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No. CCCXLIX NOVEMBER, 1844. VOL. LVI.

THE O'CONNELL CASE—WAS THE JUDGMENT RIGHTLY REVERSED?

The astounding issue of the Irish State trials will constitute a conspicuous and mortifying event in the history of the times. A gigantic conspiracy for the dismemberment of the empire was boldly encountered at its highest point of development by the energy of the common law of the land, as administered in the ordinary courts of justice. That law, itself certainly intricate and involved, had to deal with facts of almost unprecedented complication and difficulty; but after a long and desperate struggle, the law triumphed over every obstacle that could be opposed to it by tortuous and pertinacious ingenuity: the case was correctly charged before the jury; most clearly established in evidence, so as to satisfy not them only, but all mankind; the jury returned a just verdict of guilty against all the parties charged—the court passed judgment in conformity with that verdict, awarding to the offenders a serious but temperate measure of punishment—imprisonment, fine, and security for good behaviour. The sentence was instantly carried into effect—

"And Justice said—I'm satisfied."

But, behold! a last desperate throw of the dice from the prison-house—a speculative and desponding appeal to the proverbial uncertainty of the law; and, to the unspeakable amazement and disgust of the country, an alleged technical slip in the conduct of the proceedings, not touching or even approaching, the established MERITS of the case either in fact or law, has been held, by the highest tribunal in the land, sufficient to nullify the whole which had been done, and to restore to liberty the dangerous delinquents, reveling in misrepresentation and falsehood concerning the grounds of their escape on punishment—in their delirium of delight and triumph, even threatening an IMPEACHMENT against the officers of the crown, against even the judges of the land, for the part they have borne in these reversed proceedings!

Making all due allowance for these extravagant fooleries, it is obvious that the event which has given rise to them is one calculated to excite profound concern, and very great *curiosity*. The most sober and thoughtful observers are conscious of feeling lively indignation at the spectacle of justice defeated by a technical objection; and public attention has been attracted to certain topics of the very highest importance and delicacy, arising out of this grievous miscarriage. They are all involved in the discussion of the question placed at the head of this article; and to that discussion we propose to address ourselves in spirit of calmness, freedom, and candour. We have paid close attention to this remarkable and harassing case from first to last, and had sufficient opportunities of acquainting ourselves with its exact legal position. We deem it of great importance to enable our readers, whether lay or professional, to form, with moderate attention, a sound judgment for themselves upon questions which may possibly become the subject of early parliamentary discussion—Whether the recent decision of the House of Lords, a very bold one unquestionably, was nevertheless a correct one, and consequently entitling the tribunal by whom it was pronounced, to the continued respect and confidence of the country? This is, in truth, a grave question, of universal concern, of permanent interest, and requiring a fearless, an honest, and a careful examination.

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The reversal of the judgment against Mr O'Connell and his companions, was received throughout the kingdom with perfect amazement. No one was prepared for it. Up to the very last moment, even till Lord Denman had in his judgment decisively indicated the conclusion at which he had arrived on the main point in the case, we have the best reason for believing that there was not a single person in the House of Lords—with the possible exception of Lords Denman, Cottenham, and Campbell—who expected a reversal of the judgment. So much has the public press been taken by surprise, that, with the exception of a fierce controversy between the *Standard*, and *Morning Herald*, and the *Morning Chronicle*, which was conducted with great acuteness and learning, we are not aware of any explanation since offered by the leading organs of public opinion—the TIMES has preserved a total silence—as to the legal sufficiency or insufficiency of the grounds on which this memorable judgment of reversal proceeded. We shall endeavour to do so; for while it is on this side of the Channel perfectly notorious that the traversers have been proved guilty of the enormous misdemeanours with which they were charged—guilty in law and guilty in

fact—on the other side of the Channel we find, since commencing this article, that the chief delinquent, Daniel O'Connell, has the amazing audacity, repeatedly and deliberately, to declare in public that he has been "ACQUITTED ON THE MERITS!" Without pausing to find words which would fitly characterize such conduct, we shall content ourselves with the following judicial declaration made by Lord Brougham in giving judgment in the House of Lords, a declaration heard and necessarily acquiesced in by every member of the court:—

"The whole of the learned judges with one voice declare, that on the merits, at any rate, they have no doubt at all—that on the great merits and substance of the case they are unanimously agreed. That a great offence has been committed, and an offence known to and recognisable by the law; that a grave offence and crime has been perpetrated, and an offence and crime punishable by the admitted and undoubted law of the land, none of the learned judges do deny; that counts in the indictment to bring the offenders, the criminals, to punishment, are to be found, against which no possible exception, technical or substantial, can be urged, all are agreed; that these counts, if they stood alone, would be amply sufficient to support the sentence of the court below, and that that sentence in one which the law warrants, justifies, nay, I will even say commands, they all admit. *On these, the great features, the leading points, the substance, the very essence of the case, all the learned judges without exception, entertain and express one clear, unanimous, and unhesitating opinion.*" And yet all the proceedings have been annulled, and the perpetrators of these great crimes and offences let loose again upon society! How comes this to pass? is asked with astonishment wherever it is heard of, both in this country—and abroad.

The enquiry we propose is due with reference to the conduct and reputation of three great judicial classes—the judges of the Irish Queen's Bench: the judges of England: and the judges of the court of appeal in the House of Lords. Familiar as the public has been for the last twelve months with the Irish State Trials, the proceedings have been reported at such great length—in such different forms, and various stages—that it is probable that very few except professional readers have at this moment a distinct idea of the real nature of the case, as from time to time developed before the various tribunals through whose ordeal it has passed. We shall endeavour now to extricate the legal merits of the case from the meshes of complicated technicalities in which they have hitherto been involved, and give an even *elementary* exposition of such portions of the proceedings as must be distinctly understood, before attempting to form a sound opinion upon the validity or invalidity of the grounds upon which alone the judgment has been reversed.

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The traversers were charged with having committed the offence of CONSPIRACY; which, by the universally admitted common law of the land for considerably upwards of five hundred years, exists "*where two, or more than two, agree to do an illegal act*—that is, to effect something in itself unlawful, or to effect by unlawful means something which in itself may be indifferent, or even lawful."^[1] Such an offence constitutes a *misdemeanour*; and for that misdemeanour, and that misdemeanour alone, the traversers were *indicted*. The government might, as we explained in a former Number,^[2] have proceeded by an *ex-officio* information at the suit of the crown, filed by the Attorney-General; but in this instance, waiving all the privileges appertaining to the kingly office, they appeared before the constituted tribunal of the law as the redressers of the public wrongs, invested however with no powers or authority beyond the simple rights enjoyed by the meanest of its subjects—and preferred an *indictment*: which is "a written accusation of one or more persons, of a crime or misdemeanour, preferred to and presented on oath by a grand jury."^[3] Now, in framing an indictment, the following are the principles to be kept in view. They were laid down with beautiful precision and terseness by Lord Chief-Justice De Grey, in the case of *Rex. v. Horne*—2 Cowper's Rep. 682.

"The charge must contain such a description of the crime, that the *defendant* may know what crime it is which he is called upon to answer; that the *jury* may appear to be warranted in their conclusion of 'guilty,' or 'not guilty,' upon the premises delivered to them; and that the *court* may see such a definite crime, that they may apply the punishment which the law prescribes."

There may be, and almost always are, several, sometimes many, counts in a single indictment; and it is of peculiar importance in the present case, to note the *reason* why several counts are inserted, when the indictment contains a charge of only one actual offence. First, when there is any doubt as to which is the proper mode, in point of *law*, of *describing* the offence; secondly, lest, although the offence be legally described on the face of the indictment, it should be one which the *evidence* would not meet or support. The sole object is, in short, to avoid the risk of a frequent and final failure of justice on either of the above two grounds. Technically speaking, each of these counts is regarded (though all of them really are only varied descriptions of one and the same offence) as containing the charge of a distinct offence.^[4] For precisely the same reason, several counts were, till recently, allowed in *CIVIL* proceedings, although there was only one cause of action; but this license got to be so much abused, (occasioning expensive prolixity,) that only one count is now permitted for one cause of action—a great discretion being allowed to judge, however, by statute, of altering the count at the trial, so as to meet the evidence then adduced. A similar alteration could not be allowed in criminal cases, lest the grand jury should have found a bill for one offence, and the defendant be put upon his trial for another. There appear, however, insuperable objections to restricting one offence to a single count, in respect of the other object, on peril of the perpetual defeat of justice. The risk is sufficiently serious in civil cases, where the proceedings are drawn so long beforehand, and with such ample time for consideration as to the proper mode of stating the case, so as to be sufficient in point of law. But criminal proceedings cannot possibly be drawn with this deliberate preparation and accurate examination into the real facts of the case beforehand; and if the only count allowed—excessively

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difficult as it continually is to secure perfect accuracy—should prove defective in point of law, the prisoner, though guilty, must either escape scot-free, or become the subject of reiterated and abortive prosecution—a gross scandal to the administration of justice, and grave injury to the interests of society. If these observations be read with attention, and borne in mind, they will afford great assistance in forming a clear and correct judgment on this remarkably interesting, and, *as regards the future administration of justice*, vitally important case. There is yet one other remark necessary to be made, and to be borne in mind by the lay reader. Adverting to the definition already given of a "conspiracy"—that its essence is the MERE AGREEMENT to do an illegal act—it will be plain, that where such an agreement has once been shown to have been entered into, it is totally immaterial whether the illegal act, or the illegal acts, have been *actually done or not* in pursuance of the conspiracy. Where these illegal acts, however, have been done, and can be clearly proved, it is usual—but not necessary—to *set them out* in the indictment for a conspiracy. This is called *setting out the overt acts*, (and was done in the present instance,) not as any part of the conspiracy, but only as statements of *the evidence* by which the charge was to be supported—for the laudable purpose of giving the parties notice of the particular facts from which the crown intended to deduce the existence of the alleged conspiracy. They consisted, almost unavoidably, of a prodigious number of writings, speeches, and publications; and these it was which earned for the indictment the title of "the *Monster* Indictment." It occupies fifty-three pages of the closely printed folio *appendix* to the case on the part of the crown—each page containing on an average seventy-three lines, each line eighteen words; which would extend to *nine hundred and fifty-three common law folios*, each containing seventy-two words! The indictment itself, however, independently of its ponderous appendages, was of very moderate length. It contained eleven counts—and charged A CONSPIRACY of a five-fold nature—*i. e.* to do five different acts; and the scheme of these counts was this:—the first contained all the five branches of the conspiracy—and the subsequent counts took that first count to pieces; that is to say, contained the whole or separate portions of it, with such modifications as might appear likely to obviate doubts as to their *legal* sufficiency, or meet possible or probable variations in the expected *evidence*. The following will be found a correct abstract of this important document.

The indictment, as already stated, contained eleven counts, in each of which it was charged that the defendants, Daniel O'Connell, John O'Connell, Thomas Steele, Thomas Matthew Kay, Charles Gavan Duffy, John Gray, and Richard Barrett, the Rev. Peter James Tyrrell, and the Rev. Thomas Tierney, unlawfully, maliciously, and seditiously did COMBINE, CONSPIRE, CONFEDERATE, and AGREE with each other, and with divers other persons unknown, for the purposes in those counts respectively stated.

The FIRST COUNT charged the conspiracy as a conspiracy to do five different acts, (that is to say,)

"*First.* To raise and create discontent and disaffection amongst her Majesty's subjects, and to excite such subjects to hatred and contempt of the government and constitution of the realm as by law established, and to unlawful and seditious opposition to the said government and constitution.

"*Second.* To stir up jealousies, hatred, and ill-will between different classes of her Majesty's subjects, and especially to promote amongst her Majesty's subjects in Ireland, feelings of ill-will and hostility towards and against her Majesty's subjects in the other parts of the United Kingdom, especially in that part of the United Kingdom called England.

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"*Third.* To excite discontent and disaffection amongst divers of her Majesty's subjects serving in her Majesty's army.

"*Fourth.* To cause and procure, and aid and assist in causing and procuring, divers subjects of her Majesty *unlawfully, maliciously, and seditiously* to meet and assemble together in large numbers, at various times and at different places within Ireland, for the unlawful and seditious purpose of obtaining, by means of the intimidation to be thereby caused, and by means of the exhibition and demonstration of great physical force at such assemblies and meetings, changes and alterations in the government, laws, and constitution of the realm by law established.

"*Fifth.* To bring into hatred and disrepute the courts of law established in Ireland for the administration of justice, and to diminish the confidence of her Majesty's subjects in Ireland in the administration of the law therein, *with the intent* to induce her Majesty's subjects to withdraw the adjudication of their differences with, and claims upon, each other, from the cognisance of the said courts by law established, and to submit the same to the judgment and determination of other tribunals to be constituted and contrived for that purpose."

[This count sets out as *overt acts* of the above design, numerous *meetings, speeches, and publications.*]

The SECOND count was the same as the first, *omitting the overt acts*.

The THIRD count was the same as the second, only omitting from the *fourth* charge the words "unlawfully, maliciously, and seditiously."

The FOURTH count was the same as the third, omitting the charge as to the army.

The FIFTH count contained the first and second charges set forth in the first count, omitting the overt acts.

The SIXTH count contained the fourth charge set forth in the first count, omitting the words

"unlawfully, maliciously, and seditiously," and the overt acts.

The SEVENTH count was the same as the sixth, *adding* the words "and especially, by the means aforesaid, to bring about and accomplish *a dissolution of the legislative union* now subsisting between Great Britain and Ireland."

The EIGHTH count contained the fifth charge set forth in the first count, omitting the overt acts.

The NINTH count contained the fifth charge set forth in the first count, omitting the intent therein charged, and the overt acts, but *adding* the following charge—"And to assume and *usurp the prerogatives of the crown* in the establishment of courts for the administration of law."

The TENTH count was the same as the eighth, omitting *the intent* stated in the fifth charge in the first count.

The ELEVENTH count charged the conspiracy to be, "to *cause and procure large numbers of persons to meet and assemble together* in divers places, and at divers times, within Ireland, and by means of unlawful, seditious, and inflammatory speeches and addresses, to be made and delivered at the said several places, on the said several times, respectively, and also by means of the publishing, and causing and procuring to be published, to and amongst the subjects of her said majesty, divers unlawful, malicious, and seditious writings and compositions, *to intimidate the Lords Spiritual and Temporal, and the Commons* of the Parliament of the United Kingdom of Great Britain and Ireland, and *thereby* to effect and bring about changes and alterations in the laws and constitution of this realm, as now by law established."

The indictment was laid before the grand jury on the 3d November 1843, and, after long deliberation, they returned a true bill late on the 8th of November. After a harassing series of almost all kinds of preliminary objections, the defendants, on the 22d November, respectively pleaded "that they were NOT GUILTY of the premises above laid to his charge, or any of them, or any part thereof:"—and on the 16th January 1844, the trial commenced at bar, before the full court of Queen's Bench, viz. the Right Honourable Edward Pennefather, *Chief-Justice*, and Burton, Crampton, and Perrin, *Justices*, and lasted till the 12th February.

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The Chief-Justice—a most able and distinguished lawyer—then closed his directions to the jury.

"I have put the questions to you in the language of the indictment. It lies on the crown to establish—they have undertaken to do so—that the traversers, or some of them, are guilty of a conspiracy, such as I have already stated to you—a conspiracy consisting of five branches, any one of which being brought home, to your satisfaction, to the traversers or traverser, in the way imputed, will maintain and establish the charge which the crown has undertaken to prove."

The jury were long engaged in discussing their verdict, and came once or twice into court with imperfect findings, expressing themselves as greatly embarrassed by the complexity and multiplicity of the issues submitted to them; on which Mr Justice Crampton, who remained to receive the verdict, delivered to them, in a specific form, the issues on which they were to find their verdict. They ultimately handed in very complicated written findings, the substantial result of which may be thus stated: All the defendants were found guilty on the whole of the last eight counts of the indictment, viz., the Fourth, Fifth, SIXTH, SEVENTH, Eighth, Ninth, Tenth, and Eleventh counts.

Three of the defendants—Daniel O'Connell, Barrett, and Duffy—were also found guilty on the whole of the *Third* count, and on part of the First and Second counts—[that is to say, of all the first and second counts, except as to causing meetings to assemble "*unlawfully, maliciously, and seditiously.*"]

Four other of the defendants—John O'Connell, Steele, Ray, and Gray—were also found guilty of a part of the First, Second, and Third counts—viz., of all, except as to causing meetings to assemble *unlawfully, maliciously, and seditiously*, and exciting discontent and disaffection in the army.^[5]

As soon as these findings had been delivered to the deputy-clerk of the crown, and read by him, a copy of them was given to the traversers, and the court adjourned till the ensuing term.

It should here be particularly observed, that it has been from time immemorial the invariable course, in criminal cases, as soon as the verdict has been delivered, however special its form, for the proper officer to write on the indictment, in the presence of the court and jury, the word "*Guilty,*" or "*Not Guilty,*" as the case may be, of the whole or that portion of the indictment on which the jury may have thought fit to find their verdict; and then the judge usually proceeds at once to pass judgment, unless he is interrupted by the prisoner's counsel rising to move "*in arrest,*" or stay of judgment, in consequence of some supposed substantial defect in the indictment. But observe—it was useless to take this step, unless the counsel could show that *the whole indictment* was insufficient, as disclosing in no part of it an offence in contemplation of law. If he were satisfied that there was one single good count to be found in it, it would have been idle, at this stage of the proceedings, to make the attempt; and it very rarely happens that every one of the varied modes of stating the case which has been adopted is erroneous and insufficient. If, then, the motion was refused, nothing else remained but to pass the sentence, which was duly recorded, and properly carried into effect. No formal or further entry was made upon the record—matters remaining in *statu quo*—unless the party convicted, satisfied that he had good ground for doing so, and was able to afford it, determined to bring a writ of error. *Then*

it became necessary, in order to obey the command contained in the writ of error, to "make up the record"—*i. e.* formally and in technical detail to complete its narrative of the proceedings, in due course of law; for which purpose the verdict would be entered in legal form, generally (if such it had been in fact) or specially, according to its legal effect, if a special verdict had been delivered.

To return, now, to the course of proceedings in the present instance.

After desperate but unsuccessful efforts had been made, in the ensuing term, to disturb the verdict, the last step which could be resorted to in order to avert the sentence, was adopted—*viz.*, a motion in arrest of judgment, on the main ground that the indictment disclosed in *no part* of it any indictable offence. It was expressly admitted by the traversers' counsel, in making the motion, that if "the indictment did disclose, with sufficient certainty, an indictable offence in all OR ANY of its counts, the indictment was sufficient;" and it was then "contended, that *not one* of the counts disclosed, with sufficient certainty, that the object of the agreement alleged in it was an indictable offence." The court, however, was of a different opinion; and the Chief-Justice, in delivering his judgment, thus expressed himself—"It was boldly and perseveringly urged, that there was no crime charged in the indictment. If there was one in any count, or in any part of a count, that was sufficient." So said also Mr Justice Burton—"We cannot arrest the judgment, if there be *any* count on which to found the judgment"—the other two judges expressly concurring in that doctrine; and the whole court decided, moreover, that *all* the counts were sufficient in point of law. They, therefore, refused the motion. Had it been granted—had judgment been arrested—all the proceedings would have been set aside; but the defendants might have been indicted afresh. Let us once more repeat here—what is, indeed, conspicuously evident from what has gone before—that at the time when this motion in arrest of judgment was discussed and decided in the court below, there was no more doubt entertained by any criminal lawyer at the bar, or on the bench, in Ireland or England, that if an indictment contained one single good count it would sustain a general judgment, though there might be fifty bad counts in it, than there is of doubt among astronomers, or any one else, whether the earth goes round the sun, or the sun round the earth. Had the Irish Court of Queen's Bench held the contrary doctrine, it would have been universally scouted for its imbecility and ignorance.

Having been called up for *judgment* on the 30th May, in Trinity term last, the defendants were respectively sentenced to fine and imprisonment, and to give security to keep the peace, and be of good behaviour for seven years; and were at once taken into custody, in execution of the sentence. They immediately sued out writs of error, *coram nobis*—(*i. e.* error *in fact*, on the ground that the witnesses had not been duly sworn before the grand jury, nor their names authenticated as required by statute.) The court thereupon formally affirmed its judgments. On the 14th June 1844, the defendants (who thereby became *plaintiffs* in error) sued out of the "High Court of Parliament" writs of error, to reverse the judgments of the court below. On the writ of error being sued out, it became necessary, as already intimated, to enter the findings of the jury, according to the true and legal effect of such findings, upon the record, which was done accordingly—the judges themselves, it should be observed, having nothing whatever to do with that matter, which is not within their province, but that of the proper officer of the court, who is aided, in difficult cases, by the advice and assistance of counsel; and this having been done, the following (*inter alia*) appeared upon the face of the record:—The eleven counts of the indictment were set out *verbatim*; then the findings of the jury, (in accordance with the statement of them which will be found *ante*;) and then came the following all-important paragraph—the entry of judgment—every word of which is to be accurately noted:—

"Whereupon *all and singular the premises being seen and fully understood* by the court of our said Lady the Queen now here, it is considered and adjudged by the said court here, that the said Daniel O'Connell, FOR HIS OFFENCES AFORESAID, do pay a fine to our Sovereign Lady the Queen of two thousand pounds, and be imprisoned," &c., and "enter into recognisances to keep the peace, and to be of good behaviour for seven years," &c. Corresponding entries were made concerning the other defendants respectively.

This Writ of Error, addressed to the Chief-Justice of the Queen's Bench in Dublin, reciting (in the usual form) that "MANIFEST ERRORS, it was said, had intervened, to the great damage" of the parties concerned; commands the Chief-Justice, "distinctly and plainly, *to send under his seal the record of proceedings* and writ, to Us in our present Parliament, now holden at Westminster; that the record and proceedings aforesaid having been inspected, we may further cause to be done thereupon, with the consent of the Lords Spiritual and Temporal, in Parliament assembled, for correcting the said errors, what of right, and according to the law and customs of this realm, ought to be done." The writ of error, accompanied by a transcript of the entire record of the proceedings below, having been duly presented to the House of Lords, then came the "*assignment of errors*," prepared by the counsel of the plaintiffs in error—being a statement of the grounds for imputing "manifest error" to the record; and which in this case were no fewer than thirty-four. The Attorney-General, on the part of the crown, put in the usual plea, or joinder in error—"In nullo est erratum;" *Anglicè*, that "*there is no error in the record*." This was in the nature of a demurrer,^[6] and referred the whole record—and, be it observed, *nothing but* THE RECORD—to the judgment of the House of Lords, as constituting the High Court of Parliament. It is a cardinal maxim, that upon a writ of error the court *cannot travel out of the record*; they can take judicial notice of nothing but what appears upon the face of the record, sent up to them for the purpose of being "inspected," to see if there be any error *therein*.

The judges of England were summoned *to advise*^[7] the House of Lords: from the *Queen's Bench*, Justices Patteson, Williams, and Coleridge, (Lord Denman, the Chief-Justice, sitting in judgment as a peer;) from the *Common Pleas*, Chief-Justice Tindal, and Justices Coltman and Maule; from the *Exchequer*, Barons Parke, Alderson, and Gurney. Lord Chief-Baron Pollock did not attend, having advised the Crown in early stages of the case, as Attorney-General: Mr Justice Erskine was ill; and the remaining three common law judges, Justices Wightman, Rolfe, and Cresswell, were required to preside in the respective courts at *Nisi Prius*. With these necessary exceptions, the whole judicial force—so to speak—of England assisted in the deliberations of the House of Lords. The "*law*" peers who constantly attended, were the Lord Chancellor, Lords Brougham, Cottenham, and Campbell. It has been remarked as singular, that Lord Langdale (the Master of the Rolls) did not attend in his place on so important an occasion, and take his share in the responsibility of the decision. Possibly he considered himself not qualified by his *equity* practice and experience to decide upon the niceties of criminal pleading. Several lay peers also attended—of whom some, particularly Lord Redesdale, attended regularly. The appeal lasted for many days, frequently from ten o'clock in the morning till a late hour in the evening; but the patience and attention of the peers and judges—we speak from personal observation—was exemplary. For the crown the case was argued by the English and Irish Attorney-Generals, (Sir W. W. Follett and Mr T. B. C. Smith;) for O'Connell and his companions, by Sir Thomas Wilde, Mr M. D. Hill, Mr Fitzroy Kelly, and Mr Peacock, all of whom evinced a degree of astuteness and learning commensurate with the occasion of their exertions. If ever a case was thoroughly discussed, it was surely this. If ever "justice to Ireland" was done at the expense of the "delay of justice to England," it was on this occasion. When the argument had closed, the Lord Chancellor proposed written questions, eleven in number, to the judges, who begged for time to answer them, which was granted. Seven out of the eleven related to the merest technical objections, and which were unanimously declared by the judges to be untenable; the law lords (except with reference to the sixth question, as to the overruling the challenge to the array) concurring in their opinions. Lord Denman here differed with the judges, stating that Mr Justice Coleridge also entertained doubts upon the subject; Lords Cottenham and Campbell shared their doubts, expressly stating, however, that they would not have reversed the proceedings on that ground. If they had concurred in reversing the judgment which disallowed the challenge to the array, the only effect would have been, to order a *venire de novo*, or a new trial. With seven of the questions, therefore, we have here no concern, and have infinite satisfaction in disencumbering the case of such vexatious trifling—for such we consider it—and laying before our readers the remaining four questions which tended to raise the SINGLE POINT on which the judgment was reversed; a point, be it observed, which was not, as it could not in the nature of things have been, made in the court below—arising out of proceedings which took place after the court below, having discharged their duty, had become *functi officio*. Those questions were, respectively, the first, second, third, and last, (the eleventh,) and as follow:—

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Question I.—"Are all, or any, and if any, which of the *counts of the indictment, bad in law*—so that, if such count or counts stood alone in the indictment, *no judgment* against the defendants could properly be entered upon them?"

Question II.—"Is there any, and if any, what defect in the *findings of the jury* upon the trial of the said indictment, or in the *entering* of such findings?"

Question III.—"Is there any sufficient ground for *reversing the judgment*, by reason of any defect in the indictment, or of the findings, or entering of the findings, of the jury, upon the said indictment?"

Question XI.—"In an indictment consisting of counts A, B, C, when the verdict is, *guilty of all generally*, and the counts A and B are good, and the count C is bad; the judgment being, that the defendant, '*for his offences aforesaid*,' be fined and imprisoned; which judgment would be sufficient in point of law, if confined expressly to counts A and B—can such judgment be reversed on a writ of error? Will it make any difference whether the punishment be discretionary, as above suggested, or a punishment fixed by law?"

The above questions may be stated shortly and substantially thus:—Are there any *defective counts* in the indictment? Any defective *findings* of the jury? Any defects in *entering* the findings? Can judgment be reversed on any of these grounds? If one only of several counts in an indictment be bad; a verdict given of "guilty" generally; judgment awarded against the defendant "for *his offences aforesaid*," and the punishment discretionary—can judgment be reversed on a writ of error? The whole matter may now, in fact, be reduced to this single question: Can a judgment inflicting fine or imprisonment be reversed by a court of error, because that judgment proceeded on an indictment containing both *bad and good* counts, and in respect of which *some* of the findings of the jury were either defective or defectively entered?—Let us now listen to the decision of that venerable body of men, who are, in the language of our great commentator, "*the depositaries of the laws, the living oracles, who must decide in all cases of doubt, and who are bound by an oath to decide according to the law of the land.*"^[8] The questions which they had thus to consider, moreover, were not questions of rare, subtle, unusual, and speculative, but of an ordinary practical character, such as they were concerned with every day of their lives in administering the criminal law of the country.

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First, then, were there any bad counts in the indictment?

The judges were unanimously of opinion that TWO of the counts were bad, or insufficient in law—and two only—which were the SIXTH and SEVENTH counts. They hold positively and explicitly, that

the remaining NINE COUNTS WERE PERFECTLY VALID.

The Chief-Justice (Tindal) thus delivered this unanimous opinion of himself and his brethren on this point.^[9]

"No serious objection appears to have been made by counsel for the prisoners, against the sufficiency of any of the counts prior to the sixth. Indeed, there can be no question that the charges contained in the FIRST FIVE COUNTS, *do amount in each to the legal offence of conspiracy, and are sufficiently described therein.*

"We all concur in opinion as to the EIGHTH, NINTH, and TENTH counts, (no doubt whatever having been raised as to the sufficiency of the ELEVENTH count,) that the object and purpose of the agreement entered into by the defendants and others, as disclosed upon those counts, is an agreement for the performance of an act, and the attainment of an object, which is a violation of the law of the land."

With reference to the SIXTH and SEVENTH counts, in the form in which they stand upon their record, the judges were unanimously of opinion, that these counts "did not state the illegal purpose and design of the agreement entered into between the defendants, with such proper and sufficient *certainty* as to lead to the *necessary* conclusion that it was an agreement to do an act in violation of the law." They did not show what sort of fear was intended by the alleged intimidation, nor upon whom it was intended to operate, nor was it alleged that the "physical force exhibited" was to be *used*, or *intended* to be used.

Observed, therefore, on what grounds these two counts—two only out of eleven—are held defective: they are deficient in that rigorous "*certainty*" now held requisite to constitute a perfectly legal charge of crime. To the eye of plain common sense—we submit, with the deepest deference, to those who have held otherwise—they distinctly disclose a *corpus delicti*; but when stretched upon the agonizing rack of legal logic to which they were exposed, it seems that they gave way. The degree of "certainty" here insisted upon, would seem to savour a little (possibly) of that *nimia subtilitas quæ in jure reprobatur; et talis certitudo certitudinem confundit*: and which, in the shape of "certainty to a certain intent in every particular," is rejected in law, according to Lord Coke, (5 *Rep.* 121.) It undoubtedly tends to impose inevitable difficulty upon the administration of criminal justice. Sir Matthew Hale complained strongly of this "strictness, which has grown to be a blemish and inconvenience in the law, and the administration thereof; for that more offenders escape by the over-easy ear given to exceptions in indictments, than by their own innocence."—12 *Hal. P. C.* 193; 4 *Bla. Co.* 376. The words, in the present case, are pregnant with irresistible "inference" of guilt; an additional word or two, which to us appear already implicitly there, as they are actually in the eleventh count, would have dispersed every possible film of doubt; and Lord Brougham, in giving judgment, appeared to be of this opinion. But now for the general result: The indictment contained two imperfect counts, and nine perfect counts, distinctly disclosing offences not very far short of treason.

Thus, then, the first question was answered.

To the *second* question the judges replied unanimously, "that the *findings of the jury* in the first four counts were not authorized by the law, and are incorrectly entered on the record." One of the judges, however, and a most eminent judge, (Mr Justice Patteson,) being of a contrary opinion.

Thus we have it unanimously decided by the judges, whose decision was acquiesced in by the House of Lords, that there were two bad counts, (the 6th and 7th,) on which there were good findings by the jury, and, with the exception of Mr Justice Patteson, four good counts, (the 1st, 2d, 3d, and 4th,) on which there were bad findings. The effect of this twofold error was thus tersely stated by Mr Baron Gurney, and adopted by the Lord Chancellor.^[10]

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"I cannot distinguish between a bad finding on a good count, and a good finding on a bad count. They appear to me to amount to precisely the same thing—namely, that upon which no judgment can be pronounced. The judgment must be taken to have proceeded upon *the concurrence of good counts and good findings*, and upon nothing else."

Here, then, at length, it seems that we have hit upon a *blot*—a petty, circumscribed blot to be sure, upon a vast surface of otherwise unsullied legal sufficiency; but still—in the opinion of the judges—a blot.

What was to be held the effect of it? Or had it *any* effect?

The traversers' counsel, at the bar of the House of Lords, took by surprise every one whom they addressed—all their opponents, all the judges, all the law lords, and all the legal profession, as soon as they had heard of it—by boldly affirming, that if this blot really existed, it would invalidate and utterly nullify the whole proceedings from the beginning to the end! They hammered away at this point accordingly, hour after hour—day after day—with desperate pertinacity; being compelled from time to time, during their hopeful argument, to admit, that up to that moment the rule or custom which they were seeking to impeach had been universally acted upon from time immemorial, to the contrary of that for which they were contending. This strange and novel point of theirs gave rise to the third and eleventh questions put to the judges. These questions are substantially identical, viz., whether a single bad count in an indictment on which there has been a general verdict of guilty, with judgment accordingly, will entitle the fortunate defendant to a reversal of that judgment?

We heard a considerable portion of the argument; and listened to *this* part of it with a comfortable consciousness that we beheld, in each counsel arguing it, as it were, a viper gnawing a file! If *this* be law, thought we, then have many thousands of injured gentlemen been, in all human probability, unjustly hanged, and transported for life or for years, been fined, imprisoned, sent to the tread-mill, and publicly whipped; for Heaven only knows how many of the counts in the indictments against—say Mr Fauntleroy; Messrs Thistlewood, Brunt, Tidd, and Ings; Messrs Greenacre, Courvoisier, and many others—have been defective in law! How many hundreds are now luxuriating in Norfolk Island who have, on this supposition, no just right to be there; and who, had they been but *popular* miscreants, might have collected sufficient funds from their friends and admirers to enable them to prove this—to try a fall with justice and show her weakness; to overhaul the proceedings against them, detect the latent flaws therein, return in triumph to the bosom of their families and friends, and exhibit new and greater feats of dexterity in their art and mystery! Why should not that "*innocent*" convict—now passing over the seas—Mr Barber, on hearing of this decision, soon after his arrival at the distant paradise to which he is bound, take new heart and remit instructions by the next homeward bound ship for a writ of error, in order that he may have *his* chance of detecting a flaw in one of the many counts of *his* indictment?

But, to be serious again, how stands the case in the present instance? Of eleven counts, six must be in legal contemplation expunged from the record: FOUR, (the first, second, third, and fourth,) because, though in themselves sufficient in law, the findings upon them were technically defective; and TWO, (the sixth and seventh,) because they were technically defective in point of law, though the findings on them were unobjectionable.

Then there remain FIVE PERFECT COUNTS WITH FIVE PERFECT FINDINGS, in the opinion of all the judges and of all the law lords; those five *counts* containing the gist of the whole charge against O'Connell and his confederates—those five *findings* establishing that the defendants were guilty of the offences so laid to their charge. Blot out, then, altogether from the record the six counts objectionable on the above-mentioned grounds, how are the other five to be got rid of? Thus, said the traversers' counsel. We have the entire record before us containing all the eleven counts and findings, both good and bad; and we find by the language of the record itself, that the judges, in passing sentence, *took into consideration all the eleven counts*, as if they had been valid counts with valid findings—for the judges expressly inflicted punishment on each of the traversers "*for his OFFENCES aforesaid.*" Is it not therefore plain to demonstration, that the measure of punishment was governed by reference to six—*i. e.* a majority—of eleven counts, which six counts had no more right to stand on the record, entailing liability to punishment on the parties named in them, than six of the odes of Horace? The punishment here, moreover, being discretionary, and consequently dependent upon, and influenced by, the ingredients of guilt, which it appears conclusively that the judges took into their consideration?

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Such was the general drift of the reasonings of the traversers' counsel. What was their effect upon the assembled judges—those experienced and authoritative expositors of the law of the land? Why, after nearly two months' time taken to consider and ponder over the various points which had been started—after anxious consideration and communication one with another—they re-appeared in the House of Lords on the 2d of September; and, led by one who will be on all hands admitted to be one of the most experienced, gifted, profoundly learned, and perfectly impartial and independent lawyers that ever presided over a court of justice—Sir Nicholas Tindal—SEVEN out of *nine* of the judges expressed a clear unhesitating opinion, that the third and eleventh questions should be answered in the negative—*viz.* that the judgment was in no way invalidated—could be in no way impeached, by reason of the defective counts and findings. The two dissenting judges who had been *hit* by the arguments of the traversers' counsel, were Baron Parke and Mr Justice Coltman—the latter speaking in a confident, the former in a remarkably hesitating and doubting tone. The majority consisted of Chief-Justice Sir Nicholas Tindal, Mr Justice Patteson, Mr Justice Maule, Mr Justice Williams, Mr Baron Gurney, Mr Baron Alderson, and Mr Justice Coleridge.

We have no hesitation in expressing our opinion, that the judgments delivered by this majority of the judges stand on the immovable basis of sound logic, accurate law, and good sense; and lament that our space will not allow us to present our readers with the many striking and conclusive reasonings and illustrations with which those judgments abound. We can but glance at the *result*—leaving the *process* to be examined at leisure by those so disposed. The artful fallacies of the traversers' counsel will be found utterly demolished. The first grand conclusion of the judges was thus expressed by the Chief-Justice—

"I conceive it to be the law, that in the case of an indictment, if there be ONE GOOD COUNT in an indictment upon which the defendants have been declared guilty by proper findings on the record, and a judgment given for the crown, imposing a sentence authorized by law to be awarded in respect of the particular offence, that such judgment cannot be reversed by a writ of error, by reason of one or more of the counts in the indictment being bad in point of law."

The main argument of the traversers' counsel was thus disposed of—

"It was urged at your lordships' bar, that all the instances which have been brought forward in support of the proposition, that one good count will support a general judgment upon an indictment in which there are also bad counts, are cases in which there was a motion in *arrest of judgment*, not cases where a *writ of error* has been brought. This may be true; for so far as can be ascertained, there is no single instance in which a writ of error has been ever brought to

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reverse a judgment upon an indictment, upon this ground of objection. But the very circumstance of the refusal by the court to arrest the judgment, where such arrest has been prayed on the ground of some defective count appearing on the record, and the assigning by the court as the reason for such refusal, that there was one good count upon which the judgment might be entered up, affords the strongest argument, that they thought the judgment, *when entered up*, was irreversible upon a writ of error. For such answer could not otherwise have been given; it could have had no other effect than to mislead the prosecutor, if the court were sensible at the time, that the judgment, when entered up, might afterwards be reversed by a court of error."

The grand argument derived from *the language of the judgment*, was thus encountered:—

"I interpret the words, 'that the defendant *for his offences* aforesaid, be fined and imprisoned,' in their plain literal sense, to mean *such offences as are set out in the counts of the indictment which are free from objection, and of which the defendant is shown by proper findings on the record to have been guilty*—that is in effect the offences contained in the fifth and eighth, and all the subsequent counts. And I see no objection to the word offences, in the plural, being used, whether the several counts last enumerated do intend several and distinct offences, or only one offence described in different manners in those counts. For whilst the record remains in that shape, and unreversed, there can be no objection in point of law, that they should be called 'offences' as they appear on the record."

Now, however, let us see the view taken of the matter by Mr Baron Parke—a man undoubtedly of acute and powerful mind, as well as accurate and extensive learning. It is impossible not to be struck by the tone of diffidence which pervades his judgment; and it was *delivered* in a very subdued manner, not usual with that learned judge; occasioned doubtless by the pain with which he found himself, on an occasion of such transcendent importance, differing from all his brethren but one. He commenced by acknowledging the astonishment with which he had heard counsel at the bar question the proposition *which he* (Baron Parke) *had always considered, ever* since he had been in the profession, *perfectly settled and well established, viz.* that in criminal cases one good count, though associated with many bad ones, would, nevertheless, suffice to support a general judgment. But "he had been induced to *doubt* whether the rule had not been carried too far, by a misunderstanding of the *dicta* of judges on applications *in arrest of judgment*."

To enable the lay reader to appreciate the novel doctrine which has been sanctioned in the present case, it is requisite to understand clearly the distinction to which we have already briefly adverted, between a motion in *arrest of judgment* and a *writ of error*. When a defendant has been found guilty of an offence by the verdict of a jury, judgment must follow as a matter of course, "*judgment* being the sentence of the law pronounced by the court upon the matter contained in the record."^[11] If, however, the defendant can satisfy the court that the indictment is entirely defective, he will succeed in "*arresting*," or staying the passing of judgment; but if he cannot, the court will proceed to *give judgment*. That judgment having been entered on the record, the defendant, if still persuaded that the indictment is defective, and consequently the judgment given on it erroneous, has one more chance; *viz.* to *reverse* the judgment which has been so given, by bringing a writ of error before an appellate tribunal. Now, the exact proposition for which the traversers' counsel contended was this—that the rule that "one good count will sustain a general judgment, though there are also bad counts in the indictment," is applicable to that stage only of the proceedings at which a motion is made in arrest of judgment; *i. e.* *before the judgment has been actually given*, and not to the stage at which a writ of error has been obtained, *viz.* *after the judgment has been actually given*.

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This proposition was adopted by Mr Justice Coltman; while Mr Baron Parke—for reasons substantially identical with those of Lords Denman, Cottenham, and Campbell—declared himself unable to overthrow it.

As to the "opinion that one good count, properly found, will support a judgment warranted by it, whatever bad counts there may be," Mr Baron Parke said,—"*I doubt whether this received opinion is so sufficiently established by a course of usage and practical recognition, though generally entertained, as to compel its adoption in the present case, and prevent me considering its propriety. After much anxious consideration, and weighing the difficulties of reconciling such a doctrine with principle, I feel so much doubt, that I cannot bring myself to concur with the majority of the judges upon this question.*"

Without for one moment presuming to suggest any invidious comparison, we may observe, that whatever may be the learning and ability of the two dissenting judges, the majority, with Sir Nicholas Tindal at their head, contains some of the most powerful, well-disciplined, long-experienced, and learned intellects that ever were devoted to the administration of justice, and all of them thoroughly familiar with the law and practice in criminal proceedings; and as we have already suggested, no competent reader can peruse their judgments without feeling admiration of the logical power evinced by them. While Mr Baron Parke "*doubts*" as to the soundness of his conclusions, they all express a clear and *decisive* opinion as to the existence of the rule or custom in question as a rule of law, and as to its reasonableness, utility, and justice.

The reading of these judgments occupied from ten o'clock on the Monday morning till three o'clock in the afternoon, when the House adjourned till Wednesday; having first ordered the opinions of the judges to be printed. There were a considerable number of peers (among whom was the Duke of Cambridge) present, and they listened attentively to those whom they had summoned to advise them on so great an occasion. Lords Brougham, Denman, Cottenham, and

Campbell sat near one another on the opposition side of the House, each with writing-tables before him; and they, together with the Lord Chancellor, appeared to pay close attention to what fell from the judges. The House of Lords on these great occasions presents a very interesting and impressive appearance. The Chancellor sits robed in his usual place, surrounded by the judges, who are seated on the wooolsacks in the centre of the house, all in their full official costume, each rising to read his written judgment. If ever man made a magnificent personal appearance among his fellows, it is Lord Lyndhurst thus surrounded. At the bar of the house stood, or sat, the majority of the counsel engaged on each side, as well as others; and the whole space behind was crowded by anxious spectators, conspicuous among whom were Messrs Mahoney and Ford, (two tall, stout, shrewd-looking men,) the Irish attorneys engaged on behalf of the traversers. They and their counsel appeared a trifle less desponding at the conclusion of Baron Parke's judgment; but the impression was universal that the Chancellor would advise the House to affirm the judgment, in accordance with the opinions of so overwhelming a majority of the judges. No one, however, could do more than guess the inclination of the law lords, or what impression had been made upon them by the opinions of the judges. When therefore Wednesday, the day of final judgment upon this memorable and agitating case, had arrived, it is difficult to describe the excitement and anxiety manifest among all the parties who densely crowded the space between the door and the bar of the House. There were, of course, none of the judges present, with the exception of Mr Baron Rolfe, who, in plain clothes, sat on the steps of the throne, a mere private spectator. There were about a dozen peers on the ministerial benches, including Lord Wharncliffe, Lord Redesdale, Lord Stradbroke, and others; and several peers (including Lord Clanricarde) sat on the opposite benches. Lords Cottenham and Campbell sat together, frequently in communication with each other, and occasionally with Lord Denman, who sat near them, at the cross-benches, busily engaged in referring to books and papers. Lord Brougham occupied his usual place, a little nearer the bar of the House than Lords Cottenham and Campbell; and on the writing-desks of all three lay their written judgments. All the law-peers wore a serious and thoughtful expression of countenance—which you scrutinized with eager anxiety in vain for any sign of the sort of judgments which they had come prepared to deliver. The traversers' leading counsel, Sir Thomas Wilde and Mr Hill, both stood at the bar of the House in a state of very perceptible suspense and anxiety. The Attorney-General for Ireland sat in his usual place—almost motionless, as usual, from first to last—very calm, and watching the proceedings with deep attention, seldom uttering more than a passing syllable to those who sat next to him, *i. e.* the English Solicitor-General, and Mr Waddington, and Mr Maule of the Treasury. After judgment had been briefly given in Gray's case, a few moments' interval of silence elapsed—the silence of suppressed anxiety and expectation. At length the Lord Chancellor, who had been sitting with a very thoughtful air for a few moments, slowly rose from the woosack, and advanced to his proper post when addressing the House, viz. at about a couple of yards' distance to the left of the woosack. Finding that his robes, or train, had in some way got inconveniently disarranged, so as to interfere with the freedom of his motions, he occupied several seconds in very calmly putting it to rights; and then his tall commanding figure stood before you, in all that tranquil grace and dignity of appearance and gesture, for which he has ever been so remarkably distinguished. During the whole time—exactly an hour—that he was speaking, his voice clear and harmonious as usual, and his attitude and gesture characterized by a graceful and easy energy, he never once slipped, or even hesitated for want of an apt expression; but, on the contrary, invariably hit upon *the very* expression which was the most accurate, appropriate, and elegant, for conveying his meaning. He spoke with an air of unusual decision, and entirely *extempore*, without the assistance of a single memorandum, or note, or law-book: yet the greater portion of his speech consisted of very masterly comments on a great number of cases which had been cited, in doing which he was as familiar and exactly accurate, in stating not only the principles and distinctions involved, but the minutest circumstances connected with them, as if the cases had been lying open before him! His very first sentence put an end to all doubt as to the conclusion at which *he* had arrived. These were his precise words—the last of them uttered with peculiar emphasis:—"My lords, I have to move your lordships that the judgment of the court below in this case be *affirmed*." He proceeded to compliment the judges on the patient and laborious attention and research which they had bestowed upon the case. "My lords," said he, "with respect to all the points submitted to their consideration, with the exception of one question—for in substance it *was* one question—their opinion and judgment have been unanimous. With reference to that one question, seven of the learned judges, with the Chief-Justice of the Common Pleas at their head, have expressed a distinct, a clear, and decided opinion against the objections which were urged. Two other learned judges have expressed an adverse opinion. I may be permitted to say—and all who were present to hear them must agree with me—that it was an opinion accompanied with much doubt and much hesitation. I think, under these circumstances, that *unless your lordships are thoroughly and entirely satisfied that the opinion of the great majority of the judges was founded in palpable error*, your lordships will feel yourselves, in a case of this kind, bound by their decision to adhere to and support their judgment, and act in conformity with it." After briefly stating the only question before them—viz. "whether, there being defective counts in the indictment, and other counts with defective findings on them, a general judgment can be sustained?"—he proceeded, "Your lordships will observe that this is a mere technical question, though, I admit, of great importance—never presented to the judges of the court below, not calling in question their judgment in substance—but arising entirely out of the manner in which that judgment has been entered up, by those whose province it was to discharge that particular duty." He then made the following decisive and authoritative declaration, which all who know the accurate and profound learning and the vast judicial experience of the Chancellor will know how to value. "Allow me, my lords, to say, that *it has always been considered as a clear, distinct, and undoubted principle of the criminal*

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*law of England, that in a case of this nature a general judgment is sufficient; and from the first moment when I entered the profession, down to the time when I heard the question agitated at your lordships' bar, I never heard it called in question. I have found it uniformly and constantly acted upon, without doubt, without hesitation. I find it in all treatises, in all text-writers on the subject—not questioned, not doubted, not qualified, but stated broadly and clearly. Now for the first time it has been stated—and Mr Baron Parke himself admits that it is for the first time—that that rule applies only to motions in arrest of judgment. I never before heard of such a limitation. I am quite sure that there is no case to sanction it, no decision to warrant it, no authority to be cited in support of it. I am quite satisfied, after all I have heard on the subject, that there is no ground whatever for the doubt—no ground whatever for the exception now insisted upon. * * * It is not NECESSARY that the judgment should be awarded *with reference to any particular count*. No such decision can be cited. No one not in the confidence of the judges can tell in respect of what the judgment was awarded, *except with reference to the record itself*. If there be defective counts, does it by any means FOLLOW that the judges, in awarding judgment, appointed any part of it with reference to the defective counts? There is no similarity between the two cases: you cannot reason or argue from one to the other. You must assume, UNLESS THE CONTRARY IS DISTINCTLY SHOWN, that what the judges have done in that respect is right; that the judgment, if there be any part of the record to support it, proceeded upon that part. In writs of error, you are not allowed to *conjecture*, to decide on *probabilities*, you must look to the record; and unless the record itself, on the face of it, shows, not that there *may* have been, but that there HAS been manifest error in the apportioning of the punishment, you cannot reverse the judgment. You upon conjecture reverse the judgment; and if afterwards you were to consult the very judge by whom it had been pronounced, you might find that he had at the time taken that very point into consideration. You are therefore running the hazard of reversing a judgment on the very grounds which were present to the mind of the judge at the moment when that judgment was pronounced." As to the statement, that judgment was awarded against each defendant "FOR HIS OFFENCES aforesaid,"—thus argued the Chancellor:—*

"But independently of this, my lords, let us look at the record itself, and see whether, on the face of the record, there is any ground whatever for this objection. Every record must be construed according to *its legal effect*—according to its legal operation. You cannot travel out of the record. Now, what is the judgment? Why, 'that the court adjudges the defendant, *for his offences aforesaid*, to be fined and imprisoned.' What is an 'OFFENCE' on this record? There are two counts defective: but why? Because they charged, according to the unanimous opinion of the judges, NO offence. There were *facts* stated, but not so stated as to constitute an indictable offence. When you consider this record, then, according to its language and legal interpretation, can you say that when there is an award of judgment for the offences on the record, that judgment applies to those counts which bear on the face of them no offence whatever? That is, my lords, an incongruity, an inconsistency, which your lordships will never sanction for one moment. The argument which applies to defective counts, applies to valid counts on which erroneous findings are entered up. When judgment is given for an 'offence' on the record, it is given on the offence of which the defendant is properly found guilty; and he is *not* found guilty on those counts on which the erroneous findings are entered up. My lords, the conclusion to which I come on the record is, that when the judgment is awarded 'for the offences aforesaid', it must be confined to those offences stated on the record which are offences in the eye of the law, and of which the defendant has been found guilty by the law—namely, those offences on which the finding was properly made. It is not, however, necessary to rest upon that: but if it were, I am of opinion, and I state it to your lordships, that in this case, the record, considered according to the proper and legal acceptance and force of the terms—and that is the only way in which a local record can be properly considered—must be taken as containing an award of judgment for those offences only which are properly laid, and of which the parties have been found guilty. On the face, therefore, of the record itself, there is no defect whatever in this case."

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His lordship, after a luminous commentary on a great number of authorities, thus proceeded—"Now, my lords, it is said that there is *no express decision* upon the subject. Why, if a case be so clear, so free from doubt, that no man, no attorney, barrister, or judge, ever entertained any scruple concerning it—if the rule have been uniformly acted upon and constantly recognised, is it to be said, that because there is no express decision it is not to be considered *law*? Why, that argument leads to this conclusion—that the more clear a question is, the more free from doubt, the more uncertain it must be! *My lords, what constitutes the law of this country? It is—usage, practice, recognition*. For many established opinions, part of the acknowledged law of the land, you will look in vain for any express decision. I repeat, that practice, usage, recognition, are considered as precedents establishing the law: these are the foundations on which the common law of the country rests; and it is admitted in this case, that the usage is all against the principle now contended for by the plaintiffs in error. No case, no authority of any kind, can be adduced in its favour: it is now admittedly, for the first time, urged in this extraordinary case. And I ask, my lords, if you will not recognise the decision of the great majority of the judges on a question of this kind, involving the technicalities of the law, with which they are constantly conversant? When, on such a point, you find them—speaking by the eminent and able Chief-Justice of the Common Pleas—pronouncing a clear and distinct opinion, it must be a case clear from all doubt—a conviction amounting to actual certainty, upon which alone you would be justified in rejecting such authorities. * * * It is on these grounds, and on the authorities which I have cited, that I assert the universal recognition of the principle which I contend has been acknowledged law from time immemorial."

Such was the emphatic, clear, unwavering judgment, deliberately pronounced, after long

examination and consideration, by one of the very greatest intellects ever brought to bear upon the science of the law, and of vast judicial experience in the administration of every department of the law—criminal law, common law, and equity.

Lord Brougham then rose, and delivered partly a written, partly an oral judgment—characterized by his lordship's usual vigour and felicity of reasoning and illustration. He entirely concurred with the Lord Chancellor, and assigned reasons, which certainly appeared of irresistible cogency, for adopting the opinion of the judges, whom, in a matter peculiarly within their province, their lordships had summoned to their assistance, who had bestowed such unexampled pains upon the subject, and were all but unanimous. The following was a very striking way of putting the case:—"If the doubts which have been thrown upon this judgment be allowed to have any weight in them, it goes the length of declaring, that *every thing which has been decided in similar cases* was mere error and delusion. Nothing can be more dangerous than such an impression. I cannot conceive any thing more appalling than that it should be held, that every one of the cases similarly decided ought to be reversed; that the judgments without number under which parties have been sent for execution *are all erroneous judgments, and ought to have been reversed, and must have been reversed, if they had been brought before the last resort!*"

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Lord Denman then rose; and though it was generally understood—as proved to be the fact—that he intended to express a strong opinion against the disallowance of the challenge to the array, we believe that no one expected him to dissent upon the great and only point on which the appeal turned, from the opinions of the great majority of his brother judges, and from the Chancellor and Lord Brougham. We waited with great interest to see the course which Lord Denman would take upon the great question. He is a man of strong natural talents, of a lofty bearing in the administration of justice, and an uncompromising determination on all occasions to assert the rights and protect the privileges of the subject. Nor, though a man of unquestionably very strong Whig opinions, are we aware of his having ever allowed them to interfere with his eminent and most responsible judicial duties. Whatever may be our opinion as to the validity of his conclusions on the subject of the challenge to the array, it was impossible not to be interested by the zealous energy, the manly eloquence, with which he vindicated the right of the subject to the fullest enjoyment of trial by jury, and denounced what he considered to be any, the slightest interference, with that right. At length his lordship closed his observations on that subject, and amidst breathless silence, fell foul, not only of the two counts which had been admitted to be defective—the sixth and seventh—but "*many others of the counts!*" which, he said, were open to objection, and declared that the judgment could not be sustained.

Lord Denman's judgment (to which great respect is due) was, as far as relates to *the point* of the case, to this effect:—He had an "unconquerable repugnance" to assuming that the judges had passed sentence on the good counts only; for it was in direct contradiction to *the notorious fact*, that the judges had pronounced certain counts to be good; and it was also against the *common probability* of every case. He admitted the general opinion of the profession to have long been, that a general judgment, if supported by one sufficient good count, was not injured by a bad one associated with it. "I know," said his lordship,^[12] "what course I should have taken if pressed to give judgment at the trial, and had given it. If nothing had taken place respecting the validity of any part of the indictment—but much more if its validity had been disputed, but established—I should leave apportioned the sentence to the degree of criminality that was stated in all the counts which were proved in evidence."—"I see no inconvenience in compelling a judge to form an opinion on the validity of the counts, before he proceeds to pass judgment. He ought to take care that a count is good before he allows a verdict to be taken, or at least judgment to be entered upon it; and great good will arise from that practice. I am deliberately of opinion that this is a right and wholesome practice, producing no inconvenience, and affording a great security for justice. * * * In criminal cases, all difficulty may be entirely avoided by the court passing a separate judgment on each count, and saying, 'We adjudge that on this count, on which the prisoner is found guilty, he ought to suffer so much; that on the second count, having been found guilty, he ought to suffer so much; whether the count turn out to be good or not, we shall pronounce no opinion; that question would be reserved for a superior court. A court of error would then reverse the judgment only on such counts as could not be supported in law—leaving that to stand which had proceeded on valid charges.'—"Where a felony was established, requiring a capital punishment, or transportation for life, the number of counts could make no difference; because the punishment pronounced on any one exhausted the whole materials of punishment, and admitted of no addition."—"The current notion, that one count alone could support any sentence applicable to the offences stated in the whole indictment, can be accounted for only by Lord Mansfield's general words, needlessly and inconsiderately uttered, hastily adopted, and applied to a stage of the proceedings in which they are not correct in law."

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Then came Lord Cottenham—a cold, clear-headed lawyer, cautious, close, and accurate in his reasonings, and very tenacious in adhering to his conclusions: possessing the advantage of several years' judicial experience—as an equity judge. Thus he addressed himself to *the point* of the case:—

"Is there error upon the record?"

* * * Did not the court below pass sentence upon the offences charged in the *first, second, third, fourth, sixth, and seventh* counts in the indictment, as well as upon the offences charged in the other counts? The record of that court tells us that it *did*; and if we are to see whether there be any error on that record, and adopt the unanimous opinion of the judges, that those six counts, or

the findings on them, are so bad that no judgment upon them would be good, how can we give judgment for the defendant, and thereby declare that there is *no error* in the record? The answer which has been given to this objection appears not only unsatisfactory, but inadmissible. It is said that we must presume that the court below gave judgment, and passed sentence, only with reference to the unobjectionable counts and findings. That would be to presume that which the record negatives. By that record the court tells us that the sentence on each defendant was 'for his offences aforesaid,' after enumerating all those charged in the indictment. Are we, after and in spite of this, to assume that this statement is false, and that the sentence was upon one-half only of the offences charged? * * * We can look to the record only for what passed in the court below; and as that tells us the sentence was passed *upon all the offences of which the jury had found the defendants guilty*, we cannot presume to the contrary of such a statement. It would be the presumption of a fact, the contrary of which was known to all to be the truth. The argument supposes the court below to have been right in all particulars; but the impossibility of doing so on this record was felt so strongly, that another argument was resorted to, (not very consistently with the judgment, for it assumes that the jury may have been wrong upon every count but one,) namely, that a court of error has to see only that there is *some one offence properly charged*, or a punishment applicable to it inflicted; and then, that being so, that as to all the other counts the court below was wrong—all such other counts or findings being bad.

"Consider what is the proposition contended for. Every count in an indictment for misdemeanour is supposed to apply to a different offence: they often do so, and always may; a prosecutor having the option of preparing a separate indictment for each, or of joining all as one. If he adopt the former course, he must, to support the sentence, show each indictment to be right. If he adopt the latter course—viz. going upon one indictment containing several counts, and one sentence is pronounced upon all the counts, according to the proposition now contended for; suppose the sentences to be bad on all the counts *but one*, that one applying to the most insignificant offence of the whole; a court of error, it is said, has no right to interfere! That is to say, it cannot correct error except such error be *universal*;—no matter how important that error, no matter how insignificant the portion which is right, nor what may have been the effect of such error! The proposition will no longer be 'in *nullo* est erratum,' but that the error is not—*universal*. If neither of these arguments prove that there is manifest error upon the record, and it is not for a court of error to enter into any consideration of the effect which such error may have produced, it has no power to alter the verdict, and can form no opinion of its propriety and justice from mere inspection of the record, which is all the judicial knowledge a court of error has of the case. *Upon what ground* is it to be assumed, in any case, that the court below, if aware of the legal insufficiency of any of the counts, or of the findings upon them, would have awarded the same punishment? It *could*, probably, do so in many cases—but in many it as certainly would not. If the several counts were only different modes of stating the same offence, the insufficiency of some of those counts could not affect the sentence; but if the different counts stated—as they well might—actually different misdemeanours, and, after a verdict of guilty *upon all*, it were found that some of *such* counts—that is, that some of the misdemeanours—charged, must be withdrawn from the consideration of the court, by reason of defects in either the counts themselves or the findings upon them, it cannot, in many cases, be supposed that the sentence could be the same as if the court had the duty thrown upon it of punishing *all the offences charged*. This may be well illustrated by supposing an indictment for two libels in different counts—the first of a slight, the other of an aggravated character—and verdict and judgment upon both; and the count charging the malignant libel, or the finding on it, held to be bad. Is the defendant to suffer the same punishment as if he had been properly found guilty of the malignant libel?" The reason why the rule in civil actions does not apply to *motions in arrest of judgment* in criminal cases, is plainly this:—because the court, *having the sentence in its own hands*, will give judgment 'on the part which is indictable'—and the failure of part of the charge will go only to lessening the punishment. These reasons, however, have plainly no application to *writs of error*; because *a court of error* CANNOT, of course, *confine the judgment to those parts which are indictable, or lessen it, as the different charges are found to fail*."

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"The only inconvenience," added his lordship, "which can arise from the rule we are laying down, will be, that the prosecutor must be careful as to the counts on which he means to rely: *the evidence at the trial* must afford him the means of making the selection—and the defendant has now the means of compelling him to do so."

Such was, in substance, Lord Cottenham's judgment. He read it in his usual quiet, homely, matter-of-fact manner, as if he were not at all aware of, or cared not for, the immense importance and public interest attaching to the publication of the conclusion at which he had arrived.

Then rose Lord Campbell. In a business-like and satisfactory manner he went briefly over all the points which had been made by the plaintiffs in error, disposing of them all in favour of the crown, (expressing, however, doubts on the subject of the challenge to the array,) till he came to THE POINT—which he thus approached:—"I now come, however, to considerations which induce me, *without hesitation*, humbly to advise your lordships to reverse this judgment." He was brief but pithy in assigning his reasons.

"According to the doctrine contended for on the part of the crown," said his lordship, adopting two cases which had been put by, we believe, Mr Peacock in his argument, "the following case may well happen. There may be an indictment containing two counts, A and B, for separate offences; A being a good count, B a bad one. The court below may think A bad and B good; and proceed to sentence the defendant to a heavy punishment merely in respect of B, which, though

it may contain in reality not an offence in point of law, they may consider to contain one, and of signal turpitude. On a writ of error, the court above clearly sees that B is a bad count; but cannot reverse the judgment, because there stands count A in the indictment—and which, therefore, (though for a common assault only,) will support the heavy fine and imprisonment *imposed in respect of count B!* Let me suppose another case. An indictment contains two counts: there is a demurrer^[13] to each count: each demurrer is overruled, and a general judgment given that the defendant, 'for his offences aforesaid,' shall be fined and imprisoned. Is it to be said, that if he bring a writ of error, and prove one count to be bad, he shall have no relief unless he shows the other to be bad also?"

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He concluded a brief commentary (substantially identical with that of Lord Cottenham) on the authorities cited, by affirming that "there was neither text-book, decision, nor *dicta* to support a doctrine so entirely contrary to principle."

This is how his lordship thinks the like mischief may be obviated in future:—

"If bad counts are inadvertently introduced, the mischief may be *easily* obviated by taking a verdict of acquittal upon them—by entering a *nolle prosequi* to them, or by seeing that the judgment is expressly stated to be on the good counts only, which alone could prevent the bad counts from invalidating the judgment upon a writ of error."

As to the notion that the judges were uninfluenced in passing sentence by the first three counts, on which there were numerous findings, he observed, that—"We cannot resort to the *palpably incredible fiction* that the judges, in violation of their duty, did not consider the guilt of the parties aggravated by the charges in these three counts, and proportionally increase their punishment."

After an unsuccessful attempt on the part of one or two lay peers who had not heard the whole argument, to vote—which was resisted by both the Lord Chancellor and Lord Wharncliffe, and Lords Brougham and Campbell—the Lord Chancellor finally put the question:—

"Is it your lordships' pleasure that this judgment be reversed?—As many as are of that opinion, will say '*Content.*' As many as are of a contrary opinion, will say '*Not Content.*'"

"*Content!*" exclaimed Lords Denman, Cottenham, and Campbell.

"*Not Content!*" said the Lord Chancellor and Lord Brougham.

Lord Chancellor. "The *Contents* have it. The judgment is Reversed."

The instant after these pregnant words had been uttered, there was a rush of persons, in a state of the highest excitement and exultation, towards the door; but the lords calmly proceeded to give judgment in a number of ordinary appeal cases. The Attorney-General for Ireland, who had been watching the whole of the day's proceedings with close attention, heard the result with perfect composure; but as several portions of the judgments of Lords Denman, Cottenham, and Campbell were being delivered, a slight sarcastic smile flitted over his features. As we have mentioned him, let us take this opportunity of bearing testimony to the very great ability—ability of the highest order—with which he has discharged *his* portion of the duty of conducting these proceedings, unprecedented in their harassing complexity and their overwhelming magnitude. He has manifested throughout—'bating a little irritability and strictness in petty details at starting—a self-possession; a resolute determination; a capability of coping with unexpected difficulty; a familiarity with constitutional law; a mastery over the details of legal proceedings; in short, a degree of forensic ability, which has been fully appreciated by the English bar, and reflects credit upon those who placed him in his arduous and responsible office. In terms of similar commendation we would speak of the Irish Solicitor-General, (Mr Sergeant Green.) Accustomed as we are to witness the most eminent displays of forensic ability, we feel no hesitation in expressing our opinion, that the Solicitor-General's reply at the trial, and the Attorney-General's reply on the motion for a new trial, were as masterly performances as have come under our notice for very many years.

We have thus laid before our readers, with the utmost candour and care, this truly remarkable case; and at a length which, though considerable, is by no means incommensurate with its permanent interest and importance. We believe that we have, in the foregoing pages, furnished all persons, of average intellect and information, with the means of forming for themselves a sound opinion as to the propriety or impropriety of reversing the judgment of the court below. We have given the arguments on both sides with rigid impartiality, and supplied such information, in going along, as will enable the lay reader thoroughly to understand them. This is a question which all thinking persons must needs regard with profound interest and anxiety. If, in the deliberate opinion of the country, the judgments of the High Court of Parliament are habitually, though unconsciously, warped by party and political feelings and prejudices; if, with such views and intentions, they have strained and perverted the law of the land, wickedly sheltering themselves under the unfortunate difference of opinion existing among the judges, those who have been guilty of it will justly stand exposed to universal execration. It is no light matter even to propose such a possibility as that of profligacy or corruption in the administration of justice; above all, in the highest tribunal in the land—the place of last resort for the subject. It is always with pain and regret that we hear, even in the height of political excitement and hostility, the faintest imputation from any quarter on judicial integrity. We have watched this case from first to last; and especially examined over and over again, in a spirit of fearless

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freedom, the grounds assigned for reversing the judgment, and the position and character of those by whose *fiat* that result was effected. We cannot bring ourselves to believe any thing so dreadful as that three judicial noblemen have deliberately violated their oaths, and perpetrated so enormous an offence as that of knowingly deciding contrary to law. Those who publicly express that opinion, incur a very grave responsibility. We are ourselves zealous, but independent supporters of the present government; we applaud their institution of these proceedings; no one can lament more bitterly than we do, that O'Connell should, like many a criminal before him, have escaped from justice through a flaw in the indictment; yet with all this, we feel perfectly satisfied that the three peers who reversed the judgment against him, believed that they were right in point of law. When we find so high an authority as Mr Baron Parke—as far as politics are concerned, a strong Conservative—declaring that he cannot possibly bring himself to concur in opinion with his brethren; that another judge—Mr Justice Coltman—after anxious deliberation, also dissents from his brethren; and when we give each of these judges credit for being able to appreciate the immense importance of *unanimity* upon such a case as the present, had it been practicable—can it seem really unreasonable or surprising, that a corresponding difference of opinion should exist among the peers, whose judicial duty it was to decide finally between the judges? It *is*, certainly, a matter calculated to attract a *moment's* attention, that the judgment should have been reversed by the votes of three peers who concur in political opinion, and opposition to the government who instituted the prosecution. But in fairness, put another possible case. Suppose Lord Abinger had been alive, and had concurred with the Chancellor and Lord Brougham, would not another class of ardent partisans as naturally have remarked bitterly upon the coincidence of opinion between the peers whose three voices concurred in supporting the judgment of the court below?

While we thus entirely exonerate Lords Denman, Cottenham, and Campbell from all imputation of intentionally giving effect to party and political bias, it is difficult to suppose them, or any other peer, entirely free from *unconscious* political bias; but in the nature of things, is it not next to impossible that it should be otherwise, in the case of men who combine in their own persons the legislative and judicial character, and in the former capacity are unavoidably and habitually subject to party influences? When a judicial question is under consideration, of such extreme doubtfulness as almost to justify a vote either way, (we must deal with men and things as we find them,) can it excite great surprise, if even in the most honourable minds a political bias should *unconsciously* evince its presence, and just turn the scale?

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But here the case has turned upon one single point of the purest technicality, which the House of Lords has deemed sufficient to cause a reversal of the judgment of the court below; and the question is, have they done rightly? Are they right or wrong in point of strict law? In the language of Mr Justice Williams—the objection raised in behalf of the traversers "is purely of a technical nature, and to be examined in the same spirit of minute and exact criticism in which it was conceived."^[14]

The dry question, then, is this: Is it a rule, a principle, a custom, of English law, that one good count will sustain a general judgment upon a writ of error in a criminal case, although there should be also bad counts in the indictment? Is that a "custom or maxim of our law," or is it not? First, then, how is this to be ascertained? The illustrious commentator on the laws of England, Mr Justice Blackstone,^[15] shall answer:—

"Established *customs, rules, and maxims*, I take to be one and the same thing. For the authenticity of these maxims *rests entirely upon reception and usage*; and the only method of proving that this or that maxim is a rule of the common law, *is by showing that it hath been always the custom to observe it*. But here a very natural and very material question arises: how are these customs or maxims to be known; and by whom is their validity to be determined? The answer is, by the judges in the several courts of justice. They are the depositaries of the laws —*the living oracles, who must decide in all cases of doubt*, and are bound by an oath to decide according to the law of the land."

These judges were appealed to by the House of Lords upon the present occasion; and by an overwhelming majority "distinctly, clearly, and decidedly" declared that the rule in question was a rule of the English law. *They had heard all the arguments calling its existence in question* which Lord Denman, Lord Cottenham, and Lord Campbell had heard; they were *in the daily and hourly administration of that branch of the law with reference to which the question arose*; they took ample time to consider the matter, and deliberately affirmed the existence of the rule, and the valid grounds on which it rested. The highest legal authority in the land, the Lord Chancellor, corroborated their decision, declaring that it "has always been considered as a clear, distinct, and undoubted principle of the criminal law, that one good count could sustain a general judgment on a writ of error." Are Lord Lyndhurst and Sir Nicholas Tindal, with eight of the judges, palpably and manifestly wrong? It is certainly *possible*, though not, we presume, very probable.

We fully recognise the *right* of the judicial peers to examine the validity of the reasons assigned by the judges, and to come to a conclusion opposite to theirs. We apprehend that the long recognition, alone, of the existence of a rule, does not prevent its being impeached on sufficient reasons. Lord Tenterden, as cautious and accurate judge as ever presided over a court of justice, thus expressed himself in delivering the judgment of the court on a question of mercantile law^[16]—"It is of great importance, in almost every case, that a rule once laid down, and firmly established, and continued to be acted upon for many years, should not be changed, *unless it*

appears clearly to have been founded on wrong principles." Have, then, Lords Denman, Cottenham, and Campbell, succeeded in showing the rule in question to have been founded on wrong principles?

After as close and fair an examination of the judgments given in the House of Lords as we are capable of bestowing upon any subject, we have arrived at the conclusion that the Chancellor and judges were plainly right, and the peers who differed from them as plainly wrong. They doubtless believed that they were eradicating an erroneous and mischievous practice from the administration of criminal law; but we entertain grave fears that they have not duly considered the many important reasons and necessities out of which that practice originated, and which, in our opinion, will require the legislature either to restore it, or devise some other expedient in lieu of it—if one so efficacious *can* be found—after a very brief experience of the practical mischiefs and inconveniences which the decision of the House of Lords will entail upon the administration of criminal justice.

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Mr Justice Coltman observes,^[17] that "in old times an indictment contained one single count only;" and that, "now it has become usual to insert *many* counts." It *has* become usual—it should rather be said *necessary*; but why? Because of the rigid precision which the law, in spite of the subtle and complicated character of its modern mode of administration, has long thought fit to require for the protection of the subject, in the statement of an offence charged against an individual. Unless that degree of *generality* in framing criminal charges, which has been so severely reprobated, in the present instance, by Lord Denman, and which led the judges unanimously to condemn the sixth and seventh counts, shall be henceforth permitted, justice *must*, so to speak, be allowed to have many strings to her bow; otherwise the very great distinctness and particularity which constitute the legal notion of *certainty*, are only a trap and a snare for her. There is a twofold necessity for allowing the reasonable multiplication of counts: one, to meet the difficulty often arising out of the adjustment of the statement in the charge to the evidence which is to support it; and the other, to obviate the great difficulty, in many cases, of framing the charge with perfect legal certainty and precision. Look for a striking illustration at the sixth and seventh counts of this very indictment. Few practical lawyers, we venture to think, would have pronounced them insufficient, before hearing those numerous astute and able arguments which have led the judges to that conclusion; and what if these had been the *only* counts, or one of them the sole count? Of course, justice would have been defeated. Now the rule, custom, or practice—call it what you will—which has been annulled by the House of Lords, was admirably adapted to meet, in combination with the allowance of several counts, the practical and perhaps inevitable difficulties which beset the attempt to bring criminals to justice; to prevent any injurious consequences from either *defective* or *unproved* counts; and we think we may truly state, that no single instance as adduced during the argument, of actual mischief or injury occasioned to defendants by the operation of this rule—we believe we may safely defy any one now to produce such a case. It is certainly possible for an anxious straining ingenuity to *imagine* such cases; and where is the rule of law, which, in the infirmity of human institutions, cannot be shown capable of occasioning *possible* mischief and injustice?

One important distinction has not, we venture to think, been kept constantly in view by the House of Lords in arriving at their recent decision; we mean, the distinction between *defective* counts and *unproved* counts. It was principally in the former case that the annulled rule operated so advantageously for the interests of justice. Let us suppose a case. A man is charged with an offence; and the indictment contains three counts, which we will call A, B, C—each differently describing the same offence. He is proved in court to have actually done an act to which the law annexes a punishment, and a general verdict and judgment, awarding the correct *kind* of punishment, are given and entered. If it afterwards became necessary to "make up" the record—*i. e.* to enter the proceedings in due and full form—it might appear that count A was essentially defective, as containing no "offence" at all. But what did that signify—or what would it have signified if count B had also been bad—provided count C was a good one, and warranted the punishment which had been inflicted? The only consequence was, that the indictment was a little longer than it turns out that it needed to have been. Though several hooks had been used in order to give an additional chance of catching the fish, that was not regretted, when, the fish having been caught, it turned out that two out of the three had not been strong enough; and that, had they alone been used, the fish must have escaped.

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Let us see how the new rule laid down by the House of Lords will operate in future, in such a case as the one above supposed; bearing in mind that it will have to be acted upon, not merely by the judges of the superior courts at the assizes, but by the chairmen—the *lay* chairmen—of the courts of Quarter-Sessions. Let us imagine the indictment to be a long one, and each count necessarily complicated in its allegations and refinements, to meet very doubtful facts, or very doubtful language in an Act of Parliament. A great number of prisoners are to be tried; but, nevertheless, the judge (lay or professional) has mastered the formidable record, and points out to the jury two bad counts, A and B, as either not hitting the facts of the case or the language of the act—possibly neither. He orders them to be quashed, or directs a verdict of not guilty upon them. He then has the verdict and judgment entered accordingly on count C, (the count which he considers good.) The record is afterwards made up; a writ of error brought; the only count on which the judgment is given being C, the court of error *decides that it is bad*, reverses the judgment, and the prisoner is discharged; or the country is put to the expense and trouble of bringing, and the prisoner unjustly harrassed by, fresh proceedings, which may, perhaps, end as disastrously as before!

To escape from these serious difficulties, it is proposed by Lord Denman,^[18] to leave the legal sufficiency of the counts for discussion before a court of error, and to pass, not one sentence, but three distinct sentences on each count respectively, apportioning to the offence thereby apparently charged, the degree of punishment due to the guilt disclosed. Keeping his eye on the alarming possibility of a reversal of judgment, what difficulties will not beset the path of the judge while engaged on this very critical duty? And why may not the indictment, for *necessary* caution's sake, contain, as there often are, ten, fifteen, or twenty counts? we shall then have ten or fifteen distinct sentences delivered in open court—engrossed on the record—and dangling at once around the neck of the astounded and bewildered prisoner. Is *such* a method of procedure calculated to secure respect for the administration of justice, even if, by means of such devices, the ends of justice should be ultimately secured, though it is easy to imagine cases in which such devices would, after all, fail; and we had framed several illustrations of such possibilities, but our limits forbid their insertion: instances illustrating the mischievous operation of the rule, equally in cases of defective and unproved counts—of felonies and misdemeanours—and in the latter case, whether the indictment contained several offences, or only varied statements of one offence. In the case first put, what a temptation the new rule holds out to criminals who may be able to afford to bring a writ of error, and so seriously embarrass the administration of justice! And if too poor to do it, he will, under the operation of the new rule, be suffering punishment unjustly; for the only count selected may be bad, or some one only of several may be bad, and the judgment ought to be reversed. What was the operation of the old rule? Most salutary and decorous. No public account was taken of the innocuous aims, so to speak, taken by justice, in order to hit her victim. If he fell, the public saw that it was in consequence of a blow struck by her, and concerned themselves not with several previous abortive blows. The prisoner, knowing himself *proved* actually guilty, *and the numerous chances existing against him on the record*, if he chose to make pettifogging experiments upon its technical sufficiency, submitted to his just fate.

Let us take one more case—that of *murder*: we fear, that on even such solemn and awful occasions, the new rule will be found to operate most disadvantageously. There are necessarily several, possibly many, counts. Mr Baron Parke^[19] admits, that here the old rule should apply; viz. a general judgment of death, which shall not be vitiated by one, or several bad counts, if there be a single good one. The new rule since laid down, says, however, the contrary; that judgment must be reversed for a single bad count. Lord Denman, to meet this difficulty, would pass sentence "upon some one"^[20] of them, and thereby exhaust the materials of punishment, and so in effect give a "judgment for one felony." *But how is the record to be dealt with?* If the prisoner choose to bring a writ of error, and show a single bad count, must not the judgment be reversed if entered generally? And if entered on one count with not guilty on all the others; and that one count proved bad, while even a *single one* of the rejected counts is good, and would have been supported by the evidence given at the trial, the prisoner can plead *autrefois acquit* to a fresh indictment, and so get off scot-free, after having been incontestably proved guilty of the act of murder! Suppose then, to avoid so fearful a result, separate sentences of death be passed, to say nothing of the unseemliness of the transaction in open court, which *might* be avoided: but how can it be avoided *on the record*, upon which it must be entered? Mr Baron Parke pronounces that such a procedure would be "*superfluous, and savour of absurdity*,"^[21] and that therefore, "in such a case, the general judgment *might* be good!" Thus, in order to *work* the new rule, Mr Baron Parke is forced to make the case of murder a double exception—viz. to the *adoption* of the new rule at the trial, and then to the *operation* of the new rule before the court of error, which must then hold that a single bad, or a dozen bad counts, will *not* vitiate a general judgment, if sustained by one good count! Does not all this suffice to show the desperate shifts to which even two such distinguished judges are driven, in order to support the new rule, and conceal its impracticability? Then why should the old lamp be exchanged for the new?

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We entertain, we repeat, very grave apprehension that the House of Lords has treated far too cavalierly the authority of the great Lord Mansfield, than whom a more enlightened, learned, and cautious a judge probably never administered justice among mankind. He was not a man accustomed, in delivering his judgments, to "utter things *needlessly* and *inconsiderately*," as he is now charged with doing;^[22] and when he declared the established rule of criminal law to be that which has now been so suddenly abrogated, he spoke with the authority which nearly thirty years' judicial experience attaches to the opinion of a responsible master-mind. We ask with deep anxiety, what will be the consequences of thus lightly esteeming such authority?—of impugning the stability of the legal fabric, by asserting one-half of its materials to consist merely of "law taken for granted?"^[23]—and, consequently, not the product of experience and wisdom, and to be got rid of with comparative indifference, in spite of the deliberate and solemn judgment of an overwhelming majority of the existing judicial authorities of the land.

The rule just abrogated has, for a long series of years—for a century and a half—obviated a thousand difficulties and evils, even if it should be admitted that the end was gained at the expense of some imperfections in a speculative and theoretical point of view, and with the risk of *possibly* inflicting injustice in some case, which could be imagined by an ingenious and fertile fancy. The old rule gave ten chances to one in favour of justice; the new one gives ten chances to one *against* her. We may be mistaken, but we cannot help imagining, that if Lord Cottenham, unquestionably so able as an equity judge, had, on the maxim *cuique suâ arte credendum*, given a little more weight to the opinions of those whose whole lives had been passed, not in equity, but criminal courts, or had seen for himself the working of the criminal law, he would have paused

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before disturbing such complicated—necessarily complicated—machinery, and would not have spoken of the consequences as being so very slight and unimportant—nay, as so very beneficial.

It was suggested by the three peers, that the old rule had no better foundation than the indolence, slovenliness, and negligence of practitioners, whom the salutary stringency of the new rule would stimulate into superior energy and activity. We cannot help regarding this notion, however—for the preceding, among many other reasons—as quite unfounded, and perhaps arising out of a hasty glance at the alterations recently introduced into *civil* pleadings and practice. But observe, it required *an act of Parliament* to effect these alterations, (stat. 3 and 4 Will. IV. c. 42.) the very first section reciting the "*doubts which might arise as to the power of the judges to make such alterations without the authority of Parliament;*" and yet the state of the laws calling for such potent interference was in an incomparably more defective and mischievous state than is imputed to the present criminal law. Then, again, any practical man will see in a moment, that the strictness of the new system of civil pleading, which to this moment occasions not infrequently a grievous failure of justice, with all the ample opportunities afforded for deliberate examination and preparation of the pleadings, cannot be safely applied to criminal law for many reasons, principally because it rarely admits of that previous deliberation in drawing the indictment, which must be based upon the often inaccurate statement of facts supplied by the depositions; and because a defect in them is, generally speaking, irremediable and fatal, and crime goes unpunished. If the new rule is to be really acted upon in future, we must, in some way or other, alter the whole machinery of the criminal law: but how to do so, without seriously interfering with the liberty of the subject, we know not.

We affirm, therefore, that the old rule—viz. that one good count would support a general verdict and judgment, though the indictment contained bad ones also—was a beneficial rule, calculated to obviate *inevitable* difficulties; and its policy was so transparent to all the great intellects which have, both as judges or counsel, been for so long a series of years concerned in criminal cases, that no one ever thought of questioning it. The supposition of the three peers is one not very flattering to the distinguished predecessors, with the great Lord Mansfield at their head—all of whom it charges with gross negligence, ignorance, and, in plain words, stupidity—in overlooking, from time to time, a point so patent and glaring. The Lord Chancellor's answer to their argument is triumphant; and we refer the reader to it.^[24] We respectfully and firmly enter our protest against Lord Denman's mode of getting rid of the efficacy of a custom or practice which has been so long observed by the profession; and regard it as one calculated to sap the foundations of the common law of the land. An opinion, a practice which has stood its ground for so long a series of years *unchallenged*, amidst incessant provocation to challenge it—and that, too, in the case of men of such vigilant astuteness, learning, and determination as have long characterized the English Bench and Bar—rest upon as solid grounds as are conceivable, and warrants its subversion only after profound consideration, and *repeated evidence of its mischievous operation*. Was any such evidence offered in the argument at the Bar of the House of Lords, of persons who had suffered either a kind or a degree of punishment not warranted by law? None: but several cases were put in which—in spite of past experience to the contrary—inconvenience and injustice *might possibly* be conceived to occur hereafter!

What, then, led to this error—for error we must call it? Let us candidly express our opinion that the three peers were fairly "*overpowered*"—to adopt the frank acknowledgment of one of the most distinguished among them—by the plausible fallacies urged upon them, with such unprecedented pertinacity and ingenuity, by the traversers' counsel. They have been influenced by certain disturbing forces, against which they ought to have been vigilantly on their guard, and which we shall now venture to specify, as having occasioned their *forgetfulness of the true province of a court of error*—of the functions and duties of the members of such a court. A COURT OF ERROR occupies a high, but necessarily a very limited, sphere of action. Their observations and movements are restricted to the examination of a single document, viz. the record, which they are to scrutinize, as closely as possible, without regard to any of the incidents which may have attended the progress of the events narrated in it, if these incidents do not appear upon record: and they must be guided by general principles—not such as might properly regulate a certain special and particular case, but such as would guide them in all cases. And this is signified by the usual phrase, that they "must not travel out of the record." Now, we defy any one to read the judgments of the three peers, without detecting the undue influence which one extrinsic and utterly inadmissible fact has had upon their minds; viz. the fact, that the court below had actually *affirmed* the validity of the two bad counts. They speak of its being "*against notorious facts*"—against "*common probabilities*," a "palpably incredible fiction"—to conclude from the language of the record, that the "offences" there mentioned did not include the pseudo offences contained in the sixth and seventh counts. In this particular case, it *did* undoubtedly happen, in point of fact, that the court below decided these counts to be valid counts: but the court of error can take no cognisance whatever of extrinsic facts. *Their* only source of information—*their* only means of knowledge, is *the record*—beyond the four corners of which they have no power, no authority, to cast a single glance; and within which are contained all the materials upon which, by law, the judges of a court of error can adjudicate and decide. The Court, in the present case, ought thus to have contemplated the record in the abstract—and with reference to the *balance of possibilities* in such cases, that the court below had affirmed, or condemned the vicious counts: which very balance of possibilities shows the impropriety of being influenced by speculations based on matters *dehors* the record. However numerous and mischievous may have been the errors committed by the inferior court, a *court of error* can take no cognisance of them, if they do not appear specifically and positively upon the record, however valid may be the claim which these

errors may notoriously prefer *to the interference of the executive*. Consider what a very serious thing it is—what a shock to the public confidence in the administration of justice—to reverse a judgment pronounced after due deliberation, and under the gravest responsibilities, by a court of justice! The law and constitution are properly very tender in the exercise of such a perilous power, and have limited it to the case of "MANIFEST" error—that is, not the vehement, the immense *probability* that there has been error—but the CERTAINTY of such error *necessarily and exclusively appearing from the record itself*. To act upon speculation, instead of certainty, in these cases, is dangerous to the last degree, and subversive of some of the fundamental principles of English jurisprudence. "Judgment may be reversed in a criminal case by writ of error," says Blackstone, "for NOTORIOUS (*i. e.* palpable, manifest, patent) mistakes in the judgment, as when a man is found guilty of PERJURY, (*i. e.* of a misdemeanour,) and RECEIVES THE JUDGMENT OF FELONY." This is the true doctrine; and we submit that it demonstrates the error which has been committed in the present instance. Let us illustrate our case by an example. Suppose a man found guilty under an indictment containing two counts, A and B. To the offence in count A, the legislature has annexed one punishment only, *viz.* *transportation*; to that in count B, *imprisonment*. The court awards sentence of transportation; and, on a writ of error being brought, the court above pronounces count A to be bad. Here it appears INEVITABLY and "manifestly" *from the record*, that there has been error; there is no escaping from it; and consequently judgment *must* be reversed. So where the judgment is the infliction of punishment "for his offences" aforesaid: there being only two offences charged, one of which is contained in a bad count, containing therefore no "offence" at all. Apply this principle to the present case. Does this record, in sentencing the defendant "for his offences aforesaid," *conclusively* and *necessarily* show that the court regarded the sixth and seventh counts as containing "offences," and awarded punishment in respect of them? We unhesitatingly deny it. The merest tyro can see that it is *possible*—and, if so, where is the NECESSARY error?—that the judges excluded the vicious counts from their consideration; that they knew the law, and could discern what were and what were not "offences;" and annexed punishment to only true "offences" in the eye of the law. The word "offence" is a term of art, and is here used in its strictest technical sense. What is that sense? It is thus defined by an accurate writer on law: "an *offence* is an act committed *against a law*, or omitted *when the law requires it*, and punishable by it."^[25] This word is, then, properly used in the record—in its purely technical sense. It can have no other meaning; and an indictment cannot, with great deference to Mr Baron Parke,^[26] contain an "offence" which is not "legally described in it;" that is, unless any act charged against the defendant be shown upon the face of the indictment to be a breach of the law, no "offence," as regards that act, is contained in or alleged by the indictment. The House of Lords, therefore, has exceeded the narrow province and limited authority of a *court of error*, or has presumed, upon illegal and insufficient grounds, that the Irish judges did not know which were, and which were not "offences," and that they did, in fact, consider those to be offences which were not, although the record contains matter to satisfy the allegation to the letter—*viz.* a *plurality* of real "offences." Where is Lord Campbell's authority for declaring this judgment "clearly erroneous in awarding punishment for charges which are *not offences in point of law*?" Or Lord Cottenham's, for saying that "the record states that the judgment was *upon all the counts, bad as well as good*?" They have none whatever; their assertions appear to us, with all due deference and respect, purely arbitrary, and gratuitous fallacies; they do violence to legal language—to the language of the record, and foist upon it a ridiculous and false interpretation. We admit, with Lord Cottenham, that "where the sentence is of a nature applicable *only* to the bad counts," it is incurably vicious, and judgment must be reversed—it is the very case which we put above; but how does that appear in the judgment under consideration? Not at all. The two cases are totally different.

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And this brings us to another palpable fallacy—another glaring and serious error into which we cannot help thinking the House of Lords has fallen, and which is abundantly evidenced by their judgment: *viz.* that a court of error has any concern whatever with, or can draw any inference whatever from, the AMOUNT of punishment. The reasoning of the judges is here perfectly conclusive. "If a sentence be OF THE KIND which the law allows, the *degree* of it is not within the competence of a court of error. If a fine be an appropriate part of the sentence of a court below, the excess of it is no ground of error. What possible line can be drawn as to the reasonableness and excess, so as to affect it with illegality? It is obvious there can be none. If in *this* case, the sentence had been *transportation*, the sentence would have been *illegal*: Why? Because not of *the kind* authorized by law in such a case." Any presumption, therefore, made by a court of error, from the *amount* of punishment awarded, as to which of the counts had been taken into consideration by the judges in giving their judgment, is manifestly based upon insufficient and illegal grounds. Can these principles have been duly pondered by the lords? We fear not. Look at Lord Cottenham's supposition of two counts for libel: one for a very malignant one, the other for one comparatively innocuous; and a sentence of heavy fine and imprisonment passed, evidently in respect of the malignant libel, which a court of error decides to be no libel at all. Lord Cottenham appears to rely greatly on this supposed case; but is it not perfectly clear, that it is not a case of error *on the record*—and therefore totally inapplicable to the case which he had to consider? The defendant would have certainly sustained an injury in that case; Where is the remedy? There is *no legal* remedy, any more than there is when a man has been wrongfully *acquitted* of a manifestly well-proved crime, or unjustly convicted of a felony. The mercy, or more properly the sense of *justice* entertained by the *executive*, must be appealed to in either case; such power of interposition having, in the imperfection of human institutions, been wisely reserved to the supreme power to afford redress in all cases where the LAW cannot. Lord Cottenham's reasoning appears to us, in short, based upon two fallacies—a *petitio principii*, in *assuming* that judgment was entered upon all the counts; the *question* being, *was* it so entered? The other is, that a court

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of error is competent to infer, from the *amount* of punishment, that a defendant has been sentenced upon bad counts. Again: the three peers admit, that if a sole count contain a quantity of aggravating, but really "*irrelevant stuff*" (to adopt Lord Denman's expression,) it will not prejudice the judgment, provided the count also contain matter which will legally support that judgment. Why should the judges be given credit for being able to discard from consideration these legally extrinsic matters in a single count, and not also, by the exercise of the very same discretion, be able to discard, in considering the record, irrelevant and insufficient counts, such as in the eye of the law have no existence, are mere nonentities?

For these, and many other reasons which might be assigned, had we not already exceeded our limits, we have, after a close and a candid study of the judgments delivered by the three peers, and the convincing, the conclusive judgments of the great majority of the judges, come, without hesitation, to the conclusion, that the Lords have not merely decided incorrectly, but have precipitately removed a chief corner-stone from the fabric of our criminal law, and have incurred a very grave responsibility in so doing. We cannot help thinking, that they have forgotten the fundamental distinction which our constitution makes between "*jus dare*" and "*jus dicere*." *Jus dederunt, non jus dixerunt*—an error, however, easily to be accounted for, by a reference to their double capacity, and the confusion it occasions between their judicial and legislative functions. We view with grave apprehension the power exercised by three members of the House of Lords, of overturning so well-established a rule and custom as that attested to them by the judges. What security have we for the integrity of our common law? In the face of the judges' decisions, how decorous and dignified would have been the conduct of the House of Lords in giving way, even if they had differed from the judges; lamenting that such *was* the law of the land, and resolving to try and persuade the legislature to alter it, as has often been done. Witness the statute of 1 and 2 Geo. IV. c. 78, passed in consequence of the decision of the House of Lords in *Rowe v. Young*, 2 Brod. and Bing. 165. The House of Commons has resented such interference with the laws by the House of Lords; who, in the case of *Reeve v. Young*, (1 Salkeld, 227,) "*moved by the hardship of the case*, reversed the judgments of the courts below, contrary to the opinion of all the judges." But the House of Commons, "*in reproof of this assumption of legislative authority in the Lords*," immediately brought in the 10 and 11 Will. III. c. 16, which passed into a statute.^[27] May we venture to suggest that the elaborate, and long, and deeply-considered opinions of the judges of the land, who had been summoned by the Lords to advise them, were worthy of more than the single day, or day and a half's examination which they received before they were so peremptorily pronounced to be "*clearly erroneous*?" And may we, with no little pain, suggest to Lord Campbell, that the array of *Gamaliels* at whose feet he had *sate* during his whole life—whose feet he had indeed so very recently quitted—whose integrity, whose profound learning, whose sagacity, none has had larger experience of than he—are entitled to look at his cavalier-like treatment of their best services, with a feeling stronger than that of mere surprise? In concluding this long article—in expressing our conviction of the error of the Lords—we feel one consolation at all events—that if we err, we err in good company; and that we are not conscious of having transgressed the limits of legitimate discussion, in exercising as undoubted a right of its kind, as these three peers exercised in branding so overwhelming a majority of the judges of the land with the imputation of ignorance of those laws which all their lives had been spent in administering. The very existence of the ancient common law of the land is put in jeopardy by such a procedure as that which we have been discussing; and our honest conviction, however erroneous, that such is the case, will suffice to excuse the freedom of our strictures; if, indeed, we require an excuse for echoing the stern declaration of our forefathers—*Nolumus leges Angliæ mutari*.

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As to him who has reaped the benefit of this lamentable miscarriage—Mr O'Connell—the law of the land has nevertheless been vindicated, and the stability of the empire secured, to a far greater extent than he is willing to acknowledge. Agitation he must continue; he *must* play out his base and sordid game. But his powers of mischief are manifestly and seriously crippled; and we quit him with the language addressed by Pope to a mean one of *his* day—

"Uncaged, then let the harmless monster rage—
Secure in dulness, madness, want, and age!"

FOOTNOTES:

- [1] See the Judgment of the Judges, ordered by the House of Lords to be printed, (and from which the quotations in this article have been made,) read to the House of Lords by Lord Chief-Justice Tindal, on the 2d September 1844.
- [2] State Prosecutions, pp. 9, 10. No. cccxxxix. Vol. lv.
- [3] Blackstone's Commentaries, vol. i. p. 302.
- [4] Several distinct offences may undoubtedly be included, in as many counts, in one indictment.
- [5] Two of the defendants' (the two priests) names do not appear in the record of the verdict, as one of them (Tyrrell) died before the trial, and as to Tierney, the Attorney-General entered a *nolle prosequi*.
- [6] *Comyn's Digest*, title *Pleader*, 3 B. 18.
- [7] This is the proper expression. See *M'Queen's Practice of the House of Lords*, p. 256. "They are summoned *for their advice in point of law*, and the greater dignity of the

proceedings" of the Lords.—(*Blackst, Comm.* p. 167.)

- [8] 1 *Blackstone's Commentaries*, p. 69.
- [9] Opinions of the Judges, &c.—(Pp. 1-3.)
- [10] Opinions of the Judges, p. 23.
- [11] 3 *Blackstone's Commentaries*, p. 395.
- [12] We quote from the edition of Lord Denman's judgment, sanctioned by himself, and edited by D. Leahy, Esq., (one of the counsel in the cause.)
- [13] A "*demurrer*" is the mode by which any pleading, civil or criminal, is denied to be (whether in form or substance) sufficient in point of *law*; and a *plea* is the mode by which is denied the *truth* of the *facts* which the pleading alleges.
- [14] Opinions of the Judges, p. 19.
- [15] Vol. I., pp. 68-9.
- [16] *Williams v. Germaine*, 7 Bar. and Cress. 476.
- [17] Opinions of the Judges, p. 17.
- [18] Judgment, (by Leahy,) p. 36.
- [19] Opinions of the Judges, p. 28.
- [20] Judgment, &c., p. 43.
- [21] Opinions of the Judges, p. 28.
- [22] Lord Denman's judgment.
- [23] Ditto.
- [24] Ante.
- [25] *West's Symbolography*, and *Jacob's and Tomlin's Law*.
- [26] Opinions of the Judges, p. 29.
- [27] 2 *Bla. Comm.* 169; and see Mr Christian's Note.

MY COLLEGE FRIENDS.

No. I

JOHN BROWN.

Did you ever happen to know a man who spent a whole Christmas vacation in Oxford, and survived it? I did. And this is how it came to pass.

"Frank," said the governor one evening after dinner, when the conversation had turned upon my approaching return to college, and the ticklish question of supplies had been disposed of—"when the deuce do you mean to go up for your degree? I have a notion this next term is your fifteenth, young man?"

"Why no, sir—that is, not exactly; you know"—

"Oh! true—I forgot that confounded rustication business. Well, it's your fourteenth at all events, and I think that's enough."

"Well, sir, I was thinking to have a shy at it after Christmas."

"Shy at it! You've always been *shying* at it, I think. I hope it mayn't end in a *bolt*, Master Frank!"

I laughed dutifully at the paternal wit, and promised to go to work in earnest the moment I reached Oxford.

This was a resolution announced periodically like the ballot question, and with much the same result. So the governor only shook his head, yawned, looked at the bottle, which stood between us nearly empty, and prepared apparently for an adjournment.

"I'll tell you what, sir," said I, emptying what remained in the decanter into my glass, and swallowing it with a desperate energy befitting the occasion, "I'll stay up the Christmas vacation and read."

"The deuce will you! Why, Frank," continued the governor, sorely puzzled, "you know your cousins are coming here to spend the Christmas, and I thought we should all make a merry party. Why can't you read a little at home? You can get up something earlier, you know—much better for your health—and have two hours or so clear before breakfast—no time like the morning for reading—and then have all the day to yourself afterwards. Eh, why not, Frank?"

"If you'll allow me to ring for another bottle of this Madeira, sir, (I declare I think it's better than our senior common-room have, and they don't consider theirs small-beer,) I'll tell you.—I never could read at home, sir; it's not in the nature of things."

"I doubt whether it's much in your nature to read any where, Frank: I confess I don't see much signs of it when you are here."

"In the first place, sir, I should never have a room to myself."

"Why, there's the library for you all day long, Frank; I'm sure I don't trouble it much."

"Why, sir, in these days, if there are any young ladies in the house, they take to the library as a matter of course: it's the regular place for love-making: mammas don't follow them into the company of folios and quartos while there are three volumes of the last novel on the drawing-room table; and the atmosphere is sentimentality itself; they mark favourite passages, and sigh illustrations."

"Precious dusty work, Frank, flirtations among my book-shelves must be; but I suppose the girls don't go much beyond the bindings: they don't expect to get husbands by being blue."

"Not exactly, sir; reviews and title-pages constitute a good part of modern literary acquirements. But upon my honour, sir, one hears young ladies now talk of nothing but architecture and divinity. Botany is quite gone out; and music, unless there's a twang of Papistry about it, is generally voted a bore. In my younger days—(really, sir, you needn't laugh, for I haven't had a love affair these two years)—in my younger days, when one talked about similarity of tastes and so forth, it meant that both parties loved moonlight, hated quadrilles, adored Moore's Melodies, and were learning German; now, nine girls out of ten have a passion for speculative divinity and social regeneration."

"Ay, one sort of nonsense does just as well for them as another: your cousin Sophy bothers me to build an Elizabethan pigsty, and wanted her poor mother to dance with the butler in the servants' hall last Christmas, when the fellow was as drunk as an owl: I hope it mayn't end in her figuring off herself with the footman; for Sophy is rather a pet of mine, and a right-down English girl after all. But, Frank, if you can't read in peace in the library, you surely could have a room fitted up for yourself up stairs; and you shall have the great reading-desk, with lights, that was your grandfather's, that stands in my little sanctum; (he made more use of it, poor man, than I do;) or I don't know but what I might spare you the little room itself, if it would suit you—eh?"

"Oh, my dear father! I wouldn't disturb you on any account," said I, rather alarmed at the extent of my worthy parent's liberality in the cause, and fearing it might end in the offer of the whole family to pack themselves in the attics, and leave me a first floor to myself—calculating, too, the amount of hard reading commensurate with such imposing preparations. "What would become of the justice business of the parish, sir, if we shut up your tribunal? I don't suppose my mother would like to have the constables and the illegitimates introduced either into the drawing-room or the kitchen," (this was, as I meant it to be, a poser; if Mr Hawthorne senior had a hobby, it was his magisterial authority.) "The fact is, that at home, up-stairs or down-stairs, I couldn't read. I should have not only my own idleness, but the various idlenesses of the whole family combined, to fight against. My sisters would be knocking at the door every half hour, if only to ask how I was getting on: Bob would tease me to come out skating, and Charles would start me perpetually after wild-ducks or woodcocks. And you yourself, sir, if I am not much mistaken, would think it odd if I didn't take a ride with you as usual after breakfast. Then one can't be expected to crawl about one's books by candlelight on a winter's morning; and after a six o'clock dinner who can read? After tea you know, sir, my mother always likes a rubber when I'm at home; and if you are going to have those girls, Jane and Sophy, down this Christmas"——

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"Ah! well—I see, Frank; I'm afraid it's a hopeless case. Perhaps you had better stay up at Oxford after all; you won't have much to disturb you there, I suppose. If you don't get moped to death, I certainly don't see what's to hinder your reading. You don't feel inclined to try North Wales in the winter, I suppose, eh?"

"No, sir," said I, swallowing a last glass of Madeira at a gulp, and rising, to cut short a conversation which was beginning to take rather an awkward turn—"No, sir, not exactly."

"Why, I don't know, Frank: why not? you'd find the climate cooler, you know," persevered the governor, as he followed me into the drawing-room.

So in Oxford it was settled that I should stay; a tolerable character for the last term or two, and the notorious fact that I was going up at Easter, ostensibly for a class, obtained me the necessary permission: strange that, in the University, one should require leave to read! My friends, John Brown and Harry Chesterton, were to stay up too; and we promised ourselves some hours of hard work, and many merry ones together. The vice-principal and one of the juniors, the only fellows that would be in residence, were both gentlemen, and always treated the under-graduates as such; we should get rid of the eternal rounds of beef and legs of mutton that figured at the commoners' table in hall; there would be no morning chapel; and altogether, having had nearly enough of the noisy gayety of a full term, we looked forward to the novelty of a few quiet weeks in college with a degree of pleasure which surprised even ourselves.

But alas! under-graduates are but mortals, and subject to somewhat more than the ordinary uncertainties of mortal life. It wanted but a week to the end of term; all our plans were settled.

Brown was to migrate from his own rooms in "Purgatory"—as we used to call the little dark back quadrangle, where, from sheer laziness, which made him think moving a bore, he had remained ever since his first location there as a freshman, up three pair of stairs; so that, when his intimate friends wished to ascertain if he was at home, we used to throw a stone through the window—and was to take up his abode in "Elysium," where he would be Chesterton's next-door neighbour, and in the same number as myself. We were to have a quiet breakfast in each others' rooms in turn every morning; no gross repast of beef-steaks and "spread-eagle" fowls, but a slight relish of anchovy toast, potted shrimps, or something equally ethereal; and the *chasse-café* limited to one cigar and no bottled porter. It was cruel to interfere with such unexceptionable arrangements; but a college, though it have a head, has no heart worth mentioning; and, in an evil hour, they rusticated John Brown. At least they forbade his staying up the Christmas vacation; and, for the credit of my friend's character, let me explain. Why John Brown should have been a person particularly distasteful to the fellows of — College, was a matter at first sight rather hard to understand. He was not what is called a rowing man; was never found drunk in the quad, or asleep at the hall lecture; never sported a pink, or drove a team; was not known to have been concerned in any of the remarkable larks which occurred in our times; was neither an agent in the Plague of Frogs, nor an actor in the private theatricals; was not a member of the Agricultural Society, which made the remarkable experiments with clover and ryegrass in the college quadrangle; had no talent for midnight howling, sang very small in a chorus, capped all the fellows diligently, and paid his battels to the minute. He was known to have asked twice for the key of the library, put down his name for the senior tutor's pet lecture in "Cornelius Nepos," bought the principal's sermon on the "Via Media," and was suspected of having tried to read it. He was not clever enough to sneer at the tutors, or stupid enough to disgust them. He was too sleepy to keep late hours, too fat to pull in the boat, too stingy to give supper-parties. How on earth came the fellows not to like John Brown? "A most respectable man," the principal always said he was. "Sir," said he to his anxious father, when, at the end of his second term, he took the opportunity of a professional visit to Oxford to call to know how the hope of the Browns was progressing—"Sir, I consider your son a most respectable person: I may say a most respectable person;" and as the principal had taken wine with him once at dinner, and bowed to him at collections, and read "Mr John Brown" twice upon a card at the end and beginning of term, and thus had every opportunity of forming an opinion, and expressed that opinion oracularly, in a Johnsonian fashion, Governor Brown was satisfied. How did the fellows come not to like John Brown?—pronounced "most respectable" by the principal—declared by his scout to be "the quietest gentleman as he ever a knowed," admitted by the under-graduates to be "a monstrous good fellow, but rather slow;" how came John Brown to fail in recommending himself to the favour of his pastors and masters—the dean and tutors of —? Why, in the first place, John Brown, the elder, was a wine-merchant; a well-educated man, a well-behaved man; but still a wine-merchant. Now the dean's father was—I beg his pardon, had been—a linen-draper; neither well-educated nor well behaved; in short, an unmitigated linen-draper. Consequently the dean's adoration of the aristocracy was excessive. There are few such thorough tuft-hunters as your genuine Oxford Don; the man who, without family or station in society, often without any further general education and knowledge of the world than is to be found at a country grammar-school, is suddenly, upon the strength of some acquaintance with Latin and Greek, or quite as often, from having first seen the light in some fortunately endowed county, elevated to the dignity of a fellowship, and permitted to take rank with gentlemen. The "high table" in hall, the Turkey carpet and violet cushioned chair in the common room, the obsequious attention of college servants, and the more unwilling "capping" of the under-graduates, to such a man are real luxuries, and the relish with which he enjoys them is deep and strong. And if he have but the luck to immortalize himself by holding some University office, to strut through his year of misrule as proctor, or even as his humble "pro," then does he at once emerge from the obscurity of the family annals a being of a higher sphere. And when there comes up to commemoration a waddling old lady, and two thin sticks of virginity, who horrify the college butler by calling the vice-principal "Dick," no wonder that they return to the select society of their native town with an impression, that though Oxford was a very fine place, and they had real champagne, and wax candles, and every thing quite genteel, and dear Richard was very kind, still they did think he was grown rather proud, as he never once asked after his old acquaintances the Smiths, and didn't like to be teased about his old flame Mary. No wonder that in the visits, few and far between, which, during the long vacation, the pompous B.D. pays to his humble relations in the country, (when he has exhausted the invitations and the patience of his more aristocratic friends,) they do not find a trace remaining of the vulgar boy, who, some twelve years ago, quitted the seat of the provincial muses to push his fortunes in the University of Oxford. In vain does his uncle give up his after-dinner pipe, and in place of the accustomed Hollands and water, astonish the dusty decanter with port of an unknown vintage in honour of his illustrious nephew; in vain does the good old lady aforementioned, the unworthy mother of so bright a son, quit the instruction of pious Mr Jabez Jenkins, the "Independent" minister, and turn orthodox and high-church for the nonce, when her dearly beloved Richard "officiates" for the rev. the vicar; no ties of home or kindred, no memories of boyhood, no glow of early recollections, touch the case-hardened parasite of college growth; and when he has banished his younger brother to Australia, under pretext of making his fortune, married both his sisters, and erected a cheap monument to the linen-draper's widow as the "relict of the late Thomas Thompson, *Esquire*," he waits in peaceful expectation of a college living, with the consciousness of having done his duty by his relations, and delivered himself from a drag upon his new career. I do not mean to set too high a value on gentle birth, or to limit nobility of character by that of blood; I believe my tailor to be one of nature's gentlemen, (he never duns,) and I know my next neighbour, Sir John, thirteenth baronet as he is, to possess the soul of a huckster, because he sells his fruit and game: still these are the exceptions, not the rule; and

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there are few cases of men rising from low origin—rising, that is, from circumstances, not from ability—not the architects, but the creations of their own fortunes, (for that makes all the difference)—who do not carry with them, through all the gradations of their advancement, the plebeian instincts, while they forget, perhaps, the homely virtues of the class from which they spring. There is a nobility of birth, seldom to be counterfeited or mistaken, wholly irrespective of the rank and wealth which are either its graceful accompaniments or its insufficient substitutes; fostered and strengthened by early habits and education, but none the less originally innate—as much an endowment from heaven as beauty, strength, or talent, and more valuable than all. Many men have the tact to adapt themselves to the station and the society to which they have risen, however much above their own level; they acquire the habits and the tastes, seldom the feelings, of a gentleman. They act the character well; it is carefully studied, and on the whole well sustained; it is a correct and painstaking performance, and the points tell distinctly; but there is throughout that indirect appeal to the audience which marks it to be only acting. They are more studiously aristocratic than the aristocracy, and have a horror of vulgarity which is in itself essentially vulgar.

And such a man was the dean of ——. On the philosophic principle of hating all to whom we are under obligations, if there was any thing he cordially detested, it was trade. His constant aim was to forget his unfortunate origin himself, if possible to lead others who knew him to forget it, and to keep strangers from knowing it at all. And as he shrank from every shape and sound plebeian, so he industriously cultivated every opening to "good society." There was not a member of his own college, graduate or under-graduate, of any pretensions to family, who could not speak from experience of the dean's capital dinners, and his invariable urbanity. No young honourable, or tenth cousin to an honourable, ever got into a row, that he had not cause to bless the dean's good offices for getting him out. And if some of the old stagers contented themselves with eating his dinners, and returning them in the proportion of one to five, the unsophisticated gratitude of youth, less cunning in the ways of the world, declared unhesitatingly, in its own idiomatic language, "that old Hodgett was a regular brick, and gave very beany feeds." And so his fame travelled far beyond his own collegiate walls, and out-college honourables and gentlemen-commoners were content to make the acquaintance, and eat the dinners that were so freely offered. And as the dean had really some cleverness, and "a well-assorted selection" of anecdotes and illustrations "from the best markets," (as his worthy father would have advertised it,) and could fill the chair at his own entertainments with ease if not with gracefulness, and moreover was not close with his purse-strings, and could always be reckoned safe for a L.20 note if a dun was troublesome, (well knowing that even under-graduates make exceptions in favour of debts of honour,) he became, among his younger friends especially, a very popular man. And when those who had enjoyed his good fare, and profited by his friendly offices with duns and proctors, found that, after all, he was "nobody," all they said was, that it was a pity, and that he was a monstrous good fellow none the less. And one invited him to spend the Christmas with him down at the governor's in Kent, where there was to be a regular houseful, and merry-making of all sorts, and another would have him into Norfolk in September for the shooting—(the dean never shot, but wisely said nothing about it until he got into good quarters, when he left his younger friends to beat the stubbles, while he walked or drove with Lady Mary and Lady Emily, and eat the partridges;)—so that on the whole he felt himself rather an ill-used individual if there was a week of the vacation for which he had not an invite. If such a rare and undesirable exception did happen, seldom indeed did he bestow himself, even for a day or two, upon his mother and sisters at Nottingham; and never did he, by any oversight, permit a letter to be addressed to him there; if it could not conveniently bear the address of some of his titled entertainers, it was to meet him at his college, to which he usually retired to await, with sufficient discontent, an invitation, or the beginning of term; while he took pains to have it understood, that his temporary seclusion was hardly spared him from the hospitable importunities of those whom he delighted to call "his many friends," in order to attend to important business. Occasionally, indeed, it would happen that the natural sagacity of some old English gentleman, or the keen eye of an experienced courtier, would fathom at a glance the character of his son's invited guest, and treat him with a distant politeness which he could neither mistake nor get over; but, on the whole, his visits among his aristocratic entertainers were agreeable enough, and he was not a man to stick at an occasional trifle. His youthful *protégés* were glad to be able to repay in the country many kind offices at Oxford, and to become patronizers in their turn; and the seniors redoubled, in the case of their son's friend, the hospitality and courtesy they would have readily shown to a stranger, and were not eager to scrutinize the motives which might have induced him to be civil to the hopeful stripling, whom, in their partial view, the whole university might well have delighted to honour.

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In the eyes of such a man, John Brown was not likely, at first starting, to find much favour. Had he been a rich man, and sported the velvet cap and silk gown, the unhappy fact of his father's being in trade might have been winked at. If not in the front rank of the dean's friends he might have filled a vacant seat occasionally at his dinner-table, and been honoured with a friendly recognition in the quadrangle. At it was, he did not condescend to remember that such a man was on the college books. Happy ignorance, if only it could have lasted. But one unlucky morning a late supper party had decidedly thinned the attendance at the hall lecture; and Mr Hodgett, having been disappointed of an invitation to a very select dinner at the principal's, was in no very benignant humour, and "hauled up" the defaulters. Among them was one of the dean's pets—who, having done the same thing a dozen times before, was rather astonished at the summons—and the usually regular John Brown. What excuses the rest of the party made is immaterial. John, I believe, said nothing, beyond a remark as to his having been rarely absent. The result, however, was, that he and the rest got an imposition, which cost them half-a-guinea each to get done by

the under-cook, (it was Greek *with* the accents, which comes expensive,) while the Honourable Lumley Skeffington was dismissed with a jocular reproof, and an invitation to breakfast. Now, if Mr Skeffington had had the sense to have kept his own and his friend's counsel, this might have been all very well. But being a somewhat shallow-pated youth, and a freshman to boot, he thought it a very fine thing to talk about at his next wine-party, and boast that he could cut lecture and chapel when he pleased—the dean and he understood each other. Brown happened to be present; (for though not good company enough for the dean, he was for his betters; your *parvenu* is far more exclusive in his society than your born gentleman;) he quietly enquired into the facts; and finding that what he had before been inclined to consider as undue severity in his own case, was positively an injustice compared with that of another, appreciating thoroughly the character of the party he had to deal with, and coupling the present with certain previous minor snubbings from the same quarter, he from that moment declared war.

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Now, the Rev. Mr Hodgett, sedate and dignified as he was, had better have danced a hornpipe in his thinnest silks amongst a bed of stinging nettles, or have poked sticks into a wasp's nest, or amused himself with any other innocent recreation, than have made an enemy of John Brown. It was what he himself would have called a wrong move, and it played the deuce with his game. John was the very man who could annoy him, and he did. None of us knew he had so much ingenuity, or so much malice in his composition, until he commenced his hostilities against the dean. The fact was, he was more piqued, perhaps, than any other man in college would have been by so small a matter. Too sensible to be really ashamed of being the son of a man in trade, he was conscious, nevertheless, that it was in some sort a disadvantage to him, and that, descended as he was from an old and once knightly line, (his father had been an ill-used younger son,) he did not quite occupy his proper position in the world. His feeling of this made him sensitive to a fault; it led him rather to shun than to seek the society of his contemporaries; and much as he was esteemed by myself and others who knew him well, I will not say that he was a universal favourite. Men did not understand him: at that time of life (alas, why not always?) most of us are open and free-hearted; they did not relish his shy and reserved manner, his unwillingness to take the initiative in any social intercourse, his *exigéance* to a certain extent of those forms which the freedom of college friendship is apt to neglect. "Why didn't you turn into my rooms the other night, when you came in from Oriel?" said I to him early in our acquaintance. "Hobbs says he told you I had some men to supper."—"You didn't ask me," was the quiet reply.—"I couldn't see you, or else I should; but you might have known I wanted you; don't serve me such a trick as that again, old fellow." But it let me into a secret of his character, and ever after that, I was as particular in my invitations as possible. Men thought him proud, and cold, and touchy, which he was not; and stingy, which he scorned to be, from his contempt for ostentation in any shape. The rarity of his wine-parties, and his never having other wines produced than port or sherry, he himself explained to me—"Men would say, it was easy for me to sport claret and champagne, when I could get them for nothing." But if an unthinking freshman broke out in praise of the said excellent port or sherry, (as indeed they might well be pardoned for doing, considering the quality of what they commonly imbibed,) he would say at once—"Yes, I believe it is good; I know my father considers it so, and it has been in bottle above twelve years." There was no shirking the question for a moment. And excellent wine he got for me from his father, at a moderate price, at his own offer. Hating then, as he did undisguisedly, the tuft-hunting and affectation of *haut-ton*, which was so foreign to his own nature, he felt, perhaps excusably, annoyed at their palpable existence and apparent success, in a man, whose station, as he said, ought to have kept him from meanness, if it could not give him dignity.

At all events, his method of retaliation—"taking down the dean"—as he called it was most systematic and persevering. He let the matter of the imposition pass over quietly; was for some months doubly attentive to all his college duties; carefully avoided all collision with his adversary; kept out of his way as much as he could; and whenever brought into contact with him, was as respectful as if he had been the Vice-chancellor. This had its effect: John began to rise in the dean's good graces; and when he called upon him in the usual course of etiquette, to mention that he should be absent the vacation of three days which intervenes between the two short terms, the meeting, on one side at least, was almost cordial. A day or two after his return, (he had been to visit a friend, he said,) we were in his rooms at breakfast together, when the dean's scout entered with his master's compliments to request Mr Brown's company to breakfast. Then it was that John's eyes dilated, and he rubbed his hands, as soon as the door was shut, with an excitement rather unusual.

"Do you know who breakfasts with the man to-morrow? Do you, Hawthorne?"

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"Why, I had a message this morning," said I, "but I don't mean to go. I shall have a headach or something to-morrow. I have no notion of going there to eat my own bread and butter, and drink his very bad tea, and see a freshman swallow greasy ham and eggs, enough to turn the stomach of any one else; and then those Dons always make a point of asking me to meet a set of regular muffs that I don't know. The last time I went, there were only two reading-men in spectacles, perfect dummies, and that ass, young Medicott, who talks about hunting, and I believe never crossed the back of anything higher than a donkey."

"You had better come to-morrow; perhaps you will have some fun."

"Why, who is going there, do you know?"

"I haven't a notion; but do come. I must go, and we will sit together, and I'll get the cook to send up a dish of deviled kidneys for you."

There was something in his eye as he said this which I could not make out, and it rather puzzled me to find him so willing to be of the party himself. However, he was an odd fellow, so I promised to go, and we parted; certainly with little anticipation on my part of what the "fun" was to be.

Nine o'clock the next day arrived, and punctual to the minute might be seen two freshmen, from opposite corners of the quadrangle, steering for the dean's rooms. Ten minutes afterwards, an interesting procession of coffee-pots and tin-covers warned me to finish my toilet; and following them up the staircase, I found a tolerably large party assembled.

"Just in time—just in time, Mr Hawthorne," said the dean, who appeared to be in high good-humour, "as my old pupil, Sir Charles Galston, used to say, (you don't know him, do you? he's your county man, too, I believe.)—as he always used to say, 'Gad, Hodgett, just in time to see the muffins break cover!' ha, ha! Take those tins off, Robert."

We sat down, and for some time every thing went on as slow as it usually does at breakfast parties. At length, taking advantage of a pause, after laughing his loudest at one of our host's stories, John Brown broke out with "How is Mrs Hodgett, sir?"

If Mrs Hodgett, instead of the dean's most respectable mother, had been his lawful wife, hitherto unacknowledged through fear of losing his fellowship, he could not have looked more thoroughly horrified. I myself was considerably taken aback; some of the other men, who knew the reverend gentleman's tenderness on the subject of his family connexions, picked their chicken-bones, and stirred their coffee with redoubled attention. John Brown and the two freshmen alone looked as cool as cucumbers.

"Eh? oh—h," stammered the party addressed, "quite well, thank you—quite well. Let me give you some of this—oh, it's all gone! We'll have some more; will one of you be kind enough to ring? My friend, Lord"—

"No more for me, thank you, sir, I beg," said John. "Have you heard from Mrs Hodgett since the vacation?"

"No—yes; oh dear, yes, several times!" (It was about five days back.) "She was quite well, thank you. In town at present, I believe. You were in town during the vacation, I think, Mr Wartnaby? Did you meet your uncle Sir Thomas there, or any of the family?"

"Sir T-T-Thom...." began young Wartnaby, who stammered terribly.

"I beg your pardon, sir," struck in John Brown, "are you sure Mrs Hodgett is in town? I saw her in Nottingham myself on Friday; I made my first acquaintance with her there, and a very charming old lady she is."

Mr Hodgett's confusion could only be rivaled by Mr Brown's perfect self-possession. I began to see the object of his kind enquiries; so, probably, did the victim himself. The other men who were present thought, I suppose, that it was only an unfortunate attempt of John's to make himself agreeable; and while some were amused by it, a more considerate friend kicked my shins in mistake for his, under the table.

"She certainly told me, sir, she should be going up to London in a few weeks, to purchase her winter stock, I think she said; but I did not understand that she was to be there now." [Pg 577]

John had got on thus far before his enemy could rally at all; but the dean grew desperate, and resolved to make a diversion at all hazards; and as he reached his hand out, apparently in quest of a slice of toast, cup, saucer, and a pile of empty plates, went crashing on the floor.

"Bless me, how very awkward!" said he, with a face as red as fire.

"Never mind, sir," said a freshman from Shrewsbury, just entered who had not opened his lips before, and thought it a good opportunity; "it's all for the good of trade."

Never was a stale jest so unconsciously pointed in its application. Brown laughed of course, and so did we all; while the dean tried to cover his confusion by wiping his clothes—the cup having been an empty one. The freshman, seeing our amusement, thought he had said a very good thing, and began to talk very fast; but nobody listened to him.

"Talking of trade," mercilessly continued the tormentor, "I was uncommonly pleased with Nottingham the other day. Your brother-in-law, Mr Mogg, was exceedingly civil to me, (I took the liberty of mentioning your name, sir;) he showed me the whole process of stocking-making; very interesting indeed it is—but of course you have seen it often; and I really think, for a small establishment, Mr Mogg's is one of the best conducted I ever saw. You don't know Mr Mogg, Hawthorne, do you? Get the dean to give you a letter to him, if you ever go to Nottingham; a very good sort of man he is, and has his whole heart in his business. 'Some men are ashamed of their trade, sir' said he; 'I a'n't. What should I do, I should like to know, if trade was ashamed of me?' And really Mrs Mogg"—

"Ah yes!" said Mr Hodgett, hitherto overwhelmed by John's eloquence, (he never talked so fast,) and utterly at a loss how to meet it, "Mogg is a great man in his line at Nottingham. I shouldn't wonder if he was member some day; he has a large wholesale connexion."

"And retail, too, sir," chimed in John. "I bought six pair of the nicest sort of stockings there I have seen for a long time: did I show them to you, Hawthorne? 'These,' said Mr Mogg, 'I can

recommend; I always"——

"If you won't take any more coffee, gentlemen," said the dean, jumping up and looking at his watch, "I am afraid, as I have an appointment at ten"——

"I declare, so have I," said Brown; "but I had quite forgotten it, our conversation has been so very agreeable. Good-morning, sir; and if you are writing to Mrs Hodgett, pray make my compliments." And with this Parthian shaft he quitted the field.

Having adjusted the difficult questions which are apt to arise as to the ownership of caps and gowns, the rest of the party took leave. The facetious freshman, after putting in an ineffectual claim upon one or two of the most respectable of the caps, at last marched off with the dean's, as being certainly more like the new one he had bought the day before, than the dilapidated article with a broken board and half a tassel, which was the tempting alternative, and possessing also the common property of having a red seal in it. He was not allowed, however, to remain long in peaceful possession of his prize. Scarcely had he reached his rooms, when Robert, the dean's scout, came to inform him that he had left his own cap (which Robert presented to him with a grin) behind him, and taken away Mr Hodgett's in mistake; enlightening him, at the same time, as to the fact, that fellows' caps, by special exemption, were "not transferable." And when he ventured to send back by Robert an apology, to the effect that the very ancient specimen could not at all events be his, and a humble request that the dean would endeavour to ascertain which of his friends whom he had met at breakfast had also "made a mistake," that official, remembering his happy *debüt* as a conversationalist, instantly sent for him, and read him a severe lecture upon impertinence.

Of course we were no sooner fairly landed in the quadrangle, than all who had any acquaintance with Brown surrounded him with entreaties for an explanation. What possessed him to make such a dead set at the dean? How came he to be so well up in the family history? How long had he had the pleasure of an acquaintance with dear old Mrs Hodgett? And who introduced him to Mr Mogg?

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It turned out that John had made an expedition to Nottingham during the vacation on purpose; he had called on the old lady, whose address he had with some difficulty obtained; presented his card, "Mr John Brown, —— Coll.;" stated that he was a stranger, very desirous to see the lions of Nottingham, of which he had heard so much; and having the honour of knowing her son, and the advantage of being at the same college with him, and having so often heard her name mentioned in their many conversations, that he almost felt as if she was his intimate acquaintance, had ventured to intrude upon her with a request that she would put him in the way of seeing the town and its manufactures to the best advantage. Much taken, no doubt, by John's polite address, which by his own recapitulation of it must have been highly insinuating, and delighted to see any one who could talk to her about her son, and to learn that she herself was talked about among his grand friends in Oxford, the worthy Mrs Hodgett begged John Brown to walk in; and finding that there was nothing high about him, and that he listened with the greatest interest to all her family details and reminiscences, she took courage to ask him to eat a bit of dinner with her and her daughter at two o'clock, after which she promised him the escort of her son-in-law, Mr Mogg, the principal (that was what they called them up at Nottingham, just as they did in Oxford, she observed) of the great stocking-house over the way. Such a man he was! she said; every bit as good as a book to a stranger; "he knowed every think and every body." John assured her such universal knowledge was not common among principals of houses in Oxford; and declared that he should appreciate the services of such a guide proportionately. And as an introduction to the whole family was just the thing he wanted, he at once accepted the invitation with many thanks. In short, an arrangement was made which pleased all parties; all, that is, with the exception of Mr Spriggins, the head shopman, who usually took his meals with the family, but on that day, to his great disgust, not being considered of quality to meet their unexpected guest, (not being a principal,) received intimation that his dinner would be served in the counting-house. The dinner passed off, no doubt, much more satisfactorily than more formal affairs of the kind. John had a good appetite and good-humour, and so had the old lady; and no doubt, even in Miss Hodgett's eyes, the young Oxonian was no bad substitute for Mr Spriggins. Even that gentleman, could he have foreseen all that was to follow from this visit, would have exchanged for his blandest smile the stern glance with which he regarded, from the little back window of the counting-house, the procession of John, with Miss Hodgett under his arm, from the drawing-room, to take the seat which should have been his; would have made him his most obsequious bow, and regarded him as the best customer that had ever come inside their doors.

But perhaps I am wronging Mr Spriggins in assuming that he thought the usurper of his rights worthy of a glance at all: and certainly I am anticipating my story. John dined with the old lady; drank her currant wine in preference to her port, ate her seed biscuits, and when Mr Mogg, in pursuance of a message from his mother-in-law, called to renew in his own person the offer to show his relation's distinguished friend, (Mrs Hodgett had hinted her suspicions that John Brown was a nobleman,) he was ready, though rather sleepy, to commence his lionizing. Mr Mogg was exceedingly civil, showed him every thing worth seeing, from the castle to the stocking-frames; and by the time they returned together to supper at the old lady's, they had become very thick indeed. John called the next day and took his leave of both parties, with a promise not to pass through Nottingham without renewing his acquaintance, and that he would not fail to mention to his friend the dean how much he had been gratified by his reception; both which pledges he scrupulously redeemed.

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Mr Hodgett's indignation was unbounded; if the united powers of vice-chancellor, doctors, proctors, and convocation, could, by rummaging up some old statute, have expelled John Brown for paying a visit to Nottingham, he would have moved the university to strive to effect it. Happily these powers never are united, or there is no saying what they might not do. So John remained a member of the college still. The dean seldom looked at him if he could help it; he tried once the soothing system by praising him at collections, but it only elicited from John a polite enquiry after Mr and Mrs Mogg.

What man could do to extricate himself from his unfortunate position, the dean did. He wrote off immediately to his mother, entreating her, by her hopes of his advancement in life, not to allow the name of Hodgett to be any longer contaminated by any touch of linen-drapery. He suggested that she should at once make over the business to her foreman, Spriggins, reserving to herself an interest in the profits, and retire to a small and genteel cottage in the suburbs, where no impertinent intruder could detect the linen-drapeer's widow. She, worthy old soul, though it did grieve her, no doubt, to part with her shop, in which were centred the interests and associations of so many years, yet would have set fire to it with her own hands, and emigrated to America—though she knew it only as a place where banks always broke, and people never paid their debts—if it could in anyway have furthered his interests whom she loved better than he deserved. She always looked upon him as a gentleman, and did not wonder he wished to be one, though she herself had no manner of taste for becoming a lady.

But in the simplicity of her heart, she planned that even this sacrifice to her motherly affection might be turned to some account in the way of trade. Accordingly, there appeared in the *Nottingham Herald* an advertisement, extending across two columns, headed with imposing capitals, by which the public were informed that Mrs Hodgett being about to decline her long-established linen-drapery business in favour of Mr Spriggins, the whole stock was to be turned into ready money immediately, "considerably below prime cost;" by which means the public had no doubt an opportunity of giving full value to Mrs H. for sundry old-fashioned patterns and faded remnants, which the incoming Spriggins would otherwise have "taken to" for a mere song.

Now, since the time that John Brown began first to take so deep an interest in the Hodgett family, he had regularly invested fourpence weekly in a copy of the *Nottingham Herald*. By this means he had the satisfaction of congratulating the dean upon the birth of a nephew, in the person of a son and heir of the Moggs; and though so carefully did that gentleman avoid all communication with his tormentor, that he was obliged for two whole days to watch an opportunity to convey the intelligence; yet, as he finally succeeded in announcing it in the presence of the tutor of a neighbouring college, who was a profound genealogist and a great gossip, his pains, he declared, were sufficiently repaid. The eagerness with which he pounced upon the advertisement may be imagined; and finding, from a little *N. B.* at the bottom, that handbills with further particulars were to be had at the office, he lost no time in procuring half a dozen by post; and one morning the usual receptacles for university notices, the hall-door and the board by the buttery, were placarded with staring announcements, in red and black letters, six inches long, of Mrs HODGETT'S speculation. One was pushed under the dean's door; one stuck under the knocker at the principal's; one put into the college letterbox for "the senior common-room;" in short, had good Mrs Hodgett herself wished to have the college for her customers, she could hardly have distributed them more judiciously.

In short, no pains were spared by John Brown to tease and worry the dean with all the particulars of his family history, which he would most have wished to bury in oblivion. And to do him justice, he in his turn spared no pains to get rid of John Brown. He would have allowed him to cut lectures and chapels *ad libitum*, if he thus could have spared all personal intercourse, and escaped his detested civilities. Finding that would not do, he tried the opposite course, and endeavoured either to get him rusticated at once, or to disgust him with the college, and thus induce him to take his name off. John was cautious—very cautious; but a war against the powers that be, is always pretty much of an uphill game; and so at last it proved in his case.

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John had another enemy in the college, of his own making too; this was Mr Silver, the junior tutor. He was a man of some scholarship and much conceit; took a first class when very young, having entered college a mere schoolboy, and read hard; got his appointment as tutor soon after, and sneered at older men on the strength of it. He pretended to be exceedingly jocular and familiar with his pupils, but was really always on the alarm for his dignity. His great delight was to impress the freshmen with an idea of his abilities and his condescension. "Always come to me, Mr —, if you find any difficulties in your reading—I shall be most happy to assist you." This language, repeated to all in turn, was, not unnaturally, literally understood by the matter-of-fact John Brown; who, perhaps, could see no good reason why a college tutor should *not* be ready to aid, as far as he could, the private studies of those who are so often in want of sensible advice and encouragement. However, it did not occur to him, when he took up to Mr Silver's rooms one morning after lecture, a passage that had puzzled him, that he was doing a very odd thing, and that the tutor thought so. As these consultations became more frequent, however, he began to perceive, what other men were not slow to tell him, that Mr Silver thought him a bore. And the moment this flashed upon him, with his unfortunate antipathy to any thing like humbug, he began another war of independence. He selected crabbed passages; got them up carefully by the help of translations, scholiasts, and clever friends; and then took them up hot to Mr Silver. And when he detected him slurring a difficulty instead of explaining it, or saying there was no difficulty at all, John would bring up against him his array of objections to this or that rendering, and arguments for and against various readings, &c., till Mr Silver found himself fairly out of his depth. At first

this puzzled him, and he very nearly committed the mistake of pronouncing John Brown a first-rate scholar in the common-room; but when he found his performance at lecture did not by any means keep pace with the remarkable erudition sometimes displayed by him in private, he began in his turn to suspect the trick. He dared not refuse to play his part, when called upon, in these learned discussions, though he dreaded them more and more; for his college reputation was at stake, and there were some among the older fellows who looked upon him as rather an assuming young man for understanding what they did not pretend to, and would have been glad to have had a joke against him; but he began cordially to hate John Brown; he gave him all the difficult bits he could at lecture; sneered at him when he dared; and practised all those amiable embellishments which make schoolmasters and tutors usually so beloved, and learning in all its branches so delightful.

It is not to be wondered at, then, if John's kind friends somewhat damaged his reputation among the Dons, and watched their opportunity to annihilate him. It came, and they were down upon him at once. Some half-dozen noisy men, the survivors of a supper-party, had turned into Brown's rooms (he seldom sat up so late) for a parting cigar. Having accomplished this, they took it into their heads to dance a quadrille in the middle of the covered thoroughfare, for the benefit of the echo, to the music of six individual tunes sung in chorus. So strange a performance brought down some of the fellows; the men were not recognised, but traced to Brown's rooms. He refused to give up their names—was declared contumacious; and, in spite of the good-natured remonstrances of the principal and one or two of the others, his enemies obtained a majority in the common-room; and it was decided that John Brown was too dangerous a character to be allowed to remain in college during vacation. But they had not got rid of him yet.

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About two miles out of Oxford, on the C—— road, if any one takes the trouble to turn up a narrow lane, and then follow a footpath by the side of the canal, he will come to one of the most curious-looking farmhouses that he (or at least I) ever met with. It is a large rambling uninhabited-looking place; the house, as is not unusual, forming one side of a square enclosure, of which the barns and outhouses make up the rest. The high blank walls of these latter, pierced only here and there by two or three of the narrowest possible lancet-holes, give it something the air of a fortification. Indeed, if well garrisoned, it would be almost as strong a post as the Chateau of Hougoumont; with this additional advantage, that it has a moat on two sides of it, and a canal, only divided from it by a narrow towing-path, on a third. The front (for it has a front, though, upon my first visit, it took me some time to find it, it being exactly on the opposite side to the approach at present in use, and requiring two pretty deep ditches to be crossed, in order to get at it from the direction)—the front only has any regular windows; and of these, most of the largest are boarded up, (some, indeed, more substantially closed with brick and mortar) in order to render it as independent as possible of the glazier and the assessor of taxes. There is a little bridge, very much decayed, thrown across the narrow moat to what was, in former days, the main entrance; but now the door was nailed up, the bridge ruinous, and the path leading to it no longer distinguishable in the long rank grass that covered the wet meadows upon which the house looked out. It was a place that filled you involuntarily with melancholy feelings; it breathed of loneliness and desolation, changed times and fallen fortunes. I never beheld it but I thought of Tennyson's "Mariana in the moated Grange"—

"Unlifted was the clicking latch,
Weeded and worn the ancient thatch
Upon the lonely moated Grange."

Brown and I, in some of our peregrinations, had stumbled upon this old house; and after having walked round it, and speculated upon its history, made our way through an open door into the spacious court-yard. If the outside looked desolate, however, the interior was lively enough: cattle, pigs, geese, ducks, and all the ordinary appurtenances of a well-stocked farm, gave token that the old place was still tenanted; and a large mastiff, who stalked towards us with a series of enquiring growls, evidently demanding our business, and suspicious of our good intentions, made us not at all sorry to see a stout good-natured-looking dame, a perfect contradiction to the poet's woe-worn "Mariana," who, after bidding Boxer hold his noise, volunteered a compendious history of herself and husband in answer to our simple question as to the name of the place. How good Farmer Nutt and herself had lived there for the last seventeen years; how the old place belonged to Squire somebody, and folks said that some gentry used to live in it in times past; what a lonesome-like life they thought it when they first came, after living in the gay town of Abingdon; how, by degrees, they got to think it pretty comfortable, and found the plashy meadows good pasturage, and the house "famous and roomy-like;" this, and much besides, did we listen to patiently, the more so because an attempt or two at interruption only served to widen the field of her discourse. The wind-up of it all, however, was, that we were asked to walk in and sit down, and so we did. A civil farmer's wife, a very common character in most parts of England, is, I am sorry to say, somewhat too much of a rarity about Oxford; whether their tempers are too severely tried by the "fast men," who hunt drags and ride steeple-chases to the detriment of young wheat and new-made fences; or by the reading-men, who, in their innocence, make pertinacious visits in search of strawberries and cream in the month of March, or call for the twentieth time to enquire the nearest way to Oxford, (being ignorant of all topography but that of ancient Rome and Athens;) or whether they regard all gowmsmen as embryo parsons and tithe-owners, and therefore hereditary enemies; whatever be the reason, it generally requires some tact to establish any thing like a friendly relation with a farmer or his wife in the neighbourhood of the university. However, Mrs Nutt was an exception; and nothing could exceed the heartiness with which she set out her best wheaten bread and rich Gloucester cheese, and particular ale—an

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advance towards further acquaintance which we met with due readiness. In short, so well were we pleased with the good dame's hospitable ways, and her old-fashioned house, and even with her good-humoured loquacity, that our first visit was not our last. The farmer himself, a quiet, good-natured, honest yeoman of about sixty, who said very little indeed when his wife was present, (he had not much chance,) but could, when disposed, let out many a droll story of "College Gents" in bygone days, when he was a brewer's apprentice at Abingdon, came, by invitation, to taste the college tap, and carried home in each pocket a bottle of wine for "the missus."

When John Brown, Esquire, found his intentions of wintering within the walls of — so unexpectedly defeated, he cast about diligently in his own mind for a resting-place for himself, his books, and a nondescript animal which he called a Russian terrier. Home he was determined not to go—any where within the boundaries of the University, the College were equally determined he should not stay; and we all settled that he would fix himself for the vacation either at Woodstock, or Ensham, or Abingdon; the odds were in favour of the latter place, for John was a good judge of ale. It was not, therefore, without considerable astonishment that one morning, at breakfast in my room, after devouring in rigid silence a commons of broiled ham for two, and the last number of *Pickwick*, (John seldom laughed, but read "Boz" as gravely as he would Aristotle,) we heard him open his heart as follows:—

"I say, old fellow, where do you think I am going to put up this vacation?"

"Really, John, you're such an odd fellow it's impossible to guess; if it had been summer, I shouldn't have been at all surprised to hear of your having pitched a tent at Bullingdon, or hired a house-boat, and lived Chinese fashion on the river; but I suppose you would hardly think of that plan at this time of the year."

"Nonsense, man; you know the Moated Grange, as you call it—old Nutt's!—I've taken lodging there."

"The Grange! Well, there's no accounting for tastes; but if there were any empty rooms in the county jail, I almost think I should prefer them, especially when one might possibly get board and lodging there gratis."

"Don't be absurd; I shall be very comfortable there. I'm to have two rooms up-stairs, that will look very habitable when they've cleaned down the cobwebs, and got rid of the bats; Farmer Nutt is going to lay poison for the rats to-night, and I can go in, if I like, on Monday."

"Upon my honour, John, Chesterton and I can never come and see you in that miserable hole."

"Don't, then; I'm going there to read: I sha'n't want company."

It turned out that he was really in earnest; and the day after the University term was ended, the Grange received its new tenant. We went down there to instal him; it was the first time Chesterton had seen the place, and he was rather envious of our friend's selection, as he followed him up-stairs into the quaint old chambers, to which two blazing log-fires, and Mrs Nutt's unimpeachable cleanliness, had imparted an air of no little comfort. The old oaken floor of the sitting-room had been polished to something like its original richness and brilliancy of hue, and reflected the firelight in a way that warmed you to look at it. There was not a cobweb to be seen; and though old Bruin snuffed round the room suspiciously, Farmer Nutt gave it as his conscientious opinion that every rat had had a taste of the "pyson." There was no question but that if one could get over the dulness of the place, as far as accommodation went there need be little cause to complain.

"I shall get an 18-gallon of Hall and Tawney, and hire an easy-chair," said John, "and then *won't* I read?"

Full of these virtuous resolutions we left him; and how he got on there my readers shall hear another day.

H.

THE TOMBLESS MAN. A DREAM.

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BY DELTA.

I.

I woke from sleep at midnight, all was dark,
Solemn, and silent, an unbroken calm;
It was a fearful vision, and had made
A mystical impression on my mind;
For clouds lay o'er the ocean of my thoughts
In vague and broken masses, strangely wild;
And grim imagination wander'd on
'Mid gloomy yew-trees in a churchyard old,

And mouldering shielings of the eyeless hills,
And snow-clad pathless moors on moonless nights,
And icebergs drifting from the sunless Pole,
And prostrate Indian villages, when spent
The rage of the hurricane has pass'd away,
Leaving a landscape desolate with death;
And as I turn'd me to my vanish'd dream,
Clothed in its drapery of gloom, it rose
Upon my spirit, dreary as before.

II.

Alone—alone—a desolate dreary wild,
Herbless and verdureless; low swampy moss,
Where tadpoles grew to frogs, for leagues begirt
My solitary path. Nor sight nor sound
Of moving life, except a grey curlew—
As shrieking tumbled on the timid bird,
Aye glancing backward with its coal-black eye,
Even as by imp invisible pursued—
Was seen or heard; the last low level rays
Of sunset, gilded with a blood-red glow
That melancholy moor, with its grey stones
And stagnant water-pools. Aye floundering on,
And on, I stray'd, finding no pathway, save
The runlet of a wintry stream, begirt
With shelvy barren rocks; around, o'erhead,
Yea every where, in shapes grotesque and grim,
Towering they rose, encompassing my path,
As 'twere in savage mockery. Lo, a chasm
Yawning, and bottomless, and black! Beneath
I heard the waters in their sheer descent
Descending down, and down; and further down
Descending still, and dashing: Now a rush,
And now a roar, and now a fainter fall,
And still remoter, and yet finding still,
For the white anguish of their boiling whirl,
No resting-place. Over my head appear'd,
Between the jagged black rifts bluely seen,
Sole harbinger of hope, a patch of sky,
Of deep, clear, solemn sky, shrining a star
Magnificent; that, with a holy light,
Glowing and glittering, shone into the heart
As 'twere an angel's eye. Entranced I stood,
Drinking the beauty of that gem serene,
How long I wist not; but, when back to earth
Sank my prone eyes—I knew not where I was—
Again the scene had shifted, and the time,
From midnight to the hour when earliest dawn
Gleams in the orient, and with inky lines
The trees seem painted on the girding sky.

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III.

A solemn hour!—so silent, that the sound
Even of a falling leaflet had been heard,
Was that, wherein, with meditative step,
With uncompanion'd step, measured and slow,
And wistful gaze, that to the left, the right,
Was often turn'd, as if in secret dread
Of something horrible that must be met—
Of unseen evil not to be eschew'd—
Up a long vista'd avenue I wound,
Untrodden long, and overgrown with moss.
It seem'd an entrance to the hall of gloom;
Grey twilight, in the melancholy shade
Of the hoar branches, show'd the tufted grass
With globules spangled of the fine night-dew—
So fine—that even a midge's tiny tread
Had caused them trickle down. Funereal yews
Notch'd with the growth of centuries, stretching round
Dismal in aspect, and grotesque in shape,
Pair after pair, were ranged: where ended these,
Girdling an open semicircle, tower'd
A row of rifted plane-trees, inky-leaved

With cinnamon-colour'd barks; and, in the midst,
Hidden almost by their entwining boughs,
An unshut gateway, musty and forlorn;
Its old supporting pillars roughly rich
With sculpturings quaint of intermingled flowers.

IV.

Each pillar held upon its top an urn,
Serpent-begirt; each urn upon its front
A face—and such a face! I turn'd away—
Then gazed again—'twas not to be forgot:—
There was a fascination in the eyes—
Even in their stony stare; like the ribb'd sand
Of ocean was the eager brow; the mouth
Had a hyena grin; the nose, compress'd
With curling sneer, of wolfish cunning spake;
O'er the lank temples, long entwisted curls
Adown the scraggy neck in masses fell;
And fancy, aided by the time and place,
Read in the whole the effigies of a fiend—
Who, and what art thou? ask'd my beating heart—
And but the silence to my heart replied!
That entrance pass'd, I found a grass-grown court,
Vast, void, and desolate—and there a house,
Baronial, grim, and grey, with Flemish roof
High-pointed, and with aspect all forlorn:—
Four-sided rose the towers at either end
Of the long front, each coped with mouldering flags:
Up from the silent chimneys went no smoke;
And vacantly the deep-brow'd windows stared,
Like eyeballs dead to daylight. O'er the gate
Of entrance, to whose folding-doors a flight
Of steps converging led, startled I saw,
Oh, horrible! the same reflected face
As that on either urn—but gloomier still
In shadow of the mouldering architrave.

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V.

I would have turn'd me back—I would have fled
From that malignant, yet half-syren smile;
But magic held me rooted to the spot,
And some inquisitive horror led me on.—
Entering I stood beneath the spacious dome
Of a round hall, vacant, save here and there,
Where from the panelings, in mouldy shreds,
Hung what was arras loom-work; weather-stains
In mould appear'd on the mosaic floors,
Of marble black and white—or what was white,
For time had yellow'd all; and opposite,
High on the wall, within a crumbling frame
Of tarnish'd gold, scowl'd down a pictured form
In the habiliments of bygone days—
With ruff, and doublet slash'd, and studded belt—
'Twas the same face—the Gorgon curls the same,
The same lynx eye, the same peak-bearded chin,
And the same nose, with sneering upward curl.

VI.

Again I would have turned to flee—again
Tried to elude the snares around my feet;
But struggling could not—though I knew not why,
Self-will and self-possession vaguely lost.—
Horror thrill'd through me—to recede was vain;
Fear lurk'd behind in that sepulchral court,
In its mute avenue and grave-like grass;
And to proceed—where led my onward way?
Ranges of doorways branch'd on either side,
Each like the other:—one I oped, and lo!
A dim deserted room, its furniture
Withdrawn; gray, stirless cobwebs from the roof
Hanging; and its deep windows letting in
The pale, sad dawn—than darkness drearier far.
How desolate! Around its cornices

Of florid stucco shone the mimic flowers
Of art's device, carved to delight the eyes
Of those long since but dust within their graves!
The hollow hearth-place, with its fluted jambs
Of clammy Ethiop marble, whence, of yore,
Had risen the Yule-log's animating blaze
On festal faces, tomb-like, coldly yawn'd;
While o'er its centre, lined in hues of night,
Grinn'd the same features with the aspick eyes,
And fox-like watchful, though averted gaze,
The haunting demon of that voiceless home!

VII.

How silent! to the beating of my heart
I listen'd, and nought else around me heard.
How stirless! even a waving gossamer—
The mazy motes that rise and fall in air—
Had been as signs of life; when, suddenly,
As bursts the thunder-peal upon the calm,
Whence I had come the clank of feet was heard—
A noise remote, which near'd and near'd, and near'd—
Even to the threshold of that room it came,
Where, with raised hands, spell-bound, I listening stood;
And the door opening stealthily, I beheld
The embodied figure of the phantom head,
Garb'd in the quaint robes of the portraiture—
A veritable fiend, a life in death!

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VIII.

My heart stood still, though quickly came my breath;
Headlong I rush'd away, I knew not where;
In frenzied hast rushing I ran; my feet
With terror wing'd, a hell-hound at my heels,
Yea! scarce three strides between us. Through a door
Right opposite I flew, slamming its weight,
To shut me from the spectre who pursued:
And lo! another room, the counterpart
Of that just left, but gloomier. On I rush'd,
Beholding o'er its hearth the grinning face,
Another and the same; the haunting face
Reflected, as it seem'd, from wall to wall!
There, opening as I shut, onward he came,
That Broucoloka, not to be escaped,
With measured tread unwearied, like the wolf's
When tracking its sure prey: forward I sprang,
And lo! another room—another face,
Alike, but gloomier still; another door,
And the pursuing fiend—and on—and on,
With palpitating heart and yielding knees,
From room to room, each mirror'd in the last.
At length I reach'd a porch—amid my hair
I felt his desperate clutch—outward I flung—
The open air was gain'd—I stood alone!

IX.

That welcome postern open'd on a court—
Say rather, grave-yard; gloomy yews begirt
Its cheerless walls; ranges of headstones show'd,
Each on its hoary tablature, half hid
With moss, with hemlock, and with nettles rank,
The sculptured leer of that hyena face,
Softening as backwards, through the waves of time,
Receded generations more remote.
It was a square of tombs—of old, grey tombs,
(The oldest of an immemorial date,)
Deserted quite—and rusty gratings black,
Along the yawning mouths of dreary vaults—
And epitaphs unread—and mouldering bones.
Alone, forlorn, the only breathing thing
In that unknown, forgotten cemetery,
Reeling, I strove to stand, and all things round
Flicker'd, and wavering, seem'd to wane away,
And earth became a blank; the tide of life

Ebbing, as backward ebbs the billowy sea,
Wave after wave, till nought is left behind,
Save casual foam-bells on the barren sand.

X.

From out annihilation's vacancy,
(The elements, as of a second birth,
Kindling within, at first a fitful spark,
And then a light which, glowing to a blaze,
Fill'd me with genial life,) I seemed to wake
Upon a bed of bloom. The breath of spring
Scented the air; mingling their odours sweet,
The bright jonquil, the lily of the vale,
The primrose, and the daffodil, o'erspread
The fresh green turf; and, as it were in love,
Around the boughs of budding lilac wreathed
The honeysuckle, rich in earlier leaves,
Gold-tinctured now, for sunrise fill'd the clouds
With purple glory, and with aureate beams
The dew-refreshen'd earth. Up, up, the larks
Mounted to heaven, as did the angel wings
Of old in Jacob's vision; and the fly,
Awakening from its wintry sleep, once more
Spread, humming, to the light its gauzy wings.

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XI.

A happy being in a happy place,
As 'twere a captive from his chains released,
His dungeon and its darkness, there I lay
Nestling, amid the sun-illumined flowers,
Revolving silently the varied scenes,
Grotesque and grim, 'mid which my erring feet
Had stumbled; and a brightness darting in
On my mysterious night-mare, something told
The what and wherefore of the effigies grim—
The wolfish, never-resting, tombless man,
Voicelessly haunting that ancestral home—
Yea of his destiny for evermore
To suffer fearful life-in-death, until
A victim suffer'd from the sons of men,
To soothe the cravings of insatiate hell;
An agony for age undergone—
An agony for ages to be borne,
Hope, still elusive, baffled by despair.

XII.

Thus as an eagle, from the altitude
Of the mid-sky, its pride of place attain'd,
Glances around the illimitable void,
And sees no goal, and finds no resting-place
In the blue, boundless depths—then, silently,
Pauses on wing, and with gyrations down
And down descends thorough the blinding clouds,
In billowy masses, many-hued, around
Floating, until their confines past, green earth
Once more appears, and on its loftiest crag
The nest, wherein 'tis bliss to rest his plumes
Flight-wearied—so, from farthest dreamland's shores,
Where clouds and chaos form the continents,
And reason reigns not, Fancy back return'd
To sights and sounds familiar—to the birds
Singing above—and the bright vale beneath,
With cottages and trees—and the blue sky—
And the glad waters murmuring to the sun.

given rise to Utopian speculations—to schemes of some new order of society, where the comforts of life should be enjoyed in a more equalized manner than seems possible under the old system of individual efforts and individual rights; and it may be added that, as this disparity of wealth becomes more glaring in proportion as the disparity of intelligence and political rights diminishes, such speculations may be expected in these later times to become more frequent and more bold. Nevertheless we apprehend that the courage or audacity requisite to attempt the realization of these speculative schemes, must confess its origin in the fever-heat of the French Revolution. It required the bold example of that great political subversion to prompt the design of these social subversions—to familiarize the mind with the project of reducing into practice what had been deemed sufficiently adventurous as reverie.

What a stride has been taken since those olden times, when the philosophic visionary devised his Utopian society with all the freedom, because with all the irresponsibility, of dreams! He so little contemplated any practical result, that he did not even venture to bring his new commonwealth on the old soil of Europe, lest it should appear too strange, and be put out of countenance by the broad reality: but he carried it out to some far-off island in the ocean, and created a new territory for his new people. A chancellor of England, the high administrator of the laws of property, could then amuse his leisure with constructing a Utopia, where property, with all its laws, would undergo strange mutation. How would he have started from his woosack if any one had told him that his design would be improved upon in boldness, and that such men as his own carpenter and mason would set about the veritable realization of it! At the present time nothing is more common or familiar than the project of changing entirely the model of society. "To subvert a government," writes M. Reybaud of his own country men, "to change a dynasty or a political constitution, is now an insignificant project. Your socialist is at peace with kings and constitutions; he merely talks in the quietest manner imaginable of destroying every thing, of uprooting society from its very basis."

Indeed, if the power of these projectors bore any proportion to their presumption, our neighbours would be in a most alarming condition. To extemporize a social system, a new humanity, or at least a new Christianity, is now as common as it was formerly, on leaving college, to rhyme a tragedy. The social projector, sublimely confident in himself, seems to expect to realize, on a most gigantic scale, the fable of Mesmerism; he will put the whole world in *rappor*t with him, and it shall have no will but his, and none but such blind, imitative movements as he shall impress on it. And it is to a sort of *coma* that these projectors would, for the most part, reduce mankind—a state where there is some shadow of thought and passion, but no will, no self-direction, no connexion between the past and present—a state aimless, evanescent, and of utter subjugation. Fortunately these social reformers, however daring, use no other instruments of warfare than speech and pamphlets; they do not betake themselves to the sharp weapons of political conspiracy. They must be permitted, therefore, to rave themselves out. And this they will do the sooner from their very number. There are too many prophets; they spoil the trade; the Mesmerizers disturb and distract each other's efforts; the *fixed idea* that is in them will not fix any where else. Those who, in the natural order of things, should be dupes, aspire to be leaders, and the leaders are at a dead struggle for some novelty wherewith to attract followers. We have, for instance, M. Pierre Leroux, most distinguished of the *Humanitarians*, the last sect which figures on the scene, bidding for disciples—with what, will our readers think?—with the doctrine of metempsychosis! It is put forward as a fresh inducement to improve the world we live in, that we shall live in it again and again, and nowhere else, and be our own most remote posterity. We are not assured that there is any thread of consciousness connecting the successive apparitions of the same being; yet some slight filament of this kind must be traceable, for we are informed that M. Leroux gives himself out to have been formerly Plato. He has advanced thus far in the scale of progression, that he is at present M. Leroux.^[29]

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Still the frequent agitation of these social reforms cannot be, and has not been, without its influence on society. It is from this influence they gain their sole importance. Such schemes as those of St Simon, of Fourier, and of our own Robert Owen, viewed as projects to be realized, are not worth a serious criticism. In this point of view they are considered, at least in this country, as mere nullities. No one questions here whether they are feasible, or whether, if possible, they would be propitious to human happiness. But the constant agitation in society of such projects may be no nullity—may have, for a season, an indisputable and very pernicious influence. As systems of doctrine they may not be ineffective, nor undeserving of attention; and in this light M. Reybaud, in the work we now bring before our readers, mainly considers them.

M. Reybaud has given us a sketch of the biography and opinions of the most celebrated of those men who have undertaken to produce a new scheme of human life for us; he has introduced his description of them and their projects by some account of the previous speculations, of a kindred nature indeed, but conducted in a very different spirit, of Plato, Sir Thomas More, and others; and he has accompanied the whole with observations of his own, which bear the impress of a masculine understanding, a candid judgment, and a sound, healthy condition of the moral sentiments. The French Academy has distinguished the work by according to it the Montyon prize—a prize destined annually to the publication judged most beneficial to morals; and in this judgment of the Academy every private reader, unless he has some peculiar morality of his own, will readily acquiesce.

Our author is not one of those who at once, and without a question, reject all schemes for the amelioration of society; nor has he sat down to write the history of these social reformers for the mere purpose of throwing on them his contempt or irony. He has even been accused, it seems, by

some of his critics, of manifesting too much sympathy with the enthusiasts he has undertaken to describe. He tells us, in the preface to his second edition, that he has encountered the contradictory accusations of being too severe, and too indulgent, towards them; from which he concludes, that he cannot have widely departed from the tone which truth and impartiality would prescribe. This is a conclusion which authors are very apt to draw; they very conveniently dispatch their several critics by opposing them to each other. But this conclusion may be drawn too hastily. Two contradictory accusations do not always destroy each other, even when they are made by judges equally competent. The inconsistency may be in the author himself, who may, in different portions of his work, have given foundation for very opposite censures. In the present case, although we have already intimated that M. Reybaud writes with a spirit of fairness and candour, we cannot admit him to the full benefit of the conclusion he draws in his own favour, from the opponent criticisms he has met with. There are individual passages in his work which it would be difficult to reconcile with each other, and which invite very different criticisms. On some occasions he appears to attribute a certain value to these tentatives at social reform, and intimates that they may probably be the precursors, or may contain the germ, of some substantial improvement; whilst at other times, he scourges them without pity or compunction, as a species of moral pestilence. He seems not to have been able, at all moments, to defend himself from the *vertige* which possesses the personages of whom he is writing; like a certain historian of witchcraft, whom we have somewhere read of, who had so industriously studied his subject that a faith in the black art imperceptibly gained upon him. The narrative goes on to say, that the unfortunate historian of witchcraft attempted to practise the knowledge he had obtained, and was burned for a wizard. But there the analogy will certainly fail. M. Reybaud soon recovers from the visionary mood, and wakes himself thoroughly by inflicting the lash with renewed vigour upon all the other dreamers around him.

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This shadow of inconsistency is still more perceptible when speaking of the lives and *characters* of his socialists. Sometimes the reader receives the impression that an egregious vanity, an eccentric ambition, and perhaps a little touch of monomania, would complete the picture, and sufficiently explain that conduct, of a hero of socialism. At another time his enthusiasts assume a more imposing aspect. St Simon sacrificing his fortune, abjuring the patronage of the court, dying in extreme poverty—Charles Fourier refusing all entrance into commerce that would implicate him with a vicious system, and pursuing to the end, amidst want and ridicule, the labours of social regeneration—our own Robert Owen quitting ease and fortune, and crossing the Atlantic for the New World, there to try, upon a virgin soil, his bold experiment of a new society;—these men rise before us endowed with a certain courage and devotion which ought to command our admiration. We see them in the light of martyrs to a faith which no one shares with them—sacrificing all, enduring all, for a hope which *is* of this world, for schemes which they will never see realized, for a heaven which they may prophesy, but which they cannot enter; manifesting, in short, the same obstinacy of idea, and the same renouncement of self, which distinguish the founders of new religions. And indeed we are not disposed to deny, that in their character they may bear a comparison, in many points, with religious impostors. There is this striking difference, however, in the effect of their teaching: the religious impostor has often promised a paradise of merely voluptuous enjoyment, but he has promised it as the reward of certain self-denying virtues to be practised here on earth; whilst the socialist insists upon bringing his sensual ill-ordered paradise, wherein all virtue is dispensed with as superfluous, here, at once, upon this earth we have to live and toil in.

The first volume of the work contains an account of the life and writings of St Simon, Fourier, and Owen. The second is very miscellaneous. We encounter, to our surprise, the name of Jeremy Bentham in the category of socialists, and are still more startled to learn that the Utilitarians derive their origin from Robert Owen! It is a jumble of all sects, religious and political, in which even our Quakers are included in the list of social reformers—our excellent *Friends*, who assuredly have no wish whatever to disturb the world, but seek merely to live in it as it is, with the additional advantage of being themselves particularly quiet and comfortable. But we are so accustomed to the haste of negligence of the majority of French writers whenever they leave their own soil, (unless the literature or concerns of a foreign country be their special subject,) that we are not disposed to pass any very severe censure on M. Reybaud; and still less should we do him the injustice to prejudge his qualifications as an historian of his own countrymen, by the measure of accuracy he may display in that part of his work which relates to England. It is a part of his work which we have but slightly perused; our attention has been confined to the socialists of France.

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Amongst these founders of society, and constructors of Mahometan paradises, Fourier is, we believe, the least known in this country. Some brief account of him will, we think, be acceptable; more especially as some of his ideas, leaving the narrow circle of his disciples, have found partisans amongst men who, in other respects, have a reputation for sobriety of thought. Our readers need not fear that we shall overwhelm them with all the institutions, plans, projects, arrangements—the complete *cosmogony*, in short, of this most laborious of the tribe. A very little of such matter is quite enough. One may say with truth that it is such stuff,

"Whereof a little more than a little
Is by much too much."

Nothing is more charming to the imagination than the first general idea of some new community, where all men are to be happy, every body active, benevolent, reasonable. But the moment we leave this general idea, enter upon particulars, and set about the arrangements necessary for this

universally comfortable state of things, there is nothing in the world more tedious and oppressive. Proposals for new political institutions are sufficiently wearisome; but proposals for earthly elysiums, which are to embrace the whole circle of human affairs, become insupportably dull. It is child's play, played with heavy granite boulders. No; if we were capable of being seduced for a moment into the belief of some golden age of equality, where a parental government, presiding over all, should secure the peace and prosperity of all, we should need no other argument to recover us from the delusion than simply to *read on*, and learn how this parental government intends to accomplish its purpose. When we find that, in order to be relieved from domestic cares, we are to have *no home at all*; that our parental government, in order to provide for our children, begins by taking them away from us; when we picture to ourselves the sort of wooden melancholy figures we must become, (something like the large painted dolls in a Dutch garden, stuck here and there without choice or locomotion of their own,) we speedily lose all inclination to enter upon this discipline of happiness. We quit with haste this enchanted garden, which turns out to be an enormous piece of clockwork, and embrace with renewed content the old state of personal freedom, albeit attended with many personal inconveniences. Whilst reading of Utopian schemes, the idea has very vividly occurred to us: suppose that some such society as this, where land and wives, money and children, are all in common, had been for a long time in existence, and that some clever Utopian had caught an inkling of the old system so familiar to us, and had made the discovery that it would be possible, without dissolving society, to have a wife of one's own, a house of one's own, land and children of one's own. Imagine, after an age of drowsy clockwork existence, one of these philosophers starting the idea of a free society, of a social organization based upon individual rights and individual effort—where property should not only be possessed, but really *enjoyed*—where men should for the first time stretch their limbs, and strain their faculties, and strive, and emulate, and endure, and encounter difficulties, and have friendships. What a commotion there would be! How would the younger sort, rebelling against the old rotten machine in which they had been incarcerated, form themselves into emigrating bands, and start forth to try upon some new soil their great experiment of a free life! How would they welcome toil in all its severity—how willingly practise abstinence, and suffer privation, for the sake of the bold rights which these would purchase!—how willingly take upon themselves the responsibility of their own fate to enjoy a fortune of their own shaping! Hope herself would start from the earth where she had been so long buried, and waving her rekindled torch, would lead on to the old *race* of life!

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Charles Fourier was the son of a woollen-draper at Besançon. Two circumstances in his early history appear to have made a strong impression upon him. When he was a child, he contradicted, in his father's shop, some customary falsehood of the trade, and with great simplicity revealed the truth; for this he was severely reprimanded. Afterwards, when he was of the age of nineteen, and a clerk in a merchant's house at Marseilles, he was present at a voluntary submersion of grain, made in order to raise the price in the market. These circumstances, he used to say, opened his eyes to the nature of human relations. Falsehood and selfishness, systematic falsehood and selfishness without a shadow of scruple, were at the basis of all our commercial dealings. It was time, he thought, that a new order of things should arise, founded upon veracity and a harmony of interests.

For himself, his part was taken. He became the man of one idea. "We might rather say of him," writes M. Reybaud, "that he traversed the world, than that he lived in it." He refused to enter into any commercial dealings that might implicate him in the existing system, and warp his feelings in favour of it; and exercised to the last, for a bare subsistence, the mere mechanical employment of a copying clerk. He never understood the art of making for himself two separate existences: one in the domain of fiction or of thought; the other in the land of reality. He passed all that might be called his life in the ideal world of his own creating.

According to Fourier, there is but one deep and all-pervading cause of the miseries of man: it is, that he does not comprehend the ways of God, or, in other words, the laws of his own being. If humanity does not *work well*, and with the same harmony that the planetary system exhibits, it is because he is determined to impress upon it other movements than those the Creator designed. Between the creature and the Creator there has been, as he expresses it, a misunderstanding for these five thousand years past.

The great error, it seems, that has been committed, is the supposing that there are any passions of man which require to be restrained. God has made nothing ill—nothing useless. You have but to let these passions quite loose, and it will be found that they move in a beautiful harmony of their own. These *attractions*—such is his favourite word—are as admirably adjusted as those which rule over the course of the planets. *Duty*, he says, is human—it varies from epoch to epoch, from people to people. *Attraction*—that is to say, passion—is divine; and is the same amongst all people, civilized and savage, and in all ages, ancient and modern. At present the passions are compressed, and therefore act unhappily; in future, they shall be free, satisfied, and shall act according to the law they have received from God. To yield to their impulse is the only wisdom; to remove whatever obstacles society has placed in the way of their free exercise, is the great task of the reformer.

Fourier does not hesitate to place himself by the side of Newton, in virtue of his discovery of this new law of attraction. If any comparison can be made, we think—inasmuch as to unravel the problem of humanity is a greater task than to elucidate the movements of the planets—that Fourier was warranted in placing himself infinitely above Newton. Unfortunately, there is this difference between the two, that Newton's law explains existing phenomena, while Fourier's

explained phenomena that do *not* exist—that are, however, to exist some day.

Having established his fundamental law of the attraction of the passions, (which, he finds, amount to the number of twelve, and, in this respect, to bear some occult analogy to the sidereal system, the prismatic colours, and the gamut,) he has nothing to do but to set them fairly at work. This he does, and discovers that they form men into delightful communities, or *phalanges*, of about eighteen hundred men each. Here nothing shall be wanting. Whether it is love or labour, *attraction* supplies all. "Labour will be a charm, a taste, a preference—in short, a passion. Each man will devote himself to the occupation that he likes—to twenty occupations, if he likes twenty. A charming rivalry, an enthusiasm always new, will preside over human labour, when, under the law of attraction, men will be associated by *groups*, the last social fraction—by *series*, which are the association of groups—by *phalanges*, which are the association of series."—(P. 123.)

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The dwelling-place of a *phalange* will be called a *phalanstère*—an edifice commodious and elegant, wherein, while the convenient distribution of the interior will be first considered, the claims of architecture will not be forgotten. It will be a vast structure of the most beautiful symmetry, testifying by its magnificence to the splendour of the new life of which it is to be the scene. Galleries, baths, a theatre, every thing conducive to a pleasurable existence, will be found in it. A strict equality of wealth is no part of the scheme of our socialist; but every one will have a sufficiency, and will obtain apartments and provisions in the *phalanstère* suitable to his fortune. M. Fourier further guarantees, that there shall be no vanity amongst the rich, and no mortification felt by the poorer brethren of the establishment.

As to the expense of this *phalanstère*, M. Fourier undertakes to construct it for what the building of four hundred miserable cottages would cost, which would not accommodate a much greater number of individuals, and which would fall to pieces after a few years. And as to housekeeping, would not one enormous kitchen replace to advantage four hundred small and ill-appointed kitchens? one vast cellar four hundred little cellars? one gigantic washhouse four hundred damp, wretched outhouses, not worthy of the name? Add to which, that much may be done in these gigantic kitchens and washhouses by the judicious introduction of a steam-engine, which might also be employed in supplying all the apartments with water.

Labour, proceeding with such facility, such ardour, such enthusiasm, as it will do in the *phalanstère*, must bring in enormous profits—quadruple, as M. Fourier thinks, of what our present ineffective means produce. It is in the division of these profits that our socialist has been thought particularly happy; here it is that he introduces his famous formula, "to associate men in capital, labour, and talent," (*associer les hommes en capital, travail, et talent.*) The whole profits of the community are first to be divided into three portions; one for capital, one for labour, and one for talent—say four-twelfths for capital, five-twelfths for labour, and three-twelfths for talent. The portion allotted to the capitalists can create no difficulty—it will be divided amongst them in proportion to the amount of capital they severally supply. But a difficulty presents itself in the distribution of the other two portions. Are all species of labour, and all descriptions of talent, to be equally remunerated, or by what rule shall their several rewards be determined? M. Fourier declares that the labours *necessary* to the community shall be most highly recompensed; then those that are *useful*; and last of all, those which administer, as the fine arts, only to pleasure and amusement. For this determination he gives a sound reason, but one which we ought not to have heard from the centre of a *phalanstère*; it is, that necessary labours are nearly all of a repugnant nature, and should therefore be most amply rewarded.

To determine the degree of talent the individual has displayed, the principle of election is called in. There is, however, a high order of talent which is considered quite apart. Great artists, great mechanics, great writers—these belong to no *phalange*, but to humanity. The world will charge itself with their remuneration. They will be relieved from the usual condition of labour; and when, after a long repose, they have produced a work, (how it comes to be known what bird will lay the golden egg till the egg is laid, we are not told,) then will a jury, assembled at the metropolis of the world, which will be built on the site of Constantinople, vote them a recompense. "Imagine, for example, Jacquart or Watt, Newton or Corneille, presenting themselves before this august tribunal—Jacquart with his loom, Watt with his steam-engine, Newton with his theory of attractions, Corneille with his most beautiful tragedy. At the instant, to the exclusion of all delays and hazards of fame, there would be voted to these great men a remuneration, to be levied on all the *phalanges*. Suppose only five francs on each *phalange*, and that there were five hundred thousand *phalanges* on the globe, the jury would have accorded a sum of 2,500,000 francs; Jacquart would not have been compelled to die in a state bordering on indigence, after having enriched the universe."

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Fournier was in person short, thin, and pale, but his melancholy and pensive physiognomy bore traces of his long, unquiet, and ungrateful labours. A simple clerk, he did not venture, when he published his writings, to sign them with any other name than that of *Charles*, declaring himself ready, under that name, to answer any objections that might be addressed to him. Alas! there were few objections addressed to him; Charles got no readers; men pitied or ridiculed him as a visionary. Repulsed by the surrounding world, there remained nothing for him but to live in that creation of his own, in which, at all events, he reigned supreme. In his reveries he found his only happiness. He walked glorious in the midst of joyful enthusiastic multitudes, who saluted him as their benefactor, and proclaimed him as their sovereign; he spoke to these beings, the children of his dreams, in a language which he alone comprehended; he built his *phalanstère*, peopled, organized it; conducted himself the labours of his harmonic groups, founded his towns, his capitals, nay, his capital of the world, which he erected on the Bosphorus, uniting the east and

west, the north and south. There he placed with his own hand the laurel, decreed by his million of phalanges, on the brow of the greatest philosopher of his age. "These festivals of the imagination," says M. Reybaud, "were the only pleasures that relived the long, and gloomy, and proud poverty of Fourier."

One trait we cannot pass over, as it seems, so to speak, to have a psychological value. Such was his habit of ordering and arranging all things, that *Charles* not only undertook to regulate the affairs of men, and redress the inequalities of their several destinies, but he took into his consideration the inequalities of the several climates of the earth, and very seriously occupied himself with redressing their anomalies. To him, as he walked the streets of Paris, the severe cold of the North Pole was disquieting, and a subject of uneasiness; it was part of his mission to temper and subdue it, and tame it for the habitation of men. Perhaps the heat from those gigantic kitchens in his *phalanstères* might help him in his task. At all events, this and other gross atmospheric irregularities were not to be endured in the world which he was planning.

There are two things, M. Reybaud remarks, especially reprehensible in the theory of Fourier and of kindred socialists—First, the confounding happiness with enjoyment, and the legitimating of all our passions; and Secondly, the egregious expectation of moulding mankind by an external or social organization, without calling in aid the virtues of the individual. The one necessarily follows on the other. The chain of error is manifest, and leads, as a chain of error may be expected to do, to inextricable confusion. If mere enjoyment, if the gratification of our senses and passions, be the highest aim and condition of the human being, it follows that all moral discipline, all self-denial, must be regarded as so much defect, so much imperfection, so much manifest failure in the world-scheme. That lofty gratification which men have been accustomed to attribute to self-control, to abstinence practised under a sense of duty, or in the cause of justice, this is to be measured off as so much simple misery, or so much negation of enjoyment. Let all restraint be discarded: let man be free; but yet, as the good of the whole is to be consulted in all societies, and in the new society is consulted in an eminent degree, the individual thus released from all self-control must be ruled despotically, or, if you will, moulded, fashioned, mechanized by the laws of the community; for we suppose it will be admitted, whatever M. Fourier tells us of his discovered law of attraction, that a very stringent legislation must bind together that harmonic society, which begins by giving loose rein to all the passions of mankind. How the two are to be practically reconciled—how the utmost license of the individual is to be combined with the utmost and most minute supervision of the laws, we leave the socialist to determine. Such is the miserable tissue of error and confusion which these projects present to view.

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These socialists are fond of inventing new Christianities, and in some *salons* in Paris it is, or was till very lately, the fashion to have a new Christianity propounded every full moon. New enough! They present at least a sufficient contrast with the old Christianity, and in no other point more than in this—the complete dependence for the formation of the character of individuals on the art of grouping and regimenting them. Christianity has supported for ages monastic institutions, institutions the most counter to the passions of men, solely by its strong appeal to the individual conscience. St Simonian institutions, or delightful *phalanstères*, will in vain flatter every passion and indulge every sense; if they leave the conscience inert, if nothing is built on the sense of duty, they will no sooner rise but they will crumble back again into dust.

But we do not touch upon these fundamental errors of the socialists, with the superfluous view of showing the impossibility of realizing their schemes; we note them because their recognition demonstrates at once the ill influence which must attend on the teaching and constant agitation of such schemes. On the one hand, all our desires authorized, and self-control put out of countenance as a mere marplot; on the other hand, perpetual representations that a government or social organization could effect every thing, or almost every thing that can be desired for the happiness of man. What must follow but that men learn to indulge themselves in a very lax morality, and to make most extravagant demands on the government, or the legislative force of society? Their notions of right and wrong, and their ideas of the duty and office of government, become equally unsettled and erroneous.

We have the authority of M. Reybaud—and we could bring other authorities if it were necessary—for saying that, in France, the habit of attributing the vices of individuals, not to their own weakness or ungoverned propensities, but to the malorganization of society, has shown itself in a strange and ominous indulgence to crime. It was the old fashion, he says, upon hearing of any enormity, to level our indignation against the perpetrator; it is now the mode, to direct it against that culpable abstraction, society. Society is, indeed, the sole culprit. When the novelist has detailed some horrible assassination, or gross adultery, he exclaims, Behold what society has done! The criminal himself passes scathless; if, indeed, he may not put in a claim to our especial sympathy, as having been peculiarly ill-used by that society, whose duty it manifestly was to make him wise, and humane, and happy. Man, in his individual capacity, is not to be severely criticised; the censure falls only upon man in his aggregate and corporate capacity. Polite, at all events. No one can possibly take offence at reproofs leveled at that invisible entity, the social body; or suppose for a moment that he is included in the censure. It used to be thought that the aggregate was made up of individuals, and that, in order to constitute a well-ordered community, there must be virtuous and well-ordered men. The reverse is now discovered to be the truth. *First*, have a well-ordered and divinely happy community, and then the individual may do as he likes; as our comedian says, "his duties will be pleasures."

It is a perilous habit to fall into at the best—that of regarding the present condition of society as something doomed to destruction. But the evil is unmistakeable and most pernicious, when it is

proclaimed, that in the new and expected order of things, the old morality will be entirely superfluous, a mere folly, an infliction on ourselves and others. Why take care of the old furniture, that will be worse than an incumbrance in the new premises? Why not begin at once the work of battery and destruction?

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The influence which these speculations exert in unsettling men's notions upon the duties of government, on the first principles of political or social economy, is less glaring, but not, on this account, the less prejudicial. Men, who are far from embracing entirely any one of the schemes of these socialists, fall into the habit of looking for the relief and amelioration of society to some legislative invention, some violent interference with the free and spontaneous course of human industry. The *organization of industry* is the phrase now in high repute; repeated, it is true, with every variety of meaning, but always with the understanding, that government is to interfere more or less in the distribution of wealth, in the employment of capital, and the exercise of labour. The first principles on which modern civilization is based, are taxed as the origin of all the evils that afflict society. All our soundest maxims of political economy are discarded and disgraced. That each man shall be free in the choice and practice of his trade or calling—that the field of competition shall be open to all—that each individual shall be permitted to make the best bargain he can, whether for the wages of his labour or the price of his commodities—all these trite but invaluable maxims are incessantly decried, and nothing is heard of but the evils of competition, and the unequal recompense of labour. In their fits of impotent benevolence, these speculative physicians assail, as the cause of the existing distress, those principles which, in fact, are the conditions of all the prosperity we have attained, or can preserve, or can hope in future to attain.

This title of the individual, whether workman or capitalist, to the control and conduct of his own affairs—this "fair field and no favour" system—is not to be described as if it were a mere theory of political economy, and disputable like some other branches of a science not yet matured. It is the great conquest of modern civilization; it is the indispensable condition to the full development of the activity and enterprise of man. The liberation of the artisan and the labourer, is the signal triumph of modern over ancient times whether we regard classic or Gothic antiquity. Viewing things on a large scale, it may be considered as a *late* triumph; and, without depreciating its value, we may easily admit that there remains much to be done in the cultivation of the free artisan, to enable him to govern himself, and make the best of his position. But any scheme, which, under the pretext of ameliorating his position, would place him again under tutelage, is a scheme of degradation and a retrograde movement. He is now a freeman, an enrolled member of a civilized state, where each individual has, to a great extent, the responsibility thrown upon himself for his own well-being; he must have prospective cares, and grow acquainted with the thoughtful virtue of prudence. That release from reflection, and anxiety for the future, which is the compensating privilege of the slave or the barbarian, he cannot hope any longer to enjoy. Whatever its value, he must renounce it. He must become one of us, knowing good and evil, looking before and behind. In this direction—in the gradual improvement of the labourer—lies our future progress, progress slow and toilsome, little suited to the socialist who calculates on changing, as with the touch of a wand, the whole aspect of society.

We said that some of the ideas of Charles Fourier had been adopted by men who do not exactly aspire to the rank of social reformers. We will give an instance, which at the same time will illustrate this tendency to introduce legislation on those very subjects from which it has been the effort of all enlightened minds, during the last century, to expel it. A M. Ducpetiaux, a Belgian, who comes vouched to us for a safe and respected member of society by the number of titles, official and honorary, appended to his name, in a voluminous and chiefly statistical work, *Sur la Condition des Jeunes Ouvriers*, wherein his views are in the main temperate and judicious, declares himself a partisan of some system similar to what Fourier points out in his famous formula—*associer les hommes en capital, travail, et talent*. He requires a union of interest, a partnership in fact, between the capitalist and the workman. M. Ducpetiaux does not lay down the proportion in which the profits are to be divided between them; he is too cautious to give any figures—there are some ideas which do not bear the approach of arithmetic—but he adopts the principle. It is thus that he speaks in his introductory chapter.

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"In so conflicting a state of things^[30] there remains but one remedy: to re-establish violated equity, to restore to the producers their legitimate share of what is produced, to bring back industry to its primitive aim and object—such is the work which is now, by the aid of every influence, individual and social, to be prosecuted. It is not a partial relief that is called for, but the complete restoration (*réhabilitation complète*) of the labourer. The mark which ages of servitude have impressed upon his front, cannot be effaced but by an energetic and sustained effort. The palliatives hitherto employed, have only exposed the magnitude of the evil. This evil we must henceforth attack in its origin, in the organization of labour, and the constitution of society.

"What is the existing base of the relations between master and workman? Selfishness. Every one for himself, that is, every thing for me and nothing, or the least quantity possible, for others. Here is the evil. A blind and bitter contest must spring from this opposition of interests. To put an end to this there is but one means: the recognition of the law of union, (*la loi de solidarité*;) by virtue of which interests will amalgamate and divisions disappear. This law is the palladium of industry; refuse to acknowledge it, and every thing remains in a state of chaos:

proclaim it, and every thing is remedied, every thing prospers. The capitalist comes in aid of the workman as the workman comes in aid of the capitalist; it is a common prosperity they enjoy, and if any thing menaces it, they are united for its defence. The law of union puts an end to an unfeeling employment of our fellow men, (*à l'exploitation brutale*;) it replaces men in their natural position; it re-establishes amongst them the relations of respect, esteem, and mutual benevolence which Christian fraternity demands; it substitutes association for rivalry; it restores to justice her empire, and to humanity its beneficence."

Translating all this into simple language, there is to be a partition by the legislature, according to some rule of natural equity, between the capitalist and the labourer, of the proceeds of their common enterprise. We confess ourselves utterly incapable of devising any such rule of equity. The share which falls to the capitalist under the name of profits, and the share which falls to the labourer under the name of wages, is regulated under the present system by the free competition amongst the labourers on the one hand, and the capitalists on the other; it is the result of an unfettered bargain between those who possess capital and those who practise industry. This is, at all events, an intelligible ground, and has in it a species of rough equity; but if we desert this position, and appeal to some natural rule of justice to make the division, we shall find ourselves without any ground whatever. For what are the rights of capital in the face of any *à priori* notions of justice? We shall stumble on from one vague proposition to another, till we find ourselves landed in the revolutionary doctrine of the equal imprescriptible rights of man. This is the first stage at which we can halt. Judged by this law of equality, the capitalist is but one man, and capital is but another name for the last year's harvest, or the buildings, tools, and manufactures which the labourers themselves, or their predecessors, have produced. The utmost the ex-capitalist could expect—and he must practise his handicraft before he can be entitled even to this—is to be admitted on a footing of equality in the extensive firm that would be constituted of his quondam operatives.

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We often observe, in this country, an inclination manifested to regulate by law the rate of wages, not with the view of instituting any such naturally equitable partition, but of establishing a *minimum* below which life cannot be comfortably supported. These reasoners proceed, it will at once be admitted, not on the rights of man, but on the claims of humanity. To such a project there is but one objection; it will assuredly fail of its humane intention. It is presumed that the competition amongst the workmen to obtain employment has so far advanced, that these cease to obtain a sufficient remuneration for their labour. The thousand men whom a great capitalist employs, are inadequately paid. The legislature requires that they should be paid more liberally. But the amount which the capitalist has to expend in wages is limited. The same amount which sustained a thousand men, can, under the new scale of remuneration, sustain only nine hundred. The nine hundred are better fed, but there is one hundred without any food whatever. Our well-intentioned humanity looks round aghast at the confusion she is making.

Suppose, it may be said, that a law of this description should be passed at so fortunate a conjuncture, that it should not interfere with the existing relations between the capitalist and the workman, but have for its object to arrest the tendency which wages have to fall; suppose that the legislature, satisfied with the existing state of things, should pronounce it a punishable offence to offer or accept a lower rate of remuneration, would not such a law be wise? The answer is obvious. If there is a tendency at any time in wages to fall, it is because there is a tendency in population to increase, or in capital to diminish; circumstances, both of them, which it is not in the power of criminal jurisprudence to wrestle with.

We hear political economy frequently censured by these advocates for violent and legislative remedies, for paying more attention to the accumulation than the distribution of wealth. But in what chapter of political economy is it laid down, that the distribution and enjoyment of wealth is a matter of less moment than its production and accumulation? The simple truth is, that the same law of liberty, which is so favourable to the accumulation of wealth, provides also the best distribution which human ingenuity has yet been able to devise. Less has been said on this head because there was less to say. But surely no sane individual ever wished that property should accumulate merely for the sake of accumulation, that society should have the temper of a miser, and toil merely to increase its hoards. Still less has any one manifested a disposition to confine the enjoyment of wealth to any one class, treating the labourer and the artisan as mere tools and instruments for the production of it. The fundamental principles of political economy to which we have been alluding, and with which alone we are here concerned, will be always found to embrace the interests of the *whole* community. They should be defended with the same jealousy that we defend our political liberties with.

It was with regret we heard the argument we have just stated against the legislative interference with the rate of wages, introduced in the discussion of the *ten-hours' bill*, and applied against the principle of that measure. It was plainly misapplied. Why do we not relish any legislative interposition, on whatever plea of humanity, between workmen and capitalist? Because it will fail of its humane intention. We should heartily rejoice—who would not?—if a reasonable *minimum* of wages could be established and secured. But it cannot. Is the legislature equally incompetent when it steps in to prevent children and very young persons from being overworked; from being so employed that the health and vigour of ensuing generations may be seriously impaired, (which would be a grave mistake even in the economy of labour;) from being so entirely occupied that no time shall remain for education? We think not. The legislature is not in this case equally powerless. It may here prevent an incipient abuse from growing into a custom. The law cannot

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create an additional amount of capital to be distributed over its population in the shape of an advance of wages, but the law can say to all parents and all masters—you shall not profit by the labour of the child, to the ruin of its health, and the loss of all period for mental and moral discipline. Such an overtaking of the child's strength has not hitherto been an element in your calculation, and it shall not become one.

All these various schemes—socialist or otherwise—of legislative interference, take their rise from the aspect, sufficiently deplorable, of the distress of the manufacturing population; and it is almost excusable if the contemplation of such distress should throw men a little off their balance. But it is not so easily excusable if men, once launched on their favourite projects, endeavour to prove their necessity by heightened descriptions of that distress, and by unauthorized prophecies of its future and continual increase. What a formidable array of figures—figures of speech as well as of arithmetic—are brought down upon us with gloomy perseverance, to convince us that the manufacturing population of this country is on the verge of irreparable ruin! We think it right to put our readers upon their guard against these over-coloured descriptions. Even when Parliamentary reports are quoted, whose authority is not to be gainsaid, they ought to defend themselves against the *first* impression which these are calculated to make. The facts stated may be true, but there are *other facts* which are not stated equally true, and which the scope and purpose of such reports did not render it necessary to collect. If, in this country, there is much distress, if in some places there is that utter prostration of mind and body which extreme poverty occasions, there is also much prosperity; there is also, in other places, much vigorous industry, receiving its usual, and more than its usual recompense. If there are plague-spots in our population, there are also large tracts of it still sound and healthy. Set any one down to read list after list of all the maimed and halt and sick in our great metropolis, and the whole town will seem to him, for the time being, one wide hospital: he must throw open the window and look on the busy, animated, buoyant crowd that is rushing through the streets, before he shakes off the impression that he is living in a city of the plague.

Without a doubt, he who approaches the consideration of the distress of the labouring classes, should have a tender and sympathizing spirit; how else can the subject possess for him its true and profound interest? But it is equally necessary that he bring to it a cultivated and well-disciplined compassion; that he should know where, in the name of others, he should raise the voice of complaint, and where, in the name of suffering humanity at large, he should be silent and submit. It should always be borne in mind, that it is very difficult for persons of one condition of life, to judge of the comparative state of well-being of those of another condition. An inhabitant of cities, a man of books and tranquillity, goes down into the country, without previous preparation, to survey and give report of the distress of a mining or agricultural district. In what age since the world has been peopled, could such an individual be transported into the huts of peasants, or amongst the rude labours of the miner, without receiving many a shock to his sensibility? Perhaps he descends, for the first time in his life, the shaft of a coal-mine. How foul and unnatural must the whole business seem to him!—these men working in the dark, begrimed, half-naked, pent up in narrow galleries. He has gone to spy out hardships—he sees nothing else. Or perhaps he pays his first visit to the interior of the low-roofed crazy cottage of the husbandman, and is disgusted at the scant furniture and uninviting meal that it presents; yet the hardy labourer may find his rest and food there, with no greater share of discontent than falls to most of us—than falls, perhaps, to the compassionate inspector himself. We have sometimes endeavoured to picture to ourselves what would be the result if the tables were turned, and a commission of agricultural labourers were sent into the city to make report of the sort of lives led there, not by poor citizens or the lowest order of tradesmen, but by the very class who are occupied in preparing largo folio reports of their own distressful condition. Suppose they were to enter into the chambers of the student of law—of the conveyancer, for example. They make their way through obscure labyrinths into a room not quite so dark, it must be allowed, nor quite so dirty as the interior of a coal-mine, and there they find an unhappy man who, they are given to understand, sits in that gloomy apartment, in a state of solitary confinement, from nine o'clock in the morning till six or seven in the evening. They learn that, for several months in the year, this man never sees the sun; that in the cheerful season when the plough is going through the earth, or the sickle is glittering in the corn, and the winds are blowing the great clouds along the sky, this pale prisoner is condemned to pore over title-deeds which secure the "quiet enjoyment" of the land to others; and if they imitate the oratory of their superiors, they will remark upon the strange injustice, that he should be bound down a slave to musty papers, which give to others those pastures from which he never reaps a single blade of grass, and which he is not even permitted to behold. These commissioners would certainly be tempted to address a report to Parliament full of melancholy representations, and ending with the recommendation to shake out such unhappy tenants into the fields. It would be long before they could be brought to understand that he of the desk and pen would, at the end of half an hour, find nothing in those fields but a mortal *ennui*. To him there is no *occupation* in all those acres; and therefore they would soon be to him as barren as the desert.

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If there is any apparent levity in the last paragraph we have penned, it is a levity that is far from our heart. There is no subject which gives us so much concern as this—of the undoubted distress which exists amongst the labouring population, and the necessity that exists to alleviate and to combat it. Coming from the immediate perusal of Utopian schemes, promising a community of goods, and from the reconsideration of those arguments which prove such schemes to be delusive and mischievous, the impression that is left on our mind is the profound conviction of the duty of government, to do whatever lies really in its power for the amelioration of the condition of the working classes. The present system of civilized society works, no doubt, for the

good of the whole, but assuredly *they* do not reap an equal benefit with other classes, and on them falls the largest share of its inevitable evils. May we not say that, whatever the social body, acting in its aggregate capacity, *can* do to redress the balance—whether in education of their children, in sanatory regulations which concern their workshops and their dwellings, or in judicious charity that will not press upon the springs of industry—it is *bound* to do by the sacred obligation of justice?

FOOTNOTES:

- [28] *Etudes sur les Réformateurs, ou Socialistes Modernes.* Par M. LOUIS REYBAUD.
- [29] We shall perhaps take some opportunity to speak separately of M. Leroux's work, *Sur l'Humanité*. It is a work of very superior pretension to the writings of MM. St Simon, Fourier, and others, who must rather be regarded as makers of projects than makers of books. M. Leroux has the honour of indoctrinating George Sand with that mysticism which she has lately infused into her novels—by no means to the increase of their merit. When M. Leroux was reproached by a friend for the fewness of his disciples, he is said to have replied—"It is true I have but one—*mais, que voulez-vous?—Jésus Christ lui-même n'avait que douze.*"
- [30] He had been drawing the usual painful picture of the distress of the manufacturing classes, and citing for his authority some English journal. In doing this he has made a somewhat alarming mistake. The colloquial phrase *job-work* has perplexed, and very excusably, the worthy Belgian, and he has drawn from a very harmless expression a terrible significance. "Partout le travail est le métier de job (job-work) comme disent les Anglais—*un métier à mourir sur le fumier.*" In another place he has understood the *turn out* of our factories as the expulsion of the artisans by the master manufacturers.

MARSTON; OR, THE MEMOIRS OF A STATESMAN.

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PART XIV.

"Have I not in my time heard lions roar?
Have I not heard the sea, puft up with wind,
Rage like an angry boar chafed with sweat?
Have I not heard great ordnance in the field,
And Heaven's artillery thunder in the skies?
Have I not in the pitched battle heard
Loud 'larums, neighing steeds, and trumpets clang?"

SHAKSPEARE.

Europe had never seen so complete or so powerful an army as that which was now assembled within sight of Valenciennes. The city was already regarded as in our possession; and crowds of military strangers, from every part of the Continent, came day by day pouring into the allied camp. Nothing could equal the admiration excited by the British troops. The admirable strength, stature, and discipline of the men, and the successes which they had already obtained, made them the first object of universal interest; and the parades of our regiments formed a daily levee of princes and nobles. It was impossible that soldiery could be on a more stately scale. Other times have followed, which have shown the still statelier sight of nations marching to battle; but the hundred thousand men who marched under Cobourg to take up their positions in the lines of Valenciennes, filled the eye of Europe; and never was there a more brilliant spectacle. At length orders were sent to prepare for action, and the staff of the army were busily employed in examining the ground. The Guards were ordered to cover the operations of the pioneers; and all was soon in readiness for the night on which the first trench was to be opened. A siege is always the most difficult labour of an army, and there is none which more perplexes a general. To the troops, it is incessant toil—to the general, continual anxiety. The men always have the sense of that disgust which grows upon the soldier where he contemplates a six weeks' delay in the sight of stone walls; and the commander, alive to every sound of hazard, feels that he yet must stand still, and wait for the attack of every force which can be gathered round the horizon. He may be the lion, but he is the lion in a chain—formidable, perhaps, to those who may venture within its length, but wholly helpless against all beyond. Yet those feelings, inevitable as they are, were but slightly felt in our encampment round the frowning ramparts of the city. We had already swept all before us; we had learned the language of victory; we were in the midst of a country abounding with all the good things of life, and which, though far from exhibiting the luxuriant beauty of the British plains, was yet rich and various enough to please the eye. Our camp was one vast scene of gaiety. War had, if ever, laid aside its darker draperies, and "grim-visaged" as it is, had smoothed its "wrinkled front." The presence of so many visitors of the highest rank gave every thing the air of royalty. High manners, splendid entertainments, and all the habits and indulgences of the life of courts, had fled from France only to be revived in Flanders. Our army was a court on the march; and the commander of the British—the honest, kind-hearted, and brave Duke of York—bore his rank like a prince, and gathered involuntarily round him as showy a circle as ever figured in St James's, or even in the glittering saloons of the Tuileries. Hunting

parties, balls, suppers, and amateur theatrical performances, not merely varied the time, but made it fly. Hope had its share too, as well as possession. Paris was before us; and on the road to the capital lay but the one fortress which was about to be destroyed with our fire, and of which our engineers talked with contempt as the decayed work of "old" Vauban.

But the course of victory is like the course of love, which, the poet says, "never does run smooth." The successes of the Allies had been too rapid for their cabinets; and we had found ourselves on the frontiers of France before the guardian genii of Europe, in the shape of the stiff-skirted and full-wigged privy councillors of Vienna and Berlin, had made up their minds as to our disposal of the prize. Startling words suddenly began to make their appearance in the despatches, and "indemnity for the past and security for the future"—those luckless phrases which were yet destined to form so large a portion of senatorial eloquence, and give birth to so prolific an offspring of European ridicule—figured in diplomacy for the first time; while our pioneers stood, pickaxe in hand, waiting the order to break ground. We thus lost day after day. Couriers were busy, while soldiers were yawning themselves to death; and the only war carried on was in the discontents of the military councils. Who was to have Valenciennes? whose flag was to be hoisted on Lille? what army was to garrison Condé? became national questions. Who was to cut the favourite slices of France, employed all the gossips of the camp, in imitation of the graver gossips of the cabinet; and, in the mean time, we were saved the trouble of the division, by a furious decree from the Convention ordering every man in France to take up arms—converting all the churches into arsenals, anathematizing the German princes as so many brute beasts, and recommending to their German subjects the grand republican remedy of the guillotine for all the disorders of the government, past, present, and to come.

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Circumstances seldom give an infantry officer more than a view of the movements in front of his regiment; but my intimacy with Guiscard allowed me better opportunities. Among his variety of attainments he was a first-rate engineer, and he was thus constantly employed where any thing connected with the higher departments of the staff required his science. He was now attached to the Prussian mission, which moved with the headquarters of the British force, and our intercourse was continued. I thus joined the reconnoitring parties under his command, and received the most important lessons in my new art. But one of my first questions to him, had been the mode of his escape on the night of our volunteer reconnoissance.

"Escape? Why, I committed the very blunder against which I had cautioned you, and fell into the hands of the first hussar patrole I could possibly have met. But my story is of the briefest kind. I had not rode forward above an hour, when my horse stumbled over something in that most barbaric of highways, and lamed himself. I then ought to have returned; but curiosity urged me on, and leading my unfortunate charger by the bridle, I threaded my way through the most intricate mesh of hedge and ditch within my travelling experience. The trampling of horses, and the murmur of men in march, at last caught my ear; and I began to be convinced that the movement which I expected from Dampier's activity was taking place. I then somewhat questioned my own *insouciance* in having thrust you into hazard; and attempted to make my way across the country in your direction. To accomplish this object I turned my horse loose, taking it for granted that, lame as he was, he was too good a Prussian to go any where but to his own camp. This accounts for his being found at morn. I had, however, scarcely thus taken the chance of losing a charger which had cost me a hundred and fifty gold ducats, when I received a shot from behind a thicket which disabled my left arm, and I was instantly surrounded by a dozen French hussars. I was foolish enough to be angry, and angry enough to fight. But as I was neither Samson, nor they Philistines, my sabre was soon beaten down, and I had only to surrender. I was next mounted on the croup of one of their horses, and after a gallop of half an hour reached the French advanced guard. It was already hurrying on, and I must confess that, from the silence of the march and the rapid pace of their battalions, I began to be nervous about the consequences, and dreaded the effects of a surprise on some of our camps. My first apprehension, however, was for you. I thought that you must have been entangled in the route of some of the advancing battalions, and I enquired of the colonel of the first to whom I was brought, whether he had taken any prisoners.

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"'Plenty,' was the answer of the rough Republican—'chiefly peasants and spies; but we have shot none of them yet. That would make too much noise; so we have sent them to the rear, where I shall send you. You will not be shot till we return to-morrow morning, after having cut up those *chiens Anglais*.'"

I could not avoid showing my perturbation at the extreme peril in which this distinguished man had involved himself on my account; and expressed something of my regret and gratitude.

"Remember, Marston," was his good-humoured reply, "that, in the first place, the Frenchman was not under circumstances to put his promise in practice—he having found the English *chien* more than a match for the French wolf; and, in the next, that twelve hours form a very important respite in the life of the campaigner. I was sent to the rear with a couple of hussars to watch me until the arrival of the general, who was coming up with the main body. On foot and disarmed, I had only to follow them to the next house, which was luckily one of the little Flemish inns. My hussars found a jar of brandy, and got drunk in a moment; one dropped on the floor—the other fell asleep on his horse. I had now a chance of escape; but I was weary, wounded, and overcome with vexation. It happened, as I took my last view of my keeper outside, nodding on his horse's neck, that I glanced on a huge haystack in the stable-yard. The thought struck me, that helpless as I was, I might contrive to give an alarm to some of the British videttes or patroles, if your gallant countrymen should condescend to employ such things. I stole down into the yard, lantern

in hand; thrust it into the stack, and had the satisfaction of seeing it burst into a blaze. I made my next step into the stable, to find a horse for my escape; but the French patrols had been before me, and those clever fellows seldom leave any thing to be gleaned after them. What became of my escort I did not return to enquire; but I heard a prodigious galloping through the village, and found the advantage of the flame in guiding me through as perplexing a maze of thicket and morass as I ever attempted at midnight. The sound of the engagement which followed directed me to the camp; and I remain, a living example to my friend, of the advantage of twelve hours between sentence and execution."

I had another wonder for him; and nothing could exceed his gratification when he heard, that his act had enabled me to give the alarm of the French advance. But for that blaze I should certainly have never been aware of their movement; the light alone had led me into the track of the enemy, and given me time to make the intelligence useful.

"The worst of all this," said he, with his grave smile, "is that the officer in command of your camp on that night will get a red riband and a regiment; and that you will get only the advantage of recollecting, that in war, and perhaps in every situation of life, nothing is to be despaired of, and nothing is to be left untried. A candle in a lantern, properly used, probably saved both our lives, the lives of some thousands of your brave troops, the fate of the campaign, and, with it, half the thrones of Europe, trembling on the chance of a first campaign. I shall yet have some of my mystical countrymen writing an epic on my Flemish lantern."

During this little narrative, we had been riding over the bleak downs which render the environs of Valenciennes such a barren contrast to the general luxuriance of northern France; and were examining the approaches to the city, when Guiscard called to his attendant for his telescope. We were now in the great coal-field of France; but the miners had fled, and left the plain doubly desolate. "Can those," said he, "be the miners returning to their homes? for if not, I am afraid that we shall have speedy evidence of the hazards of inactivity." But the twilight was now deepening, and neither of us could discern any thing beyond an immense mass of men, in grey cloaks, hurrying towards the city. I proposed that we should ride forward, and ascertain the facts. He checked my rein. "No! Amadis de Gaul, or Rolando, or by whatever name more heroic your chivalry prefers being called, we must volunteer no further. My valet shall return to the camp and bring us any intelligence which is to be found there, while we proceed on our survey of the ground for our batteries."

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We had gone but a few hundred yards, and I was busily employed in sketching the profile of the citadel, when we heard the advance of a large party of British cavalry, with several of the staff, and the Duke of York, then a remarkably handsome young man, at their head. I had seen the Duke frequently on our parades in England; but even the brief campaign had bronzed his cheek, and given him the air which it requires a foreign campaign to give. He communicated the sufficiently interesting intelligence, that since the victory over Dampier, the enemy had collected a strong force from their garrisons, and after throwing ten thousand men into Valenciennes, had formed an intrenched camp, which was hourly receiving reinforcements. "But we must put a stop to that," said the Duke, with a smile; "and, to save them trouble and ourselves time, we shall attack them to-morrow." He then addressed himself to Guiscard, with the attention due to his name and rank, and conversed for a few minutes on the point of attack for the next day—examined my sketch—said some flattering words on its correctness, and galloped off.

"Well," said Guiscard, as he followed with his glance the flying troop, "war is a showy spectacle, and I can scarcely wonder that it should be the game of princes; but a little more common sense in our camps would have saved us to-morrow's battle. The delays of diplomacy are like the delays of law—the estate perishes before the process is at an end. But now to our work." We rode to the various points from which a view of the newly arrived multitude could be obtained. Their fires began to blaze; and we were thus enabled to ascertain at once their position, and, in some degree, their numbers. There could not be less than thirty thousand men, the arrival of the last few hours. "For this *contretemps*," said Guiscard, as he examined their bivouac with his telescope, "we have to thank only ourselves. Valenciennes ought to have been stormed within the first five minutes after we could have cut down those poplars for scaling ladders," and he pointed to the tapering tops of the large plantations lining the banks of the Scheldt; "but we have been quarreling over our portfolios, while the French have been gathering every rambling soldier within a hundred miles; and now we shall have a desperate struggle to take possession of those lines, and probably a long siege as finale to the operation. There, take my glass, and judge for yourselves." I looked, and if the novelty and singularity could have made me forget the serious business of the scene, I might have been amply amused. The whole French force were employed in preparing for the bivouac, and fortifying the ground, which they had evidently taken up with the intent of covering the city. All was in motion. At the distance from which we surveyed it, the whole position seemed one huge ant-hill. Torches, thickets burning, and the fires of the bivouac, threw an uncertain and gloomy glare over portions of the view, which, leaving the rest in utter darkness, gave an ominous and ghostly look to the entire. I remarked this impression to Guiscard, and observed that it was strange to see a "scene of the most stirring life so sepulchral."

"Why not?" was his reply. "The business is probably much the same."

"Yet sepulchral," I observed, "is not exactly the word which I would have used. There is too much motion, too much hurried and eager restlessness, too much of the wild and fierce activity of beings who have not a moment to lose, and who are busied in preparations for destruction."

"Have you ever been in the Sistine Chapel?" asked my companion.

"No; Italy has been hitherto beyond my flight; but the longing to see it haunts me."

"Well, then, when your good fortune leads you to Rome, let your first look be given to the noblest work of the pencil, and of Michael Angelo: glance at the bottom of his immortal picture, and you will see precisely the same wild activity, and the same strange and startling animation. The difference only is, that the actors here are men—there, fiends; here the scene is the field of future battle—there, the region of final torment. I am not sure that the difference is great, after all."

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At daybreak, the British line was under arms. I feel all words fail, under the effort to convey the truth of that most magnificent display; not that a simple detail may not be adequate to describe the movements of a gallant army; but what can give the impression of the time, the form and pressure of collisions on which depended the broadest and deepest interests of the earth. Our war was then, what no war was since the old invasions under the Edwards and Henrys—national; it was as romantic as the crusades. England was fighting for none of the objects which, during the last three hundred years, had sent armies into the field—not for territory, not for glory, not for European supremacy, not even for self-defence. She was fighting for a Cause; but that was the cause of society, of human freedom, of European advance, of every faculty, feeling, and possession by which man is sustained in his rank above the beasts that perish. The very language of the great dramatist came to my recollection, at the moment when I heard the first signal-gun for our being put in motion.

"Now all the youth of England are on fire,
And silken dalliance in the wardrobe lies.
Now thrive the armourers; and honour's thought
Reigns solely in the breast of every man.
They sell the pasture now to buy the horse,
Following the mirror of all Christian kings
With winged heels, as English Mercuries."

Our troops, too, had all the ardour which is added even to the boldest by the assurance of victory. They had never come into contact with the enemy but to defeat them, and the conviction of their invincibility was so powerful, that it required the utmost efforts of their officers to prevent their rushing into profitless peril. The past and the present were triumphant; while, to many a mind of the higher cast, the future was, perhaps, more glittering than either. In the same imperishable eloquence of poetry—

"For now sits expectation in the air,
And hides a sword, from hilt unto the point,
With crowns imperial, crowns and coronets,
Promised to Harry and his followers."

The ambition of the English soldier may be of a more modified order than that of the foreigner; but the dream of poetry was soon realized in the crush of the Republicans, who had trampled alike the crown and the coronet in the blood of their owners. Twenty-seven thousand men were appointed for the attack of the French lines; and on the first tap of the drum, a general shout of exultation was given from all the columns. The cavalry galloped through the intervals to the front, and parks of the light guns were sent forward to take up positions on the few eminences which commanded the plain; but the day had scarcely broke, when one of those dense fogs, the customary evil of the country, fell suddenly upon the whole horizon, and rendered action almost impossible. Nothing could exceed the vexation of the army at this impediment; and if our soldiers had ever heard of Homer, there would have been many a repetition of his warrior's prayer, that "live or die, it might be in the light of day."

But in the interval, important changes were made in the formation of the columns. The French lines had been found of unexpected strength, and the Guards were pushed forward to head a grand division placed under command of General Ferrari. The British were, of course, under the immediate orders of an officer of their own, and a more gallant one never led troops under fire. I now, for the first time, saw the general who was afterwards destined to sweep the French out of Egypt, and inflict the first real blow on the military supremacy of France under Napoleon. General Abercromby was then in the full vigour of life; a strongly formed, manly figure, a quiet but keen eye, and a countenance of remarkable steadiness and thought, all gave the indications of a mind firm in all the contingencies of war. Exactly at noon, the fog drew up as suddenly as it had descended, and we had a full view of the enemy's army. No foreign force ever exhibits so showy and soldierly an appearance as the British. The blue of the French and Prussians looks black, and the white of the Austrian looks faded and feeble, compared with the scarlet. As I cast my glance along our lines, they looked like trails of flame. The French were drawn up in columns in front of their camp, which, by the most extraordinary exertion, they had covered during the night with numerous batteries, and fortified with a circle of powerful redoubts; the guns of the fortress defended their flank and rear, and their position was evidently of the most formidable kind. But all view was lost, from the moment when the head of our brigade advanced. Every gun that could be brought to bear upon us opened at once, and all was enveloped in smoke. For a full hour we could see nothing but the effect of the grape-shot on our own ranks as we poured on, and hear nothing but the roar of the batteries. But at length shouts began to arise in distant parts of the field, and we felt that the division which had been appointed to assault the rear of the camp was making progress. Walmoden, commanding a brigade under Ferrari, now galloped up,

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to ascertain whether our men were ready to assault the intrenchments. "The British troops are *always* ready," was Abercromby's expressive, and somewhat indignant, answer. In the instant of our rushing forward, an aide-de-camp rode up, to acquaint the general that the column under the Duke of York had already stormed three redoubts. "Gentlemen," said Abercromby, turning to the colonels round him, "we must try to save our friends further trouble—forward!" Within a quarter of an hour we were within the enemy's lines, every battery was stormed or turned, and the French were in confusion. Some hurried towards the fortress, which now began to fire; a large body fled into the open country, and fell into the hands of his royal highness; and some, seizing the boats on the river, dropped down with the stream. All was victory: yet this was to be my day of ill luck. In pursuing the enemy towards the fortress, a battalion, which had attempted to cover the retreat, broke at the moment when my company were on the point of charging them. This was too tempting a chance to be resisted; we rushed on, taking prisoners at every step, until we actually came within sight of the gate by which the fugitives were making their escape into the town. But we were in a trap, and soon felt that we were discovered, by a heavy discharge of musketry from the rampart. We had now only to return on our steps, and I had just given the word, when the firing was renewed on a bastion, round which we were hurrying in the twilight. I felt a sudden shock, like that of electricity, which struck me down; I made a struggle to rise on my feet, but my strength wholly failed me, and I lost all recollection.

On my restoration to my senses, in a few hours after, I found that I had been carried into the town, and placed in the military hospital. My first impulse was, to examine whether any of my brave fellows had shared my misfortune; but all round me were French, wounded in the engagement of the day. My next source of congratulation was, that I had no limb broken. The shot had struck me in the temple, and glanced off without entering; but I had lost much blood, had been trampled, and felt a degree of exhaustion, which gave me the nearest conception to actual death.

Of the transactions of the field I knew nothing beyond my own share of the day; but I had seen the enemy in full flight, and that was sufficient. Within a day or two, the roaring of cannon, the increased bustle of the attendants, and the tidings that a black flag had been erected on the hospital, told me that the siege had begun. I shall pass over its horrors. Yet, what is all war but a succession of horrors? The sights which I saw, the sounds which I heard from hour to hour, were enough to sicken me of human nature. In the gloom and pain of my sleepless nights, I literally began to think it possible that a fiendish nature might supplant the human condition, and that the work before my eyes was merely an anticipation of those terrors, which to name startles the imagination and wrings the heart. Surrounded with agonies, the involuntary remark always came to my mind with renewed freshness, in the common occurrences of the hospital day. But, besides the sufferings of the wounded, a new species of suffering, scarcely less painful, and still more humiliating, began to be prominent. The provisions of the people, insufficiently laid in at the approach of the besiegers, rapidly failed, and the hospital itself was soon surrounded by supplicants for food. The distress, at last, became so excessive, that it amounted to agony. Emaciated figures of both sexes stole or forced their way into the building, to beg our rations, or snatch them from our feeble hands; and I often divided my scanty meal with individuals who had once been in opulent trade, or been ranked among the *semi-noblesse* of the surrounding country. Sometimes I missed faces to which I had been accustomed among those unfortunate beings, and I heard a still more unhappy tale—shall I call it more unhappy? They had perished by the cannon-shot, which now poured into the city day and night, or had been buried in the ruins of some of the buildings, which were now constantly falling under the heaviest bombardment in the annals of war. Of those scenes I say no more. If the siege of a great fortress is the most trying of all hazards to the soldier without, what must it be to the wretches within? Valenciennes was once the centre of the lace manufactories of France. The war had destroyed them at once. The proprietors had fled, the thousands of young and old employed in those delicate and beautiful productions, had fled too, or remained only to perish of famine. A city of twenty thousand of the most ingenious artists was turning day by day into a vast cemetery. As I tossed on my mattress hour after hour, and heard the roar of the successive batteries, shuddered at the fall of the shells, and was tortured by the cries of the crowd flying from the explosions all night long—I gave the deepest curses of my spirit to the passion for glory. It is true, that nations must defend themselves; the soldier is a protector to the industry, the wealth, and the happiness of the country. I am no disciple of the theory, which, disclaiming the first instinct of nature, self-preservation, invites injury by weakness, and creates war by impunity; but the human race ought to outlaw the man who dares to dream of conquest, and builds his name in the blood of man.

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On my capture, one of my first wishes had been to acquaint my regiment with the circumstances of my misfortune, and to relieve my friends of their anxiety for the fate of a brother officer. But this object, which, in the older days of continental campaigning, would have been acceded to with a bow and a compliment by Monsiegnour le Comte, or Son Altesse Royale, the governor, was sturdily refused by the colonel in charge of the hospital—a firm Republican, and the son of a cobbler, who, swearing by the Goddess of Reason, threatened to hang over the gate the first man who dared to bring him another such proposal. I next sent my application to the commandant, a brave old soldier, who had served in the royal armies, and had the feelings of better times; but it was probably intercepted, for no answer came. This added deeply to my chagrin. My absence must give rise to conjecture; my fall had been unseen even by my men; and while I believed that my character was above the scandal of either pusillanimity or desertion, it still remained at the mercy of all.

But chance came to my relief. It happened that I had unconsciously won the particular regard of

one of the *Béguines* who attended the hospital; and my *tristesse*, which she termed 'effrayante,' one evening attracted her peculiar notice. Let not my vanity be called in question; for my fair admirer was at least fifty years old, and was about the figure and form of one of her country churns, although her name was Juliet! Pretty as the name was, the *Béguine* had not an atom of the poetic about her. Romance troubled her not. Yet with a face like the full moon, and a pile of petticoats which would have made a dowdy of the "Belvedere Diana," she was a capital creature. Juliet, fat as she was, had the natural frolic of a squirrel; she was everywhere, and knew every thing, and did every thing for every body; her tongue and her feet were constantly busy; and I scarcely knew which was the better emblem of the perpetual motion. My paleness was peculiarly distressing to her; "it hurt her feelings;" it also hurt her honour; for she had been famous for her nursing, and as she told me, with her plump hands upon her still plumper hips, and her head thrown back with an air of conscious merit, "she had saved more than the doctors had killed." I had some reluctance to tell her the cause of my *tristesse*; for I knew her zeal, and I dreaded her plunging into some hazard with the authorities. But who has ever been able to keep a secret, where it was the will of the sex to extort it? Juliet obtained mine before she left the ward for the night; and desired me to give her a letter, which she pledged herself to transmit to my regiment. But this I determined to refuse, and I kept my determination. I had no desire to see my "fat friend" suspended from the pillars of the portico; or to hear of her, at least, being given over to the mercies of the provost-marshal. We parted, half in anger on her side, and with stern resolution on mine.

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During the day Juliet was not forthcoming, and her absence produced, what the French call, a "lively sensation"—which, in nine instances out of ten, means an intolerable sense of ennui—in the whole establishment. I shared the general uneasiness, and at length began to cast glances towards the gate, where, though I was not exactly prepared to see the corpulent virtues of my friend in suspension, I had some tremblings for the state, "*sain et sauf*;" of my *Béguine*. At last her face appeared at the opening of the great door, flushed with heat and good-nature, and, as it came moving through the crowd which gathered round her with all kinds of enquiries, giving no bad resemblance to the moon seen through a fog; whether distinct or dim, full and florid to the last. Her good-humoured visage revived me, as if I had met a friend of as many years standing as she numbered on her cradle. But all my enquiries for the news of earth outside the hospital, were answered only by an "order" to keep myself tranquil—prevent the discomposure of my pulse, and duly drink my ptisan. All this, however, was for the general ear. The feebleness which kept me confined to my bed during the day, had made my nights wakeful. On this night, whether on the anxiety of the day, or the heavier roar of the siege, for the bombardment was now at its height, I exhibited signs of returning fever, and the *Béguine* remained in attendance. But when the crowd had gone to such rest as they could find, amid the thunder of batteries and the bursting of shells, Juliet approached my pillow with a broad smile, which distended her good-natured mouth from ear to ear, and thrust under my pillow a small packet—the whole operation being followed by a finger pressed to her lips, and a significant glance to every corner of the huge melancholy hall, to see that all was secure. She then left me to my meditations!

The mysterious packet contained three letters; and, eager as I was for their perusal, I almost shuddered at their touch; for they must have been obtained with infinite personal peril, and if found upon the *Béguine* they might have brought her under the severest vengeance of the garrison. They were from Guiscard, Mariamne, and Mordecai. Thus to three individuals, all comparatively strangers, was my world reduced. But they were no common strangers; and I felt, while holding their letters in my hand, and almost pressing them to my heart, how much more strongly friendship may bind us than the ties of cold and negligent relationship. I opened the soldier's letter first. It was like every thing that Guiscard ever did; manly, yet kind. "Your disappearance in that unfortunate rencontre has created much sorrow and surprise; but the sorrow was all for your loss to *the* 'corps of corps,' and the surprise was, that no tidings could be heard of you, whether fallen or surviving. The flag and trumpet sent in next morning to recover the remains of such as had suffered in that mad rush to the gates of the town, came back without being permitted to pass beyond the outworks, bringing a brutal message from the officer on duty, 'that the next flag should be fired on,' and that the 'brave soldiers of the Republic allowed of no compromise with the slaves of tyranny!' The bravado might be laughed at, but it left me in the dark relative to your fate; and if you are to be flattered by the feelings of men who cannot get at you but by cannon-shot, you may congratulate yourself on having had as many fine things said of you as would make an epitaph for a duke—and, I believe, with a sincerity at least equal to the best of them. I write all this laughingly now, but suspense makes heaviness of heart, and you cost me some uneasy hours, of course. I send you none of *our* news; as you will hear all in good time, and communications on public matters might bring your messenger or yourself into difficulties. You are alive, and in good hands; that is the grand point. Your character is now in *my* hands, and I shall take care of it; I shall see you a general officer yet, if you have not the greater luck to retire and live an honest farmer, sitting under your own fig-tree and your own vine, with an unromantic spouse, and some half-dozen of red-cheeked children. Farewell, we shall *soon* see each other."

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The last line evidently meant more than met the eye, and I was now just in the mind to indulge in the fantasies of my fair correspondent. They were like herself—a curious mixture of mirth and melancholy.

"Why I wished to write to you, or why I write at all—which, however, I do decorously at the side of my father—are questions which I have not taken the trouble of asking until this moment. But I am in Switzerland, where no one has time for any thing but worshipping mountain-tops, and

falling down at the feet of cataracts. Whether it would add to Mr Marston's satisfaction I cannot presume to say, but I feel better, much better, than when I first came into this land of fresh breezes and beauty of all kinds—the population, of every rank, always excepted. If I were, like you, a philosopher, I should probably say that nature gets tired of her work, and after having struck off some part of it with all the spirit of an Italian painter, disdains the trouble of finishing; or, like a French 'fashionable,' coquettes with her own charms, and is determined to make the world adore her, in spite of her slippers and her shawl. Thus, nature, which gave the peacock a diadem on its head, and a throne in its tail, has given it a pair of frightful legs. And on the same charming principle, she has given Switzerland the finest of all possible landscapes, and filled them with the most startling of all possible physiognomies.

"But no more of theory. It has always made my head ache, and headaches are, I know, contagious; so I spare you. Yet, have you a moment, among your thousand and one avocations, to remember my father—or me? I beg that I may not impede the march of armies, or shock the balance of Europe, while I solicit you to give me a single line—no more; a mere 'annonce' of any thing that can tell me of your 'introuvable' friend Lafontaine. This is *not* for myself. The intelligence is required for a sister of his whom I have lately met in this country—a showy "citizeness" of Zurich, *embonpoint* and matronly, married to one of the portly burghers of the city, and exemplary in all the arts of sheep-shearing, wool-spinning, and cheese-making; a mother, surrounded *à la Française* with a host of Orlandos, Hyacinthes, Aristomenes, and Apollos—pretty children, with the Frenchman developing in all its gaudiness; the Switzer remaining behind, until it shall come forth in cloudy brows, and a face stamped with money-making. Madame Spiegler is still not beyond a waltz, and in the very whirl of one last night, she turned to me and *implored* that I should 'move heaven and earth,' as she termed it—with her blue eyes thrown up to the chandelier, and her remarkably pretty and well-*chaussé'd* feet still beating time to the dance—to bring her disconsolate bosom tidings of her '*frère, si bien aimé, si malheureux.*' I promised, and she flew off instantly into the very *core* of a dance, consisting of at least a hundred couples.

"I have just returned from a drive along the shore of the Leman. The recollection of Madame Spiegler, rolling and rushing through the waltz like a dolphin through the waves; or like any thing caught in an enormous whirlpool, sweeping round perpetually until it was swept out of sight, had fevered me. The air here is certainly delicious. It has a sense of life—a vivid, yet soft, freshness, that makes the mere act of breathing it delightful. But I have mercy on you—not one word of Clarens, not one word of Meillerie. Take it for granted that Ferney is burnt down, as it well might be without any harm to the picturesque; and that Jean Jacques never wrote, played the knave, or existed. If I were a Swiss Caliph Omar, I should make a general seizure, to be followed by a general conflagration, of every volume that has ever touched on the wit and wickedness of the one, or the intolerable sensibility of the other. I should next extend the flame to all tours, meditations, and musings on hills, valleys, and lakes; prohibit all sunset 'sublimities' as an offence against the state; and lay all raptures at the 'distant view of Mont Blanc,' or the 'ascent of the Rhighi,' if not under penalty of prison, at least under a bond never to be seen in the territory again. But I must make my *adieux*. *Apropos*, if you *should* accidentally hear any thing of your *pelerin-à-pied* friend Lafontaine—for I conjecture that he has gone to discover the fountains of the Nile, or is at this moment a candidate for the office of court-chamberlain at Timbuctoo—let me hear it. Madame Spiegler is really uneasy on the subject, though it has not diminished either her weight or her velocity, nor will prevent her waltzing till the end of the world, or of herself. *One* sentence—nay, one syllable—will be enough.

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"This light *is* delicious, and it is only common gratitude to nature to acknowledge, that she has done something in the scene before my casement at this sweet and quiet hour, which places her immeasurably above the *decorateurs* of a French *salon*. The sun has gone, and the moon has not yet come. There is scarcely a star; and yet a light lingers, and floats, and descends over everything—hill, forest, and water—like the light that one sometimes sees in dreams. All dream-like—the work of a spell laid over a horizon of a hundred miles. I should scarcely be surprised to see visionary forms rising from these woods and waters, and ascending in bright procession into the clouds. I hear, at this moment, some touches of music, which I could almost believe to come from invisible instruments as they pass along with the breeze. Still, may I beg of you, Mr Marston, not to suppose that I mean to extend this letter to the size of a government despatch, nor that the mark which I find I have left on my paper, is a tear? *I* have no sorrow to make its excuse. But here, one weeps for pleasure, and I can forgive even Rousseau his—'Je m'attendrissais, je soupirais, et je pleurais comme un enfant. Combien de fois, m'arrêtant pour pleurer plus à mon aise, assis sur une grosse pierre, je me suis amusé à voir tomber mes larmes dans l'eau.' Rousseau was lunatic, but he was *not* lunatic when he wrote this, or *I* am growing so too. For fear of that possible romance, I say, farewell.

"P.S.—Remember Madame Spiegler. *Toujours à vous*—MARIAMNE."

My third letter was Mordecai to the life—a bold, hurried, yet clear view of the political bearings of the time. It more than ever struck me, in the course of his daring paragraphs, what a capital leader he would have made for a Jewish revolution; if one could imagine the man of a thousand years of slavery grasping the sword and unfurling the banner. Yet bold minds *may* start up among a fallen people; and when the great change, which will assuredly come, is approaching, it is not improbable that it will be begun by some new and daring spirit throwing off the robes of humiliation, and teaching Israel to strike for freedom by some gallant example—a new Moses smiting the Egyptian, and marching from the house of bondage, the fallen host of the oppressor left weltering in the surge of blood behind.

After some personal details, and expressions of joy at the recovering health of his idolized but wayward daughter, he plunged into politics. "I have just returned," said he, "from a visit to some of our German kindred. You may rely upon it, that a great game is on foot. *Your* invasion is a jest. Your troops will fight, I allow, but your cabinets will betray. I have seen enough to satisfy me, that, if you do not take Paris within the next three months, you will not take it within ten times the number of years. Of course, I make no attempt at prediction. I leave infallibility to the grave fools of conclaves and councils; but the French mob will beat them all. What army can stand before a pestilence? When I was last in Sicily, I went to the summit of Etna during the time of an eruption. On my way, I slept at one of the convents on the slope of the mountain. I was roused from my sleep by a midnight clamour in the court of the convent—the monks were fluttering in all corners, like frightened chickens. I came down from my chamber, and was told the cause of the alarm in the sudden turn of a stream of the eruption towards the convent. I laughed at the idea of hazard from such a source, when the building was one mass of stone, and, of course, as I conceived, incombustible. '*Santissima Madre!*' exclaimed the frightened superior, who stood wringing his hands and calling on all the saints in his breviary; 'you do not know of what stone it is built. All is lava; and at the first touch of the red-hot rocks now rolling down upon us, every stone in the walls will melt like wax in the furnace.' The old monk was right. We lost no time in making our escape to a neighbouring pinnacle, and from it saw the stream of molten stone roll round the walls, inflame them, scorch, swell, and finally melt them down. Before daylight, the site of the convent was a gulf of flame. This comes of sympathy in stones—what will it be in men? Wait a twelvemonth; and you will see the flash and flame of French republicanism melting down every barrier of the Continent. The mob has the mob on its side for ever. The offer of liberty to men who have spent a thousand years under despotism, is irresistible. Light may blind, but who loves utter darkness? The soldier may melt down like the rest; he is a man, and may be a madman like the rest; he, too, is one of the multitude.

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"Their language may be folly or wisdom, it may be stolen from the ramblings of romance writers, or be the simple utterance of irrepressible instincts within; but it is the language which I hear every where around me. Men eat and drink to it, work and play to it, awake and sleep to it. It is in the rocks and the streams, in the cradle, and almost on the deathbed. It rings in the very atmosphere; and what must be the consequence? If the French ever cross the Rhine, they will sweep every thing before them, as easily as a cloud sweeps across the sky, and with as little power in man to prevent them. A cluster of church steeples or palace spires could do no more to stop the rush of a hurricane.

"You will call me a panegyrist of Republicanism, or of France. I have no love for either. But I may admire the spring of the tiger, or even give him credit for the strength of his tusks, and the grasp of his talons, without desiring to see him take the place of my spaniel on the hearth-rug, or choosing him as the companion of my travels. *I* dread the power of the multitude, *I* despair of its discipline, and *I* shrink from the fury of its passions. A republic in France can be nothing but a funeral pile, in which the whole fabric is made, not for use, but for destruction; which man cannot inhabit, but which the first torch will set in a blaze from the base to the summit; and upon which, after all, corpses alone crown the whole hasty and tottering erection. But this *I shall* say, that Germany is at this moment on the verge of insurrection; and that the first French flag which waves on the right bank of the Rhine will be the signal of explosion. I say more; that if the effect is to be permanent, pure, or beneficial, it will *not* be the result of the tricolor. The French conquests have always been brilliant, but it was the brilliancy of a soap-bubble. A puff of the weakest lips that ever breathed from a throne, has always been enough to make the nation conquerors; but the hues of glory no sooner began to colour the thin fabric, than it burst before the eye, and the nation had only to try another bubble. It is my impression, that the favouritism of Revolution at this moment will even receive its death-blow from France itself. All is well while nothing is seen of it but the blaze ascending, hour by hour, from the fragments of her throne, or nothing heard but the theatrical songs of the pageants which perform the new idolatry of 'reason.' But when the Frenchman shall come among nations with the bayonet in his right hand and with the proclamation in his left—when he turns his charger loose into the corn-field, and robs the peasant whom he harangues on the rights of the people—this republican baptism will give no new power to the conversion. The German phlegm will kick, the French *vivacité* will scourge, and then alone will the true war begin. Yet all this may be but the prelude. When the war of weapons has been buried in its own ashes, another war may begin, the war of minds—the struggle of mighty nations, the battle of an ambition of which our purblind age has not even a glimpse—a terrible strife, yet worthy of the immortal principle of man, and to be rewarded only by a victory which shall throw all the exploits of soldiership into the shade."

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While I was meditating on the hidden meanings of this letter, in which my Jewish friend seemed to have imbibed something of the dreamy spirit of Germany itself, I was startled by a tremendous uproar outside the hospital—the drums beat to arms, the garrison hastily mustered, the population poured into the streets, and a strong and startling light in all the casements, showed that some great conflagration had just begun. The intelligence was soon spread that the Hotel de Ville, the noblest building in the city, a fine specimen of Italian architecture of the seventeenth century, and containing some incomparable pictures by the Italian masters, and a *chef-d'œuvre* of Rubens, had been set on fire by a bomb, and was now in a blaze from battlement to ground. The next intelligence was still more painful. The principal convent of the city, which was close in its rear, had taken fire, and the unfortunate nuns were seen at the windows in the most imminent danger of perishing. Feeble as I was, I immediately rose. The Béguine rushed in at the moment, wringing her hands and uttering the wildest cries of terror at the probable destruction of those unhappy women. I volunteered my services, which were accepted, and I hurried out to assist in

saving them if possible. The spectacle was overwhelming.

The Hotel de Ville was a large and nearly insulated building, with a kind of garden-walk round three of its sides, which was now filled with the populace. The garrison exhibited all the activity of the national character in their efforts to extinguish the flames. Scaling-ladders were applied to the windows, men mounted them thick as bees; fire-buckets were passed from hand to hand, for the fire-engines had been long since destroyed by the cannonade; and there seemed to be some hope of saving the structure, when a succession of agonizing screams fixed every eye on the convent, where the fire had found its way to the stores of wood and oil, and shot up like the explosion of gunpowder. The efforts of the troops were now turned to save the convent; but the intense fury of the flame defeated every attempt. The scaling-ladders no sooner touched the casements than they took fire; the very walls were so hot that none could approach them; and every new gust swept down a sheet of flame, which put the multitude to flight in all directions. Artillery was now brought out to breach the walls; but while there remained a hundred and fifty human beings within, it was impossible to make use of the guns. All efforts at length ceased; and the horror was deepened, if such could be, by seeing now and then a distracted figure rush to a casement, toss up her arms to heaven, and then rush back again with a howl of despair.

I proposed to the French officers that they should dig under the foundations, and thus open a way of escape through the vaults. The attempt was made, but it had the ill success of all the rest. The walls were too massive for our strength, and the pickaxe and spade were thrown aside in despair. From the silence which now seemed to reign within, and the volumes of smoke which poured from the casements, it began to be the general impression that the fate of the nuns was already decided; and the officers were about to limber up their guns and retire, when I begged their chief to make one trial more, and fire at a huge iron door which closed a lofty archway leading to the Hotel de Ville. He complied; a six-pound ball was sent against the door, and it flew off its hinges. To the boundless exultation and astonishment of all, we saw the effect of this fortunate shot, in the emergence of the whole body of the nuns from the smoking and shattered building. They had been driven, step by step, from the interior to the long stone-built passage which in old times had formed a communication with the town, and which had probably not been used for a century. The troops and populace now rushed into the Hotel de Ville to meet and convey them to places of safety. I followed with the same object, yet with some unaccountable feeling that I had a personal interest in the rescue. The halls and apartments were on the huge and heavy scale of ancient times, and I was more than once bewildered in ranges of corridors filled with the grim reliques of civic magnificence, fierce portraits of forgotten men of city fame, portentous burghers, and mailed captains of train bands. The unhappy women were at length gathered from the different galleries to which they had scattered in their fright, and were mustered at the head of the principal entrance, or *grand escalier*, at whose foot the escort was drawn up for their protection.

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But the terrors of that fearful night were not yet at an end. The light of the conflagration had caught the eye of the besiegers, and a whole flight of shells were sent in its direction. Some burst in the street, putting the populace to flight on every side; and, while the women were on the point of rushing down the stair, a crash was heard above, and an enormous shell burst through the roof, carrying down shattered rafters, stones, and a cloud of dust. The batteries had found our range, and a succession of shells burst above our heads, or tore their way downwards. All was now confusion and shrieking. At length one fell on the centre of the *escalier*, rolled down a few steps, and, bursting, tore up the whole stair, leaving only a deep gulf between us and the portal. The women fled back through the apartment. I now regarded all as lost; and expecting the roof to come down every moment on my head, and hearing nothing round me but the bursting and hissing of those horrible instruments of havoc, I hurried through the chambers, in the hope of finding some casement from which I might reach the ground. They were all lofty and difficult of access, but I at length climbed up to one, from which, though twenty or thirty feet from the path below, I determined to take the plunge. I was about to leap, when, to my infinite surprise, I heard my name pronounced. I stopped. I heard the words—"Adieu, pour toujours!" All was dark within the room, but I returned to discover the speaker. It was a female on her knees near the casement, and evidently preparing to die in prayer. I took her hand, and led her passively towards the window; she wore the dress of a nun, and her veil was on her face. As she seemed fainting, I gently removed it to give her air. A sheet of flame suddenly threw a broad light across the garden, and in that face I saw—Clotilde! She gave a feeble cry, and fell into my arms.

Our escape was accomplished soon after, by one of the scaling-ladders which was brought at my call; and before I slept, I had seen the being in whom my very existence was concentrated, safely lodged with the principal family of the town. Slept, did I say? I never rested for an instant. Thoughts, reveries, a thousand wild speculations, rose, fell, chased each other through my brain, and all left me feverish, half-frantic, and delighted.

At the earliest moment which could be permitted by the formalities of France, even in a besieged town, I flew to Clotilde. She received me with the candour of her noble nature. Her countenance brightened with sudden joy as she approached me. In the *salle de reception* she sat surrounded by the ladies of the family, still full of enquiries on the perils of the night, congratulations on her marvellous escape, and no slight approval of the effect of the convent costume on the contour of her fine form and expressive features. My entrance produced a diversion in her favour; and I was showered with showy speeches from the seniors of the circle; the younger portion suddenly relapsing into that frigid propriety which the Mademoiselle retains until she becomes the Madame, and then flings off for ever like her girlish wardrobe. But their eyes took their full share, and if glances at the "Englishman" could have been transferred into words, I should have

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enjoyed a very animated conversation on the part of the *Jeunes Innocenes*. But I shrank from the panegyric of my "heroism," as it was pronounced in all the tones of courtesy; and longed for the voice of Clotilde alone. The circle at last withdrew, and I was left to the most exquisite enjoyment of which the mind of man is capable—the full, fond, and faithful outpouring of the heart of the woman he loves. Strange to say, I had never exchanged a syllable with Clotilde before; and yet we now as deeply understood each other—were as much in each other's confidence, and had as little of the repulsive ceremonial of a first interview, as if we had conversed for years.

"You saved my life," said she; "and you are entitled to my truest gratitude to my last hour. I had made up my mind to die. I was exhausted in the attempt to escape from that horrible convent. When at last I reached the Hotel de Ville, and found that all the sisterhood had been driven back from the great stair by the flames, I gave up all hope: and may I acknowledge, unblamed, to you—but from *you* what right have I now to conceal any secret of my feelings?—I was not unwilling to lay down a life which seemed to grow darker from day to day."

"You were wearied of your convent life?" said I, fixing my eyes on hers with eager enquiry. "But you must not tell me that you are a nun. The new laws of France forbid that sacrifice. My sweet Clotilde, while I live, I shall never recognise your vows."

"You need not," she answered, with a smile that glowed.

'Celestial rosy red, love's proper hue.'

"I have never taken them. The superior of the convent was my near relative, and I fled to her protection from the pursuit of one whom I never could have respected, and whom later thoughts have made me all but abhor."

"Montrecour! I shall pursue him through the world."

"No," said Clotilde; "he is as unworthy of your resentment as of my recollection. He is a traitor to his king and a disgrace to his nobility. He is now a general in the Republican service, Citizen Montrecour. But we must talk of him no more."

She blushed deeply, and after some hesitation, said, "I am perfectly aware that the marriages customary among our noblesse were too often contracted in the mere spirit of exclusiveness; and I own that the proposal of my alliance with the Marquis de Montrecour was a family arrangement, perfectly in the spirit of other days. But my residence in England changed my opinions on the custom of my country, and I determined never to marry." She stopped short, and with a faint smile, said, "But let us talk of something else." Her cheek was crimson, and her eyes were fixed on the ground.

"No, Clotilde, talk of nothing else. Talk of your feelings, your sentiments, of yourself, and all that concerns yourself. No subject on earth can ever be so delightful to your friend. But, talk of what you will, and I shall listen with a pleasure which no human being has ever given me before, or ever shall give me again."

She raised her magnificent eyes, and fixed them full upon me with an involuntary look of surprise, then grew suddenly pale, and closed them as if she were fainting. "I must listen," said she, "to this language no longer. I know you to be above deception. I know you to be above playing with the vanity of one unused to praise, and to such praise. But I have a spirit as high as your own. Let us be friends. It will give an additional honour to my name; shall I say"—and she faltered—"an additional interest to my existence. Now we must part for a while."

"Never!" was my exclamation. "The world does not contain two Clotildes. And you shall never leave me. You have just told me that I preserved your life. Why shall I not be its protector still? Why not be suffered to devote mine to making yours happy?" But the bitter thought struck me as I uttered the words—how far I was from the power of giving this incomparable creature the station in society which was hers by right! How feeble was my hope even of competence! How painfully I should look upon her beauty, her fine understanding, and her generous heart, humbled to the narrow circumstances of one whose life depended upon the chances of the most precarious of all professions, and whose success in that profession depended wholly on the caprice of fortune. But one glance more drove all doubts away, and I took her hand.

She looked at me with speechless embarrassment, sighed deeply, and a tear stole down her cheek. At length, withdrawing her hand, she said, in almost a whisper, and with an evident effort, "This must not be. I feel infinite honour in your good opinion—deeply grateful for your kindness. But this must not be. No. I should rather wear this habit for my life, than make so ungenerous a return to the noble spirit that can thus offer its friendship to a stranger."

"No, Clotilde, no. Again, in my turn, I say, this must not be; you are *no* stranger. I know you at this hour as well as if I had known you from the first hour of my being. I gave my heart to you from the moment when I first saw you among your countrywomen in England. It required no time to make me feel that you were my fate. It was an instinct, a spell, a voice of nature, a voice of heaven within me!"

She listened and trembled. I again took the hand, which was withheld no more. "From that day, Clotilde, you were my thought by day and my dream by night. All my desires of distinction were, that it might be seen by your eye; all my hopes of fortune, that I might be enabled to lay it at your feet. If a throne were offered to me on condition of renouncing you, I should have rejected it. If it

were my lot to labour in the humblest rank of life, with *you* by my side I should have cheerfully laboured; and, with your hand in mine, I should have said, I have found what is worth the world—happiness!"

Tears flowed down her cheeks, which were now like marble. She feebly attempted to smile, while, with eyelids drooping, and her whole frame quivering with emotion, she murmured in broken accents, "It is impossible—utterly impossible! leave me. I must not bring you a portionless, a helpless, a nameless being—a mere dependent on your kindness, a burden on your fortune, an obstacle to your whole advance in the world!" A rich flush suddenly lighted up her lovely countenance, and a new splendour flashed from her eyes. She threw back her head loftily, and looking upwards, as if to draw thoughts from above—"Sir," said she, "I am as proud as you. I have had noble ancestors; I have borne a noble name. If that name has fallen, it is in the common wreck of my country. Our fortunes have sunk, only where the monarchy has gone down along with them; and I shall never degrade the memory of those ancestors, nor humiliate still more the fallen name of our house, by imposing my obscurity, my poverty, on one who has honoured me as you have done. Now—farewell! My resolution is fixed. Farewell, my friend! I shall never forget this day." She turned away her face, and wept abundantly; then, fixing a deep look on me, she added—"I own that it would be a consolation to Clotilde de Tourville to believe that she may be sometimes remembered; but, until times change, we meet no more—if they change not, we part for ever."

I was so completely startled, so thunderstruck, by this declaration, that I could not utter a word. I stood gazing at her with open lips. I felt a mist gathering over my eyes; a strange sensation about my heart chilled my whole frame. I tottered to the sofa and pressed my hand in pain upon my eyes; when I withdrew it, I was alone—Clotilde was gone, she had vanished with the silence of a vision.

I left the house immediately, in a state of mind which seemed like a dissolution of all my faculties. I could not speak—I could scarcely see—I could only gasp for air, and retain sufficient power over my limbs to guide my steps to my melancholy dwelling. There I threw myself on my rough bed, and lingered throughout the day in an exhaustion of mind and body, which I sometimes thought to be the approach of death. How little could Clotilde have intended that I should suffer thus for her high-toned delicacy! Still, in all my misery of soul, I did her justice. I remembered the countenance of melancholy beauty with which she announced her final determination. The accents of her impassioned voice continually rose in my recollection, giving the deepest testimony of a heart struggling at once with affection and a sense of duty. In my wildest reveries during that day and night of wretchedness, I felt that, if she could have spared me a single pang, she would have rejoiced to cheer, to console, to tranquillize me. Those were strange feelings for a rejected lover, but they were entirely mine. There was so lofty a spirit in her glance, so true a sincerity in her language, so pure and transparent a truth in her sighs, and smiles, and involuntary tears, that I acquitted her, from my soul, of all attempts to try, or triumph over, my devotion to her. More than once, during that night of anguish, I almost imagined the scene of the day actually passing again before my eyes. I saw her sorrows, and vainly endeavoured to subdue them; I heard her convulsive tones, and attempted to calm them; I reasoned with her, talked of our common helplessness, acknowledged the dignity and the delicacy of her conduct, and even gave her lip the kiss of peace and sorrow as I bade her farewell. Deep but exquisite illusion! which I cherished, and strove to renew; until, suddenly aroused by some changing of the sentinels, or passing of the attendants, I looked round, and saw nothing but the gloomy roof, the old flickering of the huge lantern hanging from the centre of the hall, and the beds where so many had slept their last, and which so many of the sleepers were never to leave with life. I then had the true experience of human passion. Love, in the light and gay, may be as sportive as themselves; in the calm and grave, it may be strong and deep; but in some, it is strong as tempest and consuming as flame.

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I should probably have closed my days in that place of all afflicting sights and sounds, but for my good old Béguine. On her first visit at dawn, she lectured me prodigiously on the folly of exposing myself to the hazards of the night air, of which she evidently thought much more than of the Austrian cannon-balls. "They might shower upon the buildings as they pleased, but," said the Béguine, "if they kill, their business is done. It is your cold, your damp, your night air, that carries off, without letting any one know how," the perplexity of science on the subject plainly forming the chief evil in poor Juliet's mind.

"See my own condition," said she, striving to bring her recollections in aid of her advice. "At fifteen I was a barmaid at the Swartz Adler; there I ran in and out, danced at all the family fêtes, and was as gay as a bird on the tree. But that life was too good to last. At twenty, a corporal of Prussian dragoons fell in love with me, or I with him—it is all the same. His regiment was ordered to Silesia, and away we all marched. But if ever there was a country of fogs, that was the one. There are, now and then, a few even in our delightful France; but, in Silesia, they have a patent for them, they have them *par privilège*; if men could eat them, there would never be a chance of starving in Silesia. So we all got sore throats. Cannon and musketry were nothing to them. Our dragoons dropped off like flies at the end of summer; and, unless we had been ordered away to keep the Turks from marching to Berlin, or the saints know where, the regiment would have had its last quarters in this world within a league of the marshes of Breslau. So I say ever since—take care of damp."

Having thus relieved her good-natured spirit of its burden, she proceeded to give me sketches of her history. The corporal had fallen a victim—though whether to Silesian fog, brandy, or bullet,

she left doubtful—and she had married his successor in the rank. Love and matrimony in the army are of a different order from either in civil life; for the love is perpetual, the matrimony precarious. Juliet acknowledged that she never left above a month's interval between her afflictions as a widow and her consolations as a wife. In the course of time she changed her service. A handsome Austrian sergeant won her heart and hand, and she followed him to Hungary. There, between marsh fever and Turkish skirmishing, various casualties occurred in the matrimonial list; and Juliet, who evidently had been a handsome brunette, and whose French vivacity distanced all the heavy charms of the Austrian peasantry, was never without a husband. At length, like other veterans, having served her country to the full extent of her patriotism, she was discharged with her tenth husband, and of course induced the honest Austrian to come to the only country on which, in a Frenchwoman's creed, the sun shines. There the Austrian died.

"I loved him," said the Béguine, wiping her eyes. "He was an excellent fellow, though dull; and I believe, next to smoking and schnaps, he loved me better than any thing else in the world. But on his emperor's birth-day, which he always kept with a bottle of brandy additional, he rambled out into the fog, and came back with a cold. *Peste!* I knew it was all over with him; but I nursed him like a babe, and he died, like a true Austrian, with his meerschaum in his mouth, bequeathing me his snuff-box, the certificate of his pension, and his blessing. I buried him, got pensioned, and was broken-hearted. What, then, was to be done? I was born for society. I once or twice thought of an eleventh husband; but I was rich. I had above a thousand francs, and a pension of a hundred; this perplexed me. I was determined to be married for myself alone. Yet, how could I know whether the hypocrites who clustered round me were not thinking of my money all the while? So I determined to marry no more—and became a Béguine."

In all my vexation, I could not help turning my eye upon the sentimentalist. She interpreted it in the happy way of her country. "You wonder at my self-denial," said she; "I perceive it in your astonishment. I was *but* fifty then. Yes," said she, clasping her hands and looking pathetic; "I acknowledge that it *was* cruel. What right had I to break so many hearts? I have much to answer for—and I *but* fifty! I am even now but fifty-six. Yet, observe, I have taken no vows; remark *that*, Monsieur le Capitaine. At this moment I am only a *Sœur de Charité*. No, nothing shall ever induce me to make or keep the vows. I am free to marry to-morrow; and I only beg, Monsieur le Capitaine, that when you are well enough to go abroad again, whether in the town or in the country, or in whatever part of Europe you may travel, you will have the kindness to state positively, most positively, that Juliet Donnertronk, *née* Ventrebleu, has not taken, and never will take, any vows whatever!"

"Not even those of marriage, Juliet?" asked I.

She laughed, and patted my burning head, with "*Ah, vous êtes bien bon! Ah, moqueur Anglais!*" finishing with all the pantomime of blushing confusion, and starting away like a fluttered pigeon.

As soon as I felt able to move, which was not till some days after, my first effort was to reach the mansion in which Clotilde resided. But there I received the intelligence, that on the evening of the day of my first and last visit, she had left the town with the superior of the convent. She had made such urgent entreaties to the governor to be permitted to leave Valenciennes, that he had obtained a passport for her from the general commanding the trenches; and not only for her, but also for the nuns—the burning of whose convent had left them houseless.

Painful as it was thus to lose her, it was in some degree a relief to find that she was under the protection of her relative; and when I saw, from day to day, the ravage that was committed by the tremendous weight of fire, I almost rejoiced that she was no longer exposed to its perils.

But it was my fate, or perhaps my good fortune, never to be suffered to brood long over my own calamities. My life was spent in the midst of tumults, which, if they did not extinguish—and what could extinguish?—the sense of such mental trials, at least prevented the echo of my complaints from returning to my ears. Before the midnight of that very day in which I had flung myself on my couch with almost total indifference as to my ever resting on another, the whole city was alarmed by the intelligence that the besiegers were evidently preparing for an assault. I listened undisturbed. Even this could scarcely add to the horrors in which the inhabitants lived from hour to hour; and to me it was the hope of a rescue, unless I should be struck by some of the shells, which now were perpetually bursting in the streets, or should even fall a victim to the wrath of the incensed garrison. But an order came suddenly to the officer in charge of the hospital, to send all the patients into the vaults, and throw all the beds on the roof, to deaden the weight of the fire. He was a man of gentlemanlike manners, and had been attentive to me, in the shape of many of those minor civilities which a man of severe authority might have refused, but which mark kindness of disposition. On this night he told me, that he had orders to put all the prisoners in arrest; but that he regarded me more as a friend than a prisoner—and that I was at liberty to take any precaution for my security which I thought proper. My answer was, "that I hoped, at all events, not to be shut into the vaults, but to take my chance above ground." In the end, I proposed to assist in carrying the mattresses to the roof, and remain there until the night was over. "But you will be hit," said my friend. "So be it," was my answer. "It is the natural fate of my profession; but, at least, I shall not be buried alive."

"All will be soon over with us all, and with Valenciennes," said the officer; "though whether to-night or not, is a question. We have seen new batteries raised within the last twenty-four hours. The enemy have now nearly three hundred heavy guns in full play; and, to judge from the quantity of shells, they must have a hundred mortars besides. No fortress can stand this; and, if it continues, we shall soon be ground into dust." He took his leave; and, with my mattress on my

shoulder, I mounted the numberless and creaking staircases, until the door of the roof and the landscape opened on me together.

The night was excessively dark, but perfectly calm; and, except where the fire from the batteries marked their position, all objects beyond the ramparts were invisible. The town around me lay silent, and looking more like a vast grave than a place of human existence. Now and then the light of a lantern gliding along the ruined streets, showed me a group of wretched beings hurrying a corpse to the next churchyard, or a priest seeking his way over the broken heaps to attend some dying soldier or citizen. All was utter desolation.

But a new scene—a terrible and yet a superb one—suddenly broke upon me. A discharge of rockets from various points of the allied lines, showed that a general movement was begun. The batteries opened along the whole extent of the trenches, and by their blaze I was able to discern, advancing and formed in their rear, two immense columns, which, however, in the distance and the fitfulness of the glare, looked more like huge clouds than living beings. The guns of the ramparts soon replied, and the roar was deafening; while the plunging of shot along the ramparts and roofs made our situation perilous in no slight degree. But, in the midst of this hurricane of fire, I saw a single rocket shoot up from the camp, and the whole range of the batteries ceased at the instant. The completeness of the cessation was scarcely less appalling than the roar. While every telescope was turned intently to the spot, where the columns and batteries seemed to have sunk together into the earth, a pyramid of blasting flame burst up to the very clouds, carrying with it fragments of beams and masonry. The explosion rent the air, and shook the building on which I stood as if it had been a house of sand. A crowd of engineer and staff-officers now rushed on the roof, and their alarm at the results of the concussion was undisguised. "This is what we suspected," said the chief to me; "but it was impossible to discover where the gallery of their mine was run. Our counter mine has clearly failed." He had scarcely spoken the words, before a second and still broader explosion tore up the ground to a great extent, and threw the counterscarp for several hundred yards into the ditch. The drums of the columns were now distinctly heard beating the advance; but darkness had again fallen, and all was invisible. A third explosion followed, still closer to the ramparts, which blew up the face of the grand bastion. The stormers now gave a general shout, and I saw them gallantly dashing across the ditch and covered way, tearing down the palisades, fighting hand to hand, clearing the outworks with the bayonet, and finally making a lodgement on the bastion itself. The red-coats, which now swarmed through the works, and the colours planted on the rampart, showed me that my countrymen had led the assault, and my heart throbbed with envy and admiration. "Why am I not there?" was my involuntary cry; as I almost wished that some of the shots, which were not flying about the roofs, would relieve me from the shame of being a helpless spectator. "*Mon ami*," said the voice of the brave and good-natured Frenchman, who had overheard me—"if you wish to rejoin your regiment, you will not have long to wait. This affair will not be decided to-night, as I thought that it would be half an hour ago. I see that they have done as much as they intended for the time, and mean to leave the rest to fright and famine. To-morrow will tell us something. Pack up your valise. *Bon soir!*"

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SONNET TO CLARKSON.

Patriot for England's conscience! Champion keen
Of man's one holy birthright! dear grey head,
Laurell'd with blessings!—Hath my country bred
Lips, to her shame, in unregenerate spleen
Profaning heaven's own air with words unclean
Against thy sacred name?—Th' august pure Dead
In calm of glory sleep:—like them serene,
In virtue firmlier mail'd than they with dust,
Wait, Clarkson, on our sorrow-trodden sphere,
Until her climes waft promise to thine ear,
How each thy proud renown will have in trust:
Then call'd, at the life-judging Throne appear
On the right hand, avouched Loving and Just.

A. B.

LETTER FROM THE RIGHT HON. CHARLES HOPE, LATE LORD PRESIDENT OF THE COURT OF SESSION.

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EDINBURGH, 25th October 1844.

TO THE EDITOR OF BLACKWOOD'S MAGAZINE.

SIR,

I did not read Mr Lockhart's "Life of Sir Walter Scott," and therefore it was only lately, and by mere accident, I heard that he has inserted an anecdote of Lord Braxfield, which, if it had been true, must for ever load his memory with indelible infamy. The story, in substance, I understand to be this—That Lord Braxfield once tried a man for forgery at the Circuit at *Dumfries*, who was not merely an acquaintance, but an intimate friend of his Lordship, with whom he used to play at chess: That he did this as coolly as if he had been a perfect stranger: That the man was found guilty: That he pronounced sentence of death upon him; and then added, "Now, John, I think I have *checkmated* you now." A more unfeeling and brutal conduct it is hardly possible to imagine. The moment I heard the story I contradicted it; as, from my personal knowledge of Lord Braxfield, I was certain that it could not be true. Lord Braxfield certainly was not a polished man in his manners; and now-a-days especially would be thought a coarse man. But he was a kind-hearted man, and a warm and steady friend—intimately acquainted with all my family, and much esteemed by them all. I was under great obligations to him for the countenance he showed me when I came to the bar, just sixty years ago, and therefore I was resolved to probe the matter to the bottom. For that purpose, I directed the record of the South Circuit to be carefully searched, and the result is, that Lord Braxfield *never tried any man for forgery at Dumfries*. But I was not satisfied with this, as it might have been said that Sir Walter had only mistaken the town, and that the thing might have happened at some of the other Circuit towns. Therefore I then directed a search to be made of the records of all the other Circuits in Scotland, during the whole time that Lord Braxfield sat on the Justiciary Bench; and the result is, that his Lordship never tried any man for forgery at any of the Circuits, *except once at Stirling*; and then the culprit, instead of being a friend, or even a common acquaintance of Lord Braxfield's, *was a miserable shopkeeper in the town of Falkirk*, whose very name it is hardly possible he could have heard till he read it in the indictment. Therefore I think I have effectually cleared his character from the ineffable infamy of such brutality.

I understand that Mr Lockhart became completely satisfied that this story did not apply to Lord Braxfield; and therefore has set it down, in his second edition, to the credit, or rather to the discredit, not of Lord Braxfield, but of a "*certain judge*." But this does not sufficiently clear Lord Braxfield of it. Because thousands may never see his second edition, or if they did, might think that the story still related to Lord Braxfield, but that Mr Lockhart had suppressed his name out of delicacy to his family; and therefore, as your excellent Magazine has a more extensive circulation in Scotland than the *Quarterly*, I beg of you to give this letter an early place. I understand one circumstance which satisfied Mr Lockhart that the story did not apply to Lord Braxfield is, that the family had assured him that he never played at chess—a fact of which I could also have assured Mr Lockhart. But the search of the records of Justiciary, which I directed to be made, is the most satisfactory refutation of the infamous calumny; and I cannot imagine how Sir Walter could have believed it for a moment. Certainly he would not, if he had known Lord Braxfield as intimately as I did. I owe a debt of gratitude to his memory, and am happy to have an opportunity of repaying it.

I am,

Sir,

Your most obedient servant,

C. HOPE.

POEMS BY ELIZABETH B. BARRETT. [31]

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These volumes, from the pen of Miss Barrett, would be a remarkable publication at any time; but, in the present dearth of poetical genius, their appearance is doubly welcome; their claims on our consideration are doubly strong; and we cannot allow ourselves to pass them over without some detailed notice of their contents. In spite of many blemishes in point of execution, this lady's poems have left a very favourable impression on our mind. If the poetess does not always command our unqualified approbation, we are at all times disposed to bend in reverence before the deep-hearted and highly accomplished woman—a woman, whose powers appear to us to extend over a wider and profounder range of thought and feeling, than ever before fell within the intellectual compass of any of the softer sex.

If we might venture to divine this lady's moral and intellectual character from the general tone of her writings, we should say, that never did woman's mind dwell more habitually among the thoughts of a solemn experience—never was woman's genius impressed more profoundly with the earnestness of life, or sanctified more purely by the overshadowing awfulness of death. She aspires to write as she has lived; and certainly her poetry opens up many glimpses into the history of a pure and profound heart which has felt and suffered much. At the same time, a reflective cast of intellect lifts her feelings into a higher and calmer region than that of ordinary sorrow. There are certain delicate and felicitous peculiarities in the constitution of her sensibilities, which frequently impart a rare and subtle originality to emotions which are as old, and as widely diffused, as the primeval curse. The spirit of her poetry appears to us to be eminently religious; not because we think her very successful when she deals directly with the mysteries of divine truth, but because she makes us feel, even when handling the least sacred

subjects, that we are in the presence of a heart which, in its purity, sees God. In the writings of such a woman, there must be much which is calculated to be a blessing and a benefit to mankind. If her genius always found a suitable exponent in her style, she would stand unrivaled, we think, among the poetesses of England.

But whether it be that Miss Barrett is afraid of degrading poetry to the low rank of an *accomplishment*—whether it be that she has some peculiar theory of her own on the subject of language, and on the mode in which poetical emotions may be most felicitously expressed—whether it be that nature has denied her the possession of a sound critical judgment, or that she refuses to exercise it in the moment of inspiration—whether it be that she considers the habit of pure and polished composition an attainment of very secondary importance—or whether it be that she has allowed herself to be infected by the prevailing mannerisms of the day—certain it is, that there is a large proportion of her poetry in which she has failed to add the graces of good style and of careful versification to her other excellent acquirements. That she can write pure English, and that she frequently does so, is undeniable. In some of the extracts which we shall give, we believe that the language could scarcely be improved. But we are constrained to say, that her compositions are very often disfigured by strained or slovenly modes of phraseology, which greatly detract from their impressiveness, and which must materially injure the reputation of their authoress, by turning away many hearts from the homage which they otherwise would most willingly have rendered to her exalted genius.

Miss Barrett is a classical scholar. She surely knows that the great works in which she delights have earned the epithet of *classical*, and come recommended to the reverence of all mankind, solely in virtue of the scrupulous propriety of their language; and because they are fitted to serve as models of style to all succeeding generations. The purity of their diction, and nothing else, has been their passport to immortality. We cannot but lament that Miss Barrett has not provided more surely for her future fame, by turning to their best account the lessons which the masterpieces of antiquity are especially commissioned to teach.

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Let it not be thought that we would counsel Miss Barrett, or any one else, to propose these works to themselves as direct objects of imitation. Far from it. Such directions would be very vague and unmeaning, and might lead to the commission of the very errors which they aimed at preventing. The words "purity and propriety of diction" are themselves very vague words. Let us say, then, that a style which goes at once to the point, which is felt to *get through business*, and which carries with it no affectation, either real or apparent, is always a good style; and that no other style is good. This is the quality which may be generalized from the works of the great authors of all ages, as the prime characteristic of all good writing. Their style is always pregnant with a working activity—it impresses us with the feeling that real work is done here. We fear not to say that Milton himself owes much of his reputation to the peremptory and business-like vigour of his style. He never beats about the bush—he never employs language which a plain man would not have employed—if he could. The sublimity of "Paradise Lost" is supported throughout by the direct force of its language—language the most elaborate, but also the most to the point, and the least fantastical, that ever fell from human lips. There are difficulties to encounter in the abstract conception of the poem. The naked argument does not at first recommend itself to our understanding. It is not till we have vanquished those difficulties,—in which step we are mainly assisted by the unparalleled execution of the work,—that all our sympathies gravitate towards the mysterious theme.

Now if it be true that it requires all the force of a thoroughly practical style to reconcile our affections to such remote and obscure conceptions as the fall of man, the war of the rebellious angels, &c., it is peculiarly unfortunate that Miss Barrett, in her opening poem, entitled a "Drama of Exile," should have ventured to tread on Miltonic ground. For, while our feelings are naturally disposed to fly off at a tangent from the vague and impalpable conceptions which form the staple of her poem, the dreamy and unpractical character of her style makes them fly still further from the subject. The force of her language is not sufficient to bind down and rivet our sympathies to the theme; and the lyrical portions of the drama, in particular, are so inarticulate, that we are compelled to pronounce this composition—partial to it as its authoress is—the least successful of her works.

But it is our wish to do full justice to Miss Barrett's extraordinary merits, and to convey to our readers a favourable impression of her powers; and therefore we shall say no more at present about the "Drama of Exile," but shall turn our attention to some of the fairer and less questionable manifestations of her genius. We shall commence with her sonnets; for these appear to us to be by far the most finished of her compositions in point of style; and in depth and purity of sentiment, we think that they surpass any thing she has ever written, with the exception of the poem entitled "Bertha in the Lane," which we shall quote hereafter. As our first specimen, we select one which she entitles

DISCONTENT.

"Light human nature is too lightly tost
And ruffled without cause; complaining on—
Restless with rest—until, being overthrown,
It learneth to lie quiet. Let a frost
Or a small wasp have crept to the innermost
Of our ripe peach; or let the wilful sun
Shine westward of our window,—straight we run

A furlong's sigh, as if the world were lost.
 But what time through the heart and through the brain
 God hath transfix'd us—we, so moved before,
 Attain to a calm! Ay, shouldering weights of pain,
 We anchor in deep waters, safe from shore;
 And hear, submissive, o'er the stormy main,
 God's charter'd judgments walk for evermore."

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Yes; we fear it is too true that the voice of God never speaks so articulately to man, as when it speaks in the desperate calm of a soul to which life or death has done its worst. The same solemn thought with which the sonnet concludes, forms the moral of her ballad entitled the "Lay of the Brown Rosary." It is thus that the heroine of that poem speaks—

"Then breaking into tears—'Dear God,' she cried, 'and must we see
 All blissful things depart from *us*, or ere we go to THEE?
 We cannot guess thee in the wood, or hear thee in the wind?
 Our cedars must fall round us, ere we see the light behind?
 Ay sooth, we feel too strong in weal, to need thee on that road;
 But woe being come, the soul is dumb that crieth not on 'God.'"

Then it is that the despair which blackens the earth strikes clear the face of the sky. Listen again to Miss Barrett, when her soul is cheered by the promises of "Futurity:"—

FUTURITY.

"And, O beloved voices! upon which
 Ours passionately call, because erelong
 Ye brake off in the middle of that song
 We sang together softly, to enrich
 The poor world with the sense of love, and witch
 The heart out of things evil—I am strong,—
 Knowing ye are not lost for aye among
 The hills, with last year's thrush. God keeps a niche
 In Heaven to hold our idols! and albeit
 He brake them to our faces, and denied
 That our close kisses should impair their white,—
 I know we shall behold them raised, complete,—
 The dust shook from their beauty,—glorified
 New Memnons singing in the great God-light."

And again, listen to her hallowed and womanly strain when she speaks of "Comfort:"—

COMFORT.

"Speak low to me, my Saviour—low and sweet
 From out the hallelujahs, sweet and low,
 Lest I should fear and fall, and miss thee so
 Who art not miss'd by any that entreat.
 Speak to me as to Mary at thy feet—
 And if no precious gums my hands bestow,
 Let my tears drop like amber, while I go
 In reach of thy divinest voice complete
 In humanest affection—thus, in sooth
 To lose the sense of losing! As a child,
 Whose song-bird seeks the wood for evermore,
 Is sung to in its stead by mother's mouth;
 Till, sinking on her breast, love-reconciled,
 He sleeps the faster that he wept before."

How profound and yet how feminine is the sentiment! No *man* could have written that sonnet. It rises spontaneously from the heart of a Christian woman, which overflows with feelings more gracious and more graceful than ever man's can be. It teaches us what religious poetry truly is; for it makes affections inspired by the simplest things of earth, to illustrate, with the most artless beauty, the solemn consolations of the Cross.

The pointedness of the following religious sonnet is very striking and sublime. The text is, "And the Lord turned and *looked* upon Peter."

THE MEANING OF THE LOOK.

"I think that look of Christ might seem to say—
 'Thou Peter! art thou then a common stone
 Which I at last must break my heart upon,
 For all God's charge, to his high angels, may
 Guard my foot better? Did I yesterday
 Wash *thy* feet, my beloved, that they should run
 Quick to deny me 'neath the morning sun,—

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And do thy kisses, like the rest, betray?—
 The cock crows coldly.—Go, and manifest
 A late contrition, but no bootless fear!
 For when thy deathly need is bitterest,
 Thou shalt not be denied, as I am here—
 My voice, to God and angels, shall attest,—
Because I KNOW this man, let him be clear."

One more sonnet, and we bid adieu to these very favourable specimens of Miss Barrett's genius:

PATIENCE TAUGHT BY NATURE.

"O dreary life!' we cry, 'O dreary life!
 And still the generations of the birds
 Sing through our sighing, and the flocks and herds
 Serenely live while we are keeping strife
 With heaven's true purpose in us, as a knife
 Against which we may struggle. Ocean girds
 Unslacken'd the dry land: savannah-swards
 Unweary sweep: hills watch, unworn; and rife
 Meek leaves drop yearly from the forest-trees,
 To show, above, the unwasted stars that pass
 In their old glory. O thou God of old!
 Grant me some smaller grace than comes to *these*—
 But so much patience, as a blade of grass
 Grows by contented through the heat and cold."

There is a poem in these volumes entitled the "Cry of *the Human*"—some stanzas of which are inspired by profound feeling, and written with a rare force and simplicity of style; but as other parts of it are obscure, and as it appears to us to be of very unequal merit, we shall not quote the whole of it. In addition to the faults which are to be found in the poem itself, its title is objectionable, as embodying one of Miss Barrett's worst mannerisms, and one for which we think that no allowance ought to be made. She is in the habit of employing certain adjectives in a substantive sense. She does so here. In other places she writes "Heaven assist *the Human*." "Leaning from *my human*," that is, stooping from my rank as a human being. In one passage she says,

"Till the heavenly Infinite
 Falling off from our *Created*—"

nature being understood after the word "created." The word "divine" is one which she frequently employs in this substantive fashion. She also writes "Chanting down the *Golden*"—the golden what?

"Then the full sense of your *mortal*
 Rush'd upon you deep and loud."

For "mortal," read "mortality." It is true that this practice may be defended to a certain extent by the example and authority of Milton. But Miss Barrett is mistaken if she supposes that her frequent and prominent use of such a form of speech, can be justified by the rare and unobtrusive instances of it which are to be found in the *Paradise Lost*. To use an anomalous expression two or three times in a poem consisting of many thousand lines, is a very different thing from bringing the same anomaly conspicuously forward, and employing it as a common and favourite mode of speech in a number of small poems. In the former case, it will be found that the expression is vindicated by the context, and by the circumstances under which it is employed; in the latter case it becomes a nuisance which cannot be too rigorously put down. One step further and we shall find ourselves talking, in the dialect of Yankeeland, of "us poor Humans!" However, as the point appears to us to be one which does not admit of controversy, we shall say no more on the subject, but shall proceed to the more agreeable duty of quoting the greater portion of Miss Barrett's poem, which may be regarded as a commentary on the prayer—"The Lord be merciful to us sinners."

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THE CRY OF THE HUMAN.

"'There is no God,' the foolish saith,—
 But none, 'There is no sorrow;'
 And nature oft, the cry of faith,
 In bitter need will borrow:
 Eyes, which the preacher could not school,
 By wayside graves are raised;
 And lips say, 'God be pitiful,'
 Which ne'er said, 'God be praised.'
 Be pitiful, O God!

"The curse of gold upon the land,

The lack of bread enforces—
The rail-cars snort from strand to strand,
Like more of Death's White horses!
The rich preach 'rights' and future days,
And hear no angel scoffing:
The poor die mute—with starving gaze
On corn-ships in the offing.
Be pitiful, O God!

"We meet together at the feast—
To private mirth betake us—
We stare down in the winecup, lest
Some vacant chair should shake us!
We name delight and pledge it round—
'It shall be ours to-morrow!'
God's seraphs! do your voices sound
As sad in naming sorrow?
Be pitiful, O God!

"We sit together with the skies,
The steadfast skies above us:
We look into each other's eyes,—
'And how long will you love us?'—
The eyes grow dim with prophecy,
The voices, low and breathless—
'Till death us part!'—O words, to be
Our *best* for love the deathless!
Be pitiful, dear God!

"We tremble by the harmless bed
Of one loved and departed—
Our tears drop on the lips that said
Last night, 'Be stronger-hearted!'
O God—to clasp those fingers close,
And yet to feel so lonely!—
To see a light on dearest brows,
Which is the daylight only!
Be pitiful, O God!

"The happy children come to us,
And look up in our faces:
They ask us—Was it thus, and thus,
When we were in their places?—
We cannot speak:—we see anew
The hills we used to live in;
And feel our mother's smile press through
The kisses she is giving.
Be pitiful, O God!

"We pray together at the kirk,
For mercy, mercy, solely—
Hands weary with the evil work,
We lift them to the Holy!
The corpse is calm below our knee—
Its spirit, bright before Thee—
Between them, worse than either, we—
Without the rest or glory!
Be pitiful, O God!

"We sit on hills our childhood wist,
Woods, hamlets, streams, beholding!
The sun strikes, through the furthest mist,
The city's spire to golden.
The city's golden spire it was,
When hope and health were strongest,
But now it is the churchyard grass
We look upon the longest.
Be pitiful, O God!

"And soon all vision waxeth dull—
Men whisper, 'He is dying!'
We cry no more, 'Be pitiful!'—
We have no strength for crying!—
No strength, no need! Then, Soul of mine,
Look up and triumph rather—
Lo! in the depth of God's Divine,

The Son adjures the Father—
Be pitiful, O God!"

"The Romance of the Swan's Nest" is written in a different vein. It is characterized by graceful playfulness of manner and sentiment, which shows how heartily the amiable authoress can enter into the sympathies and enjoyments of child, and how much she is at home when she engages in lighter dalliance with the muse. We have taken the liberty to print in italics two or three *Barrettisms*, which however, we believe, are not very reprehensible. On the whole, it is very pleasing and elegant performance:—

ROMANCE OF THE SWAN'S NEST.

"Little Ellie sits alone
Mid the beeches of a meadow,
By a stream-side, on the grass:
And the trees are showering down
Doubles of their leaves in shadow,
On her shining hair and face.

"She has thrown her bonnet by;
And her feet she has been dipping
In the shallow water's flow—
Now she holds them nakedly
In her hands, all sleek and dripping,
While she rocketh to and fro.

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"Little Ellie sits alone,—
And the smile, she softly useth,
Fills the silence like a speech;
While she thinks what shall be done,—
And the sweetest pleasure, chooseth,
For her future within reach!

"Little Ellie in her smile
Chooseth ... 'I will have a lover,
Riding on a steed of steeds!
He shall love me without guile;
And to *him* I will discover
That swan's nest among the reeds.

"And the steed shall be red-roan,
And the lover shall be noble,
With an eye *that takes the breath,*—
And the lute he plays upon
Shall strike ladies into trouble,
As his sword strikes men to death.

"And the steed, it shall be shod
All in silver, housed in azure,
And the mane shall swim the wind!
And the hoofs, along the sod,
Shall flash onward *in a pleasure,*
Till the shepherds look behind.

"But my lover will not prize
All the glory that he rides in,
When he gazes in my face!
He will say, 'O Love, thine eyes
Build the shrine my soul abides in;
And I kneel here for thy grace.'

"Then, ay, then—he shall kneel low—
With the red-roan steed *anear* him
Which shall seem to understand—
Till I answer, "Rise, and go!
For the world must love and fear him
Whom I gift with heart and hand."

"Then he will arise so pale,
I shall feel my own lips tremble
With a *yes* I must not say—
Nathless, maiden-brave, "Farewell,"
I will utter and dissemble—
"Light to-morrow, with to-day."

"Then he will ride through the hills,

To the wide world past the river,
There to put away all wrong!
To make straight distorted wills,—
And to empty the broad quiver
Which the wicked bear along.

"Three times shall a young foot-page
Swim the stream, and climb the mountain,
And kneel down beside my feet—
"Lo! my master sends this gage,
Lady, *for thy pity's counting!*
What wilt thou exchange for it?"

"And the first time, I will send
A white rosebud for a guerdon,—
And the second time, a glove!
But the third time—I may bend
From my pride, and answer—"Pardon,
If he comes to take my love."

"Then the young foot-page will run,
Then my lover will ride faster,
Till he kneeleth at my knee!
"I am a duke's eldest son!
Thousand serfs do call me master,—
But, O Love, I love but thee!"

"He will kiss me on the mouth
Then, and lead me as a lover,
Through the crowds that praise his deeds!
And when soul-tied by one troth,
Unto *him* I will discover
That swan's nest among the reeds.'

"Little Ellie, with her smile
Not yet ended, rose up gaily,—
Tied the bonnet, donn'd the shoe—
And went homeward, round a mile,
Just to see, as she did daily,
What more eggs were with the *two*.

"Pushing through the elm-tree copse
Winding by the stream, light-hearted,
Where the osier pathway leads—
Past the boughs she stoops—and stops!
Lo! the wild swan had deserted—
And a rat had gnaw'd the reeds.

"Ellie went home sad and slow!
If she found the lover ever,
With his red-roan steed of steeds,
Sooth I know not! but I know
She could show him never—never,
That swan's nest among the reeds!"

But the gem of the collection is unquestionably the poem entitled "Bertha in the Lane." This is the purest picture of a broken heart that ever drew tears from the eyes of woman or of man. Although our extracts are likely to exceed the proportion which they ought to bear to our critical commentary, we must be permitted to quote this poem entire. A grain of such poetry is worth a cart-load of criticism:—

BERTHA IN THE LANE.

"Put the broidery-frame away,
For my sewing is all done!
The last thread is used to-day,
And I need not join it on.
Though the clock stands at the noon,
I am weary! I have sewn
Sweet, for thee, a wedding-gown.

"Sister, help me to the bed,
And stand near me, dearest-sweet,
Do not shrink nor be afraid,
Blushing with a sudden heat!
No one standeth in the street?—

By God's love I go to meet,
Love I thee with love complete.

"Lean thy face down! drop it in
These two hands, that I may hold
'Twixt their palms thy cheek and chin,
Stroking back the curls of gold.
'Tis a fair, fair face, in sooth—
Larger eyes and redder mouth
Than mine were in my first youth!

"Thou art younger by seven years—
Ah!—so bashful at my gaze,
That the lashes, hung with tears,
Grow too heavy to upraise?
I would wound thee by no touch
Which thy shyness feels as such—
Dost thou mind me, dear, so much?

"Have I not been nigh a mother
To thy sweetness—tell me, dear?
Have we not loved one another
Tenderly, from year to year;
Since our dying mother mild
Said *with accents undefiled*,^[32]
'Child, be mother to this child!'

"Mother, mother, up in heaven,
Stand up on the jasper sea,
And be witness I have given
All the gifts required of me;—
Hope that bless'd me, bliss that crown'd,
Love, that left me with a wound,
Life itself, that turneth round!

"Mother, mother, thou art kind,
Thou art standing in the room,—
In a molten glory shrined,
That rays off into the gloom!
But thy smile is bright and bleak
Like cold waves—I cannot speak;
I sob in it, and grow weak.

"Ghostly mother, keep aloof
One hour longer from my soul—
For I still am thinking of
Earth's warm-beating joy and dole!
On my finger is a ring
Which I still see glittering,
When the night hides every thing.

"Little sister, thou art pale!
Ah! I have a wandering brain—
But I lose that fever-bale,
And my thoughts grow calm again.
Lean down closer—closer still!
I have words thine ear to fill,—
And would kiss thee at my will.

"Dear, I heard thee in the spring,
Thee and Robert—through the trees,
When we all went gathering
Boughs of May-bloom for the bees.
Do not start so! think instead
How the sunshine overhead
Seem'd to trickle through the shade.

"What a day it was, that day!
Hills and vales did openly
Seem to heave and throb away,
At the sight of the great sky:
And the silence, as it stood
In the glory's golden flood,
Audibly did bud—and bud!

"Through the winding hedgerows green,

How we wander'd, I and you,—
With the bowery tops shut in,
And the gates that show'd the view—
How we talk'd there! thrushes soft
Sang our pauses out,—or oft
Bleatings took them, from the croft.

"Till the pleasure, grown too strong,
Left me muter evermore;
And, the winding road being long,
I walked out of sight, before;
And so, wrapt in musings fond,
Issued (past the wayside pond)
On the meadow-lands beyond.

"I sate down beneath the beech
Which leans over to the lane,
And the far sound of your speech
Did not promise any pain:
And I bless'd you full and free,
With a smile stoop'd tenderly
O'er the May-flowers on my knee.

"But the sound grew into word
As the speakers drew more near—
Sweet, forgive me that I heard
What you wish'd me not to hear.
Do not weep so—do not shake—
Oh,—I heard thee, Bertha, make
Good true answers for my sake.

"Yes, and HE too! let him stand
In thy thoughts, untouch'd by blame.
Could he help it, if my hand
He had claim'd with hasty claim?
That was wrong perhaps—but then
Such things be—and will, again!
Women cannot judge for men.

"Had he seen thee, when he swore
He would love but me alone?
Thou wert absent,—sent before
To our kin in Sidmouth town.
When he saw thee who art best
Past compare, and loveliest,
He but judged thee as the rest.

"Could we blame him with grave words,
Thou and I, Dear, if we might?
Thy brown eyes have looks like birds,
Flying straightway to the light:
Mine are older.—Hush!—Look out—
Up the street! Is none without?
How the poplar swings about!

"And that hour—beneath the beech,—
When I listen'd in a dream,
And he said, in his deep speech,
That he owed me all *esteem*,—
Each word swam in on my brain
With a dim, dilating pain,
Till it burst with that last strain—

"I fell flooded with a Dark,
In the silence of a swoon—
When I rose, still cold and stark,
There was night,—I saw the moon:
And the stars, each in its place,
And the May-blooms on the grass,
Seem'd to wonder what I was.

"And I walk'd as if apart
From myself, when I could stand—
And I pitied my own heart,
As if I held it in my hand,—
Somewhat coldly,—with a sense

Of fulfill'd benevolence,
And a 'poor thing' negligence.

"And I answer'd coldly too,
When you met me at the door;
And I only *heard* the dew
Dripping from me to the floor:
And the flowers I bade you see,
Were too wither'd for the bee,—
As my life, henceforth, for me.

"Do not weep so—dear—heart-warm!
It was best as it befell!
If I say he did me harm,
I speak wild,—I am not well.
All his words were kind and good—
He esteem'd me! Only blood
Runs so faint in womanhood.

"Then I always was too grave,—
Liked the saddest ballads sung,—
With that look, besides, we have
In our faces, who die young.
I had died, Dear, all the same—
Life's long, joyous, jostling game
Is too loud for my meek shame.

"We are so unlike each other,
Thou and *I*; that none could guess
We were children of one mother,
But for mutual tenderness.
Thou art rose-lined from the cold,
And meant, verily, to hold
Life's pure pleasures manifold.

"I am pale as crocus grows
Close beside a rose-tree's root!
Whosoe'er would reach the rose,
Treads the crocus underfoot—
I, like May-bloom on thorn tree—
Thou, like merry summer-bee!
Fit, that *I* be pluck'd for *thee*.

"Yet who plucks me?—no one mourns—
I have lived my season out,—
And now die of my own thorns
Which I could not live without.
Sweet, be merry! How the light
Comes and goes! If it be night,
Keep the candles in my sight.

"Are there footsteps at the door?
Look out quickly. Yea, or nay?
Some one might be waiting for
Some last word that I might say.
Nay? So best!—So angels would
Stand off clear from deathly road—
Not to cross the sight of God.

"Colder grow my hands and feet—
When I wear the shroud I made,
Let the folds lie straight and neat,
And the rosemary be spread—
That if any friend should come,
(To see *thee*, sweet!) all the room
May be lifted out of gloom.

"And, dear Bertha, let me keep
On my hand this little ring,
Which at nights, when others sleep,
I can still see glittering.
Let me wear it out of sight,
In the grave—where it will light
All the Dark up, day and night.

"On that grave, drop not a tear!

Else, though fathom-deep the place,
Through the woollen shroud I wear,
I shall feel it on my face.
Rather smile there, blessed one,
Thinking of me in the sun—
Or forget me—smiling on!

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"Art thou near me? nearer? so!
Kiss me close upon the eyes—
That the earthly light may go
Sweetly as it used to rise—
When I watch'd the morning-gray
Strike, betwixt the hills, the way
He was sure to come that day.

"So—no more vain words be said!
The hosannas nearer roll—
Mother, smile now on thy Dead—
I am death-strong in my soul!
Mystic Dove alit on cross,
Guide the poor bird of the snows
Through the snow-wind above loss!

"Jesus, Victim, comprehending
Love's divine self-abnegation—
Cleanse my love in its self-spending,
And absorb the poor libation!
Wind my thread of life up higher,
Up through angels' hands of fire!—
I aspire while I expire!"

The following extract from a little poem entitled "Sleeping and Watching," is very touching in its simplicity. Miss Barrett is watching over a slumbering child. How softly does the spirit of the watcher overshadow the cradle with the purest influences of its own sanctified sorrows, while she thus speaks!—

"I, who cannot sleep as well,
Shall I sigh to view you?
Or sigh further to foretell
All that may undo you?
Nay, keep smiling, little child,
Ere the sorrow neareth,—
I will smile too! Patience mild
Pleasure's token weareth.
Nay, keep sleeping, before loss;
I shall sleep though losing!
As by cradle, so by cross,
Sure is the reposing.

"And God knows, who sees us twain,
Child at childish leisure,
I am near as tired of pain
As you seem of pleasure;—
Very soon too, by his grace
Gently wrapt around me,
Shall I show as calm a face,
Shall I sleep as soundly!
Differing in this, that *you*
Clasp your playthings sleeping,
While my hand shall drop the few
Given to my keeping;

"Differing in this, that *I*
Sleeping, shall be colder,
And in waking presently,
Brighter to beholder!
Differing in this beside
(Sleeper, have you heard me?
Do you move, and open wide
Eyes of wonder toward me?)—
That while I draw you withal
From your slumber, solely,—
Me, from mine, an angel shall,
With reveillie holy!"

After having perused these extracts, it must be impossible for any one to deny that Miss Barrett

is a person gifted with very extraordinary powers of mind, and very rare sensibilities of heart. She must surely be allowed to take her place among the female writers of England as a poetess of no ordinary rank; and if she does not already overtop them all, may she one day stand forth as the queen of that select and immortal sisterhood! It is in her power to do so if she pleases.

It is now our duty to revert to the principal poem in the collection, respecting which we have already ventured to pronounce rather an unfavourable opinion. The "Drama of Exile" is the most ambitious of Miss Barrett's compositions. It is intended to commemorate the sayings and doings of our First Parents, immediately subsequent to their expulsion from the garden of Eden. Its authoress, with sincere modesty, disclaims all intention of entering into competition with Milton; but the comparison must, of course, force itself upon the reader; and although it was not to be expected that she should rise so soaringly as Milton does above the level of her theme, it was at any rate to be expected that her *dramatis personæ* should not stand in absolute contrast to his. Yet Milton's Satan and Miss Barrett's Lucifer are the very antipodes of each other. Milton's Satan is a thoroughly practical character, and, if he had been human, he would have made a first-rate man of business in any department of life. Miss Barrett's Lucifer, on the contrary, is the poorest prater that ever made a point of saying nothing to the purpose, and we feel assured that he could have put his hand to nothing in heaven, on earth, or in hell. He has nothing to do, he does nothing, and he could do nothing. He seems incapable of excogitating a single plot of treachery, or of carrying into execution a single deed of violence. His thoughts are a great deal too much taken up about his own personal appearance. Gabriel is an equally irresolute character. The following is a portion of a dialogue which takes place between the two; and it is perhaps as fair a sample of the drama as any that we could select. Near the beginning of the poem Gabriel concludes a short address to Lucifer with these words—

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"Go from us straightway.

Lucifer. Wherefore?

Gabriel. Lucifer,
Thy last step in this place, trod sorrow up.
Recoil before that sorrow, if not this sword.

Lucifer. Angels are in the world—wherefore not I?
Exiles are in the world—wherefore not I?
The cursed are in the world—wherefore not I?

Gabriel. Depart.

Lucifer. And where's the logic of 'depart?'
Our lady Eve had half been satisfied
To obey her Maker, if I had not learnt
To fix my postulate better. Dost thou dream
Of guarding some monopoly in heaven
Instead of earth? *Why I can dream with thee*
To the length of thy wings.

Gabriel. I do not dream.
This is not heaven, even in a dream; nor earth,
As earth was once,—first breathed among the stars,—
Articulate glory from the mouth divine,—
To which the myriad spheres thrill'd audibly,
Touch'd like a lute-string,—and the sons of God
Said AMEN, singing it. I know that this
Is earth, not new created, but new cursed—
This, Eden's gate, not open'd, but built up
With a final cloud of sunset. Do I dream?
Alas, not so! this is the Eden lost
By Lucifer the serpent! this the sword
(This sword, alive with justice and with fire,)
That smote upon the forehead, Lucifer
The angel! Wherefore, angel, go ... depart—
Enough is sinn'd and suffer'd.

Lucifer. By no means."

It will be observed, that in this passage Gabriel thrice desires Lucifer to "move on;" it will also be observed that Gabriel has a sword—or perhaps it may be the revolving sword which guards Paradise that he speaks of; but be it so or not, he threatens Lucifer with the edge of the sword unless he decamps; and yet, although the warning is repeated, as we have said, three distinct times, and although Lucifer pertinaciously refuses to stir a step, still the weapon remains innocuous, and the arch-fiend remains intact. This is not the way in which Milton manages matters. Towards the conclusion of the fourth book of Paradise Lost, this same Gabriel orders Satan to leave his presence—

"Avant!
Fly thither whence thou fledd'st."

The rebel angel refuses to retire:—upon which, without more ado, both sides prepare themselves for battle. On the side of Gabriel

"Th'angelic squadron bright
Turned fiery red, sharpening in mooned horns
Their phalanx."

What an intense picture of ardour preparatory to action (it is night, remember) is presented to our imaginations by the words "turned fiery red!"

"On t'other side, Satan alarm'd,
Collecting all his might, dilated stood,
Like Teneriff, or Atlas, unremov'd:
His stature reach'd the sky."

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Then would have come the tug of war—then

"Dreadful deeds
Might have ensued;"

and would have ensued—

"Had not soon
The Eternal, to prevent such horrid fray,
Hung forth in heaven his golden scales."—
"The fiend look'd up and knew
His mounted scale aloft; nor more, but fled
Murmuring, and with him fled the shades of night."

But in the interview which Miss Barrett describes between Gabriel and Lucifer, no such headlong propensity to act is manifested by either party—no such crisis ensues to interrupt the fray. Gabriel is satisfied with giving utterance to a feeble threat, which, when he finds that Lucifer pays no attention to it, he never attempts to carry into execution. For no apparent cause, he suddenly changes his tone, and condescends to hold parley with his foe on a variety of not very interesting particulars, informing him, among other things, that he "does not dream!"

The following is Lucifer's description of our First Mother. It is impregnated with Miss Barrett's mannerisms, and strongly characterized by that fantastical and untrue mode of picturing sensible objects, which the example of Shelley and Keates tended especially to foster, if they were not the first to introduce it:—

"*Lucifer*. Curse freely! curses thicken. Why, this Eve
Who thought me once part worthy of her ear,
And somewhat wiser than the other beasts,—
Drawing together *her large globes of eyes*,
The light of which is throbbing in and out
Around their continuity of gaze,—
Knots her fair eyebrows in so hard a knot,
And, down from *her white heights of womanhood*,
Looks on me so amazed,—I scarce should fear
To wager such an apple as she pluck'd,
Against one riper from the tree of life,
That she could curse too—as a woman may—
Smooth in the vowels."

We do not very well understand why Eve's curses should have been smoother in the vowels than in the consonants. But as we are no great elocutionists, or at all well conversant with the mysteries of "labials," "dentals," and "gutterals," we shall not contest the point with Lucifer, lest we should only expose our own ignorance.

Respecting the leading conception of her drama, Miss Barrett writes thus:—"My subject was the new and strange experience of the fallen humanity as it went forth from Paradise into the wilderness; with a peculiar reference to Eve's allotted grief, which, considering that self-sacrifice belonging to her womanhood, and the consciousness of originating the Fall to her offence—appeared to me imperfectly apprehended hitherto, and more expressible by a woman than a man." No wonder that Miss Barrett failed in her undertaking. In the conception of Eve's grief as distinguished from Adam's, and as coloured by the circumstances of her situation—namely, by the consciousness that she had been the *first* to fall, and the proximate cause of Adam's transgression—there is certainly no sufficient foundation to sustain the weight of a dramatic poem. At the most, it might have furnished materials for a sonnet. It therefore detracts nothing from the genius of Miss Barrett to say, that her attempt has been unsuccessful. She has tried to make bricks not only without straw, but almost without clay; and that being the case, the marvel is that she should have succeeded so well.

"There was room at least," continues Miss Barrett, "for lyrical emotion in those first steps into the wilderness, in that first sense of desolation after wrath, in that first audible gathering of the

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recriminating 'groan of the whole creation,' in that first darkening of the hills from the recoiling feet of angels, and in that first silence of the voice of God." There certainly *was* room for lyrical emotion in these first steps into wilderness. All nature might most appropriately be supposed to break forth in melodious regrets around the footsteps of the wanderers: but we cannot think that Miss Barrett has done justice to nature's strains. Unless lyrical emotion be expressed in language as clear as a mountain rill, and as well defined as the rocks over which it runs, it is much better left unsung. The merit of all lyrical poetry consists in the clearness and cleanness with which it is cut; no tags or loose ends can any where be permitted. But Miss Barrett's lyrical compositions are frequently so inarticulate, so slovenly, and so defective, both in rhythm and rhyme, that we are really surprised how a person of her powers could have written them, and how a person of any judgment could have published them. Take a specimen, not by any means the worst, from the "Song of the morning star to Lucifer:"—

"Mine orb'd image sinks
 Back from thee, back from thee,
 As thou art fallen, methinks,
 Back from me, back from me.
 O my light-bearer,
 Could another fairer
 Lack to thee, lack to thee?
 Ai, ai, Heosphoros!
 I loved thee, with the fiery love of stars.
 Who love by burning, and by loving move,
 Too near the throned Jehovah, not to love.
 Ai, ai, Heosphoros!
 Their brows flash fast on me from gliding cars,
 Pale-passion'd for my loss.
 Ai, ai, Heosphoros!

"Mine orb'd heats drop cold
 Down from thee, down from thee,
 As fell thy grace of old
 Down from me, down from me.
 O my light-bearer,
 Is another fairer
 Won to thee, won to thee?
 Ai, ai, Heosphoros,
 Great love preceded loss,
 Known to thee, known to thee.
 Ai, ai!
 Thou, breathing thy communicable grace
 Of life into my light
 Mine astral faces, from thine angel face,
 Hast inly fed,
 And flooded me with radiance overmuch
 From thy pure height.
 Ai, ai!
 Thou, with calm, floating pinions both ways spread,
 Erect, irradiated,
 Didst sting my wheel of glory
 On, on before thee,
 Along the Godlight, by a quickening touch!
 Ha, ha!
 Around, around the firmamental ocean,
 I swam expanding with delirious fire!
 Around, around, around, in blind desire
 To be drawn upward to the Infinite—
 Ha, ha!"

But enough of *Ai ai Heosphoros*. It may be very right for ladies to learn Greek—not, however, if it is to lead them to introduce such expressions as this into the language of English poetry.

Nor do we think that Miss Barrett's lyrical style improves when she descends to themes of more human and proximate interest, and makes the "earth-spirits" and the "flower-spirits" pour their lamentations into the ears of the exiled pair. The following is the conclusion of the *láyment* (as Miss Barrett pronounces the word *lament*) of the "flower-spirits:"—

"We pluck at your raiment,
 We stroke down your hair,
 We faint in our *láyment*,
 And pine into air.
 Fare-ye-well—farewell!
 The Eden scents, no longer sensible,
 Expire at Eden's door!
 Each footstep of your treading
 Treads out some fragrance which ye knew before:

Farewell! the flowers of Eden
Ye shall smell never more."

Would not Miss Barrett's hair have stood on end if Virgil had written "Arma virumque *canto*?" Yet surely that false quantity would have been not more repugnant to the genius of Latin verse than her transposition of accent in the word *lamént* is at variance with the plainest proprieties of the English tongue. [Pg 633]

The "earth-spirits" deliver themselves thus:—

Earth Spirits.

"And we scorn you! there's no pardon
Which can lean to you aright!
When your bodies take the guerdon
Of the death-curse in our sight,
Then the bee that hummeth lowest shall transcend you.
Then ye shall not move an eyelid
Though the stars look down your eyes;
And the earth, which ye defiled,
She shall show you to the skies,—
Lo! these kings of ours—who sought to comprehend you.'

First Spirit.

And the elements shall boldly
All your dust to dust constrain;
Unresistedly and coldly,
I will smite you with my rain!
From the slowest of my frosts is no receding.

Second Spirit.

And my little worm, appointed
To assume a royal part,
He shall reign, crown'd and anointed,
O'er the noble human heart!
Give him counsel against losing of that Eden!"

In one of the lyrical effusions, man is informed that when he goes to heaven—

"Then a *sough of glory*
Shall your entrance greet,
Ruffling round the doorway
The smooth radiance it shall meet."

We wonder what meaning Miss Barrett attaches to the word *sough*! It is a term expressive of the dreary sighing of autumnal winds, or any sound still more disconsolate and dreary; and therefore, to talk of a "sough of glory," is to talk neither more nor less than absolute nonsense.

What can be more unlyrical than this verse?

"Live, work on, oh, Earthy!
By the Actual's tension
Sped the arrow worthy
Of a pure ascension."

We have said that the lyrical effusions interspersed throughout the "Drama of Exile," are very slovenly and defective in point of rhyme. What can be worse than "Godhead" and "wooded," "treading" and "Eden," "glories" and "floorwise," "calmly" and "palm-tree," "atoms" and "fathoms," "accompted" and "trumpet," and a hundred others? What can be worse, do we ask? We answer that there is one species of rhyme which Miss Barrett is sometimes, though, we are happy to say, very rarely, guilty of, which is infinitely more reprehensible than any of these inaccuracies. We allude to the practice of affixing an *r* to the end of certain words, in order to make them rhyme with other words which terminate in that letter. Writers who are guilty of this atrocity are not merely to be condemned as bad rhymesters: they are to be blamed on the far more serious ground that they give the sanction and authority of print to one of the vilest vulgarisms which pollutes the oral language of certain provincial societies. What makes the practice so offensive in literary composition is the fact, that the barbarism is one which may sometimes be actually heard falling from living lips. But for this, it would be pardonable. We verily believe that Miss Barrett herself does not talk of "Laurar" and "Matildar;" we verily believe that she would consider any one who does so no fit associate for herself in point of manners or education:—yet she scruples not to make "Aceldama"(r) rhyme to "tamer," and "Onora"(r) rhyme to "o'er her." When we think of these things, we turn to the following "stage-direction" with which her "Drama of Exile" concludes—"There is a sound through the silence *as of the falling tears of an angel*." That angel must have been a distressed critic like ourselves. [Pg 634]

Next to the "Drama of Exile," the longest poem in the collection is the composition entitled "A Vision of Poets." This poem is designed, says our authoress, "to indicate the necessary relations of genius to suffering and self-sacrifice." It is stamped throughout with the thoughtful

earnestness of Miss Barrett's character, and is, on the whole, a very impressive performance. But it would have been more impressive still if it had been composed after less vicious models, or if Miss Barrett had trusted more to a style prompted by her own native powers, and less to the fantastical modes of phraseology which have been introduced into literature by certain inferior artists of this and the preceding generation. We cannot read it, however, without appreciating the fervour which stirs the soul of the authoress through all its depths, when she declares and upholds the sacred mission of the poet, and teaches him that he must embrace his destiny with gratitude and pride, even though the crown which encircles his living brows be one in which the thorns far out-number the laurel leaves. We shall grace our pages with a series of portraits, in which Miss Barrett sketches off first the true poets and then the pretenders. They certainly contain some good points, although many of her touches must be pronounced unsuccessful. Let Homer lead the van:—

"Here, Homer, with the broad suspense
Of thunderous brows, and lips intense
Of garrulous god-innocence.

"There, Shakspeare! on whose forehead climb
The crowns o' the world! Oh, eyes sublime—
With tears and laughters for all time!

"Here, Æschylus—the women swoon'd
To see so awful when he frown'd
As the gods did—he standeth crown'd.

"Euripides, with close and mild
Scholastic lips—that could be wild,
And laugh or sob out like a child

"*Right in the classes.* Sophocles,
With that king's look which down the trees,
Follow'd the dark effigies

"Of the lost Theban! Hesiod old,
Who somewhat blind, and deaf, and cold,
Cared most for gods and bulls! and bold

"Electric Pindar, quick as fear,
With race-dust on his checks, and clear,
Slant startled eyes that seem to hear

"The chariot rounding the last goal,
To hurtle past it in his soul!
And Sappho crown'd with aureole

"Of ebon curls on calmed brows—
O poet-woman! none forgoes
The leap, attaining the repose!

"Theocritus, with glittering locks,
Dropt sideways, as betwixt the rocks
He watch'd the visionary flocks!

"And Aristophanes! who took
The world with mirth, and laughter-struck
The hollow caves of Thought, and woke

"The infinite echoes hid in each.
And Virgil! shade of Mantuan beech
Did help the shade of bay to reach

"And knit around his forehead high!—
For his gods wore less majesty
Than his brown bees humm'd deathlessly.

"Lucretius—nobler than his mood!
Who dropp'd his plummet down the broad
Deep universe, and said 'No God,'

"Finding no bottom. He denied
Divinely the divine, and died
Chief poet on the Tiber-side,

"By grace of God. His face is stern,
As one compell'd, in spite of scorn,
To teach a truth he could not learn.

"And Ossian, dimly seen or guess'd!
Once counted greater than the rest,
When mountain-winds blew out his vest.

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"And Spenser droop'd his dreaming head
(With languid sleep-smile you had said
From his own verse engendered)

"On Ariosto's, till they ran
Their locks in one!—The Italian
Shot nimbler heat of bolder man

"From his fine lids. And Dante stern
And sweet, whose spirit was an urn
For wine and milk pour'd out in turn.

"And Goethe—with that reaching eye
His soul reach'd out from far and high,
And fell from inner entity.

"And Schiller, with heroic front
Worthy of Plutarch's kiss upon't—
Too large for wreath of modern wont.

"Here Milton's eyes strike piercing-dim!
The shapes of suns and stars did swim
Like clouds on them, and granted him

"God for sole vision! Cowley, there,
Whose active fancy debonaire
Drew straws like amber—foul to fair.

"And Burns, with pungent passionings
Set in his eyes. Deep lyric springs
Are of the fire-mount's issuings.

"And poor, proud Byron—sad as grave
And salt as life! forlornly brave,
And quivering with the dart he drave.

"And visionary Coleridge, who
Did sweep his thoughts as angels do
Their wings, with cadence up the Blue."

"Homer" we are not sure about; we can only hope that there may be people whom the picture will please. "Shakspeare" is good. "Æschylus" (Miss Barrett's favourite, too,) is treated very scurvily and very ungrammatically. What on earth are we to make of the words "the women swooned to see so awful" &c.? It is well known that no pregnant woman could look Æschylus in the face when the fit of inspiration was on him, without having cause to regret her indiscretion. But though delicacy might have dictated that this fact should be only barely hinted at, surely grammar need not have miscarried in the statement. The syntax of the passage will puzzle future commentators as much as some of his own corrupt choruses. "Euripides" promises well; but the expression, "Right in the classes," throws our intellect completely on its beam-ends; and as we cannot right it again, in order to take a second glance at the poet of Medea, we must pass on to the next. "Sophocles" will be acceptable to scholars. "Hesiod" is excellent. "Cared most for *gods and bulls*" is worth any money. "Pindar" and "Sappho" are but so so. The picture of "Theocritus" is very beautiful. There is nothing particularly felicitous in the sketch of "Aristophanes." How much more graphic is what Milton, in one of his prose works, says with respect to the "holy Chrysostom's" study of the same. Chrysostom, it seems, was a great student of Aristophanes. Some people might have been, and no doubt were, scandalized to think that so pious a father of the church should have made a bosom companion of so profane and virulent a wit: but says Milton, the holy father was quite right in poring over Aristophanes, for "*he had the art to cleanse a scurrilous vehemence into the style of a rousing sermon.*" Put that into verse and it would ring well. We thank Miss Barrett for the graphic touch of Virgil's "brown bees," which certainly *are* better than his gods. "Lucretius" is very finely painted. "Ossian" looms large through the mist, but walk up to him, and the pyramid is but a cairn. "Spenser" and "Ariosto," with their locks blended in one, compose a very sweet picture. "Dante" we will not answer for. "Goethe" is a perfect enigma. What does the word "fell" mean? δεινός, we suppose—that is, "not to be trifled with." But surely it sounds very strange, although it may be true enough, to say that this "fellness" is occasioned by "inner entity." But perhaps the line has some deeper meaning, which we are unable to fathom. We have seen a better picture than that of Goethe in the hour of inspiration, when his forehead was like a precipice dim with drifting sleet. "Schiller" is well drawn; evidently from Thorwaldsen's gigantic statue of the poet. Miss Barrett paints "Milton" in his blindness as seeing all things in God. But Mallebranche had already taught that God is the "sole vision" of all of us; and therefore, if that theory be correct, she has failed to assign to the poet of the Fall any distinctive attribute which distinguishes him from other men. "Cowley" is well characterized.

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"Burns" ought to have been better. "Byron" pleases us. "Coleridge" has very considerable merit.

As a contrast to the preceding sketches of the true poets, (many of which, however, we have omitted, and we may also remark, in parenthesis, that none of our living poets are meddled with,) we now pass before the eyes of the reader a panorama of *pretenders*. We shall make no remarks on the expression of their features, leaving Miss Barrett to brand them as they deserve with her just scorn and indignation—

"One dull'd his eyeballs as they ached,
With Homer's forehead—though he lack'd
An inch of any! And one rack'd

"His lower lip with restless tooth—
As Pindar's rushing words forsooth
Were pent behind it. One, his smooth

"Pink cheeks, did rumple passionate,
Like Æschylus—and tried to prate
On trolling tongue, of fate and fate!

"One set her eyes like Sappho's—or
Any light woman's! one forbore
Like Dante, or any man as poor

"In mirth, to let a smile undo
His hard shut lips. And one, that drew
Sour humours from his mother, blew

"His sunken cheeks out to the size
Of most unnatural jollities,
Because Anacreon looked jest-wise.

"So with the rest.—It was a sight
For great world-laughter, as it might
For great world-wrath, with equal right.

"Out came a speaker from that crowd,
To speak for all—in sleek and proud
Exordial periods, while he bow'd

"His knee before the angel.—'Thus,
O angel! who hast call'd for us,
We bring thee service emulous,—

"Fit service from sufficient soul—
Hand-service, to receive world's dole—
Lip-service, in world's ear to roll

"Adjusted concords—soft enow
To hear the winecups passing through,
And not too grave to spoil the show.

"Thou, certes, when thou askest more,
O sapient angel! leanest o'er
The window-sill of metaphor.

"To give our hearts up! fie!—That rage
Barbaric, antedates the age!
It is not done on any stage.

"Because your scald or gleeman went
With seven or nine-string'd instrument
Upon his back—must ours be bent?

"We are not pilgrims, by your leave,
No, nor yet martyrs! if we grieve,
It is to rhyme to ... summer eve.

"And if we labour, it shall be
As suiteth best with our degree,
In after-dinner reverie.'

"More yet that speaker would have said—
Poising between his smiles fair-fed,
Each separate phrase till finished:

"But all the foreheads of those born
And dead true poets flash'd with scorn

Betwixt the bay leaves round them worn—

"Ay, jetted such brave fire, that they,
The new-come, shrank and paled away,
Like leaden ashes when the day

"Strikes on the hearth! A spirit-blast,
A presence known by power, at last
Took them up mutely—they had pass'd!"

"Lady Geraldine's Courtship" is a poem of the Tennysonian school. Some pith is put forth in the passionate parts of the poem; but it is deficient throughout in that finished elegance of style which distinguishes the works of the great artist from whom it is imitated. Bertram, a peasant-born poet falls in love with the Lady Geraldine, a woman of high rank and very extensive possessions. He happens to overhear the lady address the following words to a suitor of the same rank with herself, and whose overtures she is declining—

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"Yes, your lordship judges rightly. Whom I marry, shall be noble,
Ay, and wealthy. I shall never blush to think how he was born."

Upon which, imagining that these words have some special and cutting reference to himself, he passes into the presence of the lady, and rates her in a strain of very fierce invective, which shows that his blood is really up, whatever may be thought of the taste which dictated his language, or of the title he had to take to task so severely a lady who had never given him any sort of encouragement. In a letter to a friend, he thus describes the way in which he went to work—the fourth line is a powerful one—

"Oh, she flutter'd like a tame bird, in among its forest-brothers,
Far too strong for it! then drooping, bow'd her face upon her hands—
And I spake out wildly, fiercely, brutal truths of her and others!
I, she planted the desert, swathed her, windlike, with my sands.

"I pluck'd up her social fictions, bloody-rooted, though leaf verdant,—
Trode them down with words of shaming,—all the purples and the gold,
And the 'landed stakes' and Lordships—all that spirits pure and ardent
Are cast out of love and reverence, because chancing not to hold.

"For myself I do not argue," said I, "though I love you, Madam,
But for better souls, that nearer to the height of yours have trod—
And this age shows, to my thinking, still more infidels to Adam,
Than directly, by profession, simple infidels to God.

"Yet, O God! (I said,) 'O grave! (I said,) 'O mother's heart and bosom!
With whom first and last are equal, saint and corpse and little child!
We are fools to your deductions, in these figments of heart-closing!
We are traitors to your causes, in these sympathies defiled!

"Learn more reverence, madam, not for rank or wealth—*that* needs no
learning;
That comes quickly—quick as sin does! ay, and often works to sin;
But for Adam's seed, MAN! Trust me, 'tis a clay above your scorning,
With God's image stamp'd upon it, and God's kindling breath within.

"What right have you, Madam, gazing in your shining mirror daily,
Getting, so, by heart, your beauty, which all others must adore,—
While you draw the golden ringlets down your fingers, to vow gaily,...
You will wed no man that's only good to God,—and nothing more."

In the second stanza, we cannot make out the construction of the words, "all that spirits pure and ardent are cast out of love and reverence." This vigorous tirade is continued throughout several stanzas. The poor lady merely utters the word "Bertram," and the lover is carried to bed in a fainting fit when his passion is expended. When he recovers he indites the aforesaid letter. After he has dispatched it, the lady enters his apartment: oh, blessed and gracious apparition! We quote the *dénouement*, omitting one or two stanzas—

Soh! how still the lady standeth! 'tis a dream—a dream of mercies!
'Twixt the purple lattice-curtains, how she standeth still and pale!
'Tis a vision, sure, of mercies, sent to soften his self-curses—
Sent to *sweep* a patient quiet, o'er the tossing of his wail.

'Eyes,' he said, 'now throbbing through me! are ye eyes that did undo me?
Shining eyes, like antique jewels set in Parian statue-stone!
Underneath that calm white forehead, are ye ever burning torrid,
O'er the desolate sand-desert of my heart and life undone?'

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"Ever, evermore the while in a slow silence she kept smiling,—
And approach'd him slowly, slowly, in a gliding measured pace;

With her two white hands extended, as if praying one offended,
And a look of supplication, gazing earnest in his face.

"Said he—'Wake me by no gesture,—sound of breath, or stir of vesture;
Let the blessed apparition melt not yet *to its divine!*
No approaching—hush! no breathing! or my heart must swoon to death in
The too utter life thou bringest—O thou dream of Geraldine!'

"Ever, evermore the while in a slow silence she kept smiling—
But the tears ran over lightly from her eyes, and tenderly;
'Dost thou, Bertram, truly love me? Is no woman far above me,
Found more worthy of thy poet-heart, than such a one as *I?*'

"Said he—'I would dream so ever, like the flowing of that river,
Flowing ever in a shadow, greenly onward to the sea;
So, thou vision of all sweetness—princely to a full completeness,—
Would my heart and life flow onward—deathward—through this dream of
THEE!'

"Ever, evermore the while in a slow silence she kept smiling,—
While the shining tears ran faster down the blushing of her cheeks;
Then with both her hands enfolding both of his, she softly told him,
'Bertram, if I say I love thee,... 'tis the vision only speaks.'

"Soften'd, quicken'd to adore her, on his knee he fell before her—
And she whisper'd low in triumph—'It shall be as I have sworn!
Very rich he is in virtues,—very noble—noble certes;
And I shall not blush in knowing, that men call him lowly born!'

With the exception of the line, and the other expressions which we have printed in italics, we think that the whole tone of this *finale* is "beautiful exceedingly;" although, if we may express our private opinion, we should say that the lover, after his outrageous demeanour, was very unworthy of the good fortune that befell him. But, in spite of the propitious issue of the poem, we must be permitted (to quote one of Miss Barrett's lines in this very lay) to make our "critical deductions for the modern writers' fault." Will she, or any one else tell us the meaning of the second line in this stanza? Or, will she maintain that it has any meaning at all? Lady Geraldine's possessions are described—

"She has halls and she has castles, and the resonant steam-eagles
Follow far on the directing of her floating dove-like hand—
With a thund'rous vapour trailing, underneath the starry vigils,
So to mark upon the blasted heaven, the measure of her land."

We thought that steam-coaches generally followed the directing of no hand except the "stoker's;" but *it* certainly is always much liker a raven than a dove. "Eagles and vigils" is not admissible as a rhyme; neither is "branch and grange." Miss Barrett says of the Lady Geraldine that she had "such a gracious coldness" that her lovers "could not *press their futures* on the present of her courtesy." Is that human speech? One other objection and our carpings shall be dumb. Miss Barrett, in our opinion, has selected a very bad, dislocated, and unmelodious metre for the story of Lady Geraldine's courtship. The poem reads very awkwardly in consequence of the rhymes falling together in the alternate lines and not in couplets. Will Miss Barrett have the goodness to favour the public with the sequel of this poem? We should like to know how the match between the peasant's son and the peer's daughter was found to answer.

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Those among our readers who may have attended principally to the selections which we made from these volumes before we animadverted on the "Drama of Exile," may perhaps be of opinion that we have treated Miss Barrett with undue severity, and have not done justice to the vigour and rare originality of her powers; while others, who may have attended chiefly to the blemishes of style and execution which we have thought it our duty to point out in our later quotations, may possibly think that we have ranked her higher than she deserves. We trust that those who have carefully perused both the favourable and unfavourable extracts, will give us credit for having steered a middle course, without either running ourselves aground on the shoals of detraction, or oversetting the ship by carrying too much sail in favour of our authoress. And although they may have seen that our hand was sometimes unsteady at the helm, we trust that it has always been when we felt apprehensive that the current of criticism was bearing us too strongly towards the former of these perils. If any of our remarks have been over harsh, we most gladly qualify them by saying, that, in our humble opinion, Miss Barrett's poetical merits infinitely outweigh her defects. Her genius is profound, unsullied, and without a flaw. The imperfections of her manner are mere superficial blot which a little labour might remove. Were the blemishes of her style tenfold more numerous than they are, we should still revere this poetess as one of the noblest of her sex; for her works have impressed us with the conviction, that powers such as she possesses are not merely the gifts or accomplishments of a highly intellectual woman; but that they are closely intertwined with all that is purest and loveliest in goodness and in truth.

It is plain that Miss Barrett would always write well if she wrote simply from her own heart, and without thinking of the compositions of any other author—at least let her think of them only in so far as she is sure that they embody great thoughts in pure and appropriate language, and in

forms of construction which will endure the most rigid scrutiny of common sense and unperverted taste. If she will but wash her hands completely of Æschylus and Milton, and all other poets, either great, or whom she takes for such, and come before the public in the graces of her own feminine sensibilities, and in the strength of her own profound perceptions, her sway over human hearts will be more irresistible than ever, and she will have nothing to fear from a comparison with the most gifted and illustrious of her sex.

FOOTNOTES:

[31] London. Moxon. 1844.

[32] "*With accents undefiled*;" this is surely a very strange and unaccountable interpolation. How was it possible, or conceivable, that any accents could be *defiled*, which conveyed the holiest and most pathetic injunction that ever came from the lips of a dying mother?

UP STREAM; OR, STEAM-BOAT REMINISCENCES.

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I had come to New Orleans to be married, and the knot once tied, there was little inducement for my wife, myself, or any of our party, to remain in that city. Indeed, had we been disposed to linger, an account that was given us of the most unwelcome of all visitors, the yellow fever, having knocked at the doors of several houses in the Marigny suburb, would have been sufficient to drive us away. For my part, I was anxious to find myself in my now comfortable home, and to show my new acquisition—namely, my wife—to my friends above *Bâton Rouge*, well assured that the opinion of all would be in favour of the choice I had made. By some eccentric working of that curious machinery called the mind, I was more thoughtful than a man is usually supposed to be upon his wedding-day; and I received the congratulations of the guests, went through the *obligato* breakfast, and the preparations for departure, in a very automatical manner. I took scarcely more note of the nine shots that were fired as we went on board the steamer, of the hurrahs shouted after us from the quay by a few dozen sailors, or the waving of the star-spangled banners that fluttered over the poop and fore-castle—of all the honour and glory, in short, attending our departure. I was busy drawing a comparison between my first and this, my last, voyage to the Red River.

It was just nine years and two months since I had first come into possession of my "freehold of these United States," as the papers specified it. Five thousand dollars had procured me the honour of becoming a Louisianian planter; upon the occurrence of which event, I was greeted by my friends and acquaintances as the luckiest of men. There were two thousand acres, "with due allowance for fences and roads," according to the usual formula; and the wood alone, if I might believe what was told me, was well worth twenty thousand dollars. For the preceding six months, the whole of the western press had been praising the Red River territory to the very skies; it was an incomparable sugar and cotton ground, full sixteen feet deep of river slime—Egypt was a sandy desert compared to it—and as to the climate, the zephyrs that disported themselves there were only to be paralleled in Eldorado and Arcadia. I, like a ninny as I was, although fully aware of the puffing propensities of our newspaper editors, especially when their tongues, or rather pens, have been oiled by a few handfuls of dollars, fell into the trap, and purchased land in the fever-hole in question, where I was assured that a habitable house and two negro huts were already built and awaiting me. The improvements alone, the land-speculator was ready to take his oath, were worth every cent of two thousand dollars. In short, I concluded my blind bargain, and in the month of June, prepared to start to visit my estate. I was at New Orleans, which city was just then held fast in the gripe of its annual scourge and visitor, the yellow fever. I was in a manner left alone; all my friends had gone up or down stream, or across the Pont Chartrain. There was nothing to be seen in the whole place but meagre hollow-eyed negresses, shirtless and masterless, running about the streets, howling like jackals, or crawling in and out of the open doors of the houses. In the upper suburb things were at the worst; there, whole streets were deserted, the houses empty, the doors and windows knocked in; while the foul fever-laden breeze came sighing over from Vera Cruz, and nothing was to be heard but the melancholy rattle of the corpse-carts as they proceeded slowly through the streets with their load of coffins. It was high time to be off, when the yellow fever, the deadly *vomito*, had thus made its triumphant entry, and was ruling and ravaging like some mighty man of war in a stormed fortress.

I had four negroes with me, including old Sybille, who was at that time full sixty-five years of age; Cæsar, Tiberius, and Vitellius, were the three others. We are fond of giving our horses and negroes these high sounding appellations, as a sort of warning, I am inclined to think, to those amongst us who sit in high places; for even in our young republic there is no lack of would-be Cæsars.

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The steamers had left off running below *Bâton Rouge*, so I resolved to leave my gig at New Orleans, procuring in its stead a sort of dearborn or railed cart, in which I packed the whole of my traps, consisting of a medley of blankets and axes, barrows and ploughshares, cotton shirts and cooking utensils. Upon the top of all this I perched myself; and those who had known me only three or four months previously as the gay and fashionable Mr Howard, one of the leaders of the *ton*, the deviser and proposer of fêtes, balls, and gaieties of all kinds, might well have laughed,

could they have seen me half buried amongst pots and pans, bottles and bundles, spades and mattocks, and suchlike useful but homely instruments. There was nobody there to laugh, however, or to cry either. Tears were then scarce articles in New Orleans; for people had got accustomed to death, and their feelings were more or less blunted. But even had the yellow fever not been there, I doubt if any one would have laughed at me; there is too much sound sense amongst us. Our town beauties—ay, the most fashionable and elegant of them—think nothing of installing themselves, with their newly wedded husbands, in the aforesaid dearborns, and moving off to the far west, leaving behind them all the comforts and luxuries among which they have been brought up. Whoever travels in our backwoods, will often come across scenes and interiors such as the boldest romance writer would never dare to invent. Newly married couples, whose childhood and early youth have been spent in the enjoyment of all the superfluities of civilization, will buy a piece of good land far in the depths of forests and prairies, and found a new existence for themselves and their children. One meets with their dwellings in abundance—log-houses, consisting for the most part of one room and a small kitchen: on the walls of the former the horses' saddles and harness, and the husband's working clothes, manufactured often by the delicate hands of his lady; in one corner, a harp or a piano; on the table, perhaps, a few numbers of the North American or Southern reviews, and some Washington or New York papers. A strange mixture of wild and civilized life. It is thus that our Johnsons, our Livingstons, and Ranselaers, and hundreds, ay, thousands of families, our Jeffersons and Washingtons, commenced; and truly it is to be hoped, that the rising generation will not despise the custom of their forefathers, or reject this healthy means of renovating the blood and vigour of the community.

To return to my own proceedings. I got upon my dearborn, in order to leave as soon as possible the pestilential atmosphere of New Orleans; and I had just established myself amongst my goods and chattels, when Cæsar came running up in great exultation, with a new cloak which he had been so lucky as to find lying before the door of a deserted house in the suburb. I took hold of the infected garment with a pair of tongs, and pitched it as far as I was able from the cart, to the great dismay of Cæsar, who could not understand why I should throw away a thing which he assured me was well worth twenty dollars. We set off, and soon got out of the town. Not a living creature was to be seen as far as the eye could reach along the straight road. On the right hand side, the suburb of the Annunciation was enclosed in wooden palisades, upon which enormous bills were posted, containing proclamations by the mayor of the town, and headed with the word "Infected," in letters that could be read half a mile off. These proclamations, however, were unnecessary. New Orleans looked more like a churchyard than a city; and we did not meet five persons during the whole of our drive along the new canal road.

At the first plantation at which we halted, in order to give the horses a feed, gates and doors were all shut in our faces, and the hospitable owner of the house warned us to be off. As this warning was conveyed in the shape of a couple of rifle-barrels protruded through the jalousies, we did not think it advisable to neglect it. The reception was cheerless enough; but we came from New Orleans, and could expect no better one. Cæsar, however, dauntless as his celebrated namesake, jumped over a paling, and plucked an armful of Indian corn ears, which he gave to the horses; an earthen pan served to fetch them water from the Mississippi, and after a short pause we resumed our journey. Five times, I remember, we halted, and were received in the same humane and hospitable manner, until at last we reached the plantation of my friend Bankes. We had come fifty miles under a burning sun, and had passed more than fifty plantations, each with its commodious and elegant villa built upon it; but we had not yet seen a human face. Here, however, I hoped to find shelter and refreshment; but in that hope I was doomed to be disappointed.

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"From New Orleans?" enquired the voice of my friend through the jalousies of his verandah.

"To be sure," answered I.

"Then begone, friend, and be d——d to you!" was the affectionate reply of the worthy Mr Bankes, who was, nevertheless, kind enough to cause a huge ham and accessories, together with half a dozen well-filled bottles, to be placed outside the door—a sort of mute intimation that he was happy to see us, so long as we did not cross his threshold. I had a hearty laugh at this half-and-half hospitality, eat and drank, wrapped myself in a blanket, and slept, with the blue vault for a covering, as well or better than the president.

In the morning, before starting, I shouted out a "Thank ye! and be d——d to you!" by way of *remerciment*; and then we resumed our march.

At last, upon the third evening, we managed to get our heads under a roof at the town of Bâton Rouge, in the house of an old French soldier, who laughed at the yellow fever as he had formerly done at the Cossacks and Mamelukes; and the following morning we started for the Red River, in the steamboat Clayborne. By nightfall we reached my domain.

Santa Virgen! exclaims the Spaniard in his extremity of grief and perplexity: what I exclaimed, I am sure I do not remember; but I know that my hair stood on end, when I beheld, for the first time, the so-called improvements on my new property. The habitable and comfortable house was a species of pigsty, built out of the rough branches of trees, without doors, windows, or roof. There was I to dwell, and that in a season when the thermometer was ranging between ninety-five and a hundred degrees. The very badness of things, however, stimulated us to exertion; we set to work, and in two days had built a couple of very decent huts, the only inconvenience of which was, that when it rained hard, we were obliged to take refuge under a neighbouring

cotton-tree. Fortunately, out of the two thousand acres, there really were fifty in a state of cultivation, and that helped us. I planted and kept house as well as I could: in the daytime I ploughed and sowed; and in the evening I mended the harness and the holes in my inexpressibles. With society I was little troubled, seeing that my nearest neighbour lived five-and-twenty miles off. The first summer passed in this manner; the second was a little better; and the third better still—until at last the way of life became enduring. There is nothing in the world impracticable; and Napoleon never spoke a truer word than when he said, "*Impossible!—C'est le mot d'un fou!*"

And then a hunting-party in the savannahs of Louisiana or Arkansas!

There is a something in those endless and gigantic wildernesses which seems to elevate the soul, and to give to it, as well as to the body, an increase of strength and energy. There reign, in countless multitudes, the wild horse and the bison; the wolf, the bear, and the snake; and, above all, the trapper, surpassing the very beasts of the desert in wildness—not the old trapper described by Cooper, who never saw a trapper in his life, but the real trapper, whose adventures and mode of existence would furnish the richest materials for scores of romances.

Our American civilization has engendered certain corrupt off-shoots, of which the civilization of other countries knows nothing, and which could only spring up in a land where liberty is found in its greatest development. These trappers are for the most part outcasts, criminals who have fled from the chastisement of the law, or else unruly spirits to whom even the rational degree of freedom enjoyed in the United States has appeared cramping and insufficient. It is perhaps fortunate for the States, that they possess the sort of fag-end to their territory comprised between the Mississippi and the Rocky Mountains; for much mischief might be caused by these violent and restless men, were they compelled to remain in the bosom of social life. If, for example, *la belle France* had had such a fag-end or outlet during the various crises that she has passed through in the course of the last fifty years, how many of her great warriors and equally great tyrants might have lived and died trappers! And truly, neither Europe nor mankind in general would have been much the worse off, if those instruments of the greatest despotism that ever disguised itself under the mask of freedom—the Massenans, and Murats, and Davousts, and scores more of suchlike laced and decorated gentry—had never been heard of.

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One finds these trappers or hunters in all the districts extending from the sources of the Columbia and Missouri, to those of the Arkansas and Red Rivers, and on the tributary streams of the Mississippi which run eastward from the Rocky Mountains. Their whole time is passed in the pursuit and destruction of the innumerable wild animals, which for hundreds and thousands of years have bred and multiplied in those remote steppes and plains. They slay the buffalo for the sake of his hump, and of the hide, out of which they make their clothing; the bear to have his skin for a bed; the wolf for their amusement; and the beaver for his fur. In exchange for the spoils of these animals they get lead and powder, flannel shirts and jackets, string for their nets, and whisky to keep out the cold. They traverse those endless wastes in bodies several hundreds strong, and have often desperate and bloody fights with the Indians. For the most part, however, they form themselves into parties of eight or ten men, a sort of wild guerillas. These must rather be called hunters than trappers; the genuine trapper limiting himself to the society of one sworn friend, with whom he remains out for at least a year, frequently longer; for it takes a considerable time to become acquainted with the haunts of the beaver. If one of the two comrades dies, the other remains in possession of the whole of their booty. The mode of life that is at first adopted from necessity, or through fear of the laws, is after a time adhered to from choice; and few of these men would exchange their wild, lawless, unlimited freedom, for the most advantageous position that could be offered them in a civilized country. They live the whole year through in the steppes, savannahs, prairies, and forests of the Arkansas, Missouri, and Oregon territories—districts which comprise enormous deserts of sand and rock, and, at the same time, the most luxuriant and beautiful plains, teeming with verdure and vegetation. Snow and frost, heat and cold, rain and storm, and hardships of all kinds, render the limbs of the trapper as hard, and his skin as thick, as those of the buffalo that he hunts; the constant necessity in which he finds himself of trusting entirely to his bodily strength and energy, creates a self-confidence that no peril can shake—a quickness of sight, thought, and action, of which man in a civilized state can form no conceptions. His hardships are often terrible; and I have seen trappers who had endured sufferings, compared to which the fabled adventures of Robinson Crusoe are mere child's play, and whose skin had converted itself into a sort of leather, impervious to every thing except lead and steel. In a moral point of view, these men may be considered a psychological curiosity: in the wild state of nature in which they live, their mental faculties frequently develop themselves in a most extraordinary manner; and in the conversation of some of them may be found proofs of a sagacity and largeness of views, of which the greatest philosophers of ancient or modern times would have no cause to be ashamed.

The daily and hourly dangers incurred by these trappers must, one would think, occasionally cause them to turn their thoughts to a Supreme Being; but such is not the case. Their rifle is their god—their knife their patron saint—their strong right hand their only trust. The trapper shuns his fellow-men; and the glance with which he measures the stranger whom he encounters on his path, is oftener that of a murderer than a friend: the love of gain is as strong with him as it is found to be in a civilized state of society, and the meeting of two trappers is generally the signal for the death of one of them. He hates his white competitor for the much-prized beaver skins far more than he does his Indian one: the latter he shoots down as coolly as if he were a wolf or a bear; but when he drives his knife into the breast of the former, it is with as much devilish joy as

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if he felt he were ridding mankind of as great an evil-doer as himself. The nourishment of the trapper, consisting for years together of buffalo's flesh—the strongest food that a man can eat—and taken without bread or any other accompaniment, doubtless contributes to render him wild and inhuman, and to assimilate him in a certain degree to the savage animals by which he is surrounded.

During an excursion that I made with some companions towards the upper part of the Red River, we met with several of these trappers; amongst others, with one weather-beaten old fellow, whose face and bare neck were tanned by sun and exposure to the colour of tortoise-shell. We hunted two days in his company, without noticing any thing remarkable about the man; he cooked our meals, which consisted usually of a haunch of venison or a buffalo's hump, instructed us where to find game, and was aware of the approach of the latter even sooner than his huge wolf-dog, which never left his side. It was only on the morning of the third day, that we discovered something calculated to diminish our confidence in our new comrade. This was a number of lines and crosses upon the butt of his rifle, which gave us a new and not very favourable insight into the man's character. These lines and crosses came after certain words rudely scratched with a knife-point, and formed a sort of list, of which the following is a copy:—

Buffaloes—no number given, they being probably too numerous.

Bears, nineteen—the number being indicated by nineteen strait strokes.

Wolves, thirteen—marked by oblique strokes.

Red underloppers, four—marked by four crosses.

White underloppers, two—noted by two stars.

Whilst we were examining this curious calendar, and puzzling ourselves to make out the meaning of the word "underloppers," I observed a grim smile stealing over the features of the old trapper. He said nothing, however; drew the buffalo's hump he was cooking from under the hot embers, took it out of the piece of hide in which it was wrapped, and placed it before us. It was a meal that a king might have envied, and the mere smell of it made us forget the rifle butt. We had scarcely fallen to, when the old man laid hold of his gun.

"Look ye," said he, with a strange grin. "It's my pocket-book. D'ye think it a sin to kill one of them red or white underloppers?"

"Whom do you mean?" asked we.

The man smiled again and rose to depart; his look, however, was alone enough to enlighten us as to who the two-legged interlopers were whom he had first shot, and then noted on his rifle-butt with as much cool indifference as if they had been wild turkeys instead of human beings. In a region to which the vengeful arm of the law does not reach, we did not feel ourselves called upon or entitled to set ourselves up as judges, and we let the man go.

These trappers occasionally, and at long intervals, return for a few days or weeks to the haunts of civilization; and this occurs when they have collected a sufficient quantity of beaver skins. They then fell a hollow tree that stands on the shore of some navigable stream, make it water-tight, launch it, load it with their merchandise and their few necessaries, and float and row for thousands of miles down the Missouri, Arkansas, or Red River, to St Louis, Natchitoches, or Alexandria. They may be seen roaming and staring about the streets of these towns, clad in their coats of skins, and astonishing strangers by their wild and primitive appearance.

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I was sitting on a sofa in a corner of the ladies' cabin, with Louise by my side, and talking over with her these and other recollections of more or less interest. The tea hour was long past, and the cabins were lighted up. Suddenly we were interrupted in our conversation by a loud noise overhead.

"A nigger killed!" sang out somebody upon deck.

"A nigger killed!" repeated two, ten, twenty, and at length a hundred voices; and thereupon there was a running and trampling, and hurrying and scurrying, an agitation in our big floating inn as if the boilers were on the brink of bursting, and giving us a passage into eternity in the midst of their scalding contents. Louise started up, and dragging me with her, hurried breathless through the two saloons, to the stairs leading upon deck.

"Who is killed? Where is the poor negro?"

The answer I got was a horse-laugh from a score of backwoodsmen.

"Much noise about nothing, dear Louise."

And we were on the point of descending the stairs again, when we were detained, and our attention riveted, by the picturesque appearance of the deck—I should rather say of the persons grouped upon it—seen in the red, flickering, and uncertain light of sundry lamps, lanterns, and torches. Truly, the night-piece was not bad. In the centre of the steamer's deck, at an equal distance from stem and stern, stood a knot of fellows of such varied and characteristic

appearance as might be sought for in vain in any other country than ours. It seemed as if all the western states and territories had sent their representatives to our steamer. Suckers from Illinois, and Badgers from the lead-mines of Missouri—Wolverines from Michigan, and Buckeyes from Ohio—Redhorses from old Kentuck, and Hunters from Oregon, stood mingled before us, clad in all sorts of fantastical and outlandish attire. One had a hunting-shirt of blue and white striped calico, which made its wearer's broad back and huge shoulders resemble a walking feather-bed; another was remarkable for a brilliant straw-hat—a New Orleans purchase, that looked about as well on his bronzed physiognomy as a Chinese roof would do on a pigsty. Winnebago wampum belts and Cherokee mocassins, jerkins of tanned and untanned deer-hide, New York frock-coats, and red and blue jackets, composed some of the numerous costumes, of which the mixture and contrast were in the highest degree picturesque.

In the middle of this group stood a personage of a very different stamp—a most interesting specimen of the genus Yankee, contrasting in a striking manner with the rough-hewn sons of Anuk who surrounded him. He was a man of some thirty years of age, as dry and tough as leather, of grave and pedantic mien, the skin of his forehead twisted into innumerable small wrinkles, his lips pressed firmly together, his bright reddish-grey eyes apparently fixed, but, in reality, perpetually shifting their restless glances from the men by whom he was surrounded, to some chests that lay upon the deck before him, and again from the chests to the men; his whole lean, bony, angular figure in a position that made it difficult to conjecture whether he was going to pray, or to sing, or to preach a sermon. In one hand he held a roll of pigtail tobacco, in the other some bright-coloured ribands, which he had taken from an open chest containing the manifold articles constituting the usual stock in trade of a pedlar. Beside this chest were two others, and beside those lay a negro, howling frightfully, and rubbing alternately his right shoulder and his left foot; but nevertheless, according to all appearance, by no means in danger of taking his departure for the other world. As the Yankee pedlar raised his hand and signed to the vociferous blackamoor to be silent, the face of the former gradually assumed that droll, cunning, and yet earnest expression which betrays those double distilled Hebrews, when they are planning to get possession, in a quasi-legal manner, of the dollars of their fellow-citizens; in a word, when they are manœuvring to exchange their worthless northern wares for the sterling coin of the south. Presently his arms began to swing about like those of a telegraph; he threw a long and loving glance at the two unopened chests, which had apparently slipped down from the top of a quantity of merchandise piled upon deck, and fallen on the foot and shoulder of the negro; then measuring the latter with a look of reproach, he suddenly opened his compressed lips, from which a sharp, high-toned, schoolmasterlike voice issued.

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"Sambo, Sambo! What have you done? Sambo, Sambo!" he repeated, while his voice became more solemn, and he raised his hands and eyes as if appealing to heaven for justice. "Sambo, you onlucky nigger, what have you been a doin'?"

"A 'sarve,' a wonderful 'sarve!'" screamed the man, pointing to the chests with an appearance of the profoundest grief.

"Heaven forgive you, Sambo! but you have endangered, perhaps sp'iled, a 'sarve,' compared to which all the 'intments and balms of Mecca, Medina, and Balsora—of Algiers, Tunis, and Tripoli, or whatever other places they may come from, air actilly no better than cart-grease. Ah, Sambo! if you were twenty times a nigger, and could be brought twenty times on the auction table, you wouldn't fetch enough money to pay for the harm you have done!"

"Boe! Boe!" howled the negro by way of parenthesis.

"Ah, Boe! Boe!" screamed the Yankee, "you may well say Boe, Boe! And you ain't the only one as may say it, that's sartain. There be ladies and gentlemen here, as respectable ladies and gentlemen as can be found any where—ay, even to Boston, the cradle of our independence—and they might say Boe! Boe! if they knew all. In them two chests are a hundred tin boxes and glass phials; and if only twenty of them are damaged, there is more injury done than your hide could pay for, if it were twenty times as thick and twenty times as vallyable as it is. Your whole carcass ain't worth one of the boxes of that precious 'intment. Ah, Sambo!"

"Boe! Boe!" howled Sambo in reply.

"What's the palaver about?" growled some of the Badgers and Buckeyes; "open the chests, and you'll see what harm's done."

"D'ye ye hear, Sambo?" cried the Yankee with the same immovable countenance; "you're to hold yer tongue, the gentlemen say; they're tired of yer noise, and no wonder. What's the use of boohooin' away at that rate? Helps you nothin'; you deserve what you've got. I'll thank you for your long knife, Mister. That'll do. That opens it, cuts in like rael steel; better it should be into hard word than soft flesh. There they are, then, and not broken; onhurt, without a spot or a crack. Sing praises to the Lord! psalms and hymns of rejoicin'—not a phial broke, nor a box smashed! Praised be the Lord! I say ag'in. Since they are safe, it don't matter if twenty shoulder-blades and ankle-bones are put out. Verily the mercy of Heaven shall be made manifest, and that by the means of a feeble vessel, Jared Bundle by name. Down with ye, Sambo—down with ye, I say!—Your shoulder and your dingy hide shall be made whole, and your black bones shall be comforted!"

Not a muscle of the Yankee's face moved; he preserved the grave and solemn appearance of a man to whom a sacred trust has been confided, and who is fully penetrated with the importance

of his mission. Once or twice, however, I observed him give a keen but almost imperceptible glance around him, as if to observe the effect of his eloquence upon his auditors.

"Down with you, Sambo!" he repeated to the negro, who had got himself into a sort of sitting posture upon the deck.

"Down, down!" cried the men of Kentucky.

"Down!" those of Missouri and Ohio.

"Be quick about it!" shouted an Illinois sucker.

"Let's see the Yankee's wonderful cure!" exclaimed a hunter from Oregon.

And amidst shouts and exclamations and laughter, poor Sambo was seized by half a dozen of their bear's fists, and stretched out upon a heap of coffee-bags like a pig that's going to be killed. [Pg 647]

"Boe! Boe!" clamoured the negro at the top of his voice.

"Boohoo as much as you like," cried the Yankee in a shrill tone, that was heard above all the howlings of the unlucky Sambo. "You'll sing to another tune when you see and understand and feel what a Conne'ticut man *can* do. You say Boe, Boe! like a poor benighted crittur as you are, but what do you say to that?" cried the pedlar in a triumphant voice, as he held close to the negro's nose a piece of linen rag on which he had smeared a green greasy substance bearing a strong resemblance to paste-blackening in a state of decomposition. Then, taking up the box which contained this precious compound, he put it in close proximity to the obtuse snout of the blackamoor, who made a grimace as if his olfactories were but moderately regaled by the odour emanating from the miraculous ointment.

"What d'ye think of that, Sambo? Is that the stuff or not? Will that do, think ye? Well, you shall soon see. Gentlemen!" he continued, with all the gravity of a legitimate M.D. "Gentlemen! the arms and legs of this poor Sambo must be stretched as much as possible, in order that the sarve may take its full effect. Will you be good enough to assist me?"

Upon the word, the backwoodsmen caught hold of the negro's limbs, and began pulling and tugging at them till the poor devil roared as if they had been impaling him.

"Boohoo away!" cried the Yankee. "It's all for your good. If your shoulder is put out, the stretchin' will put it in ag'in."

The negro continued his lamentations, as well he might, when every one of his joints was cracking under the force applied.

"All no use your callin' out!" screamed the pedlar, as he stuck the salved rag upon the ebony hide of the patient. "Better hold yer tongue. Ain't you lucky to have met with me at a time when all the doctors in the world—the Browns, and Hossacks, and Sillimans—could not have done you a cent's worth of good? All their drugs would have had no more effect than a ladleful of pea-soup. You ought to be rejoicin' in yer luck, instead of screamin' like a wounded catamount. Keep still, will you? There, that'll do. Many thanks, gentlemen; I thank you in the name of this senseless crittur. That's enough. No cause for complaint, man!" continued he, as he stuck a second plaster on the negro's foot. "All safe enough when Jared Bundle is there with his Palmyra sarve. You be the first as was ever know'd to scream after havin' one smell of that precious 'intment. And I tell you what it is, my man, if both your black legs had been broken clean off, and were swimmin' down the Mississippi half rotten—ay, or if they had just come out of the jaws of an alligator, and you were to stick 'em on, and plaster them up with this 'intment, you may take my word, Jared Bundle's word, that they'd grow to your body again—the flesh would become your flesh, and the bone your bone, as sure as I am now here." And he looked round at his auditors with a world of confidence and veracity depicted upon his countenance.

"There was Aby Sparks to Penobscot—you know, ladies and gentlemen, Aby Sparks, the son of Enoch Sparks, who married Peggy Heath. Good family the Sparkses—very good family, as you know, ladies and gentlemen. Respectable people in a respectable way of business, the general line—drugs and cutlery, and hats patent waterproof, bird-seed and jewellery, tea and coffee pots, and shoes of the newest fashion. Ladies and gentlemen, do you want a good tea or coffee pot? Partiklar jam, *they* are, I reckon. Well, Aby Sparks said to me, 'Jared Bundle,' says he, 'leave me a dozen boxes or phials, whichever you like, of your Palmyra sarve. Wonderful stuff that!' says he. 'What!' says I, 'leave you some of my Palmyra sarve! You're jist right to say it ain't common apothecaries' stuff; that it certainly ain't. But what would the ladies and gentlemen on the lower Mississippi say, if I left any of it here? It's all meant for them,' says I; 'they're my best customers.'"

"Soft sawder! Jared Bundle," grunted a Kentuckian.

"Cart grease and cobbler's wax," said a man of Illinois. [Pg 648]

"He's from the north," laughed a third, "where there's more wooden clocks than cows and calves."

"Where the grasshoppers break their legs in jumpin' from one potato heap to another," interposed a fourth.

"Where the robins starve in harvest time, and the mockin'-bird is too hungry to mock," cried a

fifth.

"Nothin' in the world like Jared Bundle's 'intment," continued the imperturbable Yankee. "Finest thing possible for corns. Ain't genteel to talk of such things, ladies and gentlemen; but if any of you have got corns, rub 'em just two or three times with the Palmyra sarve, and they'll disappear like snow in sunshine. Worth any money against tan and freckles. You, miss," cried he to Louise, "you ain't got any freckles, but you may very likely git 'em. A plaster on each cheek afore you go to bed—git up in the mornin', not a freckle left—all lilies and roses!"

"Hold your impudent tongue!" said I, "or I will plaster you."

"We're in a free country," was the answer; "free to sell and free to buy. Gentlemen," continued Mr Bundle, "famous stuff for razor-strops. Rub a little on, draw the razor a couple of times over it—shave. Razor runs over the face like a steam-carriage along a railroad, you don't know how; beard disappears like grass before the sickle, or a regiment of Britishers before Yankee rifles. Great vartue in the sarve—uncommon vartue! Ma'am!" cried he to a lady who, like ourselves, was looking on from a short distance at this farcical scene, "Ma'am!"

I looked round at the lady. "Bless my soul! Mrs Dobleton and the Misses Dobleton from Concordia, my neighbours on the Mississippi. Delighted to see you, Mrs Dobleton; allow me the honour of introducing my wife to you."

Our greetings and compliments were drowned by the piercing voice of the indefatigable Yankee.

"Ma'am!" cried he, with a box of ointment in each hand, "Ma'am! the finest cure in the world for toothach. If teeth are good, it keeps 'em so; if bad, it makes 'em sound and white as ivory. A small bit on the point of a knife between the teeth and the gum—acts like a charm. Young ladies! a capital remedy for narrow chests."

The skinny Miss Dobletons turned green with vexation.

"Incomparable remedy!" continued Jared; "rub it well in on the part affected, and in a short time the most contracted chest becomes as wide as that of Mrs Broadbosom to Charleston. Fine thing for lockjaw, ma'am!" cried he to a Mrs Bodwell who was standing by, and amongst whose good qualities that of silence was not considered to hold a conspicuous place; "a famous cure for lockjaw, from whatever cause it may come on. There was Miss Trowlop—she had a very handsom' mouth and a considerable gift of the gab—was goin' to be married to Mr Shaver, run a hickory splinter through her prunella shoe into her foot—jaw locked as fast as old Ebenezer Gripeall's iron safe. If she'd a-had my Palmyra sarve she'd be still alive, Mrs Shaver, now; 'stead of that, the land-crabs have eaten her. Another example, ladies: Sally Brags, Miss Sally Brags to Portsmouth. You know Portsmouth, Providence, where the pretty gals grow; some folk *do* say they're prettier to Baltimore—won't say they ain't—matter of taste, pure matter of taste; but Miss Sally Brags, ladies, had the lockjaw—couldn't say a word; took a box of my Palmyra sarve—ladies, two dollars a box by retail—her tongue now goes clap-clap-clap like any steam-mill. Famous cure for lockjaw!"

During this unceasing flow of words, the Yankee had found the time to drive a capital trade; his merchandise of all kinds was rapidly disappearing, and the more the backwoodsmen laughed, the faster flowed the dollars into the pedlar's pouch. It was most diverting to observe the looks of the purchasers of the Palmyra ointment, as they first smelled at it and then shook their heads, as if in doubt whether they were not duped.

"Wonderful stuff!" cried the Yankee with imperturbable gravity, and as if to reassure them. "And capital coffee-pots," continued he to a leather-jerked Missouri man, who had taken up one of the latter and was examining it. "I'll warrant 'em of the best description, and no mistake. Wonderful stuff this Palmyra sarve, came direct from Moscow, where the Archbishop of Abyssinia had brought it, but, havin' got into debt, he was obliged to sell off; and from Moscow, which, as you all know, is a great seaport, it passed into the hands of the Grand Duke of Teheran or Tombuctoo, who lives somewhere about the Cape of Good Hope. From there it came to Boston in the brig Sarah, Captain Larks. I was one of the first to go on board, and as soon as I smelled to it, I knew directly what time o' day it was—where the wind blew from, as I may say. Ladies, here you have the means of preservin' your health and your beauty for the longest day you live, and all for two dollars—only two dollars a box. In short, ladies and gentlemen," concluded the persevering fellow sententiously, "you have my warranty that this sarve heals all curable diseases; and if it be true, as the famous Doctor Flathead says, that there be only two sorts of maladies—them of which people die, and them of which they get well—you must see how important it is to have a box of the Palmyra 'intment. Best of all sarves, ladies! two dollars a box, ladies!"

"Ladies and gentlemen," resumed Mr Bundle after a brief pause, "d'ye want any other articles—silks, linen, calicoes, fine spices, nutmegs? None of your walnut-wood nutmegs, but giniuine Boston goods, out of the most respectable stores. Ah! ladies and gentlemen, Jared Bundle's tea and coffee pots—let me recommend 'em to you. The metal is of a particular sort, corrects the oily matter contained in the tea, which the doctors say is no better than so much p'ison. Should be sorry for you to suppose I was instigated by love of gain—filthy lucre, ladies; but think of your vallyable health—your precious health—and buy my teapots; two dollars twenty-five cents a-piece. Yes, ma'am," continued he, turning to one of the negresses who were crawling, and grinning, and gaping around his wares, "beautiful Lyons ribands, and Bengal neck-handkerchiefs *direct* from Calcutta; lovely things them handkerchiefs, and the ribands too, partic'lerly the broad ones—quarter of a dollar a yard. Four yards did you say, ma'am? Better go the *entire* figur'—take

eight, and you'll have twice as much. Now, ladies and gentlemen, to return to the teapots"—

"The teapots!" cried several voices a short distance off. "Hurra! Jared Bundle's teapots! Look here at the Yankee teapots!"

At the same moment the steward of the steamer made his appearance upon the field of Mr Bundle's operations, escorted by half a dozen of the backwoodsmen, and stepping into the torchlight, held up the very coffee-pot which the shameless Yankee had sold to the leather-jacketed man of Missouri. The pot had been filled with boiling water, which was now oozing out comfortably and deliberately at every side and corner of the vessel. For one moment the spectators stared in mute astonishment; but then the discovery of the Yankee's cheatery drew from them a peal of laughter which seemed likely to be inextinguishable.

"Jared Bundle! What do you say to that? Jared Bundle's teapots! A hurra for Jared Bundle and the Yankee teapots!"

The immovable pedlar was by no means put out of countenance by this discovery. While the backwoodsmen were having their laugh out, he took hold of the teapot, examined it deliberately on all sides, at front and back, inside and out, and then shook his head gravely. When the laughs had exhausted their uproariousness, he cleared his throat, and resumed.

"Ah, gentlemen! or rather ladies and gentlemen! in our happy land of freedom and enlightenment, the most enlightened country in the world, no one, I am sure, will refuse to hear the poor pedlar's explanation of this singular circumstance. I know you are all most desirous of havin' it explained, and explain it I can and will. I am sorry to say there are gentlemen who sell teapots for the southern states which are only meant for the northern ones, and others who sell for the north what is meant for the south. That's how I've been deceived in these teapots, which come from the store of the highly respectable Messrs Knockdown. They are for northern consumption, gentlemen, without the smallest doubt, and you know that many teapots will support the cold of the north, but are worth nothin' when they git into a southern climate. It's uncommon hot, you see, down hereaway on the Mississippi, and I reckon that's the reason that you southern gentlemen *are* sich an almighty b'ilin' up people, who take a gugin' to your breakfast as we should a mackerel. I'm a'most inclined to think, too, that you bile your water a deal too hot, which our northern tea and coffee pots ain't used to, and can't stand nohow."

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"Humbug!" growled a score of backwoodsmen, some of whom began to close round the Yankee, as if to make sure of him and his worthless wares.

"Boe! Boe!" howled Sambo, who had been quite forgotten during this scene.

"You still here, you black devil!" cried the pedlar, turning fiercely round upon the negro. "Am I to be deafened by your cussed croakin'? Don't mind him, ladies and gentlemen—pay no attention to him. Who cares about a nigger? He only cries out for his amusement. It's all his tricks and cunnin'; he'd like to git some more of my sarve on his black hide! He won't have any, tho'! Be off with ye, you stinkin' nigger!"

"Stinkin' nigga! Massa Yankee say stinkin' nigga!" yelled Sambo, showing all his white teeth in an ecstasy of anger. "Matto stinkin' nigga now," screamed he as he sprang suddenly to his feet, to the infinite delight of the backwoodsmen, and began capering and hopping about, and grinning like a mad ape. "Matto stinkin' nigga now; one hour 'go him dearie Matto, and good Matto, and Massa Yankee promise four picaillee^[33] if Matto let dam heavy chest wid stinkin' serve fall on him foot and shoulder. Boe! Boe! Massa Yankee no good man; bad Massa, Massa Yankee!"

And so it was and turned out to be. The rogue of a Yankee had made a sort of bargain with Sambo, and arranged a scheme by which to draw the attention of the passengers in a natural manner to the famous Palmyra salve. Seldom or never had the risible nerves of the burly backwoodsmen on board the Ploughboy steamer, been so enormously tickled as by the discovery of this Yankee trick. The laughter was deafening, really earsplitting; and was only brought to something like an end by the appearance of the captain, who came with a petition from the lady passengers, to the effect that the Yankee should not be too hardly dealt with for his ingenious attempt to transfer his fellow-citizens' dollars into his own pocket. Thereupon Badgers and Buckeyes, Wolverines and Redhorses, abated their hilarity; and it was comical to see how these rough tenants of the western forests proceeded, with all the gravity of backwoods etiquette, to respond to the humanity of the ladies. In the first place a deputation was chosen, consisting of two individuals, who were charged to assure the ladies of the universal willingness to treat the Yankee as tenderly as might be consistent with the nature of his transgression; secondly, a commission was appointed for the examination of the spurious wares. The articles that had been bought were produced one after the other, their quality and value investigated, and then they were either condemned and thrown overboard, or their sale was confirmed. The tea and coffee pots were almost, without exception, pronounced worthless; for although well enough calculated for a long voyage on the Mississippi, they could never have been meant to hold boiling Mississippi water. The wonderful Palmyra salve proved to be neither more nor less than a compound of hog's lard and gunpowder, with the juice of tobacco and walnut leaves—a mixture that might perhaps have been useful for the destruction of vermin, but the efficacy of which as an antidote to freckles and lockjaw was at least problematical. The teapots, the ointment, and some spices, amongst which wooden nutmegs cut an important figure, were duly consigned to the keeping of the Mississippi kelpies; while the dollars that had been paid for them were retransferred from the pockets of the Yankee to those of the credulous purchasers. Finally, Mr

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Bundle himself, in consideration of the truly republican stoicism with which he witnessed the execution of the judgment pronounced on his wares, was invited with much ceremony to regale himself with a "go-the-whole-hog-cocktail," an honour which he accepted and replied to in a set speech, at the conclusion of which he enquired whether the honourable society by whose sentence he had been deprived of the larger portion of his merchandise, could not recommend him to a schoolmaster's place in one of their respectable settlements. I almost wondered that he did not treat us to a Methodist sermon as a preparation for our slumbers. He seemed the right man to do it. He exactly answered to the description given of the Yankees by Halleck, in his Connecticut:—

—"Apostates, who are meddling
With merchandise, pounds, shillings, pence, and peddling,
Or wandering through southern climates teaching
The A, B, C, from Webster's spelling-book;
Gallant and godly, making love and preaching,
And gaining by what they call hook and crook,
And what the moralists call overreaching,
A decent living. The Virginians look
Upon them with as favourable eyes
As Gabriel on the devil in Paradise."

There was a deafening "Hurrah for the honourable Mistress Howard!" as the party of backwoodsmen walked off towards the gentlemen's cabin; and then things became quieter. I had invited the bears to drink a glass to Mrs Howard's health, and had told the steward to put down to my account the slings and cocktails they might consume. Mrs Dobleton, whose husband is secretary to a temperance society, pulled a wry face or two at what she doubtless thought an encouragement to vice; but for my part I have no such scruples. It always gives me pleasure to find myself thrown by chance among these rough and wild, but upright and energetic sons of the wilderness—these pioneers of the west, who pass their lives in converting tangled thickets and endless forests into fields and pastures, for the benefit of generations yet unborn. Truly, dear Louise, a few dollars spent amongst these worthy fellows are not thrown away, if they serve to form one, the smallest, link of the chain of good-will and good fellowship that does and ought to bind us to our fellow-citizens.

FOOTNOTES:

[33] The Louisianian name for 6-1/4 cent pieces.

WESTMINSTER-HALL AND THE WORKS OF ART,

[Pg 652]

(On a Free Admission Day.)

BY B. SIMMONS.

I.

By slow degrees, like rain-fraught breeze rising in time of dearth,
Whispers of Wisdom, far and wide, are muttering o'er the earth;
And lo! rough Reason's breath, that wafts strong human health to all,
Has blown aside the gates where Pride dozed in her feudal hall.

II.

Stout Carter, drop that loutish look, nor hesitate before—
Eyeing thy frock and clouted shoes—yon dark enormous door;
'Tis ten to one thy trampled sires their ravaged granges gave
To spread the Wood from whence was hew'd that oaken architrave.^[34]

III.

Take now *thy* turn. We'll on and in, nor need the pealing tromp
(Once wont the lordlings thronging here to usher to the pomp)
To kindle our dull phantasies for yon triumphal show
That lights the roof so high aloof with the whiteness of its glow.

IV.

RED WILLIAM, couldst thou heave aside the marble of the tomb,
And look abroad from Winchester's song-consecrated gloom,^[35]
A keener smart than Tyrrel's dart would pierce thy soul to see
In thy vast courts the Vileinage and peasants treading free.

V.

Oh, righteous retribution! Ye Shades of those who here
 Stood up in bonds before the slaves of sceptred fraud and fear!
 Unswerving SOMERS!—MORE!—even thou, dark SOMERSET,^[36] who fell
 In pride of place condignly, yet who loved the Commons well—

VI.

And Ye who with undaunted hearts, immortal mitred Few!
 For Truth's dear sake, the Tyrant foil'd to whom ye still were true—^[37]
 Rejoice! Who knows what scatter'd thoughts of yours were buried seeds,
 Slow-springing for th' oppress'd and poor, and ripen'd now to deeds?

VII.

Ha, ha! 'twould make a death's-head laugh to see how the cross-bones—
 The black judicial formula devised by bloody thrones—
 The Axe's edge *this* way, now *that*, borne before murder'd men,
 Who died for aiding their true Liege on mountain and in glen,^[38]

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VIII.

Are swept like pois'nous spiders' webs for ever from the scene,
 Where in their place come crowding now the mighty and the mean;
 The Peer walks by the Peasant's side,^[39] to see if grace and art
 Can touch a bosom clad in frieze, can brighten Labour's heart.

IX.

O! ye who doubt presumptuously that feeling, taste, are given
 To all for culture, free as flowers, by an impartial heaven,
 Look through this quiet rabble here—doth it not shame to-day
 More polish'd mobs to whom we owe our annual squeeze in May?

X.

Mark that poor Maiden, to her Sire interpreting the tale
 There pictured of the Loved and Left,^[40] until her cheek grows pale:—
 Yon crippled Dwarf that sculptured Youth^[41] eyeing with glances dim,
 Wondering will he, in higher worlds, be tall and straight like him;—

XI.

How well they group with yonder pale but fire-eyed Artisan,
 Who just has stopp'd to bid his boys those noble features scan
 That sadden us for WILKIE! See! he tells them now the story
 Of that once humble lad, and how he won his marble glory.

XII.

Not all alone thou weep'st in stone, poor Lady, o'er thy Chief,^[42]
 That huge-limb'd Porter, spell-struck there, stands sharer in thy grief.
 Pert Cynic, scorn not his amaze; all savage as he seems,
 What graceful shapes henceforward may whiten his heart in dreams!

XIII.

A long adieu, dark Years! to you, of war on field and flood,
 Battle afar, and mimic war at hone to train our blood—
 The ruffian Ring—the goaded Bull—the Lottery's gates of sin—
 The *all* to nurse the outward brute, and starve the soul within!

XIV.

Here lives and breathes around us proof that those all-evil times
 Are fled with their decrepit thoughts, their slaughter, and their crimes;
 Long stood THIS HALL the type of all could MAN's grim bonds increase—
 Henceforth be it his Vestibule to hope, and light, and peace!

August, 1844.

FOOTNOTES:

[34] Westminster-Hall, first reared by Rufus, was entirely rebuilt by Richard II.

[35] Winchester, many years the residence of Joseph Warton, is so much associated with the

recollections and noble poetry of his younger brother, as to warrant the expression in the text.

- [36] The Protector-Duke, beheaded on Tower-Hill in the reign of his nephew, Edward VI. —"His attention to the poor during his Protectorship, and his opposition to the system of enclosures, had created him many friends among the lower classes, who hastened to witness his end, and yet flattered themselves with the hope of his reprieve."—LINGARD.
- [37] The trial of the seven bishops took place in the hall. Five out of their number—worthy of note upon every occasion—(the Archbishop, the Bishops of Ely, Bath and Wells, Chichester, and Petersborough,) refused the oaths to King William, and were deprived accordingly.
- [38] The unfortunate Scottish lords were tried here 1745-6, as Horace Walpole abundantly testifies.
- [39] More than one noble family, very creditably, have visited the works of art on free-admission days.
- [40] Maclise's fresco of *The Knight*.
- [41] *Youth at a stream*, by J. H. Foley.
- [42] Lough's *Mourners*, a group in marble.

LINES ON THE LANDING OF HIS MAJESTY KING LOUIS PHILIPPE, TUESDAY, OCTOBER 8, 1844.

[Pg 654]

By B. SIMMONS.

I.

Ho! Wardens of the Coast look forth
Upon your Channel seas—
The night is melting in the north,
There's tumult on the breeze;
Now sinking far, now rolling out
In proud triumphal swell,
That mingled burst of shot and shout
Your fathers knew so well,
What time to England's inmost plain
The beacon-fires proclaim'd
That, like descending hurricane,
Grim Blake, that Mastiff of the Main,
Beside your shores had once again
The Flemish lion tamed!^[43]

War wakes not now that tumult loud,
Ye Wardens of the Coast,
Though looming large, through dawn's dim cloud,
Like an invading host
The Barks of France are bearing down,
One crowd of sails, while high
Above the misty morning's frown
Their streamers light the sky.
Up!—greet for once the Tricolor,
For once the lilied flag!
Forth with gay barge and gilded oar,
While fast the volley'd salvoes roar
From batteried line, and echoing shore,
And gun-engirdled crag!

Forth—greet with ardent hearts and eyes,
The GUEST those galleys bring;
In Wisdom's walks the more than Wise—
'Mid Kings the more than King!
No nobler visitant e'er sought
The Mighty's white-cliff'd isle,
Where ALFRED ruled, where BACON thought,
Where AVON's waters smile:
Hail to the tempest-vexed Man!
Hail to the Sovereign-Sage!
A wearier pilgrimage who ran
Than the immortal Ithacan,
Since first his great career began,

Ulysses of our age!

A more than regal welcome give,
Ye thousands crowding round;
Shout for the once lorn Fugitive,
Whose soul no solace found
Save in that SELF-RELIANCE—match
For adverse worlds, alone—
Which cheer'd the Tutor's humble thatch,
Nor left him on the throne.
The WANDERER MULLER's sails they furl—
The Wave-encounterer, who,
When Freedom leagued with Crime to hurl
Up earth's foundations, from the whirl
Where vortex'd Empires raged, the pearl
Of matchless Prudence drew.

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V.

Shout for the Husband and the Sire,
Whose children, train'd to truth,
Repaid in feeling, grace, and fire,
The lessons taught their youth.
Recall his grief when bent above
His rose-zoned daughter's clay,
Beside whose marble, lifeless, Love,
And Art, and Genius lay.^[44]
And his be homage still more dread,
From our mute spirits won,
For tears of heart-wrung anguish shed,
When with that gray "discrown'd head,"
On foot he follow'd to the dead
His gallant, princely son.

VI.

Shout for the Hero and the King
In soul serene—alike,
If suppliant States the sceptre bring,
Or banded traitors strike!
Oh, if at times a thrall too strong
Round Freedom's form be laid,
Where Faction works by wrath and wrong
His pardon be display'd.
Be his this praise—unspoil'd by power
His course benignly ran,
A MONARCH, mindful of the hour
He felt misfortune's wintry shower,
A MAN, from hall to peasant's bower,
The common friend of Man.

VII.

Again the ramparts' loosen'd load
Of thunder rends the air!
Peal on—such pomp is fitly show'd—
He lands no stranger there.
Hear from his lips your language grave
In earnest accents fall—
The memories of the home ye gave
He hastens to recall—
'Mid flash of spears and fiery thrill
Of trumpets speed him forth,
The Master-Mind your Shakspeare still
Had loved to draw—that to its will
Shapes Fate and Chance with potent skill—
The Numa of the North.

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VIII.

Windsor! henceforth a loftier spell
Invests thy storied walls—
The Bards of future years shall tell
That first within thy halls
Imperial TRUTH and MERCY met,
And in that hallow'd hour

Gave earth the hope that Peace shall yet
Be dear to Kings as Power.
When France clasp'd England's hand of old
There memory marks the wane
Of iron times, the bad and bold;^[45]
Oh, may our SECOND FIELD of GOLD
A portent still more fair unfold
Of Wisdom's widening reign!

FOOTNOTES:

- [43] Almost all Blake's great battles were fought in the Channel. One of the most memorable was that off Portsmouth, February 1652.
- [44] The Princess Marie of Wurtemberg, the most accomplished child of this most accomplished family, and whose beautiful efforts in sculpture and painting are well known, died a year after her marriage, January 2, 1839.
- [45] The meeting between Francis and Henry took place June 1520, the first great period of civilized progression in Europe—the era of Printing—of Columbus—and of the Reformation.

LAMARTINE.

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It is remarkable, that although England is the country in the world which has sent forth the greatest number of ardent and intrepid travellers to explore the distant parts of the earth, yet it can by no means furnish an array of writers of travels which will bear a comparison with those whom France can boast. In skilful navigation, daring adventure, and heroic perseverance, indeed, the country of Cook and Davis, of Bruce and Park, of Mackenzie and Buckingham, of Burckhardt and Byron, of Parry and Franklin, may well claim the pre-eminence of all others in the world. An Englishman first circumnavigated the globe; an Englishman alone has seen the fountains of the Nile; and, five years after the ardent spirit of Columbus had led his fearful crews across the Atlantic, Sebastian Cabot discovered the shores of Newfoundland, and planted the British standard in the regions destined to be peopled with the overflowing multitudes of the Anglo-Saxon race.

But if we come to the literary works which have followed these ardent and energetic efforts, and which are destined to perpetuate their memory to future times—the interesting discoveries which have so much extended our knowledge and enlarged our resources—the contemplation is by no means to an inhabitant of these islands equally satisfactory. The British traveller is essentially a man of energy and action, but rarely of contemplation or eloquence. He is seldom possessed of the scientific acquirements requisite to turn to the best account the vast stores of new and original information which are placed within his reach. He often observes and collects facts; but it is as a practical man, or for professional purposes, rather than as a philosopher. The genius of the Anglo-Saxon race—bold, sagacious, and enterprising, rather than contemplative and scientific—nowhere appears more strongly than in the accounts of the numerous and intrepid travellers whom they are continually sending forth into every part of the earth. We admire their vigour, we are moved by their hardships, we are enriched by their discoveries; but if we turn to our libraries for works to convey to future ages an adequate and interesting account of these fascinating adventures, we shall, in general, experience nothing but disappointment. Few of them are written with the practised hand, the graphic eye, necessary to convey vivid pictures to future times; and though numerous and valuable books of travels, as works of reference, load the shelves of our libraries, there are surprisingly few which are fitted, from the interest and vivacity of the style in which they are written, to possess permanent attractions for mankind.

One great cause of this remarkable peculiarity is without doubt to be found in the widely different education of the students in our universities, and our practical men. In the former, classical attainments are in literature the chief, if not exclusive, objects of ambition; and in consequence, the young aspirants for fame who issue from these learned retreats, have their minds filled with the charms and associations of antiquity, to the almost entire exclusion of objects of present interest and importance. The vigorous practical men, again, who are propelled by the enterprise and exertions of our commercial towns, are sagacious and valuable observers; but they have seldom the cultivated minds, pictorial eye, or powers of description, requisite to convey vivid or interesting impressions to others. Thus our scholars give us little more than treatises on inscriptions, and disquisitions on the sites of ancient towns; while the accounts of our practical men are chiefly occupied with commercial enquiries, or subjects connected with trade and navigation. The cultivated and enlightened traveller, whose mind is alike open to the charm of ancient story and the interest of modern achievement—who is classical without being pedantic, graphic and yet faithful, enthusiastic and yet accurate, discursive and at the same time imaginative, is almost unknown amongst us. It will continue to be so as long as education in our universities is exclusively devoted to Greek and Latin verses or the higher mathematics; and in academies to book-keeping and the rule of three; while so broad and sullen a line as heretofore is

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drawn between the studies of our scholars and the pursuits of our practical citizens. To travel to good purpose, requires a mind stored with much and varied information, in science, statistics, geography, literature, history, and poetry. To describe what the traveller has seen, requires, in addition to this, the eye of a painter, the soul of a poet, and the hand of a practised composer. Probably it will be deemed no easy matter to find such a combination in any country or in any age; and most certainly the system of education, neither at our learned universities nor our commercial academies, is fitted to produce it.

It is from inattention to the vast store of *previous* information requisite to make an accomplished traveller, and still more a writer of interesting travels, that failures in this branch of literature are so glaring and so frequent. In other departments of knowledge, a certain degree of information is felt to be requisite before a man can presume to write a book. He cannot produce a treatise on mathematics without knowing at least Euclid, nor a work on history without having read Hume, nor on political economy without having acquired a smattering of Adam Smith. But in regard to travels, no previous information is thought to be requisite. If the person who sets out on a tour has only money in his pocket, and health to get to his journey's end, he is deemed sufficiently qualified to come out with his two or three post octavos. If he is an Honourable, or known at Almack's, so much the better; that will ensure the sale of the first edition. If he can do nothing else, he can at least tell the dishes which he got to dinner at the inns, and the hotels where comfortable beds are to be found. This valuable information, interspersed with a few descriptions of scenes, copied from guide-books, and anecdotes picked up at *tables-d'hôte* or on board steamboats, constitute the stock in trade of many an adventurer who embarks in the speculation of paying by publication the expenses of his travels. We have no individuals in view in these remarks; we speak of things in general, as they are, or rather have been; for we believe these ephemeral travels, like other ephemerals, have had their day, and are fast dying out. The market has become so glutted with them that they are, in a great many instances, unsaleable.

The classical travellers of England, from Addison to Eustace and Clarke, constitute an important and valuable body of writers in this branch of literature, infinitely superior to the fashionable tours which rise up and disappear like bubbles on the surface of society. It is impossible to read these elegant productions without feeling the mind overspread with the charm which arises from the exquisite remains and heart-stirring associations with which they are filled. But their interest is almost exclusively classical; they are invaluable to the accomplished scholar, but they speak in an unknown tongue to the great mass of men. They see nature only through the medium of antiquity: beautiful in their allusion to Greek or Roman remains, eloquent in the descriptions of scenes alluded to in the classical writers, they have dwelt little on the simple scenes of the unhistoric world. To the great moral and social questions which now agitate society, and so strongly move the hearts of the great body of men, they are entire strangers. Their works are the elegant companions of the scholar or the antiquary, not the heart-stirring friends of the cottage or the fireside.

Inferior to Britain in the energy and achievements of the travellers whom she has sent forth, and beyond measure beneath her in the amount of the addition she has made to geographical science, France is yet greatly superior, at least of late years, in the literary and scientific attainments of the wanderers whose works have been given to the world. Four among these stand pre-eminent, whose works, in very different styles, are at the head of European literature in this interesting department—Humboldt, Chateaubriand, Michaud, and Lamartine. Their styles are so various, and the impression produced by reading them so distinct, that it is difficult to believe that they have arisen in the same nation and age of the world.

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Humboldt is, in many respects, and perhaps upon the whole, at the head of the list; and to his profound and varied works we hope to be able to devote a future paper. He unites, in a degree that perhaps has never before been witnessed, the most various qualities, and which, from the opposite characters of mind which they require, are rarely found in unison. A profound philosopher, an accurate observer of nature, an unwearied statist, he is at the same time an eloquent writer, an incomparable describer, and an ardent friend of social improvement. Science owes to his indefatigable industry many of her most valuable acquisitions; geography, to his intrepid perseverance, many of its most important discoveries; the arts, to his poetic eye and fervid eloquence, many of their brightest pictures. He unites the austere grandeur of the exact sciences to the bewitching charm of the fine arts. It is this very combination which prevents his works from being generally popular. The riches of his knowledge, the magnitude of his contributions to scientific discovery, the fervour of his descriptions of nature, alternately awaken our admiration and excite our surprise; but they oppress the mind. To be rightly apprehended, they require a reader in some degree familiar with all these subjects; and how many of these are to be met with? The man who takes an interest in his scientific observations will seldom be transported by his pictures of scenery; the social observer, who extracts the rich collection of facts which he has accumulated regarding the people whom he visited, will be indifferent to his geographical discoveries. There are few Humboldts either in the reading or thinking world.

Chateaubriand is a traveller of a wholly different character—he lived entirely in antiquity. But it is not the antiquity of Greece and Rome which has alone fixed his regards, as it has done those of Clarke and Eustace—it is the recollections of chivalry, the devout spirit of the pilgrim, which chiefly warmed his ardent imagination. He is universally allowed by Frenchmen of all parties to be their first writer; and it may be conceived what brilliant works an author of such powers, and eminently gifted both with the soul of a poet and the eye of a painter, must have produced in describing the historic scenes to which his pilgrimages extended. He went to Greece and the

Holy Land with a mind devout rather than enlightened, credulous rather than inquisitive. Thirsting for strong emotions, he would be satisfied; teeming with the recollections and visions of the past, he traversed the places hallowed by his early affections with the fondness of a lover who returns to the home of his bliss, of a mature man who revisits the scenes of his infancy. He cared not to enquire what was true or what was legendary in these time-hallowed traditions; he gladly accepted them as they stood, and studiously averted all enquiry into the foundation on which they rested. He wandered over the Peloponnesus or Judea with the fond ardour of an English scholar who seeks in the Palatine Mount the traces of Virgil's enchanting description of the hut of Evander, and rejects as sacrilege every attempt to shake his faith.

"When Science from Creation's face
Enchantment's visions draws,
What lovely visions yield their place
To cold material laws!"

Even in the woods of America, the same ruling passion was evinced. In those pathless solitudes, where no human foot had ever trod but that of the wandering savage, and the majesty of nature appeared in undisturbed repose, his thoughts were still of the Old World. It was on the historic lands that his heart was set. A man himself, he dwelt on the scenes which had been signalized by the deeds, the sufferings, the glories of man.

Michaud's mind is akin to that of Chateaubriand, and yet different in many important particulars. The learned and indefatigable historian of the Crusades, he has traversed the shores of the Mediterranean—the scene, as Dr Johnson observed, of all that can ever interest man—his religion, his knowledge, his arts—with the ardent desire to imprint on his mind the scenes and images which met the eyes of the holy warriors. He seeks to transport us to the days of Godfrey of Bouillon and Raymond of Toulouse; he thirsts with the Christian host at Dorislaus, he shares in its anxieties at the siege of Antioch, he participates in its exultation at the storming of Jerusalem. The scenes visited by the vast multitude of warriors who, during two hundred years, were precipitated from Europe on Asia, have almost all been visited by him, and described with the accuracy of an antiquary and the enthusiasm of a poet. With the old chronicles in his hand, he treads with veneration the scenes of former generous sacrifice and heroic achievements, and the vast and massy structures erected on either side during those terrible wars—when, for centuries, Europe strove hand to hand with Asia—most of which have undergone very little alteration, enable him to describe them almost exactly as they appeared to the holy warriors. The interest of his pilgrimage in the East, accordingly, is peculiar, but very great; it is not so much a book of travels as a moving chronicle; but, like Sir W. Scott's *Minstrelsy of the Borders*, it is a chronicle clothed in a very different garb from the homely dress of the olden time. It transports us back, not only in time but in idea, six hundred years; but it does so with the grace of modern times—it clothes the profound feelings, the generous sacrifices, the forgetfulness of self of the twelfth century, with the poetic mind, the cultivated taste, the refined imagery of the nineteenth.

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Lamartine has traversed the same scenes with Chateaubriand and Michaud, and yet he has done so in a different spirit; and the character of his work is essentially different from either. He has not the devout credulity of the first, nor the antiquarian zeal and knowledge of the last; but he is superior to either in the description of nature, and the painting vivid and interesting scenes on the mind of the reader. His work is a moving panorama, in which the historic scenes and azure skies, and placid seas and glowing sunsets, of the East, are portrayed in all their native brilliancy, and in richer even than their native colours. His mind is stored with the associations and the ideas of antiquity, and he has thrown over his descriptions of the scenes of Greece or Holy Writ, all the charms of such recollections; but he has done so in a more general and catholic spirit than either of his predecessors. He embarked for the Holy Land shortly before the Revolution of 1830; and his thoughts, amidst all the associations of antiquity, constantly reverted to the land of his fathers—its distractions, its woes, its ceaseless turmoil, its gloomy social prospects. Thus, with all his vivid imagination and unrivaled powers of description, the turn of his mind is essentially contemplative. He looks on the past as an emblem of the present; he sees, in the fall of Tyre and Athens and Jerusalem, the fate which one day awaits his own country; and mourns less the decay of human things, than the popular passions and national sins which have brought that instability in close proximity to his own times. This sensitive and foreboding disposition was much increased by the death of his daughter—a charming child of fourteen, the companion of his wanderings, the depositary of his thoughts, the darling of his affections—who was snatched away in the spring of life, when in health and joy, by one of the malignant fevers incident to the pestilential plains of the East.

Though Lamartine's travels are continuous, he does not, like most other wanderers, furnish us with a journal of every day's proceedings. He was too well aware that many, perhaps most, days on a journey are monotonous or uninteresting; and that many of the details of a traveller's progress are wholly unworthy of being recorded, because they are neither amusing, elevating, nor instructive. He paints, now and then, with all the force of his magical pencil, the more brilliant or characteristic scenes which he visited, and intersperses them with reflections, moral and social; such as would naturally be aroused in a sensitive mind by the sight of the rains of ancient, and the contemplation of the decay of modern times.

He embarked at Marseilles, with Madame Lamartine and his little daughter Julia, on the 10th July 1830. The following is the picture of the yearnings of his mind on leaving his native land; and they convey a faithful image of his intellectual temperament:—

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"I feel it deeply: I am one only of those men, without a distinctive character, of a transitory and fading epoch, whose sighs have found an echo—only because the echo was more poetical than the poet. I belong to another age by my desires: I feel in myself another man: the immense and boundless horizon of philosophy, at once profound, religious, and poetical, has opened to my view, but the punishment of a wasted youth overtook me; it soon faded from my sight. Adieu, then, to the dreams of genius, to the aspirations of intellectual enjoyment! It is too late: I have not physical strength to accomplish any thing great. I will sketch some scenes—I will murmur some strains, and that is all. Yet if God would grant my prayers, here is the object for which I would petition—a poem, such as my heart desires, and his greatness deserves!—a faithful, breathing image of his creation: of the boundless world, visible and invisible! That would indeed be a worthy inheritance to leave to an era of darkness, of doubt, and of sadness!—an inheritance which would nourish the present age, and cause the next to spring with renovated youth."—(*Voyages en Orient*, I. 49-60.^[46])

One of his first nocturnal reveries at sea, portrays the tender and profoundly religious impressions of his mind:—

"I walked for an hour on the deck of the vessel alone, and immersed alternately in sad or consoling reflections. I repeated in my heart all the prayers which I learned in infancy from my mother: the verses, the fragments of the Psalms, which I had so often heard her repeat to herself, when walking in the evening in the garden of Melly. I experienced a melancholy pleasure in thus scattering them, in my turn, to the waves, to the winds, to that Ear which is ever open to every real movement of the heart, though not yet uttered by the lips. The prayer which we have heard repeated by one we have loved, and who is no more, is doubly sacred. Who among us would not prefer a few words of prayer taught us by our mother, to the most eloquent supplication composed by ourselves? Thence it is that whatever religious creed we may adopt at the age of reason, the Christian prayer will be ever the prayer of the human race. I prayed, in the prayer of the church for the evening at sea; also for that dear being, who never thought of danger to accompany her husband, and that lovely child, who played at the moment on the poop with the goat which was to give it milk on board, and with the little kids which licked her snow-white hands, and sported with her long and fair ringlets."—(I. 57.)

A night-scene on the coast of Provence gives a specimen of his descriptive powers.

"It was night—that is, what they call night in those climates; but how many days have I seen less brilliant on the banks of the Thames, the Seine, the Saone, or the Lake of Geneva! A full noon shone in the firmament, and cast into the shade our vessel, which lay motionless on the water at a little distance from the quay. The moon, in her progress through the heavens, had left a path marked as if with red sand, with which she had besprinkled the half of the sky: the remainder was clear deep blue, which melted into white as she advanced. On the horizon, at the distance of two miles, between two little isles, of which the one had headlands pointed and coloured like the Coliseum at Rome, while the other was violet like the flower of the lilac, the image of a vast city appeared on the sea. It was an illusion, doubtless; but it had all the appearance of reality. You saw clearly the domes glancing—dazzling lines of palaces—quays flooded by a soft and serene light; on the right and the left the waves were seen to sparkle and enclose it on either side: it was Venice or Malta reposing in the midst of the waters. The illusion was produced by the reflection of the moon, when her rays fell perpendicularly on the waters; nearer the eye, the radiance spread and expanded in a stream of gold and silver between two shores of azure. On the left, the gulf extended to the summit of a long and obscure range of serrated mountains; on the right opened a narrow and deep valley, where a fountain gushed forth beneath the shade of aged trees; behind, rose a hill, clothed to the top with olives, which in the night appeared dark, from its summit to its base—a line of Gothic towers and white houses broke the obscurity of the wood, and drew the thoughts to the abodes, the joys, and the sufferings of man. Further off, in the extremity of the gulf, three enormous rocks rose, like pillars without base, from the surface of the waters—their forms were fantastic, their surface polished like flints by the action of the waves; but those flints were mountains—the remains, doubtless, of that primeval ocean which once overspread the earth, and of which our seas are but a feeble image."—(II. 66.)

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A rocky bay on the same romantic coast, now rendered accessible to travellers by the magnificent road of the Corniché, projected, and in part executed by Napoleon, furnishes another subject for this exquisite pencil:—

"A mile to the eastward on the coast, the mountains, which there dip into the sea, are broken as if by the strokes of enormous clubs—huge fragments have fallen, and are strewed in wild confusion at the foot of the cliffs, or amidst the blue and green waves of the sea, which incessantly laves them. The waves break on these huge masses without intermission, with a hollow and alternating roar, or rise up in sheets of foam, which besprinkle their hoary fronts. These masses of mountains—for they are too large to be called rocks—are piled and heaped together in such

numbers, that they form an innumerable number of narrow havens, of profound caverns, of sounding grottoes, of gloomy fissures—of which the children of some of the neighbouring fishermen alone know the windings and the issues. One of these caverns, into which you enter by a natural arch, the summit of which is formed by an enormous block of granite, lets in the sea, through which it flows into a dark and narrow valley, which the waters fill entirely, with a surface as limpid and smooth as the firmament which they reflect. The sea preserves in this sequestered nook that beautiful tint of bright green, of which marine painters so strongly feel the value, but which they can never transfer exactly to their canvass; for the eye sees much which the hand strives in vain to imitate.

"On the two sides of that marine valley rise two prodigious walls of perpendicular rock, of an uniform and sombre hue, similar to that of iron ore, after it has issued and cooled from the furnace. Not a plant, not a moss can find a slope or a crevice wherein to insert its roots, or cover the rocks with those waving garlands which so often in Savoy clothe the cliffs, where they flower to God alone. Black, naked, perpendicular, repelling the eye by their awful aspect—they seem to have been placed there for no other purpose but to protect from the sea-breezes the hills of olives and vines, which bloom under their shelter; an image of those ruling men in a stormy epoch, who seem placed by Providence to bear the fury of all the tempests of passion and of time, to screen the weaker but happier race of mortals. At the bottom of the bay the sea expands a little, assumes a bluer tint as it comes to reflect more of the cloudless heavens, and at length its tiny waves die away on a bed of violets, as closely netted together as the sand upon the shore. If you disembark from the boat, you find in the cleft of a neighbouring ravine a fountain of living water, which gushes beneath a narrow path formed by the goats, which leads up from this sequestered solitude, amidst overshadowing fig-trees and oleanders, to the cultivated abodes of man. Few scenes struck me so much in my long wanderings. Its charm consists in that exquisite union of force and grace, which forms the perfection of natural beauty as of the highest class of intellectual beings; it is that mysterious hymen of the land and the sea, surprised, as it were, in their most secret and hidden union. It is the image of perfect calm and inaccessible solitude, close to the theatre of tumultuous tempests, where their near roar is heard with such terror, where their foaming but lessened waves yet break upon the shore. It is one of those numerous *chefs-d'œuvre* of creation which God has scattered over the earth, as if to sport with contrasts, but which he conceals so frequently on the summit of naked rocks, in the depth of inaccessible ravines, on the unapproachable shores of the ocean, like jewels which he unveils rarely, and that only to simple beings, to children, to shepherds or fishermen, or the devout worshippers of nature."—(I. 73—74.)

This style of description of scenery is peculiar to this age, and in it Lamartine may safely be pronounced without a rival in the whole range of literature. It was with Scott and Chateaubriand that the *graphic* style of description arose in England and France; but he has pushed the art further than either of his great predecessors. Milton and Thompson had long ago indeed, in poetry, painted nature in the most enchanting, as well as the truest colours; but in prose little was to be found except a general and vague description of a class of objects, as lakes, mountains, and rivers, without any specification of features and details, so as to convey a definite and distinct impression to the mind of the reader. Even the classical mind and refined taste of Addison could not attain this graphic style; his descriptions of scenery, like that of all prose writers down to the close of the eighteenth century, are lost in vague generalities. Like almost all descriptions of battles in modern times, they are so like each other that you cannot distinguish one from the other. Scott and Chateaubriand, when they did apply their great powers to the delineation of nature, were incomparably faithful, as well as powerfully imaginative; but such descriptions were, for the most part, but a secondary object with them. The human heart was their great study; the vicissitudes of life the inexhaustible theme of their genius. With Lamartine, again, the description of nature is the primary object. It is to convey a vivid impression of the scenes he has visited that he has written; to kindle in his reader's mind the train of emotion and association which their contemplation awakened in his own, that he has exerted all his powers. He is much more laboured and minute, in consequence, than either of his predecessors; he records the tints, the forms, the lights, the transient effects, with all a painter's enthusiasm and all a poet's power; and succeeds, in any mind at all familiar with the objects of nature, in conjuring up images as vivid, sometimes perhaps more beautiful, than the originals which he portrayed.

From the greatness of his powers, however, in this respect, and the facility with which he commits to paper the whole features of the splendid phantasmagoria with which his memory is stored, arises the principal defect of his work; and the circumstance which has hitherto prevented it, in this country at least, from acquiring general popularity commensurate to its transcendent merits. He is too rich in glowing images; his descriptions are redundant in number and beauty. The mind even of the most imaginative reader is fatigued by the constant drain upon its admiration—the fancy is exhausted in the perpetual effort to conceive the scenes which he portrays to the eye. Images of beauty enough are to be found in his four volumes of *Travels in the East*, to emblazon, with the brightest colours of the rainbow, forty volumes of ordinary adventure. We long for some repose amidst the constant repetition of dazzling objects; monotony, insipidity, ordinary life, even dulness itself, would often be a relief amidst the ceaseless flow of rousing

images. Sir Walter Scott says, in one of his novels—"Be assured that whenever I am particularly dull, it is not without an object;" and Lamartine would sometimes be the better of following the advice. We generally close one of his volumes with the feeling so well known to travellers in the Italian cities, "I hope to God there is nothing more to be seen here." And having given the necessary respite of unexciting disquisition to rest our readers' minds, we shall again bring forward one of his glowing pictures:—

"Between the sea and the last heights of Lebanon, which sink rapidly almost to the water's edge, extends a plain eight leagues in length by one or two broad; sandy, bare, covered only with thorny arbutus, browsed by the camels of caravans. From it darts out into the sea an advanced peninsula, linked to the continent only by a narrow *chaussée* of shining sand, borne hither by the winds of Egypt. Tyre, now called Sour by the Arabs, is situated at the extremity of this peninsula, and seems, at a distance, to rise out of the waves. The modern town, at first sight, has a gay and smiling appearance; but a nearer approach dispels the illusion, and exhibits only a few hundred crumbling and half-deserted houses, where the Arabs, in the evening, assemble to shelter their flocks which have browsed in the narrow plain. Such is all that now remains of the mighty Tyre. It has neither a harbour to the sea, nor a road to the land; the prophecies have long been accomplished in regard to it.

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"We moved on in silence, buried in the contemplation of the dust of an empire which we trod. We followed a path in the middle of the plain of Tyre, between the town and the hills of grey and naked rock which Lebanon has thrown down towards the sea. We arrived abreast of the city, and touched a mound of sand which appears the sole remaining rampart to prevent it from being overwhelmed by the waves of the ocean or the desert. I thought of the prophecies, and called to mind some of the eloquent denunciations of Ezekiel. As I was making these reflections, some objects, black, gigantic, and motionless, appeared upon the summit of one of the overhanging cliffs of Lebanon, which there advanced far into the plain. They resembled five black statues, placed on a rock as their huge pedestal. At first we thought it was five Bedouins, who were there stationed to fire upon us from their inaccessible heights; but when we were at the distance of fifty yards, we beheld one of them open its enormous wings, and flap them against its sides with a sound like the unfurling of a sail. We then perceived that they were five eagles of the largest species I have ever seen, either in the Alps or our museums. They made no attempt to move when we approached; they seemed to regard themselves as kings of the desert, looked on Tyre as an appanage which belonged to them, and whither they were about to return. Nothing more supernatural ever met my eyes; I could almost suppose that behind them I saw the terrible figure of Ezekiel, the poet of vengeance, pointing to the devoted city which the divine wrath had overwhelmed with destruction. The discharge of a few muskets made them rise from their rock: but they showed no disposition to move from their ominous perch, and, soon returning, floated over our heads, regardless of the shots fired at them, as if the eagles of God were beyond the reach of human injury."—(II. 8-9.)

Jerusalem was a subject to awaken all our author's enthusiasm, and call forth all his descriptive powers. The first approach to it has exercised the talents of many writers in prose and verse; but none has drawn it in such graphic and brilliant colours as our author:—

"We ascended a mountain ridge, strewed over with enormous grey rocks, piled one on another as if by human hands. Here and there a few stunted vines, yellow with the colour of autumn, crept along the soil in a few places cleared out in the wilderness. Fig-trees, with their tops withered or shivered by the blasts, often edged the vines, and cast their black fruit on the grey rock. On our right, the desert of St John, where formerly 'the voice was heard crying in the wilderness,' sank like an abyss in the midst of five or six black mountains, through the openings of which, the sea of Egypt, overspread with a dark cloud, could still be discerned. On the left, and near the eye, was an old tower, placed on the top of a projecting eminence; other ruins, apparently of an ancient aqueduct, descended from that tower, overgrown with verdure, now in the sear leaf; that tower is Modin, the stronghold and tomb of the last heroes of sacred story, the Maccabees. We left behind us the ruins, resplendent with the first rays of the morning—rays, not blended as in Europe in a confused and vague illumination, but darting like arrows of fire tinted with various colours, issuing from a dazzling centre, and diverging over the whole heavens as they expand. Some were of blue, slightly silvered, others of pure white, some of tender rose-hue, melting into grey; many of burning fire, like the coruscations of a flaming conflagration. All were distinct, yet all united in one harmonious whole, forming a resplendent arch in the heavens, encircling, and issuing from a centre of fire. In proportion as the day advanced, the brilliant light of these separate rays was gradually dimmed—or rather, they were blended together, and composed the colourless light of day. Then the moon, which still shone overhead, 'paled her ineffectual fire,' and melted away in the general illumination of the heavens.

"After having ascended a second ridge, more lofty and naked than the former, the horizon suddenly opens to the right, and presents a view of all the country which extends between the last summits of Judea and the mountains of Arabia. It was already flooded with the increasing light of the morning; but beyond the piles of grey rock which lay in the foreground, nothing was distinctly visible but a dazzling space, like a vast sea, interspersed with a few islands of shade, which stood forth in the brilliant surface. On the shores of that imaginary ocean, a little to the left, and about a league distant, the sun shone with uncommon brilliancy on a massy tower, a lofty minaret, and some edifices, which crowned the summit of a low hill of which you could not see the bottom. Soon the points of other minarets, a few loopholed walls, and the dark summits of several domes, which successively came into view, and fringed the descending slope of the hill, announced a city. It was JERUSALEM, and every one of the party, without addressing a word to the guides or to each other, enjoyed in silence the entrancing spectacle. We rested our horses to contemplate that mysterious and dazzling apparition; but when we moved on, it was soon snatched from our view; for as we descended the hill, and plunged into the deep and profound valley which lay at its feet, we lost sight of the holy city, and were surrounded only by the solitude and desolation of the desert."—(II. 163-165.)

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The environs of Jerusalem are described with equal force by the same master-hand:—

"The general aspect of the environs of Jerusalem may be described in a few words. Mountains without shade, and valleys without water—the earth without verdure, rocks without grandeur. Here and there a few blocks of grey stone start up out of the dry and fissured earth, between which, beneath the shade of an old fig-tree, a gazelle or a hyæna are occasionally seen to emerge from the fissures of the rock. A few plants or vines creep over the surface of that grey and parched soil; in the distance, is occasionally seen a grove of olive-trees, casting a shade over the arid side of the mountain—the mouldering walls and towers of the city appearing from afar on the summit of Mount Sion. Such is the general character of the country. The sky is ever pure, bright, and cloudless; never does even the slightest film of mist obscure the purple tint of evening and morning. On the side of Arabia, a wide gulf opens amidst the black ridges, and presents a vista of the shining surface of the Dead Sea, and the violet summits of the mountains of Moab. Rarely is a breath of air heard to murmur, in the fissures of the rocks, or among the branches of the aged olives; not a bird sings, nor an insect chirps in the waterless furrows. Silence reigns universally, in the city, in the roads, in the fields. Such was Jerusalem during all the time that we spent within its walls. Not a sound ever met our ears, but the neighing of the horses, who grew impatient under the burning rays of the sun, or who furrowed the earth with their feet, as they stood picketed round our camp, mingled occasionally with the crying of the hour from the minarets, or the mournful cadences of the Turks as they accompanied the dead to their cemeteries. Jerusalem, to which the world hastens to visit a sepulchre, is itself a vast tomb of a people; but it is a tomb without cypresses, without inscriptions, without monuments, of which they have broken the gravestones, and the ashes of which appear to cover the earth which surrounds it with mourning, silence, and sterility. We cast our eyes back frequently from the top of every hill which we passed on this mournful and desolate region, and at length we saw for the last time, the crown of olives which surmounts the Mount of the same name, and which long rises above the horizon after you have lost sight of the town itself. At length it also sank beneath the rocky screen, and disappeared like the chaplets of flowers which we throw on a sepulchre."—(II. 275-276.)

From Jerusalem he made an expedition to Balbec in the desert, which produced the same impression upon him that it does upon all other travellers:—

"We rose with the sun, the first rays of which struck on the temples of Balbec, and gave to those mysterious ruins that *eclât* which his brilliant light throws ever over ruins which it illuminates. Soon we arrived, on the northern side, at the foot of the gigantic walls which surround those beautiful remains. A clear stream, flowing over a bed of granite, murmured around the enormous blocks of stone, fallen from the top of the wall which obstructed its course. Beautiful sculptures were half concealed in the limpid stream. We passed the rivulet by an arch formed by these fallen remains, and mounting a narrow breach, were soon lost in admiration of the scene which surrounded us. At every step a fresh exclamation of surprise broke from our lips. Every one of the stones of which that wall was composed was from eight to ten feet in length, by five or six in breadth, and as much in height. They rest, without cement, one upon the other, and almost all bear the mark of Indian or Egyptian sculpture. At a single glance, you see that these enormous stones are not placed in their original site—that they are the precious remains of temples of still more remote antiquity, which were made use of to encircle this colony of Grecian and Roman citizens.

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"When we reached the summit of the breach, our eyes knew not to what object first to turn. On all sides were gates of marble of prodigious height and magnitude;

windows, or niches, fringed with the richest friezes; fallen pieces of cornices, of entablatures, or capitals, thick as the dust beneath our feet; magnificent vaulted roofs above our heads; every where a chaos of confused beauty, the remains of which lay scattered about, or piled on each other in endless variety. So prodigious was the accumulation of architectural remains, that it defies all attempt at classification, or conjecture of the kind of buildings to which the greater part of them had belonged. After passing through this scene of ruined magnificence, we reached an inner wall, which we also ascended; and from its summit the view of the interior was yet more splendid. Of much greater extent, far more richly decorated than the outer circle, it presented an immense platform in the form of a long rectangle, the level surface of which was frequently broken by the remains of still more elevated pavements, on which temples to the sun, the object of adoration at Balbec, had been erected. All around that platform were a series of lesser temples—or chapels, as we should call them—decorated with niches, admirably engraved, and loaded with sculptured ornaments to a degree that appeared excessive to those who had seen the severe simplicity of the Parthenon or the Coliseum. But how prodigious the accumulation of architectural riches in the middle of an eastern desert! Combine in imagination the Temple of Jupiter Stator and the Coliseum at Rome, of Jupiter Olympius and the Acropolis at Athens, and you will yet fall short of that marvellous assemblage of admirable edifices and sculptures. Many of the temples rest on columns seventy feet in height, and seven feet in diameter, yet composed only of two or three blocks of stone, so perfectly joined together that to this day you can barely discern the lines of their junction. Silence is the only language which befits man when words are inadequate to convey his impressions. We remained mute with admiration, gazing on the eternal ruins.

"The shades of night overtook us while we yet rested in amazement at the scene by which we were surrounded. One by one they enveloped the columns in their obscurity, and added a mystery the more to that magical and mysterious work of time and man. We appeared, as compared with the gigantic mass and long duration of these monuments, as the swallows which nestle a season in the crevices of the capitals, without knowing by whom, or for whom, they have been constructed. The thoughts, the wishes, which moved these masses, are to us unknown. The dust of marble which we tread beneath our feet knows more of it than we do, but it cannot tell us what it has seen; and in a few ages the generations which shall come in their turn to visit our monuments, will ask, in like manner, wherefore we have built and engraved. The works of man survive his thought. Movement is the law of the human mind; the definite is the dream of his pride and his ignorance. God is a limit which appears ever to recede as humanity approaches him: we are ever advancing, and never arrive. This great Divine Figure which man from his infancy is ever striving to reach, and to imprison in his structures raised by hands, for ever enlarges and expands; it outsteps the narrow limits of temples, and leaves the altars to crumble into dust; and calls man to seek for it where alone it resides—in thought, in intelligence, in virtue, in nature, in infinity."—(II. 39, 46, 47.)

This passage conveys an idea of the peculiar style, and perhaps unique charm, of Lamartine's work. It is the mixture of vivid painting with moral reflection—of nature with sentiment—of sensibility to beauty, with gratitude to its Author, which constitutes its great attraction. Considering in what spirit the French Revolution was cradled, and from what infidelity it arose, it is consoling to see such sentiments conceived and published among them. True they are not the sentiments of the majority, at least in towns; but what then? The majority is ever guided by the thoughts of the great, not in its own but a preceding age. It is the opinions of the great among our grandfathers that govern the majority at this time; our great men will guide our grandsons. If we would foresee what a future age is to think, we must observe what a few great men are now thinking. Voltaire and Rousseau have ruled France for two generations; the day of Chateaubriand and Guizot and Lamartine will come in due time.

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But the extraordinary magnitude of these ruins in the middle of an Asiatic wilderness, suggests another consideration. We are perpetually speaking of the march of intellect, the vast spread of intelligence, the advancing civilization of the world; and in some respects our boasts are well founded. Certainly, in one particular, society has made a mighty step in advance. The abolition of domestic slavery has emancipated the millions who formerly toiled in bondage; the art of printing has multiplied an hundredfold the reading and thinking world. Our opportunities, therefore, have been prodigiously enlarged; our means of elevation are tenfold what they were in ancient times. But has our elevation itself kept pace with these enlarged means? Has the increased direction of the popular mind to lofty and spiritual objects, the more complete subjugation of sense, the enlarged perception of the useful and the beautiful, been in proportion to the extended facilities given to the great body of the people? Alas! the fact is just the reverse. Balbec was a mere station in the desert, without territory, harbour, or subjects—maintained solely by the commerce of the East with Europe which flowed through its walls. Yet Balbec raised, in less than a century, a more glorious pile of structures devoted to religious and lofty objects, than London, Paris, and St Petersburg united can now boast. The Decapolis was a small and remote mountain district of Palestine, not larger in proportion to the Roman than Morayshire is in proportion to the British empire; yet it contained, as its name indicates, and as their remains still attest, *ten cities*, the

least considerable of which, Gebora, contains, as Buckingham tells us in his *Travels beyond the Jordan*, the ruins of more sumptuous edifices than any city in the British islands, London itself not excepted, can now boast. It was the same all over the East, and in all the southern provinces of the Roman empire. Whence has arisen this astonishing disproportion between the great things done by the citizens in ancient and in modern times, when in the latter the means of enlarged cultivation have been so immeasurably extended? It is in vain to say, it is because we have more social and domestic happiness, and our wealth is devoted to these objects, not external embellishment. Social and domestic happiness are in the direct, not in the inverse ratio of general refinement and the spread of intellectual intelligence. The domestic duties are better nourished in the temple than in the gin-shop; the admirers of sculpture will make better fathers and husbands than the lovers of whisky. Is it that we want funds for such undertakings? Why, London is richer than ever Rome was; the commerce of the world, not of the eastern caravans, flows through its bosom. The sums annually squandered in Manchester and Glasgow on intoxicating liquors, would soon make them rival the eternal structures of Tadmor and Palmyra. Is it that the great bulk of our people are unavoidably chained by their character and climate to gross and degrading enjoyments? Is it that the spreading of knowledge, intelligence, and free institutions, only confirms the sway of sensual gratification, and that a pure and spiritual religion tends only to strengthen the fetters of passion and selfishness? Is it that the inherent depravity of the human heart appears the more clearly as man is emancipated from the fetters of authority? Must we go back to early ages for noble and elevated motives of action: is the spread of freedom but another word for the extension of brutality? God forbid that so melancholy a doctrine should have any foundation in human nature! We mention the facts, and leave it to future ages to discover their solution: contenting ourselves with pointing out to our self-applauding countrymen how much they have to do before they attain the level of their advantages, or justify the boundless blessings which Providence has bestowed upon them.

The plain of Troy, seen by moonlight, furnishes the subject of one of our author's most striking passages:—

"It is midnight; the sea is calm as a mirror; the vessel floats motionless on the resplendent surface. On our left, Tenedos rises above the waves, and shuts out the view of the open sea: on our right, and close to us, stretched out like a dark bar, the low shore and indented coasts of Troy. The full moon, which rises behind the snow-streaked summit of Mount Ida, sheds a serene and doubtful light over the summits of the mountains, the hills, the plain: its extending rays fall upon the sea, and reach the shadow of our brig, forming a bright path which the shades do not venture to approach. We can discern the *tumuli*, which tradition still marks as the tombs of Hector and Patroclus. The full moon, slightly tinged with red, which discloses the undulations of the hills, resembles the bloody buckler of Achilles; no light is to be seen on the coast, but a distant twinkling, lighted by the shepherds on Mount Ida—not a sound is to be heard but the flapping of the sail on the mast, and the slight creaking of the mast itself; all seems dead like the past in that deserted land. Seated on the fore-castle, I see that shore, those mountains, those ruins, those tombs, rise like the ghost of the departed world, reappear from the bosom of the sea with shadowy form, by the rays of the star of night, which sleep on the hills, and disappear as the moon recedes behind the summits of the mountains. It is a beautiful additional page in the poems of Homer, the end of all history and of all poetry! Unknown tombs, ruins without a certain name; the earth naked and dark, but imperfectly lighted by the immortal luminaries; new spectators passing by the old coast, and repeating for the thousandth time the common epitaph of mortality! Here lies an empire, here a town, here a people, here a hero! God alone is great, and the thought which seeks and adores him alone is imperishable upon earth. I feel no desire to make a nearer approach in daylight to the doubtful remains of the ruins of Troy. I prefer that nocturnal apparition, which allows the thought to re-people those deserts, and sheds over them only the distant light of the moon and of the poetry of Homer. And what concerns me Troy, its heroes, and its gods! That leaf of the heroic world is turned for ever!"—(II. 248-250.)

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What a magnificent testimonial to the genius of Homer, written in a foreign tongue, two thousand seven hundred years after his death!

The Dardanelles and the Bosphorus have, from the dawn of letters, exercised the descriptive talents of the greatest historians of modern Europe. The truthful chronicle of Villehardouin, and the eloquent pictures of Gibbon and Sismondi of the siege of Constantinople, will immediately occur to every scholar. The following passage, however, will show that no subject can be worn out when it is handled by the pen of genius:—

"It was five in the morning, I was standing on deck; we made sail towards the mouth of the Bosphorus, skirting the walls of Constantinople. After half an hour's navigation through ships at anchor, we touched the walls of the seraglio, which prolongs those of the city, and form, at the extremity of the hill which supports the proud Stamboul, the angle which separates the sea of Marmora from the canal of the Bosphorus, and the harbour of the Golden Horn. It is there that God and man, nature and art, have combined to form the most marvellous spectacle which the human eye can behold. I uttered an involuntary cry when the magnificent

panorama opened upon my sight; I forgot for ever the bay of Naples and all its enchantments; to compare any thing to that marvellous and graceful combination would be an injury to the fairest work of creation.

"The walls which support the circular terraces of the immense gardens of the seraglio were on our left, with their base perpetually washed by the waters of the Bosphorus, blue and limpid as the Rhone at Geneva; the terraces which rise one above another to the palace of the Sultana, the gilded cupolas of which rose above the gigantic summits of the plane-tree and the cypress, were themselves clothed with enormous trees, the trunks of which overhang the walls, while their branches, overspreading the gardens, spread a deep shadow even far into the sea, beneath the protection of which the panting rowers repose from their toil. These stately groups of trees are from time to time interrupted by palaces, pavilions, kiosks, gilded and sculptured domes, or batteries of cannon. These maritime palaces form part of the seraglio. You see occasionally through the muslin curtains the gilded roofs and sumptuous cornices of those abodes of beauty. At every step, elegant Moorish fountains fall from the higher parts of the gardens, and murmur in marble basins, from whence, before reaching the sea, they are conducted in little cascades to refresh the passengers. As the vessel coasted the walls, the prospect expanded—the coast of Asia appeared, and the mouth of the Bosphorus, properly so called, began to open between hills, on one side of dark green, on the other of smiling verdure, which seemed variegated by all the colours of the rainbow. The smiling shores of Asia, distant about a mile, stretched out to our right, surmounted by lofty hills, sharp at the top, and clothed to the summit with dark forests, with their sides varied by hedge-rows, villas, orchards, and gardens. Deep precipitous ravines occasionally descended on this side into the sea, overshadowed by huge overgrown oaks, the branches of which dipped into the water. Further on still, on the Asiatic side, an advanced headland projected into the waves, covered with white houses—it was Scutari, with its vast white barracks, its resplendent mosques, its animated quays, forming a vast city. Further still, the Bosphorus, like a deeply imbedded river, opened between opposing mountains—the advancing promontories and receding bays of which, clothed to the water's edge with forests, exhibited a confused assemblage of masts of vessels, shady groves, noble palaces, hanging gardens, and tranquil havens.

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"The harbour of Constantinople is not, properly speaking, a port. It is rather a great river like the Thames, shut in on either side by hills covered with houses, and covered by innumerable lines of ships lying at anchor along the quays. Vessels of every description are to be seen there, from the Arabian bark, the prow of which is raised, and darts along like the ancient galleys, to the ship of the line, with three decks, and its sides studded with brazen mouths. Multitudes of Turkish barks circulate through that forest of masts, serving the purpose of carriages in that maritime city, and disturb in their swift progress through the waves, clouds of alabastros, which, like beautiful white pigeons, rise from the sea on their approach, to descend and repose again on the unruffled surface. It is impossible to count the vessels which lie on the water from the seraglio point to the suburb of Eyoub and the delicious valley of the Sweet Waters. The Thames at London exhibits nothing comparable to it."—(II. 262-265.)

"Beautiful as the European side of the Bosphorus is, the Asiatic is infinitely more striking. It owes nothing to man, but every thing to nature. There is neither a Buyukdéré nor a Therapia, nor palaces of ambassadors, nor an Armenian nor Frank city; there is nothing but mountains with glens which separate them; little valleys enameled with green, which lie at the foot of overhanging rocks; torrents which enliven the scene with their foam; forests which darken it by their shade, or dip their boughs in the waves; a variety of forms, of tints, and of foliage, which the pencil of the painter is alike unable to represent or the pen of the poet to describe. A few cottages perched on the summit of projecting rocks, or sheltered in the bosom of a deeply indented bay, alone tell you of the presence of man. The evergreen oaks hang in such masses over the waves that the boatmen glide under their branches, and often sleep cradled in their arms. Such is the character of the coast on the Asiatic side as far as the castle of Mahomet II., which seems to shut it in as closely as any Swiss lake. Beyond that, the character changes; the hills are less rugged, and descend in gentler slopes to the water's edge; charming little plains, checkered with fruit-trees and shaded by planes, frequently open; and the delicious Sweet Waters of Asia exhibit a scene of enchantment equal to any described in the Arabian Nights. Women, children, and black slaves in every variety of costume and colour; veiled ladies from Constantinople; cattle and buffaloes ruminating in the pastures; Arab horses clothed in the most sumptuous trappings of velvet and gold; caïques filled with Armenian and Circassian young women, seated under the shade or playing with their children, some of the most ravishing beauty, form a scene of variety and interest probably unique in the world." (III. 331-332.)

These are the details of the piece: here is the general impression:—

"One evening, by the light of a splendid moon, which was reflected from the sea of Marmora, and the violet summits of Mount Olympus, I sat alone under the cypresses of the 'Ladders of the Dead;' those cypresses which overshadow innumerable tombs of Mussulmans, and descend from the heights of Pera to the shores of the sea. No one ever passes at that hour: you would suppose yourself an hundred miles from the capital, if a confused hum, wafted by the wind, was not occasionally heard, which speedily died away among the branches of the cypress. These sounds weakened by distance; the songs of the sailors in the vessels; the stroke of the oars in the water; the drums of the military bands in the barracks; the songs of the women who lulled their children to sleep; the cries of the muetzlim, who, from the summits of the minarets, called the faithful to evening prayers; the evening gun which boomed across the Bosphorus, the signal of repose to the fleet—all these sounds combined to form one confused murmur, which strangely contrasted with the perfect silence around me, and produced the deepest impression. The seraglio, with its vast peninsula, dark with plane-trees and cypresses, stood forth like a promontory of forests between the two seas which slept beneath my eyes. The moon shone on the numerous kiosks; and the old walls of the palace of Amurath stood forth like huge rocks from the obscure gloom of the plane-trees. Before me was the scene, in my mind was the recollection, of all the glorious and sinister events which had there taken place. The impression was the strongest, the most overwhelming, which a sensitive mind could receive. All was there mingled—man and God, society and nature, mental agitation, the melancholy repose of thought. I know not whether I participated in the great movement of associated beings who enjoy or suffer in that mighty assemblage, or in that nocturnal slumber of the elements, which murmured thus, and raised the mind above the cares of cities and empires into the bosom of nature and of God."—(III. 283-284.)

"Il faut du tems," says Voltaire, "pourque les grandes reputations murissent." As a describer of nature, we place Lamartine at the head of all writers, ancient or modern—above Scott or Chateaubriand, Madame de Staël or Humboldt. He aims at a different object from any of these great writers. He does not, like them, describe the emotion produced on the mind by the contemplation of nature; he paints the objects in the scene itself, their colours and traits, their forms and substance, their lights and shadows. A painter following exactly what he portrays, would make a glorious gallery of landscapes. He is, moreover, a charming poet, an eloquent debater, and has written many able and important works on politics; yet we never recollect, during the last twenty years, to have heard his name mentioned in English society except once, when an old and caustic, but most able judge, now no more, said, "I have been reading Lamartine's *Travels in the East*—it seems a perfect rhapsody."

We must not suppose, however, from this, that the English nation is incapable of appreciating the highest degree of eminence in the fine arts, or that we are never destined to rise to excellence in any but the mechanical. It is the multitude of subordinate writers of moderate merit who obstruct all the avenues to great distinction, which really occasions the phenomenon. Strange as it may appear, it is a fact abundantly proved by literary history, and which may be verified by every day's experience, that men are in general insensible to the highest class of intellectual merit when it first appears; and that it is by slow degrees and the opinion oft repeated, of the really superior in successive generations, that it is at length raised to its deserved and lasting pedestal. There are instances to the contrary, such as Scott and Byron: but they are the exceptions, not the rule. We seldom do justice but to the dead. Contemporary jealousy, literary envy, general timidity, the dread of ridicule, the confusion of rival works, form so many obstacles to the speedy acquisition of a great living reputation. To the illustrious of past ages, however, we pay an universal and willing homage. Contemporary genius appears with a twinkling and uncertain glow, like the shifting and confused lights of a great city seen at night from a distance: while the spirits of the dead shine with an imperishable lustre, far removed in the upper firmament from the distractions of the rivalry of a lower world.

FOOTNOTES:

- [46] We have translated all the passages ourselves: the versions hitherto published in this country give, as most English translations of French works do, a most imperfect idea of the original.

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