away, it is difficult to conceive a more distressing situation than that in which their employer would be left. None but very high damages would be any reparation for such a wrong. But the class of people by whom alone such a wrong is at all likely to be committed can pay no damages. The whole property of all the delinquents would probably not cover the expense of prosecuting them civilly. It therefore appears to us that breaches of contract of this description may, with strict propriety, be treated as crimes.

The law which we have framed on this subject applies, it will be perceived, only to cases in which the contract with the bearers is lawful. The traveller, therefore, who resorts to the highly culpable, though we fear too common, practice of unlawfully compelling persons against their will to carry his palanquin or his baggage will not be protected by it. If they quit him, it is what they have a legal right to do, nor will they be punishable, whatever may be the consequence of their desertion.

Another species of contract which ought, we conceive, to be guarded by a penal sanction is that by which seamen are bound to their employers. The insubordination of seamen during a voyage often produces fatal consequences. Their desertion in port may cause evils such as very large damages only could repair. But they are utterly unable to pay any damages for which it would be worth while to sue. If a ship in the Hooghly, at a critical time of the year, is compelled by the desertion of some of the crew to put off its voyage for a fortnight, it would be mere mockery to tell the owners that they may sue the runaways for damages in the Supreme Court.

We also think that persons who contract to take care of infants of the sick and of the helpless lay themselves under an obligation of a very peculiar kind, and may with propriety be punished if they omit to discharge their duty. The misery and distress which their neglect may cause is such as the largest pecuniary payment would not repair. They generally come from the lower ranks of life, and would be unable to pay any thing. We therefore propose to add to this class of contracts the sanction of the penal law.

Here we are inclined to stop. We have indeed been urged to go further, and to punish as a criminal every menial servant who, before the expiration of the term for which he is hired, quits his employer. But it does not appear to us that in the existing state of the market for that description of labour in India, good masters are in much danger of being voluntarily deserted by their menial servants, or that the loss or inconvenience occasioned by the sudden departure of a cook, a groom, a hurkaru or a khidmutgar, would often be of a very serious description. We are greatly apprehensive that by making these petty breaches of contracts offences, we should give no protection to good masters, but means of oppression to bad ones.

NOTE (Q).

ON THE CHAPTER OF OFFENCES RELATING TO MARRIAGE.

As this is a part of the law in which the English inhabitants of India are peculiarly interested, and which we have framed on principles widely different from those in which the English law on the same subject is framed, we think it necessary to offer some explanations.

The act which in the English law is designated as bigamy is always an immoral act. But it may be one of the most serious crimes that can be committed. It may be attended with circumstances which may excuse though they cannot justify it.

The married man who, by passing himself off as unmarried, induces a modest woman to become, as she thinks, his wife, but in reality his concubine, and the mother of an illegitimate issue, is guilty of one of the most cruel frauds that can be conceived. Such a man we would punish with exemplary severity.

But suppose that a person arrives from England, and pays attentions to one of his countrywomen at Calcutta. She refuses to listen to him on any other terms than those of marriage. He candidly owns that he is already married. She still presses him to go through the ceremony with her. She represents to him that if they live together without being married she shall be an outcast from society, that nobody in India knows that he has a wife, that he may very likely never fall in with his wife again, and that she is ready to take the risk. The lover accordingly agrees to go through the forms of marriage.

It cannot be disputed that there is an immense difference between these two cases. Indeed, in the second case the man can hardly be said to have injured any individual in such a manner as calls for legal punishment. For what individual has he injured? His second wife? He has acted by her consent, and at her solicitation. His first wife? He has certainly been unfaithful to his first wife. But we have no punishment for mere conjugal infidelity. He will often have injured his first wife no more than he would have done by keeping a mistress, calling that mistress by his own name, introducing her into every society as his wife, and procuring

for her the consideration of a wife from all his acquaintance. The legal rights of the first wife and of her children remain unaltered. She is the wife; the second is the concubine. But suppose that the first wife has herself left her husband, and is living in adultery with another man. No individual can then be said to be injured by this second invalid marriage. The only party injured is society, which has undoubtedly a deep interest in the sacredness of the matrimonial contract, and which may therefore be justified in punishing those who go through the forms of that contract for the purpose of imposing on the public.

The law of England on the subject of bigamy appears to us to be in some cases too severe, and in others too lenient. It seems to bear a close analogy to the law of perjury. The English law on these two subjects has been framed less for the purpose of preventing people from injuring each other, than for the purpose of preventing the profanation of a religious ceremony. It therefore makes no distinction between perjury which is intended to destroy the life of the innocent, and perjury which is intended to save the innocent; between bigamy which produces the most frightful suffering to individuals, and bigamy which produces no suffering to individuals at all. We have proceeded on a different principle. While we admit that the profanation of a ceremony so important to society as that of marriage is a great evil, we cannot but think that evil immensely aggravated when the profanation is made the means of tricking an innocent woman into the most miserable of all situations. We have therefore proposed that a man who deceives a woman into believing herself his lawful wife when he knows that she is not so, and induces her, under that persuasion, to cohabit with him, should be punished with great severity.

There are reasons similar, but not exactly the same, for punishing a woman who deceives a man into contracting with her a marriage which she knows to be invalid. For this offence we propose a punishment which, for reasons too obvious to require explanation, is much less severe than that which we have provided for a similar deception practised by a man on a woman.

We also propose to punish every person who, with what we have defined as a fraudulent intention, goes through the forms of a marriage which he knows to be invalid.

We do not at present propose any law for punishing a per-

son who, without practising any deception, or intending any fraud, goes through the forms of a marriage which he knows to be invalid. The difficulty of framing such a law in this country is great. To make all classes subject to one law would, evidently, be impossible. If the law be made dependent on the race, birthplace or religion of the offender, endless perplexity would arise. Races are mixed; religion may be changed or dissembled. An East Indian, half English, half Asiatic by blood, may call himself a Mahomedan or a Hindoo; and there exists no test by which he can be convicted of deception. We by no means intend to express an opinion that these difficulties may not be got over. But we are satisfied that this part of the penal law cannot be brought to perfection till the law of marriage and divorce has been thoroughly revised.

We leave it to his Lordship in Council to consider whether, during the interval which must elapse before the necessary inquiry can be made, it might not be, on the whole, better to retain the existing law applicable to Christians in India, objectionable as that law is, than to allow absolute impunity to bigamy.

We considered whether it would be advisable to provide a punishment for adultery, and in order to enable ourselves to come to a right conclusion on the subject, we collected facts and opinions from all the three presidencies. The opinions differ widely. But as to the facts, there is a remarkable agreement.

The following positions we consider as fully established; first, that the existing laws for the punishment of adultery are altogether inefficacious for the purpose of preventing injured husbands of the higher classes from taking the law into their own hands; secondly, that scarcely any native of the higher classes ever has recourse to the courts of law in a case of adultery for redress against either his wife or her gallant; thirdly, that the husbands who have recourse in cases of adultery to the courts of law are generally poor men whose wives have run away; that these husbands seldom have any delicate feelings about the intrigue, but think themselves injured by the elopement; that they consider their wives as useful members of their small households; that they generally complain, not of the wound given to their affections, not of the stain on their honour, but of the loss of a menial whom they cannot easily replace, and that, generally, their principal object is that the woman may be sent back. The fiction by which seduction is made the subject of an action in the

English Courts is, it seems, the real gist of most proceedings for adultery in the Mofussil. The essence of the injury is considered by the sufferer as lying in the "per quod servitium amisit." Where the complainant does not ask to have his wife again, he generally demands to be reimbursed for the expenses of his marriage.

These things being established, it seems to us that no advantage is to be expected from providing a punishment for adultery. The population seems to be divided into two classes —those whom neither the existing punishment, nor any punishment which we should feel ourselves justified in proposing, will satisfy, and those who consider the injury produced by adultery as one for which a pecuniary compensation will sufficiently atone. Those whose feelings of honour are painfully affected by the infidelity of their wives will not apply to the tribunals at all. Those whose feelings are less delicate will be satisfied by a payment of money. Under such circumstances, we think it best to treat adultery merely as a civil injury.

Some who admit that the penal law now existing on this subject is in practice of little or no use, yet think that the code ought to contain a provision against adultery. They think that such a provision, though inefficacious for the repressing of vice, would be creditable to the Indian Government, and that, by omitting such a provision, we should give a sanction to immorality. They say, and we believe with truth, that the higher class of natives consider the existing penal law on the subject as far too lenient, and are unable to understand on what principle adultery is treated with more tenderness than forgery or perjury.

These arguments have not satisfied us that adultery ought to be made punishable by law. We cannot admit that a penal code is by any means to be considered as a body of ethics, that the legislature ought to punish acts merely because those acts are immoral, or that, because an act is not punished at all, it follows that the legislature considers that act as innocent. Many things which are not punishable are morally worse than many things which are punishable. The man who treats a generous benefactor with gross ingratitude and insolence deserves more severe reprehension than the man who aims a blow in a passion, or breaks a window in a frolic. Yet we have punishments for assault and mischief, and none for ingratitude. The rich man who refuses a mouthful of rice to save a fellow-creature from death may be a far worse man than the starving wretch who snatches and devours the rice.

Yet we punish the latter for theft, and we do not punish the former for hard-heartedness.

That some classes of the natives of India disapprove of the lenity with which adultery is now punished we fully believe, but this, in our opinion, is a strong argument against punishing adultery at all. There are only two courses which, in our opinion, can properly be followed with respect to this and other great immoralities. They ought to be punished very severely, or they ought not to be punished at all. The circumstance that they are left altogether unpunished does not prove that the legislature does not regard them with disapprobation. But when they are made punishable, the degree of severity of the punishment will always be considered as indicating the degree of disapprobation with which the legislature regards them. We have no doubt that the natives would be far less shocked by the total silence of the penal law touching adultery than by seeing an adulterer sent to prison for a few months while a coiner is imprisoned for fourteen years.

An example will illustrate our meaning. We have determined not to make it penal in a wealthy man to let a fellow-creature, whose life he could save by disbursing a few pice, die at his feet of hunger. No rational person, we are convinced, will suppose, because we have framed the law thus, that we do not hold such inhumanity in detestation. But if we had proposed to punish such inhumanity with a fine not exceeding fifty rupees, we should have offered a gross outrage to the feelings of mankind. That we do not think a certain act a proper subject for penal legislation, does not prove that we do not think that act a great crime. But that, thinking it a proper subject for penal legislation, we propose to visit it with a slight penalty, does seem to indicate that we do not think it a great crime.

Nobody proposes that adultery should be punished with a severity at all proportioned to the misery which it produces in cases where there is strong affection and a quick sensibility to family honour. We apprehend that among the higher classes in this country nothing short of death would be considered as an expiation for such a wrong. In such a state of society we think it far better that the law should inflict no punishment than that it should inflict a punishment which would be regarded as absurdly and immorally lenient.

There is yet another consideration which we cannot wholly leave out of sight. Though we well know that the dearest interests of the human race are closely connected with the

chastity of women and the sacredness of the nuptial contract, we cannot but feel that there are some peculiarities in the state of society in this country which may well lead a humane man to pause before he determines to punish the infidelity of wives. The condition of the women of this country is, unhappily, very different from that of the women of England and France. They are married while still children. They are often neglected for other wives while still young. They share the attentions of a husband with several rivals. To make laws for punishing the inconstancy of the wife, while the law admits the privilege of the husband to fill his zenana with women, is a course which we are most reluctant to adopt. We are not so visionary as to think of attacking, by law, an evil so deeply-rooted in the manners of the people of this country as polygamy. We leave it to the slow, but we trust the certain, operation of education and of time. But while it exists, while it continues to produce its never-failing effects on the happiness and respectability of women, we are not inclined to throw into a scale, already too much depressed, the additional weight of the penal law. We have given the reasons which lead us to believe that any enactment on this subject would be nugatory. And we are inclined to think that if not nugatory it would be oppressive. It would strengthen hands already too strong. It would weaken a class already too weak. It will be time enough to guard the matrimonial contract by penal sanctions when that contract becomes just, reasonable and mutually beneficial.

Note (R).

ON THE CHAPTER OF DEFAMATION.

The essence of the offence of defamation consists in its tendency to cause that description of pain which is felt by a person who knows himself to be the object of the unfavourable sentiments of his fellow-creatures, and those inconveniences to which a person who is the object of such unfavourable sentiments is exposed.

According to the theory of the criminal law of England, the essence of the crime of private libel consists in its tendency to provoke breach of the peace; and, though this doctrine has not, in practice, been followed out to all the startling con-

sequences to which it would legitimately lead, it has not failed to produce considerable inconvenience.

It appears to us evident that between the offence of defaming and the offence of provoking to a breach of the peace, there is a distinction as broad as that which separates theft and murder. Defamatory imputations of the worst kind may have no tendency to cause acts of violence. Words which convey no discreditable imputation whatever may have that tendency in the highest degree. Even in cases where defamation has a tendency to cause acts of violence, the heinousness of the defamation, considered as defamation, is by no means proportioned to its tendency to cause such acts; nay, circumstances which are great aggravations of the offence, considered as defamation, may be great mitigations of the same offence, considered as a provocation to a breach of the peace. A scurrilous satire against a friendless woman, published by a person who carefully conceals his name, would be defamation in one of its most odious forms. But it would be only by a legal fiction that the satirist could be said to provoke a breach of the peace. On the other hand, an imputation on the courage of an officer contained in a private letter, meant to be seen only by that officer and two or three other persons, might, considered as defamation, be a very venial offence. But such an imputation would have an obvious tendency to cause a serious breach of the peace.

On these grounds we have determined to propose that defamation shall be made an offence, without any reference to its tendency to cause acts of illegal violence.

We considered whether it would be advisable to make a distinction between the different modes in which defamatory imputations may be conveyed; and we came to the conclusion that it would not be advisable to make any such distinction.

By the English law, defamation is a crime only when it is committed by writing, printing, engraving or some similar process. Spoken words reflecting on private character, however atrocious may be the imputations which those words convey, however numerous may be the assembly before which such words are uttered, furnish ground only for a civil action. Herein the English law is scarcely consistent with itself. For if defamation be punished on account of its tendency to cause breach of the peace, spoken defamation ought to be punished even more severely than written defamation, as having that tendency in a higher degree. A person who reads in a pamphlet a calumnious reflection on himself, or on some one for

whom he is interested, is less likely to take a violent revenge than a person who hears the same calumnious reflection uttered. Public men who have, by long habit, become callous to slander and abuse in a printed form, often show acute sensibility to imputations thrown on them to their faces. Indeed, defamatory words, spoken in the presence of the person who is the object of them, necessarily have more of the character of a personal affront, and are, therefore, more likely to cause breach of the peace than any printed libel.

The distinction which the English criminal law makes between written and spoken defamation is generally defended on the ground that written defamation is likely to be more widely spread and to be more permanent than spoken defamation. These considerations do not appear to us to be entitled to much weight. In the first place, it is by no means necessarily the fact that written defamation is more extensively circulated than spoken defamation. Written defamation may be contained in a letter intended for a single eye. Spoken defamation may be heard by an assembly of many thousands. It seems to us most unreasonable that it should be penal to say, in a private letter, that a man is dissipated, and not penal to stand up at the town-hall, and there, before the whole society of Calcutta, falsely to accuse him of poisoning his father.

In the second place, it is not necessarily the fact that the harm caused by defamation is proportioned to the extent to which the defamation is circulated. Some slanders,—and those slanders of a most malignant kind,—can produce harm only while confined to a very small circle, and would be at once refuted if they were published. A malignant whisper addressed to a single hearer, and meant to go no further, may indicate greater depravity, may cause more intense misery, and may deserve more severe punishment than a satire which has run through twenty editions. A person, for example, who, in private conversation, should infuse into the mind of a husband suspicions of the fidelity of a virtuous wife, might be a defamer of a far worse description than one who should insert the lady's name in a printed lampoon.

It must be allowed that, in general, a printed story is likely to live longer than a story which is only circulated in conversation. But, on the other hand, it is far easier for a calumniated person to clear his character, either by argument or by legal proceedings, from a charge fixed in a printed form, than from a shifting rumour, which nobody repeats exactly

as he heard it. In general, we believe, a man would rather see in a newspaper a story discreditable to him which he had the means of refuting, than know that such a story, though not published, was current in society.

On the whole, we are so far from being able to discover any reason for exempting any mode of defamation from all punishment, that we have not even thought it right to provide different degrees of punishment for different modes of defamation. We do not conceive that on this subject any general rule can, with propriety, be laid down. We have, therefore, thought it best to leave to the courts the business of apportioning punishment, with due regard to the circumstances of every case.

We have thought it necessary, under the peculiar circumstances of this country, to lay down for the guidance of the courts a rule which, if we were legislating for a population among whom there was an uniform standard of morality and honour, might appear superfluous. India is inhabited by races which differ widely from each other in manners, tastes, and religious opinions. Practices which are regarded as innocent by one large portion of society, excite the horror of another large portion. A Hindoo would be driven to despair if he knew that he was believed by persons of his own race to have done something which a Christian or a Mussulman would consider as indifferent or as laudable. Where such diversities of opinion exist, that part of the law which is intended to prevent pain arising from opinion ought to be sufficiently flexible to suit those diversities. We have, therefore, directed the judge not to decide the question whether an imputation be or be not defamatory, by reference to any particular standard, however correct, of honour, of morality, or of taste; but to extend an impartial protection to opinions which he regards as erroneous, and to feelings with which he has no sympathy.

There are nine excepted cases (see clauses from 470 to 478 inclusive) in which we propose to tolerate imputations prejudicial to character.

The exception which stands first in order will probably be thought by many persons objectionable. It is opposed to the rules of the English criminal law. It goes, we fear, beyond what even the boldest reformers of English law have proposed. It is at variance with the provisions of the French code, and with the sentiments of the most distinguished French jurists. It is at variance also with the provisions of the code

of Louisiana. It is, therefore, with some diffidence that we venture to lay before the Governor-general in Council the results of a long and anxious consideration of this question.

The question is, whether the truth of an imputation prejudicial to character should, in all cases, exempt the author of that imputation from punishment as a defamer. We conceive that it ought to exempt him.

It will hardly be disputed, even by those who dissent from us on this point, that there is a marked distinction between true and false imputations, as respects both the degree of malignity which they indicate, and the degree of mischief which they produce. The accusing a man of what he has not done implies, in a vast majority of cases, greater depravity than the accusing him of what he has done. The pain which a false imputation gives to the person who is the object of it is clear, uncompensated evil. There is no set-off whatever. The pain which a true imputation gives to the person who is the object of it is in itself an evil, and, therefore, ought not to be wantonly inflicted. But there is often some counterbalancing good. A true imputation may produce a wholesome effect on the person who has, by his misconduct, exposed himself to it. It may deter others from imitating his example. It may set them on their guard against his bad designs.

Not only do true imputations generally produce some good to counterbalance the evil caused by them, but in many cases this counterbalancing good appears to us greatly to preponderate. However skilfully penal laws may be framed, however vigorously they may be carried into execution, many bad practices will always be out of reach of the tribunals. The state of society would be deplorable if public opinion did not repress much that legislators are compelled to tolerate. The wisest legislators have felt this, and have assigned it as a reason for not visiting certain acts with legal punishment, that those acts will be sufficiently punished by general disapprobation. It seems inconsistent and unwise to rely on the public opinion in certain cases as a valuable auxiliary to the law, and at the same time to treat the expression of that opinion in those very cases as a crime.

It is easy to put cases about which there could scarcely be any difference of opinion. A person who has been guilty of gross acts of swindling at the Cape comes to Calcutta, and proposes to set up a house of agency. A person who has been forced to fly from England on account of his infamous

vices repairs to India, opens a school, and exerts himself to obtain pupils. A captain of a ship induces natives to emigrate, by promising to convey them to a country where they will have large wages and little work. He takes them to a foreign colony, where they are treated like slaves, and returns to India to hold out similar temptations to others. A man introduces a common prostitute as his wife into the society of all the most respectable ladies of the presidency. A person in a high station is in the habit of encouraging ruinous play among young servants of the Company. In all these cases, and in many others which might be named, we conceive that a writer who publishes the truth renders a great service to the public, and cannot, without a violation of every sound principle, be treated as a criminal.

There are undoubtedly many cases in which the spreading of true reports, prejudicial to the character of an individual, would hurt the feelings of that individual, without producing compensating advantage in any other quarter. The proclaiming to the world that a man keeps a mistress, that he is too much addicted to wine, that he is penurious in his housekeeping, that he is slovenly in his person; the raking up of ridiculous and degrading stories about the youthful indiscretions of a man who has long lived irreproachably as a husband and a father, and who has attained some post which requires gravity and even sanctity of character, can seldom or never produce any good to the public sufficient to compensate for the pain given to the person attacked, and to those who are connected with him. Yet we greatly doubt whether, where the imputations are true, it be advisable to inflict on the propagators of such miserable scandal any legal punishment, in addition to that general aversion and contempt with which their calling and their persons are everywhere regarded. Even in such cases, the question whether the imputation be true or false is not an unimportant question. Those who would not allow truth to be in such cases a justification, would admit that it ought generally to be a mitigating circumstance. Indeed, we find it impossible to imagine any case in which we should punish a man who told no more than the truth respecting another, as severely as if what he told had been a lie invented to blast the reputation of that other.

These two propositions, then, we consider as established;—first, that in some cases of prosecution for defamation, the truth of the imputations alleged to be defamatory ought to be a justification; secondly,—that in the vast majority of such

cases, if not in all, truth, if it be not a justification, ought to be a mitigation.

From these two propositions a third proposition necessarily follows:—that in all cases of prosecution for defamation, if the defendant avers that the imputations complained of as defamatory are true, the court ought to go into the question of the truth of those imputations.

This ought to be done, not only in justice to the public and to the defendant, but in justice to the innocent complainant. It must not be forgotten, that one of the most important ends which a person proposes to himself in prosecuting a slanderer is the refuting of the slander. He generally considers the punishment of the offender as a secondary object; and, when there is no circumstance of peculiar aggravation in the case, is often willing to stay proceedings after obtaining a retractation and apology. To clear his fame is his first object. It is, we conceive, an object for the attaining of which he is entitled to the assistance of the law. But it is an object which cannot be attained unless the courts go into the question of truth.

The effect of a rule excluding evidence of the truth is to put on a par descriptions of persons between whom it is desirable to make the widest distinction. The public-spirited man who warns the mercantile community against a notorious cheat, or advises families not to admit into their intimacy a practised seducer of innocence, is placed on the same footing with the slanderer who invents the most infamous falsehoods against persons of the purest character. On the other hand, a man who has, without the slightest reason, been held up to the world as a seducer or a swindler, is placed in exactly the same situation with one who well deserves those disgraceful names. So defective is the investigation that it leaves a suspicion lying on the most innocent, and no more than a suspicion lying on the most guilty.

We therefore think that in all cases of prosecution for defamation, the courts ought to allow the question of truth to be gone into. But if in all cases the courts allow the question of truth to be gone into, we are satisfied that no respectable person will venture to institute a prosecution for defamation in a case in which he knows that the truth of the defamatory matter is likely to be proved. He will feel that, by prosecuting, he should injure his own character far more deeply than any libeller can do. However disagreeable it may be to his feelings that a discreditable story concerning him should

be repeated in society, and should furnish paragraphs for the newspapers, it must be much more disagreeable that such a story should be proved in open court by legal evidence. By prosecuting, he turns what was at most a strong suspicion into an absolute certainty. While he forbears to prosecute, many people will probably disbelieve the scandalous report; many will doubt about its truth. The mere circumstance that he abstains from prosecuting is no proof of guilt. It is notorious that slanders are often passed by with silent contempt by those who are the objects of them. Indeed, in a country where the press is free, a man whose station exposes him to remark would have nothing to do but to prosecute, if he should institute legal proceedings every time that he might be calumniated.

It seems to us, therefore, certain, that a man on whose character imputations have been thrown, which can be proved to be true, will, if he possess ordinary prudence and ordinary sensibility, abstain from having recourse to a court of law, which will fully investigate the truth of those imputations. By having recourse to a court of law, he would show that he belonged to a class of persons who are the last that a legislator would wish to favour, to that class of persons in whom the sense of shame is weak, and the malicious passions strong, and who are content to incur dishonour for the chance of obtaining revenge.

Being, therefore, of opinion, that in all cases of prosecution for defamation, evidence of the truth of the imputations alleged to be defamatory ought to be received, and being of opinion that practically there is no difference between receiving evidence of truth and allowing truth to be a justification, we have thought it advisable to provide, expressly, that truth shall always be a justification. By framing the law thus, we have not in the smallest degree diminished the real security of private character, or the real risk of detraction. We have merely made the language of the code correspond with its virtual operation.

As we are satisfied that no practical mischief will be produced by the rule which we have proposed, we think that its perfect simplicity and certainty are strong reasons for adopting it.

If it be not adopted, it will be necessary to take one of two courses; either to provide that truth shall in no case be a justification, or to provide that truth shall be a justification in some cases and not in others. To the former course we

feel, for reasons which we have already assigned, insurmountable objections. The effect of such a state of the law would be, that eminent public services would often be treated as crimes. If the latter course be taken, we are convinced that it would be found impossible to draw any line approaching to accuracy. We are convinced that it would be necessary to leave to the judges an almost boundless discretion, a discretion which no two judges would exercise in the same manner.

It has been suggested to us, from quarters entitled to great respect, that it would be a preferable course to admit in every case the truth of matter alleged to be defamatory to be given in evidence, for the purpose of proving that the accused person had not acted maliciously; but not to allow the proof of the truth to be a justification if it should appear that reputation had been maliciously assailed.

If a provision of this kind were adopted, it would, for the reasons which we have already given, be in practice nugatory. For no respectable person would prosecute the author of an imputation which could be proved to be true. And we take it for granted that the law of procedure will not be framed in so cruel and unreasonable a manner as to permit a prosecution for defamation to be instituted in opposition to the wishes of the person defamed. Such a power of prosecution would scarcely ever be used by a friend of the person defamed; it would never be used by a judicious friend; and it would be a most formidable weapon in the hands of a malignant enemy.

But if the provision which we are considering were not certain to be in practice nugatory, we should think it a highly objectionable provision. When an act is of such a description that it would be better that it should not be done, it is quite proper to look at the motives and intentions of the doer, for the purpose of deciding whether he shall be punished or not. But when an act which is really useful to society, an act of a sort which it is desirable to encourage, has been done, it is absurd to inquire into the motives of the doer, for the purpose of punishing him if it shall appear that his motives were bad.

If A. kills Z. it is proper to inquire whether the killing was malicious; for killing is *primâ facie* a bad act. But if A. saves Z.'s life, no tribunal inquires whether A. did so from good feeling, or from malice to some person who was bound to pay Z. an annuity; for it is better that human life should

be saved from malice than not at all. If A. sets on fire a quantity of cotton belonging to Z., it is proper to inquire whether A. acted maliciously; for the destruction of valuable property by fire is *primâ facie* a bad act. But if Z.'s cotton is burning, and A. puts it out, no tribunal inquires whether A. did so from good feeling or from malice to some other dealer in cotton, who, if Z.'s stock had been destroyed, would have been a great gainer; for the saving of valuable property from destruction is an act which it is desirable to encourage, and it is better that such property should be saved from bad motives than that it should be suffered to perish. Since, then, no act ought to be made punishable on account of malicious intention, unless it be in itself an act of a kind which it is desirable to prevent, it follows that malice is not a test which can with propriety be used for the purpose of determining what true imputations on character ought to be punished, and what true imputations on character ought not to be punished; for the throwing of true imputations on character is not *primâ facie* a pernicious act. It may, indeed, be a very pernicious act. But we are not prepared to say that in the majority of instances it is so. We are sure that it is often a great public service; and we are sure that it may be very pernicious when it is not done from malice, and that it may be a great public service when it is done from malice. It is perfectly conceivable that a person might, from no malicious feeling, but from an honest though austere and injudicious zeal for what he might consider as the interests of religion and morality, drag before the public frailties which it would be far better to leave in obscurity. It is also perfectly conceivable that a person who has been concerned in some odious league of villany and has quarrelled with his accomplices, may, from vindictive feelings, publish the history of their proceedings, and may by doing so render a great service to society. Suppose that a knot of sharpers lives by seducing young men to the gaming-table and pillaging them to their last rupee. Suppose that one of these knaves, thinking himself ill-used in the division of the plunder, should revenge himself by printing an account of the transactions in which he has been concerned. He is prosecuted by the rest of the gang for defamation. He proves that every word in his account is true. But it is admitted that his only motives for publishing it were rancorous hatred and disappointed rapacity. It would surely be most unreasonable in the court to say:—"You have told the public a truth which it greatly

concerned the public to know; you have been the saving of many promising youths; you have been the means of ridding society of a dreadful pest; you have done, in short, what it was most desirable that you should do; but as you have done this, not from public spirit, but from dislike of your old associates, we pronounce you guilty of an offence, and condemn you to fine and imprisonment."

It is evident that society cannot spare any portion of the services which it receives. Far from scrutinizing the motives which lead people to render such services, and punishing such services when they proceed from bad motives, all societies are in the habit of offering motives addressed to the selfish passions of bad men for the purpose of inducing those men to do what is beneficial to the mass. We offer pardons and pecuniary rewards to the worst members of the community for the purpose of inducing them to betray their accomplices in guilt. That the quarrels of rogues are the security of honest men is an important truth which has passed into a proverb; and of that security we should to a certain extent deprive honest men if we were to make it an offence in one rogue to speak the truth about another rogue under the influence of passions excited in the course of a quarrel.

We have hitherto argued this point on the supposition that by malice is meant real malice, and not a fictitious, a constructive malice. We have the strongest objections to introducing into the code such a kind of malice—a malice of which a person may be acquitted when it is clear that he has acted from the most deadly personal rancour, and found guilty when those who find him guilty are satisfied that he has acted only from the best feelings—a malice which may be only the technical name for benevolence.

On these grounds, we recommend to the Governor-general in Council that the first exception, as we have drawn it, be suffered to stand part of the code.

The remaining exceptions will not require so long a defence: by clause 471 we allow the public conduct of public functionaries to be discussed, provided that such discussion be conducted in good faith. That the advantages arising from such discussion far more than compensate for the pain which it occasionally gives, will hardly be disputed by any English statesman.

But there are public men who are not public functionaries. Persons who hold no office may yet, in this country, take a very active part in urging or opposing the adoption of mea-

sures in which the community is deeply interested. It appears clear to us that every person ought to be allowed to comment, in good faith, on the proceedings of these volunteer servants of the public, with the same freedom with which we allow him to comment on the proceedings of the official servants of the public. We have provided for this by clause 472.

By clause 473 we have allowed all persons freely to discuss in good faith the proceedings of courts of law, and the characters of parties, agents, and witnesses as connected with those proceedings. It is almost universally acknowledged that the courts of law ought to be thrown open to the public. But the advantage of throwing them open to the public will be small indeed, if the few who are able to press their way into a court are forbidden to report what has passed there to the vast numbers who were absent, or if those who are allowed to know what has passed are not allowed to comment on what has passed. The only reason that the whole community is not admitted to hear every trial that takes place is that it is physically impossible that they should find room; and, by clause 473, we do our best to counteract the effect of this physical impossibility.

Whether public writers ought to be allowed to publish comments on trials while those trials are still pending is a question which, in the present state of India, it is hardly worth while to discuss. We have not thought it necessary to insert any provision on that subject in the chapter of offences against public justice; and such a provision, even if it were necessary, would evidently not belong to the head of defamation, for the harm done by such comments, as respects public justice, is exactly the same when the comments are laudatory as when they are abusive.

By clause 474 we allow every person to criticise, in good faith, published books, works of art which are publicly exhibited, and other similar performances.

By clause 475 we allow a person under whose authority others have been placed, either by their own consent or by the law, to censure, in good faith, those who are so placed under his authority, as far as regards matter to which that authority relates.

By clause 476 we allow a person to prefer an accusation against another, in good faith, to any person who has lawful authority to restrain or punish the accused.

By clause 477 we have excepted from the definition of

defamation private communications which a person makes, in good faith, for the protection of his own interests; and by clause 478 we have excepted private communications which a person makes in good faith for the benefit of others.

It will be observed that in the eight last exceptions, we do not require that an imputation should be true. We require only that it should be made in good faith. For to require in these cases that the imputation should be true, would be to render these exceptions mere nullities. Whether a public functionary is or is not fit for his situation; whether a person who has bestirred himself to get up a petition in favour of a public measure ought to be considered as an enlightened and public-spirited citizen, or as a foolish meddler; whether a person who has been tried for an offence was or was not guilty; which of two witnesses who contradicted each other on a trial ought to be believed; whether a portrait is like; whether a song has been well sung; whether a book is well written;—these are questions about which honest and discerning men may hold opinions diametrically opposite; and to require a man to prove to the satisfaction of a court of law that the opinion which he has expressed on such a question is a right opinion is to prohibit all discussion on such questions. The same may be said of those private communications which we propose to allow. It is plainly desirable that a merchant should disclose to his partners his unfavourable opinion of the honesty of a person with whom the firm has dealings. It is desirable that a father should caution his son against marrying a woman of bad character. But if the merchant is permitted to say to his partners, if the father is permitted to say to his son, only what can be legally proved before a court, it is evident that the permission is worth nothing.

Whether an imputation be or be not made in good faith is a question for the courts of law. The burden of the proof will lie sometimes on the person who has made the imputation, and sometimes on the person on whom the imputation has been thrown. No general rule can be laid down. Yet scarcely any case could arise respecting which a sensible and impartial judge would feel any doubt. If, for example, a public functionary were to prosecute for defamation a writer who had described him in general terms as incapable, the court would probably require the prosecutor to give some proof of bad faith. If the prosecutor had no such proof to offer, the defendant would be acquitted. If the prosecutor

were to prove that the defendant had applied to him for money, had promised to write in his praise if the money were advanced, and had threatened to abuse him if the money were withheld, the court would, probably, be of opinion that the defendant had not written in good faith, and would convict him.

On the other hand, if the imputation were an imputation of some particular fact, or an imputation which, though general in form, yet implied the truth of some particular fact which, if true, might be proved, the court would probably hold that the burden of proving good faith lay on the defendant. Thus if a person were to publish that a Collector was in the habit of receiving bribes from the zemindars of his district, and were unable to specify a single case, or to give any authority for his assertion, the courts would probably be of opinion that the imputation had not been made in good faith.

Again: if a critic described a writer as a plagiarist, the courts would not consider this as defamation without very strong proof of bad faith. But if it were proved that the critic had, like Lauder, interpolated passages in old books in order to bear out the charge of plagiarism, the court would doubtless be of opinion that he had not criticised in good faith, and would convict him of defamation.

It will be necessary to provide in the code of procedure rules for pleading in cases of defamation, which may give to an innocent man who has been calumniated the means of clearing his character. It will be proper to provide that a defendant who is accused of defamation, and who rests his defence on the truth of the imputation alleged to be defamatory, shall be held strictly to the proof of the substance of the imputation if the imputation be particular, and shall be compelled to descend to particulars in his plea if the imputation be general. It will not be expected that we should here go into any details respecting the law of criminal pleading. It is sufficient here to say, that the importance of framing that part of the law in such a manner as to give full protection to persons whose character has been unjustly aspersed has not escaped our attention.

We may here observe that an imputation which is not defamatory may, under certain circumstances, be punishable on other grounds. Such an imputation may be intended to excite disaffection. If so, though not punishable as defamation, it will be punishable as sedition. An attack made, in

good faith, on the public administration of the Governor of a presidency, will in no case be a defamation. But if the author of it designed to inflame the people against the Government, he will be liable to punishment under clause 113.

Again: an imputation which is not defamatory may be intended to excite a mob to violence against an individual. If so, the author of the imputation is punishable under clause 94.

Again: an imputation which is not defamatory may be uttered in the hearing of the person who is the object of it, for the purpose of wantonly and maliciously annoying that person. If so, it is punishable under clause 485. There are many cases in which it is fit that unpleasant truth should be told respecting an individual. But there is no case in which it is desirable that such truth should be told in such a way that the telling of it is a gross personal outrage. A person who has detected, or thinks that he has detected, a dishonest misrepresentation in a book has a right to expose it publicly. But he cannot be allowed to intrude into the presence of the author of the book, and to tell him to his face that he is a liar. A person who knows the mistress of a female school to be a woman of infamous character deserves well of society if he states what he knows. But he cannot be allowed to follow her through the streets calling her by opprobrious names, though he may be able to prove that all those names were merited. A person who brings to notice the malversation of a public functionary deserves applause. But a person who hangs a public functionary in effigy at that functionary's door, with an opprobrious label, does what cannot be permitted, even though every word on the label, and every imputation which the exhibition was meant to convey, may be perfectly true.

We do not apprehend that the clauses relating to the printers and publishers of defamatory matter require any explanation or defence.

CONTRIBUTIONS

TO

KNIGHT'S QUARTERLY MAGAZINE.

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FRAGMENTS OF A ROMAN TALE. (JUNE 1823.)

* * * * *

IT was an hour after noon. Ligarius was returning from the Campus Martius. He strolled through one of the streets which led to the forum, settling his gown, and calculating the odds on the gladiators who were to fence at the approaching Saturnalia. While thus occupied, he overtook Flaminius, who, with a heavy step and a melancholy face, was sauntering in the same direction. The light-hearted young man plucked him by the sleeve.

"Good day, Flaminius. Are you to be of Catiline's party this evening?"

"Not I."

"Why so? Your little Tarentine girl will break her heart."

"No matter. Catiline has the best cooks and the finest wine in Rome. There are charming women at his parties. But the twelve-line board and the dice-box pay for all. The Gods confound me if I did not lose two millions of sesterces last night. My villa at Tibur, and all the statues that my father the prætor brought from Ephesus, must go to the auctioneer. That is a high price, you will acknowledge, even for Phœnicopters, Chian, and Callinice."

"High indeed, by Pollux."

"And that is not the worst. I saw several of the leading senators this morning. Strange things are whispered in the higher political circles."

"The Gods confound the political circles. I have hated the name of politician ever since Sylla's proscription, when I was within a moment of having my throat cut by a politician, who took me for another politician. While there is a cask of Falernian in Campania, or a girl in the Suburra, I shall be too well employed to think on the subject."

"You will do well," said Flaminius gravely, "to bestow some little consideration upon it at present. Otherwise, I fear, you will soon renew your acquaintance with politicians, in a manner quite as unpleasant as that to which you allude."

"Averting Gods! what do you mean?"

"I will tell you. There are rumours of conspiracy. The order of things established by Lucius Sylla has excited the disgust of the people, and of a large party of the nobles. Some violent convulsion is expected."

"What is that to me? I suppose that they will hardly proscribe the vintners and gladiators, or pass a law compelling every citizen to take a wife."

"You do not understand. Catiline is supposed to be the author of the revolutionary schemes. You must have heard bold opinions at his table repeatedly."

"I never listen to any opinions upon such subjects, bold or timid."

"Look to it. Your name has been mentioned."

"Mine! good Gods! I call heaven to witness that I never so much as mentioned Senate, Consul, or Comitia, in Catiline's house."

"Nobody suspects you of any participation in the inmost counsels of the party. But our great men surmise that you are among those whom he has bribed so high with beauty, or entangled so deeply in distress, that they are no longer their own masters. I shall never set foot within his threshold again. I have been solemnly warned by men who understand public affairs; and I advise you to be cautious."

The friends had now turned into the forum, which was thronged with the gay and elegant youth of Rome. "I can tell you more," continued Flaminius; "somebody was remarking to the Consul yesterday how loosely a certain acquaintance of ours tied his girdle. 'Let him look to himself,' said Cicero, 'or the state may find a tighter girdle for his neck.'"

"Good Gods! who is it? You cannot surely mean——"

"There he is."

Flaminius pointed to a man who was pacing up and down

the forum at a little distance from them. He was in the prime of manhood. His personal advantages were extremely striking, and were displayed with an extravagant but not ungraceful foppery. His gown waved in loose folds; his long dark curls were dressed with exquisite art, and shone and steamed with odours; his step and gesture exhibited an elegant and commanding figure in every posture of polite languor. But his countenance formed a singular contrast to the general appearance of his person. The high and imperial brow, the keen aquiline features, the compressed mouth, the penetrating eye, indicated the highest degree of ability and decision. He seemed absorbed in intense meditation. With eyes fixed on the ground, and lips working in thought, he sauntered round the area, apparently unconscious how many of the young gallants of Rome were envying the taste of his dress, and the ease of his fashionable stagger.

"Good Heaven!" said Ligarius, "Caius Cæsar is as unlikely to be in a plot as I am."

"Not at all."

"He does nothing but game, feast, intrigue, read Greek, and write verses."

"Yow know nothing of Cæsar. Though he rarely addresses the Senate, he is considered as the finest speaker there, after the Consul. His influence with the multitude is immense. He will serve his rivals in public life as he served me last night at Catiline's. We were playing at the twelve-lines.*—Immense stakes. He laughed all the time, chatted with Valeria over his shoulder, kissed her hand between every two moves, and scarcely looked at the board. I thought that I had him. All at once I found my counters driven into the corner. Not a piece to move, by Hercules. It cost me two millions of sesterces. All the Gods and Goddesses confound him for it!"

"As to Valeria," said Ligarius, "I forgot to ask whether you have heard the news."

"Not a word. What?"

"I was told at the baths to-day that Cæsar escorted the lady home. Unfortunately old Quintus Lutatius had come back from his villa in Campania, in a whim of jealousy. He was not expected for three days. There was a fine tumult. The old fool called for his sword and his slaves,

* *Duodecim scripta*, a game of mixed chance and skill, which seems to have been very fashionable in the higher circles of Rome. The famous lawyer Mucius was renowned for his skill in it.—(*Cic. Orat.* i. 50.)

cursed his wife, and swore that he would cut Cæsar's throat."

"And Cæsar?"

"He laughed, quoted Anacreon, trussed his gown round his left arm, closed with Quintus, flung him down, twisted his sword out of his hand, burst through the atttendants, ran a freed-man through the shoulder, and was in the street in an instant."

"Well done! Here he comes. Good day, Caius."

Cæsar lifted his head at the salutation. His air of deep abstraction vanished; and he extended a hand to each of the friends.

"How are you after your last night's exploit?"

"As well as possible," said Cæsar laughing.

"In truth we should rather ask how Quintus Lutatius is."

"He, I understand, is as well as can be expected of a man with a faithless spouse and a broken head. His freed-man is most seriously hurt. Poor fellow! he shall have half of whatever I win to-night. Flaminius, you shall have your revenge at Catiline's."

"You are very kind. I do not intend to be at Catiline's till I wish to part with my town-house. My villa is gone already."

"Not at Catiline's, base spirit! You are not of his mind, my gallant Ligarius. Dice, Chian, and the loveliest Greek singing-girl that was ever seen. Think of that, Ligarius. By Venus, she almost made me adore her, by telling me that I talked Greek with the most Attic accent that she had heard in Italy."

"I doubt she will not say the same of me," replied Ligarius. "I am just as able to decipher an obelisk as to read a line of Homer."

"You barbarous Scythian, who had the care of your education?"

"An old fool,—a Greek pedant,—a Stoic. He told me that pain was no evil, and flogged me as if he thought so. At last one day, in the middle of a lecture, I set fire to his enormous filthy beard, singed his face, and sent him roaring out of the house. There ended my studies. From that time to this I have had as little to do with Greece as the wine that your poor old friend Lutatius calls his delicious Samian."

"Well done, Ligarius. I hate a Stoic. I wish Marcus Cato had a beard that you might singe it for him. The

fool talked his two hours in the Senate yesterday, without changing a muscle of his face. He looked as savage and as motionless as the mask in which Roscius acted Alecto. I detest everything connected with him."

"Except his sister, Servilia."

"True. She is a lovely woman."

"They say that you have told her so, Caius."

"So I have."

"And that she was not angry."

"What woman is?"

"Aye,—but they say——"

"No matter what they say. Common fame lies like a Greek rhetorician. You might know so much, Ligarius, without reading the philosophers. But come, I will introduce you to little dark-eyed Zoe."

"I tell you I can speak no Greek."

"More shame for you. It is high time that you should begin. You will never have such a charming instructress. Of what was your father thinking when he sent for an old Stoic with a long beard to teach you? There is no language-mistress like a handsome woman. When I was at Athens, I learnt more Greek from a pretty flower-girl in the Peiræus than from all the Portico and the Academy. She was no Stoic, Heaven knows. But come along to Zoe. I will be your interpreter. Woo her in honest Latin, and I will turn it into elegant Greek between the throws of dice. I can make love and mind my game at once, as Flaminius can tell you."

"Well, then, to be plain, Cæsar, Flaminius has been talking to me about plots, and suspicions, and politicians. I never plagued myself with such things since Sylla's and Marius's days; and then I never could see much difference between the parties. All that I am sure of is, that those who meddle with such affairs are generally stabbed or strangled. And, though I like Greek wine and handsome women, I do not wish to risk my neck for them. Now, tell me as a friend, Caius;—is there no danger?"

"Danger!" repeated Cæsar, with a short, fierce, disdainful laugh: "what danger do you apprehend?"

"That you should best know," said Flaminius; "you are far more intimate with Catiline than I. But I advise you to be cautious. The leading men entertain strong suspicions."

Cæsar drew up his figure from its ordinary state of grace-

ful relaxation into an attitude of commanding dignity, and replied in a voice of which the deep and impassioned melody formed a strange contrast to the humorous and affected tone of his ordinary conversation. "Let them suspect. They suspect because they know what they have deserved. What have they done for Rome?—What for mankind?—Ask the citizens. Ask the provinces. Have they had any other object than to perpetuate their own exclusive power, and to keep us under the yoke of an oligarchical tyranny, which unites in itself the worst evils of every other system, and combines more than Athenian turbulence with more than Persian despotism?"

"Good Gods! Cæsar. It is not safe for you to speak, or for us to listen to such things, at such a crisis."

"Judge for yourselves what you will hear. I will judge for myself what I will speak. I was not twenty years old when I defied Lucius Sylla, surrounded by the spears of legionaries and the daggers of assassins. Do you suppose that I stand in awe of his paltry successors, who have inherited a power which they never could have acquired; who would imitate his proscriptions, though they have never equalled his conquests?"

"Pompey is almost as little to be trifled with as Sylla. I heard a consular senator say that, in consequence of the present alarming state of affairs, he would probably be recalled from the command assigned to him by the Manilian law."

"Let him come,—the pupil of Sylla's butcheries,—the gleaner of Lucullus's trophies,—the thief-taker of the Senate."

"For heaven's sake, Caius!—if you knew what the Consul said——"

"Something about himself, no doubt. Pity that such talents should be coupled with such cowardice and coxcombry. He is the finest speaker living,—infinitely superior to what Hortensius was, in his best days;—a charming companion, except when he tells over for the twentieth time all the jokes that he made at Verres's trial. But he is the despicable tool of a despicable party."

"Your language, Caius, convinces me that the reports which have been circulated are not without foundation. I will venture to prophesy that within a few months the republic will pass through a whole Odyssey of strange adventures."

"I believe so; an Odyssey of which Pompey will be the Polyphemus, and Cicero the Siren. I would have the state imitate Ulysses: show no mercy to the former; but contrive,

if it can be done, to listen to the enchanting voice of the other, without being seduced by it to destruction."

"But whom can your party produce as rivals to these two famous leaders?"

"Time will show. I would hope that there may arise a man, whose genius to conquer, to conciliate, and to govern, may unite in one cause an oppressed and divided people;—may do all that Sylla should have done, and exhibit the magnificent spectacle of a great nation directed by a great mind."

"And where is such a man to be found?"

"Perhaps where you would least expect to find him. Perhaps he may be one whose powers have hitherto been concealed in domestic or literary retirement. Perhaps he may be one, who, while waiting for some adequate excitement, for some worthy opportunity, squanders on trifles a genius before which may yet be humbled the sword of Pompey and the gown of Cicero. Perhaps he may now be disputing with a sophist; perhaps prattling with a mistress; perhaps——" and, as he spoke, he turned away, and resumed his lounge, "strolling in the Forum."

* * * * * * * * *

It was almost midnight. The party had separated. Catiline and Cethegus were still conferring in the supper-room, which was, as usual, the highest apartment of the house. It formed a cupola, from which windows opened on the flat roof that surrounded it. To this terrace Zoe had retired. With eyes dimmed with fond and melancholy tears, she leaned over the balustrade, to catch the last glimpse of the departing form of Cæsar, as it grew more and more indistinct in the moonlight. Had he any thought of her? Any love for her? He, the favourite of the high-born beauties of Rome, the most splendid, the most graceful, the most eloquent of its nobles? It could not be. His voice had, indeed, been touchingly soft whenever he addressed her. There had been a fascinating tenderness even in the vivacity of his look and conversation. But such were always the manners of Cæsar towards women. He had wreathed a sprig of myrtle in her hair as she was singing. She took it from her dark ringlets, and kissed it, and wept over it, and thought of the sweet legends of her own dear Greece,—of youths and girls, who, pining away in hopeless love, had been transformed into flowers by the compassion of the Gods; and she wished to become a flower, which Cæsar might sometimes touch, though he should touch it only to weave a crown for some prouder and happier mistress.

She was roused from her musings by the loud step and voice of Cethegus, who was pacing furiously up and down the supper-room.

"May all the gods confound me, if Cæsar be not the deepest traitor, or the most miserable idiot, that ever intermeddled with a plot!"

Zoe shuddered. She drew nearer to the window. She stood concealed from observation by the curtain of fine network which hung over the aperture, to exclude the annoying insects of the climate.

"And you, too!" continued Cethegus, turning fiercely on his accomplice; "you to take his part against me!—you, who proposed the scheme yourself!"

"My dear Caius Cethegus, you will not understand me. I proposed the scheme; and I will join in executing it. But policy is as necessary to our plans as boldness. I did not wish to startle Cæsar—to lose his co-operation—perhaps to send him off with an information against us to Cicero and Catulus. He was so indignant at your suggestion, that all my dissimulation was scarcely sufficient to prevent a total rupture."

"Indignant! The gods confound him!—He prated about humanity, and generosity, and moderation. By Hercules, I have not heard such a lecture since I was with Xenochares at Rhodes."

"Cæsar is made up of inconsistencies. He has boundless ambition, unquestioned courage, admirable sagacity. Yet I have frequently observed in him a womanish weakness at the sight of pain. I remember that once one of his slaves was taken ill while carrying his litter. He alighted, put the fellow in his place, and walked home in a fall of snow. I wonder that you could be so ill advised as to talk to him of massacre, and pillage, and conflagration. You might have foreseen that such propositions would disgust a man of his temper."

"I do not know. I have not your self-command, Lucius. I hate such conspirators. What is the use of them? We must have blood—blood,—hacking and tearing work—bloody work!"

"Do not grind your teeth, my dear Caius; and lay down the carving-knife. By Hercules, you have cut up all the stuffing of the couch."

"No matter; we shall have couches enough soon,—and down to stuff them with,—and purple to cover them,—and pretty women to loll on them,—unless this fool, and such as

he, spoil our plans. I had something else to say. The essenced fop wishes to seduce Zoe from me."

"Impossible! You misconstrue the ordinary gallantries which he is in the habit of paying to every handsome face."

"Curse on his ordinary gallantries, and his verses, and his compliments, and his sprigs of myrtle! If Cæsar should dare—by Hercules, I will tear him to pieces in the middle of the Forum."

"Trust his destruction to me. We must use his talents and influence—thrust him upon every danger—make him our instrument while we are contending—our peace-offering to the Senate if we fail—our first victim if we succeed."

"Hark! what noise was that?"

"Somebody in the terrace!—lend me your dagger."

Catiline rushed to the window. Zoe was standing in the shade. He stepped out. She darted into the room—passed like a flash of lightning by the startled Cethegus—flew down the stairs — through the court — through the vestibule — through the street. Steps, voices, lights, came fast and confusedly behind her;—but with the speed of love and terror she gained upon her pursuers. She fled through the wilderness of unknown and dusky streets, till she found herself, breathless and exhausted, in the midst of a crowd of gallants, who, with chaplets on their heads, and torches in their hands, were reeling from the portico of a stately mansion.

The foremost of the throng was a youth whose slender figure and beautiful countenance seemed hardly consistent with his sex. But the feminine delicacy of his features rendered more frightful the mingled sensuality and ferocity of their expression. The libertine audacity of his stare, and the grotesque foppery of his apparel, seemed to indicate at least a partial insanity. Flinging one arm round Zoe, and tearing away her veil with the other, he disclosed to the gaze of his thronging companions the regular features and large dark eyes which characterise Athenian beauty.

"Clodius has all the luck to night," cried Ligarius.

"Not so, by Hercules," said Marcus Cœlius; "the girl is fairly our common prize: we will fling dice for her. The Venus * throw, as it ought to do, shall decide."

"Let me go—let me go, for Heaven's sake," cried Zoe, struggling with Clodius.

"What a charming Greek accent she has. Come into the house, my little Athenian nightingale."

"Oh! what will become of me? If you have mothers—if you have sisters——"

"Clodius has a sister," muttered Ligarius, "or he is much belied."

"By Heaven, she is weeping," said Clodius.

"If she were not evidently a Greek," said Cœlius, "I should take her for a vestal virgin."

"And if she were a vestal virgin," cried Clodius fiercely, "it should not deter me. This way;—no struggling—no screaming."

"Struggling! screaming!" exclaimed a gay and commanding voice; "You are making very ungentle love, Clodius."

The whole party started. Cæsar had mingled with them unperceived.

The sound of his voice thrilled through the very heart of Zoe. With a convulsive effort she burst from the grasp of her insolent admirer, flung herself at the feet of Cæsar, and clasped his knees. The moon shone full on her agitated and imploring face: her lips moved; but she uttered no sound. He gazed at her for an instant—raised her—clasped her to his bosom. "Fear nothing, my sweet Zoe." Then, with folded arms, and a smile of placid defiance, he placed himself between her and Clodius.

Clodius staggered forward, flushed with wine and rage, and uttering alternately a curse and a hiccup.

"By Pollux, this passes a jest. Cæsar, how dare you insult me thus?"

"A jest! I am as serious as a Jew on the Sabbath. Insult you; for such a pair of eyes I would insult the whole consular bench, or I should be as insensible as King Psammis's mummy."

"Good Gods, Cæsar," said Marcus Cœlius, interposing, "you cannot think it worth while to get into a brawl for a little Greek girl."

"Why not? The Greek girls have used me as well as those of Rome. Besides, the whole reputation of my gallantry is at stake. Give up such a lovely woman to that drunken boy! My character would be gone for ever. No more perfumed tablets, full of vows and raptures? No more toying with fingers at the Circus. No more evening walks along the Tiber. No more hiding in chests, or jumping from windows. I, the favoured suitor of half the white stoles in Rome, could never again aspire above a freed-woman. You a man of

gallantry, and think of such a thing! For shame, my dear Cœlius! Do not let Clodia hear of it."

While Cæsar spoke he had been engaged in keeping Clodius at arm's length. The rage of the frantic libertine increased as the struggle continued. "Stand back, as you value your life," he cried; "I will pass."

"Not this way, sweet Clodius. I have too much regard for you to suffer you to make love at such disadvantage. You smell too much of Falernian at present. Would you stifle your mistress? By Hercules, you are fit to kiss nobody now, except old Piso, when he is tumbling home in the morning from the vintners."*

Clodius plunged his hand into his bosom, and drew a little dagger, the faithful companion of many desperate adventures.

"Oh, Gods! he will be murdered!" cried Zoe.

The whole throng of revellers was in agitation. The street fluctuated with torches and lifted hands. It was but for a moment. Cæsar watched with a steady eye the descending hand of Clodius, arrested the blow, seized his antagonist by the throat, and flung him against one of the pillars of the portico with such violence that he rolled, stunned and senseless, on the ground.

"He is killed," cried several voices.

"Fair self-defence, by Hercules!" said Marcus Cœlius. "Bear witness, you all saw him draw his dagger."

"He is not dead—he breathes," said Ligarius. "Carry him into the house; he is dreadfully bruised."

The rest of the party retired with Clodius. Cœlius turned to Cæsar.

"By all the Gods, Caius! you have won your lady fairly. A splendid victory! You deserve a triumph."

"What a madman Clodius has become!"

"Intolerable. But come and sup with me on the Nones. You have no objection to meet the Consul?"

"Cicero? None at all. We need not talk politics. Our old dispute about Plato and Epicurus will furnish us with plenty of conversation. So reckon upon me, my dear Marcus, and farewell."

Cæsar and Zoe turned away. As soon as they were beyond hearing, she began in great agitation:—

"Cæsar, you are in danger. I know all. I overheard Catiline and Cethegus. You are engaged in a project which must lead to certain destruction."

* Cic. in Pis.

"My beautiful Zoe, I live only for glory and pleasure. For these I have never hesitated to hazard an existence which they alone render valuable to me. In the present case, I can assure you that our scheme presents the fairest hopes of success."

"So much the worse. You do not know—you do not understand me. I speak not of open peril, but of secret treachery. Catiline hates you;—Cethegus hates you;—your destruction is resolved. If you survive the contest, you perish in the first hour of victory. They detest you for your moderation;—they are eager for blood and plunder. I have risked my life to bring you this warning; but that is of little moment. Farewell!—Be happy;"

Cæsar stopped her. "Do you fly from my thanks, dear Zoe?"

"I wish not for your thanks, but for your safety;—I desire not to defraud Valeria or Servilia of one caress, extorted from gratitude or pity. Be my feelings what they may, I have learnt in a fearful school to endure and to suppress them. I have been taught to abase a proud spirit to the claps and hisses of the vulgar;—to smile on suitors who united the insults of a despicable pride to the endearments of a loathsome fondness;—to affect sprightliness with an aching head, and eyes from which tears were ready to gush;—to feign love with curses on my lips, and madness in my brain. Who feels for me any esteem,—any tenderness? Who will shed a tear over the nameless grave which will soon shelter from cruelty and scorn the broken heart of the poor Athenian girl? But you, who alone have addressed her in her degradation with a voice of kindness and respect, farewell. Sometimes think of me,—not with sorrow;—no; I could bear your ingratitude, but not your distress. Yet, if it will not pain you too much, in distant days, when your lofty hopes and destinies are accomplished,—on the evening of some mighty victory,—in the chariot of some magnificent triumph,—think on one who loved you with that exceeding love which only the miserable can feel. Think that, wherever her exhausted frame may have sunk beneath the sensibilities of a tortured spirit,—in whatever hovel or whatever vault she may have closed her eyes,—whatever strange scenes of horror and pollution may have surrounded her dying bed, your shape was the last that swam before her sight—your voice the last sound that was ringing in her ears. Yet turn your face to me, Cæsar. Let me carry away one last look of those features, and then——" He

turned round. He looked at her. He hid his face on her bosom, and burst into tears. With sobs long and loud, and convulsive as those of a terrified child, he poured forth on her bosom the tribute of impetuous and uncontrollable emotion. He raised his head; but he in vain struggled to restore composure to the brow which had confronted the frown of Sylla, and the lips which had rivalled the eloquence of Cicero. He several times attempted to speak, but in vain; and his voice still faltered with tenderness, when, after a pause of several minutes, he thus addressed her:

"My own dear Zoe, your love has been bestowed on one who, if he cannot merit, can at least appreciate and adore you. Beings of similar loveliness, and similar devotedness of affection, mingled, in all my boyish dreams of greatness, with visions of curule chairs and ivory cars, marshalled legions and laurelled fasces. Such I have endeavoured to find in the world; and, in their stead, I have met with selfishness, with vanity, with frivolity, with falsehood. The life which you have preserved is a boon less valuable than the affection——"

"Oh! Cæsar," interrupted the blushing Zoe, "think only on your own security at present. If you feel as you speak,—but you are only mocking me,—or perhaps your compassion——"

"By Heaven!—by every oath that is binding——"

"Alas! alas! Cæsar, were not all the same oaths sworn yesterday to Valeria? But I will trust you, at least so far as to partake your present dangers. Flight may be necessary:—form your plans. Be they what they may, there is one who, in exile, in poverty, in peril, asks only to wander, to beg, to die with you."

"My Zoe, I do not anticipate any such necessity. To renounce the conspiracy without renouncing the principles on which it was originally undertaken,—to elude the vengeance of the Senate without losing the confidence of the people,—is, indeed, an arduous, but not an impossible, task. I owe it to myself and to my country to make the attempt. There is still ample time for consideration. At present I am too happy in love to think of ambition or danger."

They had reached the door of a stately palace. Cæsar struck it. It was instantly opened by a slave. Zoe found herself in a magnificent hall, surrounded by pillars of green marble, between which were ranged the statues of the long line of Julian nobles.

"Call Endymion," said Cæsar.

The confidential freed-man made his appearance, not without a slight smile, which his patron's good-nature emboldened him to hazard, at perceiving the beautiful Athenian.

"Arm my slaves, Endymion; there are reasons for precaution. Let them relieve each other on guard during the night. Zoe, my love, my preserver, why are your cheeks so pale? Let me kiss some bloom into them. How you tremble! Endymion, a flask of Samian, and some fruit. Bring them to my apartments. This way, my sweet Zoe."

* * * * * * * *

ON THE ROYAL SOCIETY OF LITERATURE.

(JUNE 1823.)

THIS is the age of societies. There is scarcely one Englishman in ten who has not belonged to some association for distributing books, or for prosecuting them; for sending invalids to the hospital, or beggars to the treadmill; for giving plate to the rich, or blankets to the poor. To be the most absurd institution among so many institutions is no small distinction; it seems, however, to belong indisputably to the Royal Society of Literature. At the first establishment of that ridiculous academy, every sensible man predicted that, in spite of regal patronage and episcopal management, it would do nothing, or do harm. And it will scarcely be denied that those expectations have hitherto been fulfilled.

I do not attack the founders of the association. Their characters are respectable; their motives, I am willing to believe, were laudable. But I feel, and it is the duty of every literary man to feel, a strong jealousy of their proceedings. Their society can be innocent only while it continues to be despicable. Should they ever possess the power to encourage merit, they must also possess the power to depress it. Which power will be more frequently exercised, let every one who has studied literary history, let every one who has studied human nature, declare.

Envy and faction insinuate themselves into all communities. They often disturb the peace, and pervert the decisions, of benevolent and scientific associations. But it is in literary academies that they exert the most extensive and pernicious influence. In the first place, the principles of literary criticism, though equally fixed with those on which the chemist and the surgeon proceed, are by no means equally recognized. Men are rarely able to assign a reason for their approbation or dislike on questions of taste; and therefore they willingly submit to any guide who boldly asserts his claim to superior discernment. It is more difficult to ascertain and establish the merits of a poem than the powers of a machine or the

benefits of a new remedy. Hence it is in literature, that quackery is most easily puffed, and excellence most easily decried.

In some degree this argument applies to academies of the fine arts; and it is fully confirmed by all that I have ever heard of that institution which annually disfigures the walls of Somerset House with an acre of spoiled canvass. But a literary tribunal is incomparably more dangerous. Other societies, at least, have no tendency to call forth any opinions on those subjects which most agitate and inflame the minds of men. The sceptic and the zealot, the revolutionist and placeman, meet on common ground in a gallery of paintings or a laboratory of science. They can praise or censure without reference to the differences which exist between them. In a literary body this can never be the case. Literature is, and always must be, inseparably blended with politics and theology; it is the great engine which moves the feelings of a people on the most momentous questions. It is, therefore, impossible that any society can be formed so impartial as to consider the literary character of an individual abstracted from the opinions which his writings inculcate. It is not to be hoped, perhaps it is not to be wished, that the feelings of the man should be so completely forgotten in the duties of the academician. The consequences are evident. The honours and censures of this Star-chamber of the Muses will be awarded according to the prejudices of the particular sect or faction which may at the time predominate. Whigs would canvass against a Southey, Tories against a Byron. Those who might at first protest against such conduct as unjust would soon adopt it on the plea of retaliation; and the general good of literature, for which the society was professedly instituted, would be forgotten in the stronger claims of political and religious partiality.

Yet even this is not the worst. Should the institution ever acquire any influence, it will afford most pernicious facilities to every malignant coward who may desire to blast a reputation which he envies. It will furnish a secure ambuscade, behind which the Maroons of literature may take a certain and deadly aim. The editorial *we* has often been fatal to rising genius; though all the world knows that it is only a form of speech, very often employed by a single needy blockhead. The academic *we* would have a far greater and more ruinous influence. Numbers, while they increased the effect, would diminish the shame, of injustice. The advantages of

an open and those of an anonymous attack would be combined; and the authority of avowal would be united to the security of concealment. The serpents in Virgil, after they had destroyed Laocoon, found an asylum from the vengeance of the enraged people behind the shield of the statue of Minerva. And in the same manner, every thing that is grovelling and venomous, every thing that can hiss, and every thing that can sting, would take sanctuary in the recesses of this new temple of wisdom.

The French academy was, of all such associations, the most widely and the most justly celebrated. It was founded by the greatest of ministers; it was patronised by successive kings; it numbered in its lists most of the eminent French writers. Yet what benefit has literature derived from its labours? What is its history but an uninterrupted record of servile compliances—of paltry artifices—of deadly quarrels—of perfidious friendships? whether governed by the Court, by the Sorbonne, or by the Philosophers, it was always equally powerful for evil, and equally impotent for good. I might speak of the attacks by which it attempted to depress the rising fame of Corneille; I might speak of the reluctance with which it gave its tardy confirmation to the applauses which the whole civilised world had bestowed on the genius of Voltaire. I might prove by overwhelming evidence that, to the latest period of its existence, even under the superintendence of the all-accomplished D'Alembert, it continued to be a scene of the fiercest animosities and the basest intrigues. I might cite Piron's epigrams, and Marmontel's memoirs, and Montesquieu's letters. But I hasten on to another topic.

One of the modes by which our Society proposes to encourage merit is the distribution of prizes. The munificence of the king has enabled it to offer an annual premium of a hundred guineas for the best essay in prose, and another of fifty guineas for the best poem, which may be transmitted to it. This is very laughable. In the first place the judges may err. Those imperfections of human intellect to which, as the articles of the church tells us, even general councils are subject, may possibly be found even in the Royal Society of Literature. The French academy, as I have already said, was the most illustrious assembly of the kind, and numbered among its associates men much more distinguished than ever will assemble at Mr. Hatchard's to rummage the box of the English Society. Yet this famous body gave a poetical prize,

for which Voltaire was a candidate, to a fellow who wrote some verses about *the frozen and the burning pole.*

Yet, granting that the prizes were always awarded to the best composition, that composition, I say without hesitation, will always be bad. A prize poem is like a prize sheep. The object of the competitor for the agricultural premium is to produce an animal fit, not to be eaten, but to be weighed. Accordingly he pampers his victim into morbid and unnatural fatness; and, when it is in such a state that it would be sent away in disgust from any table, he offers it to the judges. The object of the poetical candidate, in like manner, is to produce, not a good poem, but a poem of that exact degree of frigidity or bombast which may appear to his censors to be correct or sublime. Compositions thus constructed will always be worthless. The few excellences which they may contain will have an exotic aspect and flavour. In general, prize sheep are good for nothing but to make tallow candles, and prize poems are good for nothing but to light them.

The first subject proposed by the Society to the poets of England was Dartmoor. I thought that they intended a covert sarcasm at their own projects. Their institution was a literary Dartmoor scheme;—a plan for forcing into cultivation the waste lands of intellect,—for raising poetical produce, by means of bounties, from soil too meagre to have yielded any returns in the natural course of things. The plan for the cultivation of Dartmoor has, I hear, been abandoned. I hope that this may be an omen of the fate of the Society.

In truth, this seems by no means improbable. They have been offering for several years the rewards which the king placed at their disposal, and have not, as far as I can learn, been able to find in their box one composition which they have deemed worthy of publication. At least no publication has taken place. The associates may perhaps be astonished at this. But I will attempt to explain it, after the manner of ancient times, by means of an apologue.

About four hundred years after the deluge, King Gomer Chephoraod reigned in Babylon. He united all the characteristics of an excellent sovereign. He made good laws, won great battles, and white-washed long streets. He was, in consequence, idolised by his people, and panegyrised by many poets and orators. A book was then a serious undertaking. Neither paper nor any similar material had been invented.

Authors were therefore under the necessity of inscribing their compositions on massive bricks. Some of these Babylonian records are still preserved in European museums; but the language in which they are written has never been deciphered. Gomer Chephoraod was so popular that the clay of all the plains round the Euphrates could scarcely furnish brick-kilns enough for his eulogists. It is recorded in particular that Pharonezzar, the Assyrian Pindar, published a bridge and four walls in his praise.

One day the king was going in state from his palace to the temple of Belus. During this procession it was lawful for any Babylonian to offer any petition or suggestion to his sovereign. As the chariot passed before a vintner's shop, a large company, apparently half-drunk, sallied forth into the street; and one of them thus addressed the king:

"Gomer Chephoraod, live for ever! It appears to thy servants that of all the productions of the earth good wine is the best, and bad wine is the worst. Good wine makes the heart cheerful, the eyes bright, the speech ready. Bad wine confuses the head, disorders the stomach, makes us quarrelsome at night, and sick the next morning. Now therefore let my lord the king take order that thy servants may drink good wine."

"And how is this to be done?" said the good-natured prince.

"Oh king," said his monitor, "this is most easy. Let the king make a decree, and seal it with his royal signet: and let it be proclaimed that the king will give ten she-asses, and ten slaves, and ten changes of raiment, every year, unto the man who shall make ten measures of the best wine. And whosoever wishes for the she-asses, and the slaves, and the raiment, let him send the ten measures of wine to thy servants, and we will drink thereof and judge. So shall there be much good wine in Assyria."

The project pleased Gomer Chephoraod. "Be it so," said he. The people shouted. The petitioners prostrated themselves in gratitude. The same night heralds were despatched to bear the intelligence to the remotest districts of Assyria.

After a due interval the wines began to come in; and the examiners assembled to adjudge the prize. The first vessel was unsealed. Its odour was such that the judges, without tasting it, pronounced unanimous condemnation. The next was opened: it had a villanous taste of clay. The third was

sour and vapid. They proceeded from one cask of execrable liquor to another, till at length, in absolute nausea, they gave up the investigation.

The next morning they all assembled at the gate of the king, with pale faces and aching heads. They owned that they could not recommend any competitor as worthy of the rewards. They swore that the wine was little better than poison, and entreated permission to resign the office of deciding between such detestable potions.

"In the name of Belus, how can this have happened?" said the king.

Merolchazzar, the high-priest, muttered something about the anger of the Gods at the toleration shown to a sect of impious heretics who ate pigeons broiled, "whereas," said he, "our religion commands us to eat them roasted. Now therefore, oh king," continued this respectable divine, "give command to thy men of war, and let them smite the disobedient people with the sword, them, and their wives, and their children, and let their houses, and their flocks, and their herds, be given to thy servants the priests. Then shall the land yield its increase, and the fruits of the earth shall be no more blasted by the vengeance of heaven."

"Nay," said the king, "the ground lies under no general curse from heaven. The season has been singularly good. The wine which thou didst thyself drink at the banquet a few nights ago, oh venerable Merolchazzar, was of this year's vintage. Dost thou not remember how thou didst praise it? It was the same night that thou wast inspired by Belus, and didst reel to and fro, and discourse sacred mysteries. These things are too hard for me. I comprehend them not. The only wine which is bad is that which is sent to my judges. Who can expound this to us?"

The king scratched his head. Upon which all the courtiers scratched their heads.

He then ordered proclamation to be made, that a purple robe and a golden chain should be given to the man who could solve this difficulty.

An old philosopher, who had been observed to smile rather disdainfully when the prize had first been instituted, came forward and spoke thus:—

"Gomer Chephoraod, live for ever! Marvel not at that which has happened. It was no miracle, but a natural event. How could it be otherwise? It is true that much good wine has been made this year. But who would send it in for thy

rewards? Thou knowest Ascobaruch who hath the great vineyards in the north, and Cohahiroth who sendeth wine every year from the south over the Persian gulf. Their wines are so delicious that ten measures thereof are sold for an hundred talents of silver. Thinkest thou that they will exchange them for thy slaves and thine asses? What would thy prize profit any who have vineyards in rich soils?"

"Who then," said one of the judges, "are the wretches who sent us this poison?"

"Blame them not," said the sage, "seeing that you have been the authors of the evil. They are men whose lands are poor, and have never yielded them any returns equal to the prizes which the king proposed. Wherefore, knowing that the lords of the fruitful vineyards would not enter into competition with them, they planted vines, some on rocks, and some in light sandy soil, and some in deep clay. Hence their wines are bad. For no culture or reward will make barren land bear good vines. Know therefore, assuredly, that your prizes have increased the quantity of bad but not of good wine."

There was a long silence. At length the king spoke. "Give him the purple robe and the chain of gold. Throw the wines into the Euphrates; and proclaim that the Royal Society of Wines is dissolved."

SCENES FROM "ATHENIAN REVELS." (JANUARY 1824.)

A DRAMA.

I.

SCENE—*A Street in Athens.*

Enter CALLIDEMUS *and* SPEUSIPPUS.

CALLIDEMUS.

So, you young reprobate! You must be a man of wit, forsooth, and a man of quality! You must spend as if you were as rich as Nicias, and prate as if you were as wise as Pericles! You must dangle after sophists and pretty women! And I must pay for all! I must sup on thyme and onions, while you are swallowing thrushes and hares! I must drink water, that you may play the cottabus* with Chian wine. I must wander about as ragged as Pauson†, that you may be as fine as Alcibiades! I must lie on bare boards, with a stone‡ for my pillow, and a rotten mat for my coverlid, by the light of a wretched winking lamp, while you are marching in state, with as many torches as one sees at the feast of Ceres, to thunder with your hatchet§ at the doors of half the Ionian ladies in Peiræus.‖

SPEUSIPPUS.

Why, thou unreasonable old man! Thou most shameless of fathers! ——

CALLIDEMUS.

Ungrateful wretch; dare you talk so? Are you not afraid of the thunders of Jupiter?

* This game consisted in projecting wine out of cups; it was a diversion extremely fashionable at Athenian entertainments.

† Pauson was an Athenian painter, whose name was synonymous with beggary. See Aristophanes; Plutus, 602. From his poverty, I am inclined to suppose that he painted historical pictures.

‡ See Aristophanes; Plutus, 542.

§ See Theocritus; Idyll ii. 128.

‖ This was the most disreputable part of Athens. See Aristophanes; Pax, 165.

SPEUSIPPUS.

Jupiter thunder! nonsense! Anaxagoras says, that thunder is only an explosion produced by ——

CALLIDEMUS.

He does! Would that it had fallen on his head for his pains!

SPEUSIPPUS.

Nay: talk rationally.

CALLIDEMUS.

Rationally! You audacious young sophist! I will talk rationally. Do you know that I am your father? What quibble can you make upon that?

SPEUSIPPUS.

Do I know that you are my father? Let us take the question to pieces, as Melesigenes would say. First, then, we must inquire what is knowledge? Secondly, what is a father? Now, knowledge, as Socrates said the other day to Theætetus*,——

CALLIDEMUS.

Socrates! what! the ragged flat-nosed old dotard, who walks about all day barefoot, and filches cloaks, and dissects gnats, and shoes† fleas with wax?

SPEUSIPPUS.

All fiction! All trumped up by Aristophanes!

CALLIDEMUS.

By Pallas, if he is in the habit of putting shoes on his fleas, he is kinder to them than to himself. But listen to me, boy; if you go on in this way, you will be ruined. There is an argument for you. Go to your Socrates and your Melesigenes, and tell them to refute that. Ruined! Do you hear?

SPEUSIPPUS.

Ruined!

CALLIDEMUS.

Ay, by Jupiter! Is such a show as you make to be supported on nothing? During all the last war, I made not an obol from my farm; the Peloponnesian locusts came almost

* See Plato's Theætetus. † See Aristophanes; Nubes, 150.

as regularly as the Pleiades;—corn burnt;—olives stripped;—fruit trees cut down;—wells stopped up;—and, just when peace came, and I hoped that all would turn out well, you must begin to spend as if you had all the mines of Thasus at command.

SPEUSIPPUS.

Now, by Neptune, who delights in horses ——

CALLIDEMUS.

If Neptune delights in horses, he does not resemble me. You must ride at the Panathenæa on a horse fit for the great king: four acres of my best vines went for that folly. You must retrench, or you will have nothing to eat. Does not Anaxagoras mention, among his other discoveries, that when a man has nothing to eat he dies?

SPEUSIPPUS.

You are deceived. My friends ——

CALLIDEMUS.

Oh, yes! your friends will notice you, doubtless, when you are squeezing through the crowd, on a winter's day, to warm yourself at the fire of the baths;—or when you are fighting with beggars and beggars' dogs for the scraps of a sacrifice;—or when you are glad to earn three wretched obols* by listening all day to lying speeches and crying children.

SPEUSIPPUS.

There are other means of support.

CALLIDEMUS.

What! I suppose you will wander from house to house, like that wretched buffoon Philippus†, and beg every body who has asked a supper-party to be so kind as to feed you and laugh at you; or you will turn sycophant; you will get a bunch of grapes, or a pair of shoes, now and then, by frightening some rich coward with a mock prosecution. Well! that is a task for which your studies under the sophists may have fitted you.

SPEUSIPPUS.

You are wide of the mark.

* The stipend of an Athenian juryman.

† Xenophon; Convivium.

CALLIDEMUS.

Then what, in the name of Juno, is your scheme? Do you intend to join Orestes*, and rob on the highway? Take care; beware of the eleven†; beware of the hemlock. It may be very pleasant to live at other people's expense; but not very pleasant, I should think, to hear the pestle give its last bang against the mortar, when the cold dose is ready. Pah! ——

SPEUSIPPUS.

Hemlock! Orestes! folly!—I aim at nobler objects. What say you to politics,—the general assembly?

CALLIDEMUS.

You an orator!—oh no! no! Cleon was worth twenty such fools as you. You have succeeded, I grant, to his impudence, for which, if there be justice in Tartarus, he is now soaking up to the eyes in his own tan-pickle. But the Paphlagonian had parts.

SPEUSIPPUS.

And you mean to imply ——

CALLIDEMUS.

Not I. You are a Pericles in embryo, doubtless. Well: and when are you to make your first speech? oh Pallas!

SPEUSIPPUS.

I thought of speaking, the other day, on the Sicilian expedition; but Nicias ‡ got up before me.

CALLIDEMUS.

Nicias, poor honest man, might just as well have sate still; his speaking did but little good. The loss of your oration is, doubtless, an irreparable public calamity.

SPEUSIPPUS.

Why, not so; I intend to introduce it at the next assembly; it will suit any subject.

CALLIDEMUS.

That is to say, it will suit none. But pray, if it be not too presumptuous a request, indulge me with a specimen.

* A celebrated highwayman of Attica. See Aristophanes; Aves, 711; and in several other passages.

† The police officers of Athens.

‡ See Thucydides, vi. 8.

SPEUSIPPUS.

Well; suppose the agora crowded;—an important subject under discussion;—an ambassador from Argos, or from the great king;—the tributes from the islands;—an impeachment;—in short, anything you please. The crier makes proclamation.—"Any citizen above fifty years old may speak—any citizen not disqualified may speak." Then I rise:—a great murmur of curiosity while I am mounting the stand.

CALLIDEMUS.

Of curiosity! yes, and of something else too. You will infallibly be dragged down by main force, like poor Glaucon* last year.

SPEUSIPPUS.

Never fear. I shall begin in this style:

"When I consider, Athenians, the importance of our city;—when I consider the extent of its power, the wisdom of its laws, the elegance of its decorations;—when I consider by what names and by what exploits its annals are adorned;—when I think on Harmodius and Aristogiton, on Themistocles and Miltiades, on Cimon and Pericles;—when I contemplate our pre-eminence in arts and letters;—when I observe so many flourishing states and islands compelled to own the dominion, and purchase the protection, of the City of the Violet Crown†—"

CALLIDEMUS.

I shall choke with rage. Oh, all ye gods and goddesses, what sacrilege, what perjury have I ever committed, that I should be singled out from among all the citizens of Athens to be the father of this fool?

SPEUSIPPUS.

What now? By Bacchus, old man, I would not advise you to give way to such fits of passion in the streets. If Aristophanes were to see you, you would infallibly be in a comedy next spring.

CALLIDEMUS.

You have more reason to fear Aristophanes than any fool living. Oh, that he could but hear you trying to imitate the slang of Straton‡ and the lisp of Alcibiades! § You would

* See Xenophon; Memorabilia, iii.
† A favourite epithet of Athens. See Aristophanes; Acharn. 637.
‡ See Aristophanes; Equites, 1375.
§ See Aristophanes; Vespæ, 44.

be an inexhaustible subject. You would console him for the loss of Cleon.

SPEUSIPPUS.

No, no. I may perhaps figure at the dramatic representations before long; but in a very different way.

CALLIDEMUS.

What do you mean?

SPEUSIPPUS.

What say you to a tragedy?

CALLIDEMUS.

A tragedy of yours?

SPEUSIPPUS.

Even so.

CALLIDEMUS.

Oh Hercules! Oh Bacchus! This is too much. Here is an universal genius; sophist,—orator,—poet. To what a three-headed monster have I given birth! a perfect Cerberus of intellect! And pray what may your piece be about? Or will your tragedy, like your speech, serve equally for any subject?

SPEUSIPPUS.

I thought of several plots;—Œdipus,—Eteocles and Polynices,—the war of Troy,—the murder of Agamemnon.

CALLIDEMUS.

And what have you chosen?

SPEUSIPPUS.

You know there is a law which permits any modern poet to retouch a play of Æschylus, and bring it forward as his own composition. And, as there is an absurd prejudice, among the vulgar, in favour of his extravagant pieces, I have selected one of them, and altered it.

CALLIDEMUS.

Which of them?

SPEUSIPPUS.

Oh! that mass of barbarous absurdities, the Prometheus. But I have framed it anew upon the model of Euripides. By Bacchus, I shall make Sophocles and Agathon look about them. You would not know the play again.

CALLIDEMUS.

By Jupiter, I believe not.

SPEUSIPPUS.

I have omitted the whole of the absurd dialogue between Vulcan and Strength, at the beginning.

CALLIDEMUS.

That may be, on the whole, an improvement. The play will then open with that grand soliloquy of Prometheus, when he is chained to the rock.

> "Oh! ye eternal heavens! Ye rushing winds!
> Ye fountains of great streams! Ye ocean waves,
> That in ten thousand sparkling dimples wreathe
> Your azure smiles! All-generating earth!
> All-seeing sun! On you, on you, I call." *

Well, I allow that will be striking; I did not think you capable of that idea. Why do you laugh?

SPEUSIPPUS.

Do you seriously suppose that one who has studied the plays of that great man, Euripides, would ever begin a tragedy in such a ranting style?

CALLIDEMUS.

What, does not your play open with the speech of Prometheus?

SPEUSIPPUS.

No doubt.

CALLIDEMUS.

Then what, in the name of Bacchus, do you make him say?

SPEUSIPPUS.

You shall hear; and, if it be not in the very style of Euripides, call me a fool.

CALLIDEMUS.

That is a liberty which I shall venture to take, whether it be or no. But go on.

* See Æschylus; Prometheus, 88.

SPEUSIPPUS.

Prometheus begins thus:

"Cœlus begat Saturn and Briareus
Cottus and Creius and Iapetus,
Gyges and Hyperion, Phœbe, Tethys,
Thea and Rhea and Mnemosyne.
Then Saturn wedded Rhea, and begat
Pluto and Neptune, Jupiter and Juno."

CALLIDEMUS.

Very beautiful, and very natural; and, as you say, very like Euripides.

SPEUSIPPUS.

You are sneering. Really, father, you do not understand these things. You had not those advantages in your youth—

CALLIDEMUS.

Which I have been fool enough to let you have. No; in my early days, lying had not been dignified into a science, nor politics degraded into a trade. I wrestled, and read Homer's battles, instead of dressing my hair, and reciting lectures in verse out of Euripides. But I have some notion of what a play should be; I have seen Phrynichus, and lived with Æschylus. I saw the representation of the Persians.

SPEUSIPPUS.

A wretched play; it may amuse the fools who row the triremes; but it is utterly unworthy to be read by any man of taste.

CALLIDEMUS.

If you had seen it acted;—the whole theatre frantic with joy, stamping, shouting, laughing, crying. There was Cynægeirus, the brother of Æschylus, who lost both his arms at Marathon, beating the stumps against his sides with rapture. When the crowd remarked him —— But where are you going?

SPEUSIPPUS.

To sup with Alcibiades; he sails with the expedition for Sicily in a few days; this is his farewell entertainment.

CALLIDEMUS.

So much the better; I should say, so much the worse. That cursed Sicilian expedition! And you were one of the young fools* who stood clapping and shouting while he was

* See Thucydides, vi. 13.

gulling the rabble, and who drowned poor Nicias's voice with your uproar. Look to it; a day of reckoning will come. As to Alcibiades himself——

SPEUSIPPUS.

What can you say against him? His enemies themselves acknowledge his merit.

CALLIDEMUS.

They acknowledge that he is clever, and handsome, and that he was crowned at the Olympic games. And what other merits do his friends claim for him? A precious assembly you will meet at his house, no doubt.

SPEUSIPPUS.

The first men in Athens, probably.

CALLIDEMUS.

Whom do you mean by the first men in Athens?

SPEUSIPPUS.

Callicles.*

CALLIDEMUS.

A sacrilegious, impious, unfeeling ruffian!

SPEUSIPPUS.

Hippomachus.

CALLIDEMUS.

A fool, who can talk of nothing but his travels through Persia and Egypt. Go, go. The gods forbid that I should detain you from such choice society. [*Exeunt severally.*

II.

SCENE—*A Hall in the House of* ALCIBIADES.

ALCIBIADES, SPEUSIPPUS, CALLICLES, HIPPOMACHUS, CHARICLEA, *and others, seated round a table, feasting.*

ALCIBIADES.

Bring larger cups. This shall be our gayest revel. It is probably the last—for some of us at least.

SPEUSIPPUS.

At all events, it will be long before you taste such wine again, Alcibiades.

* Callicles plays a conspicuous part in the Gorgias of Plato.

CALLICLES.

Nay, there is excellent wine in Sicily. When I was there with Eurymedon's squadron, I had many a long carouse. You never saw finer grapes than those of Ætna.

HIPPOMACHUS.

The Greeks do not understand the art of making wine. Your Persian is the man. So rich, so fragrant, so sparkling. I will tell you what the Satrap of Caria said to me about that when I supped with him.

ALCIBIADES.

Nay, sweet Hippomachus; not a word to-night about satraps, or the great king, or the walls of Babylon, or the Pyramids, or the mummies. Chariclea, why do you look so sad?

CHARICLEA.

Can I be cheerful when you are going to leave me, Alcibiades?

ALCIBIADES.

My life, my sweet soul, it is but for a short time. In a year we conquer Sicily. In another, we humble Carthage.* I will bring back such robes, such necklaces, elephants' teeth by thousands, ay, and the elephants themselves, if you wish to see them. Nay, smile, my Chariclea, or I shall talk nonsense to no purpose.

HIPPOMACHUS.

The largest elephant that I ever saw was in the grounds of Teribazus, near Susa. I wish that I had measured him.

ALCIBIADES.

I wish that he had trod upon you. Come, come, Chariclea, we shall soon return, and then ——

CHARICLEA.

Yes; then, indeed.

ALCIBIADES.

Yes, then—

Then for revels; then for dances,
Tender whispers, melting glances.
Peasants, pluck your richest fruits:
Minstrels, sound your sweetest flutes:

* See Thucydides, vi. 90.

Come in laughing crowds to greet us,
Dark-eyed daughters of Miletus;
Bring the myrtles, bring the dice,
Floods of Chian, hills of spice.

SPEUSIPPUS.

Whose lines are those, Alcibiades?

ALCIBIADES.

My own. Think you, because I do not shut myself up to meditate, and drink water, and eat herbs, that I cannot write verses? By Apollo, if I did not spend my days in politics, and my nights in revelry, I should have made Sophocles tremble. But now I never go beyond a little song like this, and never invoke any Muse but Chariclea. But come, Speusippus, sing. You are a professed poet. Let us have some of your verses.

SPEUSIPPUS.

My verses! How can you talk so? I a professed poet.

ALCIBIADES.

Oh, content you, sweet Speusippus. We all know your designs upon the tragic honours. Come, sing. A chorus of your new play.

SPEUSIPPUS.

Nay, nay——

HIPPOMACHUS.

When a guest who is asked to sing at a Persian banquet refuses——

SPEUSIPPUS.

In the name of Bacchus——

ALCIBIADES.

I am absolute. Sing.

SPEUSIPPUS.

Well, then, I will sing you a chorus, which, I think, is a tolerable imitation of Euripides.

CHARICLEA.

Of Euripides?—Not a word!

ALCIBIADES.

Why so, sweet Chariclea?

CHARICLEA.

Would you have me betray my sex? Would you have me forget his Phædras and Sthenobœas? No: if I ever suffer any lines of that woman-hater, or his imitators, to be sung in my presence, may I * sell herbs like his mother, and wear rags like his Telephus.†

ALCIBIADES.

Then, sweet Chariclea, since you have silenced Speusippus, you shall sing yourself.

CHARICLEA.

What shall I sing?

ALCIBIADES.

Nay, choose for yourself.

CHARICLEA.

Then I will sing an old Ionian hymn, which is chanted every spring at the feast of Venus, near Miletus. I used to sing it in my own country when I was a child; and—Ah, Alcibiades!

ALCIBIADES.

Dear Chariclea, you shall sing something else. This distresses you.

CHARICLEA.

No: hand me the lyre:—no matter. You will hear the song to disadvantage. But if it were sung as I have heard it sung;—if this were a beautiful morning in spring, and if we were standing on a woody promontory, with the sea, and the white sails, and the blue Cyclades beneath us,—and the portico of a temple peeping through the trees on a huge peak above our heads,—and thousands of people, with myrtles in their hands, thronging up the winding path, their gay dresses and garlands disappearing and emerging by turns as they passed round the angles of the rock,—then perhaps—

ALCIBIADES.

Now, by Venus herself, sweet lady, where you are we shall lack neither sun, nor flowers, nor spring, nor temple, nor goddess.

* The mother of Euripides was a herb-woman. This was a favourite topic of Aristophanes.

† The hero of one of the lost plays of Euripides, who appears to have been brought upon the stage in the garb of a beggar. See Aristophanes; Acharn. 420; and in other places.

CHARICLEA. (*Sings.*)

Let this sunny hour be given,
  Venus, unto love and mirth:
Smiles like thine are in the heaven;
  Bloom like thine is on the earth;
And the tinkling of the fountains,
  And the murmurs of the sea,
And the echoes from the mountains,
  Speak of youth, and hope, and thee.

By whate'er of soft expression
  Thou hast taught to lovers' eyes,
Faint denial, slow confession,
  Glowing cheeks and stifled sighs;
By the pleasure and the pain,
  By the follies and the wiles,
Pouting fondness, sweet disdain,
  Happy tears and mournful smiles;

Come with music floating o'er thee;
  Come with violets springing round:
Let the Graces dance before thee,
  All their golden zones unbound;
Now in sport their faces hiding,
  Now, with slender fingers fair,
From their laughing eyes dividing
  The long curls of rose-crowned hair.

ALCIBIADES.

Sweetly sung; but mournfully, Chariclea; for which I would chide you, but that I am sad myself. More wine there. I wish to all the gods that I had fairly sailed from Athens.

CHARICLEA.

And from me, Alcibiades?

ALCIBIADES.

Yes, from you, dear lady. The days which immediately precede separation are the most melancholy of our lives.

CHARICLEA.

Except those which immediately follow it.

ALCIBIADES.

No; when I cease to see you, other objects may compel my attention; but can I be near you without thinking how lovely you are, and how soon I must leave you?

HIPPOMACHUS.

Ay; travelling soon puts such thoughts out of men's heads.

CALLICLES.

A battle is the best remedy for them.

CHARICLEA.

A battle, I should think, might supply their place with others as unpleasant.

CALLICLES.

No. The preparations are rather disagreeable to a novice. But as soon as the fighting begins, by Jupiter, it is a noble time; — men trampling,—shields clashing,—spears breaking,—and the pœan roaring louder than all.

CHARICLEA.

But what if you are killed?

CALLICLES.

What indeed? You must ask Speusippus that question. He is a philosopher.

ALCIBIADES.

Yes, and the greatest of philosophers, if he can answer it.

SPEUSIPPUS.

Pythagoras is of opinion ——

HIPPOMACHUS.

Pythagoras stole that and all his other opinions from Asia and Egypt. The transmigration of the soul and the vegetable diet are derived from India. I met a Brachman in Sogdiana ——

CALLICLES.

All nonsense!

CHARICLEA.

What think you, Alcibiades?

ALCIBIADES.

I think that, if the doctrine be true, your spirit will be transfused into one of the doves who carry * ambrosia to the gods or verses to the mistresses of poets. Do you remember Anacreon's lines? How should you like such an office?

* Homer's Odyssey, xii. 63.

CHARICLEA.

If I were to be your dove, Alcibiades, and you would treat me as Anacreon treated his, and let me nestle in your breast and drink from your cup, I would submit even to carry your love-letters to other ladies.

CALLICLES.

What, in the name of Jupiter, is the use of all these speculations about death? Socrates once * lectured me upon it the best part of a day. I have hated the sight of him ever since. Such things may suit an old sophist when he is fasting; but in the midst of wine and music ——

HIPPOMACHUS.

I differ from you. The enlightened Egyptians bring skeletons into their banquets, in order to remind their guests to make the most of their life while they have it.

CALLICLES.

I want neither skeleton nor sophist to teach me that lesson. More wine, I pray you, and less wisdom. If you must believe something which you never can know, why not be contented with the long stories about the other world which are told us when we are initiated at the † Eleusinian mysteries.

CHARICLEA.

And what are those stories?

ALCIBIADES.

Are not you initiated, Chariclea?

CHARICLEA.

No; my mother was a Lydian, a barbarian; and therefore ——

ALCIBIADES.

I understand. Now the curse of Venus on the fools who made so hateful a law. Speusippus, does not your friend Euripides ‡ say ——

"The land where thou art prosperous is thy country?"

* See the close of Plato's Gorgias.

† The scene which follows is founded upon history. Thucydides tells us, in his sixth book, that about this time Alcibiades was suspected of having assisted at a mock celebration of these famous mysteries. It was the opinion of the vulgar among the Athenians that extraordinary privileges were granted in the other world to all who had been initiated.

‡ The right of Euripides to this line is somewhat disputable. See Aristophanes; Plutus, 1152.

Surely we ought to say to every lady,

"The land where thou art pretty is thy country."

Besides, to exclude foreign beauties from the chorus of the initiated in the Elysian fields is less cruel to them than to ourselves. Chariclea, you shall be initiated.

CHARICLEA.

When?

ALCIBIADES.

Now.

CHARICLEA.

Where?

ALCIBIADES.

Here.

CHARICLEA.

Delightful!

SPEUSIPPUS.

But there must be an interval of a year between the purification and the initiation.

ALCIBIADES.

We will suppose all that.

SPEUSIPPUS.

And nine days of rigid mortification of the senses.

ALCIBIADES.

We will suppose that too. I am sure it was supposed, with as little reason, when I was initiated.

SPEUSIPPUS.

But you are sworn to secrecy.

ALCIBIADES.

You a sophist, and talk of oaths! You a pupil of Euripides, and forget his maxims!

"My lips have sworn it; but my mind is free."*

SPEUSIPPUS.

But Alcibiades ——

ALCIBIADES.

What! Are you afraid of Ceres and Proserpine?

* See Euripides; Hippolytus, 608. Euripides is bitterly attacked by the comic poet. For the jesuitical morality of this line

SPEUSIPPUS.

No—but—but—I—that is I—but it is best to be safe—I mean—Suppose there should be something in it.

ALCIBIADES.

Now, by Mercury, I shall die with laughing. Oh Speusippus, Speusippus! Go back to your old father. Dig vineyards, and judge causes, and be a respectable citizen. But never, while you live, again dream of being a philosopher.

SPEUSIPPUS.

Nay, I was only ——

ALCIBIADES.

A pupil of Gorgias and Melesigenes afraid of Tartarus! In what region of the infernal world do you expect your domicile to be fixed? Shall you roll a stone like Sisyphus? Hard exercise, Speusippus!

SPEUSIPPUS.

In the name of all the gods ——

ALCIBIADES.

Or shall you sit starved and thirsty in the midst of fruit and wine like Tantalus? Poor fellow! I think I see your face as you are springing up to the branches and missing your aim. Oh Bacchus! Oh Mercury!

SPEUSIPPUS.

Alcibiades!

ALCIBIADES.

Or perhaps you will be food for a vulture, like the huge fellow who was rude to Latona.

SPEUSIPPUS.

Alcibiades!

ALCIBIADES.

Never fear. Minos will not be so cruel. Your eloquence will triumph over all accusations. The furies will skulk away like disappointed sycophants. Only address the judges of hell in the speech which you were prevented from speaking last assembly. "When I consider"—is not that the beginning of it? Come, man, do not be angry. Why do you pace up and down with such long steps? You are not in Tartarus yet. You seem to think that you are already stalking like poor Achilles,

"With stride
"Majestic through the plain of Asphodel." *

SPEUSIPPUS.

How can you talk so, when you know that I believe all that foolery as little as you do?

ALCIBIADES.

Then march. You shall be the crier.† Callicles, you shall carry the torch. Why do you stare?

CALLICLES.

I do not much like the frolic.

ALCIBIADES.

Nay, surely you are not taken with a fit of piety. If all be true that is told of you, you have as little reason to think the gods vindictive as any man breathing. If you be not belied, a certain golden goblet which I have seen at your house was once in the temple of Juno at Corcyra. And men say that there was a priestess at Tarentum ——

CALLICLES.

A fig for the gods! I was thinking about the Archons. You will have an accusation laid against you to-morrow. It is not very pleasant to be tried before the king.‡

ALCIBIADES.

Never fear: there is not a sycophant in Attica who would dare to breath a word against me, for the golden § plane-tree of the great king.

HIPPOMACHUS.

That plane-tree ——

ALCIBIADES.

Never mind the plane tree. Come, Callicles, you were not so timid when you plundered the merchantman off Cape Malea. Take up the torch and move. Hippomachus, tell one of the slaves to bring a sow.‖

* See Homer's Odyssey, xi. 538.

† The crier and torch-bearer were important functionaries at the celebration of the Eleusinian mysteries.

‡ The name of king was given in the Athenian democracy to the magistrate who exercised those spiritual functions which in the monarchical times had belonged to the sovereign. His court took cognizance of offences against the religion of the state.

§ See Herodotus, viii. 28.

‖ A sow was sacrificed to Ceres at the admission to the greater mysteries.

CALLICLES.

And what part are you to play?

ALCIBIADES.

I shall be hierophant. Herald, to your office. Torchbearer, advance with the lights. Come forward, fair novice. We will celebrate the rite within. *(Exeunt.)*

CRITICISMS ON THE PRINCIPAL ITALIAN WRITERS.

No. I. DANTE. (JANUARY 1824.)

"Fairest of stars, last in the train of night,
If better thou belong not to the dawn,
Sure pledge of day, that crown'st the smiling morn
With thy bright circlet." MILTON.

IN a review of Italian literature, Dante has a double claim to precedency. He was the earliest and the greatest writer of his country. He was the first man who fully descried and exhibited the powers of his native dialect. The Latin tongue, which, under the most favourable circumstances, and in the hands of the greatest masters, had still been poor, feeble, and singularly unpoetical, and which had, in the age of Dante, been debased by the admixture of innumerable barbarous words and idioms, was still cultivated with superstitious veneration, and received, in the last stage of corruption, more honours than it had deserved in the period of its life and vigour. It was the language of the cabinet, of the university, of the church. It was employed by all who aspired to distinction in the higher walks of poetry. In compassion to the ignorance of his mistress, a cavalier might now and then proclaim his passion in Tuscan or Provençal rhymes. The vulgar might occasionally be edified by a pious allegory in the popular jargon. But no writer had conceived it possible that the dialect of peasants and market-women should possess sufficient energy and precision for a majestic and durable work. Dante adventured first. He detected the rich treasures of thought and diction which still lay latent in their ore. He refined them into purity. He burnished them into splendour. He fitted them for every purpose of use and magnificence. And he has thus acquired the glory, not only of producing the finest narrative poem of modern times, but also of creating a language, distinguished by un-

rivalled melody, and peculiarly capable of furnishing to lofty and passionate thoughts their appropriate garb of severe and concise expression.

To many this may appear a singular panegyric on the Italian tongue. Indeed the great majority of the young gentlemen and young ladies, who, when they are asked whether they read Italian, answer "yes," never go beyond the stories at the end of their grammar,—The Pastor Fido, —or an act of Artaserse. They could as soon read a Babylonian brick as a canto of Dante. Hence it is a general opinion, among those who know little or nothing of the subject, that this admirable language is adapted only to the effeminate cant of sonnetteers, musicians, and connoisseurs.

The fact is that Dante and Petrarch have been the Oromasdes and Arimanes of Italian literature. I wish not to detract from the merits of Petrarch. No one can doubt that his poems exhibit, amidst some imbecility and more affectation, much elegance, ingenuity, and tenderness. They present us with a mixture which can only be compared to the whimsical concert described by the humorous poet of Modena:

"S' udian gli usignuoli, al primo albore,
E gli asini cantar versi d' amore."*

I am not, however, at present speaking of the intrinsic excellencies of his writings, which I shall take another opportunity to examine, but of the effect which they produced on the literature of Italy. The florid and luxurious charms of his style enticed the poets and the public from the contemplation of nobler and sterner models. In truth, though a rude state of society is that in which great original works are most frequently produced, it is also that in which they are worst appreciated. This may appear paradoxical; but it is proved by experience, and is consistent with reason. To be without any received canons of taste is good for the few who can create, but bad for the many who can only imitate and judge. Great and active minds cannot remain at rest. In a cultivated age they are too often contented to move on in the beaten path. But where no path exists they will make one. Thus the Iliad, the Odyssey, the Divine Comedy, appeared in dark and half barbarous times: and thus of the few original works which have been produced in more polished ages we owe a large proportion to men in low

* Tassoni; Secchia Rapita, canto i. stanza 6.

stations and of uninformed minds. I will instance, in our own language, the Pilgrim's Progress and Robinson Crusoe. Of all the prose works of fiction which we possess, these are, I will not say the best, but the most peculiar, the most unprecedented, the most inimitable. Had Bunyan and Defoe been educated gentlemen, they would probably have published translations and imitations of French romances "by a person of quality." I am not sure that we should have had Lear if Shakspeare had been able to read Sophocles.

But these circumstances, while they foster genius, are unfavourable to the science of criticism. Men judge by comparison. They are unable to estimate the grandeur of an object when there is no standard by which they can measure it. One of the French philosophers (I beg Gerard's pardon), who accompanied Napoleon to Egypt, tells us that, when he first visited the great Pyramid, he was surprised to see it so diminutive. It stood alone in a boundless plain. There was nothing near it from which he could calculate its magnitude. But when the camp was pitched beside it, and the tents appeared like diminutive specks around its base, he then perceived the immensity of this mightiest work of man. In the same manner, it is not till a crowd of petty writers has sprung up that the merit of the great master-spirits of literature is understood.

We have indeed ample proof that Dante was highly admired in his own and the following age. I wish that we had equal proof that he was admired for his excellencies. But it is a remarkable corroboration of what has been said, that this great man seems to have been utterly unable to appreciate himself. In his treatise *De Vulgari Eloquentia* he talks with satisfaction of what he has done for Italian literature, of the purity and correctness of his style. "*Cependant,*" says a favourite* writer of mine, "*il n'est ni pur, ni correct, mais il est créateur.*" Considering the difficulties with which Dante had to struggle, we may perhaps be more inclined than the French critic to allow him this praise. Still it is by no means his highest or most peculiar title to applause. It is scarcely necessary to say that those qualities which escaped the notice of the poet himself were not likely to attract the attention of the commentators. The fact is, that, while the public homage was paid to some absurdities with which his works may be justly charged, and to many more which were falsely imputed to them,—while lecturers were paid to expound and

* Sismondi; Littérature du Midi de l'Europe.

eulogise his physics, his metaphysics, his theology, all bad of their kind,—while annotators laboured to detect allegorical meanings of which the author never dreamed, the great powers of his imagination, and the incomparable force of his style, were neither admired nor imitated. Arimanes had prevailed. The Divine Comedy was to that age what St. Paul's Cathedral was to Omai. The poor Otaheitean stared listlessly for a moment at the huge cupola, and ran into a toyshop to play with beads. Italy, too, was charmed with literary trinkets, and played with them for four centuries.

From the time of Petrarch to the appearance of Alfieri's tragedies, we may trace in almost every page of Italian literature the influence of those celebrated sonnets which, from the nature both of their beauties and their faults, were peculiarly unfit to be models for general imitation. Almost all the poets of that period, however different in the degree and quality of their talents, are characterised by great exaggeration, and, as a necessary consequence, great coldness of sentiment; by a passion for frivolous and tawdry ornament; and, above all, by an extreme feebleness and diffuseness of style. Tasso, Marino, Guarini, Metastasio, and a crowd of writers of inferior merit and celebrity, were spell-bound in the enchanted gardens of a gaudy and meretricious Alcina, who concealed debility and deformity beneath the deceitful semblance of loveliness and health. Ariosto, the great Ariosto himself, like his own Ruggiero, stooped for a time to linger amidst the magic flowers and fountains, and to caress the gay and painted sorceress. But to him, as to his own Ruggiero, had been given the omnipotent ring and the winged courser, which bore him from the paradise of deception to the regions of light and nature.

The evil of which I speak was not confined to the graver poets. It infected satire, comedy, burlesque. No person can admire more than I do the great masterpieces of wit and humour which Italy has produced. Still I cannot but discern and lament a great deficiency, which is common to them all. I find in them abundance of ingenuity, of droll naïveté, of profound and just reflection, of happy expression. Manners, characters, opinions, are treated with "a most learned spirit of human dealing." But something is still wanting. We read, and we admire, and we yawn. We look in vain for the bacchanalian fury which inspired the comedy of Athens, for the fierce and withering scorn which animates the invectives of Juvenal and Dryden, or even for the compact and pointed diction

which adds zest to the verses of Pope and Boileau. There is no enthusiasm, no energy, no condensation, nothing which springs from strong feeling, nothing which tends to excite it. Many fine thoughts and fine expressions reward the toil of reading. Still it is a toil. The Secchia Rapita, in some points the best poem of its kind, is painfully diffuse and languid. The Animali Parlanti of Casti is perfectly intolerable. I admire the dexterity of the plot, and the liberality of the opinions. I admit that it is impossible to turn to a page which does not contain something that deserves to be remembered; but it is at least six times as long as it ought to be. And the garrulous feebleness of the style is a still greater fault than the length of the work.

It may be thought that I have gone too far in attributing these evils to the influence of the works and the fame of Petrarch. It cannot, however, be doubted that they have arisen, in a great measure, from a neglect of the style of Dante. This is not more proved by the decline of Italian poetry than by its resuscitation. After the lapse of four hundred and fifty years, there appeared a man capable of appreciating and imitating the father of Tuscan literature—Vittorio Alfieri. Like the prince in the nursery tale, he sought and found the Sleeping Beauty within the recesses which had so long concealed her from mankind. The portal was indeed rusted by time;—the dust of ages had accumulated on the hangings;—the furniture was of antique fashion;—and the gorgeous colour of the embroidery had faded. But the living charms which were well worth all the rest remained in the bloom of eternal youth, and well rewarded the bold adventurer who roused them from their long slumber. In every line of the Philip and the Saul, the greatest poems, I think, of the eighteenth century, we may trace the influence of that mighty genius which has immortalised the ill-starred love of Francesca, and the paternal agonies of Ugolino. Alfieri bequeathed the sovereignty of Italian literature to the author of the Aristodemus—a man of genius scarcely inferior to his own, and a still more devoted disciple of the great Florentine. It must be acknowledged that this eminent writer has sometimes pushed too far his idolatry of Dante. To borrow a sprightly illustration from Sir John Denham, he has not only imitated his garb, but borrowed his clothes. He often quotes his phrases; and he has, not very judiciously, as it appears to me, imitated his versification. Nevertheless, he has displayed many of the higher excellencies of his master; and

his works may justly inspire us with a hope that the Italian language will long flourish under a new literary dynasty, or rather under the legitimate line, which has at length been restored to a throne long occupied by specious usurpers.

The man to whom the literature of his country owes its origin and its revival was born in times singularly adapted to call forth his extraordinary powers. Religious zeal, chivalrous love and honour, democratic liberty, are the three most powerful principles that have ever influenced the character of large masses of men. Each of them singly has often excited the greatest enthusiasm, and produced the most important changes. In the time of Dante all the three, often in amalgamation, generally in conflict, agitated the public mind. The preceding generation had witnessed the wrongs and the revenge of the brave, the accomplished, the unfortunate Emperor Frederic the Second,—a poet in an age of schoolmen,—a philosopher in an age of monks,—a statesman in an age of crusaders. During the whole life of the poet, Italy was experiencing the consequences of the memorable struggle which he had maintained against the Church. The finest works of imagination have always been produced in times of political convulsion, as the richest vineyards and the sweetest flowers always grow on the soil which has been fertilised by the fiery deluge of a volcano. To look no further than the literary history of our own country, can we doubt that Shakspeare was in a great measure produced by the Reformation, and Wordsworth by the French Revolution? Poets often avoid political transactions; they often affect to despise them. But, whether they perceive it or not, they must be influenced by them. As long as their minds have any point of contact with those of their fellow-men, the electric impulse, at whatever distance it may originate, will be circuitously communicated to them.

This will be the case even in large societies, where the division of labour enables many speculative men to observe the face of nature, or to analyse their own minds, at a distance from the seat of political transactions. In the little republic of which Dante was a member the state of things was very different. These small communities are most unmercifully abused by most of our modern professors of the science of government. In such states, they tell us, factions are always most violent: where both parties are cooped up within a narrow space, political difference necessarily produces personal malignity. Every man must be a soldier:

every moment may produce a war. No citizen can lie down secure that he shall not be roused by the alarum-bell, to repel or avenge an injury. In such petty quarrels Greece squandered the blood which might have purchased for her the permanent empire of the world, and Italy wasted the energy and the abilities which would have enabled her to defend her independence against the Pontiffs and the Cæsars.

All this is true: yet there is still a compensation. Mankind has not derived so much benefit from the empire of Rome as from the city of Athens, nor from the kingdom of France as from the city of Florence. The violence of party feeling may be an evil; but it calls forth that activity of mind which in some states of society it is desirable to produce at any expense. Universal soldiership may be an evil; but where every man is a soldier there will be no standing army. And is it no evil that one man in every fifty should be bred to the trade of slaughter; should live only by destroying and by exposing himself to be destroyed; should fight without enthusiasm and conquer without glory; be sent to a hospital when wounded, and rot on a dunghill when old? Such, over more than two-thirds of Europe, is the fate of soldiers. It was something that the citizen of Milan or Florence fought, not merely in the vague and rhetorical sense in which the words are often used, but in sober truth, for his parents, his children, his lands, his house, his altars. It was something that he marched forth to battle beneath the Carroccio, which had been the object of his childish veneration; that his aged father looked down from the battlements on his exploits; that his friends and his rivals were the witnesses of his glory. If he fell, he was consigned to no venal or heedless guardians. The same day saw him conveyed within the walls which he had defended. His wounds were dressed by his mother; his confession was whispered to the friendly priest who had heard and absolved the follies of his youth; his last sigh was breathed upon the lips of the lady of his love. Surely there is no sword like that which is beaten out of a ploughshare. Surely this state of things was not unmixedly bad: its evils were alleviated by enthusiasm and by tenderness; and it will at least be acknowledged that it was well fitted to nurse poetical genius in an imaginative and observant mind.

Nor did the religious spirit of the age tend less to this result than its political circumstances. Fanaticism is an evil, but it is not the greatest of evils. It is good that a people

should be roused by any means from a state of utter torpor; —that their minds should be diverted from objects merely sensual, to meditations, however erroneous, on the mysteries of the moral and intellectual world; and from interests which are immediately selfish to those which relate to the past, the future, and the remote. These effects have sometimes been produced by the worst superstitions that ever existed; but the Catholic religion, even in the time of its utmost extravagance and atrocity, never wholly lost the spirit of the Great Teacher, whose precepts form the noblest code, as his conduct furnished the purest example, of moral excellence. It is of all religions the most poetical. The ancient superstitions furnished the fancy with beautiful images, but took no hold on the heart. The doctrines of the Reformed Churches have most powerfully influenced the feelings and the conduct of men, but have not presented them with visions of sensible beauty and grandeur. The Roman Catholic Church has united to the awful doctrines of the one what Mr. Coleridge calls the "fair humanities" of the other. It has enriched sculpture and painting with the loveliest and most majestic forms. To the Phidian Jupiter it can oppose the Moses of Michael Angelo; and to the voluptuous beauty of the Queen of Cyprus, the serene and pensive loveliness of the Virgin Mother. The legends of its martyrs and its saints may vie in ingenuity and interest with the mythological fables of Greece; its ceremonies and processions were the delight of the vulgar; the huge fabric of secular power with which it was connected attracted the admiration of the statesman. At the same time, it never lost sight of the most solemn and tremendous doctrines of Christianity,—the incarnate God,—the judgment,—the retribution,—the eternity of happiness or torment. Thus, while, like the ancient religions, it received incalculable support from policy and ceremony, it never wholly became, like those religions, a merely political and ceremonial institution.

The beginning of the thirteenth century was, as Machiavelli has remarked, the era of a great revival of this extraordinary system. The policy of Innocent,—the growth of the inquisition and the mendicant orders,—the wars against the Albigenses, the Pagans of the East, and the unfortunate princes of the house of Swabia, agitated Italy during the two following generations. In this point Dante was completely under the influence of his age. He was a man of a turbid

and melancholy spirit. In early youth he had entertained a strong and unfortunate passion, which, long after the death of her whom he loved, continued to haunt him. Dissipation, ambition, misfortunes had not effaced it. He was not only a sincere, but a passionate, believer. The crimes and abuses of the Church of Rome were indeed loathsome to him; but to all its doctrines and all its rites he adhered with enthusiastic fondness and veneration; and, at length, driven from his native country, reduced to a situation the most painful to a man of his disposition, condemned to learn by experience that no * food is so bitter as the bread of dependence, and no ascent so painful as the staircase of a patron,—his wounded spirit took refuge in visionary devotion. Beatrice, the unforgotten object of his early tenderness, was invested by his imagination with glorious and mysterious attributes; she was enthroned among the highest of the celestial hierarchy: Almighty Wisdom had assigned to her the care of the sinful and unhappy wanderer who had loved her with such a perfect love.† By a confusion, like that which often takes place in dreams, he has sometimes lost sight of her human nature, and even of her personal existence, and seems to consider her as one of the attributes of the Deity.

But those religious hopes which had released the mind of the sublime enthusiast from the terrors of death had not rendered his speculations on human life more cheerful. This is an inconsistency which may often be observed in men of a similar temperament. He hoped for happiness beyond the grave: but he felt none on earth. It is from this cause, more than from any other, that his description of Heaven is so far inferior to the Hell or the Purgatory. With the passions and miseries of the suffering spirits he feels a strong sympathy. But among the beatified he appears as one who has nothing in common with them,—as one who is incapable of comprehending, not only the degree, but the nature of their enjoyment. We think that we see him standing amidst those smiling and radiant spirits with that scowl of unutterable misery on his brow, and that curl of bitter disdain on his lips, which all his portraits have preserved, and which might furnish Chantrey with hints for the head of his projected Satan.

* "Tu proverai si come sa di sale
Lo pane altrui, e come è duro calle
Lo scendere e 'l salir per l' altrui scale."
Paradiso, canto **xvii.**

† "L' amico mio, e non della ventura."—*Inferno*, canto ii.

There is no poet whose intellectual and moral character are so closely connected. The great source, as it appears to me, of the power of the Divine Comedy is the strong belief with which the story seems to be told. In this respect, the only books which approach to its excellence are Gulliver's Travels and Robinson Crusoe. The solemnity of his asseverations, the consistency and minuteness of his details, the earnestness with which he labours to make the reader understand the exact shape and size of everything that he describes, give an air of reality to his wildest fictions. I should only weaken this statement by quoting instances of a feeling which pervades the whole work, and to which it owes much of its fascination. This is the real justification of the many passages in his poem which bad critics have condemned as grotesque. I am concerned to see that Mr. Cary, to whom Dante owes more than ever poet owed to translator, has sanctioned an accusation utterly unworthy of his abilities. "His solicitude," says that gentleman, "to define all his images in such a manner as to bring them within the circle of our vision, and to subject them to the power of the pencil, renders him little better than grotesque, where Milton has since taught us to expect sublimity." It is true that Dante has never shrunk from embodying his conceptions in determinate words, that he has even given measures and numbers, where Milton would have left his images to float undefined in a gorgeous haze of language. Both were right. Milton did not profess to have been in heaven or hell. He might therefore reasonably confine himself to magnificent generalities. Far different was the office of the lonely traveller, who had wandered through the nations of the dead. Had he described the abode of the rejected spirits in language resembling the splendid lines of the English poet,—had he told us of—

> "An universe of death, which God by curse
> Created evil, for evil only good,
> Where all life dies, death lives, and Nature breeds
> Perverse all monstrous, all prodigious things,
> Abominable, unutterable, and worse
> Than fables yet have feigned, or fear conceived,
> Gorgons, and hydras, and chimæras dire,"—

this would doubtless have been noble writing. But where would have been that strong impression of reality, which, in accordance with his plan, it should have been his great object to produce? It was absolutely necessary for him to delineate accurately "all monstrous, all prodigious things,"—to utter

what might to others appear "unutterable,"—to relate with the air of truth what fables had never feigned,—to embody what fear had never conceived. And I will frankly confess that the vague sublimity of Milton affects me less than these reviled details of Dante. We read Milton; and we know that we are reading a great poet. When we read Dante, the poet vanishes. We are listening to the man who has returned from "the valley of the dolorous abyss;"*—we seem to see the dilated eye of horror, to hear the shuddering accents with which he tells his fearful tale. Considered in this light, the narratives are exactly what they should be,—definite in themselves, but suggesting to the mind ideas of awful and indefinite wonder. They are made up of the images of the earth: —they are told in the language of the earth.—Yet the whole effect is, beyond expression, wild and unearthly. The fact is, that supernatural beings, as long as they are considered merely with reference to their own nature, excite our feelings very feebly. It is when the great gulf which separates them from us is passed, when we suspect some strange and undefinable relation between the laws of the visible and the invisible world, that they rouse, perhaps, the strongest emotions of which our nature is capable. How many children, and how many men, are afraid of ghosts, who are not afraid of God! And this, because, though they entertain a much stronger conviction of the existence of a Deity than of the reality of apparitions, they have no apprehension that he will manifest himself to them in any sensible manner. While this is the case, to describe super-human beings in the language, and to attribute to them the actions, of humanity may be grotesque, unphilosophical, inconsistent; but it will be the only mode of working upon the feelings of men, and, therefore, the only mode suited for poetry. Shakspeare understood this well, as he understood every thing that belonged to his art. Who does not sympathise with the rapture of Ariel, flying after sunset on the wings of the bat, or sucking in the cups of flowers with the bee? Who does not shudder at the caldron of Macbeth? Where is the philosopher who is not moved when he thinks of the strange connection between the infernal spirits and "the sow's blood that hath eaten her nine farrow?" But this difficult task of representing supernatural beings to our minds, in a manner which shall be neither unintelligible to our intellects nor wholly inconsistent with our ideas of their nature, has never been so well performed as by Dante. I will

* "La valle d' abisso doloroso."—*Inferno*, canto iv.

refer to three instances, which are, perhaps, the most striking—the description of the transformations of the serpents and the robbers, in the twenty-fifth canto of the Inferno,—the passage concerning Nimrod, in the thirty-first canto of the same part,—and the magnificent procession in the twenty-ninth canto of the Purgatorio.

The metaphors and comparisons of Dante harmonize admirably with that air of strong reality of which I have spoken. They have a very peculiar character. He is perhaps the only poet whose writings would become much less intelligible if all illustrations of this sort were expunged. His similes are frequently rather those of a traveller than of a poet. He employs them not to display his ingenuity by fanciful analogies,—not to delight the reader by affording him a distant and passing glimpse of beautiful images remote from the path in which he is proceeding,—but to give an exact idea of the objects which he is describing, by comparing them with others generally known. The boiling pitch in Malebolge was like that in the Venetian arsenal:—the mound on which he travelled along the banks of Phlegethon was like that between Ghent and Bruges, but not so large:—the cavities where the Simoniacal prelates are confined resemble the fonts in the Church of John at Florence. Every reader of Dante will recall many other illustrations of this description, which add to the appearance of sincerity and earnestness from which the narrative derives so much of its interest.

Many of his comparisons, again, are intended to give an exact idea of his feelings under particular circumstances. The delicate shades of grief, of fear, of anger, are rarely discriminated with sufficient accuracy in the language of the most refined nations. A rude dialect never abounds in nice distinctions of this kind. Dante therefore employs the most accurate and infinitely the most poetical mode of marking the precise state of his mind. Every person who has experienced the bewildering effect of sudden bad tidings,—the stupefaction,—the vague doubt of the truth of our own perceptions which they produce,—will understand the following simile:—"I was as he is who dreameth his own harm,—who, dreaming, wishes that it may be all a dream, so that he desires that which is as though it were not." This is only one out of a hundred equally striking and expressive similitudes. The comparisons of Homer and Milton are magnificent digressions. It scarcely injures their effect to detach them from the work. Those of Dante are very different. They derive their beauty

from the context, and reflect beauty upon it. His embroidery cannot be taken out without spoiling the whole web. I cannot dismiss this part of the subject without advising every person who can muster sufficient Italian to read the simile of the sheep, in the third canto of the Purgatorio. I think it the most perfect passage of the kind in the world, the most imaginative, the most picturesque, and the most sweetly expressed.

No person can have attended to the Divine Comedy without observing how little impression the forms of the external world appear to have made on the mind of Dante. His temper and his situation had led him to fix his observation almost exclusively on human nature. The exquisite opening of the eighth* canto of the Purgatorio affords a strong instance of this. He leaves to others the earth, the ocean, and the sky. His business is with man. To other writers, evening may be the season of dews and stars and radiant clouds. To Dante it is the hour of fond recollection and passionate devotion,—the hour which melts the heart of the mariner and kindles the love of the pilgrim,—the hour when the toll of the bell seems to mourn for another day which is gone and will return no more.

The feeling of the present age has taken a direction diametrically opposite. The magnificence of the physical world, and its influence upon the human mind, have been the favourite themes of our most eminent poets. The herd of blue-stocking ladies and sonneteering gentlemen seem to consider a strong sensibility to the "splendour of the grass, the glory of the flower," as an ingredient absolutely indispensable in the formation of a poetical mind. They treat with contempt all writers who are unfortunately

"nec ponere lucum
Artifices, nec rus saturum laudare."

The orthodox poetical creed is more Catholic. The noblest earthly object of the contemplation of man is man himself.

* I cannot help observing that Gray's imitation of that noble line,

"Che paia 'l giorno pianger che si muore,"

is one of the most striking instances of injudicious plagiarism with which I am acquainted. Dante did not put this strong personification at the beginning of his description. The imagination of the reader is so well prepared for it by the previous lines, that it appears perfectly natural and pathetic. Placed as Gray has placed it, neither preceded nor followed by any thing that harmonises with it, it becomes a frigid conceit. Woe to the unskilful rider who ventures on the horses of Achilles.

οἱ δ' ἀλεγεινοὶ
ἀνδράσι γε θνητοῖσι δαμήμεναι ἠδ' ὀχέεσθαι,
ἄλλῳ γ' ἢ Ἀχιλῆϊ τὸν ἀθανάτη τέκε μήτηρ.

The universe, and all its fair and glorious forms, are indeed included in the wide empire of the imagination; but she has placed her home and her sanctuary amidst the inexhaustible varieties and the impenetrable mysteries of the mind.

"In tutte parti impera, e quivi reggo;
Quivi è la sua cittade, e l' alto seggio."*

Othello is perhaps the greatest work in the world. From what does it derive its power? From the clouds? From the ocean? From the mountains? Or from love strong as death, and jealousy cruel as the grave? What is it that we go forth to see in Hamlet? Is it a reed shaken with the wind? A small celandine? A bed of daffodils? Or is it to contemplate a mighty and wayward mind laid bare before us to the inmost recesses? It may perhaps be doubted whether the lakes and the hills are better fitted for the education of a poet than the dusky streets of a huge capital. Indeed who is not tired to death with pure description of scenery? Is it not the fact, that external objects never strongly excite our feelings but when they are contemplated in reference to man, as illustrating his destiny, or as influencing his character? The most beautiful object in the world, it will be allowed, is a beautiful woman. But who that can analyse his feelings is not sensible that she owes her fascination less to grace of outline and delicacy of colour, than to a thousand associations which, often unperceived by ourselves, connect those qualities with the source of our existence, with the nourishment of our infancy, with the passions of our youth, with the hopes of our age, with elegance, with vivacity, with tenderness, with the strongest of natural instincts, with the dearest of social ties?

To those who think thus, the insensibility of the Florentine poet to the beauties of nature will not appear an unpardonable deficiency. On mankind no writer, with the exception of Shakspeare, has looked with a more penetrating eye. I have said that his poetical character had derived a tinge from his peculiar temper. It is on the sterner and darker passions that he delights to dwell. All love, excepting the half mystic passion which he still felt for his buried Beatrice, had palled on the fierce and restless exile. The sad story of Rimini is almost a single exception. I know not whether it has been remarked, that, in one point, misanthropy seems to have affected his mind as it did that of Swift. Nauseous and revolting images seem to have had a fascination for his mind;

* Inferno, canto i.

and he repeatedly places before his readers, with all the energy of his incomparable style, the most loathsome objects of the sewer and the dissecting-room.

There is another peculiarity in the poem of Dante, which, I think, deserves notice. Ancient mythology has hardly ever been successfully interwoven with modern poetry. One class of writers have introduced the fabulous deities merely as allegorical representatives of love, wine, or wisdom. This necessarily renders their works tame and cold. We may sometimes admire their ingenuity; but with what interest can we read of beings of whose personal existence the writer does not suffer us to entertain, for a moment, even a conventional belief? Even Spenser's allegory is scarcely tolerable, till we contrive to forget that Una signifies innocence, and consider her merely as an oppressed lady under the protection of a generous knight.

Those writers who have, more judiciously, attempted to preserve the personality of the classical divinities have failed from a different cause. They have been imitators, and imitators at a disadvantage. Euripides and Catullus believed in Bacchus and Cybele as little as we do. But they lived among men who did. Their imaginations, if not their opinions, took the colour of the age. Hence the glorious inspiration of the Bacchæ and the Atys. Our minds are formed by circumstances: and I do not believe that it would be in the power of the greatest modern poet to lash himself up to a degree of enthusiasm adequate to the production of such works.

Dante alone, among the poets of later times, has been, in this respect, neither an allegorist nor an imitator; and, consequently, he alone has introduced the ancient fictions with effect. His Minos, his Charon, his Pluto, are absolutely terrific. Nothing can be more beautiful or original than the use which he has made of the river of Lethe. He has never assigned to his mythological characters any functions inconsistent with the creed of the Catholic Church. He has related nothing concerning them which a good Christian of that age might not believe possible. On this account, there is nothing in these passages that appears puerile or pedantic. On the contrary, this singular use of classical names suggests to the mind a vague and awful idea of some mysterious revelation, anterior to all recorded history, of which the dispersed fragments might have been retained amidst the impostures and superstitions of later religions. Indeed the mythology

of the Divine Comedy is of the elder and more colossal mould. It breathes the spirit of Homer and Æschylus, not of Ovid and Claudian.

This is the more extraordinary, since Dante seems to have been utterly ignorant of the Greek language; and his favourite Latin models could only have served to mislead him. Indeed, it is impossible not to remark his admiration of writers far inferior to himself; and, in particular, his idolatry of Virgil, who, elegant and splendid as he is, has no pretensions to the depth and originality of mind which characterise his Tuscan worshipper. In truth, it may be laid down as an almost universal rule that good poets are bad critics. Their minds are under the tyranny of ten thousand associations imperceptible to others. The worst writer may easily happen to touch a spring which is connected in their minds with a long succession of beautiful images. They are like the gigantic slaves of Aladdin, gifted with matchless power, but bound by spells so mighty that when a child whom they could have crushed touched a talisman, of whose secret he was ignorant, they immediately became his vassals. It has more than once happened to me to see minds, graceful and majestic as the Titania of Shakspeare, bewitched by the charms of an ass's head, bestowing on it the fondest caresses, and crowning it with the sweetest flowers. I need only mention the poems attributed to Ossian. They are utterly worthless, except as an edifying instance of the success of a story without evidence, and of a book without merit. They are a chaos of words which present no image, of images which have no archetype:—they are without form and void; and darkness is upon the face of them. Yet how many men of genius have panegyrised and imitated them!

The style of Dante is, if not his highest, perhaps his most peculiar excellence. I know nothing with which it can be compared. The noblest models of Greek composition must yield to it. His words are the fewest and the best which it is possible to use. The first expression in which he clothes his thoughts is always so energetic and comprehensive that amplification would only injure the effect. There is probably no writer in any language who has presented so many strong pictures to the mind. Yet there is probably no writer equally concise. This perfection of style is the principal merit of the Paradiso, which, as I have already remarked, is by no means equal in other respects to the two preceding parts of the poem. The force and felicity of the diction, however, irre-

sistibly attract the reader through the theological lectures and the sketches of ecclesiastical biography, with which this division of the work too much abounds. It may seem almost absurd to quote particular specimens of an excellence which is diffused over all his hundred cantos. I will, however, instance the third canto of the Inferno, and the sixth of the Purgatorio, as passages incomparable in their kind. The merit of the latter is, perhaps, rather oratorical than poetical; nor can I recollect anything in the great Athenian speeches which equals it in force of invective and bitterness of sarcasm. I have heard the most eloquent statesman of the age remark that, next to Demosthenes, Dante is the writer who ought to be most attentively studied by every man who desires to attain oratorical eminence.

But it is time to close this feeble and rambling critique. I cannot refrain, however, from saying a few words upon the translations of the Divine Comedy. Boyd's is as tedious and languid as the original is rapid and forcible. The strange measure which he has chosen, and, for ought I know, invented, is most unfit for such a work. Translations ought never to be written in a verse which requires much command of rhyme. The stanza becomes a bed of Procrustes; and the thoughts of the unfortunate author are alternately racked and curtailed to fit their new receptacle. The abrupt and yet consecutive style of Dante suffers more than that of any other poet by a version diffuse in style, and divided into paragraphs, for they deserve no other name, of equal length.

Nothing can be said in favour of Hayley's attempt, but that it is better than Boyd's. His mind was a tolerable specimen of filagree work,—rather elegant, and very feeble. All that can be said for his best works is that they are neat. All that can be said against his worst is that they are stupid. He might have translated Metastasio tolerably. But he was utterably unable to do justice to the

> "rime e aspre e chiocce,
> Come si converrebbe al tristo buco." *

I turn with pleasure from these wretched performances to Mr. Cary's translation. It is a work which well deserves a separate discussion, and on which, if this article were not already too long, I could dwell with great pleasure. At present I will only say that there is no other version in the world, as far as I know, so faithful, yet that there is no other

* Inferno, canto xxxii.

version which so fully proves that the translator is himself a man of poetical genius. Those who are ignorant of the Italian language should read it to become acquainted with the Divine Comedy. Those who are most intimate with Italian literature should read it for its original merits : and I believe that they will find it difficult to determine whether the author deserves most praise for his intimacy with the language of Dante, or for his extraordinary mastery over his own.

CRITICISMS ON THE PRINCIPAL ITALIAN WRITERS.

No. II. PETRARCH. (APRIL 1824.)

Et vos, o lauri, carpam, et te, proxima myrte,
Sic positæ quoniam suaves miscetis odores.—VIRGIL.

IT would not be easy to name a writer whose celebrity, when both its extent and its duration are taken into the account, can be considered as equal to that of Petrarch. Four centuries and a half have elapsed since his death. Yet still the inhabitants of every nation throughout the western world are as familiar with his character and his adventures as with the most illustrious names, and the most recent anecdotes, of their own literary history. This is indeed a rare distinction. His detractors must acknowledge that it could not have been acquired by a poet destitute of merit. His admirers will scarcely maintain that the unassisted merit of Petrarch could have raised him to that eminence which has not yet been attained by Shakspeare, Milton, or Dante,—that eminence, of which perhaps no modern writer, excepting himself and Cervantes, has long retained possession,—an European reputation.

It is not difficult to discover some of the causes to which this great man has owed a celebrity, which I cannot but think disproportioned to his real claims on the admiration of mankind. In the first place, he is an egotist. Egotism in conversation is universally abhorred. Lovers, and, I believe, lovers alone, pardon it in each other. No services, no talents, no powers of pleasing, render it endurable. Gratitude, admiration, interest, fear, scarcely prevent those who are condemned to listen to it from indicating their disgust and fatigue. The childish uncle, the powerful patron, can scarcely extort this compliance. We leave the inside of the mail in a storm, and mount the box, rather than hear the history of our companion.

The chaplain bites his lips in the presence of the archbishop. The midshipman yawns at the table of the First Lord. Yet, from whatever cause, this practice, the pest of conversation, gives to writing a zest which nothing else can impart. Rousseau made the boldest experiment of this kind; and it fully succeeded. In our own time Lord Byron, by a series of attempts of the same nature, made himself the object of general interest and admiration. Wordsworth wrote with egotism more intense, but less obvious; and he has been rewarded with a sect of worshippers, comparatively small in number, but far more enthusiastic in their devotion. It is needless to multiply instances. Even now all the walks of literature are infested with mendicants for fame, who attempt to excite our interest by exhibiting all the distortions of their intellects, and stripping the covering from all the putrid sores of their feelings. Nor are there wanting many who push their imitation of the beggars whom they resemble a step further, and who find it easier to extort a pittance from the spectator, by simulating deformity and debility from which they are exempt, than by such honest labour as their health and strength enable them to perform. In the meantime the credulous public pities and pampers a nuisance which requires only the tread-mill and the whip. This art, often successful when employed by dunces, gives irresistible fascination to works which possess intrinsic merit. We are always desirous to know something of the character and situation of those whose writings we have perused with pleasure. The passages in which Milton has alluded to his own circumstances are perhaps read more frequently, and with more interest, than any other lines in his poems. It is amusing to observe with what labour critics have attempted to glean from the poems of Homer some hints as to his situation and feelings. According to one hypothesis, he intended to describe himself under the name of Demodocus. Others maintain that he was the identical Phemius whose life Ulysses spared. This propensity of the human mind explains, I think, in a great degree, the extensive popularity of a poet whose works are little else than the expression of his personal feelings.

In the second place, Petrarch was not only an egotist, but an amatory egotist. The hopes and fears, the joys and sorrows, which he described, were derived from the passion which of all passions exerts the widest influence, and which of all passions borrows most from the imagination. He had also another immense advantage. He was the first eminent ama-

tory poet who appeared after the great convulsion which had changed, not only the political, but the moral, state of the world. The Greeks, who, in their public institutions and their literary tastes, were diametrically opposed to the oriental nations, bore a considerable resemblance to those nations in their domestic habits. Like them, they despised the intellects and immured the persons of their women; and it was among the least of the frightful evils to which this pernicious system gave birth, that all the accomplishments of mind, and all the fascinations of manner, which, in a highly-cultivated age, will generally be necessary to attach men to their female associates, were monopolised by the Phrynes and the Lamias. The indispensable ingredients of honourable and chivalrous love were nowhere to be found united. The matrons and their daughters, confined in the harem,—insipid, uneducated, ignorant of all but the mechanical arts, scarcely seen till they were married,—could rarely excite interest; while their brilliant rivals, half graces, half harpies, elegant and informed, but fickle and rapacious, could never inspire respect.

The state of society in Rome was, in this point, far happier; and the Latin literature partook of the superiority. The Roman poets have decidedly surpassed those of Greece in the delineation of the passion of love. There is no subject which they have treated with so much success. Ovid, Catullus, Tibullus, Horace, and Propertius, in spite of all their faults, must be allowed to rank high in this department of the art. To these I would add my favourite Plautus; who, though he took his plots from Greece, found, I suspect, the originals of his enchanting female characters at Rome.

Still many evils remained: and, in the decline of the great empire, all that was pernicious in its domestic institutions appeared more strongly. Under the influence of governments at once dependent and tyrannical, which purchased, by cringing to their enemies, the power of trampling on their subjects, the Romans sunk into the lowest state of effeminacy and debasement. Falsehood, cowardice, sloth, conscious and unrepining degradation, formed the national character. Such a character is totally incompatible with the stronger passions. Love, in particular, which, in the modern sense of the word, implies protection and devotion on the one side, confidence on the other, respect and fidelity on both, could not exist among the sluggish and heartless slaves who cringed around the thrones of Honorius and Augustulus. At this period the great

as they were of knowledge and humanity, brought with them, from their forests and marshes, those qualities without which humanity is a weakness, and knowledge a curse,—energy—independence—the dread of shame—the contempt of danger. It would be most interesting to examine the manner in which the admixture of the savage conquerors and the effeminate slaves, after many generations of darkness and agitation, produced the modern European character;—to trace back, from the first conflict to the final amalgamation, the operation of that mysterious alchemy which, from hostile and worthless elements, has extracted the pure gold of human nature—to analyse the mass, and to determine the proportions in which the ingredients are mingled. But I will confine myself to the subject to which I have more particularly referred. The nature of the passion of love had undergone a complete change. It still retained, indeed, the fanciful and voluptuous character which it had possessed among the southern nations of antiquity. But it was tinged with the superstitious veneration with which the northern warriors had been accustomed to regard women. Devotion and war had imparted to it their most solemn and animating feelings. It was sanctified by the blessings of the Church, and decorated with the wreaths of the tournament. Venus, as in the ancient fable, was again rising above the dark and tempestuous waves which had so long covered her beauty. But she rose not now, as of old, in exposed and luxurious loveliness. She still wore the cestus of her ancient witchcraft; but the diadem of Juno was on her brow, and the ægis of Pallas in her hand. Love might, in fact, be called a new passion; and it is not astonishing that the first poet of eminence who wholly devoted his genius to this theme should have excited an extraordinary sensation. He may be compared to an adventurer who accidentally lands in a rich and unknown island; and who, though he may only set up an ill-shaped cross upon the shore, acquires possession of its treasures, and gives it his name. The claim of Petrarch was indeed somewhat like that of Amerigo Vespucci to the continent which should have derived its appellation from Columbus. The Provençal poets were unquestionably the masters of the Florentine. But they wrote in an age which could not appreciate their merits; and their imitator lived at the very period when composition in the vernacular language began to attract general attention. Petrarch was in literature what a Valentine is in love. The public preferred him, not because his merits were of a transcendant order, but because he was

the first person whom they saw after they awoke from their long sleep.

Nor did Petrarch gain less by comparison with his immediate successors than with those who had preceded him. Till more than a century after his death Italy produced no poet who could be compared to him. This decay of genius is doubtless to be ascribed, in a great measure, to the influence which his own works had exercised upon the literature of his country. Yet it has conduced much to his fame. Nothing is more favourable to the reputation of a writer than to be succeeded by a race inferior to himself; and it is an advantage, from obvious causes, much more frequently enjoyed by those who corrupt the national taste than by those who improve it.

Another cause has co-operated with those which I have mentioned to spread the renown of Petrarch. I mean the interest which is inspired by the events of his life—an interest which must have been strongly felt by his contemporaries, since, after an interval of five hundred years, no critic can be wholly exempt from its influence. Among the great men to whom we owe the resuscitation of science he deserves the foremost place; and his enthusiastic attachment to this great cause constitutes his most just and splendid title to the gratitude of posterity. He was the votary of literature. He loved it with a perfect love. He worshipped it with an almost fanatical devotion. He was the missionary, who proclaimed its discoveries to distant countries—the pilgrim, who travelled far and wide to collect its reliques—the hermit, who retired to seclusion to meditate on its beauties—the champion, who fought its battles—the conqueror, who, in more than a metaphorical sense, led barbarism and ignorance in triumph, and received in the capitol the laurel which his magnificent victory had earned.

Nothing can be conceived more noble or affecting than that ceremony. The superb palaces and porticoes, by which had rolled the ivory chariots of Marius and Cæsar, had long mouldered into dust. The laurelled fasces—the golden eagles—the shouting legions—the captives and the pictured cities—were indeed wanting to his victorious procession. The sceptre had passed away from Rome. But she still retained the mightier influence of an intellectual empire, and was now to confer the prouder reward of an intellectual triumph. To the man who had extended the dominion of her ancient language—who had erected the trophies of philosophy and imagination in the haunts of ignorance and ferocity—whose

captives were the hearts of admiring nations enchained by the influence of his song—whose spoils were the treasures of ancient genius rescued from obscurity and decay—the Eternal City offered the just and glorious tribute of her gratitude. Amidst the ruined monuments of ancient and the infant erections of modern art, he who had restored the broken link between the two ages of human civilisation was crowned with the wreath which he had deserved from the moderns who owed to him their refinement—from the ancients who owed to him their fame. Never was a coronation so august witnessed by Westminster or by Rheims.

When we turn from this glorious spectacle to the private chamber of the poet,—when we contemplate the struggle of passion and virtue,—the eye dimmed, the cheek furrowed, by the tears of sinful and hopeless desire,—when we reflect on the whole history of his attachment, from the gay fantasy of his youth to the lingering despair of his age, pity and affection mingle with our admiration. Even after death had placed the last seal on his misery, we see him devoting to the cause of the human mind all the strength and energy which love and sorrow had spared. He lived the apostle of literature;—he fell its martyr:—he was found dead with his head reclined on a book.

Those who have studied the life and writings of Petrarch with attention, will perhaps be inclined to make some deductions from this panegyric. It cannot be denied that his merits were disfigured by a most unpleasant affectation. His zeal for literature communicated a tinge of pedantry to all his feelings and opinions. His love was the love of a sonnetteer:—his patriotism was the patriotism of an antiquarian. The interest with which we contemplate the works, and study the history, of those who, in former ages, have occupied our country, arises from the associations which connect them with the community in which are comprised all the objects of our affection and our hope. In the mind of Petrarch these feelings were reversed. He loved Italy, because it abounded with the monuments of the ancient masters of the world. His native city—the fair and glorious Florence—the modern Athens, then in all the bloom and strength of its youth, could not obtain, from the most distinguished of its citizens, any portion of that passionate homage which he paid to the decrepitude of Rome. These and many other blemishes, though they must in candour be acknowledged, can but in a very slight degree diminish the

glory of his career. For my own part, I look upon it with so much fondness and pleasure that I feel reluctant to turn from it to the consideration of his works, which I by no means contemplate with equal admiration.

Nevertheless, I think highly of the poetical powers of Petrarch. He did not possess, indeed, the art of strongly presenting sensible objects to the imagination;—and this is the more remarkable, because the talent of which I speak is that which peculiarly distinguishes the Italian poets. In the Divine Comedy it is displayed in its highest perfection. It characterises almost every celebrated poem in the language. Perhaps this is to be attributed to the circumstance, that painting and sculpture had attained a high degree of excellence in Italy before poetry had been extensively cultivated. Men were debarred from books, but accustomed from childhood to contemplate the admirable works of art, which, even in the thirteenth century, Italy began to produce. Hence their imaginations received so strong a bias that, even in their writings, a taste for graphic delineation is discernible. The progress of things in England has been in all respects different. The consequence is, that English historical pictures are poems on canvass; while Italian poems are pictures painted to the mind by means of words. Of this national characteristic the writings of Petrarch are almost totally destitute. His sonnets indeed, from their subject and nature, and his Latin poems, from the restraints which always shackle one who writes in a dead language, cannot fairly be received in evidence. But his Triumphs absolutely required the exercise of this talent, and exhibit no indications of it.

Genius, however, he certainly possessed, and genius of a high order. His ardent, tender, and magnificent turn of thought, his brilliant fancy, his command of expression, at once forcible and elegant, must be acknowledged. Nature meant him for the prince of lyric writers. But by one fatal present she deprived her other gifts of half their value. He would have been a much greater poet had he been a less clever man. His ingenuity was the bane of his mind. He abandoned the noble and natural style, in which he might have excelled, for the conceits which he produced with a facility at once admirable and disgusting. His muse, like the Roman lady in Livy, was tempted by gaudy ornaments to betray the fastnesses of her strength, and, like her, was crushed beneath the glittering bribes which had seduced her.

The paucity of his thoughts is very remarkable. It is impossible to look without amazement on a mind so fertile in combinations, yet so barren of images. His amatory poetry is wholly made up of a very few topics, disposed in so many orders, and exhibited in so many lights, that it reminds us of those arithmetical problems about permutations, which so much astonish the unlearned. The French cook, who boasted that he could make fifteen different dishes out of a nettle-top, was not a greater master of his art. The mind of Petrarch was a kaleidoscope. At every turn it presents us with new forms, always fantastic, occasionally beautiful; and we can scarcely believe that all these varieties have been produced by the same worthless fragments of glass. The sameness of his images is, indeed, in some degree, to be attributed to the sameness of his subject. It would be unreasonable to expect perpetual variety from so many hundred compositions, all of the same length, all in the same measure, and all addressed to the same insipid and heartless coquette. I cannot but suspect also that the perverted taste, which is the blemish of his amatory verses, was to be attributed to the influence of Laura, who, probably, like most critics of her sex, preferred a gaudy to a majestic style. Be this as it may, he no sooner changes his subject than he changes his manner. When he speaks of the wrongs and degradation of Italy, devastated by foreign invaders, and but feebly defended by her pusillanimous children, the effeminate lips of the sonnetteer is exchanged for a cry, wild, and solemn, and piercing as that which proclaimed "Sleep no more" to the bloody house of Cawdor. "Italy seems not to feel her sufferings," exclaims her impassioned poet; "decrepit, sluggish, and languid, will she sleep for ever? Will there be none to awake her? Oh that I had my hands twisted in her hair!"*

Nor is it with less energy that he denounces against the Mahometan Babylon the vengeance of Europe and of Christ. His magnificent enumeration of the ancient exploits of the Greeks must always excite admiration, and cannot be perused without the deepest interest, at a time when the wise and good, bitterly disappointed in so many other countries, are looking with breathless anxiety towards the natal land of

* Che suoi guai non par che senta;
Vecchia, oziosa, e lenta.
Dormirà sempre, e non fia chi la svegli?
Le man l' avess' io avvolte entro e capegli.—Canzone xi.

liberty,—the field of Marathon,—and the deadly pass where the Lion of Lacedæmon turned to bay.*

His poems on religious subjects also deserve the highest commendation. At the head of these must be placed the Ode to the Virgin. It is, perhaps, the finest hymn in the world. His devout veneration receives an exquisitely poetical character from the delicate perception of the sex and the loveliness of his idol, which we may easily trace throughout the whole composition.

I could dwell with pleasure on these and similar parts of the writings of Petrarch; but I must return to his amatory poetry: to that he entrusted his fame; and to that he has principally owed it.

The prevailing defect of his best compositions on this subject is the universal brilliancy with which they are lighted up. The natural language of the passions is, indeed, often figurative and fantastic; and with none is this more the case than with that of love. Still there is a limit. The feelings should, indeed, have their ornamental garb; but, like an elegant woman, they should be neither muffled nor exposed. The drapery should be so arranged, as at once to answer the purposes of modest concealment and judicious display. The decorations should sometimes be employed to hide a defect, and sometimes to heighten a beauty; but never to conceal, much less to distort, the charms to which they are subsidiary. The love of Petrarch, on the contrary, arrays itself like a foppish savage, whose nose is bored with a golden ring, whose skin is painted with grotesque forms and dazzling colours, and whose ears are drawn down his shoulders by the weight of jewels. It is a rule, without any exception, in all kinds of composition, that the principal idea, the predominant feeling, should never be confounded with the accompanying decorations. It should generally be distinguished from them by greater simplicity of expression; as we recognise Napoleon in the pictures of his battles, amidst a crowd of embroidered coats and plumes, by his grey cloak and his hat without a feather. In the verses of Petrarch it is generally impossible to say what thought is meant to be prominent. All is equally elaborate. The chief wears the same gorgeous and degrading livery with his retinue, and obtains only his share of the indifferent stare which we bestow upon them in common. The poems have no strong lights and shades, no background, no

* Maratona, e le mortali strette
Che difese il LEON con poco gente.—Canzone v.

foreground;—they are like the illuminated figures in an oriental manuscript,—plenty of rich tints and no perspective. Such are the faults of the most celebrated of these compositions. Of those which are universally acknowledged to be bad it is scarcely possible to speak with patience. Yet they have much in common with their splendid companions. They differ from them, as a May-day procession of chimney-sweepers differs from the Field of Cloth of Gold. They have the gaudiness but not the wealth. His muse belongs to that numerous class of females who have no objection to be dirty, while they can be tawdry. When his brilliant conceits are exhausted, he supplies their place with metaphysical quibbles, forced antitheses, bad puns, and execrable charades. In his fifth sonnet he may, I think, be said to have sounded the lowest chasm of the Bathos. Upon the whole, that piece may be safely pronounced to be the worst attempt at poetry, and the worst attempt at wit, in the world.

A strong proof of the truth of these criticisms is, that almost all the sonnets produce exactly the same effect on the mind of the reader. They relate to all the various moods of a lover, from joy to despair:—yet they are perused, as far as my experience and observation have gone, with exactly the same feeling. The fact is, that in none of them are the passion and the ingenuity mixed in just proportions. There is not enough sentiment to dilute the condiments which are employed to season it. The repast which he sets before us resembles the Spanish entertainment in Dryden's *Mock Astrologer*, at which the relish of all the dishes and sauces was overpowered by the common flavour of spice. Fish,—flesh,—fowl,—everything at table tasted of nothing but red pepper.

The writings of Petrarch may indeed suffer undeservedly from one cause to which I must allude. His imitators have so much familiarised the ear of Italy and of Europe to the favourite topics of amorous flattery and lamentation, that we can scarcely think them original when we find them in the first author; and, even when our understandings have convinced us that they were new to him, they are still old to us. This has been the fate of many of the finest passages of the most eminent writers. It is melancholy to trace a noble thought from stage to stage of its profanation; to see it transferred from the first illustrious wearer to his lacqueys, turned, and turned again, and at last hung on a scare-crow. Petrarch has really suffered much from this cause. Yet that he should have so suffered is a sufficient proof that his excel-

lences were not of the highest order. A line may be stolen; but the pervading spirit of a great poet is not to be surreptitiously obtained by a plagiarist. The continued imitation of twenty-five centuries has left Homer as it found him. If every simile and every turn of Dante had been copied ten thousand times, the Divine Comedy would have retained all its freshness. It was easy for the porter in Farquhar to pass for Beau Clincher, by borrowing his lace and his pulvilio. It would have been more difficult to enact Sir Harry Wildair.

Before I quit this subject I must defend Petrarch from one accusation, which is in the present day frequently brought against him. His sonnets are pronounced by a large sect of critics not to possess certain qualities which they maintain to be indispensable to sonnets, with as much confidence, and as much reason, as their prototypes of old insisted on the unities of the drama. I am an exoteric—utterly unable to explain the mysteries of this new poetical faith. I only know that it is a faith, which except a man do keep pure and undefiled, without doubt he shall be called a blockhead. I cannot, however, refrain from asking what is the particular virtue which belongs to fourteen as distinguished from all other numbers. Does it arise from its being a multiple of seven? Has this principle any reference to the sabbatical ordinance? Or is it to the order of rhymes that these singular properties are attached? Unhappily the sonnets of Shakspeare differ as much in this respect from those of Petrarch, as from a Spenserian or an octave stanza. Away with this unmeaning jargon! We have pulled down the old regime of criticism. I trust that we shall never tolerate the equally pedantic and irrational despotism, which some of the revolutionary leaders would erect upon its ruins. We have not dethroned Aristotle and Bossu for this.

These sonnet-fanciers would do well to reflect that, though the style of Petrarch may not suit the standard of perfection which they have chosen, they lie under great obligations to these very poems,—that, but for Petrarch, the measure, concerning which they legislate so judiciously, would probably never have attracted notice;—and that to him they owe the pleasure of admiring, and the glory of composing, pieces, which seem to have been produced by Master Slender, with the assistance of his man Simple.

I cannot conclude these remarks without making a few observations on the Latin writings of Petrarch. It appears that, both by himself and by his contemporaries, these were

far more highly valued than his compositions in the vernacular language. Posterity, the supreme court of literary appeal, has not only reversed the judgment, but, according to its general practice, reversed it with costs, and condemned the unfortunate works to pay, not only for their own inferiority, but also for the injustice of those who had given them an unmerited preference. And it must be owned that, without making large allowances for the circumstances under which they were produced, we cannot pronounce a very favourable judgment. They must be considered as exotics, transplanted to a foreign climate, and reared in an unfavourable situation; and it would be unreasonable to expect from them the health and the vigour which we find in the indigenous plants around them, or which they might themselves have possessed in their native soil. He has but very imperfectly imitated the style of the Latin authors, and has not compensated for the deficiency by enriching the ancient language with the graces of modern poetry. The splendour and ingenuity, which we admire, even when we condemn it, in his Italian works, is almost totally wanting, and only illuminates with rare and occasional glimpses the dreary obscurity of the Africa. The eclogues have more animation; but they can only be called poems by courtesy. They have nothing in common with his writings in his native language, except the eternal pun about Laura and Daphne. None of these works would have placed him on a level with Vida or Buchanan. Yet, when we compare him with those who preceded him, when we consider that he went on the forlorn hope of literature, that he was the first who perceived, and the first who attempted to revive, the finer elegancies of the ancient language of the world, we shall perhaps think more highly of him than of those who could never have surpassed his beauties if they had not inherited them.

He has aspired to emulate the philosophical eloquence of Cicero, as well as the poetical majesty of Virgil. His essay on the Remedies of Good and Evil Fortune is a singular work in a colloquial form, and a most scholastic style. It seems to be framed upon the model of the Tusculan Questions,—with what success those who have read it may easily determine. It consists of a series of dialogues: in each of these a person is introduced who has experienced some happy or some adverse event: he gravely states his case; and a reasoner, or rather Reason personified, confutes him; a task not very difficult, since the disciple defends his position only by per-

tinaciously repeating it, in almost the same words, at the end of every argument of his antagonist. In this manner Petrarch solves an immense variety of cases. Indeed, I doubt whether it would be possible to name any pleasure or any calamity which does not find a place in this dissertation. He gives excellent advice to a man who is in expectation of discovering the philosopher's stone;—to another, who has formed a fine aviary;—to a third, who is delighted with the tricks of a favourite monkey. His lectures to the unfortunate are equally singular. He seems to imagine that a precedent in point is a sufficient consolation for every form of suffering. "Our town is taken," says one complainant; "So was Troy," replies his comforter. "My wife has eloped," says another; "If it has happened to you once, it happened to Menelaus twice." One poor fellow is in great distress at having discovered that his wife's son is none of his. "It is hard," says he, "that I should have had the expense of bringing up one who is indifferent to me." "You are a man," returns his monitor, quoting the famous line of Terence; "and nothing that belongs to any other man ought to be indifferent to you." The physical calamities of life are not omitted; and there is in particular a disquisition on the advantages of having the itch, which, if not convincing, is certainly very amusing.

The invectives on an unfortunate physician, or rather upon the medical science, have more spirit. Petrarch was thoroughly in earnest on this subject. And the bitterness of his feelings occasionally produces, in the midst of his classical and scholastic pedantry, a sentence worthy of the second Philippic. Swift himself might have envied the chapter on the causes of the paleness of physicians.

Of his Latin works the Epistles are the most generally known and admired. As compositions they are certainly superior to his essays. But their excellence is only comparative. From so large a collection of letters, written by so eminent a man, during so varied and eventful a life, we should have expected a complete and spirited view of the literature, the manners, and the politics of the age. A traveller—a poet—a scholar—a lover—a courtier—a recluse—he might have perpetuated, in an imperishable record, the form and pressure of the age and body of the time. Those who read his correspondence, in the hope of finding such information as this, will be utterly disappointed. It contains nothing characteristic of the period or of the individual. It is a series, not of letters, but of themes; and, as it is not generally known, might be

very safely employed at public schools as a magazine of common-places. Whether he write on politics to the Emperor and the Doge, or send advice and consolation to a private friend, every line is crowded with examples and quotations, and sounds big with Anaxagoras and Scipio. Such was the interest excited by the character of Petrarch, and such the admiration which was felt for his epistolary style, that it was with difficulty that his letters reached the place of their destination. The poet describes, with pretended regret and real complacency, the importunity of the curious, who often opened, and sometimes stole, these favourite compositions. It is a remarkable fact that, of all his epistles, the least affected are those which are addressed to the dead and the unborn. Nothing can be more absurd than his whim of composing grave letters of expostulation and commendation to Cicero and Seneca; yet these strange performances are written in a far more natural manner than his communications to his living correspondents. But of all his Latin works the preference must be given to the Epistle to Posterity; a simple, noble, and pathetic composition, most honourable both to his taste and his heart. If we can make allowance for some of the affected humility of an author, we shall perhaps think that no literary man has left a more pleasing memorial of himself.

In conclusion, we may pronounce that the works of Petrarch were below both his genius and his celebrity; and that the circumstances under which he wrote were as adverse to the development of his powers as they were favourable to the extension of his fame.

SOME ACCOUNT OF THE GREAT LAWSUIT

BETWEEN THE PARISHES OF

ST. DENNIS AND ST. GEORGE IN THE WATER.

(APRIL 1824.)

THE parish of St. Dennis is one of the most pleasant parts of the county in which it is situated. It is fertile, well wooded, well watered, and of an excellent air. For many generations the manor had been holden in tail-male by a worshipful family, who have always taken precedence of their neighbours at the races and the sessions.

In ancient times the affairs of this parish were administered by a Court-Baron, in which the freeholders were judges; and the rates were levied by select vestries of the inhabitant householders. But at length these good customs fell into disuse. The Lords of the Manor, indeed, still held courts for form's sake; but they or their stewards had the whole management of affairs. They demanded services, duties, and customs to which they had no just title. Nay, they would often bring actions against their neighbours for their own private advantage, and then send in the bill to the parish. No objection was made, during many years, to these proceedings, so that the rates became heavier and heavier: nor was any person exempted from these demands, except the footmen and gamekeepers of the squire and the rector of the parish. They indeed were never checked in any excess. They would come to an honest labourer's cottage, eat his pancakes, tuck his fowls into their pockets, and cane the poor man himself. If he went up to the great house to complain, it was hard to get the speech of Sir Lewis; and, indeed, his only chance of being righted was to coax the squire's pretty housekeeper, who could do what she pleased with her master. If he ventured to intrude upon the Lord of the Manor without this precaution, he gained nothing by his pains. Sir Lewis,

indeed, would at first receive him with a civil face; for, to give him his due, he could be a fine gentleman when he pleased. "Good day, my friend," he would say, "what situation have you in my family?" "Bless your honour!" says the poor fellow, "I am not one of your honour's servants; I rent a small piece of ground, your honour." "Then, you dog," quoth the squire, "what do you mean by coming here? Has a gentleman nothing to do but to hear the complaints of clowns? Here! Philip, James, Dick, toss this fellow in a blanket; or duck him, and set him in the stocks to dry."

One of these precious Lords of the Manor enclosed a deer-park; and, in order to stock it, he seized all the pretty pet fawns that his tenants had brought up, without paying them a farthing, or asking their leave. It was a sad day for the parish of St. Dennis. Indeed, I do not believe that all his oppressive exactions and long bills enraged the poor tenants so much as this cruel measure.

Yet for a long time, in spite of all these inconveniences, St. Dennis's was a very pleasant place. The people could not refrain from capering if they heard the sound of a fiddle. And, if they were inclined to be riotous, Sir Lewis had only to send for Punch, or the dancing dogs, and all was quiet again. But this could not last for ever; they began to think more and more of their condition; and, at last, a club of foul-mouthed, good-for-nothing rascals was held at the sign of the Devil, for the purpose of abusing the squire and the parson. The doctor, to own the truth, was old and indolent, extremely fat and greedy. He had not preached a tolerable sermon for a long time. The squire was still worse: so that, partly by truth and partly by falsehood, the club set the whole parish against their superiors. The boys scrawled caricatures of the clergyman upon the church-door, and shot at the landlord with pop-guns as he rode a hunting. It was even whispered about that the Lord of the Manor had no right to his estate, and that, if he were compelled to produce the original title-deeds, it would be found that he only held the estate in trust for the inhabitants of the parish.

In the meantime the squire was pressed more and more for money. The parish could pay no more. The rector refused to lend a farthing. The Jews were clamorous for their money; and the landlord had no other resource than to call together the inhabitants of the parish, and to request their assistance. They now attacked him furiously about their grievances, and insisted that he should relinquish his

oppressive powers. They insisted that his footmen should be kept in order, that the parson should pay his share of the rates, that the children of the parish should be allowed to fish in the trout-stream, and to gather blackberries in the hedges. They at last went so far as to demand that he should acknowledge that he held his estate only in trust for them. His distress compelled him to submit. They, in return, agreed to set him free from his pecuniary difficulties, and to suffer him to inhabit the manor-house; and only annoyed him from time to time by singing impudent ballads under his window.

The neighbouring gentlefolks did not look on these proceedings with much complacency. It is true that Sir Lewis and his ancestors had plagued them with law-suits, and affronted them at county-meetings. Still they preferred the insolence of a gentleman to that of the rabble, and felt some uneasiness lest the example should infect their own tenants.

A large party of them met at the house of Lord Cæsar Germain. Lord Cæsar was the proudest man in the county. His family was very ancient and illustrious, though not particularly opulent. He had invited most of his wealthy neighbours. There was Mrs. Kitty North, the relict of poor Squire Peter, respecting whom the coroner's jury had found a verdict of accidental death, but whose fate had nevertheless excited strange whispers in the neighbourhood. There was Squire Don, the owner of the great West Indian property, who was not so rich as he had formerly been, but still retained his pride, and kept up his customary pomp; so that he had plenty of plate but no breeches. There was Squire Von Blunderbussen, who had succeeded to the estates of his uncle, old Colonel Frederic Von Blunderbussen, of the hussars. The colonel was a very singular old fellow; he used to learn a page of Chambaud's grammar, and to translate Télémaque, every morning, and he kept six French masters to teach him to 'parleyvoo. Nevertheless, he was a shrewd clever man, and improved his estate with so much care, sometimes by honest and sometimes by dishonest means, that he left a very pretty property to his nephew.

Lord Cæsar poured out a glass of Tokay for Mrs. Kitty. "Your health, my dear madam, I never saw you look more charming. Pray, what think you of these doings at St. Dennis's?"

"Fine doings! indeed!" interrupted Von Blunderbussen;

"I wish that we had my old uncle alive, he would have had some of them up to the halberts. He knew how to use a cat-o'-nine-tails. If things go on in this way, a gentleman will not be able to horsewhip an impudent farmer, or to say a civil word to a milk-maid."

"Indeed, it's very true, Sir," said Mrs. Kitty; "their insolence is intolerable. Look at me, for instance:—a poor lone woman!—My dear Peter dead! I loved him:—so I did; and, when he died, I was so hysterical you cannot think. And now I cannot lean on the arm of a decent footman, or take a walk with a tall grenadier behind me, just to protect me from audacious vagabonds, but they must have their nauseous suspicions;—odious creatures!"

"This must be stopped," replied Lord Cæsar. "We ought to contribute to support my poor brother-in-law against these rascals. I will write to Squire Guelf on this subject by this night's post. His name is always at the head of our county subscriptions."

If the people of St. Dennis's had been angry before, they were well nigh mad when they heard of this conversation. The whole parish ran to the manor-house. Sir Lewis's Swiss porter shut the door against them; but they broke in and knocked him on the head for his impudence. They then seized the squire, hooted at him, pelted him, ducked him, and carried him to the watch-house. They turned the rector into the street, burnt his wig and band, and sold the church-plate by auction. They put up a painted Jezebel in the pulpit to preach. They scratched out the texts which were written round the church, and scribbed profane scraps of songs and plays in their place. They set the organ playing to pot-house tunes. Instead of being decently asked in church, they were married over a broomstick. But, of all their whims, the use of the new patent steel-traps was the most remarkable.

This trap was constructed on a completely new principle. It consisted of a cleaver hung in a frame like a window; when any poor wretch got in, down it came with a tremendous din, and took off his head in a twinkling. They got the squire into one of these machines. In order to prevent any of his partisans from getting footing in the parish, they placed traps at every corner. It was impossible to walk through the highway at broad noon without tumbling into one or other of them. No man could go about his business in security. Yet so great was the hatred which the inhabi-

tants entertained for the old family, that a few decent honest people, who begged them to take down the steel-traps, and to put up humane man-traps in their room, were very roughly handled for their good nature.

In the meantime the neighbouring gentry undertook a suit against the parish on the behalf of Sir Lewis's heir, and applied to Squire Guelf for his assistance.

Everybody knows that Squire Guelf is more closely tied up than any gentleman in the shire. He could, therefore, lend them no help; but he referred them to the Vestry of the Parish of St. George in the Water. These good people had long borne a grudge against their neighbours on the other side of the stream; and some mutual trespasses had lately occurred which increased their hostility.

There was an honest Irishman, a great favourite among them, who used to entertain them with raree-shows, and to exhibit a magic lantern to the children on winter evenings. He had gone quite mad upon this subject. Sometimes he would call out in the middle of the street—"Take care of that corner, neighbours; for the love of Heaven, keep clear of that post, there is a patent steel-trap concealed thereabouts." Sometimes he would be disturbed by frightful dreams; then he would get up at dead of night, open his window and cry "fire," till the parish was roused, and the engines sent for. The pulpit of the Parish of St. George seemed likely to fall; I believe that the only reason was that the parson had grown too fat and heavy; but nothing would persuade this honest man but that it was a scheme of the people at St. Dennis's, and that they had sawed through the pillars in order to break the rector's neck. Once he went about with a knife in his pocket, and told all the persons whom he met that it had been sharpened by the knife-grinder of the next parish to cut their throats. These extravagancies had a great effect on the people; and the more so because they were espoused by Squire Guelf's steward, who was the most influential person in the parish. He was a very fair-spoken man, very attentive to the main chance, and the idol of the old women, because he never played at skittles or danced with the girls; and, indeed, never took any recreation but that of drinking on Saturday nights with his friend Harry, the Scotch pedlar. His supporters called him Sweet William; his enemies the Bottomless Pit.

The people of St. Dennis's, however, had their advocates. There was Frank, the richest farmer in the parish, whose

great grandfather had been knocked on the head many years before, in a squabble between the parish and a former landlord. There was Dick, the merry-andrew, rather light-fingered and riotous, but a clever droll fellow. Above all, there was Charley, the publican, a jolly, fat, honest lad, a great favourite with the women, who, if he had not been rather too fond of ale and chuck-farthing, would have been the best fellow in the neighbourhood.

"My boys," said Charley, "this is exceedingly well for Madam North;—not that I would speak uncivilly of her; she put up my picture in her best room, bless her for it! But, I say, this is very well for her, and for Lord Cæsar, and Squire Don, and Colonel Von;—but what affair is it of yours or mine? It is not to be wondered at, that gentlemen should wish to keep poor people out of their own. But it is strange, indeed, that they should expect the poor themselves to combine against their own interests. If the folks at St. Dennis's should attack us we have the law and our cudgels to protect us. But why, in the name of wonder, are we to attack them? When old Sir Charles, who was Lord of the Manor formerly, and the parson, who was presented by him to the living, tried to bully the vestry, did not we knock their heads together, and go to meeting to hear Jeremiah Ringletub preach? And did the Squire Don, or the great Sir Lewis, that lived at that time, or the Germains, say a word against us for it? Mind your own business, my lads: law is not to be had for nothing; and we, you may be sure, shall have to pay the whole bill."

Nevertheless the people of St. George's were resolved on law. They cried out most lustily, "Squire Guelf for ever! Sweet William for ever! No steel traps!" Squire Guelf took all the rascally footmen who had worn old Sir Lewis's livery into his service. They were fed in the kitchen on the very best of every thing, though they had no settlement. Many people, and the paupers in particular, grumbled at these proceedings. The steward, however, devised a way to keep them quiet.

There had lived in this parish for many years an old gentleman, named Sir Habeas Corpus. He was said by some to be of Saxon, by some of Norman, extraction. Some maintain that he was not born till after the time of Sir Charles, to whom we have before alluded. Others are of opinion that he was a legitimate son of old Lady Magna Charta, although he was long concealed and kept out of his birthright. Certain it is that he was a very benevolent person. Whenever any poor

fellow was taken up on grounds which he thought insufficient, he used to attend on his behalf and bail him; and thus he had become so popular, that to take direct measures against him was out of the question.

The steward, accordingly, brought a dozen physicians to examine Sir Habeas. After consultation, they reported that he was in a very bad way, and ought not, on any account, to be allowed to stir out for several months. Fortified with this authority, the parish officers put him to bed, closed his windows, and barred his doors. They paid him every attention, and from time to time issued bulletins of his health. The steward never spoke of him without declaring that he was the best gentleman in the world; but excellent care was taken that he should never stir out of doors.

When this obstacle was removed, the Squire and the steward kept the parish in excellent order; flogged this man, sent that man to the stocks, and pushed forward the law-suit with a noble disregard of expense. They were, however, wanting either in skill or in fortune. And every thing went against them after their antagonists had begun to employ Solicitor Nap.

Who does not know the name of Solicitor Nap? At what alehouse is not his behaviour discussed? In what print-shop is not his picture seen? Yet how little truth has been said about him! Some people hold that he used to give laudanum by pints to his sick clerks for his amusement. Others, whose number has very much increased since he was killed by the gaol distemper, conceive that he was the very model of honour and good-nature. I shall try to tell the truth about him.

He was assuredly an excellent solicitor. In his way he never was surpassed. As soon as the parish began to employ him, their cause took a turn. In a very little time they were successful; and Nap became rich. He now set up for a gentleman; took possession of the old manor-house; got into the commission of the peace, and affected to be on a par with the best of the county. He governed the vestries as absolutely as the old family had done. Yet, to give him his due, he managed things with far more discretion than either Sir Lewis or the rioters who had pulled the Lords of the Manor down. He kept his servants in tolerable order. He removed the steel traps from the highways and the corners of the streets. He still left a few indeed in the more exposed parts of his premises; and set up a board announcing that traps and

spring guns were set in his grounds. He brought the poor parson back to the parish; and, though he did not enable him to keep a fine house and a coach as formerly, he settled him in a snug little cottage, and allowed him a pleasant pad-nag. He whitewashed the church again; and put the stocks, which had been much wanted of late, into good repair.

With the neighbouring gentry, however, he was no favourite. He was crafty and litigious. He cared nothing for right, if he could raise a point of law against them. He pounded their cattle, broke their hedges, and seduced their tenants from them. He almost ruined Lord Cæsar with actions, in every one of which he was successful. Von Blunderbussen went to law with him for an alleged trespass, but was cast, and almost ruined by the costs of suit. He next took a fancy to the seat of Squire Don, who was, to say the truth, little better than an idiot. He asked the poor dupe to dinner, and then threatened to have him tossed in a blanket unless he would make over his estates to him. The poor Squire signed and sealed a deed by which the property was assigned to Joe, a brother of Nap's, in trust for and to the use of Nap himself. The tenants, however, stood out. They maintained that the estate was entailed, and refused to pay rents to the new landlord; and in this refusal they were stoutly supported by the people in St. George's.

About the same time Nap took it into his head to match with quality, and nothing would serve him but one of the Miss Germains. Lord Cæsar swore like a trooper; but there was no help for it. Nap had twice put executions in his principal residence, and had refused to discharge the latter of the two, till he had extorted a bond from his Lordship, which compelled him to comply.

A CONVERSATION

BETWEEN

MR. ABRAHAM COWLEY AND MR. JOHN MILTON,

TOUCHING THE GREAT CIVIL WAR.

SET DOWN BY A GENTLEMAN OF THE MIDDLE TEMPLE.

(AUGUST 1824.)

"Referre sermones Deorum et
Magna modis tenuare parvis."—HORACE.

I HAVE thought it good to set down in writing a memorable debate, wherein I was a listener, and two men of pregnant parts and great reputation discoursers; hoping that my friends will not be displeased to have a record both of the strange times through which I have lived, and of the famous men with whom I have conversed. It chanced, in the warm and beautiful spring of the year 1665, a little before the saddest summer that ever London saw, that I went to the Bowling-Green at Piccadilly, whither, at that time, the best gentry made continual resort. There I met Mr. Cowley, who had lately left Barnelms. There was then a house preparing for him at Chertsey; and, till it should be finished, he had come up for a short time to London, that he might urge a suit to his Grace of Buckingham touching certain lands of her Majesty's, whereof he requested a lease. I had the honour to be familiarly acquainted with that worthy gentleman and most excellent poet, whose death hath been deplored with as general a consent of all Powers that delight in the woods, or in verse, or in love, as was of old that of Daphnis or of Gallus.

After some talk, which it is not material to set down at large, concerning his suit and his vexations at the court, where indeed his honesty did him more harm than his parts could do him good, I entreated him to dine with me at my lodging in the Temple, which he most courteously promised.

And, that so eminent a guest might not lack a better entertainment than cooks or vintners can provide, I sent to the house of Mr. John Milton, in the Artillery-Walk, to beg that he would also be my guest. For, though he had been secretary, first to the Council of State, and, after that, to the Protector, and Mr. Cowley had held the same post under the Lord St. Albans in his banishment, I hoped, notwithstanding, that they would think themselves rather united by their common art than divided by their different factions. And so indeed it proved. For, while we sat at table, they talked freely of many men and things, as well ancient as modern, with much civility. Nay, Mr. Milton, who seldom tasted wine, both because of his singular temperance and because of his gout, did more than once pledge Mr. Cowley, who was indeed no hermit in diet. At last, being heated, Mr. Milton begged that I would open the windows. "Nay," said I, "if you desire fresh air and coolness, what should hinder us, as the evening is fair, from sailing for an hour on the river?" To this they both cheerfully consented; and forth we walked, Mr. Cowley and I leading Mr. Milton between us, to the Temple Stairs. There we took a boat; and thence we were rowed up the river.

The wind was pleasant; the evening fine; the sky, the earth, and the water beautiful to look upon. But Mr. Cowley and I held our peace, and said nothing of the gay sights around us, lest we should too feelingly remind Mr. Milton of his calamity; whereof, however, he needed no monitor: for soon he said sadly, "Ah, Mr. Cowley, you are a happy man. What would I now give but for one more look at the sun, and the waters, and the gardens of this fair city!"

"I know not," said Mr. Cowley, "whether we ought not rather to envy you for that which makes you to envy others: and that specially in this place, where all eyes which are not closed in blindness ought to become fountains of tears. What can we look upon which is not a memorial of change and sorrow, of fair things vanished, and evil things done? When I see the gate of Whitehall, and the stately pillars of the Banqueting House, I cannot choose but think of what I have there seen in former days, masques, and pageants, and dances, and smiles, and the waving of graceful heads, and the bounding of delicate feet. And then I turn to thoughts of other things, which even to remember makes me to blush and weep;—of the great black scaffold, and the axe and block, which were placed before those very windows; and the voice seems to sound in mine ears, the lawless and terrible

voice, which cried out that the head of a king was the head of a traitor. There stands Westminster Hall, which who can look upon, and not tremble to think how time, and change, and death confound the counsels of the wise, and beat down the weapons of the mighty? How have I seen it surrounded with tens of thousands of petitioners crying for justice and privilege! How have I heard it shake with fierce and proud words, which made the hearts of the people burn within them! Then it is blockaded by dragoons, and cleared by pikemen. And they who have conquered their master go forth trembling at the word of their servant. And yet a little while, and the usurper comes forth from it, in his robe of ermine, with the golden staff in one hand and the Bible in the other, amidst the roaring of the guns and the shouting of the people. And yet again a little while, and the doors are thronged with multitudes in black, and the hearse and the plumes come forth; and the tyrant is borne, in more than royal pomp, to a royal sepulchre. A few days more, and his head is fixed to rot on the pinnacles of that very hall where he sat on a throne in his life, and lay in state after his death. When I think on all these things, to look round me makes me sad at heart. True it is that God hath restored to us our old laws, and the rightful line of our kings. Yet, how I know not, but it seems to me that something is wanting—that our court hath not the old gravity, nor our people the old loyalty. These evil times, like the great deluge, have overwhelmed and confused all earthly things. And, even as those waters, though at last they abated, yet, as the learned write, destroyed all trace of the garden of Eden, so that its place hath never since been found, so hath this opening of all the flood-gates of political evil effaced all marks of the ancient political paradise."

"Sir, by your favour," said Mr. Milton, "though, from many circumstances both of body and of fortune, I might plead fairer excuses for despondency than yourself, I yet look not so sadly either on the past or on the future. That a deluge hath passed over this our nation, I deny not. But I hold it not to be such a deluge as that of which you speak; but rather a blessed flood, like those of the Nile, which in its overflow doth indeed wash away ancient landmarks, and confound boundaries, and sweep away dwellings, yea, doth give birth to many foul and dangerous reptiles. Yet hence is the fulness of the granary, the beauty of the garden, the nurture of all living things.

"I remember well, Mr. Cowley, what you have said concerning these things in your Discourse of the Government of Oliver Cromwell, which my friend Elwood read to me last year. Truly, for elegance and rhetoric, that essay is to be compared with the finest tractates of Isocrates and Cicero. But neither that nor any other book, nor any events, which with most men have, more than any book, weight and authority, have altered my opinion, that, of all assemblies that ever were in this world, the best and the most useful was our Long Parliament. I speak not this as wishing to provoke debate; which neither yet do I decline."

Mr. Cowley was, as I could see, a little nettled. Yet, as he was a man of a kind disposition and a most refined courtesy, he put a force upon himself, and answered with more vehemence and quickness indeed than was his wont, yet not uncivilly. "Surely, Mr. Milton, you speak not as you think. I am indeed one of those who believe that God hath reserved to himself the censure of kings, and that their crimes and oppressions are not to be resisted by the hands of their subjects. Yet can I easily find excuse for the violence of such as are stung to madness by grievous tyranny. But what shall we say for these men? Which of their just demands was not granted? Which even of their cruel and unreasonable requisitions, so as it were not inconsistent with all law and order, was refused? Had they not sent Strafford to the block and Laud to the Tower? Had they not destroyed the Courts of the High Commission and the Star Chamber? Had they not reversed the proceedings confirmed by the voices of the judges of England, in the matter of ship-money? Had they not taken from the king his ancient and most lawful power touching the order of knighthood? Had they not provided that, after their dissolution, triennial parliaments should be holden, and that their own power should continue till of their great condescension they should be pleased to resign it themselves? What more could they ask? Was it not enough that they had taken from their king all his oppressive powers, and many that were most salutary? Was it not enough that they had filled his council-board with his enemies, and his prisons with his adherents? Was it not enough that they had raised a furious multitude, to shout and swagger daily under the very windows of his royal palace? Was it not enough that they had taken from him the most blessed prerogative of princely mercy; that, complaining of intolerance themselves,

they had denied all toleration to others; that they had urged, against forms, scruples childish as those of any formalist; that they had persecuted the least remnant of the popish rites with the fiercest bitterness of the popish spirit? Must they besides all this have full power to command his armies, and to massacre his friends?

"For military command, it was never known in any monarchy, nay, in any well ordered republic, that it was committed to the debates of a large and unsettled assembly. For their other requisition, that he should give up to their vengeance all who had defended the rights of his crown, his honour must have been ruined if he had complied. Is it not therefore plain that they desired these things only in order that, by refusing, his Majesty might give them a pretence for war?

"Men have often risen up against fraud, against cruelty, against rapine. But when before was it known that concessions were met with importunities, graciousness with insults, the open palm of bounty with the clenched fist of malice? Was it like trusty delegates of the Commons of England, and faithful stewards of their liberty and their wealth, to engage them for such causes in civil war, which both to liberty and to wealth is of all things the most hostile. Evil indeed must be the disease which is not more tolerable than such a medicine. Those who, even to save a nation from tyrants, excite it to civil war do in general but minister to it the same miserable kind of relief wherewith the wizards of Pharaoh mocked the Egyptian. We read that, when Moses had turned their waters into blood, those impious magicians, intending, not benefit to the thirsting people, but vain and emulous ostentation of their own art, did themselves also change into blood the water which the plague had spared. Such sad comfort do those who stir up war minister to the oppressed. But here where was the oppression? What was the favour which had not been granted? What was the evil which had not been removed? What further could they desire?"

"These questions," said Mr. Milton, austerely, "have indeed often deceived the ignorant; but that Mr. Cowley should have been so beguiled, I marvel. You ask what more the Parliament could desire? I will answer you in one word, security. What are votes, and statutes, and resolutions? They have no eyes to see, no hands to strike and avenge. They must have some safeguard from without. Many things,

therefore, which in themselves were peradventure hurtful, was this Parliament constrained to ask, lest otherwise good laws and precious rights should be without defence. Nor did they want a great and signal example of this danger. I need not remind you that, many years before, the two Houses had presented to the king the Petition of Right, wherein were set down all the most valuable privileges of the people of this realm. Did not Charles accept it? Did he not declare it to be law? Was it not as fully enacted as ever were any of those bills of the Long Parliament concerning which you spoke? And were those privileges therefore enjoyed more fully by the people? No: the king did from that time redouble his oppressions as if to avenge himself for the shame of having been compelled to renounce them. Then were our estates laid under shameful impositions, our houses ransacked, our bodies imprisoned. Then was the steel of the hangman blunted with mangling the ears of harmless men. Then our very minds were fettered, and the iron entered into our souls. Then we were compelled to hide our hatred, our sorrow, and our scorn, to laugh with hidden faces at the mummery of Laud, to curse under our breath the tyranny of Wentworth. Of old time it was well and nobly said, by one of our kings, that an Englishman ought to be free as his thoughts. Our prince reversed the maxim; he strove to make our thoughts as much slaves as ourselves. To sneer at a Romish pageant, to miscall a lord's crest, were crimes for which there was no mercy. These were all the fruits which we gathered from those excellent laws of the former Parliament, from these solemn promises of the king. Were we to be deceived again? Were we again to give subsidies, and receive nothing but promises? Were we again to make wholesome statutes, and then leave them to be broken daily and hourly, until the oppressor should have squandered another supply, and should be ready for another perjury? You ask what they could desire which he had not already granted. Let me ask of you another question. What pledge could he give which he had not already violated? From the first year of his reign, whenever he had need of the purses of his Commons to support the revels of Buckingham or the processions of Laud, he had assured them that, as he was a gentleman and a king, he would sacredly preserve their rights. He had pawned those solemn pledges, and pawned them again and again; but when had he redeemed them? 'Upon my faith,'—'Upon my sacred

word,'—'Upon the honour of a prince,' came so easily from his lips, and dwelt so short a time on his mind, that they were as little to be trusted as the 'By these hilts' of an Alsatian dicer.

"Therefore it is that I praise this Parliament for what else I might have condemned. If what he had granted had been granted graciously and readily, if what he had before promised had been faithfully observed, they could not be defended. It was because he had never yielded the worst abuse without a long struggle, and seldom without a large bribe; it was because he had no sooner disentangled himself from his troubles than he forgot his promises; and, more like a villanous huckster than a great king, kept both the prerogative and the large price which had been paid to him to forego it; it was because of these things that it was necessary and just to bind with forcible restraints one who could be bound neither by law nor honour. Nay, even while he was making those very concessions of which you speak, he betrayed his deadly hatred against the people and their friends. Not only did he, contrary to all that ever was deemed lawful in England, order that members of the Commons House of Parliament should be impeached of high treason at the bar of the Lords; thereby violating both the trial by jury and the privileges of the House; but, not content with breaking the law by his ministers, he went himself armed to assail it. In the birth-place and sanctuary of freedom, in the House itself, nay, in the very chair of the speaker, placed for the protection of free speech and privilege, he sat, rolling his eyes round the benches, searching for those whose blood he desired, and singling out his opposers to the slaughter. This most foul outrage fails. Then again for the old arts. Then come gracious messages. Then come courteous speeches. Then is again mortgaged his often forfeited honour. He will never again violate the laws. He will respect their rights as if they were his own. He pledges the dignity of his crown; that crown which had been committed to him for the weal of his people, and which he never named, but that he might the more easily delude and oppress them.

"The power of the sword, I grant you, was not one to be permanently possessed by parliament. Neither did that parliament demand it as a permanent possession. They asked it only for temporary security. Nor can I see on what conditions they could safely make peace with that false and

wicked king, save such as would deprive him of all power to injure.

"For civil war, that it is an evil I dispute not. But that it is the greatest of evils, that I stoutly deny. It doth indeed appear to the misjudging to be a worse calamity than bad government, because its miseries are collected together within a short space and time, and may easily at one view be taken in and perceived. But the misfortunes of nations ruled by tyrants, being distributed over many centuries and many places, as they are of greater weight and number, so are they of less display. When the Devil of tyranny hath gone into the body politic he departs not but with struggles, and foaming, and great convulsions. Shall he, therefore, vex it for ever, lest, in going out, he for a moment tear and rend it? Truly this argument touching the evils of war would better become my friend Elwood, or some other of the people called Quakers, than a courtier and a cavalier. It applies no more to this war than to all others, as well foreign as domestic, and, in this war, no more to the Houses than to the king; nay not so much, since he by a little sincerity and moderation might have rendered that needless which their duty to God and man then enforced them to do."

"Pardon me, Mr. Milton," said Mr. Cowley; "I grieve to hear you speak thus of that good king. Most unhappy indeed he was, in that he reigned at a time when the spirit of the then living generation was for freedom, and the precedents of former ages for prerogative. His case was like to that of Christopher Columbus, when he sailed forth on an unknown ocean, and found that the compass, whereby he shaped his course, had shifted from the north pole whereto before it had constantly pointed. So it was with Charles. His compass varied; and therefore he could not tack aright. If he had been an absolute king he would doubtless, like Titus Vespasian, have been called the delight of the human race. If he had been a Doge of Venice, or a Stadtholder of Holland, he would never have outstepped the laws. But he lived when our government had neither clear definitions nor strong sanctions. Let, therefore, his faults be ascribed to the time. Of his virtues the praise is his own.

"Never was there a more gracious prince, or a more proper gentleman. In every pleasure he was temperate, in conversation mild and grave, in friendship constant, to his servants liberal, to his queen faithful and loving, in battle brave, in

sorrow and captivity resolved, in death most Christian and forgiving.

"For his oppressions, let us look at the former history of this realm. James was never accounted a tyrant. Elizabeth is esteemed to have been the mother of her people. Were they less arbitrary? Did they never lay hands on the purses of their subjects but by Act of Parliament? Did they never confine insolent and disobedient men but in due course of law? Was the court of Star Chamber less active? Were the ears of libellers more safe? I pray you, let not king Charles be thus dealt with. It was enough that in his life he was tried for an alleged breach of laws which none ever heard named till they were discovered for his destruction. Let not his fame be treated as was his sacred and anointed body. Let not his memory be tried by principles found out *ex post facto*. Let us not judge by the spirit of one generation a man whose disposition had been formed by the temper and fashion of another."

"Nay, but conceive me, Mr. Cowley," said Mr. Milton; "inasmuch as, at the beginning of his reign, he imitated those who had governed before him, I blame him not. To expect that kings will, of their own free choice, abridge their prerogative, were argument of but slender wisdom. Whatever, therefore, lawless, unjust, or cruel, he either did or permitted during the first years of his reign, I pass by. But for what was done after that he had solemnly given his consent to the Petition of Right, where shall we find defence? Let it be supposed, which yet I concede not, that the tyranny of his father and of Queen Elizabeth had been no less rigorous than was his. But had his father, had that queen, sworn, like him, to abstain from those rigours? Had they, like him, for good and valuable consideration, aliened their hurtful prerogatives? Surely not: from whatever excuse you can plead for him he had wholly excluded himself. The borders of countries, we know, are mostly the seats of perpetual wars and tumults. It was the same with the undefined frontiers, which of old separated privilege and prerogative. They were the debatable land of our polity. It was no marvel if, both on the one side and on the other, inroads were often made. But, when treaties have been concluded, spaces measured, lines drawn, landmarks set up, that which before might pass for innocent error or just reprisal becomes robbery, perjury, deadly sin. He knew not, you say, which of his powers were founded on ancient law, and which

only on vicious example. But had he not read the Petition of Right? Had not proclamation been made from his throne; *Soit fait comme il est desiré?*

"For his private virtues they are beside the question. Remember you not," and Mr. Milton smiled, but somewhat sternly, "what Dr. Caius saith in the Merry Wives of Shakspeare? 'What shall the honest man do in my closet? There is no honest man that shall come in my closet.' Even so say I. There is no good man who shall make us his slaves. If he break his word to his people, is it a sufficient defence that he keeps it to his companions? If he oppress and extort all day, shall he be held blameless because he prayeth at night and morning? If he be insatiable in plunder and revenge, shall we pass it by because in meat and drink he is temperate? If he have lived like a tyrant, shall all be forgotten because he hath died like a martyr?

"He was a man, as I think, who had so much semblance of virtues as might make his vices most dangerous. He was not a tyrant after our wonted English model. The second Richard, the second and fourth Edwards, and the eighth Harry, were men profuse, gay, boisterous; lovers of women and of wine, of no outward sanctity or gravity. Charles was a ruler after the Italian fashion; grave, demure, of a solemn carriage, and a sober diet; as constant at prayers as a priest, as heedless of oaths as an atheist."

Mr. Cowley answered somewhat sharply: "I am sorry, Sir, to hear you speak thus. I had hoped that the vehemence of spirit which was caused by these violent times had now abated. Yet, sure, Mr. Milton, whatever you may think of the character of King Charles, you will not still justify his murder."

"Sir," said Mr. Milton, "I must have been of a hard and strange nature, if the vehemence which was imputed to me in my younger days had not been diminished by the afflictions wherewith it hath pleased Almighty God to chasten my age. I will not now defend all that I may heretofore have written. But this I say, that I perceive not wherefore a king should be exempted from all punishment. Is it just that where most is given least should be required? Or politic that where there is the greatest power to injure there should be no danger to restrain? But, you will say, there is no such law. Such a law there is. There is the law of self-preservation written by God himself on our hearts. There is the primal compact and bond of society, not graven on stone,

nor sealed with wax, nor put down on parchment, nor set forth in any express form of words by men when of old they came together; but implied in the very act that they so came together, pre-supposed in all subsequent law, not to be repealed by any authority, not invalidated by being omitted in any code; inasmuch as from thence are all codes and all authority.

"Neither do I well see wherefore you cavaliers, and, indeed, many of us whom you merrily call Roundheads, distinguish between those who fought against King Charles, and specially after the second commission given to Sir Thomas Fairfax, and those who condemned him to death. Sure if his person were inviolable, it was as wicked to lift the sword against it at Naseby as the axe at Whitehall. If his life might justly be taken, why not in course of trial as well as by right of war?

"Thus much in general as touching the right. But, for the execution of King Charles in particular, I will not now undertake to defend it. Death is inflicted, not that the culprit may die, but that the state may be thereby advantaged. And, from all that I know, I think that the death of King Charles hath more hindered than advanced the liberties of England.

"First, he left an heir. He was in captivity. The heir was in freedom. He was odious to the Scots. The heir was favoured by them. To kill the captive therefore, whereby the heir, in the apprehension of all royalists, became forthwith King—what was it, in truth, but to set their captive free, and to give him besides other great advantages?

"Next, it was a deed most odious to the people, and not only to your party, but to many among ourselves; and, as it is perilous for any government to outrage the public opinion, so most was it perilous for a government which had from that opinion alone its birth, its nurture, and its defence.

"Yet doth not this properly belong to our dispute; nor can these faults be justly charged upon that most renowned parliament. For, as you know, the high court of justice was not established until the house had been purged of such members as were adverse to the army, and brought wholly under the control of the chief officers."

"And who," said Mr. Cowley, "levied that army? Who commissioned those officers? Was not the fate of the Commons as justly deserved as was that of Diomedes, who was devoured by those horses whom he had himself taught to feed

on the flesh and blood of men? How could they hope that *others* would respect laws which they had themselves insulted; *that* swords which had been drawn against the prerogatives *of the king* would be put up at an ordinance of the Commons? It was believed, of old, that there were some devils easily raised but never to be laid; insomuch that, if a magician called them up, he should be forced to find them always some employment; for, though they would do all his bidding, yet, if he left them but for one moment without some work of evil to perform, they would turn their claws against himself. Such a fiend is an army. They who evoke it cannot dismiss it. They are at once its masters and its slaves. Let them not fail to find for it task after task of blood and rapine. Let them not leave it for a moment in repose, lest it tear them in pieces.

"Thus was it with that famous assembly. They formed a force which they could neither govern nor resist. They made it powerful. They made it fanatical. As if military insolence were not of itself sufficiently dangerous, they heightened it with spiritual pride,—they encouraged their soldiers to rave from the tops of tubs against the men of Belial, till every trooper thought himself a prophet. They taught them to abuse popery, till every drummer fancied that he was as infallible as a pope.

"Then it was that religion changed her nature. She was no longer the parent of arts and letters, of wholesome knowledge, of innocent pleasures, of blessed household smiles. In their place came sour faces, whining voices, the chattering of fools, the yells of madmen. Then men fasted from meat and drink, who fasted not from bribes and blood. Then men frowned at stage-plays, who smiled at massacres. Then men preached against painted faces, who felt no remorse for their own most painted lives. Religion had been a pole-star to light and to guide. It was now more like to that ominous star in the book of the Apocalypse, which fell from heaven upon the fountains and rivers and changed them into wormwood; for even so did it descend from its high and celestial dwelling-place to plague this earth, and to turn into bitterness all that was sweet, and into poison all that was nourishing.

"Therefore it was not strange that such things should follow. They who had closed the barriers of London against the king could not defend them against their own creatures. They who had so stoutly cried for privilege, when that prince, most unadvisedly no doubt, came among them to demand

their members, durst not wag their fingers when Oliver filled their hall with soldiers, gave their mace to a corporal, put their keys in his pocket, and drove them forth with base terms, borrowed half from the conventicle and half from the ale-house. Then were we, like the trees of the forest in holy writ, given over to the rule of the bramble; then from the basest of the shrubs came forth the fire which devoured the cedars of Lebanon. We bowed down before a man of mean birth, of ungraceful demeanour, of stammering and most vulgar utterance, of scandalous and notorious hypocrisy. Our laws were made and unmade at his pleasure; the constitution of our parliaments changed by his writ and proclamation; our persons imprisoned; our property plundered; our lands and houses overrun with soldiers; and the great charter itself was but argument for a scurrilous jest; and for all this we may thank that parliament: for never, unless they had so violently shaken the vessel, could such foul dregs have risen to the top."

Then answered Mr. Milton: "What you have now said comprehends so great a number of subjects, that it would require, not an evening's sail on the Thames, but rather a voyage to the Indies, accurately to treat of all: yet, in as few words as I may, I will explain my sense of these matters.

"First, as to the army. An army, as you have well set forth, is always a weapon dangerous to those who use it; yet he who falls among thieves spares not to fire his musquetoon, because he may be slain if it burst in his hand. Nor must states refrain from defending themselves, lest their defenders should at last turn against them. Nevertheless, against this danger statesmen should carefully provide; and, that they may do so, they should take especial care that neither the officers nor the soldiers do forget that they are also citizens. I do believe that the English army would have continued to obey the parliament with all duty, but for one act, which, as it was in intention, in seeming, and in immediate effect, worthy to be compared with the most famous in history, so was it, in its final consequence, most injurious. I speak of that ordinance called the *self-denying*, and of the new model of the army. By those measures the Commons gave up the command of their forces into the hands of men who were not of themselves. Hence, doubtless, derived no small honour to that noble assembly, which sacrificed to the hope of public good the assurance of private advantage. And, as to the conduct of the war, the scheme prospered. Witness the battle of Naseby,

and the memorable exploits of Fairfax in the west. But thereby the parliament lost that hold on the soldiers and that power to control them, which they retained while every regiment was commanded by their own members. Politicians there be, who would wholly divide the legislative from the executive power. In the golden age this may have succeeded; in the millennium it may succeed again. But, where great armies and great taxes are required, there the executive government must always hold a great authority, which authority, that it may not oppress and destroy the legislature, must be in some manner blended with it. The leaders of foreign mercenaries have always been most dangerous to a country. The officers of native armies, deprived of the civil privileges of other men, are as much to be feared. This was the great error of that Parliament: and, though an error it were, it was an error generous, virtuous, and more to be deplored than censured.

"Hence came the power of the army and its leaders, and especially of that most famous leader, whom both in our conversation to-day, and in that discourse whereon I before touched, you have, in my poor opinion, far too roughly handled. Wherefore you speak contemptibly of his parts I know not; but I suspect that you are not free from the error common to studious and speculative men. Because Oliver was an ungraceful orator, and never said, either in public or private, anything memorable, you will have it that he was of a mean capacity. Sure this is unjust. Many men have there been ignorant of letters, without wit, without eloquence, who yet had the wisdom to devise, and the courage to perform, that which they lacked language to explain. Such men, often, in troubled times, have worked out the deliverance of nations and their own greatness, not by logic, not by rhetoric, but by wariness in success, by calmness in danger, by fierce and stubborn resolution in all adversity. The hearts of men are their books; events are their tutors; great actions are their eloquence: and such an one, in my judgment, was his late Highness, who, if none were to treat his name scornfully now who shook not at the sound of it while he lived, would, by very few, be mentioned otherwise than with reverence. His own deeds shall avouch him for a great statesman, a great soldier, a true lover of his country, a merciful and generous conqueror.

"For his faults, let us reflect that they who seem to lead are oftentimes most constrained to follow. They who will

mix with men, and specially they who will govern them, must, in many things, obey them. They who will yield to no such conditions may be hermits, but cannot be generals and statesmen. If a man will walk straight forward without turning to the right or the left, he must walk in a desert, and not in Cheapside. Thus was he enforced to do many things which jumped not with his inclination nor made for his honour; because the army, on which alone he could depend for power and life, might not otherwise be contented. And I, for mine own part, marvel less that he sometimes was fain to indulge their violence than that he could so often restrain it.

"In that he dissolved the Parliament, I praise him. It then was so diminished in numbers, as well by the death as by the exclusion of members, that it was no longer the same assembly; and, if at that time it had made itself perpetual, we should have been governed, not by an English House of Commons, but by a Venetian Council.

"If in his following rule he overstepped the laws, I pity rather than condemn him. He may be compared to that Mæandrius of Samos, of whom Herodotus saith, in his Thalia, that, wishing to be of all men the most just, he was not able; for after the death of Polycrates he offered freedom to the people; and not till certain of them threatened to call him to a reckoning for what he had formerly done, did he change his purpose, and make himself a tyrant, lest he should be treated as a criminal.

"Such was the case of Oliver. He gave to his country a form of government so free and admirable that, in near six thousand years, human wisdom hath never devised any more excellent contrivance for human happiness. To himself he reserved so little power that it would scarcely have sufficed for his safety, and it is a marvel that it could suffice for his ambition. When, after that, he found that the members of his parliament disputed his right even to that small authority which he had kept, when he might have kept all, then indeed I own that he began to govern by the sword those who would not suffer him to govern by the law.

"But, for the rest, what sovereign was ever more princely in pardoning injuries, in conquering enemies, in extending the dominions and the renown of his people? What sea, what shore did he not mark with imperishable memorials of his friendship or his vengeance? The gold of Spain, the steel of Sweden, the ten thousand sails of Holland, availed nothing against him. While every foreign state trembled

at our arms, we sat secure from all assault. War, which often so strangely troubles both husbandry and commerce, never silenced the song of our reapers, or the sound of our looms. Justice was equally administered; God was freely worshipped.

"Now look at that which we have taken in exchange. With the restored king have come over to us vices of every sort, and most the basest and most shameful,—lust without love—servitude without loyalty—foulness of speech—dishonesty of dealing—grinning contempt of all things good and generous. The throne is surrounded by men whom the former Charles would have spurned from his footstool. The altar is served by slaves whose knees are supple to every being but God. Rhymers, whose books the hangman should burn, pandars, actors, and buffoons, these drink a health and throw a main with the King; these have stars on their breasts and gold sticks in their hands; these shut out from his presence the best and bravest of those who bled for his house. Even so doth God visit those who know not how to value freedom. He gives them over to the tyranny which they have desired, *Ἵνα πάντες ἐπαύρωνται βασιλῆος.*

"I will not," said Mr. Cowley, "dispute with you on this argument. But, if it be as you say, how can you maintain that England hath been so greatly advantaged by the rebellion?"

"Understand me rightly, Sir," said Mr. Milton. "This nation is not given over to slavery and vice. We tasted indeed the fruits of liberty before they had well ripened. Their flavour was harsh and bitter; and we turned from them with loathing to the sweeter poisons of servitude. This is but for a time. England is sleeping on the lap of Dalilah, traitorously chained, but not yet shorn of strength. Let the cry be once heard—the Philistines be upon thee; and at once that sleep will be broken, and those chains will be as flax in the fire. The great Parliament hath left behind it in our hearts and minds a hatred of tyrants, a just knowledge of our rights, a scorn of vain and deluding names; and that the revellers of Whitehall shall surely find. The sun is darkened; but it is only for a moment: it is but an eclipse; though all birds of evil omen have begun to scream, and all ravenous beasts have gone forth to prey, thinking it to be midnight. Woe to them if they be abroad, when the rays again shine forth!

"The king hath judged ill. Had he been wise he would

have remembered that he owed his restoration only to confusions which had wearied us out, and made us eager for repose. He would have known that the folly and perfidy of a prince would restore to the good old cause many hearts which had been alienated thence by the turbulence of factions; for, if I know aught of history, or of the heart of man, he will soon learn that the last champion of the people was not destroyed when he murdered Vane, nor seduced when he beguiled Fairfax."

Mr. Cowley seemed to me not to take much amiss what Mr. Milton had said touching that thankless court, which had indeed but poorly requited his own good service. He only said, therefore, "Another rebellion! Alas! alas! Mr. Milton! If there be no choice but between despotism and anarchy, I prefer despotism."

"Many men," said Mr. Milton, "have floridly and ingeniously compared anarchy and despotism; but they who so amuse themselves do but look at separate parts of that which is truly one great whole. Each is the cause and the effect of the other; the evils of either are the evils of both. Thus do states move on in the same eternal cycle, which, from the remotest point, brings them back again to the same sad starting-post: and, till both those who govern and those who obey shall learn and mark this great truth, men can expect little through the future, as they have known little through the past, save vicissitudes of extreme evils, alternately producing and produced.

"When will rulers learn that, where liberty is not, security and order can never be? We talk of absolute power; but all power hath limits, which, if not fixed by the moderation of the governors, will be fixed by the force of the governed. Sovereigns may send their opposers to dungeons; they may clear out a senate-house with soldiers; they may enlist armies of spies; they may hang scores of the disaffected in chains at every cross road; but what power shall stand in that frightful time when rebellion hath become a less evil than endurance? Who shall dissolve that terrible tribunal, which, in the hearts of the oppressed, denounces against the oppressor the doom of its wild justice? Who shall repeal the law of self-defence? What arms or discipline shall resist the strength of famine and despair? How often were the ancient Cæsars dragged from their golden palaces, stripped of their purple robes, mangled, stoned, defiled with filth, pierced with hooks, hurled into Tiber? How often have the Eastern Sultans perished by the

sabres of their own janissaries, or the bow-strings of their own mutes! For no power which is not limited by laws can ever be protected by them. Small, therefore, is the wisdom of those who would fly to servitude as if it were a refuge from commotion; for anarchy is the sure consequence of tyranny. That governments may be safe, nations must be free. Their passions must have an outlet provided, lest they make one.

"When I was at Naples, I went with Signor Manso, a gentleman of excellent parts and breeding, who had been the familiar friend of that famous poet Torquato Tasso, to see the burning mountain Vesuvius. I wondered how the peasants could venture to dwell so fearlessly and cheerfully on its sides, when the lava was flowing from its summit; but Manso smiled. and told me that when the fire descends freely they retreat before it without haste or fear. They can tell how fast it will move, and how far; and they know, moreover, that, though it may work some little damage, it will soon cover the fields over which it hath passed with rich vineyards and sweet flowers. But, when the flames are pent up in the mountain, then it is that they have reason to fear; then it is that the earth sinks and the sea swells; then cities are swallowed up; and their place knoweth them no more. So it is in politics: where the people is most closely restrained, there it gives the greatest shocks to peace and order; therefore would I say to all kings, let your demagogues lead crowds, lest they lead armies; let them bluster, lest they massacre; a little turbulence is, as it were, the rainbow of the state; it shows indeed that there is a passing shower; but it is a pledge that there shall be no deluge."

"This is true," said Mr. Cowley: "yet these admonitions are not less needful to subjects than to sovereigns."

"Surely," said Mr. Milton; "and, that I may end this long debate with a few words in which we shall both agree, I hold that, as freedom is the only safeguard of governments, so are order and moderation generally necessary to preserve freedom. Even the vainest opinions of men are not to be outraged by those who propose to themselves the happiness of men for their end, and who must work with the passions of men for their means. The blind reverence for things ancient is indeed so foolish that it might make a wise man laugh, if it were not also sometimes so mischievous that it would rather make a good man weep. Yet, since it may not be wholly cured, it must be discreetly indulged; and therefore those who would amend evil laws should consider rather how much it may be

safe to spare, than how much it may be possible to change. Have you not heard that men who have been shut up for many years in dungeons shrink if they see the light, and fall down if their irons be struck off. And so, when nations have long been in the house of bondage, the chains which have crippled them are necessary to support them, the darkness which hath weakened their sight is necessary to preserve it. Therefore release them not too rashly, lest they curse their freedom and pine for their prison.

"I think indeed that the renowned Parliament, of which we have talked so much, did show, until it became subject to the soldiers, a singular and admirable moderation, in such times scarcely to be hoped, and most worthy to be an example to all that shall come after. But on this argument I have said enough: and I will therefore only pray to Almighty God that those who shall, in future times, stand forth in defence of our liberties, as well civil as religious, may adorn the good cause by mercy, prudence, and soberness, to the glory of his name and the happiness and honour of the English people."

And so ended that discourse; and not long after we were set on shore again at the Temple-gardens, and there parted company: and the same evening I took notes of what had been said, which I have here more fully set down, from regard both to the fame of the men, and the importance of the subject-matter.

ON THE ATHENIAN ORATORS. (August 1824.)

"To the famous orators repair,
Those ancient, whose resistless eloquence
Wielded at will that fierce democratic,
Shook the arsenal, and fulmined over Greece
To Macedon and Artaxerxes' throne."—Milton.

The celebrity of the great classical writers is confined within no limits, except those which separate civilised from savage man. Their works are the common property of every polished nation. They have furnished subjects for the painter, and models for the poet. In the minds of the educated classes throughout Europe, their names are indissolubly associated with the endearing recollections of childhood,—the old school-room,—the dog-eared grammar,—the first prize,—the tears so often shed and so quickly dried. So great is the veneration with which they are regarded, that even the editors and commentators who perform the lowest menial offices to their memory, are considered, like the equerries and chamberlains of sovereign princes, as entitled to a high rank in the table of literary precedence. It is, therefore, somewhat singular that their productions should so rarely have been examined on just and philosophical principles of criticism.

The ancient writers themselves afford us but little assistance. When they particularise, they are commonly trivial; when they would generalise, they become indistinct. An exception must, indeed, be made in favour of Aristotle. Both in analysis and in combination, that great man was without a rival. No philosopher has ever possessed, in an equal degree, the talent either of separating established systems into their primary elements, or of connecting detached phenomena in harmonious systems. He was the great fashioner of the intellectual chaos; he changed its darkness into light, and its discord into order. He brought to literary researches the same vigour and amplitude of mind to which both physical

and metaphysical science are so greatly indebted. His fundamental principles of criticism are excellent. To cite only a single instance;—the doctrine which he established, that poetry is an imitative art, when justly understood, is to the critic what the compass is to the navigator. With it he may venture upon the most extensive excursions. Without it he must creep cautiously along the coast, or lose himself in a trackless expanse, and trust, at best, to the guidance of an occasional star. It is a discovery which changes a caprice into a science.

The general propositions of Aristotle are valuable. But the merit of the superstructure bears no proportion to that of the foundation. This is partly to be ascribed to the character of the philosopher, who, though qualified to do all that could be done by the resolving and combining powers of the understanding, seems not to have possessed much of sensibility or imagination. Partly, also, it may be attributed to the deficiency of materials. The great works of genius which then existed were not either sufficiently numerous or sufficiently varied to enable any man to form a perfect code of literature. To require that a critic should conceive classes of composition which had never existed, and then investigate their principles, would be as unreasonable as the demand of Nebuchadnezzar, who expected his magicians first to tell him his dream and then to interpret it.

With all his deficiencies, Aristotle was the most enlightened and profound critic of antiquity. Dionysius was far from possessing the same exquisite subtilty, or the same vast comprehension. But he had access to a much greater number of specimens; and he had devoted himself, as it appears, more exclusively to the study of elegant literature. His peculiar judgments are of more value than his general principles. He is only the historian of literature. Aristotle is its philosopher.

Quintilian applied to general literature the same principles by which he had been accustomed to judge of the declamations of his pupils. He looks for nothing but rhetoric, and rhetoric not of the highest order. He speaks coldly of the incomparable works of Æschylus. He admires, beyond expression, those inexhaustible mines of common-places, the plays of Euripides. He bestows a few vague words on the poetical character of Homer. He then proceeds to consider him merely as an orator. An orator Homer doubtless was, and a great orator. But surely nothing is more remarkable,

in his admirable works, than the art with which his oratorical powers are made subservient to the purposes of poetry. Nor can I think Quintilian a great critic in his own province. Just as are many of his remarks, beautiful as are many of his illustrations, we can perpetually detect in his thoughts that flavour which the soil of despotism generally communicates to all the fruits of genius. Eloquence was, in his time, little more than a condiment which served to stimulate in a despot the jaded appetite for panegyric, an amusement for the travelled nobles and the blue-stocking matrons of Rome. It is, therefore, with him, rather a sport than a war; it is a contest of foils, not of swords. He appears to think more of the grace of the attitude than of the direction and vigour of the thrust. It must be acknowledged, in justice to Quintilian, that this is an error to which Cicero has too often given the sanction, both of his precept and of his example.

Longinus seems to have had great sensibility, but little discrimination. He gives us eloquent sentences, but no principles. It was happily said that Montesquieu ought to have changed the name of his book from *L'Esprit des Lois* to *L'Esprit sur les Lois*. In the same manner the philosopher of Palmyra ought to have entitled his famous work, not "Longinus on the Sublime," but "The Sublimities of Longinus." The origin of the sublime is one of the most curious and interesting subjects of inquiry that can occupy the attention of a critic. In our own country it has been discussed, with great ability, and, I think, with very little success, by Burke and Dugald Stuart. Longinus dispenses himself from all investigations of this nature, by telling his friend Terentianus that he already knows everything that can be said upon the question. It is to be regretted that Terentianus did not impart some of his knowledge to his instructor: for from Longinus we learn only that sublimity means height—or elevation.* This name, so commodiously vague, is applied indifferently to the noble prayer of Ajax in the Iliad, and to a passage of Plato about the human body, as full of conceits as an ode of Cowley. Having no fixed standard, Longinus is right only by accident. He is rather a fancier than a critic.

Modern writers have been prevented by many causes from supplying the deficiencies of their classical predecessors. At the time of the revival of literature, no man could, without

* Ἀκρότης καὶ ἐξοχή τις λόγων ἐστὶ τὰ ὕψη.

great and painful labour, acquire an accurate and elegant knowledge of the ancient languages. And, unfortunately, those grammatical and philological studies, without which it was impossible to understand the great works of Athenian and Roman genius, have a tendency to contract the views and deaden the sensibility of those who follow them with extreme assiduity. A powerful mind, which has been long employed in such studies, may be compared to the gigantic spirit in the Arabian tale, who was persuaded to contract himself to small dimensions in order to enter within the enchanted vessel, and, when his prison had been closed upon him, found himself unable to escape from the narrow boundaries to the measure of which he had reduced his stature. When the means have long been the objects of application, they are naturally substituted for the end. It was said, by Eugene of Savoy, that the greatest generals have commonly been those who have been at once raised to command, and introduced to the great operations of war, without being employed in the petty calculations and manœuvres which employ the time of an inferior officer. In literature the principle is equally sound. The great tactics of criticism will, in general, be best understood by those who have not had much practice in drilling syllables and particles.

I remember to have observed among the French Anas a ludicrous instance of this. A scholar, doubtless of great learning, recommends the study of some long Latin treatise, of which I now forget the name, on the religion, manners, government, and language of the early Greeks. "For there," says he, "you will learn everything of importance that is contained in the Iliad and Odyssey, without the trouble of reading two such tedious books." Alas! it had not occurred to the poor gentleman that all the knowledge to which he attached so much value was useful only as it illustrated the great poems which he despised, and would be as worthless for any other purpose as the mythology of Caffraria, or the vocabulary of Otaheite.

Of those scholars who have disdained to confine themselves to verbal criticism few have been successful. The ancient languages have, generally, a magical influence on their faculties. They were "fools called into a circle by Greek invocations." The Iliad and Æneid were to them not books, but curiosities, or rather reliques. They no more admired those works for their merits than a good Catholic venerates the house of the Virgin at Loretto for its architecture. What-

ever was classical was good. Homer was a great poet; and so was Callimachus. The epistles of Cicero were fine; and so were those of Phalaris. Even with respect to questions of evidence they fell into the same error. The authority of all narrations, written in Greek or Latin, was the same with them. It never crossed their minds that the lapse of five hundred years, or the distance of five hundred leagues, could affect the accuracy of a narration;—that Livy could be a less veracious historian than Polybius;—or that Plutarch could know less about the friends of Xenophon than Xenophon himself. Deceived by the distance of time, they seem to consider all the Classics as contemporaries; just as I have known people in England, deceived by the distance of place, take it for granted that all persons who live in India are neighbours, and ask an inhabitant of Bombay about the health of an acquaintance at Calcutta. It is to be hoped that no barbarian deluge will ever again pass over Europe. But, should such a calamity happen, it seems not improbable that some future Rollin or Gillies will compile a history of England from Miss Porter's Scottish Chiefs, Miss Lee's Recess, and Sir Nathaniel Wraxall's Memoirs.

It is surely time that ancient literature should be examined in a different manner, without pedantical prepossessions, but with a just allowance, at the same time, for the difference of circumstances and manners. I am far from pretending to the knowledge or ability which such a task would require. All that I mean to offer is a collection of desultory remarks upon a most interesting portion of Greek literature.

It may be doubted whether any compositions which have ever been produced in the world are equally perfect in their kind with the great Athenian orations. Genius is subject to the same laws which regulate the production of cotton and molasses. The supply adjusts itself to the demand. The quantity may be diminished by restrictions, and multiplied by bounties. The singular excellence to which eloquence attained at Athens is to be mainly attributed to the influence which it exerted there. In turbulent times, under a constitution purely democratic, among a people educated exactly to that point at which men are most susceptible of strong and sudden impressions, acute, but not sound reasoners, warm in their feelings, unfixed in their principles, and passionate admirers of fine composition, oratory received such encouragement as it has never since obtained.

The taste and knowledge of the Athenian people was a

favourite object of the contemptuous derision of Samuel Johnson; a man who knew nothing of Greek literature beyond the common school-books, and who seems to have brought to what he had read scarcely more than the discernment of a common school-boy. He used to assert, with that arrogant absurdity which, in spite of his great abilities and virtues, renders him, perhaps, the most ridiculous character in literary history, that Demosthenes spoke to a people of brutes;—to a barbarous people;—that there could have been no civilisation before the invention of printing. Johnson was a keen but a very narrow-minded observer of mankind. He perpetually confounded their general nature with their particular circumstances. He knew London intimately. The sagacity of his remarks on its society is perfectly astonishing. But Fleet-street was the world to him. He saw that Londoners who did not read were profoundly ignorant; and he inferred that a Greek, who had few or no books, must have been as uninformed as one of Mr. Thrale's draymen.

There seems to be, on the contrary, every reason to believe that, in general intelligence, the Athenian populace far surpassed the lower orders of any community that has ever existed. It must be considered, that to be a citizen was to be a legislator,—a soldier,—a judge,—one upon whose voice might depend the fate of the wealthiest tributary state, of the most eminent public man. The lowest offices, both of agriculture and of trade, were, in common, performed by slaves. The commonwealth supplied its meanest members with the support of life, the opportunity of leisure, and the means of amusement. Books were indeed few; but they were excellent; and they were accurately known. It is not by turning over libraries, but by repeatedly perusing and intently contemplating a few great models, that the mind is best disciplined. A man of letters must now read much that he soon forgets, and much from which he learns nothing worthy to be remembered. The best works employ, in general, but a small portion of his time. Demosthenes is said to have transcribed six times the history of Thucydides. If he had been a young politician of the present age, he might in the same space of time have skimmed innumerable newspapers and pamphlets. I do not condemn that desultory mode of study which the state of things, in our day, renders a matter of necessity. But I may be allowed to doubt whether the changes on which the admirers of modern institutions delight to dwell have improved our condition so

much in reality as in appearance. Rumford, it is said, proposed to the Elector of Bavaria a scheme for feeding his soldiers at a much cheaper rate than formerly. His plan was simply to compel them to masticate their food thoroughly. A small quantity, thus eaten, would, according to that famous projector, afford more sustenance than a large meal hastily devoured. I do not know how Rumford's proposition was received; but to the mind, I believe, it will be found more nutritious to digest a page than to devour a volume.

Books, however, were the least part of the education of an Athenian citizen. Let us, for a moment, transport ourselves, in thought, to that glorious city. Let us imagine that we are entering its gates, in the time of its power and glory. A crowd is assembled round a portico. All are gazing with delight at the entablature; for Phidias is putting up the frieze. We turn into another street; a rhapsodist is reciting there: men, women, children are thronging round him: the tears are running down their cheeks: their eyes are fixed: their very breath is still; for he is telling how Priam fell at the feet of Achilles, and kissed those hands,—the terrible,—the murderous,—which had slain so many of his sons.* We enter the public place; there is a ring of youths, all leaning forward, with sparkling eyes, and gestures of expectation. Socrates is pitted against the famous atheist, from Ionia, and has just brought him to a contradiction in terms. But we are interrupted. The herald is crying—"Room for the Prytanes." The general assembly is to meet. The people are swarming in on every side. Proclamation is made—"Who wishes to speak." There is a shout, and a clapping of hands: Pericles is mounting the stand. Then for a play of Sophocles; and away to sup with Aspasia. I know of no modern university which has so excellent a system of education.

Knowledge thus acquired and opinions thus formed were, indeed, likely to be, in some respects, defective. Propositions which are advanced in discourse generally result from a partial view of the question, and cannot be kept under examination long enough to be corrected. Men of great conversational powers almost universally practise a sort of lively sophistry and exaggeration, which deceives, for the moment, both themselves and their auditors. Thus we see doctrines, which cannot bear a close inspection, triumph perpetually in

* ——— καὶ κύσε χεῖρας,
δεινὰς, ἀνδροφόνους, αἳ οἱ πολέας κτάνον υἷας.

drawing-rooms, in debating societies, and even in legislative or judicial assemblies. To the conversational education of the Athenians I am inclined to attribute the great looseness of reasoning which is remarkable in most of their scientific writings. Even the most illogical of modern writers would stand perfectly aghast at the puerile fallacies which seem to have deluded some of the greatest men of antiquity. Sir Thomas Lethbridge would stare at the political economy of Xenophon; and the author of *Soirées de Pétersbourg* would be ashamed of some of the metaphysical arguments of Plato. But the very circumstances which retarded the growth of science were peculiarly favourable to the cultivation of eloquence. From the early habit of taking a share in animated discussion the intelligent student would derive that readiness of resource, that copiousness of language, and that knowledge of the temper and understanding of an audience, which are far more valuable to an orator than the greatest logical powers.

Horace has prettily compared poems to those paintings of which the effect varies as the spectator changes his stand. The same remark applies with at least equal justice to speeches. They must be read with the temper of those to whom they were addressed, or they must necessarily appear to offend against the laws of taste and reason: as the finest picture, seen in a light different from that for which it was designed, will appear fit only for a sign. This is perpetually forgotten by those who criticise oratory. Because they are reading at leisure, pausing at every line, reconsidering every argument, they forget that the hearers were hurried from point to point too rapidly to detect the fallacies through which they were conducted; that they had no time to disentangle sophisms, or to notice slight inaccuracies of expression; that elaborate excellence, either of reasoning or of language, would have been absolutely thrown away. To recur to the analogy of the sister art, these connoisseurs examine a panorama through a microscope, and quarrel with a scene-painter because he does not give to his work the exquisite finish of Gerard Dow.

Oratory is to be estimated on principles different from those which are applied to other productions. Truth is the object of philosophy and history. Truth is the object even of those works which are peculiarly called works of fiction, but which, in fact, bear the same relation to history which algebra bears to arithmetic. The merit of poetry, in its wildest forms, still consists in its truth,—truth conveyed

to the understanding, not directly by the words, but circuitously by means of imaginative associations, which serve as its conductors. The object of oratory alone is not truth, but persuasion. The admiration of the multitude does not make Moore a greater poet than Coleridge, or Beattie a greater philosopher than Berkeley. But the criterion of eloquence is different. A speaker who exhausts the whole philosophy of a question, who displays every grace of style, yet produces no effect on his audience, may be a great essayist, a great statesman, a great master of composition; but he is not an orator. If he miss the mark, it makes no difference whether he have taken aim too high or too low.

The effect of the great freedom of the press in England has been, in a great measure, to destroy this distinction, and to leave among us little of what I call Oratory Proper. Our legislators, our candidates, on great occasions even our advocates, address themselves less to the audience than to the reporters. They think less of the few hearers than of the innumerable readers. At Athens the case was different; there the only object of the speaker was immediate conviction and persuasion. He, therefore, who would justly appreciate the merit of the Grecian orators should place himself, as nearly as possible, in the situation of their auditors: he should divest himself of his modern feelings and acquirements, and make the prejudices and interests of the Athenian citizen his own. He who studies their works in this spirit will find that many of those things which, to an English reader, appear to be blemishes,—the frequent violation of those excellent rules of evidence by which our courts of law are regulated,—the introduction of extraneous matter,—the reference to considerations of political expediency in judicial investigations,—the assertions, without proof,—the passionate entreaties,—the furious invectives,—are really proofs of the prudence and address of the speakers. He must not dwell maliciously on arguments or phrases, but acquiesce in his first impressions. It requires repeated perusal and reflection to decide rightly on any other portion of literature. But with respect to works of which the merit depends on their instantaneous effect the most hasty judgment is likely to be best.

The history of eloquence at Athens is remarkable. From a very early period great speakers had flourished there. Pisistratus and Themistocles are said to have owed much of their

certainty, that Pericles was distinguished by extraordinary oratorical powers. The substance of some of his speeches is transmitted to us by Thucydides; and that excellent writer has doubtless faithfully reported the general line of his arguments. But the manner, which in oratory is of at least as much consequence as the matter, was of no importance to his narration. It is evident that he has not attempted to preserve it. Throughout his work, every speech on every subject, whatever may have been the character or the dialect of the speaker, is in exactly the same form. The grave king of Sparta, the furious demagogue of Athens, the general encouraging his army, the captive supplicating for his life, all are represented as speakers in one unvaried style,—a style moreover wholly unfit for oratorical purposes. His mode of reasoning is singularly elliptical,—in reality most consecutive,—yet in appearance often incoherent. His meaning, in itself sufficiently perplexing, is compressed into the fewest possible words. His great fondness for antithetical expression has not a little conduced to this effect. Every one must have observed how much more the sense is condensed in the verses of Pope and his imitators, who never ventured to continue the same clause from couplet to couplet, than in those of poets who allow themselves that license. Every artificial division, which is strongly marked, and which frequently recurs, has the same tendency. The natural and perspicuous expression which spontaneously rises to the mind will often refuse to accommodate itself to such a form. It is necessary either to expand it into weakness, or to compress it into almost impenetrable density. The latter is generally the choice of an able man, and was assuredly the choice of Thucydides.

It is scarcely necessary to say that such speeches could never have been delivered. They are perhaps among the most difficult passages in the Greek language, and would probably have been scarcely more intelligible to an Athenian auditor than to a modern reader. Their obscurity was acknowledged by Cicero, who was as intimate with the literature and language of Greece as the most accomplished of its natives, and who seems to have held a respectable rank among the Greek authors. Their difficulty to a modern reader lies, not in the words, but in the reasoning. A dictionary is of far less use in studying them than a clear head and a close attention to the context. They are valuable to the scholar as displaying, beyond almost any other composi-

tions, the powers of the finest of languages: they are valuable to the philosopher as illustrating the morals and manners of a most interesting age: they abound in just thought and energetic expression. But they do not enable us to form any accurate opinion on the merits of the early Greek orators.

Though it cannot be doubted that, before the Persian wars, Athens had produced eminent speakers, yet the period during which eloquence most flourished among her citizens was by no means that of her greatest power and glory. It commenced at the close of the Peloponnesian war. In fact, the steps by which Athenian oratory approached to its finished excellence seem to have been almost contemporaneous with those by which the Athenian character and the Athenian empire sunk to degradation. At the time when the little commonwealth achieved those victories which twenty-five eventful centuries have left unequalled, eloquence was in its infancy. The deliverers of Greece became its plunderers and oppressors. Unmeasured exaction, atrocious vengeance, the madness of the multitude, the tyranny of the great, filled the Cyclades with tears, and blood, and mourning. The sword unpeopled whole islands in a day. The plough passed over the ruins of famous cities. The imperial republic sent forth her children by thousands to pine in the quarries of Syracuse, or to feed the vultures of Ægospotami. She was at length reduced by famine and slaughter to humble herself before her enemies, and to purchase existence by the sacrifice of her empire and her laws. During these disastrous and gloomy years, oratory was advancing towards its highest excellence. And it was when the moral, the political, and the military character of the people was most utterly degraded, it was when the viceroy of a Macedonian sovereign gave law to Greece, that the courts of Athens witnessed the most splendid contest of eloquence that the world has ever known.

The causes of this phenomenon it is not, I think, difficult to assign. The division of labour operates on the productions of the orator as it does on those of the mechanic. It was remarked by the ancients that the Pentathlete, who divided his attention between several exercises, though he could not vie with a boxer in the use of the cestus, or with one who had confined his attention to running in the contest of the stadium, yet enjoyed far greater general vigour and health than either. It is the same with the mind. The superiority in technical skill is often more than compensated by the infe-

riority in general intelligence. And this is peculiarly the case in politics. States have always been best governed by men who have taken a wide view of public affairs, and who have rather a general acquaintance with many sciences than a perfect mastery of one. The union of the political and military departments in Greece contributed not a little to the splendour of its early history. After their separation more skilful generals and greater speakers appeared; but the breed of statesmen dwindled and became almost extinct. Themistocles or Pericles would have been no match for Demosthenes in the assembly, or for Iphicrates in the field. But surely they were incomparably better fitted than either for the supreme direction of affairs.

There is indeed a remarkable coincidence between the progress of the art of war, and that of the art of oratory, among the Greeks. They both advanced to perfection by contemporaneous steps, and from similar causes. The early speakers, like the early warriors of Greece, were merely a militia. It was found that in both employments practice and discipline gave superiority.* Each pursuit therefore became first an art, and then a trade. In proportion as the professors of each became more expert in their particular craft, they became less respectable in their general character. Their skill had been obtained at too great expense to be employed only from disinterested views. Thus, the soldiers forgot that they were citizens, and the orators that they were statesmen. I know not to what Demosthenes and his famous contemporaries can be so justly compared as to those mercenary troops who, in their time, overran Greece; or those who, from similar causes, were some centuries ago the scourge of the Italian republics,—

* It has often occurred to me, that to the circumstances mentioned in the text is to be referred one of the most remarkable events in Grecian history; I mean the silent but rapid downfall of the Lacedæmonian power. Soon after the termination of the Peloponnesian war, the strength of Lacedæmon began to decline. Its military discipline, its social institutions, were the same. Agesilaus, during whose reign the change took place, was the ablest of its kings. Yet the Spartan armies were frequently defeated in pitched battles,—an occurrence considered impossible in the earlier ages of Greece. They are allowed to have fought most bravely; yet they were no longer attended by the success to which they had formerly been accustomed. No solution of these circumstances is offered, as far as I know, by any ancient author. The real cause, I conceive, was this. The Lacedæmonians, alone among the Greeks, formed a permanent standing army. While the citizens of other commonwealths were engaged in agriculture and trade, they had no employment whatever but the study of military discipline. Hence, during the Persian and Peloponnesian wars, they had that advantage over their neighbours which regular troops always possess over militia. This advantage they lost, when other states began, at a later period, to employ mercenary forces, who were probably as superior to them in the art of war as they had hitherto been to their antagonists.

perfectly acquainted with every part of their profession, irresistible in the field, powerful to defend or to destroy, but defending without love, and destroying without hatred. We may despise the characters of these political *Condottieri;* but it is impossible to examine the system of their tactics without being amazed at its perfection.

I had intended to proceed to this examination, and to consider separately the remains of Lysias, of Æschines, of Demosthenes, and of Isocrates, who, though strictly speaking he was rather a pamphleteer than an orator, deserves, on many accounts, a place in such a disquisition. The length of my prolegomena and digressions compels me to postpone this part of the subject to another occasion. A Magazine is certainly a delightful invention for a very idle or a very busy man. He is not compelled to complete his plan or to adhere to his subject. He may ramble as far as he is inclined, and stop as soon as he is tired. No one takes the trouble to recollect his contradictory opinions or his unredeemed pledges. He may be as superficial, as inconsistent, and as careless as he chooses. Magazines resemble those little angels, who, according to the pretty Rabbinical tradition, are generated every morning by the brook which rolls over the flowers of Paradise,—whose life is a song,—who warble till sunset, and then sink back without regret into nothingness. Such spirits have nothing to do with the detecting spear of Ithuriel or the victorious sword of Michael. It is enough for them to please and be forgotten.

A PROPHETIC ACCOUNT OF A GRAND NATIONAL EPIC POEM, TO BE ENTITLED "THE WELLINGTONIAD," AND TO BE PUBLISHED A.D. 2824.

(NOVEMBER, 1824.)

How I became a prophet it is not very important to the reader to know. Nevertheless I feel all the anxiety which, under similar circumstances, troubled the sensitive mind of Sidrophel! and, like him, am eager to vindicate myself from the suspicion of having practised forbidden arts, or held intercourse with beings of another world. I solemnly declare, therefore, that I never saw a ghost, like Lord Lyttleton; consulted a gipsy, like Josephine; or heard my name pronounced by an absent person, like Dr. Johnson. Though it is now almost as usual for gentlemen to appear at the moment of their death to their friends as to call on them during their life, none of my acquaintance have been so polite as to pay me that customary attention. I have derived my knowledge neither from the dead nor from the living; neither from the lines of a hand, nor from the grounds of a tea-cup; neither from the stars of the firmament, nor from the fiends of the abyss. I have never, like the Wesley family, heard "that mighty leading angel," who "drew after him the third part of heaven's sons," scratching in my cupboard. I have never been enticed to sign any of those delusive bonds which have been the ruin of so many poor creatures; and, having always been an indifferent horseman, I have been careful not to venture myself on a broomstick.

My insight into futurity, like that of George Fox the quaker, and that of our great and philosophic poet, Lord Byron, is derived from simple presentiment. This is a far less artificial process than those which are employed by some others. Yet my predictions will, I believe, be found more correct than theirs, or, at all events, as Sir Benjamin Backbite says in the play, "more circumstantial."

I prophecy, then, that, in the year 2824, according to our present reckoning, a grand national Epic Poem, worthy to be

compared with the Iliad, the Æneid, or the Jerusalem, will be published in London.

Men naturally take an interest in the adventures of every eminent writer. I will, therefore, gratify the laudable curiosity, which, on this occasion, will doubtless be universal, by prefixing to my account of the poem a concise memoir of the poet.

Richard Quongti will be born at Westminster on the 1st of July, 2786. He will be the younger son of the younger branch of one of the most respectable families in England. He will be lineally descended from Quongti, the famous Chinese liberal, who, after the failure of the heroic attempt of his party to obtain a constitution from the Emperor Fim Fam, will take refuge in England, in the twenty-third century. Here his descendants will obtain considerable note; and one branch of the family will be raised to the peerage.

Richard, however, though destined to exalt his family to distinction far nobler than any which wealth or titles can bestow, will be born to a very scanty fortune. He will display in his early youth such striking talents as will attract the notice of Viscount Quongti, his third cousin, then secretary of state for the Steam Department. At the expense of this eminent nobleman, he will be sent to prosecute his studies at the university of Tombuctoo. To that illustrious seat of the muses all the ingenuous youth of every country will then be attracted by the high scientific character of Professor Quashaboo, and the eminent literary attainments of Professor Kissey Kickey. In spite of this formidable competition, however, Quongti will acquire the highest honours in every department of knowledge, and will obtain the esteem of his associates by his amiable and unaffected manners. The guardians of the young Duke of Carrington, premier peer of England, and the last remaining scion of the ancient and illustrious house of Smith, will be desirous to secure so able an instructor for their ward. With the Duke, Quongti will perform the grand tour, and visit the polished courts of Sydney and Capetown. After prevailing on his pupil, with great difficulty, to subdue a violent and imprudent passion which he had conceived for a Hottentot lady, of great beauty and accomplishments indeed, but of dubious character, he will travel with him to the United States of America. But that tremendous war which will be fatal to American liberty will, at that time, be raging through the whole federation. At New York the travellers will hear of the final defeat and death

of the illustrious champion of freedom, Jonathan Higginbottom, and of the elevation of Ebenezer Hogsflesh to the perpetual Presidency. They will not choose to proceed in a journey which would expose them to the insults of that brutal soldiery, whose cruelty and rapacity will have devastated Mexico and Columbia, and now, at length, enslaved their own country.

On their return to England, A.D. 2810, the death of the Duke will compel his preceptor to seek for a subsistence by literary labours. His fame will be raised by many small productions of considerable merit; and he will at last obtain a permanent place in the highest class of writers by his great epic poem.

This celebrated work will become, with unexampled rapidity, a popular favourite. The sale will be so beneficial to the author that, instead of going about the dirty streets on his velocipede, he will be enabled to set up his balloon.

The character of this noble poem will be so finely and justly given in the Tombuctoo Review for April 2825, that I cannot refrain from translating the passage. The author will be our poet's old preceptor, Professor Kissey Kickey.

"In pathos, in splendour of language, in sweetness of versification, Mr. Quongti has long been considered as unrivalled. In his exquisite poem on the *Ornithorynchus Paradoxus* all these qualities are displayed in their greatest perfection. How exquisitely does that work arrest and embody the undefined and vague shadows which flit over an imaginative mind. The cold worldling may not comprehend it; but it will find a response in the bosom of every youthful poet, of every enthusiastic lover, who has seen an *Ornithorynchus Paradoxus* by moonlight. But we were yet to learn that he possessed the comprehension, the judgment, and the fertility of mind indispensable to the epic poet.

"It is difficult to conceive a plot more perfect than that of the 'Wellingtoniad.' It is most faithful to the manners of the age to which it relates. It preserves exactly all the historical circumstances, and interweaves them most artfully with all the *speciosa miracula* of supernatural agency."

Thus far the learned Professor of Humanity in the university of Tombuctoo. I fear that the critics of our time will form an opinion, diametrically opposite as to these very points. Some will, I fear, be disgusted by the machinery, which is derived from the mythology of ancient Greece. I can only say that, in the twenty-ninth century, that machinery will be

universally in use among poets; and that Quongti will use it partly in conformity with the general practice, and partly from a veneration, perhaps excessive, for the great remains of classical antiquity, which will then, as now, be assiduously read by every man of education; though Tom Moore's songs will be forgotten, and only three copies of Lord Byron's works will exist: one in the possession of King George the Nineteenth, one in the Duke of Carrington's collection, and one in the library of the British Museum. Finally, should any good people be concerned to hear that Pagan fictions will so long retain their influence over literature, let them reflect that, as the Bishop of St. David's says in his "Proofs of the Inspiration of the Sibylline Verses," read at the last meeting of the Royal Society of Literature, "at all events a Pagan is not a Papist."

Some readers of the present day may think that Quongti is by no means entitled to the compliments which his Negro critic pays him on his adherence to the historical circumstances of the time in which he has chosen his subject; that, where he introduces any trait of our manners, it is in the wrong place, and that he confounds the customs of our age with those of much more remote periods. I can only say that the charge is infinitely more applicable to Homer, Virgil and Tasso. If, therefore, the reader should detect, in the following abstract of the plot, any little deviation from strict historical accuracy, let him reflect for a moment, whether Agamemnon would not have found as much to censure in the Iliad,—Dido in the Æneid,—or Godfrey in the Jerusalem. Let him not suffer his opinions to depend on circumstances which cannot possibly affect the truth or falsehood of the representation. If it be impossible for a single man to kill hundreds in battle, the impossibility is not diminished by distance of time. If it be as certain that Rinaldo never disenchanted a forest in Palestine as it is that the Duke of Wellington never disenchanted the forest of Soignies, can we, as rational men, tolerate the one story and ridicule the other? Of this, at least, I am certain, that whatever excuse we have for admiring the plots of those famous poems our children will have for extolling that of the "Wellingtoniad."

I shall proceed to give a sketch of the narrative. The subject is "The Reign of the Hundred Days."

BOOK I.

THE poem commences, in form, with a solemn proposition of the subject. Then the muse is invoked to give the poet

accurate information as to the causes of so terrible a commotion. The answer to this question, being, it is to be supposed, the joint production of the poet and the muse, ascribes the event to circumstances which have hitherto eluded all the research of political writers, namely, the influence of the god Mars, who, we are told, had some forty years before usurped the conjugal rights of old Carlo Buonaparte, and given birth to Napoleon. By his incitement it was that the emperor with his devoted companions was now on the sea, returning to his ancient dominions. The gods were at present, fortunately for the adventurer, feasting with the Ethiopians, whose entertainments, according to the ancient custom described by Homer, they annually attended, with the same sort of condescending gluttony which now carries the cabinet to Guildhall on the 9th of November. Neptune was, in consequence, absent and unable to prevent the enemy of his favourite island from crossing his element. Boreas, however, who had his abode on the banks of the Russian ocean, and who, like Thetis in the Iliad, was not of sufficient quality to have an invitation to Ethiopia, resolves to destroy the armament which brings war and danger to his beloved Alexander. He accordingly raises a storm which is most powerfully described. Napoleon bewails the inglorious fate for which he seems to be reserved. "Oh! thrice happy," says he, "those who were frozen to death at Krasnoi, or slaughtered at Leipzic. Oh, Kutusoff, bravest of the Russians, wherefore was I not permitted to fall by thy victorious sword?" He then offers a prayer to Æolus, and vows to him a sacrifice of a black ram. In consequence, the god recalls his turbulent subject; the sea is calmed; and the ship anchors in the port of Frejus. Napoleon and Bertrand, who is always called the faithful Bertrand, land to explore the country; Mars meets them disguised as a lancer of the guard, wearing the cross of the legion of honour. He advises them to apply for necessaries of all kinds to the governor, shows them the way, and disappears with a strong smell of gunpowder. Napoleon makes a pathetic speech, and enters the governor's house. Here he sees hanging up a fine print of the battle of Austerlitz, himself in the foreground giving his orders. This puts him in high spirits; he advances and salutes the governor, who receives him most loyally, gives him an entertainment, and, according to the usage of all epic hosts, insists after dinner on a full narration of all that has happened to him since the battle of Leipzic.

BOOK II.

NAPOLEON carries his narrative from the battle of Leipzic to his abdication. But, as we shall have a great quantity of fighting on our hands, I think it best to omit the details.

BOOK III.

NAPOLEON describes his sojourn at Elba, and his return; how he was driven by stress of weather to Sardinia, and fought with the harpies there; how he was then carried southward to Sicily, where he generously took on board an English sailor, whom a man of war had unhappily left there, and who was in imminent danger of being devoured by the Cyclops; how he landed in the bay of Naples, saw the Sibyl, and descended to Tartarus; how he held a long and pathetic conversation with Poniatowski, whom he found wandering unburied on the banks of Styx; how he swore to give him a splendid funeral; how he had also an affectionate interview with Desaix; how Moreau and Sir Ralph Abercrombie fled at the sight of him. He relates that he then re-embarked, and met with nothing of importance till the commencement of the storm with which the poem opens.

BOOK IV.

THE scene changes to Paris. Fame, in the garb of an express, brings intelligence of the landing of Napoleon. The king performs a sacrifice: but the entrails are unfavourable; and the victim is without a heart. He prepares te encounter the invader. A young captain of the guard,—the son of Maria Antoinette by Apollo,—in the shape of a fiddler, rushes in to tell him that Napoleon is approaching with a vast army. The royal forces are drawn out for battle. Full catalogues are given of the regiments on both sides; their colonels, lieutenant-colonels, and uniform.

BOOK V.

THE king comes forward and defies Napoleon to single combat. Napoleon accepts it. Sacrifices are offered. The ground is measured by Ney and Macdonald. The combatants advance. Louis snaps his pistol in vain. The bullet of Napoleon, on the contrary, carries off the tip of the king's ear. Napoleon then rushes on him sword in hand. But Louis snatches up a stone, such as ten men of those degenerate days will be unable to move, and hurls it at his antagonist. Mars

averts it. Napoleon then seizes Louis, and is about to strike a fatal blow, when Bacchus intervenes, like Venus in the third book of the Iliad, bears off the king in a thick cloud, and seats him in an hotel at Lille, with a bottle of Maraschino and a basin of soup before him. Both armies instantly proclaim Napoleon emperor.

BOOK VI.

NEPTUNE, returned from his Ethiopian revels, sees with rage the events which have taken place in Europe. He flies to the cave of Alecto, and drags out the fiend, commanding her to excite universal hostility against Napoleon. The Fury repairs to Lord Castlereagh; and, as, when she visited Turnus, she assumed the form of an old woman, she here appears in the kindred shape of Mr. Vansittart, and in an impassioned address exhorts his lordship to war. His lordship, like Turnus, treats this unwonted monitor with great disrespect, tells him that he is an old doting fool, and advises him to look after the ways and means, and leave questions of peace and war to his betters. The Fury then displays all her terrors. The neat powdered hair bristles up into snakes; the black stockings appear clotted with blood; and, brandishing a torch, she announces her name and mission. Lord Castlereagh, seized with fury, flies instantly to the Parliament, and recommends war with a torrent of eloquent invective. All the members instantly clamour for vengeance, seize their arms which are hanging round the walls of the house, and rush forth to prepare for instant hostilities.

BOOK VII.

IN this book intelligence arrives at London of the flight of the Duchess d'Angoulême from France. It is stated that this heroine, armed from head to foot, defended Bordeaux against the adherents of Napoleon, and that she fought hand to hand with Clausel, and beat him down with an enormous stone. Deserted by her followers, she at last, like Turnus, plunged, armed as she was, into the Garonne, and swam to an English ship which lay off the coast. This intelligence yet more inflames the English to war.

A yet bolder flight than any which has been mentioned follows. The Duke of Wellington goes to take leave of the duchess; and a scene passes quite equal to the famous interview of Hector and Andromache. Lord Douro is frightened at his father's feather, but begs for his epaulette.

BOOK VIII.

NEPTUNE, trembling for the event of the war, implores Venus, who, as the offspring of his element, naturally venerates him, to procure from Vulcan a deadly sword and a pair of unerring pistols for the Duke. They are accordingly made and superbly decorated. The sheath of the sword, like the shield of Achilles, is carved, in exquisitely fine miniature, with scenes from the common life of the period; a dance at Almack's, a boxing match at the Fives-court, a lord mayor's procession, and a man hanging. All these are fully and elegantly described. The Duke thus armed hastens to Brussels.

BOOK IX.

THE Duke is received at Brussels by the King of the Netherlands with great magnificence. He is informed of the approach of the armies of all the confederate kings. The poet, however, with a laudable zeal for the glory of his country, completely passes over the exploits of the Austrians in Italy, and the discussions of the congress. England and France, Wellington and Napoleon, almost exclusively occupy his attention. Several days are spent at Brussels in revelry. The English heroes astonish their allies by exhibiting splendid games, similar to those which draw the flower of the British aristocracy to Newmarket and Moulsey Hurst, and which will be considered by our descendants with as much veneration as the Olympian and Isthmian contests by classical students of the present time. In the combat of the cestus, Shaw, the life-guards-man, vanquishes the Prince of Orange, and obtains a bull as a prize. In the horse-race, the Duke of Wellington and Lord Uxbridge ride against each other; the Duke is victorious, and is rewarded with twelve opera-girls. On the last day of the festivities, a splended dance takes place, at which all the heroes attend.

BOOK X.

MARS, seeing the English army thus inactive, hastens to rouse Napoleon, who, conducted by Night and Silence, unexpectedly attacks the Prussians. The slaughter is immense. Napoleon kills many whose histories and families are happily particularised. He slays Herman, the craniologist, who dwelt by the linden-shadowed Elbe, and measured with his eye the skulls of all who walked through the streets of Berlin. Alas! his own skull is now cleft by the Corsican sword. Four pupils of the University of Jena advance together to encounter the

Emperor; at four blows he destroys them all. Blucher rushes to arrest the devastation; Napoleon strikes him to the ground, and is on the point of killing him, but Gneisenau, Ziethen, Bulow, and all the other heroes of the Prussian army, gather round him, and bear the venerable chief to a distance from the field. The slaughter is continued till night. In the meantime Neptune has despatched Fame to bear the intelligence to the Duke, who is dancing at Brussels. The whole army is put in motion. The Duke of Brunswick's horse speaks to admonish him of his danger, but in vain.

BOOK XI.

PICTON, the Duke of Brunswick, and the Prince of Orange, engage Ney at Quatre Bras. Ney kills the Duke of Brunswick, and strips him, sending his belt to Napoleon. The English fall back on Waterloo. Jupiter calls a council of the gods, and commands that none shall interfere on either side. Mars and Neptune make very eloquent speeches. The battle of Waterloo commences. Napoleon kills Picton and Delancy. Ney engages Ponsonby and kills him. The Prince of Orange is wounded by Soult. Lord Uxbridge flies to check the carnage. He is severely wounded by Napoleon, and only saved by the assistance of Lord Hill. In the meantime the Duke makes a tremendous carnage among the French. He encounters General Duhesme and vanquishes him, but spares his life. He kills Toubert, who kept the gaming-house in the Palais Royal, and Maronet, who loved to spend whole nights in drinking champagne. Clerval, who had been hooted from the stage, and had then become a captain in the Imperial Guard, wished that he had still continued to face the more harmless enmity of the Parisian pit. But Larrey, the son of Esculapius, whom his father had instructed in all the secrets of his art, and who was surgeon-general of the French army, embraced the knees of the destroyer, and conjured him not to give death to one whose office it was to give life. The Duke raised him, and bade him live.

But we must hasten to the close. Napoleon rushes to encounter Wellington. Both armies stand in mute amaze. The heroes fire their pistols; that of Napoleon misses, but that of Wellington, formed by the hand of Vulcan, and primed by the Cyclops, wounds the Emperor in the thigh. He flies, and takes refuge among his troops. The flight becomes promiscuous. The arrival of the Prussians, from a motive of patriotism, the poet completely passes over.

BOOK XII.

THINGS are now hastening to the catastrophe. Napoleon flies to London, and, seating himself on the hearth of the Regent, embraces the household gods, and conjures him, by the venerable age of George III., and by the opening perfections of the Princess Charlotte, to spare him. The Prince is inclined to do so; when, looking on his breast, he sees there the belt of the Duke of Brunswick. He instantly draws his sword, and is about to stab the destroyer of his kinsman. Piety and hospitality, however, restrain his hand. He takes a middle course, and condemns Napoleon to be exposed on a desert island. The King of France re-enters Paris; and the poem concludes.

ON MITFORD'S HISTORY OF GREECE.

(November 1824.)

This is a book which enjoys a great and increasing popularity: but, while it has attracted a considerable share of the public attention, it has been little noticed by the critics. Mr. Mitford has almost succeeded in mounting, unperceived by those whose office it is to watch such aspirants, to a high place among historians. He has taken a seat on the dais without being challenged by a single seneschal. To oppose the progress of his fame is now almost a hopeless enterprise. Had he been reviewed with candid severity, when he had published only his first volume, his work would either have deserved its reputation, or would never have obtained it. "Then," as Indra says of Kehama, "then was the time to strike." The time was neglected; and the consequence is that Mr. Mitford, like Kehama, has laid his victorious hand on the literary Amreeta, and seems about to taste the precious elixir of immortality. I shall venture to emulate the courage of the honest Glendoveer—

> "When now
> He saw the Amreeta in Kehama's hand,
> An impulse that defied all self-command,
> In that extremity,
> Stung him, and he resolved to seize the cup,
> And dare the Rajah's force in Seeva's sight.
> Forward he sprung to tempt the unequal fray."

In plain words, I shall offer a few considerations, which may tend to reduce an overpraised writer to his proper level.

The principal characteristic of this historian, the origin of his excellences and his defects, is a love of singularity. He has no notion of going with a multitude to do either good or evil. An exploded opinion, or an unpopular person, has an irresistible charm for him. The same perverseness may be traced in his diction. His style would never have been elegant; but it might at least have been manly and perspicuous; and nothing but the most elaborate care could

possibly have made it so bad as it is. It is distinguished by harsh phrases, strange collocations, occasional solecisms, frequent obscurity, and, above all, by a peculiar oddity, which can no more be described than it can be overlooked. Nor is this all. Mr. Mitford piques himself on spelling better than any of his neighbours; and this not only in ancient names, which he mangles in defiance both of custom and of reason, but in the most ordinary words of the English language. It is, in itself, a matter perfectly indifferent whether we call a foreigner by the name which he bears in his own language, or by that which corresponds to it in ours; whether we say Lorenzo de Medici, or Lawrence de Medici, Jean Chauvin, or John Calvin. In such cases established usage is considered as law by all writers except Mr. Mitford. If he were always consistent with himself, he might be excused for sometimes disagreeing with his neighbours; but he proceeds on no principle but that of being unlike the rest of the world. Every child has heard of Linnæus; therefore Mr. Mitford calls him Linné: Rousseau is known all over Europe as Jean Jacques; therefore Mr. Mitford bestows on him the strange appellation of John James.

Had Mr. Mitford undertaken a history of any other country than Greece, this propensity would have rendered his work useless and absurd. His occasional remarks on the affairs of ancient Rome and of modern Europe are full of errors: but he writes of times with respect to which almost every other writer has been in the wrong; and, therefore, by resolutely deviating from his predecessors, he is often in the right.

Almost all the modern historians of Greece have shown the grossest ignorance of the most obvious phenomena of human nature. In their representations the generals and statesmen of antiquity are absolutely divested of all individuality. They are personifications; they are passions, talents, opinions, virtues, vices, but not men. Inconsistency is a thing of which these writers have no notion. That a man may have been liberal in his youth and avaricious in his age, cruel to one enemy and merciful to another, is to them utterly inconceivable. If the facts be undeniable, they suppose some strange and deep design, in order to explain what, as every one who has observed his own mind knows, needs no explanation at all. This is a mode of writing very acceptable to the multitude who have always been accustomed to make gods and dæmons out of men very little better or worse than themselves; but it appears contemptible to all who

have watched the changes of human character—to all who have observed the influence of time, of circumstances, and of associates, on mankind—to all who have seen a hero in the gout, a democrat in the church, a pedant in love, or a philosopher in liquor. This practice of painting in nothing but black and white is unpardonable even in the drama. It is the great fault of Alfieri; and how much it injures the effect of his compositions will be obvious to every one who will compare his Rosmunda with the Lady Macbeth of Shakspeare. The one is a wicked woman; the other is a fiend. Her only feeling is hatred; all her words are curses. We are at once shocked and fatigued by the spectacle of such raving cruelty, excited by no provocation, repeatedly changing its object, and constant in nothing but in its inextinguishable thirst for blood.

In history this error is far more disgraceful. Indeed, there is no fault which so completely ruins a narrative in the opinion of a judicious reader. We know that the line of demarcation between good and bad men is so faintly marked as often to elude the most careful investigation of those who have the best opportunities for judging. Public men, above all, are surrounded with so many temptations and difficulties that some doubt must almost always hang over their real dispositions and intentions. The lives of Pym, Cromwell, Monk, Clarendon, Marlborough, Burnet, Walpole, are well known to us. We are acquainted with their actions, their speeches, their writings; we have abundance of letters and well-authenticated anecdotes relating to them: yet what candid man will venture very positively to say which of them were honest and which of them were dishonest men. It appears easier to pronounce decidedly upon the great characters of antiquity, not because we have greater means of discovering truth, but simply because we have less means of detecting error. The modern historians of Greece have forgotten this. Their heroes and villains are as consistent in all their sayings and doings as the cardinal virtues and the deadly sins in an allegory. We should as soon expect a good action from giant Slay-good in Bunyan as from Dionysius; and a crime of Epaminondas would seem as incongruous as a *faux-pas* of the grave and comely damsel, called Discretion, who answered the bell at the door of the house Beautiful.

This error was partly the cause and partly the effect of the high estimation in which the later ancient writers have been held by modern scholars. Those French and English authors

who have treated of the affairs of Greece have generally turned with contempt from the simple and natural narrations of Thucydides and Xenophon to the extravagant representations of Plutarch, Diodorus, Curtius, and other romancers of the same class,—men who described military operations without ever having handled a sword, and applied to the seditions of little republics speculations formed by observation on an empire which covered half the known world. Of liberty they knew nothing. It was to them a great mystery, —a superhuman enjoyment. They ranted about liberty and patriotism, from the same cause which leads monks to talk more ardently than other men about love and women. A wise man values political liberty, because it secures the persons and the possessions of citizens; because it tends to prevent the extravagance of rulers, and the corruption of judges; because it gives birth to useful sciences and elegant arts; because it excites the industry and increases the comforts of all classes of society. These theorists imagined that it possessed something eternally and intrinsically good, distinct from the blessings which it generally produced. They considered it not as a means but as an end; an end to be attained at any cost. Their favourite heroes are those who have sacrificed, for the mere name of freedom, the prosperity—the security —the justice—from which freedom derives its value.

There is another remarkable characteristic of these writers, in which their modern worshippers have carefully imitated them,—a great fondness for good stories. The most established facts, dates, and characters are never suffered to come into competition with a splendid saying, or a romantic exploit. The early historians have left us natural and simple descriptions of the great events which they witnessed, and the great men with whom they associated. When we read the account which Plutarch and Rollin have given of the same period, we scarcely know our old acquaintance again; we are utterly confounded by the melodramatic effect of the narration, and the sublime coxcombry of the characters.

These are the principal errors into which the predecessors of Mr. Mitford have fallen; and from most of these he is free. His faults are of a completely different description. It is to be hoped that the students of history may now be saved, like Dorax in Dryden's play, by swallowing two conflicting poisons, each of which may serve as an antidote to the other.

The first and most important difference between Mr. Mit-

ford and those who have preceded him is in his narration. Here the advantage lies, for the most part, on his side. His principle is to follow the contemporary historians, to look with doubt on all statements which are not in some degree confirmed by them, and absolutely to reject all which are contradicted by them. While he retains the guidance of some writer in whom he can place confidence, he goes on excellently. When he loses it, he falls to the level, or perhaps below the level, of the writers whom he so much despises: he is as absurd as they, and very much duller. It is really amusing to observe how he proceeds with his narration when he has no better authority than poor Diodorus. He is compelled to relate something; yet he believes nothing. He accompanies every fact with a long statement of objections. His account of the administration of Dionysius is in no sense a history. It ought to be entitled—"Historic doubts as to certain events, alleged to have taken place in Sicily."

This scepticism, however, like that of some great legal characters almost as sceptical as himself, vanishes whenever his political partialities interfere. He is a vehement admirer of tyranny and oligarchy, and considers no evidence as feeble which can be brought forward in favour of those forms of government. Democracy he hates with a perfect hatred, a hatred which, in the first volume of his history, appears only in his episodes and reflections, but which, in those parts where he has less reverence for his guides, and can venture to take his own way, completely distorts even his narration.

In taking up these opinions, I have no doubt that Mr. Mitford was influenced by the same love of singularity which led him to spell *island* without an *s*, and to place two dots over the last letter of *idea*. In truth, preceding historians have erred so monstrously on the other side that even the worst parts of Mr. Mitford's book may be useful as a corrective. For a young gentleman who talks much about his country, tyrannicide, and Epaminondas, this work, diluted in a sufficient quantity of Rollin and Barthelemi, may be a very useful remedy.

The errors of both parties arise from an ignorance or a neglect of the fundamental principles of political science. The writers on one side imagine popular government to be always a blessing; Mr. Mitford omits no opportunity or assuring us that it is always a curse. The fact is, that a good government, like a good coat, is that which fits the body for which it is designed. A man who, upon abstract prin-

ciples, pronounces a constitution to be good, without an exact knowledge of the people who are to be governed by it, judges as absurdly as a tailor who should measure the Belvidere Apollo for the clothes of all his customers. The demagogues who wished to see Portugal a republic, and the wise critics who revile the Virginians for not having instituted a peerage, appear equally ridiculous to all men of sense and candour.

That is the best government which desires to make the people happy, and knows how to make them happy. Neither the inclination nor the knowledge will suffice alone; and it is difficult to find them together.

Pure democracy, and pure democracy alone, satisfies the former condition of this great problem. That the governors may be solicitous only for the interests of the governed, it is necessary that the interests of the governors and the governed should be the same. This cannot be often the case where power is entrusted to one or to a few. The privileged part of the community will doubtless derive a certain degree of advantage from the general prosperity of the state; but they will derive a greater from oppression and exaction. The king will desire an useless war for his glory, or a *parc-aux cerfs* for his pleasure. The nobles will demand monopolies and *lettres-de-cachet*. In proportion as the number of governors is increased the evil is diminished. There are fewer to contribute, and more to receive. The dividend which each can obtain of the public plunder becomes less and less tempting. But the interests of the subjects and the rulers never absolutely coincide till the subjects themselves become the rulers, that is, till the government be either immediately or mediately democratical.

But this is not enough. "Will without power," said the sagacious Casimir to Milor Beefington, "is like children playing at soldiers." The people will always be desirous to promote their own interests; but it may be doubted whether, in any community, they were ever sufficiently educated to understand them. Even in this island, where the multitude have long been better informed than in any other part of Europe, the rights of the many have generally been asserted against themselves by the patriotism of the few. Free trade, one of the greatest blessings which a government can confer on a people, is in almost every country unpopular. It may be well doubted, whether a liberal policy with regard to our commercial relations would find any support from a Parliament elected by universal suffrage. The republicans on the

other side of the Atlantic have recently adopted regulations of which the consequences will, before long, show us,

> "How nations sink, by darling schemes oppressed,
> When vengeance listens to the fool's request."

The people are to be governed for their own good; and, that they may be governed for their own good, they must not be governed by their own ignorance. There are countries in which it would be as absurd to establish popular government as to abolish all the restraints in a school, or to untie all the strait-waistcoats in a madhouse.

Hence it may be concluded that the happiest state of society is that in which supreme power resides in the whole body of a well-informed people. This is an imaginary, perhaps an unattainable, state of things. Yet, in some measure, we may approximate to it; and he alone deserves the name of a great statesman, whose principle it is to extend the power of the people in proportion to the extent of their knowledge, and to give them every facility for obtaining such a degree of knowledge as may render it safe to trust them with absolute power. In the meantime, it is dangerous to praise or condemn constitutions in the abstract; since, from the despotism of St. Petersburg to the democracy of Washington, there is scarcely a form of government which might not, at least in some hypothetical case, be the best possible.

If, however, there be any form of government which in all ages and all nations has always been, and must always be, pernicious, it is certainly that which Mr. Mitford, on his usual principle of being wiser than all the rest of the world, has taken under his especial patronage—pure oligarchy. This is closely, and indeed inseparably, connected with another of his eccentric tastes, a marked partiality for Lacedæmon, and a dislike of Athens. Mr. Mitford's book has, I suspect, rendered these sentiments in some degree popular; and I shall, therefore, examine them at some length.

The shades in the Athenian character strike the eye more rapidly than those in the Lacedæmonian: not because they are darker, but because they are on a brighter ground. The law of ostracism is an instance of this. Nothing can be conceived more odious than the practice of punishing a citizen, simply and professedly, for his eminence;—and nothing in the institutions of Athens is more frequently or more justly censured. Lacedæmon was free from this. And why? Lacedæmon did not need it. Oligarchy is an ostracism of itself

—an ostracism not occasional, but permanent,—not dubious, but certain. Her laws prevented the development of merit, instead of attacking its maturity. They did not cut down the plant in its high and palmy state, but cursed the soil with eternal sterility. In spite of the law of ostracism, Athens produced, within a hundred and fifty years, the greatest public men that ever existed. Whom had Sparta to ostracise? She produced, at most, four eminent men, Brasidas, Gylippus, Lysander, and Agesilaus. Of these, not one rose to distinction within her jurisdiction. It was only when they escaped from the region within which the influence of aristocracy withered everything good and noble, it was only when they ceased to be Lacedæmonians, that they became great men. Brasidas, among the cities of Thrace, was strictly a democratical leader, the favourite minister and general of the people. The same may be said of Gylippus, at Syracuse. Lysander, in the Hellespont, and Agesilaus, in Asia, were liberated for a time from the hateful restraints imposed by the constitution of Lycurgus. Both acquired fame abroad; and both returned to be watched and depressed at home. This is not peculiar to Sparta. Oligarchy, wherever it has existed, has always stunted the growth of genius. Thus it was at Rome, till about a century before the Christian era: we read of abundance of consuls and dictators who won battles, and enjoyed triumphs; but we look in vain for a single man of the first order of intellect,—for a Pericles, a Demosthenes, or a Hannibal. The Gracchi formed a strong democratical party; Marius revived it; the foundations of the old aristocracy were shaken; and two generations fertile in really great men appeared.

Venice is a still more remarkable instance: in her history we see nothing but the state: aristocracy had destroyed every seed of genius and virtue. Her dominion was like herself, lofty and magnificent, but founded on filth and weeds. God forbid that there should ever again exist a powerful and civilised state, which, after existing through thirteen hundred eventful years, shall not bequeath to mankind the memory of one great name or one generous action.

Many writers, and Mr. Mitford among the number, have admired the stability of the Spartan institutions; in fact, there is little to admire, and less to approve. Oligarchy is the weakest and the most stable of governments; and it is stable because it is weak. It has a sort of valetudinarian longevity; it lives in the balance of Sanctorius; it takes no

exercise, it exposes itself to no accident; it is seized with an hypochondriac alarm at every new sensation; it trembles at every breath; it lets blood for every inflammation: and thus, without ever enjoying a day of health or pleasure, drags on its existence to a doting and debilitated old age.

The Spartans purchased for their government a prolongation of its existence by the sacrifice of happiness at home and dignity abroad. They cringed to the powerful; they trampled on the weak; they massacred their Helots; they betrayed their allies; they contrived to be a day too late for the battle of Marathon; they attempted to avoid the battle of Salamis; they suffered the Athenians, to whom they owed their lives and liberties, to be a second time driven from their country by the Persians, that they might finish their own fortifications on the Isthmus; they attempted to take advantage of the distress to which exertions in their cause had reduced their preservers, in order to make them their slaves; they strove to prevent those who had abandoned their walls to defend them, from rebuilding them to defend themselves; they commenced the Peloponnesian war in violation of their engagements with Athens; they abandoned it in violation of their engagements with their allies; they gave up to the sword whole cities which had placed themselves under their protection; they bartered, for advantages confined to themselves, the interest, the freedom, and the lives of those who had served them most faithfully; they took with equal complacency, and equal infamy, the stripes of Elis and the bribes of Persia; they never showed either resentment or gratitude; they abstained from no injury; and they revenged none. Above all, they looked on a citizen who served them well as their deadliest enemy. These are the arts which protract the existence of governments.

Nor were the domestic institutions of Lacedæmon less hateful or less contemptible than her foreign policy. A perpetual interference with every part of the system of human life, a constant struggle against nature and reason, characterised all her laws. To violate even prejudices which have taken deep root in the minds of a people is scarcely expedient; to think of extirpating natural appetites and passions is frantic: the external symptoms may be occasionally repressed; but the feeling still exists, and, debarred from its natural objects, preys on the disordered mind and body of its victim. Thus it is in convents—thus it is among ascetic sects—thus it was among the Lacedæmonians. Hence arose that mad-

ness, or violence approaching to madness, which, in spite of every external restraint, often appeared among the most distinguished citizens of Sparta. Cleomenes terminated his career of raving cruelty by cutting himself to pieces. Pausanias seems to have been absolutely insane: he formed a hopeless and profligate scheme; he betrayed it by the ostentation of his behaviour, and the imprudence of his measures; and he alienated, by his insolence, all who might have served or protected him. Xenophon, a warm admirer of Lacedæmon, furnishes us with the strongest evidence to this effect. It is impossible not to observe the brutal and senseless fury which characterises almost every Spartan with whom he was connected. Clearchus nearly lost his life by his cruelty. Chirisophus deprived his army of the services of a faithful guide by his unreasonable and ferocious severity. But it is needless to multiply instances. Lycurgus, Mr. Mitford's favourite legislator, founded his whole system on a mistaken principle. He never considered that governments were made for men, and not men for governments. Instead of adapting the constitution to the people, he distorted the minds of the people to suit the constitution, a scheme worthy of the Laputan Academy of Projectors. And this appears to Mr. Mitford to constitute his peculiar title to admiration. Hear himself: "What to modern eyes most strikingly sets that extraordinary man above all other legislators is, that in so many circumstances, apparently out of the reach of law, he controlled and formed to his own mind the wills and habits of his people." I should suppose that this gentleman had the advantage of receiving his education under the ferula of Dr. Pangloss; for his metaphysics are clearly those of the castle of Thunder-ten-tronckh: "Remarquez bien que les nez ont été faits pour porter des lunettes, aussi avons nous des lunettes. Les jambes sont visiblement instituées pour être chaussées, et nous avons des chausses. Les cochons étant faits pour être mangés, nous mangeons du porc toute l'année."

At Athens the laws did not constantly interfere with the tastes of the people. The children were not taken from their parents by that universal step-mother, the state. They were not starved into thieves, or tortured into bullies; there was no established table at which every one must dine, no established style in which every one must converse. An Athenian might eat whatever he could afford to buy, and talk as long as he could find people to listen. The government did not

they were to sing. Freedom produced excellence. Thus philosophy took its origin. Thus were produced those models of poetry, of oratory, and of the arts, which scarcely fall short of the standard of ideal excellence. Nothing is more conducive to happiness than the free exercise of the mind in pursuits congenial to it. This happiness, assuredly, was enjoyed far more at Athens than at Sparta. The Athenians are acknowledged even by their enemies to have been distinguished, in private life, by their courteous and amiable demeanour. Their levity, at least, was better than Spartan sullenness, and their impertinence, than Spartan insolence. Even in courage it may be questioned whether they were inferior to the Lacedæmonians. The great Athenian historian has reported a remarkable observation of the great Athenian minister. Pericles maintained that his countrymen, without submitting to the hardships of a Spartan education, rivalled all the achievements of Spartan valour, and that therefore the pleasures and amusements which they enjoyed were to be considered as so much clear gain. The infantry of Athens was certainly not equal to that of Lacedæmon; but this seems to have been caused merely by want of practice: the attention of the Athenians was diverted from the discipline of the phalanx to that of the trireme. The Lacedæmonians, in spite of all their boasted valour, were, from the same cause, timid and disorderly in naval action.

But we are told that crimes of great enormity were perpetrated by the Athenian Government, and the democracies under its protection. It is true that Athens too often acted up to the full extent of the laws of war, in an age when those laws had not been mitigated by causes which have operated in later times. This accusation is, in fact, common to Athens, to Lacedæmon, to all the states of Greece, and to all states similarly situated. Where communities are very large, the heavier evils of war are felt but by few. The plough-boy sings, the spinning-wheel turns round, the wedding-day is fixed, whether the last battle were lost or won. In little states it cannot be thus; every man feels in his own property and person the effect of a war. Every man is a soldier, and a soldier fighting for his nearest interests. His own trees have been cut down—his own corn has been burnt—his own house has been pillaged—his own relations have been killed. How can he entertain towards the enemies of his country the same feelings with one who has suffered nothing from them, except perhaps the addition of a small sum to the taxes which

he pays. Men in such circumstances cannot be generous. They have too much at stake. It is when they are, if I may so express myself, playing for love, it is when war is a mere game at chess, it is when they are contending for a remote colony, a frontier town, the honours of a flag, a salute, or a title, that they can make fine speeches, and do good offices to their enemies. The Black Prince waited behind the chair of his captive; Villars interchanged repartees with Eugene; George II. sent congratulations to Louis XV., during a war, upon occasion of his escape from the attempt of Damien: and these things are fine and generous, and very gratifying to the author of the Broad Stone of Honour, and all the other wise men who think, like him, that God made the world only for the use of gentlemen. But they spring in general from utter heartlessness. No war ought ever to be undertaken but under circumstances which render all interchange of courtesy between the combatants impossible. It is a bad thing that men should hate each other; but it is far worse that they should contract the habit of cutting one another's throats without hatred. War is never lenient, but where it is wanton; when men are compelled to fight in self-defence, they must hate and avenge: this may be bad; but it is human nature; it is the clay as it came from the hand of the potter.

It is true that among the dependencies of Athens seditions assumed a character more ferocious than even in France, during the reign of terror—the accursed Saturnalia of an accursed bondage. It is true that in Athens itself, where such convulsions were scarcely known, the condition of the higher orders was disagreeable; that they were compelled to contribute large sums for the service or the amusement of the public; and that they were sometimes harassed by vexatious informers. [illegible] never such cases occur, Mr. Mitford's scepticism vanishes. The "if," the "but," the "it is said," the "if we may believe," with which he qualifies every charge against a tyrant or an aristocracy, are at once abandoned. The blacker the story, the firmer is his belief; and he never fails to inveigh with hearty bitterness against democracy as the source of every species of crime.

The Athenians, I believe, possessed more liberty than was good for them. Yet I will venture to assert that, while the splendour, the intelligence, and the energy of that great people were peculiar to themselves, the crimes with which they are charged arose from causes which were common to them with every other state which then existed. The violence

of faction in that age sprung from a cause which has always been fertile in every political and moral evil, domestic slavery.

The effect of slavery is completely to dissolve the connection which naturally exists between the higher and lower classes of free citizens. The rich spend their wealth in purchasing and maintaining slaves. There is no demand for the labour of the poor; the fable of Menenius ceases to be applicable; the belly communicates no nutriment to the members; there is an atrophy in the body politic. The two parties, therefore, proceed to extremities utterly unknown in countries where they have mutually need of each other. In Rome the oligarchy was too powerful to be subverted by force; and neither the tribunes nor the popular assemblies, though constitutionally omnipotent, could maintain a successful contest against men who possessed the whole property of the state. Hence the necessity for measures tending to unsettle the whole frame of society, and to take away every motive of industry; the abolition of debts, and the agrarian laws—propositions absurdly condemned by men who do not consider the circumstances from which they sprung. They were the desperate remedies of a desperate disease. In Greece the oligarchical interest was not in general so deeply rooted as at Rome. The multitude, therefore, often redressed by forced grievances which, at Rome, were commonly attacked under the forms of the constitution. They drove out or massacred the rich, and divided their property. If the superior union or military skill of the rich rendered them victorious, they took measures equally violent, disarmed all in whom they could not confide, often slaughtered great numbers, and occasionally expelled the whole commonalty from the city, and remained, with their slaves, the sole inhabitants.

From such calamities Athens and Lacedæmon alone were almost completely free. At Athens the purses of the rich were laid under regular contribution for the support of the poor; and this, rightly considered, was as much a favour to the givers as to the receivers, since no other measure could possibly have saved their houses from pillage and their persons from violence. It is singular that Mr. Mitford should perpetually reprobate a policy which was the best that could be pursued in such a state of things, and which alone saved Athens from the frightful outrages which were perpetrated at Corcyra.

Lacedæmon, cursed with a system of slavery more odious

than has ever existed in any other country, avoided this evil by almost totally annihilating private property. Lycurgus began by an agrarian law. He abolished all professions except that of arms; he made the whole of his community a standing army, every member of which had a common right to the services of a crowd of miserable bondmen; he secured the state from sedition at the expense of the Helots. Of all the parts of his system this is the most creditable to his head, and the most disgraceful to his heart.

These considerations, and many others of equal importance, Mr. Mitford has neglected; but he has yet a heavier charge to answer. He has made not only illogical inferences, but false statements. While he never states, without qualifications and objections, the charges which the earliest and best historians have brought against his favourite tyrants, Pisistratus, Hippias, and Gelon, he transcribes, without any hesitation, the grossest abuse of the least authoritative writers against every democracy and every demagogue. Such an accusation should not be made without being supported; and I will therefore select one out of many passages which will fully substantiate the charge, and convict Mr. Mitford of wilful misrepresentation, or of negligence scarcely less culpable. Mr. Mitford is speaking of one of the greatest men that ever lived, Demosthenes, and comparing him with his rival, Æschines. Let him speak for himself.

"In earliest youth Demosthenes earned an opprobrious nickname by the effeminacy of his dress and manner." Does Mr. Mitford know that Demosthenes denied this charge, and explained the nickname in a perfectly different manner?* And, if he knew it, should he not have stated it? He proceeds thus:—"On emerging from minority, by the Athenian law, at five-and-twenty, he earned another opprobrious nickname by a prosecution of his guardians, which was considered as a dishonourable attempt to extort money from them." In the first place, Demosthenes was not five-and-twenty years of age. Mr. Mitford might have learned, from so common a book as the Archæologia of Archbishop Potter, that at twenty Athenian citizens were freed from the control of their guardians, and began to manage their own property. The very speech of Demosthenes against his guardians proves most satisfactorily that he was under twenty. In his speech against Midias, he says that when he undertook that pro-

* See the speech of Æschines against Timarchus.

secution he was quite * a boy. His youth might, therefore, excuse the step, even if it had been considered, as Mr. Mitford says, a dishonourable attempt to extort money. But who considered it as such? Not the judges, who condemned the guardians. The Athenian courts of justice were not the purest in the world; but their decisions were at least as likely to be just as the abuse of a deadly enemy. Mr. Mitford refers for confirmation of his statement to Æschines and Plutarch. Æschines by no means bears him out; and Plutarch directly contradicts him. "Not long after," says Mr. Mitford, "he took blows publicly in the theater" (I preserve the orthography, if it can be so called, of this historian) "from a petulant youth of rank, named Meidias." Here are two disgraceful mistakes. In the first place, it was long after; eight years at the very least, probably much more. In the next place, the petulant youth, of whom Mr. Mitford speaks, was fifty years old.† Really Mr. Mitford has less reason to censure the carelessness of his predecessors than to reform his own. After this monstrous inaccuracy, with regard to facts, we may be able to judge what degree of credit ought to be given to the vague abuse of such a writer. "The cowardice of Demosthenes in the field afterwards became notorious." Demosthenes was a civil character; war was not his business. In his time the division between military and political offices was beginning to be strongly marked; yet the recollection of the days when every citizen was a soldier was still recent. In such states of society a certain degree of disrepute always attaches to sedentary men; but that any leader of the Athenian democracy could have been, as Mr. Mitford says of Demosthenes, a few lines before, remarkable for "an extraordinary deficiency of personal courage," is absolutely impossible. What mercenary warrior of the time exposed his life to greater or more constant perils? Was there a single soldier at Chæronea who had more cause to tremble for his safety than the orator, who, in case of defeat, could scarcely hope for mercy from the people whom he had misled or the prince whom he had opposed? Were not the ordinary fluctuations of popular feeling enough to deter any coward from engaging in political conflicts? Isocrates, whom Mr. Mitford extols, because he constantly employed all the flowers of his school-boy rhe-

* *Μειρακύλλιον ὢν κομιδῇ.*

† Whoever will read the speech of Demosthenes against Midias will find the statements in the text confirmed, and will have, moreover, the pleasure of becoming acquainted with one of the finest compositions in the world.

toric to decorate oligarchy and tyranny, avoided the judicial and political meetings of Athens from mere timidity, and seems to have hated democracy only because he durst not look a popular assembly in the face. Demosthenes was a man of a feeble constitution: his nerves were weak; but his spirit was high: and the energy and enthusiasm of his feelings supported him through life and in death.

So much for Demosthenes. Now for the orator of aristocracy. I do not wish to abuse Æschines. He may have been an honest man. He was certainly a great man; and I feel a reverence, of which Mr. Mitford seems to have no notion, for great men of every party. But, when Mr. Mitford says that the private character of Æschines was without stain, does he remember what Æschines has himself confessed in his speech against Timarchus? I can make allowances, as well as Mr. Mitford, for persons who lived under a different system of laws and morals; but let them be made impartially. If Demosthenes is to be attacked on account of some childish improprieties, proved only by the assertion of an antagonist, what shall we say of those maturer vices which that antagonist has himself acknowledged? "Against the private character of Æschines," says Mr. Mitford, "Demosthenes seems not to have had an insinuation to oppose." Has Mr. Mitford ever read the speech of Demosthenes on the Embassy? Or can he have forgotten, what was never forgotten by any one else who ever read it, the story which Demosthenes relates with such terrible energy of language concerning the drunken brutality of his rival? True or false, here is something more than an insinuation; and nothing can vindicate the historian, who has overlooked it, from the charge of negligence or of partiality. But Æschines denied the story. And did not Demosthenes also deny the story respecting his childish nickname, which Mr. Mitford has nevertheless told without any qualification? But the judges, or some part of them, showed, by their clamour, their disbelief of the relation of Demosthenes. And did not the judges, who tried the cause between Demosthenes and his guardians, indicate, in a much clearer manner, their approbation of the prosecution? But Demosthenes was a demagogue, and is to be slandered. Æschines was an aristocrat, and is to be panegyrised. Is this a history, or a party-pamphlet?

These passages, all selected from a single page of Mr. Mitford's work, may give some notion to those readers, who

have not the means of comparing his statements with the original authorities, of his extreme partiality and carelessness. Indeed, whenever this historian mentions Demosthenes, he violates all the laws of candour and even of decency; he weighs no authorities; he makes no allowances; he forgets the best authenticated facts in the history of the times, and the most generally recognized principles of human nature. The opposition of the great orator to the policy of Philip he represents as neither more nor less than deliberate villainy. I hold almost the same opinion with Mr. Mitford respecting the character and the views of that great and accomplished prince. But am I, therefore, to pronounce Demosthenes profligate and insincere? Surely not. Do we not perpetually see men of the greatest talents and the purest intentions misled by national or factious prejudices? The most respectable people in England were, little more than forty years ago, in the habit of uttering the bitterest abuse against Washington and Franklin. It is certainly to be regretted that men should err so grossly in their estimate of character. But no person who knows anything of human nature will impute such errors to depravity.

Mr. Mitford is not more consistent with himself than with reason. Though he is the advocate of all oligarchies, he is also a warm admirer of all kings, and of all citizens who raised themselves to that species of sovereignty which the Greeks denominated tyranny. If monarchy, as Mr. Mitford holds, be in itself a blessing, democracy must be a better form of government than aristocracy, which is always opposed to the supremacy, and even to the eminence, of individuals. On the other hand, it is but one step that separates the demagogue and the sovereign.

If this article had not extended itself to so great a length, I should offer a few observations on some other peculiarities of this writer,—his general preference of the Barbarians to the Greeks,—his predilection for Persians, Carthaginians, Thracians, for all nations, in short, except that great and enlightened nation of which he is the historian. But I will confine myself to a single topic.

Mr. Mitford has remarked, with truth and spirit, that "any history perfectly written, but especially a Grecian history perfectly written, should be a political institute for all nations." It has not occurred to him that a Grecian history, perfectly written, should also be a complete record of the rise and progress of poetry, philosophy, and the arts.

Here his work is extremely deficient. Indeed, though it may seem a strange thing to say of a gentleman who has published so many quartos, Mr. Mitford seems to entertain a feeling, bordering on contempt, for literary and speculative pursuits. The talents of action almost exclusively attract his notice; and he talks with very complacent disdain of "the idle learned." Homer, indeed, he admires; but, principally, I am afraid, because he is convinced that Homer could neither read nor write. He could not avoid speaking of Socrates; but he has been far more solicitous to trace his death to political causes, and to deduce from it consequences unfavourable to Athens, and to popular governments, than to throw light on the character and doctrines of the wonderful man,

> "From whose mouth issued forth
> Mellifluous streams that watered all the schools
> Of Academics, old and new, with those
> Surnamed Peripatetics, and the sect
> Epicurean, and the Stoic severe."

He does not seem to be aware that Demosthenes was a great orator; he represents him sometimes as an aspiring demagogue, sometimes as an adroit negotiator, and always as a great rogue. But that in which the Athenian excelled all men of all ages, that irresistible eloquence, which at the distance of more than two thousand years stirs our blood, and brings tears into our eyes, he passes by with a few phrases of common-place commendation. The origin of the drama, the doctrines of the sophists, the course of Athenian education, the state of the arts and sciences, the whole domestic system of the Greeks, he has almost completely neglected. Yet these things will appear, to a reflecting man, scarcely less worthy of attention than the taking of Sphacteria or the discipline of the targeteers of Iphicrates.

This, indeed, is a deficiency by no means peculiar to Mr. Mitford. Most people seem to imagine that a detail of public occurrences—the operations of sieges—the changes of administrations—the treaties—the conspiracies—the rebellions—is a complete history. Differences of definition are logically unimportant; but practically they sometimes produce the most momentous effects. Thus it has been in the present case. Historians have, almost without exception, confined themselves to the public transactions of states, and have left to the negligent administration of writers of fiction a province at least equally extensive and valuable.

All wise statesmen have agreed to consider the prosperity or adversity of nations as made up of the happiness or misery of individuals, and to reject as chimerical all notions of a public interest of the community, distinct from the interest of the component parts. It is therefore strange that those whose office it is to supply statesmen with examples and warnings should omit, as too mean for the dignity of history, circumstances which exert the most extensive influence on the state of society. In general, the under current of human life flows steadily on, unruffled by the storms which agitate the surface. The happiness of the many commonly depends on causes independent of victories or defeats, of revolutions or restorations,—causes which can be regulated by no laws, and which are recorded in no archives. These causes are the things which it is of main importance to us to know, not how the Lacedæmonian phalanx was broken at Leuctra—not whether Alexander died of poison or by disease. History, without these, is a shell without a kernel; and such is almost all the history which is extant in the world. Paltry skirmishes and plots are reported with absurd and useless minuteness; but improvements the most essential to the comfort of human life extend themselves over the world, and introduce themselves into every cottage, before any annalist can condescend, from the dignity of writing about generals and ambassadors, to take the least notice of them. Thus the progress of the most salutary inventions and discoveries is buried in impenetrable mystery; mankind are deprived of a most useful species of knowledge, and their benefactors of their honest fame. In the meantime every child knows by heart the dates and adventures of a long line of barbarian kings. The history of nations, in the sense in which I use the word, is often best studied in works not professedly historical. Thucydides, as far as he goes, is an excellent writer; yet he affords us far less knowledge of the most important particulars relating to Athens than Plato or Aristophanes. The little treatise of Xenophon on Domestic Economy contains more historical information than all the seven books of his Hellenics. The same may be said of the Satires of Horace, of the Letters of Cicero, of the novels of Le Sage, of the memoirs of Marmontel. Many others might be mentioned; but these sufficiently illustrate my meaning.

I would hope that there may yet appear a writer who may despise the present narrow limits, and assert the rights of history over every part of her natural domain. Should such

a writer engage in that enterprise, in which I cannot but consider Mr. Mitford as having failed, he will record, indeed, all that is interesting and important in military and political transactions; but he will not think anything too trival for the gravity of history which is not too trivial to promote or diminish the happiness of man. He will portray in vivid colours the domestic society, the manners, the amusements, the conversation of the Greeks. He will not disdain to discuss the state of agriculture, of the mechanical arts, and of the conveniences of life. The progress of painting, of sculpture, and of architecture, will form an important part of his plan. But, above all, his attention will be given to the history of that splendid literature from which has sprung all the strength, the wisdom, the freedom, and the glory, of the western world.

Of the indifference which Mr. Mitford shows on this subject I will not speak; for I cannot speak with fairness. It is a subject on which I love to forget the accuracy of a judge, in the veneration of a worshipper and the gratitude of a child. If we consider merely the subtlety of disquisition, the force of imagination, the perfect energy and elegance of expression, which characterise the great works of Athenian genius, we must pronounce them intrinsically most valuable; but what shall we say when we reflect that from hence have sprung, directly or indirectly, all the noblest creations of the human intellect; that from hence were the vast accomplishments, and the brilliant fancy of Cicero; the withering fire of Juvenal; the plastic imagination of Dante; the humour of Cervantes; the comprehension of Bacon; the wit of Butler; the supreme and universal excellence of Shakspeare? All the triumphs of truth and genius over prejudice and power, in every country and in every age, have been the triumphs of Athens. Wherever a few great minds have made a stand against violence and fraud, in the cause of liberty and reason, there has been her spirit in the midst of them; inspiring, encouraging, consoling;—by the lonely lamp of Erasmus; by the restless bed of Pascal; in the tribune of Mirabeau; in the cell of Galileo; on the scaffold of Sidney. But who shall estimate her influence on private happiness? Who shall say how many thousands have been made wiser, happier, and better, by those pursuits in which she has taught mankind to engage; to how many the studies which took their rise from her have been wealth in poverty,—liberty in bondage,—health in sickness,—society in solitude? Her power is indeed

manifested at the bar, in the senate, in the field of battle, in the schools of philosophy. But these are not her glory. Wherever literature consoles sorrow, or assuages pain,—wherever it brings gladness to eyes which fail with wakefulness and tears, and ache for the dark house and the long sleep,—there is exhibited, in its noblest form, the immortal influence of Athens.

The dervise, in the Arabian tale, did not hesitate to abandor. to his comrade the camels with their load of jewels and gold, while he retained the casket of that mysterious juice which enabled him to behold at one glance all the hidden riches of the universe. Surely it is no exaggeration to say that no external advantage is to be compared with that purification of the intellectual eye which gives us to contemplate the infinite wealth of the mental world, all the hoarded treasures of its primeval dynasties, all the shapeless ore of its yet unexplored mines. This is the gift of Athens to man. Her freedom and her power have for more than twenty centuries been annihilated; her people have degenerated into timid slaves; her language into a barbarous jargon; her temples have been given up to the successive depredations of Romans, Turks, and Scotchmen; but her intellectual empire is imperishable. And when those who have rivalled her greatness shall have shared her fate; when civilisation and knowledge shall have fixed their abode in distant continents; when the sceptre shall have passed away from England; when, perhaps, travellers from distant regions shall in vain labour to decipher on some mouldering pedestal the name of our proudest chief; shall hear savage hymns chaunted to some misshapen idol over the ruined dome of our proudest temple; and shall see a single naked fisherman wash his nets in the river of the ten thousand masts;—her influence and her glory will still survive,—fresh in eternal youth, exempt from mutability and decay, immortal as the intellectual principle from which they derived their origin, and over which they exercise their control.

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